

TRIAL COURT OF THE COMMONWEALTH

STANDING ORDER NO. 1-20

IMPLEMENTATION OF MANDATORY ELECTRONIC FILING FOR ATTORNEYS IN SUMMARY PROCESS AND SMALL CLAIMS CASES IN THE HOUSING COURT DEPARTMENT

Consistent with Rule 1 of S.J.C. Rule 1:25, Massachusetts Rules of Electronic Filing (“E-Filing Rules”), the Housing Court Department of the Massachusetts Trial Court hereby adopts this Standing Order implementing mandatory electronic filing for attorneys in the civil cases identified in Section B. As additional electronic filing capabilities become available, this Standing Order will be amended to implement those additional capabilities.

A. Governing Rules and Orders.

1. Filers who submit documents electronically through the e-filing service provider (“Provider”), on the Massachusetts Court System Odyssey File and Serve Site (“eFileMA.com”) shall comply with the E-Filing Rules, the Massachusetts Rules of Civil Procedure, the rules governing time standards and case management, and all other applicable Trial Court and department rules and standing orders.
2. To the extent that any Massachusetts Court Rules and Orders, as defined in the E-Filing Rules, are inconsistent with this Standing Order, the E-Filing Rules and this Standing Order shall control. *See generally* E-Filing Rules, Rules 1(a) & 2.

B. Applicability of Standing Order. This Standing Order applies to all Summary Process and Small Claims cases in any division of the Housing Court Department on and after the effective date of this Standing Order, as set forth in Section M. For any party whose Summary Process or Small Claims case was filed before this Standing Order’s effective date and who is represented by an attorney, the attorney must register for electronic filing at eFileMA.com and, thereafter, electronically file any documents according to the E-Filings Rules and this Standing Order. Anyone who is a party to a Summary Process or Small Claims case who is not represented by an attorney may register for electronic filing at eFileMA.com and, thereafter, electronically file case documents as permitted by the E-Filings Rules and this Standing Order.

C. Mandatory Attorney Registration for Electronic Filing and Service. All attorneys representing parties in any division of the Housing Court Department after the effective date of this Standing Order shall register for electronic filing at eFileMA.com. Please see E-Filing Rules, Rule 3(d)(1) for the effect that registering for e-filing will have on cases in court departments other than the Housing Court Department. Registration shall not constitute a notice of appearance in

any case. During the registration process, each attorney must provide the attorney's Board of Bar Overseers Number and email address. Each attorney registrant must maintain the attorney's contact information, including email address, on the eFileMA.com "Service Contacts Public List."

D. Mandatory Attorney Electronic Filing in the Housing Court. Except as set forth in Section E and H, all documents filed by an attorney in Summary Process or Small Claims cases shall be filed electronically using eFileMA.com. A document filed using the eFileMA.com system exclusively constitutes "e-filed" as used herein.

E. Exemption from Mandatory Attorney Electronic Filing and Permission to File Paper Original.

1. An attorney who is required to file documents electronically under this Standing Order may request to be excused from these requirements. If a party files a request for exemption from mandatory E-filings by "conventional methods," as defined in E-Filing Rules, Rule 2, and makes a showing of undue hardship, significant prejudice, exigency, or other good cause, the Clerk Magistrate in the respective Division of the Housing Court Department may grant that party an exemption from the mandatory e-filing requirements under the E-Filing Rules and this Standing Order. A showing of undue hardship, significant prejudice, exigency, or other good cause does not include the inability to pay fees for electronic filing, as fee waivers may be requested if the party otherwise qualifies for, or has been granted, a fee waiver in accordance with Massachusetts law or court rules. A Clerk Magistrate's decision on an exemption request made pursuant to this section shall be final.

2. The exemption from the mandate of electronic filing applies only to the case in which the request for exemption from mandatory E-filings was allowed. An attorney whose request for exemption from mandatory E-filings was allowed shall file documents by conventional methods and shall deliver and receive copies of filed documents to and from other parties by conventional methods. An attorney whose request for exemption from mandatory E-filings has been allowed must provide a copy of the Clerk Magistrate's decision granting the request to all parties in that case.

F. Requests to Waive Provider Fees. Pursuant to S.J.C. Rule 1:25, upon request, the Housing Court shall waive the e-filing fees in a Summary Process or Small Claims case where an attorney demonstrates that he or she represents an indigent party, as set forth in G. L. c. 261, §§ 27A-27G. In requesting such waiver, the attorney shall file an "Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs", and a "Supplement to Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs," if required, through eFileMA.com, on behalf of the client, and select the "waiver" Payment Account in the Fees section of eFileMA.com.

G. Impounded Documents in eFileMa.com. All attorneys who use the eFileMA.com system to file impounded documents in Summary Process and Small Claims cases in the Housing Court shall comply with S.J.C. Rule 1:25 and Housing Court Standing Order 1-15.

H. No Paper Duplicates; In-Court Filings.

1. All documents that are e-filed shall be submitted electronically only. Neither a paper original nor duplicate shall be filed unless specifically requested by the Court.
2. In all electronically filed Summary Process cases in the Housing Court, an original Summons and Complaint, as required by the Affidavit of Compliance, shall be filed with the Court by “conventional methods” as defined in E-Filing Rules, Rule 2.
3. Documents that are filed during a court proceeding that is being held after the case has been initiated do not have to be electronically filed. An attorney who files a document during a court proceeding must bring paper copies of the document for delivery to the other parties during the court proceeding. When documents are filed during a court proceeding the Clerk Magistrate, or his or her designee, must scan those documents into an electronic format.

I. Service. All electronically filed documents shall be served on the other party (parties) by “conventional methods” as defined in E-Filing Rules, Rule 2.

J. Notice from Provider. The eFileMA.com system will transmit electronic notifications (i) when an e-filed document is submitted, (ii) when the Clerk’s Office accepts or rejects the document, and (iii) possibly at other times as determined by the Provider.

K. Support. All technical support shall be rendered by the Provider. The appropriate Clerk’s Office may be contacted with procedural questions.

L. Transfers under G. L. c. 185C, § 20. If an attorney seeks to transfer a Summary Process or Small Claims case into the Housing Court pursuant to G. L. c. 185C, § 20, that attorney must file by conventional methods a Notice of Transfer in the appropriate division of the Housing Court. Except as provided in Section E, once the Housing Court receives the case from the originating court and assigns it a Housing Court docket number, all subsequent filings made therein by an attorney shall be electronically filed.

M. Effective Date. This Standing Order shall become effective on **January 27, 2020**.

N. Future Changes and Updates. This Standing Order may be rescinded, superseded, or amended, in writing, at any time.