

## **First Amended Joint Standing Order 1-21 of the Boston Municipal Court Department and District Court Department: Court Operational Order**

As Chief Justices of the Boston Municipal Court Department and District Court Departments, we issue the following Joint Standing Order pursuant to our authority under G.L. c. 211, § 10, G.L. c. 218, § 38, and G.L. c. 220, § 5.<sup>1</sup>

This Standing Order shall REPLACE Boston Municipal Court Standing Order 13-20 (issued December 1, 2020 and effective December 7, 2020) and District Court Standing Order 12-20 (issued November 19, 2020, effective November 23, 2020), which Orders are rescinded on June 1, 2021 when Joint Standing Order 1-21 of the Boston Municipal Court Department and District Court Department became effective. Additionally, to the extent provisions in:

- 1) Boston Municipal Court First Revised Standing Order 12-20 (issued February 27, 2021 effective March 1, 2021) (jury trials);
- 2) Boston Municipal Court Third Revised Standing Order 11-20 (issued January 15, 2021, effective January 19, 2021) (summary process cases);
- 3) District Court Standing Order 1-21 (issued and effective March 1, 2021) (jury trials); and
- 4) District Court Third Amended Standing Order 10-20 (issued January 15, 2021, effective January 19, 2021) (summary process cases)

are inconsistent with the provisions of this Order, the provisions of this Order shall control; all other provisions of these past Standing Orders shall remain in effect until further ordered.

It is hereby ORDERED, **effective August 23, 2021**:

- I. Court Operations and Courthouse Access: The Divisions of the Boston Municipal Court and the District Court shall be physically open to the public for all purposes as outlined in the orders of the Supreme Judicial Court, Executive Office of the Trial Court, and this Order and will continue to operate with regard for the health and safety of court users and personnel, in accordance with any orders, protocols and occupancy limits established by the Supreme Judicial Court, Executive Office of the Trial Court, and the provisions of this Order.

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<sup>1</sup> All current court orders are available at the judiciary's "Court System Response to COVID-19" webpage at <https://www.mass.gov/guides/court-system-response-to-covid-19>.

II. In-person Events: Upon the effective date of this Order, the following events shall proceed in-person:

- A. Arraignments;
- B. Hearings on motions to revoke bail or conditions of release;
- C. Hearings on motions for pretrial detention pursuant to G.L. c. 276, § 58A;
- D. Warrant removal hearings;
- E. Hearings on motions for return of bail;
- F. Probation matters, including probation detention hearings, and probation violation hearings;
- G. Plea or admission hearings;
- H. Evidentiary motions and probable cause hearings in criminal cases;
- I. Criminal bench trials, unless the parties and the trial judge all agree to conduct the trial virtually pursuant to the SJC's Seventh Updated Order;
- J. Hearings and evaluations pursuant to G.L. c. 123, but judges may conduct such hearings virtually sua sponte or at the request of a party so long as consistent with constitutional rights;
- K. Ex parte and two party hearings (i.e., hearings after notice) for protection order hearings pursuant to G.L. c. 209A (abuse prevention orders), G.L. c. 258E (harassment prevention orders) and G.L. c. 140 (extreme risk protection orders);
- L. Civil bench trials, unless the parties and the trial judge all agree to conduct the trial virtually pursuant to the SJC's Seventh Updated Order;
- M. Summary process trials;
- N. Supplementary process hearings;
- O. Petitions to seal records pursuant to G.L. c. 276, § 100C, and to expunge records pursuant to G.L. c. 276, §§ 100G, 100H, and 100K;
- P. Appellate Division hearings, unless the presiding justice orders the matter be heard virtually.

First justices and clerk-magistrates shall confer to coordinate the staggered scheduling of in-person matters. If the number of persons who appear for in-person events as outlined above exceed courthouse occupancy limits set by the Trial Court, the First Justice may order that matters scheduled to take place in person be conducted virtually so long as consistent with constitutional rights. Matters that are required to be heard in-person pursuant to this section but which, as of the date of the promulgation of this order, have already been scheduled to be

conducted virtually may be conducted virtually.

