

**GUIDELINES FOR IMPLIMENTATION
OF STANDING ORDER 2-20
IN THE WORCESTER PROBATE AND FAMILY COURT**

Pursuant to Standing Order 2-20 and the SJC's recent order regarding limiting access to the courthouses, the following procedures should be followed regarding pending matters scheduled for hearing at the Worcester Probate and Family Court. At the end of this memo are contact telephone number and email of each Judge's secretary, sessions clerk, JCM and AJCM, as well as some information regarding which employee you should contact depending on the nature of the communication or question. All of the employees are on a limited work schedule but many have remote access to email. Every effort is being made to respond to questions as soon as possible. Information will be updated and forthcoming as more directives come from Chief Casey and as the WPFC continues to navigate this new and uncharted territory.

Hearings scheduled between March 18-May 1, 2020: No in-person hearing will be scheduled or held except for exceptional circumstances approved in advance by the Justice assigned and the Chief Justice of the Probate Court. (See Standing Order 2-20, s C(3)) Matters previously scheduled for hearing between March 18 and May 1, 2020 will not be heard unless those matters deemed an emergency pursuant to Standing Order 2-20, s. E(1)-(10). If deemed an emergency pursuant to the SO 2-20 by the assigned Judge, hearing may be scheduled by the court to occur telephonically or pursuant to Rule 78. Please review the contact information at the end of this memo for any inquiry relating to the scheduling of a matter you allege to be an emergency as defined under the SO 2-20. If, after review by the Court, the matter is deemed such an emergency, the Court will then contact you to schedule and coordinate a telephonic hearing.

Stipulations: Parties and counsel may submit by mail joint motions with stipulations for temporary orders in any pending action at any time. The assigned Judge will review the stipulations for allowance as a temporary order. Please mail original signed pleading and accompanying Stipulation to the attention of the assigned Judge's secretary.

1A Hearings: These matters will not be heard until at least May 1st. The court will send notice of your new hearing date. If a party or counsel has a circumstance they believe warrants a hearing prior to May 1st, they may email the AJCM or JCM assigned to the Judge. The Judge will then review the request and determine whether a telephonic hearing is appropriate.

Pretrial Conferences and Status Conferences / Trials:

PreTrial Conferences/Status Conferences and Trials scheduled to have occurred between March 18 and May 1, 2020 will not proceed to hearing on the originally scheduled date. These matters will be re-scheduled by the court to a date after May 1, 2020. New

hearing notices with re-scheduled hearing dates will be mailed in due course.

Trials and Evidentiary Hearings: Please see Standing Order 2-20(c)

GENERAL INFORMATION:

- **Rescheduling of matters postponed pursuant to Standing Order 2-20:** Due to the volume of cases that will need to be rescheduled, not all matters may be scheduled on the date the court resumes normal business. Accordingly, *beginning May 1, 2020, parties (if pro se) or counsel may call the Registry Docket clerk assigned to each judge (see below) to obtain a new hearing date for motions and Contempts. These matters will be re-scheduled in consideration of their original hearing dates with priority to matters awaiting re-hearing the longest in time.
- **Marking new motions:** No new motions may be marked for hearing at this time. This is because priority will be given to matters that were postponed and the number of cases per day necessarily must be limited to a manageable number. *Beginning May 1st, parties may call the Registry to obtain a date for hearing in consideration of the anticipated volume of cases to be scheduled or re-scheduled once the court is restored to unrestricted access.
- **Request for emergency hearing.** All requests for emergency hearing shall require a motion and supporting affidavit which shall be e-filed. In addition, the Motion and Supporting Affidavit signed under the pains and penalties of perjury by the party litigant shall be emailed to the assigned Judge's designated AJCM for review and determination as to whether a telephonic hearing will be scheduled. The affidavit shall set forth with specificity the nature of the emergency, as well what efforts have been made to resolve the matter with the opposing party or their counsel prior to the filing of the motion and request for telephonic hearing. Contact telephone numbers and email addresses (if any) for all counsel and parties shall be set forth in the email correspondence. If the case requires the filing of a new complaint, the pleadings shall be simultaneously filed pursuant to the protocol directed by the Register and the motion and supporting affidavit of emergency should also be emailed to the ACJM / JCM below so they may be reviewed as soon as possible by court. The parties and counsel will be then be notified as to how the Court will proceed. Please note no telephonic hearing will be conducted until all pleadings are filed with the court.
- **Joint motions for temporary orders with written stipulations:** During the implementation of SO 2-20, parties and counsel may, at any time, submit a Joint Motion and stipulation for consideration by the assigned Judge. Originals shall be

sent to the designated Judicial Assistant for review by the Judge. The motion may be allowed and the stipulation incorporated into an order however, the assigned Judge may require a hearing telephonically or in person in which case counsel and parties will be notified as to when that hearing will occur.

