

# The Biz Court Digest: How It Works In Massachusetts

By **James Donnelly, Felicia Ellsworth and Lisa Wood** (November 10, 2025)

*While Delaware's Court of Chancery tends to get all the headlines, the rest of the U.S. boasts a robust collection of localized business courts, where corporate disputes are regularly decided. This Law360 Expert Analysis series surveys business courts around the country, focusing on what makes them unique.*

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Since its founding in 2000, the Massachusetts Business Litigation Session has become a recognized forum within the legal and business communities in Massachusetts for resolving complex commercial disputes. With its selective docket, engaged judiciary and collaborative culture between the bench and the bar, the BLS functions as a specialized venue for business litigation.

The BLS combines subject-matter expertise with procedural efficiency, making it a preferred choice for both plaintiffs and defendants seeking clarity, consistency, and meaningful judicial oversight.

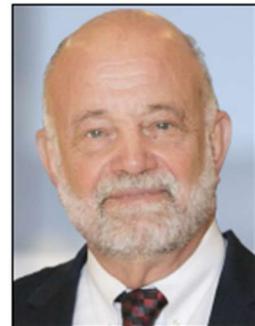
As attorneys who regularly appear before the BLS and serve on its Bench-Bar Committee, we offer this article to highlight the session's structure, strengths and ongoing contributions to the development of Massachusetts commercial law.

Originally spearheaded by retired Judge Allan van Gestel and launched under the leadership of former Chief Justice Suzanne DelVecchio, the BLS was established to provide a single forum led by a single judge who actively managed commercial litigation matters. This approach contrasts with the other Superior Court sessions in Massachusetts, where cases are assigned to a particular courtroom, through which judges rotate every three months.

As the BLS' structure evolved, so too did the scope of its docket and procedural sophistication: The BLS now handles shareholder disputes, intellectual property claims, business torts, professional liability cases, class actions and suits brought by government entities against business organizations, among other cases. The expanded scope has contributed to the BLS becoming a preferred venue for complex business litigation in Massachusetts.

The BLS' success stems from individualized case management by judges experienced in complex and commercial litigation, who are attentive to specific circumstances, provide prompt resolution of time-sensitive disputes and consistently deliver well-reasoned decisions.

Initially a pilot program, the BLS has expanded to statewide jurisdiction, with two full-time sessions — BLS1 and BLS2 — and four senior judges, two assigned to each session, who rotate on regular, six-month intervals.



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In BLS1, Judge Peter Krupp presides from January through June, followed by Judge Christopher Barry-Smith from July through December. BLS2 is overseen by Judge Kenneth Salinger in the first half of the year and Judge Debra Squires-Lee in the second half.

Judge Salinger is the BLS administrative justice, in which capacity, among other important roles, he serves as the gatekeeper determining whether to accept cases into the BLS.

BLS judges meet regularly to discuss legal developments and share insights. Collaborative judicial decision-making within the BLS further fosters consistency in substantive and procedural aspects of the court.

Unlike the Delaware Court of Chancery, which operates as a stand-alone court of equity with exclusive jurisdiction over corporate governance matters, the BLS has a broader mandate as a Massachusetts Superior Court session, adjudicating not only equitable but also legal claims, including those requiring jury trials.

Also, in contrast to the Court of Chancery, while the BLS specializes in business disputes, its judges also serve in criminal sessions. This hybrid structure — part specialization, part integration within the Superior Court — reflects a deliberate effort to ensure BLS judges are fully versed in civil and criminal matters, as well as in all aspects of litigation, including the efficient handling of complex jury trials. For their part, BLS judges value the sessions' specialized focus and the experienced commercial litigators who appear before them.

For business litigators, the BLS offers a forum that combines subject-matter expertise with the procedural flexibility of the general trial court. The BLS maintains a high-quality docket and employs case management practices that are litigant-friendly. This, in turn, has contributed to the development of a robust body of commercial jurisprudence.

### **Quality of Docket**

Unlike standard Superior Court sessions, where commercial disputes are mixed with a broader array of civil cases and may receive less tailored oversight, the BLS employs a selective intake process to maintain a business-focused and high-quality docket. Rather than automatically accepting every commercial dispute filed, the BLS' administrative justice evaluates whether a case presents sufficient complexity, significance, or impact on a business entity or the larger business community to warrant specialized judicial attention provided in the BLS.

