

COMMONWEALTH OF MASSACHUSETTS

Supreme Judicial Court

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the twenty-ninth day of February, in the year of two thousand and twenty-four:

present,

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| <u>KIMBERLY S. BUDD</u> |) | Chief Justice |
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| <u>FRANK M. GAZIANO</u> |) | |
| |) | |
| |) | Justices |
| <u>SCOTT L. KAFKER</u> |) | |
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| <u>DALILA ARGAEZ WENDLANDT</u> |) | |
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| <u>SERGE GEORGES, JR.</u> |) | |
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| <u>ELIZABETH N. DEWAR</u> |) | |

ORDERED: That the Massachusetts Rules of Civil Procedure adopted by order dated July 13, 1973, as amended, to take effect on July 1, 1974, are hereby amended as follows:

Rule 63

By deleting the current Rule 63 and inserting in lieu thereof the attached Rule 63.

The amendments accomplished by this order shall take effect on April 1, 2024.

ORDERED:

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| <u>KIMBERLY S. BUDD</u> |) | Chief Justice |
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| <u>FRANK M. GAZIANO</u> |) | |
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| <u>SCOTT L. KAFKER</u> |) | |
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| <u>DALILA ARGAEZ WENDLANDT</u> |) | |
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| <u>SERGE GEORGES, JR.</u> |) | |
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| <u>ELIZABETH N. DEWAR</u> |) | |

MASSACHUSETTS RULES OF CIVIL PROCEDURE

Rule 63. Unavailability of a Judge; Receipt of Verdict

(a) Unavailability. If by reason of death, sickness, resignation, removal, recusal, or other unavailability, a judge before whom a trial has commenced is unable to perform the duties to be performed by the court, then any other judge regularly sitting in or assigned to the court in which the trial was commenced may complete the trial, on assignment by the Chief Justice of such court or the Chief Justice's designee; but the replacement judge has discretion to grant a new trial if the judge determines that he or she is unable to perform the required duties.

(b) Receipt of Verdict. Any judge properly sitting in, appointed to, or assigned to that court may receive a verdict of the jury.