

**Boston Municipal Court Standing Order 4-20:
Limiting In-Person Appearances in Boston Municipal Courthouses to
Emergency Matters**

As Chief Justice of the Boston Municipal Court Department, I issue the following Standing Order pursuant to my authority under G.L. c. 211, § 10, G.L. c. 218, § 38, and G.L. c. 220, § 5, as well as the Supreme Judicial Court Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic issued on April 1, 2020, due to the exigent circumstances created by risk of person to person transmission caused by the 2019-2020 novel Coronavirus “COVID-19.”

This Standing Order shall REPLACE Boston Municipal Court Standing Order 3-20 issued on March 17, 2020, which Order is hereby rescinded.¹

I. It is hereby ORDERED, effective **April 6, 2020 and continuing through May 4, 2020:**

A. That the Divisions of the Boston Municipal Court will continue to be closed to the public except to conduct hearings in Emergency Matters, as defined below in Section (I)(C)(i). Access to the courthouse for Emergency Matters is only permissible if the matter cannot be resolved through a videoconference or telephonic hearing, either because such a hearing is impracticable or because it would be inconsistent with the protection of constitutional rights. Access to the courthouse will also be permitted for 1) civil commitment hearings for those with an alcohol or substance use disorder pursuant to G.L. c. 123, § 35; 2) the fitting of GPS² or SCRAM Devices ordered by a judge; and 3) the posting of bail. Access to the courthouse is also subject to compliance with the Supreme Judicial Court’s Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic (issued April 1, 2020).

¹ Boston Municipal Court Standing Order 3-20 (issued March 17, 2020) replaced and rescinded Boston Municipal Court Standing Order 1-20 (issued March 13, 2020).

² See Supreme Judicial Court Order Concerning the Imposition of Global Positioning System (GPS) Monitoring as Condition of Release or of Probation (issued March 23, 2020).

- B. Any Court rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended for the duration of this Order.
- C. All Emergency Matters, as defined in section (i) below, that arise between 8:30 a.m. and 4:30 p.m. shall take place over videoconference or telephonic conference call without the physical presence of the parties, counsel, or other members of the public so as to avoid person to person contact and possibility for transmission of the virus, unless such a hearing is not practicable or because it would be inconsistent with the protection of constitutional rights. After 4:30 p.m., the judicial response system will be activated in the normal course.
 - i. "Emergency Matters" for the purposes of this Standing Order are defined as follows:
 - a. applications for Abuse Prevention Orders pursuant to G.L. c. 209A;
 - b. applications for a Harassment Prevention Orders pursuant to G.L. c. 258E;
 - c. petitions for Extreme Risk Protection Orders pursuant to G.L. c. 140, § 131R et. seq.;
 - d. mental health hearings pursuant to G.L. c. 123, *except as outlined in section (I)(A) above*;
 - e. hearings for Order of Pretrial Detention pursuant to G.L. c. 276, § 58A;
 - f. arraignments of new arrests in which the arrestee is in custody;
 - g. warrant removals for persons in custody;
 - h. probation violations where detention is sought;
 - i. search warrants and
 - j. motions seeking the court reconsider a person's custodial status.
- D. Ten day return hearings for ex parte orders issued under G.L. c. 209A and G.L. c. 258E shall be conducted over videoconference or telephonic conference call. Any extension of the order issued via videoconference or telephonic conference shall be scheduled for an in-person hearing at the courthouse no more than 30 days from the issuance of the extension. If the exigent circumstances created by risk of person to person

transmission caused by the 2019-2020 novel Coronavirus “COVID-19” has not abated, the extension hearing shall be held via videoconference or telephonic conference. Any order pursuant to G.L. c. 209A and G. L. c. 258E that is issued by telephone or video shall only be extended for not more than 30 days.

