

**Boston Municipal Court Standing Order 1-20:
Court Operations Under the Exigent Circumstances Created by COVID-19**

As Chief Justice of the Boston Municipal Court Department, I issue the following Standing Order pursuant to my authority as set forth in G.L. c. 211B, § 10, as well as the Supreme Judicial Court Order Regarding Empanelment of Juries, In re COVID-19 (Coronavirus) Pandemic, OE-144 (March 13, 2020), due to the risk of person to person transmission caused by the 2019-2020 novel Coronavirus “COVID-19”, which has been declared a pandemic by the World Health Organization, and which has occasioned the declaration of a State of Emergency in the Commonwealth of Massachusetts, Executive Order No. 591: Declaration of a State of Emergency to Respond to COVID-19 by Massachusetts Governor Charlie Baker.

It is hereby ORDERED, that the Divisions of the Boston Municipal Court remain open to conduct the critical criminal and civil business of the Commonwealth subject to the following temporary, emergency conditions, effective **March 18, 2020**:

I. Jury Trials

The holding of jury trials shall be governed by the Supreme Judicial Court Order Regarding Empanelment of Juries, In re COVID-19 (Coronavirus) Pandemic, OE-144 (March 13, 2020), which provides that all criminal and civil jury trials scheduled to commence in Massachusetts state courts between March 13, 2020 and April 17, 2020, shall be continued to a date no earlier than April 21, 2020. The Order Regarding Empanelment of Juries provides that, upon a showing of exceptional circumstances, a criminal defendant whose trial is postponed by the Order may seek an exception by motion directed to the trial court, but that any such exception shall not be granted except with the approval of the Trial Court Department Chief Justice after consultation with the Jury Commissioner.

The Supreme Judicial Court’s Order Regarding Empanelment of Juries does not affect any case in which a jury has already been empaneled or where a jury has been selected for empanelment; such cases shall proceed through verdict.

II. Criminal Matters

- A. Subject to the exceptions above in Section I and as set forth below in section II.B.(i)-(vii), all criminal matters scheduled for an event between March 18, 2020 and May 1, 2020 for a person who is not in custody shall be CONTINUED to the first business day no less than 60 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Clerk’s Office, not before May 4, 2020. Counsel or parties should contact the Clerk’s Office by telephone to schedule an event that has been continued.

Show cause hearings scheduled between March 18, 2020 and May 1, 2020 shall be CONTINUED to a date set by the Clerk-Magistrate, not before May 4, 2020, except where a Clerk-Magistrate determines to conduct such a hearing in their discretion. Show cause hearings on all applications for complaints filed between March 18, 2020 and May

1, 2020 shall be scheduled to take place on a date set by the Clerk-Magistrate not before May 4, 2020, except where a Clerk-Magistrate determines to conduct a hearing in their discretion.

Summons arraignments and all subsequent dates on complaints issued between March 18, 2020 and May 1, 2020, in matters in which the defendant is not in custody, shall be CONTINUED to the first business day no less than 60 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Clerk's Office, not before May 4, 2020.

- B. The continuances ordered in section II.A. shall not apply to the following events, which shall be conducted as described herein:
- (i) Arraignment of a person in custody on a new complaint or a warrant shall be conducted in the normal course. All subsequent events will be scheduled for a date after May 4, 2020 unless the defendant remains in custody.
 - (ii) Arraignment of a person arrested on a new complaint or a warrant and released on bail shall be ordered to appear as directed by the bail magistrate. If the charged offense does not carry the possibility of incarceration, the official accepting the bail posted on behalf of a defendant shall recognize the person's appearance for a date after May 4, 2020. All subsequent events shall be continued to the first business day no less than 60 days from the date of the arraignment or to a date by agreement of the parties and the respective Clerk's Office but not before May 4, 2020, unless the arraigned person remains in custody.
 - (iii) Bench trials, evidentiary motions (including probable cause hearings for which there will be an evidentiary hearing), dangerousness hearings, and guilty pleas or admissions to sufficient facts for a person in custody shall be held in court as scheduled.
 - (iv) All warrants, including default/warrant removals and violations of pre-trial conditions of release, shall be processed in the normal course.
 - (v) Probation violation hearings for a person in custody shall be conducted in court as scheduled, all others shall be CONTINUED to the first business day no less than 60 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Probation Office and Clerk's Office, not before May 4, 2020.
 - (vi) Specialty court sessions may be held in court as scheduled or via video conference, in the discretion of the presiding judge.
 - (vii) All non-evidentiary events scheduled for a person in custody shall be conducted in the normal course.
 - (viii) Videoconferencing shall be used to the extent possible in the discretion of the presiding judge, in consultation with the Sheriff.
- C. Persons who have been assessed fees, fines, or court costs, including probation supervision fees, in a criminal matter that are due between March 18, 2020 and May 1, 2020 may pay their fee or fine online through the ePay portal that is accessible at www.masscourts.org. If a person is unable to pay such fee or fine through the ePay

