MASSACHUSETTS APPEALS COURT

Administrative Order 20-2

Deadlines and Due Dates during the COVID-19 Pandemic

I. Introduction. This administrative order is entered in response to the evolving COVID-19 pandemic and consistent with the Supreme Judicial Court's orders entered in S.J.C. No. OE-144, In Re: COVID-19 (Coronavirus) Pandemic. The SJC Order dated May 26, 2020 ("SJC Order"), provides for the tolling of deadlines set forth in statutes, court rules, standing orders, guidelines, or by court order, except as otherwise ordered by a court.

This administrative order supersedes the Appeals Court's earlier Guidelines Regarding Extension of Due Dates and Other COVID-19 Internal Operating Procedures (revised April 28, 2020) insofar as those guidelines referenced deadlines for filings in the Appeals Court, and hereby establishes the following new deadlines.

II. Statutory deadlines and notices of appeal.

A. Statutory deadlines. The deadline for any filing in the Appeals Court that is established by statute that expired or will expire between March 17, 2020 and June 30, 2020, is tolled as provided in Paragraph 13 of the SJC Order dated May 26, 2020.

B. Notices of appeal. All deadlines for filing a notice of appeal in the Appeals Court, whether or not the appeal period is set by statute, that expired or will expire between March 17, 2020 and June 30, 2020, are tolled as provided in Paragraphs 13 and 14 of the SJC Order.

III. Briefs, record appendices, and other non-statutory deadlines.

A. Briefs and record appendices. The new deadlines[1] for filing all briefs and any record appendices in all civil and criminal appeals depend on the prior deadlines set by operation of Mass. R. App. P. 19 or by any extension granted by the Appeals Court in a particular case.[2]

Old deadline	New deadline
March 16 to March 31, 2020	June 5, 2020
April 1 to April 30, 2020	June 19, 2020
May 1 to May 31, 2020	July 3, 2020
June 1, 2020, and after	No change.

[1] The Appeals Court guidelines dated March 19, 2020, established a new deadline of April 21, 2020 for all briefs due between March 16 and March 31. The subsequent Appeals Court guidelines dated April 1, 2020, established a new deadline of May 8, 2020 for all briefs otherwise due from March 16 through May 4. Finally, the Appeals Court guidelines dated April 28, 2020, established a deadline of June 1 for all briefs otherwise due from March 16 through June 1. In addition, since March 16 the Appeals Court has accepted the voluntary filing of any brief before its due date.

[2] The due date in any individual case may be ascertained by consulting the Appeals Court online docket at https://www.ma-appellatecourts.org or Mass. R. A. P. 19(a)-(b), and S.J.C. Rule 1:25, Rule 7(e).

The deadline for the brief or record appendix of any self-represented party committed at an institution which was due between March 16 and June 30 is extended until July 1, 2020.

B. <u>All other filings</u>. Except as otherwise ordered by the Court in an individual case or by administrative order, all non-statutory deadlines that expired or will expire between March 17, 2020 and May 31, 2020 are hereby extended to June 15, 2020. This June 15, 2020 deadline applies to all status reports, responses or oppositions (including responses to motions, show cause orders, and single justice petitions), docketing statements, requests to docket civil appeals, motions in response to a court notice preceding dismissal of an appeal for lack of prosecution, and motions for reconsideration or modification of a decision. Any other deadline on or after June 1, 2020, that was established by operation of the rules or by order is effective and is not modified by this order.

C. <u>Further extension of non-statutory deadlines may be requested by motion</u>. The tolling provisions in paragraphs 13 and 14 in the SJC Order do not apply to non-statutory deadlines in the Appeals Court. Briefs and record appendices to be filed in the Appeals Court have the new deadline identified above in paragraph III (A) and other filings are due as stated in paragraph III (B). Filers are encouraged to file their documents in advance of the deadlines established by this administrative order, as practicable, to minimize any delay in processing cases. Further extension of a non-statutory deadline may be requested by motion establishing good cause for the extension. The Appeals Court understands the difficult circumstances all persons are encountering during the pandemic and such circumstances will be considered as good cause for extensions in a particular case. Please note that individual due dates established by this administrative order will not be entered on individual dockets. The Court will monitor due dates as filings become due in individual cases.

IV. <u>Applications for further appellate review and issuance of the rescript</u>. The Appeals Court will resume issuing the rescript to the lower court pursuant to Mass. R. App. P. 23(c) in cases where the Supreme Judicial Court has denied further appellate review of a decision. The Appeals Court will begin issuing rescripts in all other cases after July 1, 2020 on a schedule that incorporates the time period to file an application for further appellate review and any tolling or extension of that period as provided by any order of the Supreme Judicial Court. As provided by Mass. R. App. P. 23(c), the Appeals Court may order the rescript to issue at any time in a particular case.

By the Court, Mark V. Green, Chief Justice

/s/ Joseph F. Stanton
Clerk

Entered: May 26, 2020