When a party seeks acceptance into the BLS, the administrative justice reviews the case and issues a notice of acceptance or denial.[1] The administrative justice will accept a case if it meets several criteria: (1) it falls within one of the specified business categories, (2) it involves complex issues with significant implications, and (3) it would either benefit from the specialized case management offered by BLS judges or raise issues typically addressed in the BLS but less frequently encountered in other sessions.[2] If the case is accepted, it is assigned to a BLS session; if not, it goes to a regular civil session in the Suffolk County Superior Court.[3]

As a result of this intake process, the BLS maintains a much leaner docket, with just under 150 active cases per session, compared to the New York Commercial Division, which handles nearly 30 times as many active cases.

This selective intake ensures that matters most in need of specialized resources and judicial expertise receive meaningful time and attention from the bench. The approach leads to an

accessible, efficient and litigant-friendly forum for resolving complex business disputes.

As Judge Salinger told us,

By maintaining firm trial dates, deciding substantive motions quickly, embracing technology in the courtroom, and fostering collaboration among judges, the Business Litigation Session allows complex business disputes to be resolved with clarity and consistency. Our commitment to publishing decisions and engaging with the bar reflects our belief that transparency and dialogue are essential to the continued evolution of Massachusetts business law.

### **Litigant-Friendly**

The BLS employs case management practices that are litigant-friendly, including assignment of senior, experienced judges; dedicated clerks; and responsive scheduling. This approach enables faster and more well-reasoned dispute resolution, and reinforces the BLS' reputation as a consistent forum for high-stakes business litigation where efficiency, expertise and judicial engagement are essential.

BLS judges actively participate in the procedural development of each case, offering early and ongoing guidance to narrow issues, streamline discovery, and minimize unnecessary motion practice.

This hands-on approach stands in contrast to other jurisdictions. Unlike New York's Commercial Division, where principal law clerks assist judges with case management, motion practice and legal rulings, BLS judges handle all these responsibilities themselves.

The BLS' dedicated session clerks ensure that cases move efficiently and predictably through the system. These clerks are well-versed in the procedural nuances of complex commercial litigation, and serve as accessible points of contact for scheduling, filings and case updates. Their familiarity with the BLS' specialized docket allows them to anticipate issues, facilitate communication between counsel and the court, and maintain the integrity of firm trial dates.

For attorneys, this means fewer administrative hurdles, swift responses to procedural questions and a smoother litigation process overall. Regular case management conferences are held to proactively address discovery issues, often eliminating the need for motion practice on discovery disputes.

The court also offers remote hearings to accommodate parties and counsel located outside the area. Unlike standard Superior Court sessions, where trial schedules can be subject to necessary last-minute changes, the BLS prioritizes predictability and reliability of trial dates.

Once a case is ready for trial, it receives a firm trial date, typically within six to 12 months, and with only one case scheduled for trial at a time. This allows attorneys to prepare with confidence, manage client expectations and avoid the costly inefficiencies of rescheduling.

Finally, BLS courtrooms are equipped with newly updated trial presentation technology that matches, and even exceeds, what is available in many federal courts.

Under the leadership of Superior Court Chief Justice Michael Ricciuti, BLS courtrooms have been equipped with state-of-the-art trial presentation technology. These upgrades — including integrated presentation systems, remote access capabilities and digital evidence

handling — ensure that the BLS remains a technologically equipped forum for resolving complex business disputes in a manner that reflects the evolving demands of modern litigation.

### **Legal Sophistication and Judicial Expertise**

Another notable feature of the BLS is the jurisprudence that emerges from its focused docket and experienced bench. Their work is supported by dedicated staff attorneys and law clerks, which enhances the quality and consistency of rulings. These decisions, which offer valuable guidance to practitioners, are publicly accessible, further reinforcing the BLS' role in shaping commercial law in the commonwealth.

Recent decisions from the BLS exemplify the court's role in adjudicating complex business disputes and setting forth clear legal standards in the Commonwealth.