- E. Judges and Clerks shall ensure that all videoconferences or telephonic conference are recorded to the extent practicable.
- F. Clerk’s offices shall remain open to conduct court business related to Emergency Matters, to schedule and facilitate hearings in Emergency Matters, to issue orders in Emergency Matters or to answer questions from attorneys, litigants, and the general public, and to conduct other necessary business of the respective court. All such business will be conducted virtually, except when the filing of pleadings and other documents in emergency matters cannot be accomplished virtually. Each Clerk’s Office shall implement a protocol for handling the in-person filings of pleadings and other documents in Emergency Matters that is designed to limit the spread of the coronavirus and preserve the health and safety of court personnel and users as much as possible.
- G. In order to provide staffing for these procedures, First Justices, Clerk-Magistrates, and Chief Probation Officers are to designate a reduced schedule of the necessary personnel needed on site to accomplish the administrative tasks and to be available to answer telephone calls from the public.
- H. This Order does not prevent any court’s consideration of non-emergency matters that can be resolved by phone, videoconference or other similar means in the discretion of a presiding justice.
- I. All court documents, other than search warrants, may be signed electronically by any party to be accepted for filing. Electronic signatures may take the form of either a scan of an individual’s handwritten signature, an electronically inserted image intended to substitute for a signature, or a “/s/ name of signatory” block. Such electronic signature shall have the same force and effect as if the person

had affixed his or her original signature to a paper copy of the document so signed.³

II. It is FURTHER ORDERED that:

A. Trials

- i. All trials scheduled between March 18, 2020 and May 1, 2020, shall be continued to a date no earlier than May 4, 2020, unless the trial is a civil case where the parties and the court agree that the case can be decided by a bench trial without the need for in-person appearance in court.
- ii. Where a trial or evidentiary hearing is postponed as a result of this order, or BMC Standing Orders 1-20 or 3-20, the parties may seek a conference with the court to address matters arising from the postponement by motion to the court where the event was supposed to occur. Any hearing on such motion shall be conducted over videoconference or telephonic conference. In criminal cases a defendant may file a motion asking the court to amend conditions of release. Nothing in this Order addresses the disposition of such requests for reconsideration.

B. Criminal Matters

- i. For Persons Not In Custody
 - a. All criminal matters scheduled for an event 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;
 - b. All show cause hearings currently scheduled or filed between March 18, 2020 and May 1, 2020, shall be CONTINUED to the first business day no less than 60

³ See Supreme Judicial Court's Order Concerning Electronic Signature of Judges and Clerks (issued March 25, 2020).

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; and

- c. Summons arraignments and all subsequent dates on complaints issued 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.

ii. For Persons in Custody:

- a. Arraignments shall be conducted pursuant to section (I)(C)(i)(f);
- b. A person arrested on a new complaint or a warrant and released on bail shall be ordered to appear for arraignment as directed by the bail magistrate for a date after May 4, 2020;
- c. All other criminal events shall be CONTINUED to the first business day not more than 29 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; and
- d. Probation violation hearings for a person in custody shall be CONTINUED to the first business day not more than 29 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.

C. Civil Matters

- i. All civil matters currently scheduled or filed between March 18, 2020 and May 1, 2020 including, civil motor vehicle appeals, and administrative reviews 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. With the Court's approval, the parties may agree to conduct an event scheduled during this time by telephonic conference call.

D. Fees and Fines

- i. 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 e-pay portal that is accessible at www.masscourts.org. No fees, fines, or costs shall be collected at a courthouse while this Order is in effect. 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 due dates to May 31, 2020. The deferment of such payment shall not operate to extend a person's probation.

E. Additional Matters

- i. All emergency protection orders (G.L. c. 209A; G.L. c. 258E; G.L. c. 140) issued after notice prior to the issuance of this order and that are due to expire on or after March 16, 2020 shall remain in effect until the matter is rescheduled and heard by the court.
- ii. Any orders issued prior to March 17, 2020, with a hearing scheduled during the pendency of this Order are to remain in full force and effect until the matter is rescheduled and heard by the court, unless an order issues by the court terminating the order at an earlier date.

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.

All statutes of limitations are tolled from the date of this order through May 3, 2020.

Any deviation from this Order must be sought from the Chief Justice of the Boston Municipal Court.

This Order is effective April 6 and shall remain in effect until further order of this Court.

This Standing Order shall be posted on the judiciary's "Court System Response to COVID-19" webpage, which is located at <https://www.mass.gov/guides/court-system-response-to-covid-19>.

/s/ Roberto Ronquillo, Jr.
Hon. Roberto Ronquillo, Jr.
Chief Justice of the Boston Municipal Court
Promulgated: April 3, 2020