



First Timer's Guide to Massachusetts Criminal Courts

What to Expect When You've Never Been Through This Before

We get you through the storm, safely.

Greater Boston • Eastern Massachusetts

Introduction

If you've never been charged with a crime before, the whole system can feel like it's speaking a different language. You get a date to show up, and nobody quite explains what that date is for. You wait. Weeks pass. Your lawyer calls with an update that doesn't sound like much of an update. You go back to court, and it's over in ten minutes.

None of that means something is wrong. It means the system is doing exactly what it always does — just at its own pace, on its own schedule, without much regard for how unsettling that feels to the person living through it.

This guide isn't about the law itself. It's about the experience: who you'll see in that courtroom, what each type of court date actually is, why the gaps between dates feel so long, and what your lawyer is doing during all that quiet time. We've also included a glossary at the end, because courthouses run on their own vocabulary, and almost nobody explains it to you before you need it.

Who's Who in the Courtroom

Walk into any Massachusetts criminal courtroom and you'll see the same cast of characters, no matter what the charge is. Knowing what each person actually does — and doesn't do — makes the whole experience less disorienting.

The judge. The judge runs the courtroom and decides legal questions — bail, motions, and ultimately the sentence if there's a conviction. In a jury trial, the judge decides the law and the jury decides the facts. In a bench trial, the judge decides both. Outside of a trial, most of what a judge does is procedural: setting dates, ruling on motions, and checking in on how a case is moving.

The prosecutor. In Massachusetts district and superior courts, the prosecutor is called an Assistant District Attorney, or "ADA." The ADA represents the Commonwealth of Massachusetts — not the alleged victim personally, even in cases where there is one. The ADA decides what to charge, whether to offer a plea deal, and whether to proceed to trial. Your attorney negotiates directly with the ADA assigned to your case, often over months, usually outside the courtroom entirely.

The clerk-magistrate and the courtroom clerk. These sound like the same job, but they're not quite. A clerk-magistrate holds a separate, earlier kind of hearing for some cases — we cover it in its own section below. A courtroom clerk has a different, administrative role during your actual court dates: calling cases in order, reading charges aloud, keeping the

official record of what happened, and swearing in witnesses. Neither one decides guilt or sets your sentence — but a lot happens in a courtroom that the clerk quietly keeps track of.

The probation officer. Probation plays a bigger role than most first offenders expect. On the morning of your arraignment, you'll check in with probation before you ever see the judge — they'll take basic biographical information and run a check of your record, which is then sent into the courtroom for the judge and the ADA to review. This is also how the court finds out whether you have no record at all, which matters a great deal for bail and for how your case may ultimately be resolved. Probation continues to track your case as it moves through the system, and if your case results in probation as a sentence, this is the department that supervises it.

Your own attorney. Everyone above has a role defined by the court. Your attorney's job is different: to represent only you. That means reviewing the evidence, negotiating with the ADA, filing and arguing motions, preparing you for each court date, and building the case for the outcome that's best for you specifically — not for the court's convenience or anyone else's timeline.

Before You're Even Charged: The Clerk-Magistrate Hearing

Not every case starts with an arrest. If you weren't arrested — often because a police officer didn't personally witness what happened — your case may start with a notice in the mail for a clerk-magistrate hearing, sometimes called a "show cause" hearing. This section won't apply to everyone, but if it applies to you, it's worth reading closely.

At this stage, you're not a defendant yet. You're called a "respondent," because no criminal charge has been issued against you — the hearing exists to decide whether one should be.

- **The standard is much lower than at trial.** The clerk-magistrate is deciding whether probable cause exists — often described as "more likely than not" — not whether you're guilty beyond a reasonable doubt.
- **The hearing is private**, not open to the public, though it is recorded.
- **If the clerk-magistrate doesn't find probable cause, no charge issues at all**, and there's no record of the hearing.
- **If you have no prior record, the clerk-magistrate sometimes holds the application** for a period of time instead of deciding right away. If nothing else comes up during that window, the matter is dismissed administratively and never becomes part of your record.

- **If probable cause is found**, a complaint issues and you're summonsed to an arraignment — the point where you become a defendant, and the rest of this guide applies to you.

This is one of the only points in the entire process where a case can end before it ever really begins. If you receive a notice for one of these hearings, it deserves to be taken exactly as seriously as a criminal charge itself — and it's worth talking to an attorney before you go.

The Different Kinds of Court Dates

Most first offenders assume every court date is basically the same — you show up, something happens, you leave. In reality, each one has a specific purpose, and knowing what kind of date you're walking into changes what to expect.

Arraignment. This is the very first date, usually within a day or two of an arrest, or written on your summons if you weren't arrested. The charges are formally read, a not-guilty plea is entered, and the judge sets any conditions of your release. It's brief — often five to fifteen minutes in front of the judge — but expect to be at the courthouse for hours before your case is called.

