 **The Commonwealth of Massachusetts**

 **Division of Administrative Law Appeals**

 **14 Summer Street, 4th Floor**

 **Malden, MA 02148**

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Standing Order 13-1

 This standing order governs practice before the Division of Administrative Law Appeals, General Jurisdiction Section.[[1]](#footnote-1)

 1. *Procedural Rules*: This matter will be governed by the Standard Adjudicatory Rules of Practice and Procedure which are found in Title 801 of the Code of Massachusetts Regulations, Sections 1.01 through 1.04. You will find a link to the rules on the Division’s website at [www.mass.gov/dala](http://www.mass.gov/dala) in the resource entitled “Practicing at DALA” in the “Key Resources” section. You may also find helpful two additional resources, “How Retirement Cases Are Scheduled,” and “If you are representing yourself . . . .”

 2. *How to File Papers:* Papers may be filed by U.S. mail or other similar service for in-hand delivery at the Division’s offices at 14 Summer Street, 4th Floor, Malden, MA 02148. Short documents (less than 5 pages) may be filed by fax/telecopier (781-397-4720). You may not use electronic mail unless you are requested to do so by the magistrate hearing your case. **All filings must contain your certification that a copy of what you are filing has been sent to all opposing parties AND DESCRIBE HOW AND WHEN YOU DID SO.** Parties should not submit the same documents by more than one method. For example, a party should not submit one document by both U.S. mail and fax.

3. *Filing Exhibits:* Unless otherwise ordered by the magistrate hearing your case, or your case is a retirement case, exhibits shall be filed no earlier than five business days before your scheduled hearing. For retirement cases, the exhibits shall be filed with the pre-hearing memorandum. Exhibits having more than 5 pages shall have the pages numbered. Unless permitted by the magistrate hearing your case, exhibits and other documents should not be submitted on electronic media.

 4. *Communications with Magistrates:* All communications with the magistrate hearing your case must be either (a) in writing with a copy to all opposing parties; (b) by conference call with all parties participating arranged or authorized by the magistrate at such time as the magistrate designates; or (c) at a hearing in which all parties have been given notice and permitted to participate. As examples of prohibited conduct: A party should not call or try to call an administrative magistrate to check on the status of the case; parties should not, without the prior permission or knowledge of the magistrate, initiate a conference call with an administrative magistrate to ask jointly for a continuance or other instruction relating to the case; a party should not, without permission or unless at the direction of the magistrate, send an e-mail to a magistrate, even if he or she copies all other parties; a party should not call or send an e-mail about a legal issue to an administrative staffer at DALA and ask the staffer to ask the administrative magistrate for an answer.

 5. *Continuances*: A party moving for a continuance (requesting a postponement) must:

a. State the good cause for the motion and how long he or she has known the good cause. *See* 801 CMR 1.01(7)(d);

b. State whether the other party or parties assent to the motion (agree to the request);

c. Confer with the other party or parties and propose alternative dates four to eight weeks after the original date;

d. Not call DALA’s administrative staff to check on the status of the motion during the first 24 hours after filing it or before the opposing party/parties have had seven days to respond if they have not previously assented;

e. Not call DALA’s administrative staff more than once in a day to check on the status of the motion.

1. . This Standing Order does not apply to the Bureau of Special Education Appeals. [↑](#footnote-ref-1)