



[Click Here to Learn More About MDM&C >](#)

April 2, 2020

**Insurance Client Alert
Changes Due to COVID-19**

MASSACHUSETTS			
Jurisdiction	Date of Order	Order Number	Content
Massachusetts Supreme Judicial Court ¹	March 30, 2020		<ul style="list-style-type: none"> • Order Concerning Email Service in Cases Under Rule 5(b) of Mass. Rules of Civil Procedure <ul style="list-style-type: none"> ○ Until further notice, rather than delivering a copy of pleadings to the attorney of record or self-represented party (as required by Rule 5(b)), parties shall email pleadings or papers where the email address of the recipient is known. If for any reason an attorney of record cannot be served at an email address, the attorney of record shall promptly communicate that to all other attorneys of record and provide an active email address for service. ○ Service by email is complete upon hitting “send” or its equivalent ○ Pleadings or other documents may not be served by email upon a self-represented party, unless that self-represented party consents by email ○ If applicable, parties should note on their filings “served via email.” ○ If pleadings include an affidavit but the party making service has been unable to secure affiant’s original signature, the affidavit may still be served and subsequently filed with the court if the affiant has signed electronically
Massachusetts Supreme Judicial Court	March 24, 2020		<ul style="list-style-type: none"> • Order Concerning Electronic Signatures of Judge’s and Clerks <ul style="list-style-type: none"> ○ Effective March 26, 2020 until further notice, to the extent not already authorized, whenever a judge or clerk is required to sign an order, judgment or notification, the judge or clerk may electronically sign
Massachusetts Supreme Judicial Court	March 20, 2020		<ul style="list-style-type: none"> • Supreme Judicial Court Order for the administering of oaths at depositions via remote audio-video communication equipment <ul style="list-style-type: none"> ○ Until further order of the court, at any deposition taken pursuant to a Massachusetts State court rule, including, without limitation, an officer or other person before whom the deposition is to be taken is hereby authorized by the court to administer oaths and take testimony without being in the presence of the deponent, so long as the officer or other person before whom the deposition is to be taken can both see and hear the deponent via audio-video communication equipment or technology for purposes of positively identifying the deponent.
Massachusetts Superior Court	March 18, 2020	Superior Court Standing Order 3-20	<ul style="list-style-type: none"> • Protocol Governing Superior Court Proceedings During the Coronavirus (COVID-19) Pandemic <ul style="list-style-type: none"> ○ Effective March 18, 2020 and continuing until at least April 6, 2020 only in-person proceedings that shall be held in Massachusetts state courthouses will be to address emergency matters that cannot be resolved through a videoconference or telephonic hearing, either because such a hearing is not practicable or because it would be inconsistent with the protection of constitutional rights. ○ Trial Court clerk’s offices shall remain open to accept pleadings and other documents in emergency matters, and applications

			<p>made pursuant to this Order.</p> <ul style="list-style-type: none"> ○ Entry into a courthouse for the purpose of an emergency in-person proceeding shall be limited to attorneys, parties, witnesses, and other necessary persons as determined by the trial judge, plus no more than three members of the "news media" ○ all trials, whether jury or bench, in both criminal and civil cases, scheduled to commence in Massachusetts state courts between the date of this Order and April 17, 2020, are hereby continued to a date no earlier than April 21, 2020, unless the trial is a bench trial in a civil matter and may be conducted otherwise than in-person by agreement of the parties and of the court. ○ Where a jury trial has commenced prior to the effective date of this Order, a mistrial shall be declared based on the manifest necessity arising from the pandemic. ○ Upon a showing of exceptional circumstances, a party who has had a trial or evidentiary hearing postponed by this Order may apply for an exception from this Order by motion directed to the trial court. ○ Where a trial or evidentiary hearing is postponed as a result of this Order, the parties may apply for a conference with the court to address matters arising from the postponement, which shall be conducted by telephone or videoconference. ○ All statutes of limitations are tolled from the date of this Order through April 21, 2020. ○ Unless otherwise ordered by the applicable court, all deadlines set forth in statutes or court rules, standing orders, or guidelines that would otherwise expire before April 21, 2020, are extended to that date.
Massachusetts Appeals Court	March 17, 2020		<ul style="list-style-type: none"> • Appeals Court: Guidelines Regarding Extension of Due Dates and Other COVID-19 Internal Operating Procedures <ul style="list-style-type: none"> ○ clerks office will continue to accept electronic filings ○ all deadlines between March 17, 2020 and April 20, 2020, are extended to April 21, 2020 in all cases (including single justice petitions)
Massachusetts District/Municipal Courts	March 17, 2020	District Court Standing Order 2-20	<ul style="list-style-type: none"> • Court operations under the exigent circumstances created by COVID-19 <ul style="list-style-type: none"> ○ The Massachusetts State District and Municipal courts have adopted the same general rules as the Massachusetts Superior Court during the COVID-19 pandemic with slight variations from courthouse to courthouse.
USDC D. Mass.	March 26, 2020	General Order 20-8	<ul style="list-style-type: none"> • Order Concerning Reopening of Springfield Court Facilities <ul style="list-style-type: none"> ○ This is an update to General Order 20-7 (Order Concerning Temporary Closure of Springfield Court Facilities) ○ Effective as of 9:00 a.m. on March 27, 2020, the United States Courthouse in Springfield is reopened
USDC D. Mass.	March 16, 2020	General Order 20-5	<ul style="list-style-type: none"> • Order Concerning Mediations and CVB Sessions <ul style="list-style-type: none"> ○ Scheduled mediations in the District are continued until at least April 27, 2020 ○ New date will be assigned by Magistrate Judge
USDC D. Mass.	March 12, 2020	General Order 20-2	<ul style="list-style-type: none"> • Order Regarding Jury Trials and Proceedings <ul style="list-style-type: none"> ○ all jury trials in the District of Massachusetts scheduled to being before April 27, 2020, are continued under further order of the Court. ○ Individual judges may hold hearings, conferences and bench trials in their discretion and are encouraged to conduct hearings via phone and video conferencing

¹ Orders from the Massachusetts Supreme Judicial Court are applicable to all Massachusetts state courthouses.

Offices

NEW JERSEY | NEW YORK | COLORADO | PENNSYLVANIA
CONNECTICUT | MASSACHUSETTS | DELAWARE | RHODE ISLAND | FLORIDA

The information provided in this Newsletter should not be relied upon as legal advice or a legal opinion on any specific set of facts or circumstances. The contents are intended for general information purposes only and you are urged to consult an attorney concerning your own situation and any specific legal questions you may have. This Newsletter may be considered Advertising under the court rules of certain states.

© COPYRIGHT 2020 McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP. ALL RIGHTS RESERVED.

[Unsubscribe](#)