- III. Virtual Events: Unless provided otherwise below, the following events shall be presumptively virtual unless a party requests, and the court orders, that the hearing be conducted in-person:
  - A. Criminal pre-trial hearings pursuant to Mass. R. Crim. P. 11, unless the judge presiding over the matter orders an in-person hearing, regardless of whether requested by a party;
  - B. Criminal compliance and election hearings;
  - C. Non-evidentiary motions in all cases, including speedy trial requests;
  - D. Trial assignment hearings;
  - E. Status hearings;
  - F. Summary process hearings apart from trials;
  - G. Criminal show cause hearings;
  - H. Small claims proceedings, unless the magistrate orders an in-person hearing, regardless of whether requested by a party;
  - I. Civil motor vehicle infraction hearings and appeals;
  - J. Civil case management conferences and pre-trial conferences;
  - K. Hearings in administrative appeal cases; and
  - L. Any other matter not specifically listed in this Order, so long as a virtual hearing is consistent with protection of constitutional rights.
  
- IV. Jury Trials: Jury trials shall proceed consistent with the orders of the Supreme Judicial Court and orders and directive(s) from the Boston Municipal Court's and District Court's respective Administrative Offices.
  
- V. Specialty Court Sessions: Hearings in specialty court sessions shall be conducted in-person, unless ordered otherwise by the judge presiding over the matter. All staffing meetings for all specialty court matters may continue to be conducted virtually.
  
- VI. Clerk-Magistrate's Offices: Clerk-Magistrate's offices shall continue to remain open to the public to conduct court business and accept all legally permissible filings in all matters, in accordance with the health and safety protocols established by the Supreme Judicial Court and the Executive Office of the Trial Court to protect public health. Clerk's offices shall continue to use and monitor the dedicated emails set up for each Division, which may be found at each Division's mass.gov webpage.

- VII. Virtual Hearing or Appearance: Where an in-person hearing is scheduled, a party may request that the hearing be conducted virtually, and the judge or clerk-magistrate scheduled to preside at the hearing or first justice shall rule on the request. Alternatively, a judge or clerk-magistrate, upon request, may authorize a participant (an attorney, party, or witness) to appear virtually while other participants appear in person, so long as it is consistent with the protection of constitutional rights. A participant who requests to appear virtually for an otherwise in-person proceeding shall have no grounds to object to other participants appearing in person.
- VIII. Public Access: Members of the public shall be permitted to attend all in-person hearings subject to building and courtroom occupancy limitations. Unless prohibited by law or court order, members of the public may access virtual court hearings as they are happening. 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 First Justice or Magistrate in accordance with Supreme Judicial Court Rule 1:19 governing electronic access to the courts.
- IX. Continuances: A Clerk-Magistrate, after consultation with a First Justice, may continue, or reschedule for a virtual hearing, any hearing(s) that has already been scheduled after the effective date of this Order for COVID-19 related reasons.
- X. Expiring Orders Extended Upon Courthouse Closure: In the event of a temporary courthouse closure, any order set to expire during the closure of the courthouse shall automatically be extended until the matter can be addressed by the court.
- XI. Filings: All pleadings permitted to be filed through the respective courthouse dedicated email addresses shall comply with the timing and service requirements set forth in all applicable rules or statutes. Any document that

may be filed through the Tyler eFile application should be filed through Tyler eFile and not be sent to the court dedicated email addresses.<sup>2</sup>

XII. Other Matters: This Order does not prevent any court's consideration of any matter that can be resolved virtually in the discretion of a first justice or judge presiding over a matter so long as it is consistent with the Orders of the Supreme Judicial Court, Trial Court, and respective Boston Municipal Court or District Court Orders, as well as any constitutional protections.

Any deviation from this Order must be sought from each Department's respective Chief Justice.

This Order is effective August 23, 2021 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" mass.gov webpage, which is located at <https://www.mass.gov/guides/court-system-response-to-covid-19>.



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Hon. Roberto Ronquillo, Jr.  
Chief Justice  
Boston Municipal Court Department



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Hon. Paul C. Dawley  
Chief Justice  
District Court Department

Promulgated: August 19, 2021

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<sup>2</sup> The types of cases that documents may be eFiled in can be found at [www.mass.gov/info-](http://www.mass.gov/info-)

[details/learn-about-efiling-in-the-trial-court.](#)