

## **Land Court Standing Order 4-20: Emergency Measures in Response to Coronavirus Outbreak (Restated)**

### **I. Introduction**

To address the effects of the emergency outbreak of the novel Coronavirus (COVID-19) on the Land Court Department's operations, the court's ability to deliver justice, and on the litigation of cases pending in the court, and to minimize health risks to members of the public and the bar, as well as on the justices, officials, and all other employees of the court, the Land Court Department issues the following restated Standing Order, to continue in effect until further order of the court. This Standing Order is issued in compliance with the Order, issued by the Supreme Judicial Court, "In re: COVID-19 (Coronavirus) Pandemic Regarding Court Operations under the Exigent Circumstances Created by the COVID-19 (Coronavirus) Pandemic," as revised effective April 6, 2020 (April 6 SJC Order).

### **II. Prior Orders**

Effective April 6, 2020, this Order shall repeal and replace Land Court Standing Order 2-20 "Emergency Measures in Response to Coronavirus Outbreak," issued by the court on March 13, 2020 (March 13 Order), and Land Court Standing Order 3-20 "Supplement to Emergency Measures in Response to Coronavirus Outbreak," issued by the court on March 17, 2020 (March 17 Order).

### **III. Recorder's Office at the Suffolk County Courthouse Closed to In-Person Access by the Public**

Consistent with the April 6 SJC Order, and other orders issued by the Executive Office of the Trial Court, the Land Court's Recorder's Office at the Suffolk County Courthouse is closed to in-person access by the general public, except when expressly ordered by the court where entry is required to address emergency matters that cannot be resolved virtually (i.e. by telephone, email, or comparable means) because it is not practicable or would be inconsistent with the protection of constitutional rights.

### **IV. Suspension of Non-Emergency Business**

Effective March 18, 2020, and continuing until at least May 4, 2020, all non-emergency business that cannot be conducted virtually without the presence of Land Court staff onsite at the Suffolk County Courthouse is hereby suspended. Only matters which are emergency in nature, and that may be conducted virtually by judicial and non-judicial personnel working remotely, will be processed and acted on by the court.

The Recorder's Office shall continue to conduct court business, i.e. to accept the filing of pleadings and other documents in emergency matters, to schedule and facilitate telephone conferences and hearings in emergency matters, to issue orders in emergency matters, to answer questions from attorneys, litigants, and the general public, and to

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conduct other necessary business of the Land Court. All such business will be conducted virtually, except when expressly ordered by the court where such business in emergency matters cannot be accomplished virtually.

### **V. What Constitutes an Emergency Matter**

Emergency matters in the Land Court are those in which a significant risk of irreparable and serious harm to a party is imminent, should the court not act, and encompasses temporary restraining orders, preliminary injunctions, and urgent requests for judicial endorsement of memoranda of lis pendens.

Applications concerning deadlines in matters in which such deadlines have been expressly tolled or extended by the provisions of the April 6 SJC Order (or any other applicable order) tolling applicable statutes of limitations and extending deadlines set forth in statutes or court rules, standing orders, or guidelines; court-ordered deadlines in particular cases; and expiring injunctions and similar orders, do not constitute emergency matters.

### **VI. Trials Postponed**

All Land Court trials (and other evidentiary hearings) scheduled to take place between March 13, 2020 and May 1, 2020 are hereby continued generally to a date no earlier than May 4, 2020; the continuance of the trial will run to a specific later date to be determined by the court in each individual case. The May 4, 2020 date may be extended from time to time for good cause by order issued by the Chief Justice of the Land Court with the approval of the Chief Justice of the Trial Court.

Upon a showing of exceptional circumstances, a party who had a trial or evidentiary hearing postponed as a result of this Order, the March 13 Order, and/or the March 17 Order, may apply for an exception from said order(s) by motion directed to the justice to whom the case is assigned, with an opportunity afforded all parties to present their views. No exception shall be granted except with the approval of the presiding justice and the Chief Justice of the Land Court, and only in extraordinary circumstances and provided that it appears that the conduct of the trial will take place in a manner that will sufficiently reduce the health risks to all concerned.

### **VII. Non-Emergency Court Events Postponed**

All previously-scheduled non-emergency court events (including those scheduled to be conducted by telephone) are hereby postponed and shall be rescheduled to a date no earlier than May 4, 2020. Once such events have been rescheduled to a future date, notice will be provided by the court to all parties and counsel who have a current notice of appearance on file.

