

SUMMARY OF KEY PROVISIONS IN SJC'S JULY 1 COVID-19 ORDER

The following is a summary of key provisions in the Supreme Judicial Court's (SJC) Third Updated Order Regarding Court Operations Under The Exigent Circumstances Created By The COVID-19 (Coronavirus) Pandemic (**July 1 Order**), which, effective July 1, 2020, will repeal and replace the Second Updated Order Regarding Court Operations Under The Exigent Circumstances Created By The COVID-19 (Coronavirus) Pandemic, which became effective June 1, 2020 (**June 1 Order**). If there is a conflict between this document and either order, the provisions of the order prevail.

Courthouses will reopen for limited purposes on July 13. Massachusetts state courthouses will physically reopen to the public on July 13. Persons seeking to enter will be subject to screening to prevent the spread of COVID-19 and entry will be limited to persons (1) attending in-person proceedings, (2) conducting business with a clerk's, register's, or recorder's office, (3) meeting with probation, or (4) conducting business at other offices that are open to the public in the courthouse.

Courts will continue to conduct most business virtually. Until at least September, courts will continue to address most emergency and non-emergency matters virtually (i.e., by telephone, videoconference, email, or comparable means, or through the electronic filing system), in both civil and criminal cases.

Some additional matters will be addressed in person beginning in two phases on July 13 and August 10. Until July 13, courts will continue to conduct in-person proceedings only to address emergency matters that cannot be handled virtually. On July 13, Trial Court departments will begin to conduct in-person proceedings to address certain additional matters. In-person proceedings will be further expanded in a second phase beginning on August 10. Each Trial Court department will post notices to the "Court System Response to COVID-19" webpage (<https://www.mass.gov/guides/court-system-response-to-covid-19>) (COVID-19 webpage) identifying the additional matters it will address in person in each of the two initial phases.

Clerks', Registers', and Recorder's Offices. Until July 13, clerks', registers', and recorder's offices will continue to conduct business virtually, except when filing in an emergency matter cannot be accomplished virtually. Beginning on July 13, all of these offices will physically reopen to the public, while still endeavoring to conduct business virtually as much as possible. Drop-boxes may be provided at courthouses for the hand-delivery of pleadings or other documents for filing. Each Trial Court department, however, also will provide guidance on the COVID-19 webpage on how to file pleadings and other documents without coming to the courthouse.

Cell phones allowed in courthouses. Beginning on July 13, cell phones and other personal electronic devices will not be banned from any courthouse, as long as they are used in compliance with the rules set forth in Trial Court Emergency Administrative Order 20-10 (Order Concerning Trial Court Policy on Possession & Use of Cameras & Personal Electronic Devices), which was issued on June 24. The rules shall be posted on the COVID-19 webpage and at the entrance to each courthouse.

Jury trials. There will continue to be no criminal or civil jury trials until at least September 8.

Civil bench trials. Civil bench trials are generally continued until a date no earlier than July 13, unless the trial judge determines that the trial can be conducted virtually before that date. There will be no further general continuance beyond July 13 and judges will begin to schedule civil bench trials. Civil bench trials may be conducted virtually in the discretion of the trial judge.

Criminal bench trials. Criminal bench trials are generally continued until a date no earlier than July 13, unless the parties and court agree that the trial can be conducted virtually before that date. There will be no further general continuance beyond July 13 and judges will begin to schedule criminal bench trials. Criminal bench trials must be conducted in person unless the parties and trial judge agree to conduct the trial virtually.

Grand jury. No new grand jury can be empaneled prior to September 8, unless the SJC so orders. Existing grand juries are extended until the date of that new empanelment or the date of the October 2020 empanelment, whichever occurs first. A procedure set forth in the July 1 Order must be followed to convene an existing grand jury.

Tolling of statutes of limitation. All civil statutes of limitations were tolled by prior orders from March 17, 2020, through June 30, 2020, and will not be tolled any further. All criminal statutes of limitation are tolled from March 17, 2020, through September 30, 2020, because of the limited availability of grand juries.

Tolling of deadlines set forth in statutes, court rules, standing orders, tracking orders, or guidelines. Unless otherwise ordered by the applicable court, court department, or the presiding judge, all deadlines set forth in statutes or court rules, standing orders, tracking orders, or guidelines that expired at any time from March 17, 2020, through June 30, 2020, were tolled by prior orders through June 30, 2020, and will not be tolled any further.

Court-ordered deadlines in particular cases. Unless otherwise ordered by the judge presiding over the case, all deadlines established by a court in a particular case prior to March 17, 2020, that expired at any time from March 17, 2020, through June 30, 2020, were tolled until July 1, 2020. No further tolling is anticipated.

Expiring injunctions and similar orders. Unless otherwise ordered by the applicable court, all orders in a particular case that were issued prior to March 17, 2020, after an adversarial hearing (or the opportunity for an adversarial hearing), that enjoined or otherwise restrained or prohibited a party from taking some act or engaging in some conduct until a date at any time from March 17, 2020, through August 31, 2020, shall remain in effect until the matter is rescheduled and heard. To the extent they are not already doing so, Trial Court departments shall reschedule and hear these matters. If such an order issued on or after March 17, it may issue for the full period allowed by the applicable statute.