

District Court Standing Order 11-20
Jury Trials Under the Exigent Circumstances
Created by the COVID-19 (coronavirus) Pandemic

As noted in Standing Order 9-20, which remains in effect, the District Court has been authorized by the Supreme Judicial Court's Fourth Updated Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 (coronavirus) Pandemic (SJC's Fourth Order) to begin Phase 1 in the resumption of jury trials on or after October 23, 2020. This Standing Order, which is effective immediately, sets forth the schedule and procedure for this Phase I implementation and will remain in effect until further order of this Court.

This Phase 1 resumption is limited to juries of six (with 1-2 alternates), with no more than one trial at a time conducted in each location. As the implementation challenges are quite high, requiring substantial logistical planning and considerations, and coordination among numerous Trial Court Departments, the process will necessarily be gradual and deliberate. If Massachusetts experiences a surge in COVID-19 cases, a re-instatement of shutdown orders, or problems encountered in the scheduled implementation, corresponding adjustments to the process will be necessary.

I. Designated Jury Trial Locations and Schedule for Phase 1 Jury Trials

Jurors will be summonsed to the following locations for District Court Jury Trials on the following dates:

Week of October 26, 2020

Tuesday, October 27, 2020

- Worcester Trial Court
- Lowell Regional Justice Center
- Plymouth Trial Court

Week of November 2, 2020

Tuesday, November 3, 2020

- Barnstable Superior Court
- Salem Trial Court (Ruane Justice Center)
- Fall River Justice Center

Week of November 9, 2020

Tuesday, November 10, 2020

- Hampshire County Courthouse (Northampton)
- Pittsfield Superior Court

Week of November 16, 2020

Tuesday, November 17, 2020

- Roderick L. Ireland Justice Center (Springfield)
- Franklin County Justice Center

Week of November 23, 2020

Tuesday, November 24, 2020

- No Jurors – Thanksgiving Week

Week of November 30, 2020

Tuesday, December 1, 2020

- All 10 locations identified above and Stoughton District Court (total of 11 locations)

Week of December 7, 2020

Tuesday, December 8, 2020

- All 11 locations identified above

Week of December 14, 2020

Tuesday, December 15, 2020

- All 11 locations identified above

Week of December 21, 2020

Tuesday, December 22, 2020

- No Jurors

Week of December 28, 2020

Tuesday, December 29, 2020

- No Jurors

Week of January 4, 2021

Tuesday, January 5, 2021

Wednesday, January 6, 2021

- All 11 locations identified above

Week of January 11, 2021

Tuesday, January 12, 2021

Wednesday, January 13, 2021

- All 11 locations identified above

Week of January 18, 2021

Tuesday, January 19, 2021

Wednesday, January 20, 2021

- All 11 locations identified above

Week of January 25, 2021

Tuesday, January 26, 2021

Wednesday, January 27, 2021

- All 11 locations identified above

II. Phase 1 Case Eligibility and Pretrial Readiness

Because of the preliminary nature of this initial phase, Phase 1 trials are limited to non-custody one defendant cases with minimal witnesses that are short in duration (criminal and civil). Ultimately, the case types and specific cases that will be tried to juries during Phase 1, as well as the locations thereof, shall be determined by the Chief Justice of the District Court in consultation with the Chief Justice of the Trial Court. To ensure that only a trial ready case is scheduled for a jury trial, a comprehensive final pretrial conference hearing must be held to address all potential pretrial matters, that all discovery is complete, identify any obstacles, gauge any potential for resolution, discuss the manner in which the trial will proceed, including the presentation of evidence, resolve legal issues to the extent possible, and ensure counsel and witnesses are ready and available to proceed. Such conference will also address the need for interpreters, any particular witness concerns, and any other logistical requirements for trial.

First Justices in every division should begin to develop a pretrial readiness process in order to create a list of jury trial ready cases.

III. Assignment of Trial Judge and Final Pretrial Logistical Review

The Regional Administrative Justice shall assign a jury trial judge pursuant to the schedule set forth in Section 1.

Prior to the day of trial, the trial judge will conduct a walk through with the lawyers, clerk, probation, facilities, security and any other relevant parties to identify and address any logistical issues.

IV. Post-Trial Conference:

At the conclusion of each jury trial, the presiding justice shall engage in a discussion by videoconference or in-person with the trial participants (attorneys, court officers, and clerks), to elicit their feedback on trial procedures with respect to COVID-19 safety protocols. The judge shall use the Discussion Guide provided by the Jury Management Advisory Committee to facilitate the conference. Once completed, the Guide shall be submitted to the Administrative Office of the District Court.

V. Continuances

Pursuant to the SJC's Fourth Order, which acknowledges that the number of jury trials in Phase 1 necessarily will be greatly limited, all other jury trials are to be further continued to a date no earlier than the commencement of Phase 2, and such continuances are to be excluded from speedy trial computations.

VI. Phase 2 Jury Trials and Anticipatory Scheduling

Phase 2 is anticipated to begin in February of 2021 subject to further direction by the Supreme Judicial Court after reviewing the Jury Management Advisory Committee's evaluation of Phase 1. Phase 2 will move to include cases that would have the highest priority, including serious criminal cases with defendants in custody and civil cases of particular significance. In order to prepare for Phase 2 jury trials, First Justices in every division should begin to create a prioritized list of jury trial ready cases for Phase 2 consideration. Further guidance on Phase 2 will be forthcoming.

VII. Scope of this Order

This Order will remain in effect until a subsequent order issues rescinding this Order. Any other deviation from this Order must be sought from the Chief Justice of the District Court.

This Order shall take effect on October 15, 2020.

/s/ Paul C. Dawley

Hon. Paul C. Dawley
Chief Justice of the District Court
Promulgated: October 15, 2020