



# Boston Bar

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March 18, 2015

Chief Justice Carey  
In care of General Counsel Joseph M. Ditkoff  
Executive Office of the Trial Court  
Two Center Plaza, Rm 540  
Boston, MA 02108

**Re: Comments on Proposed Boston Municipal Court and District Court  
Standing Order on Verification of Defendant's Address for Claims  
Incurred in Trade or Commerce or Pursuing Assigned Debt**

Dear Chief Justice Carey,

On behalf of the Boston Bar Association (BBA), I thank you for the opportunity to comment on the proposed standing order on verification of defendant's addresses. The BBA appreciates and recognizes the importance of the effort put forth by the Trial Court to establish this new standing order as well as the importance of the goals of this measure – uniformity and reducing the number of default judgments the courts must later vacate because service was made to an improper address.

The proposed standing order was distributed to all BBA Sections. The BBA's Bankruptcy and Real Estate Law Sections discussed the order, and section members proposed the attached revisions.

Please note that the enclosed document does not constitute or reflect a position of the BBA as a whole, but rather reflects the views of individual members of the Bankruptcy and Real Estate Law Sections. We hope that they may be useful to the Trial Court as it considers implementation of this standing order.

Thank you for providing members of the bar with an opportunity to weigh in on these important proposed changes, and please feel free to contact me should you have any questions or concerns.

Very truly yours,

Richard M. Page, Jr.  
Executive Director

**Comments of the Boston Bar Association's Bankruptcy and Real Estate Law  
Sections on the Proposed Boston Municipal Court and District Court Standing Order on  
Verification of Defendant's Address for Claims Incurred in Trade or Commerce or  
Pursuing Assigned Debt  
(3/18/15)**

In response to an invitation for comments from the Chief Justice of the Trial Court on the proposed Boston Municipal Court and District Court standing order on verification of a defendant's address for claims incurred in trade or commerce or pursuing assigned debt, the Boston Bar Association's Bankruptcy and Real Estate Law Sections reviewed the proposed standing order. Both Sections recognized the problem sought to be addressed and agreed that best practices ordinarily include communication with potential defendants.

The Real Estate Steering Committee concluded that the proposed Standing Order was an appropriate measure to address unnecessary confusion in the litigation process.

The Bankruptcy Law Section was concerned that the proposed standing order did not provide a good faith "out" unlinked to any particular event or time period. They discussed that there could be situations when it would be more beneficial to bypass the address verification process, such as if the plaintiff needed expeditious access to the court. They proposed the following options for amending Section 1, with new language underlined:

- A) **1. Verification of Address.** A plaintiff commencing an action in the Boston Municipal Court or the District Court against one or more individual defendants for a claim incurred in the course of plaintiff's trade or commerce, or a claim for assigned debt, shall file along with the complaint a Verification of Defendant's Address Form, certifying that the plaintiff has verified the defendant's mailing address in the manner set forth herein, or alternatively sets forth reasons why complying with the provisions of this rule would prejudice the plaintiff. The form need not be served on the defendant.
  
- B) **1. Verification of Address.** A plaintiff commencing an action in the Boston Municipal Court or the District Court against one or more individual defendants for a claim incurred in the course of plaintiff's trade or commerce, or a claim for assigned debt, shall file along with the complaint, or within X days thereafter, a Verification of Defendant's Address Form, certifying that the plaintiff has verified the defendant's mailing address in the manner set forth herein. The form need not be served on the defendant.