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### **VIII. Emergency Court Events Conducted by Telephone**

If a court event needs to be held in connection with an emergency matter, such event shall, absent order of the court, be conducted by telephone conference call. The Recorder's Office will provide all persons participating in the event with appropriate notice of the telephonic event, and instructions on how to take part telephonically in the court event. The court may direct that filings in connection with an emergency court event being held telephonically be made and served in a particular manner (including by electronic means), by a particular time or times, or in a particular sequence, and consistent with the SJC's Order, "In re: COVID-19 (Coronavirus) Pandemic Regarding Email Service in Cases Under Rule 5(b) of Mass. Rules of Civil Procedure," entered March 30, 2020.

Exceptions, in whole or in part, to the requirement that a court event held in connection with an emergency matter be conducted telephonically, may be ordered only with the approval of the justice to whom the case is assigned and the Chief Justice of the Land Court, and only in extraordinary circumstances and provided that it appears that the conduct of the trial will take place in a manner that will sufficiently reduce the health risks to all concerned.

### **IX. Contingency Plan If Courthouse Not Accessible to Court Personnel**

Should the Land Court offices not be accessible to any court staff, the Trial Court will post a notice of closure and the Land Court will issue a notice that, pursuant to the provisions in the SJC Order, paragraph 2, the Land Court will conduct all business virtually until courthouse access for sufficient court staff is restored. The court will provide a telephone voicemail box and an emergency email address where those in need of immediate action by the court on an urgent emergency matter will be able leave for the court messages to that effect. During court business hours (8:30 a.m. to 4:30 p.m.) the Recorder's Office will monitor as closely as feasible the messages left, and endeavor to provide a response as timely as practical. If indicated, the court will direct filings in connection with the urgent emergency matter be made by email or other means, will in most circumstances act without further hearing on those submissions and, in exceptional cases, will if possible conduct a telephonic hearing in connection with that urgent emergency matter.

### **X. Additional Directives and Procedures of the Land Court for the Conduct of Emergency and Virtual Court Business**

All counsel and parties shall adhere to the Additional Directives and Procedures of the Land Court for the Conduct of Emergency and Virtual Court Business attached to this Order.

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XI. Further Orders; Effective Date

The Court may issue further Orders regarding this matter as necessary to address the circumstances arising from this pandemic.

This Order is effective April 6, 2020, and shall remain in effect until further order of the court.

*Adopted April 1, 2020; effective April 6, 2020.*

/s/ Gordon H. Piper

Gordon H. Piper  
Chief Justice of the Land Court

## **Additional Directives and Procedures of the Land Court for the Conduct of Emergency and Virtual Court Business**

Effective immediately, pursuant to **Standing Order 4-20**, the Land Court is implementing the following directives and instructions applicable to all proceedings and all cases pending or to be filed in the Land Court, until further notice.

### I. Procedures for Emergency Matters and Filings

#### A. Pending Cases

For emergency matters or filings that relate to a case that is already pending in the Land Court, the submitter must email the Sessions Clerk for the Judge to whom the case is assigned. Sessions Clerk contact information for each Judge is listed below.

The Sessions Clerk will instruct the submitter on next steps, which will include emailing copies of the request and all supporting documents (all filings) to the Sessions Clerk for the Judge's review. The Sessions Clerk may advise the submitter that the Judge has ordered that the filings or any responses must be served by email to other parties involved in the case.

Only in exceptional cases, the Sessions Clerk may schedule an emergency telephone conference call with the Judge. If so, the submitter and any other relevant parties will be instructed on how to participate. If the Judge takes action on the emergency request, the submitter and any other relevant parties will receive the Judge's order and notice electronically by email from the Sessions Clerk.

If the submitter does not receive a response to the initial message to the Sessions Clerk after having waited for at least a two-hour period during court business hours (8:30 a.m. and 4:30 p.m.), the submitter should, during those hours, call the Land Court's main telephone number (617-788-7470) and speak with a staff member or access the Land Court's emergency voicemail box, or send an email message to the Land Court's emergency email address (if activated). The submitter should state that they have an emergency matter in a pending case, that they have already notified the Sessions Clerk for the Judge to whom the case is assigned of the emergency matter by email, but have not yet received a response, and the time that the message was sent. The responding staff member will take the submitter's contact information and attempt to contact the Sessions Clerk and Judge to whom the case is assigned. If that Judge and his or her Sessions Clerk cannot be reached, the Sessions Clerk for the Judge assigned to hear emergency matters for the day will be contacted to handle the emergency request. The Sessions Clerk for the Judge assigned to hear emergency matters for the day will then contact the submitter with further instructions.

