

MASSACHUSETTS APPEALS COURT

Administrative Order 20-1

Operating Procedures during the COVID-19 Pandemic

I. Introduction. This administrative order is entered in response to the evolving COVID-19 pandemic and provides an update on the Appeals Court operating procedures. Administrative Order 20-1 (concerning operations) and Administrative Order 20-2 (concerning filing deadlines) supersede earlier [Guidelines Regarding Extension of Due Dates and Other COVID-19 Internal Operating Procedures](#) (revised April 28, 2020).

II. Deadlines. Deadlines for all filings in the Appeals Court are addressed in Appeals Court [Administrative Order 20-2](#).

III. Clerk's Office. The Appeals Court Clerk's Office remains open to conduct court business virtually in all emergency and non-emergency matters. The Clerk's Office is performing all regular case management functions with its personnel working remotely while experiencing minimal delays in the processing of paper filings or issuance of paper notices. Currently, only limited Clerk's Office personnel are periodically present at the John Adams Courthouse to process paper mailings.

IV. Physical Access to John Adams Courthouse. The John Adams Courthouse is physically closed to the public until at least Monday, June 1, 2020. It is anticipated that the John Adams Courthouse will remain physically closed to the public in June. See [Letter from Judiciary Leaders on Path Forward During the Pandemic](#) (dated May 14, 2020). When it is determined the John Adams Courthouse will physically reopen to the public, the Appeals Court anticipates such access will be limited and further guidelines will be issued. Any further updates about public access to John Adams Courthouse will be posted at <https://www.mass.gov/orgs/appeals-court>.

V. Electronic Filing and Electronic Notice. The Appeals Court's Standing Order Concerning Electronic Filing remains in effect and requires that most documents be filed electronically and that all attorneys receive electronic notifications in lieu of paper notices from the Appeals Court. During the COVID-19 pandemic, the Court encourages that all documents be electronically filed and served. Self-represented parties are encouraged to participate in electronic filing and receipt of electronic service and notice by registering at eFileMA.com. Alternatively, self-represented parties may authorize the Appeals Court to send electronic notice by completing the "[Consent to Electronic Notification Form](#)" and emailing it to enoticesignup@appct.state.ma.us.

VI. Emergency Matters.

A. Definition. Emergency matters in the Appeals Court include, but are not limited to, (1) motions under Mass. R. A. P. 6 to stay execution of a judgment, sentence, or order issued by a Trial Court judge or agency pending appeal upon a showing that application to the lower court for the relief sought is not practicable, or that the lower court has previously denied an application for a stay, or has failed to afford the relief which the applicant requested and (2) petitions for review of an interlocutory order under G. L. c. 231, § 118 (first par.) in case types designated as an emergency matter by the Trial Court where the case is pending (see <https://www.mass.gov/guides/court-system-response-to-covid-19> for the Trial Court standing orders defining emergency matters in each department). The Clerk and Assistant Clerks have discretion to determine what qualifies as an emergency matter.

B. Contact. Persons with an emergency matter may contact the Clerk's Office by email at MACClerkEmergency@Jud.State.Ma.Us. The email should include your contact information, any relevant docket number(s), a description of the emergency, and the relief sought from the Appeals Court. This email inbox is monitored by the Clerk's Office and the sender will receive a response during business hours (Mon-Fri 8:00-4:30 excluding state holidays). Persons with an emergency matter may also call 617-723-1527 and leave a detailed message and contact information.

VII. Non-Emergency Matters.

A. Overview. The Appeals Court is processing non-emergency matters in all civil and criminal appeals and single justice cases following its usual practices. Although new deadlines are established in Administrative Order 20-2, the Clerk's Office is accepting and encouraging voluntary filings of motions, briefs, appendices, and other documents that are filed through eFileMA.com or mailed to the Clerk's Office. The Clerk's Office remains available remotely to answer procedural questions from attorneys, litigants, and the general public. For answers to general questions, please first consult the Appeals Court's website at <https://www.mass.gov/orgs/appeals-court>, in particular the education help pages at mass.gov/appeals-court-help-center, the information about electronic filing at mass.gov/guides/electronic-filing-at-the-appeals-court, the status of filings at the court's docket (updated hourly) at ma-appellatecourts.org, and the court's hearing calendar at ma-appellatecourts.org/calendar.

B. Contact. Questions regarding non-emergency matters may be emailed to the Clerk's Office at MACClerkNonEmergency@jud.state.ma.us. Persons with non-emergency questions may also call 617-723-1511 and leave a detailed message and contact information.

VIII. Payment and Waiver of Entry Fees. To avoid risk of transmission of COVID-19, where payment or request for waiver of an entry fee for a panel or single justice case cannot be accomplished through eFileMA.com or by mail, the Clerk may defer payment or request for

waiver until after June 1, 2020. The failure to comply with the Clerk's order to make payment or request for waiver at a later date shall be grounds for vacating entry of an appeal or single justice case.

IX. Oral Arguments and Single Justice Hearings. Until it is determined that the Appeals Court can return to traditional in-person arguments, the Court will continue to utilize Zoom for any oral arguments. This includes all panel cases scheduled to be argued in June and July 2020. The Zoom platform is also available to the single justice for any single justice hearings. Oral arguments are streamed live to the Appeals Court's [YouTube channel](#). The Clerk's Office has prepared a [Guide to Zoom Oral Arguments](#) for attorneys and self-represented litigants that may be read online or downloaded as a PDF. Links for the YouTube channel and Guide to Zoom Oral Arguments are available on <https://www.mass.gov/orgs/appeals-court>.

By the Court, Mark V. Green, Chief Justice

/s/ Joseph F. Stanton
Clerk

Entered: May 26, 2020