

Land Court Standing Order 5-20: Updated Emergency Measures in Response to Coronavirus Outbreak

I. Introduction

To address the effects of the emergency outbreak of the novel Coronavirus (COVID-19) on the Land Court Department's operations, the court's ability to deliver justice, and on the litigation of cases pending in the court, and to minimize health risks to members of the public and the bar, as well as on the justices, officials, and all other employees of the court, the Land Court Department issues the following restated Standing Order, to continue in effect until further order of the court. This Standing Order is issued in compliance with the Order, issued by the Supreme Judicial Court, "In re: COVID-19 (Coronavirus) Pandemic: Updated Order Regarding Court Operations under the Exigent Circumstances Created by the COVID-19 (Coronavirus) Pandemic," issued April 27, 2020 and effective May 4, 2020 (April 27 SJC Order).

II. Prior Orders

Effective May 4, 2020, this Order shall repeal and replace Land Court Standing Order 4-20 "Emergency Measures in Response to Coronavirus Outbreak (Restated)," issued by the court on April 1, 2020 and made effective April 6, 2020 (April 1 Order).¹

III. Recorder's Office at the Suffolk County Courthouse Closed to In-Person Access by the Public

Consistent with the April 27 SJC Order, and other orders issued by the Executive Office of the Trial Court, the Land Court's Recorder's Office at the Suffolk County Courthouse is closed to in-person access by the general public, except when expressly ordered by the court where entry is required to address emergency matters that cannot be resolved virtually (i.e. by telephone, videoconference, email, or comparable means) because it is not practicable or would be inconsistent with the protection of constitutional rights.

IV. Emergency Business

The Recorder's Office shall continue to conduct court business, i.e. to accept the filing of pleadings and other documents in emergency matters, to schedule and facilitate telephone conferences and hearings in emergency matters, to issue orders in emergency matters, to answer questions from attorneys, litigants, and the general public, and to conduct other necessary business of the Land Court. All such business will be conducted virtually, except when expressly ordered by the court where such business in emergency matters cannot be accomplished virtually.

¹ Land Court Standing Order 4-20 had repealed and replaced Land Court Standing Order 2-20 "Emergency Measures in Response to Coronavirus Outbreak," issued by the court on March 13, 2020 (March 13 Order), and Land Court Standing Order 3-20 "Supplement to Emergency Measures in Response to Coronavirus Outbreak," issued by the court on March 17, 2020 (March 17 Order).

Land Court Standing Order 5-20: Updated Emergency Measures in Response to Coronavirus Outbreak

V. Virtual Non-Emergency Business

Effective May 4, 2020, and continuing until at least June 1, 2020, the Land Court will attempt to address virtually certain categories of non-emergency business, in whole or in part, where it is practicable to do so in view of skeletal court staffing, technological constraints, and the need to prioritize emergency matters, and where doing so is consistent with the protection of constitutional rights. These categories may be changed or updated in whole or in part by the court from time-to-time by posting a notice to the judiciary's COVID-19 webpage as the situation at the court evolves.

Categories of Land Court Matters:

A. Cases Assigned to a Judge and New MISC Cases

Each Land Court Justice to whom a case has been assigned, or another Land Court Justice designated to do so by the Chief Justice of the Land Court, may advance a non-emergency case or matter to be processed and handled remotely if, in their judgment, it is practicable to do so in view of skeletal court staffing, technological constraints, and the need to prioritize emergency matters, and where doing so is consistent with the protection of constitutional rights. The determination to advance a non-emergency matter or case will be made by the court in its discretion. Any party, in a properly-supported motion showing good cause to do so, may request the court to advance a case or matter.

New complaints and other filings in cases pending on the court's Miscellaneous ("MISC") docket which have been received by the court will be accepted and docketed as of the date of their receipt.

B. Tax Lien Foreclosure (TL) Cases

A Land Court Justice, the Recorder, or the Deputy Recorder may advance a non-emergency Tax Lien case or matter to be processed and handled remotely if, in their judgment, it is practicable to do so in view of skeletal court staffing, technological constraints, and the need to prioritize emergency matters, and where doing so is consistent with the protection of constitutional rights. The determination to advance a non-emergency matter or case will be made by the court in its discretion. Any party, in a properly-supported motion showing good cause to do so, may request the court to advance a case or matter.

