

COMMONWEALTH OF MASSACHUSETTS

Supreme Judicial Court

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

present,

<u>KIMBERLY S. BUDD</u>	)	Chief Justice
	)	
<u>FRANK M. GAZIANO</u>	)	
	)	
<u>DAVID A. LOWY</u>	)	Justices
	)	
<u>ELSPETH B. CYPHER</u>	)	
	)	
<u>SCOTT L. KAFKER</u>	)	
	)	
<u>DALILA ARGAEZ WENDLANDT</u>	)	
	)	
<u>SERGE GEORGES, JR.</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 3

By striking the text of Rule 3 and inserting in lieu thereof the following text:

A civil action is commenced by (1) mailing to the clerk of the proper court by certified or registered mail a complaint and

an entry fee prescribed by law, (2) filing such complaint and an entry fee with such clerk, or (3) submitting the complaint to the court through the court's electronic filing system accompanied by electronic payment of the entry fee pursuant to the Massachusetts Rules of Electronic Filing. Actions brought pursuant to G.L. c. 185 for registration or confirmation shall be commenced by filing a surveyor's plan and complaint on a form furnished by the Land Court. Waiver of the entry fee on the ground of indigency may be sought in accordance with G.L. c. 261, § 27C.

Rule 5(a)

By inserting the following sentence at the end of Rule 5(a):

Any document filed through the court's electronic filing system must be served on all other parties and must include a certificate of service pursuant to Rule 7(a) of the Massachusetts Rules of Electronic Filing.

Rule 5(b)

By inserting the following two sentences after the second sentence of Rule 5(b):

Service may also be made through the Electronic Filing Service Provider pursuant to Rule 7(b) of the Massachusetts Rules of Electronic Filing. The parties may agree in writing to make and receive service by e-mail.

Rule 5(f)

By striking Rule 5(f) and inserting in lieu thereof the following Rule 5(f):

(f) Effect of Failure to File. Except as provided in Rule 15 of the Massachusetts Rules of Electronic Filing, if any party fails within five days after service to file any paper required by this rule to be filed, the court on its own motion or the motion

of any party may order the paper to be filed forthwith; if the order be not obeyed, it may order the paper to be regarded as stricken and its service to be of no effect.

Rule 6

By inserting the following new Rule 6(e):

(e) Additional Time after Electronic Service. Whenever parties have the right or are required to do some act or take some proceedings within a prescribed period after the service of a notice or other papers upon them and the notice or paper is served upon them electronically, through the Electronic Filing Service Provider pursuant to Rule 7(b) of the Massachusetts Rules of Electronic Filing or otherwise, three (3) days shall be added to the prescribed period.

Rule 10

By inserting the following new Rule 10(f):

(f) Electronically Filed Pleadings. A document filed electronically shall comply with the provisions of the Massachusetts Rules of Electronic Filing.

Rule 11(a)

By striking Rule 11(a) and inserting the following new Rule 11(a):

(a) Signing.

(1) In General. Every pleading of a party represented by an attorney shall be signed by at least one attorney who is admitted to practice in this Commonwealth in the attorney's name. The address of each attorney, telephone number, and business e-mail address shall be stated. Parties who are not represented by an attorney shall sign their pleadings and state their address,

telephone number, and e-mail address if any. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of any attorney to a pleading constitutes a certificate that the attorney has read the pleading; that to the best of the attorney's knowledge, information, and belief there is a good ground to support it; and that it is not interposed for delay. If a pleading is not signed, or is signed with intent to defeat the purpose of this Rule, it may be stricken and the action may proceed as though the pleading had not been filed. For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

- (2) Electronic Signatures. A pleading that is filed electronically may be signed electronically in accordance with the provisions of the Massachusetts Rules of Electronic Filing.

Rule 77

By inserting the following new Rule 77(f):

(f) Massachusetts Rules of Electronic Filing. The provisions of this rule shall be administered and interpreted in a manner consistent with the provisions of Rule 14 of the Massachusetts Rules of Electronic Filing regarding electronically signed orders, judgments, and notifications.

The amendments accomplished by this order shall take effect on September 1, 2021.

ORDERED:

<u>KIMBERLY S. BUDD</u>	)	Chief Justice
	)	
<u>FRANK M. GAZIANO</u>	)	
	)	
	)	
<u>DAVID A. LOWY</u>	)	Justices
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<u>ELSPETH B. CYPHER</u>	)	
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<u>SERGE GEORGES, JR.</u>	)	