

**Juvenile Court Standing Order 2-21**  
**Jury Trials Under the Exigent Circumstances Created by the COVID-19**  
**(Coronavirus) Pandemic**

Pursuant to my authority under G.L. c. 211, § 10, as well as the Supreme Judicial Court's Fifth Updated Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 (Coronavirus) Pandemic issued on February 24, 2021 and effective March 1, 2021 (SJC's Fifth Updated Order), I issue this Standing Order regarding jury trials in the Juvenile Court. This Standing Order is effective March 12, 2021 and shall repeal and replace Juvenile Court Standing Order 9-20, which took effect on October 26, 2020. This Order shall remain in effect until further order of the court.

It is hereby ORDERED, effective March 12, 2021:

**I. Commencement of Phase 2 Jury Trials**

In accordance with the SJC's Fifth Updated Order, beginning on March 1, 2021, Phase 2 jury trials as detailed in the SJC's Fifth Updated Order and the Jury Management Advisory Committee ("JMAC") Report and Recommendations on the Resumption of Jury Trials (July 31, 2020) shall commence in the Juvenile Court.

**A. Jury trials.** All trials will occur in a small number of locations, determined by the Chief Justice of the Juvenile Court in consultation with the Juvenile Court First Justices and with the Chief Justice of the Trial Court and Chief Justices of other affected Trial Court Departments.

**1. Process for Identifying Phase 2 Trials.** The following provisions govern Phase 2 trials in the Juvenile Court.

**(a) Eligible Cases.** Each Juvenile Court Office of the Clerk-Magistrate will provide a list of all delinquency and youthful offender cases scheduled for jury trial or jury trial status to the First Justice.

**(b) Prioritization Factors.** All youthful offender and delinquency matters scheduled for jury trial shall be given prioritization based on the following factors:

- (i.) Any applicable statutory prioritization.
- (ii.) The seriousness of the offense charged.
- (iii.) Whether and for how long the juvenile has been in custody. For this purpose, any period of bail revocation shall be excluded.
- (iv.) Any previously issued judicial order for speedy trial.

(v.) Whether and when the juvenile has objected to any continuance of a trial date.

(vi.) Whether and when a trial of the case has begun and concluded with a mistrial.

(vii.) Whether a child, elderly person, or a person whose health or medical condition warrants special consideration is an alleged victim or necessary witness.

(viii.) Whether any alleged victim or necessary witness is expected to become unavailable due to illness, military deployment, or other unavoidable reason.

(ix.) If the juvenile is not in custody, whether the defendant is subject to pre-trial conditions that impose substantial constraints on the juvenile's liberty.

(x.) The length of the trial, and any potential to minimize necessary length by the use of stipulations or videoconference testimony for some witnesses.

**(c) Trial Readiness Conference.** Following the prioritization of cases as provided for in Section I (A)(1)(b) of this order, a trial readiness conference shall be scheduled and held with the parties for the case. It is the responsibility of the First Justice or conference judge to conduct an in-depth conference shortly before the trial date to address all potential pre-trial matters, identify any obstacles, gauge any potential for settlement, discuss the manner in which the trial will proceed, including the presentation of evidence, resolve legal issues pre-trial to the extent possible, and take all steps possible to ensure that the case is ready for trial and will proceed to trial on the scheduled date.

At the trial readiness conference, to determine eligibility and readiness for a jury trial in Phase 2, the following factors shall be reviewed by the parties:

- (i) all discovery is complete;
- (ii) all motions have been decided;
- (iii) expert witnesses, if applicable, are available and will be called;
- (iv) all efforts at resolution of the matter have been exhausted;
- (v) number and availability of expected witnesses;
- (vi) nature of case and offense(s) does not require a large jury pool;

(vii) need and availability for interpreters;

(viii) any witness concerns and

(ix) all parties, counsel, and witnesses are ready and available to proceed.

**(d) Selection of Trial Date.** After the trial readiness conference has been held and a determination regarding trial readiness has been made by the conference judge, the conference judge or the First Justice shall set a jury trial date. It is the responsibility of the First Justice to ensure that the proposed trial date for the matter has been selected after review and consultation with the Regional Administrative Justices (RAJs) and First Justices of the other affected Trial Court Departments in that specific court location, as well as with security and facilities directors for the location and the Jury Commissioner. The First Justice shall notify the Chief Justice of the Juvenile Court regarding all selected jury trial dates.

**B. Applicability of this Standing Order.** Juvenile Court locations with jury trials scheduled for April 2021 that had been scheduled prior to the effective date of this Standing Order are not required to schedule a trial readiness conference.

**C. Procedure for Scheduling and Docketing the Trial Readiness Conference.** All Juvenile Court locations shall follow the procedure for scheduling and docketing the trial readiness conference set forth by the Administrative Office of the Juvenile Court.

Date: March 10, 2021

Effective Date: March 12, 2021

/s/ Amy L. Nechtem

Hon. Amy L. Nechtem

Chief Justice

Juvenile Court Department