New complaints and other filings in cases pending on the court's Tax Lien Foreclosure ("TL") docket which have been received by the court will be accepted and docketed as of the date of their receipt.

Land Court Standing Order 5-20: Updated Emergency Measures in Response to Coronavirus Outbreak

C. Cases to Determine the Military Status of a Mortgagor; Servicemembers (SM) Cases

During the time that this Order is in effect, the Land Court will not process non-emergency or routine Servicemembers case filings, whether submitted on paper or by eFiling through the eFilema.com website. This measure, which applies to future Servicemembers case filings as well as to any filings that already have been submitted to the court, is due to the limited Land Court personnel present at the courthouse available for processing Land Court business, and is consistent with the emergency moratorium enacted by the legislature, see Chapter 65 of the Acts of 2020.

Filers are discouraged from submitting any non-emergency Servicemembers filings at this time as the court will be unable to act on them until the emergency measures are lifted and court staffing returns to appropriate levels.

Upon application by a filer, the court may advance an *emergency* Servicemembers case or matter to be processed and handled remotely upon an adequate showing of circumstances requiring the prompt determination of the military status of the mortgagor and upon demonstration, by affidavit or otherwise, that the case or matter falls within an exemption or carve out from the moratorium, Chapter 65 of the Acts of 2020. Such emergency request shall be submitted to the court electronically by email using the court's emergency email address (LandCourt.Emergency@jud.state.ma.us).

Until further notice, eFiling through the eFilema.com website for Land Court Servicemembers cases no longer will be available to the public or attorneys. (This does not affect eFiling in any other Trial Court department or in the Appellate courts.)

D. Title Examination Department Matters (Registered Land Document Approvals and Subsequent (SBQ) Cases)

The Land Court Title Examination Department will continue to process remotely *emergency or urgent* requests for approvals of registered land documents consistent with the Chief Title Examiner's Memorandum setting forth an [Interim Procedure for Remote Approvals](#), issued March 25, 2020.

The Land Court Title Examination Department will continue to process remotely *emergency or urgent* requests regarding Subsequent to Registration (SBQ) cases and Condominium document approvals consistent with the Chief Title Examiner's Memorandum setting forth [Interim Procedures for the Remote Processing of Subsequent Cases & Condominium Documents](#), issued April 10, 2020.

All other non-emergency registered land matters remain suspended until further notice of the court.

Land Court Standing Order 5-20: Updated Emergency Measures in Response to Coronavirus Outbreak

E. Survey Department Matters

All non-emergency matters including subdivisions of registered land (PFR submittals), approval of instrument/deed lot descriptions or print order requests for the Survey Department will be processed in order of receipt. Those matters considered as emergency or urgent by the submitter should be identified to the Chief Surveyor Stephen LaMonica by email (stephen.lamonica@jud.state.ma.us) for prioritization consideration.

All Survey Department matters shall be submitted, as appropriate, to the attention of the Chief Surveyor Stephen LaMonica by email (stephen.lamonica@jud.state.ma.us) or by mail or commercial delivery service addressed to the Land Court. Original (mylar) subdivision plans required to be filed with the Survey Department must be submitted by mail or commercial delivery service. The court will not sign for deliveries at this time.

VI. What Constitutes an Emergency Matter

Emergency matters in the Land Court are those in which a significant risk of irreparable and serious harm to a party is imminent, should the court not act, and encompasses temporary restraining orders, preliminary injunctions, and urgent requests for judicial endorsement of memoranda of lis pendens.

Applications concerning deadlines in matters in which such deadlines have been expressly tolled or extended by the provisions of the April 27 SJC Order (or any other applicable order) tolling applicable statutes of limitations and extending deadlines set forth in statutes or court rules, standing orders, or guidelines; court-ordered deadlines in particular cases; and expiring injunctions and similar orders, do not constitute emergency matters.

VII. Trials Postponed

All Land Court trials (and other evidentiary hearings) scheduled to take place between March 13, 2020 and June 1, 2020 are hereby continued generally to a date no earlier than June 1, 2020; the continuance of the trial will run to a specific later date to be determined by the court in each individual case. The June 1, 2020 date may be extended from time to time for good cause by order issued by the Chief Justice of the Land Court with the approval of the Chief Justice of the Trial Court.

