

Land Court Standing Order 1-23: Land Court Department electronic filing procedures, standards, and guidelines

I. Authority

This Standing Order 1-23 is promulgated by the Chief Justice of the Land Court Department pursuant to the provisions of G. L. c. 211B, § 10 and G. L. c. 185, § 1.

Consistent with Rule 1 of Supreme Judicial Court (S.J.C.) Rule 1:25, Massachusetts Rules of Electronic Filing (“E-Filing Rules”), the Land Court Department of the Massachusetts Trial Court hereby adopts this Standing Order to implement procedures, standards, and guidelines for filers using electronic filing (“eFiling”) in Land Court cases. This Standing Order may be amended at any time to revise or implement additional procedures, standards, and guidelines as electronic filing capabilities expand and additional Land Court case types are made available for electronic filing.

Information about the status and availability of electronic filing in the Land Court, including identification of the case types for which eFiling is available and/or mandatory for attorneys, is maintained on the Massachusetts Trial Court and Land Court websites at the URLs shown below:

<https://www.mass.gov/efiling-in-the-trial-court>

<https://www.mass.gov/guides/efiling-in-the-land-court>

II. Governing Rules and Orders

Filers who submit documents electronically through the electronic 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, this standing order, and all other applicable Trial Court and Land Court department rules and standing orders. 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.)

In an individual case, the judge or judicial officer presiding over the matter or proceeding, in their discretion, for good cause and in the interests of justice, may modify or waive compliance with any of the procedures, standards, or guidelines set forth in this Standing Order.

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III. Procedures, Standards, and Guidelines for Electronic Filing in the Land Court

A. Applicability

Information about the status and availability of electronic filing in the Land Court, including identification of the case types for which eFiling is available and/or mandatory for attorneys, is available at: <https://www.mass.gov/guides/efiling-in-the-land-court>

These procedures, standards, and guidelines apply to all filers – attorneys, as well as self-represented litigants – who use electronic filing in the Land Court, unless the presiding judicial officer has otherwise ordered or allowed. These procedures, standards, and guidelines govern the electronic filing of documents in Land Court cases regardless of whether the case type has been designated by the court for mandatory attorney eFiling or permissive (optional) eFiling.

B. Paper courtesy copies required for certain electronic filings

Unless a presiding judicial officer otherwise orders, the following electronic filings must be sent in paper hard copy (courtesy copy) to the court simultaneously with the filer's electronic submission on eFileMA.com:

- Complaints/Petitions (and Amended Complaints/Petitions)
- Plans
- Electronic filings over 20 pages in length

Unless requested, no other duplicate paper copies or originals shall be sent to the court.

C. Ex parte or emergency motions and requests; Electronic filing optional

Ex parte or emergency motions or requests may be either (1) electronically filed in a Land Court case or (2) conventionally filed in paper hard copy with the Recorder's Office, regardless of whether the case type is one for which electronic filing is mandatory for attorneys.

When electronically filing an ex parte or emergency motion with the court, the filer shall clearly identify the motion at the time of filing as "ex parte" or "emergency" by marking the cover or first page of the document, and by using the appropriate ex parte filing codes and/or typing "ex parte" or "emergency" in the filing description field on eFileMA.com. **The filer must also call the Land Court Recorder's Office (617-788-7470) during regular court business hours to notify staff of the emergency filing.** Filers of emergency or ex parte motions must be available and prepared to attend a court hearing or conference, either in-person or remotely by telephone or videoconference, if the judge or other judicial officer reviewing the motion so orders. The filer must

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also arrange for the prompt retrieval of any court Order, Summons, or other documentation issued by the court, as well as pay any court fees due in connection with the ex parte or emergency request.

D. Limitations on electronic filing of impounded documents; Impoundment of indigency-related filings; Motions to impound

Motions to impound may be electronically filed in any Land Court case type eligible for electronic filing. For case types where electronic filing is mandatory for attorneys, motions to impound **must be** electronically filed by attorneys, unless an exemption has been obtained from the court. When filing a motion to impound, **filers must not submit the actual material for which they are seeking impoundment** until the court rules upon the motion. (See Trial Court Rule VIII, Uniform Rules on Impoundment Procedure, Rule 2(b)(1).) If potentially impounded material must be reviewed by the court prior to issuance of a court order, the court will direct the moving party on how to submit such material for review.

