

Superior Court Standing Order 1-20

Videoconferencing of Court Events

Applicable to All Counties

1. This standing order is promulgated under the Trial Court Revised Policy for Videoconferencing, Revised November 2019 (Policy). The Policy recognizes the benefits of regular use of videoconferencing across the Commonwealth to reduce costs, to address safety concerns and delays associated with transportation of prisoners and detainees, and to provide cost savings and access to justice in cases where experts and witnesses are located outside a county or the Commonwealth.

Under the Policy, any department of the Trial Court may, by standing order, implement videoconferencing of court events identified by the departmental Chief Justice. This standing order identifies court events for which videoconferencing is presumptively used in all counties of the Superior Court, as well as other events for which videoconferencing is permitted.

2. The following court events shall presumptively be conducted by videoconferencing:
 - a. bail review hearings;
 - b. non-testimonial hearings for review of dangerousness determinations made under G. L. c. 276, § 58A;
 - c. non-evidentiary hearings in civil matters involving incarcerated persons;
3. Videoconferencing shall be permitted for medical malpractice tribunals conducted under G. L. c. 231, § 60B, and for any other event not specified in paragraph 2 above, upon court order or by agreement of the parties, provided that videoconferencing shall not be permitted in any proceeding in which constitutional, statutory, or other legal authority grants a right to physical presence at the event and that right has not been waived. Factors relevant to a court's determination whether to order that a proceeding be conducted by videoconferencing include, but are not limited to:
 - a. the nature of the proceeding, including whether it is civil or criminal;
 - b. any agreement of the parties or waiver of any right to physical appearance;
 - c. any efforts to procure the physical presence of a party, witness, or other participant and the cost of physical appearance in relation to the importance of presence in civil cases;
 - d. any security or health risks of physical presence, in relation to any corresponding risks at the remote site;
 - e. any other factors affecting convenience to and safety of the parties and the public.

4. To promote the orderly use and proper operation of videoconferencing equipment, the Clerk in each county shall designate a primary videoconferencing coordinator and a backup coordinator, who will be trained by the Judicial Information Services Department.
5. The videoconferencing coordinator should consult the Policy in conjunction with this standing order, because the Policy provides guidance on the proper operation of videoconferencing equipment, including steps that the court may take in the event of an equipment malfunction, as well as procedures relevant to consultations between criminal defendants and their counsel.



Judith Fabricant
Chief Justice of the Superior Court

Adopted: January 6, 2020
Effective: February 1, 2020