Upon a showing of exceptional circumstances, a party who had a trial or evidentiary hearing postponed as a result of this Order, or any prior-issued Standing Order, may apply for an exception from said order(s) by motion directed to the justice to whom the case is assigned, with an opportunity afforded all parties to present their views. No exception shall be granted except with the approval of the justice to whom the case is assigned and the Chief Justice of the Land Court, and only in extraordinary circumstances

Land Court Standing Order 5-20: Updated Emergency Measures in Response to Coronavirus Outbreak

and provided that it appears that the conduct of the event will take place in a manner that will sufficiently reduce the health risks to all concerned.

VIII. Non-Emergency Court Events Postponed

Unless an event has been specifically scheduled and advanced by a Justice of the Land Court, or the Recorder or Deputy Recorder of the Land Court, consistent with paragraph V of this Order, all previously-scheduled non-emergency court events (including those scheduled to be conducted by telephone) are hereby postponed and shall be rescheduled to a date no earlier than June 1, 2020. Once such events have been rescheduled to a future date, notice will be provided by the court to all parties and counsel who have a current notice of appearance on file.

IX. Court Events Conducted by Telephone or Videoconference

If any court event needs to be held in connection with an emergency matter or a non-emergency matter advanced by a Justice, the Recorder, or the Deputy Recorder, consistent with paragraph V of this Order, such event shall, absent order of the court, be conducted by telephone conference call or by videoconference, as the court may direct. The Recorder's Office will provide all persons participating in the event with appropriate notice of the telephonic or videoconference event, and instructions on how to take part telephonically or by videoconference in the court event. The court may direct that filings in connection with a court event being held telephonically or by videoconference be made and served in a particular manner (including by electronic means), by a particular time or times, or in a particular sequence, and consistent with the SJC's Order, "In re: COVID-19 (Coronavirus) Pandemic Regarding Email Service in Cases Under Rule 5(b) of Mass. Rules of Civil Procedure," entered March 30, 2020.

Exceptions, in whole or in part, to the requirement that a court event held in connection with an emergency matter be conducted telephonically or by videoconference may be ordered only with the approval of the justice to whom the case is assigned and the Chief Justice of the Land Court, and only in extraordinary circumstances and provided that it appears that the conduct of the event will take place in a manner that will sufficiently reduce the health risks to all concerned.

X. Contingency Plan If Courthouse Not Accessible to Court Personnel

Should the Land Court offices not be accessible to any court staff, the Trial Court will post a notice of closure and the Land Court will issue a notice that the Land Court will conduct all business virtually until courthouse access for sufficient court staff is restored. Even should the Land Court offices become inaccessible to court staff, the court, operating remotely, will continue to hear and act on emergency matters, as defined in this Order. The court will provide a telephone voicemail box and an emergency email address where those in need of immediate action by the court on an urgent emergency matter will be

Land Court Standing Order 5-20: Updated Emergency Measures in Response to Coronavirus Outbreak

able leave for the court messages to that effect. During court business hours (8:30 a.m. to 4:30 p.m.) the Recorder's Office will monitor as closely as feasible the messages left, and endeavor to provide a response as timely as practical. If indicated, the court will direct filings in connection with the urgent emergency matter be made by email or other means, will in most circumstances act without further hearing on those submissions and, in exceptional cases, will if possible conduct a telephonic or videoconference hearing in connection with that urgent emergency matter.

However, should the Land Court offices not be accessible to any court staff, the notice that the court's offices have become inaccessible may call for the suspension of some or all non-emergency business, if and to the extent the court determines that the lack of access for sufficient staff inhibits the court's ability to handle non-emergency business.

XI. Additional Directives and Procedures of the Land Court for the Conduct of Emergency and Virtual Court Business

All counsel and parties shall adhere to the Additional Directives and Procedures of the Land Court for the Conduct of Emergency and Virtual Court Business attached to this Order.

XII. Further Orders; Effective Date

The Court may issue further Orders regarding this matter as necessary to address the circumstances arising from this pandemic.

This Order is effective May 4, 2020 and shall remain in effect until further order of the court.

Adopted May 1, 2020; effective May 4, 2020.

