

**Boston Municipal Court Standing Order 3-20:
Limiting In-Person Appearances in Boston Municipal Courthouses to
Emergency Matters**

As Chief Justice of the Boston Municipal Court Department, I issue the following Standing Order pursuant to my authority under G.L. c. 211, § 10, G.L. c. 218, § 38, and G.L. c. 220, § 5, as well as the Supreme Judicial Court Order issued this same day, March 17, 2020, due to the exigent circumstances created by risk of person to person transmission caused by the 2019-2020 novel Coronavirus “COVID-19.”

This Standing Order shall REPLACE Boston Municipal Court Standing Order 1-20 issued on March 13, 2020, which Order is hereby rescinded.

- I. It is hereby ORDERED, effective **March 18, 2020 and continuing through April 6, 2020:**
 - A. That the Divisions of the Boston Municipal Court will be closed to the public except to conduct emergency hearings that cannot be resolved through a videoconference or telephonic hearing, either because such a hearing is impracticable or because it would be inconsistent with the protection of constitutional rights. Access to the courthouse for Mental Health Commitment Pursuant to G.L. c. 123, § 35, the fitting of Global Positioning System or SCRAM Devices ordered by a judge, and the posting of bail is subject to compliance with the Standing Order of the Supreme Judicial Court OE-144 “Order Regarding Access to State Courthouses & Court Facilities” and shall be the only matters in which parties other than trial court employees shall be permitted in the courthouse.
 - B. That the emergency matters listed in Section (C)(i) below shall only be conducted by a judge by videoconference or by telephonic conference call without the physical presence of the parties, counsel, or other members of the public so as to avoid person to person contact and possibility for transmission of the virus. Any Court rule, criminal or civil, that impedes a judge’s or court clerk’s ability to utilize available technologies to limit in-person contact is suspended for the duration of this Order.

- C. All Emergency Matters, as defined in section (i) below, that arise between 8:30 a.m. and 4:30 p.m. shall take place over videoconference or telephonic conference call, unless such a hearing is not practicable or because it would be inconsistent with the protection of constitutional rights. After 4:30 p.m., the judicial response system will be activated in the normal course.
- i. “Emergency Matters” for the purposes of this Standing Order are defined as follows:
- a. applications for Abuse Prevention Orders pursuant to G.L. c. 209A;
 - b. applications for a Harassment Prevention Orders pursuant to G.L. c. 258E;
 - c. petitions for Extreme Risk Protection Orders pursuant to G.L. c. 140, § 131R et. seq.;
 - d. mental health hearings pursuant to G.L. c. 123, *except as outlined in section (I)(A) above*;
 - e. hearings for Order of Pretrial Detention pursuant to G.L. c. 276, § 58A;
 - f. arraignments of new arrests in which the arrestee is in custody;
 - g. warrant removals for persons under arrest;
 - h. probation violations where detention is sought for persons arrested on a warrant or for a new crime; and
 - i. search warrants.
- D. Hearings on returns in matters under G. L. c. 209A and c. 258E shall be conducted over videoconference or telephonic conference call ten-days following the issuance of any ex parte order. Any extension of the order issued via videoconference or telephonic conference shall be scheduled for an in-person hearing at the courthouse no more than 30 days from the issuance of the extension. If the exigent circumstances created by risk of person to person transmission caused by the 2019-2020 novel Coronavirus “COVID-19” has not abated, the extension hearing shall be held via videoconference or telephonic conference.
- E. Judges and Clerks shall ensure that all videoconferences or telephonic conference are recorded to the extent practicable.

- F. Clerk's offices shall remain open for purposes of accepting only the following, however; electronic filings and faxing are encouraged in coordination with the Clerk's Office in order to reduce foot traffic and person to person contact:
- i. Pleadings and other documents in emergency matters;
 - ii. The following applications made in response to the automatic postponement of trials and evidentiary hearings pursuant to the SJC Orders:
 - a. Motions seeking exceptions to continuances
 - b. Requests by the parties for conferences with the court concerning continuances
 - c. Motions for reconsideration of bail or conditions of release
- G. In order to provide staffing for these procedures, First Justices, Clerk-Magistrates, and Chief Probation Officers are to designate a reduced schedule of the necessary personnel needed on site to accomplish the administrative tasks and to be available to answer telephone calls from the public.

