EMERGENCY ALERTS

Coronavirus Update

COVID-19 Vaccine: Safe, effective, free. Get the vaccine today: *Jun. 2nd, 2021, 9:25 am* Read more

COVID-19 Updates and Information: All restrictions lifted effective May 29 *Jun. 3rd, 2021, 12:01 am* Read more

HIDE ALERTS

Mass.gov

TRIAL COURT RULES

## Administrative Order

# Trial Court Emergency Administrative Order 20-11: Order supplementing the Supreme Judicial Court third updated order regarding court operations under the exigent circumstances created by the COVID-19 (coronavirus) pandemic

**ADOPTED DATE:**

06/26/2020

**EFFECTIVE DATE:**

07/01/2020

**UPDATES:**

Issued June 26, 2020, effective July 1, 2020 (https://www.mass.gov/media/2150541/download)

*Rescinding and superseding Emergency Administrative Order 20-9*

Due to the extreme risk of person-to-person transmission caused by the 2019 novel Coronavirus (COVID-19), which has been declared a pandemic by the World Health Organization, and which has occasioned the declaration of a State of Emergency in the Commonwealth of Massachusetts, Executive Order No. 591: Declaration of a State of Emergency to Respond to COVID-19 (/doc/governors-declaration-of-emergency-march-10-2020-aka-executive-order-591/download), and in accordance with the Supreme Judicial Court Third Updated Order Regarding Court Operations Under the Exigent Circumstances

Created by the COVID-19 (Coronavirus) Pandemic issued on June 24, 2020 and effective as of July 1, 2020 (SJC Order);

It is hereby ORDERED pursuant to my authority as set forth in G.L. c. 211B, § 9, that:

TABLE OF CONTENTS


Introduction (#introduction)

I. Virtual emergency and non-emergency matters (#i-virtual-emergency-and-non-emergency-matters)

II. Gradual resumption of certain in-person proceedings (#ii-gradual-resumption-of-certain-in-person-proceedings-)

III. Trial court judges and employees (#iii-trial-court-judges-and-employees)

IV. Other persons in courthouses (#iv-other-persons-in-courthouses)

V. Physical presence in a courtroom (#v-physical-presence-in-a-courtroom)

VI. Cell phones and other personal electronic devices in courthouses (#vi-cell-phones-and-other-personal-electronic-devices-in-courthouses)

VII. Consistency with other orders (#vii-consistency-with-other-orders)

Downloads (#downloads)


()

# Introduction

Pursuant to the SJC Order dated June 24, 2020, effective July 1, 2020, this Emergency Administrative Order is issued to update protocols governing court operations during the COVID-19 (Coronavirus) pandemic. This Emergency Administrative Order is effective July 1, 2020, and rescinds and supersedes Trial Court Emergency Administrative Order 20-9, issued May 27, 2020. This Emergency Administrative Order will remain in effect until further order of the Court.

# I. Virtual emergency and non-emergency matters

Massachusetts trial courts are open to conduct emergency and certain non-emergency civil and criminal matters as identified by the court departments in departmental standing orders, which are posted on the Court system response to COVID-19 webpage (/resource/court-system-response-to-covid-19). Courthouses will physically reopen to the public for certain limited purposes on July 13, 2020 as defined by Departmental standing orders. Until July 13, 2020, courts shall continue to address emergency and non-emergency matters virtually and in-person proceedings shall be conducted only where entry to a courthouse is allowed by Department Standing Order. During normal court hours (Monday through Friday, 8:30 a.m. to 4:30 p.m.), all Massachusetts trial courts will still conduct most court business virtually (i.e., by telephone,

videoconference, email, or comparable means, or through the electronic filing system) in both civil and criminal cases.

## II. Gradual resumption of certain in-person proceedings

Until July 13, 2020, courts shall continue to address emergency and non-emergency matters virtually and in-person proceedings shall be conducted only where entry to a courthouse is required to address emergency matters that cannot be handled virtually because a virtual proceeding is not practicable or would be inconsistent with the protection of constitutional rights. Trial Court departments shall thereafter begin, in two initial phases, to conduct in-person proceedings in emergency and non-emergency matters that either can be handled more effectively or efficiently in person, or cannot be handled virtually because a virtual proceeding is not practicable or would be inconsistent with the protection of constitutional rights.

The first phase of additional in-person proceedings will begin on July 13, 2020, and in-person proceedings will be further expanded in a second phase beginning on August 10, 2020. Each Trial Court department has posted notices to the "**Court System Response to Covid-19** (/resource/court-system-response-to-covid-19)" webpage.