/s/ Gordon H. Piper

Gordon H. Piper
Chief Justice of the Land Court

Additional Directives and Procedures of the Land Court for the Conduct of Emergency and Virtual Court Business

Effective immediately, pursuant to **Standing Order 5-20**, the Land Court is implementing the following directives and instructions applicable to all proceedings and all cases pending or to be filed in the Land Court, until further notice.

I. Procedures for Emergency Matters and Filings

A. Pending Cases

For emergency matters or filings that relate to a case that is already pending in the Land Court, the submitter must email the Sessions Clerk for the Judge to whom the case is assigned. Sessions Clerk contact information for each Judge is listed below.

The Sessions Clerk will instruct the submitter on next steps, which will include emailing copies of the request and all supporting documents (all filings) to the Sessions Clerk for the Judge's review. The Sessions Clerk may advise the submitter that the Judge has ordered that the filings or any responses must be served by email to other parties involved in the case.

If indicated, the Sessions Clerk may schedule an emergency telephone conference call or videoconference with the Judge. If so, the submitter and any other relevant parties will be instructed on how to participate. If the Judge takes action on the emergency request, the submitter and any other relevant parties will receive the Judge's order and notice electronically by email from the Sessions Clerk.

If the submitter of an emergency matter does not receive a response to the initial message to the Sessions Clerk after having waited for at least a two-hour period during court business hours (8:30 a.m. and 4:30 p.m.), the submitter should, during those hours, call the Land Court's main telephone number (617-788-7470) and speak with a staff member, access the Land Court's emergency voicemail box, or send an email message to the Land Court's emergency email address (LandCourt.Emergency@jud.state.ma.us). The submitter should state that they have an emergency matter in a pending case, that they have already notified the Sessions Clerk for the Judge to whom the case is assigned of the emergency matter by email, but have not yet received a response, and the time that the message was sent. The responding staff member will take the submitter's contact information and attempt to contact the Sessions Clerk and Judge to whom the case is assigned. If that Judge and his or her Sessions Clerk cannot be reached, the Sessions Clerk for the Judge assigned to hear emergency matters for the day will be contacted to handle the emergency request. The Sessions Clerk for the Judge assigned to hear emergency matters for the day will then contact the submitter with further instructions.

B. New Case Initiations; Unassigned Cases

For an emergency matter or request that does not involve a pending case, the submitter should call the Land Court's main phone number (617-788-7470) during court business hours (8:30 a.m. and 4:30 p.m.), and speak with a staff member, access the Land Court's

Additional Directives and Procedures of the Land Court for the Conduct of Emergency and Virtual Court Business

emergency voicemail box, or send an email message to the Land Court's emergency email address (LandCourt.Emergency@jud.state.ma.us). The submitter should state that they have an emergency matter or request in connection with either a new Land Court case that has not yet been filed or a case which has not already been assigned to a particular judge. The responding staff member will take the submitter's contact information and contact the Sessions Clerk for the Judge assigned to hear emergency matters in unassigned cases for the day who will review the emergency request. The Sessions Clerk will instruct the submitter on next steps, which will include emailing copies of the request and all supporting documents (all filings) to the Sessions Clerk for the Judge's review.

If indicated, the Sessions Clerk may schedule an emergency telephone conference call or videoconference with the Judge. If so, the submitter and any other relevant parties will be instructed on how to participate. If the Judge takes action on the emergency request, the submitter and any other relevant parties will receive the Judge's order and notice electronically by email from the Sessions Clerk.

A new case will also have to be opened on the Land Court's docketing system, which requires the submitter to send all of the filings required for opening a new case (for example, the signed Complaint and a Civil Action Cover Sheet). The submitter will be instructed to send these documents by email to the Sessions Clerk for immediate processing.

For all court filings submitted by email, the signed originals of the filings must thereafter be sent to the Land Court by mail, along with applicable filing fees, with a notation that the filings were previously submitted by email. However, **in no event shall counsel or a party send any original executed documents or irreplaceable documents to the court by mail or delivery** until emergency procedures are no longer in place. Counsel and parties must keep copies of all filings and documents submitted to the court for future reference.

II. Procedures for Non-Emergency Cases or Matters Advanced by the Court

A. Pending Cases

Non-emergency and routine filings received by the court will be accepted and docketed as of the date of their receipt. Unless a case or matter has been specifically advanced by the court, consistent with paragraph V of Standing Order 5-20, no action will be taken on routine filings until further notice.