- **Employee designations:** The following people should be contacted regarding your case according to assigned Judge. Please direct your email to the top person and cc everyone else. Anticipating shortages in staff you will need to email or call multiple people as indicated below depending on the nature of the request or inquiry. Please note that the Staff of the WPFC are all committed to servicing the needs of the public and bar as efficiently as possible. However, to protect the health, safety and well-being of the Judges and staff and pursuant to SO2-20, we are working on a skeleton staff as well as remotely (as much as possible given various technological issues). Accordingly, processing of orders and responses to questions may be more delayed than normal. We appreciate your patience.

A. Joint Motions and stipulations should be sent via regular mail (unless an emergency) to the designated *Judicial Assistant* who will deliver to the Judge for incorporation into a temporary order if approved. It is suggested the stipulation include the effective date in light of the fact that staffing at the Court is limited and there will be a longer than typical time for processing the order.

B. Rescheduling motions and contempts: Beginning May 1 (subject to change), motions and contempts may be rescheduled by calling the designated *Docket Clerk* to obtain an available date.

C. Questions regarding status conferences, pretrials, trials and 1As should be directed to the Judge's *Sessions Clerk*.

D. Questions regarding guardianship of incapacitated persons shall be directed to *AJCM Jeanne Angers* and cc to *Kathleen Brown*.

E. Questions regarding coordinating a telephonic hearing (that the Judge has directed take place) and status of orders may be directed to the *Sessions Clerk* for your Judge or the *AJCM* for your Judge.

F. Questions regarding E-filing and docketing issues as well as probate matters shall be directed to the Registry or the designated *AJCM / JCM*.

* **Subject to change**

Lobby Contact Information

Judge Keamy Case:

AJCM: Susan.walton@jud.state.ma.us (508)831-2254
Sessions Clerk: Sharon.kelley@jud.state.ma.us (508)831-2234
Judicial Assistant: Eleanor.bianca@jud.state.ma.us (508)831-2206
Docket Clerk: Jackie (508)831-2217

Judge Bailey Case:

AJCM: Fionnuala.girard@jud.state.ma.us (508)831-2223
Sessions Clerk: Christian.kobel@jud.state.ma.us (508)831-2235
Judicial Assistant: Moira.Dacey@jud.state.ma.us (508)831-2215
Docket Clerk: Tina (508)831-2207

Judge Sushchyk:

AJCM: Alicia.doherty@jud.state.ma.us (508)831-2241
Sessions Clerk: Amy.sliwoski@jud.state.ma.us (508)831-2251
Judicial Assistant: martha.hidenfelter@jud.state.ma.us (508)831-2233
Docket Clerk: Anna (508)831-2226

Judge Melia:

AJCM: Fionnuala.girard@jud.state.ma.us (508)831-2223
Sessions Clerk: Ann.porcaro@jud.state.ma.us (508)831-2249
Judicial Assistant: Moira.Dacey@jud.state.ma.us (508)831-2215
Docket Clerk: Tatsuka (508)831-2224

Judge Tierney:

AJCM: Susan.walton@jud.state.ma.us (508)831-2254
Sessions Clerk: Kelly.amaral@jud.state.ma.us (508)831-2211
Judicial Assistant: Eleanor.bianca@jud.state.ma.us (508)831-2206
Docket Clerk: Kim (508)831-2228

Judge German

AJCM: Alicia.doherty@jud.state.ma.us (508)831-2241
Sessions Clerk: Lana.simmons@jud.state.ma.us (508)831-2202
Judicial Assistant: martha.hidenfelter@jud.state.ma.us (508)831-2233
Docket Clerk: Lee (508)831-2212

Other Helpful Numbers:

Judicial Case Manager
kathleen.brown@jud.state.ma.us (508)831-2208

Head Administrative Assistant / Judicial Assistant:
Elaine.henderson@jud.state.ma.us (508)831-2231

AJCM (Guardianship of IPs)
jeanne.angers@jud.state.ma.us (508)831-2203

General e-Filing information

To create an e-Filing account and access the website: www.efilema.com

- Click "get started"
- On Tyler's (e-Filing) website there are instructions on how to set up an account and how to use the website

PFC's e-Filing FAQ: <https://www.mass.gov/doc/efiling-in-the-probate-and-family-court-frequently-asked-questions>

- Mass.gov – search e-Filing in Trial Court – link to document at bottom of page

Case types that can be e-Filed:

- Divorce 1B
- Informal Estate
- Formal Estate
- Late and Limited
- Voluntary Administration
- Guardianship of Incapacitated

NO: Subsequent actions

YES: Subsequent filings ONLY under the case types listed above

- Case does not need to be initiated in e-Filing and can be any year
- Need the whole docket number – can search masscourts.org
- Examples: motions, affidavits, return of service, answers, etc.

Filing fees = court fee, \$6 to Tyler, 2.89% of total fees

Example: \$220 (divorce) + \$6 = \$226 + 2.89% = final cost \$231

Affidavit of Indigency codes are being added to e-Filing

- Litigants can now file using the “wavier” payment code, if they believe they are indigent (with or without affidavit of indigency forms)
Please speak with your Register/Assistant Register regarding this process, as they were notified
- <https://www.mass.gov/trial-court-rules/trial-court-emergency-administrative-order-20-3-temporary-waiver-of-electronic>