

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SUFFOLK, ss.

OE-144

In Re: COVID-19 (Coronavirus) Pandemic

ORDER AUTHORIZING USE OF ELECTRONIC SIGNATURES
BY ATTORNEYS AND SELF-REPRESENTED PARTIES

In light of the ongoing and urgent public health concerns regarding the COVID-19 (coronavirus) pandemic, the Supreme Judicial Court, pursuant to its superintendence and rulemaking authority, issues the following ORDER:

To the extent not already authorized, including by the Rules of Electronic Filing, Supreme Judicial Court Rule 1:25, the Order Concerning Electronic Signatures of Judges and Clerks, issued March 25, 2020, and the Order Concerning E-Mail Service in Cases Under Rule 5(b) of the Mass. R. Civ. P., issued March 30, 2020, the Supreme Judicial Court hereby ORDERS that, effective April 7, 2020, and until further order of the court:

1. In all courts and case types, whenever an attorney or self-represented party is required to sign a document to be served on another party or filed with the court, the attorney or self-represented party may electronically sign, unless the court specifically orders otherwise.
2. The electronic signature can take the form of either a scan of the attorney's or self-represented party's handwritten signature, an electronically inserted image intended to substitute for a signature, or a "/s/ name of signatory" block.
3. Such electronic signature shall have the same force and effect as if the attorney or self-represented party had affixed her or his original signature to a paper copy of the document so signed.
4. If the documents to be served or filed by an attorney or self-represented party include an affidavit signed under the pains of perjury, but the party making service has been unable to secure the affiant's original handwritten signature, or a scanned or photographed copy thereof, due to constraints arising from the coronavirus pandemic, the affidavit may still be served and subsequently filed with the court if the affiant has signed the affidavit electronically. The attorney or self-represented party shall thereafter take steps to secure the affidavit bearing the affiant's original handwritten signature as soon as practicable.

5. If a party has a good faith basis to believe that an electronic signature was not authorized by the attorney, self-represented party, or other person whose signature it purports to be, a challenge may be raised promptly by way of motion. If the motion has merit, the court may, among other things, strike the challenged document and/or direct that it be served or filed again with an original handwritten signature.

This Order is effective April 7, 2020, and shall remain in effect until further order of the court.

RALPH D. GANTS)
) Chief Justice
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BARBARA A. LENK)
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FRANK M. GAZIANO) Justices
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DAVID A. LOWY)
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KIMBERLY S. BUDD)
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ELSPETH B. CYPHER)
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SCOTT L. KAFKER)

Entered: April 6, 2020