

HOUSING COURT DEPARTMENT STANDING ORDER NO. 1-15

Application of Rule 13 (b) of Trial Court Rule VIII, the Uniform Rules on Impoundment Procedure (“URIP”), in the Housing Court Department

I. APPLICABILITY

The Uniform Rules on Impoundment Procedure (URIP) govern impoundment of otherwise public case records that are filed in civil and criminal proceedings in each Department, including the Housing Court Department of the Trial Court. Case records are presumed to be open to the public, unless they are impounded or sealed as a matter of law, or impounded by a court order.

These rules are inapplicable to case records that are required to be impounded by statute, court rule, standing order, or case law, except as otherwise provided in URIP. *See* URIP Rule 1(a). These rules shall not be construed to deprive a person of any rights or remedies regarding impoundment that are otherwise available under law. *See* URIP Rule 1(a). It is for these reasons that the Housing Court incorporates by reference URIP and specifically promulgates the application of Rule 13 (b) of the URIP within the Housing Court.

II. AUTHORITY

This standing order is promulgated by the Chief Justice of the Housing Court Department pursuant to his statutory authority and responsibility of the administration of justice. *See* G.L. c. 211B, § 10 and G.L. c. 185C, § 8A.

III. IMPLEMENTATION OF STANDING ORDER

Consistent with the URIP, all documents filed in civil and criminal cases in the Housing Court on or after **October 1, 2015**, shall be subject to the provisions of **Standing Order No. 1-15**.

IV. APPLICATION OF STANDING ORDER

The Housing Court Department, with the approval of the Chief Justice for Trial Court, hereby adopts Housing Court Standing Order No. 1-15, to implement the application of Rule 13 (b) of the URIP within the Housing Court.

Notwithstanding any provisions to the contrary in any court rule or standing order, it is hereby **ORDERED** that the following procedures shall apply in the Housing Court Department with respect to the application of Rule 13 (b) of the URIP.

Rule 13 (b) of the URIP provides as follows:

Notice to the Clerk. The filer of a document containing impounded information shall simultaneously file a notice that shall:

- (i) notify the clerk that impounded information is included within the document being filed;
- (ii) identify the specific legal authority requiring impoundment of the identified information; and
- (iii) identify the precise location of the impounded information within the document being filed.

The clerk *shall* docket the notice and designate the referenced document as impounded. The cover page of the document containing the impounded information shall identify that it is impounded.

As required in Rule 13 (b) of the URIP, the filer of a document *shall* file the notice even if the information or document is impounded by statute, court rule, standing order, or case law.

However, by operation of this standing order, in the Housing Court, the filer of the documents listed below is exempt from filing the Rule 13 (b) notice:

- a) affidavit of indigency
- b) financial statement

The exemption applies only when the documents are filed in the Housing Court. If any of the documents listed above are filed in connection to a case in another court department, the Rule 13 (b) notice is required, unless that court department has a standing order exempting the filer.

Dated

Steven D. Pierce
Chief Justice
Housing Court Department

Effective Date: October 1, 2015