

District Court Standing Order 1-20:
Court Operations Under the Exigent Circumstances Created by COVID-19 (coronavirus)

Due to the extreme risk of person to person transmission caused by the 2019 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;

It is hereby ORDERED, pursuant to my authority as set forth in G.L. c. 211B, § 10, that the Massachusetts’ District Courts 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 attached 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 set forth below in section II.B.(i)-(viii), 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. 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.

Summons arraignments 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.

- 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, unless the person is in the custody of a Sheriff or the Department of Corrections, in which case the arraignment shall be conducted by videoconference. Unless the arraigned person remains in custody, all subsequent events shall be scheduled to a date not before May 4, 2020.
 - (ii) Arraignment of a person arrested on a new complaint or a warrant and released on bail shall be conducted in the normal course, unless the official admitting the arrested person determines, in their discretion, to recognize the person's appearance for a date after May 1, 2020. Unless the arraigned person remains in custody, all subsequent events shall be scheduled to a date not before May 4, 2020.
 - (iii) All 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 may be held in court as scheduled.
 - (iv) Default/warrant removals should be processed in the normal course.
 - (v) Motions to revoke bail or conditions of release should be conducted in the normal course, including by videoconference when the person is in custody.
 - (vi) Warrants may be requested in the normal course. Probation violation hearings may be scheduled in the normal course or, if previously scheduled, conducted in court as scheduled, except that a probation violation hearing for a person in custody shall be conducted by videoconference.
 - (vii) Specialty court sessions may be held in court as scheduled.
 - (viii) All non-evidentiary events scheduled for a person in custody shall be conducted as scheduled by videoconference.
- 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 e-pay portal that is accessible at www.masscourts.org. If a person is unable to pay such fee or fine through the e-pay 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.

III. Civil Matters

- A. Subject to the following exceptions, all civil matters scheduled for an in-court 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. 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 during this timeframe by telephonic conference call.

All new civil matters filed 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 order pursuant to G.L. c. 209A shall be conducted in the normal course, including by videoconference where necessary.
 - (ii) Applications for a harassment prevention order pursuant to G.L. c. 258E shall be conducted in the normal course, including by videoconference where necessary.
 - (iii) Petitions for Extreme Risk Protection Orders pursuant to G.L. c. 140, 131R et seq. shall be conducted in the normal course, including by videoconference where necessary.
 - (iv) Petitioners for civil commitment pursuant to G.L. c. 123, § 35 shall be conducted in the normal course, including by videoconference where necessary.
 - (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 normal course.


IV. Scope of Order

All District Courts remain open. 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 outweigh the best interests of the public and the defendant in a speedy trial. Therefore, the time periods of such continuances shall be excluded from speedy trial computations under Mass. R. Crim. P. 36.

To maintain consistency among the Divisions of the District Court, this Order shall supersede any administrative or scheduling protocols previously instituted by a Division of the District Court in response to the COVID-19 Virus.

Implementation of this Order shall begin immediately. This Order shall be in effect from March 18, 2020, until the close of the Court's business on May 1, 2020. The provisions of this Order are subject to amendment and extension.


Hon. Paul C. Dawley
Chief Justice of the District Court
Promulgated: March 13, 2020