Pretrial Conference. This is usually the first real working date after arraignment. Your attorney and the ADA exchange discovery — the evidence in the case, including police reports, witness statements, and anything like body camera or surveillance footage. Both sides typically sign a report documenting what's been handed over and what's still outstanding. Initial conversations about resolving the case, if any, often start here.

Compliance and Election. This date checks two things: whether all the discovery that was promised has actually been handed over (the "compliance" part), and whether you want your case decided by a judge alone or by a jury (the "election" part). In Massachusetts district courts, these are frequently combined into one date, often called "C&E."

More pretrial dates than one. It's genuinely normal for a case to have several pretrial and compliance dates in a row, not just one of each. If discovery isn't fully turned over, if a motion needs to be argued, or if plea negotiations are still moving, the court will simply schedule another date and continue the process. Multiple dates are not a sign of a problem — for many first offenders, this is simply what a typical case looks like.

Motion hearings. If your attorney files a motion — for example, to suppress evidence that may have been obtained improperly — the court schedules a separate hearing specifically to argue and decide it. Not every case has one of these; it depends on the facts.

Final pretrial conference and trial date. If a case isn't resolved through negotiation, the court eventually sets a firm trial date, sometimes preceded by one last conference to confirm both sides are ready.

Disposition or sentencing date. If a case resolves — through a plea, a Continuance Without a Finding, or a verdict — this is where the outcome is formally entered by the court.

Why This Takes So Long

If there's one thing almost nobody explains ahead of time, it's this: court time does not move at the speed of the rest of your life.

Weeks pass between dates. You call your attorney, and the honest answer is often "we're still waiting to hear back from the DA's office," or "nothing new yet." That can feel unbearable when it's your future on the line and everyone else in the process seems to be moving at their own unhurried pace.

This is normal. It is not a sign that your case is falling through the cracks, and it's not a sign your attorney has stopped working on it. Prosecutors' offices are handling enormous caseloads. Discovery takes time to gather and review. Court calendars are booked out weeks or months in advance. A single date getting continued by a few weeks because of a scheduling conflict, a missing report, or a judge's calendar is routine — it happens in nearly every case, including cases with no problems at all.

A rough shape of a typical case, though every case is different: Arraignment, then a Pretrial Conference several weeks later, then one or more Compliance and Election dates as discovery gets finalized and plea discussions continue, then either a resolution or a trial date. The whole process, start to finish, commonly takes months. That's not unusual — it's the norm.

What Your Lawyer Is Actually Doing Between Dates

The quiet stretches between court dates can feel like nothing is happening. Usually, quite a lot is happening — just not anywhere you can see it.

- **Reviewing discovery** — reading police reports, watching footage, checking for inconsistencies or issues that could matter to your defense.
- **Talking to the ADA** — most negotiation happens by phone or email, not in the courtroom. These conversations can take weeks to land anywhere.
- **Researching and drafting motions** — legal research and writing that never happens in front of you, but that shapes what's argued at your next hearing.
- **Investigating** — tracking down witnesses, records, or evidence that supports your side of the story.
- **Preparing you** — making sure you know exactly what to expect and what's expected of you at the next date.

If you haven't heard from your attorney in a few weeks, that doesn't mean nothing is happening — it usually means there's nothing new to report yet. It's always reasonable to check in and ask for a status update.

What Not to Do

There's a lot about this process you can't control. But there are a few things that are entirely within your control right now, and getting them right matters as much as anything your lawyer does.

- **Don't contact the alleged victim or any witnesses** — even if they reach out to you first, even if you only want to apologize or explain. Invited or not, contact can be used against you, and it can look like intimidation even when that's not what you meant.
- **Don't talk to the police without your lawyer present** — not to "clear things up," not to give "your side of the story." Officers investigating after an arrest are building a case, not looking for reasons to let you go. Politely say you want to speak with a lawyer, and then stop talking.
- **Don't talk to the prosecutor directly.** Any conversation about your case should go through your attorney. Well-meaning conversations without a lawyer present rarely go the way people hope.

- **Don't consent to a search** of your phone, car, or home unless your lawyer has told you to. You're allowed to decline unless police have a warrant.
- **Don't delete anything** — texts, photos, emails, voicemails, social media posts, anything at all connected to what happened. Deleting evidence isn't just a bad look. In Massachusetts, it can become its own separate, serious criminal charge, on top of whatever you're already facing.
- **Don't post about your case on social media**, and think twice about what you post generally while a case is open. Prosecutors do look.
- **Don't discuss your case with anyone except your lawyer** — not friends, not family, not a cellmate, and not on a phone call from the police station or jail. Those calls are recorded, and nothing said on them is private.
- **Don't miss a court date**, even one that feels minor. Missing court can lead to a default warrant for your arrest, added on top of your original case.
- **Don't violate any condition of your release**, even one that seems small or unfair. A violation becomes its own separate problem, on top of the case you're already dealing with.

None of this is about hiding anything. It's about making sure your case gets decided on the facts — not on a mistake made in a moment of fear.