II. It is FURTHER ORDERED that:

A. Trials

- i. All trials scheduled between March 18, 2020 and April 21, 2020, shall be continued to a date no earlier than April 21, 2020, unless the trial is a civil case where the parties and the court agree that the case can be decided without the need for in-person appearance in court. Upon a showing of exceptional circumstances, a criminal defendant in custody whose trial is postponed by the Order may seek an exception by motion directed to the trial court, but that any such exception shall not be granted except with the approval of the Chief Justice of the Boston Municipal Court after consultation with the Jury Commissioner.
- ii. Where a trial or any evidentiary hearing is postponed as a result of this order, the parties may seek a conference with the court to address matters arising from the postponement, which shall be

conducted over videoconference or telephonic conference. In criminal cases, where appropriate, a defendant may ask the court for reconsideration of bail or conditions of release. Nothing in this Order addresses the disposition of such requests for reconsideration.

- iii. Where a trial has commenced, the trial will end based on the manifest necessity arising from the pandemic and a new trial may commence after the public health emergency ends.

B. Criminal Matters

i. For Persons Not In Custody

- a. All criminal matters scheduled for an event between March 18, 2020 and May 1, 2020, shall be CONTINUED to the first business day no less than 60 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Clerk's Office, not before May 4, 2020;
- b. All show cause hearings currently scheduled or filed between March 18, 2020 and May 1, 2020, shall be CONTINUED to the first business day no less than 60 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Clerk's Office, not before May 4, 2020; and
- c. Summons arraignments and all subsequent dates on complaints issued between March 18, 2020 and May 1, 2020, shall be CONTINUED to the first business day no less than 60 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Clerk's Office, not before May 4, 2020.

ii. For Persons in Custody:

- a. Arraignments shall be conducted pursuant to section (I)(C)(i)(f);
- b. A person arrested on a new complaint or a warrant and released on bail shall be ordered to appear for arraignment

as directed by the bail magistrate for a date after May 4, 2020;

- c. All other criminal events shall be CONTINUED to the first business day not more than 29 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Probation Office and Clerk's Office; and
- d. Probation violation hearings for a person in custody shall be CONTINUED to the first business day not more than 29 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Probation Office and Clerk's Office.

C. Civil Matters

- i. All civil matters currently scheduled or filed between March 18, 2020 and May 1, 2020 including, civil motor vehicle appeals, and administrative reviews shall be CONTINUED to the first business day no less than 60 days from the date of the scheduled event, or to a date by agreement of the parties and the respective Clerk's Office not before May 4, 2020. With the Court's approval, the parties may agree to conduct an event scheduled during this time by telephonic conference call.

D. Fees and Fines

- i. Persons who have been assessed fees, fines, or court costs, including probation supervision fees, in a criminal matter that are due between March 18, 2020 and May 1, 2020 may pay their fee or fine online through the e-pay portal that is accessible at www.masscourts.org. No fees, fines, or costs shall be collected at a courthouse while this Order is in effect. If a person is unable to pay such fee or fine through the e-pay portal, the requirement that such fee or fine be paid during that time frame is deferred until May 4, 2020 and Courts shall extend payment due dates to May 31, 2020. The deferment of such payment shall not operate to extend a person's probation.

E. Additional Matters

- i. All emergency protection orders (G.L. c. 209A; c. 258E; c. 140) issued after notice prior to the issuance of this order and that are due to expire on or after March 16, 2020 shall remain in effect until the matter is rescheduled and heard by the court.
- ii. Any orders issued prior to March 17, 2020, with a hearing scheduled during the pendency of this Order are to remain in full force and effect until the matter is rescheduled and heard by the court, unless an order issues by the court terminating the order at an earlier date.

Pursuant to Mass. R. Crim. P. 36, I find that the basis for this Order necessitating these temporary, emergency conditions and continuances are in the best interests of the ends of justice and outweigh the public's and the defendant's interest in a speedy trial. Therefore, the time periods of such continuances shall be excluded from speedy trial computations under Mass. R. Crim. P. 36.

All statutes of limitations are tolled from the date of this order through April 21, 2020.

Any deviation from this Order must be sought from the Chief Justice of the Boston Municipal Court

The provisions of this Order are subject to amendment and extension.

/s/ Roberto Ronquillo, Jr.
Hon. Roberto Ronquillo, Jr.
Chief Justice of the Boston Municipal Court
Promulgated: March 17, 2020
Effective: March 18, 2020