

Land Court Standing Order 2-23: Implementation of mandatory electronic filing for attorneys in certain case types in the Land Court Department

I. Authority

This Standing Order 2-23 is promulgated by the Chief Justice of the Land Court Department pursuant to the provisions of G. L. c. 211B, § 10 and G. L. c. 185, § 1.

Consistent with Rule 1 of Supreme Judicial Court (S.J.C.) Rule 1:25, Massachusetts Rules of Electronic Filing (“E-Filing Rules”), the Land Court Department of the Massachusetts Trial Court hereby adopts this Standing Order implementing mandatory electronic filing (“eFiling”) for attorneys in the Land Court case types identified herein. As additional electronic filing capabilities become available, this Standing Order may be amended to implement those additional capabilities or to add additional case types.

Information about the status and availability of electronic filing in the Land Court, including identification of the case types for which eFiling is available and/or mandatory for attorneys, is maintained on the Massachusetts Trial Court and Land Court websites at the URLs shown below:

<https://www.mass.gov/efiling-in-the-trial-court>

<https://www.mass.gov/guides/efiling-in-the-land-court>

II. Governing Rules and Orders

Filers who submit documents electronically through the electronic filing service provider (“Provider”), on the Massachusetts Court System Odyssey File and Serve Site (“eFileMA.com”) shall comply with the E-Filing Rules, the Massachusetts Rules of Civil Procedure, the rules governing time standards and case management, Land Court Standing Order 1-23: Land Court Department eFiling Standards and Guidelines, and all other applicable Trial Court and Land Court department rules and standing orders. To the extent that any Massachusetts Court Rules and Orders, as defined in the E-Filing Rules, are inconsistent with this Standing Order, the E-Filing Rules and this Standing Order shall control. (*See generally* E-Filing Rules, Rules 1(a) & 2.)

III. Applicability

A. Attorneys - Mandatory eFiling

Except as set forth in Section V (exemption) and Land Court Standing Order 1-23, all documents filed with the Land Court by an attorney in the case types identified in Section IV shall be filed electronically using eFileMA.com.

Land Court Standing Order 2-23: Implementation of mandatory electronic filing for attorneys in certain case types in the Land Court Department

Attorneys must register for electronic filing with the Provider at eFileMA.com and, thereafter, electronically file case documents as required or permitted by the E-Filing Rules, this Standing Order, and Land Court Standing Order 1-23. Registration shall not constitute a notice of appearance in any case, but shall constitute consent to receipt of Provider notifications, electronic court notifications, and electronic service (“E-Service”) in all cases in accordance with E-Filing Rules, Rule 3(d)(1). During the registration process, each attorney must provide the attorney’s Board of Bar Overseers (BBO) Number and their email address maintained on file with the BBO. Each attorney registrant must maintain the attorney’s current contact information, including email address, on the eFileMA.com “Service Contacts Public List,” which must be consistent with the contact information maintained on file with the BBO.

B. Self-represented Parties - Optional eFiling

Any party who is not represented by an attorney **may, but is not required to**, electronically file court documents with the Land Court in the case types set forth in Section IV, or as otherwise permitted by Land Court rules and standing orders.

Any self-represented party may register for electronic filing with the Provider at eFileMA.com and, thereafter, electronically file case documents as permitted by the E-Filing Rules, this Standing Order, and Land Court Standing Order 1-23. Registration shall not constitute an appearance in any case, but shall constitute consent to receipt of Provider notifications, electronic court notifications, and electronic service (“E-Service”) in all cases in accordance with E-Filing Rules, Rule 3(d)(1). During the registration process, self-represented parties must provide a current email address.

IV. Scope; Mandatory eFiling in certain Land Court case types

A. Servicemembers (SM) Case eFiling

This Standing Order applies to all Servicemembers cases currently pending or newly filed in the Land Court Department on and after the effective date of this Standing Order.

Any attorney with an appearance entered in a pending Servicemembers (SM) case filed before this Standing Order’s effective date must register for electronic filing at eFileMA.com and, thereafter, electronically file any documents in the case according to the E-Filing Rules, this Standing Order, and Standing Order 1-23. Any new SM cases filed by an attorney after the effective date of this Standing Order must be initiated electronically at eFileMA.com.

Land Court Standing Order 2-23: Implementation of mandatory electronic filing for attorneys in certain case types in the Land Court Department

Any self-represented litigant with an appearance entered in a pending Servicemembers (SM) case may register for electronic filing at eFileMA.com and, thereafter, may electronically file one or more case documents as permitted by the E-Filing Rules, this Standing Order, and Standing Order 1-23.