For example, Judge Salinger's May 13 decision in *Hembio Inc. v. Fireman* is notable for clarifying the limits of fiduciary liability under the business judgment rule.[4] Applying Delaware law, Judge Salinger found no breach of fiduciary duty in a case involving a company selling assets to a new entity controlled by its largest investor.

Another example includes Judge Squires-Lee's Jan. 29 opinion in *Zemcar Inc v. Uber Technologies Inc.*,[5] holding that a third-party beneficiary "can enforce a forum selection clause," which stated that claims that "'have their inception' [in the contract] ... would be resolved in Brazil," but that, given the specific language of the clause at issue, it did not apply to the trade secret misappropriation claims that "precede the contract, merely relate to the [contract], or stem more generally from the relationship of the parties."

Further, Judge Krupp's 2023 decision in *Tenant's Development Corp. v. Amtax Holdings 227 LLC*,[6] held that low-income housing limited partnership agreements did not give limited partners a right to consent to a proposed sale to the general partner based on a right of first refusal, but that the purchase price must include the limited partners' exit tax liability.[7]

These are but three examples that demonstrate how BLS decisions promote a sophisticated legal environment for business disputes. They highlight the BLS' capacity to resolve complex business disputes with precision and exemplify its ability to provide thoughtful analysis, including the interpretation and application of foreign law.

BLS rulings provide practitioners and clients with predictability that their cases will be handled with intellectual rigor and doctrinal clarity.

The level of consistency and depth is no accident. Judges assigned to the BLS typically serve for at least three years — but often longer — and gain deep familiarity with the docket and the legal issues that arise. Continuity enhances the speed and quality of decision-making, allowing judges to render well-reasoned rulings with efficiency.

BLS judges are known for openness to feedback and dedication to best practices in trial management. BLS culture is institutionalized through the BLS Bench-Bar Committee, which brings together judges and experienced practitioners to exchange ideas, improve litigation procedures, and ensure the BLS evolves with the needs of the business litigation community.

Among the committee's key contributions, in collaboration with the Massachusetts Bar Association, is the "BLS Bench Notes," a guidebook authored by the sitting BLS judges that

compiles judicial insights and answers to frequently asked questions about case management, discovery, motion practice and trial procedures.[8] The Bench-Bar Committee also facilitates regular meetings and serves as a liaison with bar organizations to promote dialogue and collaboration between the bench and bar.

By combining transparency, collaboration and a commitment to continuous refinement, the BLS serves the present needs of commercial litigants and contributes to the development of business law and litigation in Massachusetts.

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[1] Mass. Super. Ct. Admin. Directive No. 24-1, Superior Court Business Litigation Sessions (effective Apr. 5, 2024), <https://www.mass.gov/superior-court-rules/superior-court-administrative-directive-no-24-1-superior-court-business-litigation-sessions>.

[2] Bus. Litig. Session Justices, BLS Bench Notes, MASS. LAW. WKLY. (Apr. 2022), <https://masslawyersweekly.com/wp-content/blogs.dir/1/files/2022/04/BLS-Bench-Notes-April-2022-MLW.pdf>.

[3] Mass. Super. Ct. Admin. Directive No. 24-1, Superior Court Business Litigation Sessions (effective Apr. 5, 2024), <https://www.mass.gov/superior-court-rules/superior-court-administrative-directive-no-24-1-superior-court-business-litigation-sessions>.

[4] *Hembio Inc. v. Fireman*, 2025 WL 1571315, 2025 Mass. Super. LEXIS 56.

[5] *Zemcar Inc, v. Uber Technologies Inc.*, 2025 WL 354890, 2025 Mass. Super. LEXIS 10.

[6] *Tenant's Development Corporation v. AMTAX Holdings 227 LLC*, 2023 WL 4421400, 2023 Mass. Super. LEXIS 60.

[7] The Supreme Judicial Court affirmed the decision in *Tenants' Development Corporation v. AMTAX Holdings 227 LLC*, 495 Mass 207 (2025).

[8] Bus. Litig. Session Justices, BLS Bench Notes, at 32-42, MASS. LAW. WKLY. (Apr. 2022), <https://masslawyersweekly.com/wp-content/blogs.dir/1/files/2022/04/BLS-Bench-Notes-April-2022-MLW.pdf>.