portal, the requirement that such fee or fine be paid during that time frame is deferred until May 4, 2020 and Courts shall extend payment dates to May 31, 2020. The deferment of such payment shall not operate to extend a person's probation.

III. Civil Matters

- A. Subject to the following exceptions set forth below in section III. B. (i)-(vi), all civil matters scheduled for an in-court event, including bench and jury trials, small claims trials, civil motor vehicle appeals, and administrative reviews between March 18, 2020 and May 1, 2020 shall be CONTINUED to the first business day no less than 60 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Clerk's Office not before May 4, 2020. Counsel and parties should not mark any motion for a hearing between March 18, 2020 and May 1, 2020. With the Court's approval, the parties may agree to conduct an event scheduled during this time by telephonic conference call.

All new civil matters instituted between March 18, 2020 and May 1, 2020, shall be entered, but no in-court event shall be scheduled between March 18, 2020 and May 1, 2020. With the Court's approval, the parties may agree to conduct an event scheduled during this time by telephonic conference call.

- B. The continuances ordered in section III.A. shall not apply to the following events, which shall be conducted as described herein:
- (i) Applications for an abuse prevention orders pursuant to G.L. c. 209A shall be conducted, including by videoconference in the discretion of the presiding judge.
 - (ii) Applications for a harassment prevention orders pursuant to G.L. c. 258E shall be conducted, including by videoconference in the discretion of the presiding judge.
 - (iii) Petitions for Extreme Risk Protection Orders pursuant to G.L. c. 140, 131R et seq. shall be conducted, including by videoconference in the discretion of the presiding judge.
 - (iv) Petitions for civil commitment pursuant to G.L. c. 123, § 35 shall be conducted in the normal course.
 - (v) Hearings pursuant to G.L. c. 123 shall be held in court (which includes a facility or hospital as set forth in G.L. c. 123, § 5), or by videoconference, in the discretion of the presiding judge.

IV. Deviation from the Provisions of this Order

Notwithstanding the provisions of sections IIA and IIIA. of this Order, Judges may hold or decline to hold an event set forth in those sections in court upon finding of good cause.

V. Scope and Amendment and Extension of Order

All Divisions of the Boston Municipal Court Department will remain open during the hours of 8:30 a.m. to 4:30 p.m. unless otherwise permitted by the Chief Justice of the

Boston Municipal Court. Staff in the Clerk's Offices will be available by telephone, mail will be received and Clerk's Offices remain open for filings. The public is encouraged to continue utilizing the Court's services subject to all applicable public health guidelines.

Pursuant to Mass. R. Crim. P. 36, I find that the basis for this Order necessitating these temporary, emergency conditions and continuances are in the best interests of the ends of justice and outweigh the public's and the defendant's interest in a speedy trial. Therefore, the time periods of such continuances shall be excluded from speedy trial computations under Mass. R. Crim. P. 36.

This Order shall be in effect until the close of the Court's business on May 1, 2020. The provisions of this Order are subject to amendment and extension.

/s/ Roberto Ronquillo, Jr.
Hon. Roberto Ronquillo, Jr.
Chief Justice of the Boston Municipal Court
Promulgated: March 13, 2020