

**TRIAL COURT OF THE COMMONWEALTH  
DISTRICT COURT DEPARTMENT**

**Standing Order No. \_\_\_\_**

**Videoconferencing in the District Court**

This Standing Order is promulgated by the Chief Justice of the District Court Department pursuant to the provisions of G.L. c. 211B, § 10. This Standing Order further implements the Massachusetts Trial Court Revised Policy for Videoconferencing issued in November, 2019, see <https://www.mass.gov/policy-statement/trial-court-policy-for-videoconferencing> and provides the guidelines for videoconferencing of court events in the District Court in order to maximize the use of court and judicial resources, reduce costs, address safety concerns, reduce overcrowding in courthouse lock up facilities, address delays associated with the transportation of prisoners and detainees and provide access to justice.

This Standing Order requires the use of videoconferencing in certain criminal proceedings, consistent with Mass. R. Crim. P. 11(a) and 18(a) (3) and in certain civil proceedings as set forth herein.

Section A of the Standing Order identifies those court proceedings where defendants are in custody and videoconferencing should be used.

Section B of the Standing Order addresses the use of videoconferencing where defendants are hospitalized and in custody.

Section C of the Standing Order addresses court proceedings and the use of videoconferencing where a judge is physically unavailable in the court where parties are located.

**A. VIDEOCONFERENCING FOR COURT EVENTS WHERE A PARTY IS IN CUSTODY**

In each of the court events delineated below, a court should conduct a hearing by videoconference where the party is in custody, with or without that person's consent, subject to an individual judge's discretion:

1. Speedy Trial Requests;
2. Pretrial Conference and no disposition is likely;
3. Discovery compliance and trial election and no disposition is likely;
4. Status conference and no disposition is likely;
5. Arraignment with default removal and defendant is in held on another matter;
6. Default removal and the defendant is held on another matter;

7. Any criminal court proceeding which is non-evidentiary in nature and no disposition is likely;
8. Any Civil Proceeding;
9. All hearings pursuant to G.L. c. 209A and c. 258E; and
10. Any proceeding in which the parties and the Judge agree can be conducted by videoconferencing.

Whenever the defendant intends to present a tender of plea or admission to the court during one of the court events referenced above, the defendant must be transported to the court for the court event. Notice should be provided by either party to the clerk's office at least 24 hours prior to the court event. The video conferencing event shall be canceled by the court, upon timely notice from either party, the defendant transported to the court on the scheduled date or, where notice is received within 24 hours, as soon as is practicable.

## **B. DEFENDANTS WHO ARE HOSPITALIZED**

If circumstances permit, any defendant who is hospitalized and in custody shall be arraigned by video conference. In these circumstances, defendant's counsel shall travel to the hospital and also appear in the courtroom by video.

Public access to this court event, including access by the media, shall be provided by allowing access to the courtroom and to the video monitor evidencing defendant's appearance in the courtroom, unless good cause is shown.

## **C. WHERE JUDGE IS NOT PHYSICALLY AVAILABLE IN COURT**

1. **Where no judge is available at the court during normal court hours.** Rather than requiring that parties travel to another court location, or asking a clerk-magistrate to act on an interim basis, where no judge is available at the court during the business hours of the court, the following events will be conducted by videoconference. The parties shall be present in the courtroom and an audio recording of the proceedings shall be made. A judge will appear by videoconference from another court location.

1. Any civil proceeding which requires some type of judicial action, including, but not limited to:
  - a. Ex Parte or two party hearings pursuant to G.L. c. 209A and c. 258E;
  - b. G.L. c. 123, § 35 hearings; and
2. Any criminal proceeding in which the defendant is present, including but not limited to when the defendant is in custody or the Commonwealth or Probation Department are seeking custody.

2. **Specially Assigned Judge.** Where a judge has been specially assigned to a case and the event before the court is one of those set forth in Part C of this Standing Order above, the court event may be conducted by videoconference.