With the exception of indigency-related filings, **any documents impounded by law or pursuant to a court order of impoundment issued under Trial Court Rule VIII shall not be electronically filed** and must be conventionally filed in paper hard copy with the Recorder's Office, or as directed by the judge or other judicial officer presiding over the matter.

Indigency-related requests and filings, including the "Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs" and the "Supplement to Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs," may be either (1) electronically filed in a Land Court case or (2) conventionally filed in paper hard copy with the Recorder's Office, regardless of whether the case type is one for which electronic filing is mandatory for attorneys. Instructions on how to electronically file indigency-related forms are set forth in Section III(E) below.

E. Requests to waive filing fees and provider fees; Indigency

Pursuant to Rule 8(f) of the E-Filing Rules, upon request, the Land Court shall order the waiver of eFiling Provider fees for indigent parties as set forth in G. L. c. 261, §§ 27A-27G. In requesting such waiver, the filer shall file an "Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs," and (if required) a "Supplement to Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs," on behalf of the indigent party and select the "waiver" Payment Account in the fees and payment section on eFileMA.com. If a waiver request

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is denied by the court, absent an appeal, the filer must promptly pay any outstanding court fees and costs. Failure to do so may result in dismissal of the case.

F. Protection of personal identifying information, S.J.C. Rule 1:24

Publicly accessible documents filed with the court shall conform to S.J.C. Rule 1:24, Protection of Personal Identifying Information in Publicly Accessible Court Documents. The filer is responsible for redacting all protected personal identifying information from documents before electronically filing them on eFileMA.com. The court will not review filed documents for compliance but may contact the filer for corrective action if non-compliance with S.J.C. Rule 1:24 is discovered. (See S.J.C. Rule 1:24, § 7.)

G. Limited Assistance Representation

For purposes of this Standing Order, Trial Court Rule XVI: Uniform Rule on Limited Assistance Representation (LAR) is incorporated by reference where applicable. When filing an LAR Notice of Appearance or LAR Notice of Withdrawal of Appearance in the electronic filing system, the filer must use the docket codes and filing descriptions denominated as “LAR.” If LAR docket codes and descriptions are not available in the list for the specific filing being submitted, the LAR attorney must type “LAR” into either the Filing Description field or the Filing Comment field.

H. Electronic signatures

In accordance with Rules 13 and 14 of the E-Filing Rules, electronically filed documents, as well as court notice, orders, and judgments in cases within the scope of this Standing Order may be signed electronically. Electronic signatures have the force of conventional signatures. In addition, a digital stamp of the Land Court Recorder shall be accepted for the issuance of all court documents and notices, and to certify an electronic copy of any document filed or issued in accordance with this Standing Order.

I. Service of process for case initiating documents; Summons; Mass. R. Civ. P. 4

All electronically filed case initiating documents shall be served by conventional methods together with a notice to the responding party stating that the case has been electronically commenced, in accordance with E-Filing Rules, Rule 6(c). Service of process or summons to gain jurisdiction over persons or property may not be made by E-Service. Filers may purchase summonses from the Land Court Recorder’s Office.

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J. Service of electronic filings; E-Service; Mass. R. Civ. P. 5

All documents electronically filed subsequent to the Complaint shall be served on all other parties and must include a certificate of service pursuant to E-Filing Rules, Rule 7(a). Documents filed electronically after the original complaint may be served on other parties to the case either (1) by electronic service (“E-Service”) through eFileMA.com, as defined in the E-Filing Rules, for any parties or their counsel who have registered with the Provider to accept electronic service, or (2) in accordance with Mass. R. Civ. P., Rule 5. Self-represented parties who have not registered for electronic filing in a case must be served conventionally in accordance with Mass. R. Civ. P., Rule 5.

K. Cases transferred or judicially assigned from other trial court departments

When a case for which electronic filing is available in the Land Court is transferred to the Land Court Department, or a Land Court judge is assigned to preside over a case pending in another Trial Court department, all filings made in such case may be electronically filed in accordance with this Standing Order and the E-Filing Rules. If mandatory electronic filing applies for that case type, attorneys must electronically file their documents in such transferred cases. (*See* Land Court Standing Order 2-23.)

L. Effective date

This Standing Order shall become effective on June 1, 2023. This Standing Order may be rescinded, superseded, or amended, in writing, at any time.

Adopted April 20, 2023, effective June 1, 2023.

/s/ Gordon H. Piper
Gordon H. Piper
Chief Justice of the Land Court