Hallway Etiquette: What Nobody Tells You

Arrive early — earlier than you think you need to. Courthouse doors typically open around 8:30 in the morning, and criminal sessions often start around 9:00. Plan to be there for at least a couple of hours, even though your actual time in front of the judge is usually just a few minutes. Cases are rarely called in the exact order listed, and yours may not be reached until well into the morning.

Dress like you're going to a job interview. There's no official dress code, but how you present yourself is noticed. A collared shirt, slacks, and closed-toe shoes go a long way. Avoid t-shirts, shorts, hats, and anything with graphics or writing on it.

Check in with probation first, before anything else. This step comes before you ever reach the courtroom, and it's required — you can't be called if you haven't checked in.

Turn your phone off, not just to silent. Many courthouses confiscate phones that ring during a session, and some don't allow them inside at all.

Sit toward the front, but not the very first row — that's typically reserved for people who are in custody.

In the hallway or waiting area, the same rule from a moment ago applies — no case talk with the other side, witnesses, or other defendants waiting for their turn. Courthouse hallways are public, and you never know who's within earshot.

Docket call can be slow and it can feel impersonal. Names get called in whatever order the clerk works through the list. It's not a reflection of how your case is going — it's just how a room full of unrelated cases gets processed on the same morning.

Glossary of Courthouse Terms

ADA (Assistant District Attorney) — The prosecutor assigned to your case, representing the Commonwealth of Massachusetts.

Allocution — Your right to personally address the judge before sentencing, separate from anything your attorney argues on your behalf.

Arraignment — The first formal court date, where charges are read and a plea is entered.

Bail — Money or conditions set by the court to help ensure you return for future court dates.

Clerk-Magistrate — A court official who, in some cases, holds a hearing before charges are issued to decide whether there's enough evidence for a complaint to proceed.

Complaint — The formal document listing the charges against you.

Compliance and Election (C&E) — The court date where discovery completion is confirmed and you choose between a jury trial and a bench trial.

Continuance — A postponement of a court date to a later day.

CORI (Criminal Offender Record Information) — Your Massachusetts criminal record, created when a not-guilty plea is entered at arraignment.

CWOF (Continuance Without a Finding) — A disposition where you admit there are enough facts to support a guilty finding, but the court holds off on entering a conviction, usually followed by a period of probation.

Dangerousness Hearing — A separate hearing where the prosecution argues you should be held without bail because you present a danger to the community.

Discovery — The evidence the prosecution is required to share with your attorney, including police reports and witness statements.

Disposition — However a case ultimately concludes — a plea, a CWO, a dismissal, or a verdict.

Docket — The list of cases scheduled to be heard on a given day.

Not Guilty Plea — The plea almost always entered at arraignment, regardless of the facts, to preserve every option going forward.

Personal Recognizance — Release from custody based on your promise to return to court, with no money required.

Pretrial Conference (PTC) — The first working court date after arraignment, where discovery is exchanged and early case discussions happen.

Probation — The department that checks you in before arraignment, tracks your record, and supervises anyone sentenced to probation.

Respondent — What you're called at a clerk-magistrate hearing, before any criminal charge has actually issued against you.

Sentencing — The court date where punishment or other conditions are formally imposed after a conviction, plea, or CWO.

Show Cause Hearing — Another name for a clerk-magistrate hearing, held to decide whether probable cause exists to issue a criminal charge in the first place.

You Don't Have to Go Through This Alone

Facing a criminal charge for the first time is a storm crashing through your life — your freedom, your family, your career, your future.

You don't have to navigate it alone, and you don't have to figure it out as you go. We understand that good people sometimes face great challenges, and we treat every person we represent as exactly that: a good person going through the hardest time of their life. We view each client not as a set of legal problems, but as a whole individual living a unique and valued life — that's what we call Comprehensive Criminal Defense.

We are powerful in the courthouse and supportive outside of it — here to help you right the ship and continue your voyage.

We get you through the storm, safely.

If you're facing a criminal charge for the first time, the most important thing you can do right now is talk to someone who can walk you through exactly what to expect.

We offer a free consultation for people with pending charges, and our phones are answered 24/7 by a real person. We serve clients throughout Greater Boston and Eastern Massachusetts.

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About the Author



H. Ernest Stone has been defending people in Massachusetts criminal courts for 30 years. He started his career in 1996 with one goal: to stand up for regular people facing the power of the government. Ernie practices criminal defense exclusively. He has handled cases in District Court, Superior Court, the Massachusetts Appeals Court, the Supreme Judicial Court, and the Federal Courts. His practice focuses on sexual assault, domestic violence, OUI, and cases involving mental health — the kinds of cases where the stakes are highest and where people need someone truly in their corner.

The people he represents are good people who have had a really bad day — sometimes the worst day of their lives. He believes that everyone deserves the highest quality legal defense, no matter what they are accused of. And he believes that a criminal case is an opportunity to do more than just fight the charges. His goal is to help people make lasting positive changes in their lives — to address what brought them into the system in the first place, and to come out the other side in a better place than where they started.

Ernie practices in Beverly, Massachusetts, and serves clients throughout Greater Boston and Eastern Massachusetts.