MASSACHUSETTS APPEALS COURT

Administrative Order 20-4

Operating Procedures during the COVID-19 Pandemic

I. Introduction. This administrative order is entered in response to the evolving COVID-19 pandemic and details the Appeals Court's updated operating procedures commencing on July 13, 2020. This administrative order is entered in response to the Supreme Judicial Court's *Third Updated Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 (Coronavirus) Pandemic* (effective July 1, 2020) and supersedes Appeals Court Administrative Order 20-1 (entered May 26, 2020).

II. Court Business.

1. In General. The Appeals Court is conducting all business in all emergency and non-emergency matters. This includes, and is not limited to, accepting filings in panel and single justice cases, scheduling and hearing oral arguments before panels of justices and the single justice, and issuing orders, decisions, opinions, and rescripts.

2. Oral Arguments. The Appeals Court will continue to utilize a videoconference program, such as Zoom, for any oral arguments unless in-person arguments are specifically ordered in a case. Oral arguments are streamed live to the Appeals Court's YouTube channel and may be viewed by members of the public. Audio recordings are posted within 24 hours to the court's docket website (https://www.ma-appellatecourts.org).

III. Clerk's Office. The Clerk's Office is performing all case-processing functions and court personnel are available during business hours to provide assistance by telephone, email, electronic filing, regular mail, and in person. Business hours are Monday through Friday from 8:30 a.m. to 4:30 p.m. During the pandemic the Appeals Court continues to conduct most business virtually (i.e., by telephone, email, electronic filing, etc.) to the extent possible to safeguard public health and safety by limiting the need for persons to enter the courthouse. Attorneys and litigants seeking assistance from the Clerk's Office are requested to follow these avenues:

1. Website. The Clerk's Office provides multiple sources to answer questions from attorneys, litigants, and the general public. For answers to most questions, please first consult: the Appeals Court's website (https://www.mass.gov/orgs/appeals-court) for general procedural information, educational pages, and links to legal resources, and the Appellate Courts' website (ma-appellatecourts.org) for information about pending cases and argument/hearing schedules. An addendum of commonly visited webpages with helpful procedural information about cases in the Appeals Court is attached to this order.

2. Email. Clerk's Office personnel may be reached at MacClerkMatter@Jud.State.Ma.Us Please include a detailed message, any relevant docket numbers, and your contact information.

3. Telephone. Clerk's Office personnel may be contacted during business hours at 617-921-4443.

IV. Filing.

1. Electronic Filing. All documents in all cases may be electronically filed at eFileMA.com and are required by M.A.C. Rule 13.0 to be electronically filed in many instances.

2. Email. The Clerk's Office has discretion to permit email filing and will permit email filing in exigent circumstances and where electronic filing through eFileMA.com is not practicable.

3. Mail. Electronic filing is preferred. Filings not required or able to be electronically filed may be made by first-class mail or its equivalent, addressed to:

Appeals Court Clerk's Office
John Adams Courthouse
One Pemberton Square, Room 1200
Boston, MA 02108

4. Drop-box at John Adams Courthouse. The Appeals Court has established a drop-box at the entryway of the John Adams Courthouse for the benefit of those persons who wish to hand-deliver documents for filing. A party may make any filing by placing it in the drop-box (any filing fee may be deferred where it cannot be accomplished electronically or by mail). The drop-box will be monitored regularly by court personnel and filings processed in accordance with the Court's ordinary procedures. Due to increased risk of COVID-19 transmission, this option is discouraged unless other filing options are not possible.

5. Emergency Matters. A person with an emergency matter that must be reviewed immediately should contact the Clerk's Office by telephone at 617-921-4443 to alert the Appeals Court that their emergency matter has been electronically filed, emailed, or placed in the courthouse drop-box, or to seek guidance on how to file it.

V. Physical Access to the Clerk's Office. The Clerk's Office is physically open to the public to conduct court business but continues to endeavor to conduct business virtually to the extent possible. To safeguard public health and safety, only limited court personnel are present in the Clerk's Office to address matters that cannot be resolved virtually. Filings should continue to be made electronically or by mail whenever possible. Before making an in-person visit to the Clerk's Office, please call (617-921-4443) or email (MacClerkMatter@Jud.State.Ma.Us) the office to see if you can be assisted remotely. The Clerk's Office will make every effort to provide necessary assistance (including fulfilling records requests) in a manner that eliminates the need for persons to visit the John Adams Courthouse.[1]

VI. Payment and Waiver of Entry Fees. A payment or a request for waiver of an entry fee for a panel or single justice case can be accomplished through eFileMA.com, by email with prior approval (waiver of fee only), first class mail or its equivalent, or by placing in the drop-box at John Adams Courthouse. To limit the risk of transmission of COVID-19, in-person payments at

[1] Persons entering the John Adams Courthouse to conduct business at the Appeals Court are required to abide by Supreme Judicial Court's Order Regarding Public Access to State Courthouses & Court Facilities (effective July 13, 2020) and should familiarize themselves with those requirements before their visit.

the courthouse are not preferred. Persons seeking to pay a court fee are encouraged to call or email the Clerk's Office to learn of the available options.

By the Court, Mark V. Green, Chief Justice

/s/ Joseph F. Stanton
Clerk

Entered: July 10, 2020

Addendum - Commonly Visited Webpages

Title/Topic	Link
Civil Appeals Clinic (information about the clinic run by the Volunteer Lawyers Project that currently operates remotely and provides free legal assistance to low-income persons involved in civil appeals)	https://www.mass.gov/service-details/civil-appeals-clinic
Help Center (landing page for the Appeals Court's educational content)	https://www.mass.gov/appeals-court-help-center
FAQ page (information about the Appeals Court and appellate procedure)	https://www.mass.gov/guides/appeals-court-frequent-appellate-process-questions
Electronic filing guide (information about electronic filing at the Appeals Court and guides for how to do so)	https://www.mass.gov/guides/electronic-filing-at-the-appeals-court
How to enter a civil appeal or single justice case	https://www.mass.gov/service-details/entering-the-appeal-civil
How to file motions in the Appeals Court	https://www.mass.gov/service-details/motion-practice-in-the-appeals-court
How to create a brief and record appendix	https://www.mass.gov/service-details/appeals-court-briefs
Information about filing a notice of appeal	https://www.mass.gov/guides/requirements-for-starting-an-appeal-in-each-trial-court-department
Housing appeals guide	https://www.mass.gov/guides/housing-appeals-guide
Single justice practice (including information about filing a G. L. c. 231, § 118, first par. petition or a motion for a stay under Mass. R. A. P. 6)	https://www.mass.gov/service-details/single-justice-practice
Guide to filing Rule 6 motions to stay	https://www.mass.gov/service-details/rule-6-motions-to-stay
Information about self-representation in the Appeals Court (including resources where self-represented litigants may seek legal assistance)	https://www.mass.gov/service-details/self-representation-in-the-appeals-court
Oral argument information (including information about the Appeals Court's videoconference oral argument program)	https://www.mass.gov/guides/guide-to-oral-arguments-in-the-appeals-court
Appeals Court decisions	https://www.mass.gov/service-details/appeals-court-decisions
Massachusetts Rules of Appellate Procedure	https://www.mass.gov/law-library/massachusetts-rules-of-appellate-procedure
Massachusetts Appeals Court Rules	https://www.mass.gov/law-library/massachusetts-appeals-court-rules