



PRESS RELEASE

Fisher v. Commonwealth and Fisher v. Rockport cases - Judicial Settlement Conference

February 17, 2026

Fisher v. Town of Rockport, et al: CA No. 21 MISC 000183

Fisher v. Commonwealth of Massachusetts: CA No. 95 MISC 222091

The above captioned cases were the subject of a confidential Judicial Settlement Conference on Friday, February 13, 2026 at the Land Court, Suffolk County Courthouse, Boston.

Plaintiff Elizabeth Fisher and her counsel, the Commonwealth, by its counsel the Office of the Massachusetts Attorney General, and the Town, by its counsel, together with Select Board Vice Chair Donald Southard and Select Board Member Dwight Valentine, attended the Conference.

The Honorable Diane R. Rubin, a Justice of the Land Court conducted the Conference, which convened promptly at 9:30 am and ended at 3:45 pm.

Should the cases be resolved through trial, Judge Rubin will not be the trial judge. Her role in these matters at the Conference, pursuant to the Participation Agreement executed by all the parties, is to assist them in determining whether discussion of the cases presents any opportunity for a mutually agreed upon resolution short of trial, barring which the cases will be referred back to trial judge (Vhay, J.). Further, the controlling Participation Agreement specifically states that Judge Rubin “shall not share information from the settlement conference with the Land Court Justice hearing this matter, except for limited procedural information and with the unanimous consent of the parties.”

The substance of any discussion elicited during the Judicial Settlement Conference is confidential and cannot be shared with anyone not a party to the executed Participation Agreement and the ongoing conference. This principle of confidentiality is axiomatic in non-binding mediation and the alternative dispute resolution process, of which this Judicial Settlement Conference is typical.

Judge Rubin briefly first met collectively with all participants, introduced herself and her clerk and described how she intended to proceed. The parties and counsel then went to separate conference rooms, where they remained throughout the conference. Judge Rubin conferred serially with the parties, repeatedly shuttling between each conference room and reviewing and discussing in detail the facts, the case litigation histories and the respective positions of each party.

The Select Board, all of whose members have now executed the Participation Agreement, will meet with Town Counsel in Executive Session this coming week to discuss the cases and the Conference.

The Town and Select Board members will not have further comment on the matter at this time, pursuant to the Judge's Impoundment Order.

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