

## Facing a Dispute in Massachusetts: What to Do First

A first-steps guide and case roadmap for business, contract, property, and partnership disputes

A dispute is stressful, and the early choices matter more than people expect. What you save, what you say, and how fast you act can decide a case before a lawyer is ever involved. This guide covers what to do in the first days, and what a Massachusetts civil case looks like if it goes the distance. Fill in the blanks as you go.

**How to use this:** Note what you know and leave a blank where you are unsure. This is general information about Massachusetts civil disputes, not legal advice, and nothing here is a substitute for talking to a lawyer about your situation. Call us before you act, especially before you sign or send anything.

### Part I: Protect your position now

- Write down what happened** while it is fresh: a timeline of dates, what was said, and who was there.
- Gather your documents:** the contract, invoices, emails, texts, photos, receipts, anything that tells the story.
- Preserve everything.** Do not delete emails, texts, or files, even the ones that do not help you. Destroying evidence can hurt your case far more than the evidence itself.
- Watch what you say.** Do not argue it out over text, email, or social media. Those messages become exhibits.
- Note your deadline.** Massachusetts limits how long you have to sue. Written contract claims often run six years, many other claims run three, and some are shorter. Miss the deadline and even a strong case can end.
- Do not sign anything** (a release, a settlement, a new agreement) without advice.
- Add up what you have actually lost,** with proof where you can.
- Talk to a lawyer before you sue or respond to a threat to sue.** Many disputes resolve with a single well-aimed letter, and the right first move depends on the facts.

**What the dispute is about:** \_\_\_\_\_

**The other party:** \_\_\_\_\_ **When it started:** \_\_\_\_\_

**Your estimated losses:** \_\_\_\_\_

## A Massachusetts wrinkle worth knowing: Chapter 93A

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Massachusetts has a strong law against unfair and deceptive business practices, known as Chapter 93A. When it applies, it can multiply your damages and make the other side pay your attorney's fees, and it often requires a formal demand letter before you file. It cuts both ways. Whether you are bringing a claim or facing one, ask us early whether 93A is in play, because it changes the strategy.

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### Part 2: What a Massachusetts civil case looks like

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Most cases never reach a courtroom. Knowing the path helps you make calm decisions instead of rushed ones.

**Stage 1: Before a lawsuit** *Typical timing: weeks to a few months* A demand letter lays out the claim and asks for a resolution. Many disputes settle here, faster and cheaper than a filed case. This is also where a 93A demand may belong.

**Stage 2: Filing and response** *Typical timing: the case formally begins* One side files a complaint, the other files an answer. The case now lives in court, on the court's schedule.

**Stage 3: Discovery** *Typical timing: often several months, sometimes longer* Both sides exchange documents, answer written questions, and sit for depositions. This is usually the longest and most demanding stretch.

**Stage 4: Mediation and motions** *Typical timing: along the way and before trial* Courts often send cases to mediation, and most settle at some point in this window. Judges may also decide parts of the case on motion.

**Stage 5: Trial and judgment** *Typical timing: only a small share of cases get here* If no fair resolution comes, the case is tried and decided. We prepare every case as if it will reach this point, because that is what earns a fair offer before it does.

A contested civil case can take a year or more, and sometimes longer. Patience and good records win more often than speed.

### Where your case is heard

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Small disputes can go to **small claims court**, where you do not need a lawyer. Larger disputes go to the **District Court or the Superior Court**, depending on how much is at stake. We will tell you which fits and what it means for cost and timing.

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## Facing a dispute? Call before you act.

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Reach Dunn & Phillips, P.C. at **(413) 787-9955**. We prepare every case as if it will be tried, and we tell you plainly whether a letter, a negotiation, or a lawsuit serves you best. The first conversation is free.

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