B. Tax Lien (TL) Case eFiling

This Standing Order applies to all Tax Lien cases currently pending or newly filed in the Land Court Department on and after the effective date of this Standing Order.

Any attorney with an appearance entered in a pending Tax Lien (TL) case filed before this Standing Order's effective date must register for electronic filing at eFileMA.com and, thereafter, electronically file any documents in the case according to the E-Filing Rules, this Standing Order, and Standing Order 1-23. Any new TL cases filed by an attorney after the effective date of this Standing Order must be initiated electronically at eFileMA.com.

Any self-represented party with an appearance entered in a pending Tax Lien (TL) case may register for electronic filing at eFileMA.com and, thereafter, may electronically file one or more case documents as permitted by the E-Filing Rules, this Standing Order, and Standing Order 1-23.

C. Miscellaneous (MISC) and Permit Session (PS) Case eFiling

This Standing Order applies to all Miscellaneous (MISC) and Permit Session (PS) cases currently pending or newly filed in the Land Court Department on and after the updated effective date of this Standing Order.

Any attorney with an appearance entered in a pending Miscellaneous (MISC) or Permit Session (PS) case filed before this Standing Order's updated effective date must register for electronic filing at eFileMA.com and, thereafter, electronically file any documents in the case according to the E-Filing Rules, this Standing Order, and Standing Order 1-23. Any new MISC or PS cases filed by an attorney after the updated effective date of this Standing Order must be initiated electronically at eFileMA.com.

Any self-represented party with an appearance entered in a pending Miscellaneous (MISC) or Permit Session (PS) case may register for electronic filing at eFileMA.com and, thereafter, may electronically file case documents as permitted by the E-Filing Rules, this Standing Order, and Standing Order 1-23.

Land Court Standing Order 2-23: Implementation of mandatory electronic filing for attorneys in certain case types in the Land Court Department

V. Exemption

An attorney who is required to electronically file documents under this Standing Order may request to be excused from these requirements upon a showing of undue hardship, significant prejudice, exigency, or other good cause. A showing of undue hardship, significant prejudice, exigency, or other good cause does not include the inability to pay fees for electronic filing, as fee waivers may be requested if the party qualifies for, or has been granted, a fee waiver in accordance with Massachusetts law or court rules.

Requests for exemption from electronic filing shall be filed with the court and served on all parties in the case by conventional methods. The request shall be addressed to the attention of the judge or other judicial officer presiding over the matter, if assigned, or to the Land Court Recorder, who may grant that attorney an exemption from mandatory eFiling requirements under the E-Filing Rules and this Standing Order. The court's determination on an exemption request made pursuant to this section shall be final.

An exemption granted to an attorney applies only to the case (or to the filings, if specified) in which the request for exemption from mandatory electronic filing was granted. An attorney with a granted exemption shall file documents by conventional methods and shall deliver and receive copies of filed documents to and from other parties by conventional methods.

VI. Additional Provisions

A. Land Court Department eFiling Procedures, Standards, and Guidelines

All parties electronically filing documents with the court must abide by the Land Court's electronic filing procedures, standards, and guidelines, as set forth in Land Court Standing Order 1-23. These procedures set forth detailed requirements for handling ex parte or emergency filings; impounded documents; indigency documents; fee waiver requests; redactions of personal identifying information; service; and many other recurring issues. In an individual case, the judge or judicial officer presiding over the matter or proceeding, in their discretion, for good cause and in the interests of justice, may modify or waive compliance with any of the procedures, standards, or guidelines set forth in this Standing Order or Standing Order 1-23.

B. Paper courtesy copies required for certain filings

In accordance with Land Court Standing Order 1-23, and unless a presiding judicial officer otherwise orders, the following electronic filings must be sent in paper hard copy (courtesy copy) to the court simultaneously with the filer's electronic submission on eFileMA.com:

Land Court Standing Order 2-23: Implementation of mandatory electronic filing for attorneys in certain case types in the Land Court Department

- Complaints/Petitions (and Amended Complaints/Petitions)
- Plans
- Electronic filings over 20 pages in length

Unless requested, no other duplicate paper copies or originals shall be sent to the court.

C. Effective date

This Standing Order shall become effective for the case types specified in Section IV (A) and (B) on June 1, 2023. This Standing Order shall become effective for the case types specified in Section IV (C) on May 1, 2024. This Standing Order may be rescinded, superseded, or amended, in writing, at any time.

Originally adopted April 20, 2023, effective June 1, 2023. Update to Section IV (C) adopted February 16, 2024, effective May 1, 2024.

/s/ Gordon H. Piper
Gordon H. Piper
Chief Justice of the Land Court