For all pending cases assigned to a judge, whether or not the case (or matters in the case) have been advanced by the court in accordance with paragraph V of Standing Order 5-20, unless expressly ordered otherwise, the submission of all filings shall be made by emailing a scanned copy thereof to the Sessions Clerk for the Judge to whom the case is assigned or, if related to a TL case, to the Case Coordinator for the Tax

Additional Directives and Procedures of the Land Court for the Conduct of Emergency and Virtual Court Business

Session. Email contact information for the Land Court is listed below. All email filings simultaneously shall be served by email on all other parties.

In addition to emailing any filing, a paper copy of the filing also shall be sent to the court promptly, with an indication that the same filing also has been made by email, and shall include a certificate of service on all parties. However, **in no event shall counsel or a party send any original executed documents or irreplaceable documents to the court by mail or delivery** until emergency procedures are no longer in place. Counsel and parties must keep copies of all filings and documents submitted to the court for future reference. For all filings submitted by email, the date of email receipt will be used as the filing date, provided the email is received during regular court business hours (8:30 a.m. to 4:30 p.m.), otherwise the filing date will be the next date the court is open (virtually or otherwise) for regular business hours.

If indicated, the Sessions Clerk or Case Coordinator may schedule a telephone conference call or videoconference with the Judge, Recorder, or Deputy Recorder in a case or matter that has been advanced. If so, the submitter and any other relevant parties will be instructed on how to participate. If the court issues any notices, orders, or decisions in relation to the advanced matter or case, the parties and counsel will receive notice of such court actions electronically by email from the Sessions Clerk or Case Coordinator.

Counsel and parties should be mindful of the provisions in the April 27 SJC Order tolling and extending statutory limitations periods and statutory, court rule, and case deadlines when determining whether and when to submit a filing in any pending Land Court case or to file a new Land Court case.

B. New Case Initiations

No new non-emergency case initiation filings can be made by email (see above for procedures for *emergency* case initiations). New case initiation filings may only be submitted by mail, along with appropriate filing fees, and in accordance with applicable court rules and procedures. However, **in no event shall counsel or a party send any original executed documents or irreplaceable documents to the court by mail or delivery** until emergency procedures are no longer in place. Counsel and parties must keep copies of all filings and documents submitted to the court for future reference.

Counsel and parties should be mindful of the provisions in the April 27 SJC Order tolling and extending statutory limitations periods and statutory, court rule, and case deadlines when determining whether and when to file a new Land Court case.

The eFiling Pilot program for filing new Servicemembers cases through efilema.com has been suspended until further notice.

Additional Directives and Procedures of the Land Court for the Conduct of Emergency and Virtual Court Business

III. Land Court Contact Information

Recorder's Office Contact Information		
Address	Phone	Online Information
Land Court Recorder's Office 3 Pemberton Square Boston, MA 02108	Main: (617) 788-7470	https://www.mass.gov/orgs/land-court Land Court docket information: https://www.masscourts.org/eservices/

Judge/Session/Department	Contact information
Chief Justice Piper	Mary Armstrong, Sessions Clerk Mary.Armstrong@jud.state.ma.us
Justice Long	Corey Pontes, Sessions Clerk Corey.Pontes@jud.state.ma.us
Justice Foster	Lia Marino, Sessions Clerk Lia.Marino@jud.state.ma.us
Justice Speicher	Emily Rosa, Sessions Clerk Emily.Rosa@jud.state.ma.us
Justice Vhay	Jennifer Masello, Sessions Clerk Jennifer.Masello@jud.state.ma.us
Justice Rubin	Jennifer Noonan, Sessions Clerk Jennifer.Noonan@jud.state.ma.us
Justice Roberts	Kathleen Hayes, Sessions Clerk Kathleen.Hayes@jud.state.ma.us
Tax Session	Panoraia Naseli, Case Coordinator Panoraia.Naseli@jud.state.ma.us
Survey Department	Stephen LaMonica, Chief Surveyor Stephen.Lamonica@jud.state.ma.us
Title Examination Department	Christina Geaney, Chief Title Examiner Christina.Geaney@jud.state.ma.us