Massachusetts Appeals Court Reverses Dismissal of Court Officer’s Suit for Assault Pay

The Massachusetts Appeals Court has reversed a trial court’s dismissal of a Court Officer’s claim for ‘Assault Pay’. The Court Officer had alleged in his action that he is entitled to ‘Assault Pay’ under a law granting additional compensation benefits to state employees injured by “acts of violence [by] patients or prisoners in his custody”.

The Court Officer had been assigned to a courtroom in the Middlesex Division of the Probate and Family Court. When a case was called, eighteen to twenty people entered the courtroom with one of the litigants and began making statements directed at the judge from the gallery. The judge took a recess and requested additional court officers, as well as Cambridge police officers, to assist subduing the crowd. Persons in the courtroom were directed to vacate or face arrest. Cambridge police then began arresting individuals who had refused to leave the courtroom. The Court Officer was injured while assisting in the arrest of an individual who refused to leave, and was taken to the hospital by ambulance. The Court Officer later filed an action against the Commonwealth to recover for his injuries.

The lower court subsequently allowed the Commonwealth’s motion for summary judgment. The Appeals Court reversed and remanded, reasoning that the trial court incorrectly converted the 12(b)(6) motion to dismiss into a motion for summary judgment and failed to follow caselaw related to other similar statutes. Interpreting the ‘Assault Pay’ statute, the Appeals Court reviewed the Workers Compensation Act and other similar statutes, which contain similar language. Historically, these statutes have been interpreted broadly to accomplish their primary and beneficial functions.

In reversing the decision, the Court also relied on a report provided by the Department of Industrial Accidents, and completed by the Commonwealth, which stated that the Court Officer’s injury had occurred when he was “taking a person into custody” who “had been placed under arrest” by the Cambridge Police. The Court thus found that the Court Officer was an intended beneficiary under the ‘Assault Pay’ statute.

In the case: Defalco v. Office of Court Management

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