

**District Court Standing Order 12-20: Court Operations Under the Exigent Circumstances
Created by COVID-19 (Coronavirus)**

In light of public health concerns due to the rapid increase of the number of persons in Massachusetts infected by the COVID-19 (coronavirus) over the previous 30 days and the increasing number of District Court divisions that have had to temporarily close due to exposure to COVID-19, I hereby ORDER, pursuant to my authority as set forth in G.L. c. 211B, § 10, G.L. c. 218, §§ 38 & 43A, and G.L. c. 220, § 5, that District Court Standing Order 9-20 is rescinded and superseded by this Order, which shall take effect on November 23, 2020.

The only proceedings that may be conducted in person shall be the following:

- hearings on petitions for commitment pursuant to G.L. c. 123, § 12(e) and § 35; respondents may be evaluated in-person in the courthouse or virtually from the courthouse;
- warrant removals;
- arraignments of persons arrested for a new offense who remain in custody or who were bailed and recognized to appear and any proceeding that may arise during the arraignment or as a direct result of the arraignment including bail revocation, dangerousness hearings pursuant to G.L. c. 276, § 58A, probation detention hearings, and competency evaluations pursuant to G.L. c. 123, § 15;
- hearings after notice (“two party hearings”) pursuant to G.L. c. 209A, G.L. c. 258E, and G.L. c. 140, §§ 131R-131Y, unless the first justice determines, in their discretion, that it is practicable to conduct such hearings by videoconference;
- ex-parte restraining orders only where the petitioner has already traveled to the court and only if a virtual hearing is not able to be conducted without asking the petitioner to leave the court;
- bench trials in criminal cases;
- tenders of plea or admission if the plea or admission cannot be conducted by videoconference;
- specialty court sessions, if conducting the matter in-person is in the interest of the participant achieving the goals of the specialty court. Such in-person sessions must be limited to no more than ten participants. Judges presiding over such sessions shall have the discretion to stagger appearances by date and time, and to continue to permit participants to attend such session by videoconference or teleconference, and shall continue to conduct all staffing meetings virtually;
- scheduled or otherwise required meetings between defendants/probationers with probation staff for purposes of supervision and any probation matter, including detention and violation of probation hearings, for which a probation officer requests an in-person hearing and a judge determines such a hearing is necessary;
- warrant applications and the signing of complaints by law enforcement officers; and
- the resumption of jury trials as required by the Supreme Judicial Court.

Courts retain the discretion to conduct the proceedings set forth above virtually by videoconference or teleconference, so long as consistent with the protection of constitutional rights and where doing so would not require increased staffing levels.

All other criminal and civil matters may, at the discretion of a judge or clerk-magistrate, be continued or conducted virtually by videoconference or telephonic conference call, so long as consistent with the protection of constitutional rights. Clerk-Magistrates should reduce the number of office staff working in-person to no more than 50% of the total number of office staff at a time and separate their office staff into at least two teams which will alternate their time working in-person and remotely as deemed necessary by the Clerk-Magistrate. While necessary court personnel may be present in the courthouse for virtual proceedings, counsel, parties, and members of the public will not be permitted into the courthouse for virtual proceedings.

Clerk-Magistrates need not schedule any new show-cause, civil motor vehicle infraction, or small claims hearings, and may, in their discretion, continue or virtually conduct such hearings that have already been scheduled. Pursuant to SJC Fourth Updated Order ¶ 4, all District Court clerk's offices will be physically open to the public to conduct court business. Clerk's offices may conduct business virtually to the extent possible and may provide a drop-box in a secure and accessible location at the courthouse for the benefit of those persons who wish to hand-deliver pleadings or other documents for filing.

To the extent available, persons shall be permitted to enter courthouses to access "zoom rooms" in order to participate in a virtual hearing.

Unless prohibited by law or court order, members of the public may virtually access court hearings as they are happening. Court divisions are to post the telephone number to access the audio line and daily list on mass.gov. During a virtual court hearing, members of the public are not permitted to speak, interrupt, or otherwise disrupt the hearing and must mute whatever device they are using to access the hearing. No person shall take any photographs or other digital images or make any recording or transmission by electronic means of a virtual court hearing, whether being held virtually or in person, without prior authorization from the Presiding Judge or Magistrate in accordance with Supreme Judicial Court Rule 1:19 governing electronic access to the courts.

In addition to the parameters set forth in this Order, all District Court proceedings shall be conducted in a manner consistent with the Supreme Judicial Court Fourth Updated 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.

/s/ Paul C. Dawley

Hon. Paul C. Dawley
Chief Justice of the District Court
Promulgated: November 19, 2020