

**April 17, 2020**

Dear Members of the Bar:

As we close in on the end of the fifth week of the Court's response to the COVID-19 pandemic, I wanted to reach out to you to provide some information and updates.

Earlier this week, our AJCMs received licenses to access MassCourts remotely. Prior to this, the access to MassCourts was only available to staff at the courthouse and those staff were the ones handling the rescheduling and emergency matters. As you may know, other Courts have been scheduling uncontested divorce hearings. With Essex now having additional remote access, we are now able to have the two or three AJCMs working remotely review files and start scheduling uncontested divorces for those cases where everything is in order. Unfortunately, we are experiencing difficulties with our remote access and some of the AJCMS and Judges are still unable to get on MassCourts or are losing connection to the program unexpectedly so we are moving slower than we'd like. The Administrative Office is aware of these issues that are happening statewide and they are diligently working to fix the glitches.

We are starting with the 1A's on the list from March 16<sup>th</sup> and moving forward. Each judge will hear the 1A's at the courthouse and, if possible, remotely and the cases will be heard by all judges rather than following the individual calendar. The remote telephone hearings have certain hurdles we are overcoming such as the recording of the hearings and how to protect the privacy of the telephone numbers of the Court employees who are calling from home or cellular telephones. I did my first telephonic 1A divorce on Wednesday. It was strange to conduct such a significant event by telephone but I know that having the hearing was very much appreciated by the participants.

We are hoping to soon expand our hearing capabilities to include video conferencing. As you can imagine, there are numerous logistics that need to be worked out regarding the scheduling of such hearings not the least of which is confirming the litigants and counsel all have access to such technology and getting all of the staff comfortable with the platform. As we do this, we will start by scheduling the hearings from March 16,

2020 and moving forward. As we expand our ability to hear more cases remotely, we will be able to expand the type of cases we hear as well beyond the emergencies and the uncontested matters.

Because we are operating almost exclusively without files and relying instead on MassCourts (both at the courthouse and remotely), if all of the moving parties' pleadings necessary for the case to be ready for hearing are not on the docket, the case will not be scheduled for a hearing. The Registry staff has been working non-stop to stay on top of the filings which allows us to rely on MassCourts. If you are a moving party, please check your cases that had hearings scheduled from March 16<sup>th</sup> forward to make sure all the necessary pleadings have been docketed (such as financial statements, returns of service, notices of hearing) and if not, file the pleadings as soon as you can.

It will be a tremendous help to us when you are filing your pleadings to also submit your proposed order in a word document as opposed to a PDF. The Registry is processing your filings and segregating the proposed Orders to send to us separately. If we are able to use and edit what you have provided, this will speed up our ability to process the Orders and anything that saves us time helps us to hear more cases. When you receive Orders, you will be seeing more and more of the Orders using an electronic signature (including /s/ signatures).

Thanks to all of you who have helped facilitate conference calls for us. That has been a tremendous help so that we can use our For the Record recording system rather than the speakerphone in the courtroom. It makes the hearings much more efficient. Some of you may have had hearings using a bridge number you are given by staff for everyone to call. While this has worked, we only have one bridge number so it can only be used by one judge at a time. As we expand to remote hearings, your continued help facilitating the telephone calls will be very much appreciated.

Some of you have asked if you can submit motions for determination on the pleadings pursuant to Rule 78. If you provide a Joint Motion to submit the matter to the Court on the pleadings pursuant to the rule together with the necessary pleadings, it will be forwarded to the Judge assigned to the case for review. If we are able to rule on the Motion, we will. If after review the Judge decides they will not rule administratively on

the motion, an Order will issue stating this. This may occur for any number of reasons (for example there are numerous affidavits or attachments to the motion). If the matter is not ruled on administratively, you will then need to treat this as a contested motion. Also, as a reminder, if you file joint motions those are being handled administratively as well or with a quick hearing if one is needed to clarify an issue, if the Judge is not necessarily agreeable to the joint motion (for example a joint motion to impound that doesn't meet the Uniform Rule requirements) or the Judge wants something on the record (such as downward deviation from the guidelines).

I know one of the biggest questions out there is what will happen to our Court on May 4, 2020. At this point, I don't have an answer. I do know Chief Casey is currently working in conjunction with Chief Carey to make the determination as to how our Court can best operate in May and forward. Please know that if we continue to operate as we are now or if we open the courthouse in a limited way, we are working on increasing our capabilities to hear cases remotely whether by telephone or videoconferencing and to try to move through the backlog as efficiently and effectively as we can.

Finally, I would like to again thank all of you who continue to offer your assistance and expertise to our Court and to thank those of you who have sent us emails to check in on us or just to send us positive messages. They are very much appreciated. Please know you are in our thoughts and that we miss seeing you at the Courthouse.

Be well and stay safe,

*Jennifer*

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