

Joint Standing Order of the Boston Municipal Court Department and District Court Department: Electronic Filing of Summary Process Cases

As Chief Justices of the Boston Municipal Court and District Court Departments, we issue the following Joint Standing Order pursuant to our authority under G.L. c. 211B, § 10, G.L. c. 218, § 38, and G.L. c. 220, § 5, and consistent with Supreme Judicial Court Rule 1:25: Massachusetts Rules of Electronic Filing (SJC E-Filing Rules), to permit the electronic filing of summary process cases in our respective departments through the Massachusetts Trial Court’s eFile Provider.¹

- I. Applicability of Standing Order: This Order applies to all summary process cases in any division of the BMC and District Court on and after the effective date of this Order as stated below.

- II. Compliance with Statutes, Rules and Orders: All parties filing documents through the Massachusetts Trial Court E-File system shall comply with the SJC E-Filing Rules, the Massachusetts Rules of Civil Procedure, the Uniform Summary Process Rules and all other applicable statutes, Trial Court and Department rules and standing orders. If any Trial Court rules or Standing Orders are determined to be inconsistent with this Standing Order, the SJC E-Filing Rules and this Standing Order shall control.

- III. Non-mandatory E-Filing: The electronic filing of documents or filing of documents by the conventional method² in summary process cases is left to the discretion of the parties. Any party in a summary process case who is not represented by an attorney may register for electronic filing at eFileMA.com and may electronically file a new Summary Process Summons and Complaint, or subsequent documents in an existing summary process case, pursuant to the SJC E-Filing Rules and this Standing Order.

- IV. Other Methods of Electronic Filing Not Permitted: On and after the effective date of this Order, the only permissible method for electronic filing of documents in summary process cases shall be through the eFileMA.com

¹ At the time of this Order, the Trial Court’s E-Filing provider is Tyler Odyssey File and Serve website at efileMA.com. (<https://massachusetts.tylerhost.net/>)

² Consistent with SJC E-Filing Rule 2, “conventional method” shall “refer to court rules and procedures that would apply in the absence of electronic filing.”

website. Summary process filings shall not be emailed to their respective court divisions unless so directed by the court.

- V. Minimize Paper Duplicates: Consistent with Uniform Summary Process Rule 2(d), the original paper copy of the Summary Process Summons and Complaint shall be served on the defendant by the plaintiff. If the summary process case is being initiated by electronic filing, an electronic copy of the served Summary Process Summons and Complaint shall be filed with the court through the Trial Court's E-Filing provider, which shall be sufficient for commencing a summary process action with the court. All other documents that are E-Filed shall be submitted electronically only. Neither a paper original nor a duplicate of a filing shall be filed with the court unless specifically ordered by the court. Documents that are filed by conventional methods do not also have to be electronically filed unless specifically ordered by the court. Clerk-Magistrates, or their designee, shall electronically scan all such in-person paper filings into the record of the case.
- VI. Rejection of E-Filed Documents: Consistent with Rule 5 of the SJC E-File Rules, a clerk may reject any document filed electronically for any technical nonconformance with any statute or court rule. For electronic filed documents that are not formatted or coded correctly, clerk's staff may identify the error to be corrected and notify the filing party to resubmit the document in a conforming format or code. Consistent with Rule 5 of the SJC E-File Rules, this provision shall not extend the mandatory or statutory time, including any statute of limitations, for the filing of such document.
- VII. Service of E-Filed Documents: All electronically filed documents shall be served on all other parties by conventional methods as defined in SJC E-Filing Rule 2.
- VIII. Pending Cases: As of the effective date of this Standing Order, all parties in summary process cases may submit documents on pending cases through the Trial Court E-File provider.
- IX. Requests to Waive Filing Fees and Provider Fees: Court filing fees, along with E-File provider fees,³ shall be waived by the court if a party demonstrates to the court that they meet the requirements of G.L. c. 261, §§

³ "Provider fees" are those charged by the E-Filing provider pursuant to SJC E-Filing Rule 8.

27A-27G. To request waiver of filing fees pursuant to G.L. c. 261, §§ 27A-27G, and SJC E-Filing Rule 8, the filing party shall electronically submit the initial Summary Process Summons and Complaint, or subsequent documents in a pending case, accompanied by a completed “Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs” and, if required, a completed “Supplement to Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees and Costs,” through eFileMA.com, with the filing party selecting the “waiver” option in the Payment Account dropdown menu in the Fees section of eFileMA.com.

- X. Court Action on E-Filed Fee Waiver Requests: The Clerk’s Office will accept the E-Filed documents submitted through the “waiver” option that are accompanied by the required indigency affidavits pursuant to G.L. c. 261, §§ 27A-27G. The electronic documents will be assigned a case docket number in the Trial Court case management system and provisionally entered on the court docket, pending approval of the fee waiver request by the required judicial officer. The E-Filing party will be notified if the court does not approve the fee waiver. Failure to timely submit the required fees, or file a notice of appeal, will result in dismissal of the case.⁴
- XII. Transfers Pursuant to G.L. c. 185C, § 20: If a party seeks to transfer a summary process case from a division of the BMC/District Court to the Housing Court pursuant to G.L. c. 185C, § 20, the party must file a Notice of Transfer in the Clerk’s Office of the appropriate divisions of the BMC/District Court and Housing Court pursuant to Uniform Summary Process Rule 4 by conventional or electronic methods.

Any deviation from this Order must be sought from each Department’s respective Chief Justice.

This Standing Order may be rescinded, superseded, or amended, in writing at any time.

Hon. Roberto Ronquillo, Jr.
Chief Justice
Boston Municipal Court Department

Hon. Paul C. Dawley
Chief Justice
District Court Department

⁴ See G.L. c. 267, § 27C