## III. Trial court judges and employees

Trial Court judges and employees are permitted to be present in courthouses for the purpose of conducting court-related work, provided that judicial and staff presence is in accordance with federal and state guidelines, as well as the health and safety protocols established by the Executive Office of the Trial Court. Employees in a courthouse on a particular day will be assigned by the supervisor of the specific office or department on as necessary, and in accordance with all applicable health and safety protocols. All other staff will conduct their work remotely, to the extent feasible. Those employees who are working remotely or who are on paid administrative leave or skeleton status are expected to be available during work hours, and to the extent they are able, should check their email and voicemail messages and respond accordingly.

## IV. Other persons in courthouses

Approved vendors and contractors of the courts, including landlords and their contractors or employees are permitted to be present in courthouses.

Presence in courthouses of attorneys, parties, witnesses, other necessary persons, and members of the "news media" is permitted in accordance with paragraph 4 of the SJC Order.

Installations, maintenance, or removals of electronic monitoring equipment may occur in courthouses pursuant to paragraph 4 of the SJC Order.

All persons permitted to be present in courthouses in accordance with this Emergency Administrative Order shall abide by any and all orders issued by the Governor in relation to the COVID-19 State of Emergency, whether before or after the effective date of this Emergency Administrative Order. All persons permitted to be present in courthouses in accordance with this Emergency Administrative Order shall also comply with any and all federal and state guidelines, as well as the health and safety protocols established by the Executive Office of the Trial Court. The health and safety protocols established by the Executive Office of the Trial Court shall include a requirement that all persons permitted to be present in courthouses wear re-usable or disposable masks at all times when in the presence of others.

Contact information for courts should be conspicuously provided on websites, telephone auto-attendant and voicemail messages, email replies, and posted at court entrances.

## V. Physical presence in a courtroom

Court personnel, attorneys, parties, witnesses, and other necessary persons as determined by the presiding judge can be physically present in a courtroom for in-person proceedings. The presiding judge shall also determine the method by which members of the public, including the "news media" as defined in **Supreme Judicial Court Rule 1:19(2)** (/supreme-judicial-court-rules/supreme-judicial-court-rule-119-electronic-access-to-the-courts), may access the proceeding, which may include allowing them to sit in the courtroom, provided there is sufficient space for them to maintain appropriate physical distance. Where a virtual hearing is scheduled, no one other than court personnel may be physically present in the courtroom during the virtual hearing without the approval of the judge or clerk-magistrate conducting the hearing. In the absence of exceptional circumstances, as determined by the judge or clerk-magistrate conducting the hearing, no party (or attorney for a party) may be physically present in the courtroom for a scheduled virtual hearing. Where an in-person hearing is scheduled, a judge, upon request, may authorize a participant (an attorney, party, or witness) to appear virtually while other participants appear in person, so long as it is consistent with the protection of constitutional rights. A participant who requests to appear virtually for an otherwise in-person proceeding shall have no grounds to object to other participants appearing in person.

## VI. Cell phones and other personal electronic devices in courthouses

Because of the increased reliance during the pandemic on cell phones and other personal electronic devices (PEDs) to communicate with courts and facilitate court proceedings, beginning on July 13, 2020, cell phones and other PEDs shall not be banned from any courthouse. Cell phones and other PEDs must be used in compliance with the rules set forth in **Trial Court Emergency Administrative Order 20-10: Order Concerning Trial Court Policy on Possession & Use of Cameras & Personal Electronic Devices** (/trial-court-rules/trial-court-emergency-administrative-order-20-10-order-concerning-trial-court), which was issued on June 24, 2020, and becomes effective on July 13, 2020.

## VII. Consistency with other orders

This order is intended to be consistent with and supplement the Supreme Judicial Court Second Updated Order Regarding Court Operations under the Exigent Circumstances Created by the COVID-19 (Coronavirus) Pandemic issued on May 26, 2020 and effective June 1, 2020. To the extent this Order is inconsistent with earlier Trial Court Emergency Administrative Orders or standing orders earlier issued by each department of the Trial Court, this Order supersedes those earlier orders. This Order is temporary and may be modified or rescinded at any time, as necessary to address the fluctuating circumstances arising from the coronavirus pandemic.

# Downloads

**Trial Court Emergency Administrative Order 20-11**

(https://www.mass.gov/doc/trial-court-emergency-administrative-order-20-11/download) (PDF 125.43 KB)

**UPDATES:**

**Issued June 26, 2020, effective July 1, 2020** (https://www.mass.gov/media/2150541/download)

RELATED

**Court system response to COVID-19** (/resource/court-system-response-to-covid-19)