

**Boston Municipal Court Standing Order 1-23:  
Continuation of Temporary Modifications for  
Summary Process Cases<sup>1</sup>**

As Chief Justice of the Boston Municipal Court Department, I issue the following Standing Order pursuant to my authority under G.L. c. 211B, §10 and G.L. 218, § 51A, to temporarily continue certain modifications to summary process proceedings. This Order shall be effective on June 20, 2023 and shall rescind and replace BMC Third Revised Standing Order 11-20 on that date.

- I. Virtual and In-person Court Events: Summary process matters shall proceed consistent with Joint Standing Order 2-22 of the Boston Municipal Court Department and District Court Department. In cases with one or more self-represented litigants (SRLs) where a court is scheduling a videoconference, courts will recognize the possibility that SRLs may have limited access to the technology needed to conduct videoconferences or limited experience with it and will either assist the SRL in being able to conduct a videoconference or offer an alternative to videoconferencing for the hearing.
- II. Pending Cases: Summary process cases filed prior to June 20, 2023 shall proceed with their scheduled date and court event pursuant to the provisions of BMC Third Revised Standing Order 11-20. Any subsequent court events for these cases shall proceed pursuant to the provisions of this Order.
- III. Summons and Complaint; Court to schedule first court date: Plaintiffs shall continue to use the summons and complaint form promulgated by the Chief Justice of the Trial Court during the COVID-19 State of Emergency.<sup>2</sup> Plaintiffs shall not provide a trial date on the summary process summons and complaint (S&C) but rather should indicate on the S&C that the trial date is “to be determined by the court” or “TBD by the court.” The S&C will inform the parties that the court will notify them of the date, time, and manner of the court event. Plaintiffs shall not name any minor as defendants

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<sup>1</sup> See Trial Court Administrative Order 21-2: Trial Court Order Suspending Certain Provisions of Trial Court Rule I: Uniform Summary Process Rules (effective June 15, 2021).

<sup>2</sup> This Summons and Complaint form was promulgated for temporary use by the Trial Court on October 19, 2020 and indicates that the court will send notice of the first court event.

in a S&C.<sup>3</sup> Service of process for S&C shall be made in the manner set forth in the Uniform Summary Process Rules.

- IV. Two-tier process; Case Management Conferences; Trials: In summary process cases filed on or after June 20, 2023, the court will notify the parties of the date and time of the first court event, which shall be a judicial case management conference (CMC) (first tier event). The CMC may occur on any day of the week not less than 30 days, but no more than 60 days, after the date the case is entered. The court will send notice to the parties of the CMC not more than 7 days after the case is entered. The CMC will allow the court to inform the parties regarding the availability of, and explore the parties' interest in, mediation, the availability of assistance with housing costs, establish stipulations, narrow the factual and legal issues to be addressed at trial, schedule urgent or dispositive motions to minimize delay, and establish discovery deadlines tailored to the specific case. Trial dates (second tier event) shall be scheduled 14 days after the CMC.
- V. Affidavit of Compliance: In order to ensure compliance with G.L. c. 186, § 31, plaintiffs shall file a completed court promulgated Affidavit of Compliance form with any residential summary process case that includes a claim based on the nonpayment of rent for their case to be entered.<sup>4</sup> Cases without a completed Affidavit of Compliance will not be accepted for filing.
- VI. Plaintiff to serve Notice of Case Management Conference on defendant: For all summary process cases filed on or after the effective date of this Order, the plaintiff shall serve on all defendants the Notice of Case Management Conference sent by the court to the parties after the CMC has been scheduled. Service of the Notice of Case Management Conference shall be made by a constable or sheriff at least 14 days before the initial CMC in the same manner required for service of the summons and Complaint. The plaintiff shall file the original return of service of the Notice of Case Management Conference with the court no later than the initial CMC. The cost of such service may be recoverable as part of any agreement reached or as costs associated with the entry of a judgment.

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<sup>3</sup> See St. 2020, c. 358, §84.

<sup>4</sup> The Affidavit of Compliance can be found at: <https://www.mass.gov/lists/boston-municipal-court-forms>

- VII. Answers: Answers shall be filed at least 3 days before the CMC, unless the court grants an extension.
- VIII. Discovery: Responses to discovery demands must come no later than 10 days after the receipt of the discovery request.
- IX. Defaults: For cases filed on or after June 20, 2023, no default may enter at the first CMC if the plaintiff has not filed the return of service of the Notice of Case Management Conference with the court as required by Section V of this Order.
- X. Agreements for Judgment: In cases where there is at least one self-represented party and the parties reach an Agreement for Judgment, the parties shall present such Agreement to a judge, Clerk-Magistrate, or Assistant Clerk-Magistrate for endorsement. No Agreement for Judgment shall be entered as a court order unless a judge, Clerk-Magistrate, or Assistant Clerk is satisfied that the parties understand the terms of such agreement, that the agreement is fair and reasonable, and that it was entered into voluntarily.
- XI. Transfers to Housing Court: Pursuant to Uniform Summary Process Rule 4: Any request for a transfer of the action under shall be filed in both courts no later than the day before the commencement of any trial.

Unless expressly provided in this Order, all other procedures in summary process cases shall be governed by the Uniform Summary Process Rules and the Massachusetts Rules of Civil Procedure, consistent with this Order.

This Order is effective June 20, 2023 and shall remain in effect until further order of this Court. Any deviation from this Order must be sought from the Chief Justice of the Boston Municipal Court. This Standing Order shall be posted on the Boston Municipal Court's mass.gov webpage.



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Hon. Roberto Ronquillo, Jr.  
Chief Justice  
Boston Municipal Court Department  
Promulgated: June 5, 2023