#### B. New Case Initiations; Unassigned Cases

For an emergency matter or request that does not involve a pending case, the submitter should call the Land Court's main phone number (617-788-7470) during court business hours (8:30 a.m. and 4:30 p.m.), and speak with a staff member or access the Land

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Court's emergency voicemail box, or send an email message to the Land Court's emergency email address (if activated). The submitter should state that they have an emergency matter or request in connection with either a new Land Court case that has not yet been filed or a case which has not already been assigned to a particular judge. The responding staff member will take the submitter's contact information and contact the Sessions Clerk for the Judge assigned to hear emergency matters in unassigned cases for the day who will review the emergency request. The Sessions Clerk will instruct the submitter on next steps, which will include emailing to the Sessions Clerk copies of the request and all supporting documents (all filings) to the Sessions Clerk for the Judge's review.

Only in exceptional cases, the Sessions Clerk may schedule an emergency telephone conference call with the Judge. If so, the submitter and any other relevant parties will be instructed on how to participate. If the Judge takes action on the emergency request, the submitter and any other relevant parties will receive the Judge's order and notice electronically by email from the Sessions Clerk.

A new case will also have to be opened on the Land Court's docketing system, which requires the submitter to send all of the filings required for opening a new case (for example, the signed Complaint and a Civil Action Cover Sheet). The submitter will be instructed to send these documents by email to the Land Court's onsite Sessions Clerk for immediate processing.

For all court filings submitted by email, the signed originals of the filings must thereafter be sent to the Land Court by mail, along with applicable filing fees, with a notation that the filings were previously submitted by email. However, **in no event shall counsel or a party send any original executed documents or irreplaceable documents to the court by mail or delivery** until emergency procedures are no longer in place. Counsel and parties must keep copies of all filings and documents submitted to the court for future reference.

### **II. Procedures for Non-Emergency Matters and Filings**

**Counsel and parties are discouraged from submitting any non-emergency filings or new case initiations to the Land Court at this time** as the court will be unable to act on them until the emergency measures are lifted and court staffing returns to appropriate levels. Unless otherwise ordered by a Judge, no action will be taken on routine filings until further notice. Counsel and parties should be mindful of the provisions in the April 6 SJC Order tolling and extending statutory limitations periods and statutory, court rule, and case deadlines when determining whether and when to submit a filing in any pending Land Court case or to file a new Land Court case.

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### **A. MISC Cases**

Until further notice, and unless expressly ordered otherwise, the submission of all filings in pending MISC cases shall be made by emailing a scanned copy thereof to the Sessions Clerk for the Judge to whom the case is assigned. Sessions Clerk contact information for each justice is listed below. For all filings submitted by email, the date of email receipt will be used as the filing date, provided the email is received during regular court business hours (8:30 a.m. to 4:30 p.m.), otherwise the filing date will be the next date the court is open (virtually or otherwise) for regular business hours.

For all court filings submitted by email, the signed original of the filing must thereafter be sent to the Land Court by mail with a notation that the filing was previously submitted by email. However, **in no event shall counsel or a party send any original executed documents or irreplaceable documents to the court by mail or delivery** until emergency procedures are no longer in place. Counsel and parties must keep copies of all filings and documents submitted to the court for future reference.

### **B. Tax Lien Cases**

Until further notice, the court will no longer be able to process routine Tax Lien case filings submitted. This measure applies to future tax lien complaints for the foreclosure of tax titles pursuant to G.L. c. 60, as well as any filings in open cases whether or not they have already been submitted to the court, and is due to the limited Land Court personnel present at the courthouse available for processing emergency Land Court business only.

Filers are discouraged from submitting any Real Estate Tax Lien Foreclosure filings at this time as the court will be unable to act on them until the emergency measures are lifted and court staffing returns to appropriate levels.

### **C. Servicemembers Cases and eFiling Pilot**

Until further notice, the court will no longer be able to process routine Servicemembers case filings, whether submitted on paper or by eFiling through the eFilema.com website. This measure applies to future Servicemembers case filings as well as any filings in open cases whether or not they have already been submitted to the court, and is due to the limited Land Court personnel present at the courthouse available for processing emergency Land Court business only.

Until further notice, eFiling through the eFilema.com website is no longer available to the public or attorneys for Land Court Servicemembers cases. (This does not affect eFiling in any other Trial Court Department or in the Appellate Courts.)

Filers are discouraged from submitting any Servicemembers filings at this time (including on paper) as the court will be unable to act on them until the emergency measures are lifted and court staffing returns to appropriate levels.

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### **D. SBQ and Condo Cases and Registered Land Document Approvals**

Until further notice, no action will be taken on routine and non-emergency filings in land registration, subsequent to registration (SBQ), and condominium (Condo) cases, or as to non-emergency approvals of registered land documents.

