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Coronavirus Update

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SUPREME JUDICIAL COURT RULES

Order in re: COVID-19 (coronavirus) pandemic

Supreme Judicial Court Order concerning electronic signatures of judges and clerks

ADOPTED DATE:

03/25/2020

EFFECTIVE DATE:

03/26/2020

UPDATES:

Added March 25, 2020, effective March 26, 2020 (https://www.mass.gov/media/2112106/download)

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Order

In light of the public health concerns regarding the COVID-19 (coronavirus) pandemic and the actions ordered by the Governor in connection therewith, the Supreme Judicial Court, pursuant to its superintendence and rule making authority, issues the following ORDER to protect the public health by reducing the risk of exposure to the virus and slow the spread of the disease.

WHEREAS, as a result of the coronavirus pandemic, the orders issued by the Governor in response thereto, and the recommendation from the Massachusetts Department of Public Health and other governmental health agencies to engage in "social distancing" in an effort to limit the spread of the coronavirus, Massachusetts State courts are operating courthouses with skeletal staff, are having judges, clerks, and other court personnel work remotely whenever possible, and have imposed temporary restrictions to reduce the number of people appearing in person at courthouses, including by requiring the resolution of matters through communication by telephone, videoconferencing, email, and other comparable means to the greatest extent possible;

WHEREAS, the act of obtaining original or "wet" signatures from judges and other authorized court personnel is inconsistent with these urgent efforts to combat the spread of the coronavirus and may pose a degree of risk of exposure for judges, clerks, and other court personnel, as well as parties, attorneys, and other court users, if any of them have contracted or been exposed to the coronavirus; and

WHEREAS, under the **Rules of Electronic Filing, Supreme Judicial Court Rule 1:25** (/supreme-judicial-court-rules/supreme-judicial-court-rule-125-massachusetts-rules-of-electronic) (E-Filing Rules), which governs the general procedures of electronic filing and service of documents in participating Massachusetts trial and appellate courts, the assigned judge or clerk is already authorized to electronically sign all orders, judgments, and notifications, which signature then has the same force and effect as if the judge or clerk had affixed his/her signature to a paper copy of the order and it had been entered on the docket in the conventional method, see Rule 14(a)-(b) of E-Filing Rules;

WHEREAS, an "electronic signature" under the E-filing Rules means "either a scan of the individual's handwritten signature, an electronically inserted image intended to substitute for a signature, or a '/s/ name of signatory' block, which shall have the same validity and effect as a handwritten signature," see Rules 2 & 13; and

WHEREAS, the term "clerk," as used in the E-filing Rules, refers "to the clerk, clerk magistrate, recorder, or register of any court, as well as his/her respective assistants or deputies." Rule 2.

NOW THEREFORE, the Supreme Judicial Court hereby ORDERS that, effective March 26, 2020, and until further order of the court:

1. To the extent not already authorized, in all courts and case types, including in courts and case types in which all filings and orders have heretofore been made using the "conventional method," as that term is defined in E-filing Rule 2, whenever a judge or clerk is required to sign an order, judgment, or notification, the judge or clerk may electronically sign;
2. The electronic signature can take the form of either a scan of the judge's or clerk's individual handwritten signature, an electronically inserted image intended to substitute for a signature, or a. "/s/ name of signatory" block;

3. Such electronic signature shall have the same force and effect as if the judge or clerk had affixed his or her original signature to a paper copy of the document so signed; and
4. The term "clerk" as used herein shall have the same meaning as in the E-filing Rules.

This Order shall be effective on March 26, 2020.

Downloads

SJC Order concerning electronic signatures of judges and clerks
(https://www.mass.gov/doc/sjc-order-concerning-electronic-signatures-of-judges-and-clerks/download) (PDF 133.32 KB)

UPDATES:

Added March 25, 2020, effective March 26, 2020 (https://www.mass.gov/media/2112106/download)

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Supreme Judicial Court Rule 1:25: Massachusetts Rules of Electronic Filing
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