

STANDING ORDER 1-16
Initial Limited Electronic Filing Pilot Project in the
Essex Division of the Probate and Family Court Department for
Designated Estate Matters Only

I. Purpose

In order to advance efficiency in the Massachusetts courts and better serve the public and the bar, the Supreme Judicial Court has authorized electronic filing pilot projects for the trial and appellate courts and approved Interim Massachusetts Electronic Filing Rules effective February 25, 2015. By this Standing Order 1-16, the Probate and Family Court Department hereby designates the Essex Division as the department pilot project permitting electronic filing and electronic service of court documents (the "Essex Electronic Filing Pilot Project") for designated estate matters only, as set forth below in section II. A. As of the effective date of this Standing Order, the Essex Division will be authorized to receive and send documents, orders, and judgments through electronic filing under the *Interim Electronic Filing Rules for Pilot Courts (2015)*.

Standing Order 1-16 shall incorporate by reference the Interim Massachusetts Electronic Filing Rules (the "Interim Rules"), and, for the duration of the Essex Electronic Filing Pilot Project, shall establish additional procedures for the implementation and operation of electronic filing and electronic service of court documents in designated estate matters commenced after the effective date of this Standing Order, notwithstanding any provision to the contrary in any rule of court or other standing order. This is an initial Standing Order to establish the parameters of the implementation of the Essex Pilot Project; this Standing Order will be amended and revised by this Department as necessary during the course of the electronic filing pilot projects generally, and the Essex Electronic Filing Pilot Project specifically.

II. Designations

A. Participants and Case Types

Eligibility and conditions of registration to participate in electronic filing shall be in accordance with Rule 3 of the *Interim Electronic Filing Rules for Pilot Courts (2015)*. For the initial pilot, designated lawyers/law firms shall be given training and access to the electronic filing program known as Odyssey File & Serve, and shall participate in the Essex Electronic Filing Pilot Project as properly registered users in compliance with the Interim Rules. The Essex Electronic Filing Project will be available to add additional eligible participants after completing the registration process set forth in the *Interim Electronic Filing Rules for Pilot Courts (2015)*.

The following estate case types are specifically designated for electronic filing and electronic service of court documents in the Essex Electronic Filing Pilot Project:

- Informal Probate of Will
- Informal Probate of Will with appointment of Personal Representative
- Informal Appointment of Personal Representative
- Informal Appointment of Successor Personal Representative

- Formal Adjudication of Intestacy and Appointment of Personal Representative
- Formal Adjudication of Intestacy

- Formal Appointment of Personal Representative
- Formal Probate of Will
- Formal Probate of Will with appointment of Personal Representative
- Supervised Administration
- Public Administration
- Modify Bond
- Formal Removal of Personal Representative
- Formal Appointment of Successor Personal Representative
- Voluntary Administration Statement

III. Additional Procedures

A. No Fee Waiver Requests, Interpreter Requests

Because the Odyssey File & Serve program is not yet able to electronically process a request for a fee waiver/ indigency determination or a request for an interpreter, a party seeking these options must continue to submit these requests to the Essex Probate and Family Court Registry of Probate in the conventional manner, but may proceed to electronically file his/her estate case pursuant to the Interim Rules.

B. Filing of Original Will

The filing of an original will is required pursuant to G. L. c.190B in many of the case types included in the Essex Electronic Filing Pilot Project. In these instances the following requirement will apply:

The original will must be mailed or delivered to the Essex Probate and Family Court no later than 5 business days after the electronic filing of the related Petition.

This requirement applies to the following case types and any pilot electronically filed case which requires the filing of an original will:

- Informal Probate of Will
- Informal Probate of Will with appointment of Personal Representative
- Formal Probate of Will
- Formal Probate of Will with appointment of Personal Representative
- May be required for Voluntary Administration Statement if decedent had will

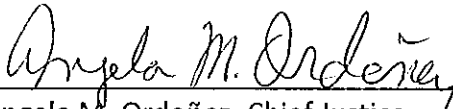
C. Electronic Signatures

Pursuant to Rules 13 and 14 of the *Interim Electronic Filing Rules for Pilot Courts (2015)* orders and judgments in cases filed under the Essex Electronic Filing Pilot may be electronically signed. Electronic signatures have the force of conventional signatures. In addition, a digital stamp of the Register of Probate, Essex Probate and Family Court, shall be accepted to certify an electronic copy of any document issued pursuant to the Essex Electronic Filing Pilot. A digital stamp of the Register's signature shall be accepted for the issuance of letters associated with the Essex Electronic Filing Pilot case types.

IV. Duration

The Essex Electronic Filing Pilot Project described herein shall expire one year from the effective date of this Standing Order, and Standing Order 1-16 may be superseded or amended, in writing, at any time during this period.

Dated: February 9, 2016



Angela M. Ordoñez, Chief Justice

Effective Date: March 8, 2016
(upon approval by EOTC)