For any registered land document approvals that constitute an **emergency** or any new SBQ or Condo cases, or filings in pending SBQ or Condo cases of an **emergency** nature, filers should follow the procedures outlined in the [Chief Title Examiner's Memorandum regarding Interim Procedures for Remote Approvals](#), dated March 25, 2020.

**In no event shall counsel or a party send any original executed documents or irreplaceable documents to the court by mail or delivery** until emergency procedures are no longer in place. Counsel and parties must keep copies of all filings and documents submitted to the court for future reference.

### **E. Survey Filings**

Until further notice, no action will be taken on routine and non-emergency submissions or requests to the Land Court Survey Department. For urgent, emergency requests for approval of deed description language by the Survey Department, submit an email to the Survey Department staff member assigned to the matter or, if no staff member has been assigned, to Chief Surveyor Stephen LaMonica ([Stephen.Lamonica@jud.state.ma.us](mailto:Stephen.Lamonica@jud.state.ma.us)).

**In no event shall counsel or a party send any original or irreplaceable survey plan or mylar to the court by mail or delivery** until emergency procedures are no longer in place. Counsel and parties must keep copies of all filings and documents submitted to the court for future reference.

### **F. New Case Initiations**

**Counsel and parties are discouraged from filing new cases in the Land Court that do not constitute an emergency at this time** as the court will be unable to act on or process them until the emergency measures are lifted and court staffing returns to appropriate levels. Counsel and parties should be mindful of the provisions in the April 6 SJC Order tolling and extending statutory limitations periods and statutory, court rule, and case deadlines when determining whether and when to file a new Land Court case.

No new non-emergency case initiation filings can be made by email (see above for procedures for emergency case initiations). New case initiation filings may only be submitted by mail, along with appropriate filing fees, and in accordance with applicable court rules and procedures. However, **in no event shall counsel or a party send any original executed documents or irreplaceable documents to the court by mail or delivery** until emergency procedures are no longer in place. Counsel and parties must keep copies of all filings and documents submitted to the court for future reference.



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The eFiling Pilot program for filing new Servicemembers cases through efilema.com has been suspended until further notice.

### III. Land Court Contact Information

Recorder's Office Contact Information		
Address	Phone	Online Information
Land Court Recorder's Office 3 Pemberton Square Boston, MA 02108	Main: (617) 788-7470	<a href="https://www.mass.gov/orgs/land-court">https://www.mass.gov/orgs/land-court</a>  Land Court docket information: <a href="https://www.masscourts.org/eservices/">https://www.masscourts.org/eservices/</a>

Judge/Session/Department	Contact information
Chief Justice Piper	Mary Armstrong, Sessions Clerk <a href="mailto:Mary.Armstrong@jud.state.ma.us">Mary.Armstrong@jud.state.ma.us</a>
Justice Long	Corey Pontes, Sessions Clerk <a href="mailto:Corey.Pontes@jud.state.ma.us">Corey.Pontes@jud.state.ma.us</a>
Justice Foster	Corey Pontes, Sessions Clerk (temporary coverage) <a href="mailto:Corey.Pontes@jud.state.ma.us">Corey.Pontes@jud.state.ma.us</a>
Justice Speicher	Emily Rosa, Sessions Clerk <a href="mailto:Emily.Rosa@jud.state.ma.us">Emily.Rosa@jud.state.ma.us</a>
Justice Vhay	Jennifer Masello, Sessions Clerk <a href="mailto:Jennifer.Masello@jud.state.ma.us">Jennifer.Masello@jud.state.ma.us</a>
Justice Rubin	Jennifer Noonan, Sessions Clerk <a href="mailto:Jennifer.Noonan@jud.state.ma.us">Jennifer.Noonan@jud.state.ma.us</a>
Justice Roberts	Kathleen Hayes, Sessions Clerk <a href="mailto:Kathleen.Hayes@jud.state.ma.us">Kathleen.Hayes@jud.state.ma.us</a>

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<b>Judge/Session/Department</b>	<b>Contact information</b>
Tax Session	Panoraia Naseli, Case Coordinator <a href="mailto:Panoraia.Naseli@jud.state.ma.us">Panoraia.Naseli@jud.state.ma.us</a>
Survey Department	Stephen LaMonica, Chief Surveyor <a href="mailto:Stephen.Lamonica@jud.state.ma.us">Stephen.Lamonica@jud.state.ma.us</a>
Title Examination Department	Christina Geaney, Chief Title Examiner <a href="mailto:Christina.Geaney@jud.state.ma.us">Christina.Geaney@jud.state.ma.us</a>