

## INSIGHTS + NEWS

## Massachusetts Lawyers Weekly quotes Lou Ciavarra in “Appeals Court 1:28 ruling on preclusion spurs debate”

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The Appeals Court recently found that a judge did not err by giving preclusive effect to prior judicial findings in a case where a jury found the plaintiffs liable for malicious prosecution.

This decision has caused controversy in the legal community, as some attorneys feel the decision may “chill legitimate claims” and lead to “mischief,” according to the *Massachusetts Lawyers Weekly* article, “Appeals Court 1:28 ruling on preclusion spurs debate.”

*Massachusetts Lawyers Weekly* quoted Lou Ciavarra in the article as saying:

Worcester attorney Louis M. Ciavarra said he, too, took a different lesson from the decision. The case offers an example of when attorneys may want to consider availing themselves of their right under Superior Court Standing Order 1-17 to waive detailed findings by the judge in a bench trial. As seen here, such findings can come back to “bite you,” Ciavarra said.

Continue reading “[Appeals Court 1:28 ruling on preclusion spurs debate](#)” (subscription required).