



**TRIAL COURT OF THE COMMONWEALTH
District Court Department**

Springfield Division
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Springfield, Massachusetts 01103
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Acting Clerk-Magistrate
John J. Stocks

Chief Probation Officer
Daniel J. Delaney

First Justice
Kevin V. Maltby

Justices
Robert S. Murphy, Jr.
Patrick S. Sabbs
Michele A. Ouimet-Rooke
Robert T. Santaniello

TO: Practitioners Handling Criminal and Civil Matters
FROM: Hon. Kevin V. Maltby, First Justice
Acting Clerk Magistrate John J. Stocks
CC: Chief of Probation, Daniel J. Delaney
DATE: November 17, 2023
RE: Court Operations – SDC 23-5

SESSION SUMMARY

Courtroom	Session Summary	ZOOM INFO	Virtual, In Person or Hybrid
CR1	Arraignments (Summons and New Arrests), Unification of Counsel, <i>Pro se</i> Matters, and Warrant Removals	160-8582-7315	In person, but see notes below
CR2	AM: Criminal Dispositions, Viability Hearings, Motions to Dismiss, and Privilege Assertions, Firearms Track Dispositions PM: All Probation Matters	161-833-1953	In person but see notes below
CR3	AM: Criminal Pretrial Hearings, Discovery Conferences, Discovery Motions; MTS Status Conferences, Firearms Track Pretrial Hearings; non evidentiary motions. <i>Note Start 8:30AM Start Time</i> PM: Monday and Tuesday - Civil Session (virtual); Emergency motions may be heard anytime; Evidentiary matters in person .	161-0589-9834 160-822-7568	Hybrid* New Hybrid
CR4	209a, 258e, Mental Health and Civil Commitment Hearings, and CMVI Appeals	160-076-0770	See below
CR5	Specialty Courts: CAST, Recovery with Justice, and EACH (hybrid) Clerk Magistrate Hearings – See below for schedule	TBD 160-018-6650	Hybrid Virtual
CR6	AM: Motions to Suppress, 58A hearings, Evidentiary Hearings; Firearms Track Motions to Suppress; Jury Trial Overflow AM: Fridays - Trial Readiness and Firearms Track Trial Readiness Session at 9:00 AM (hybrid) PM: Thursdays - Summary Process matters at 2:00 PM (In person)	161-259-3965 161-259-3965 161-710-7269	In Person Hybrid See below
CR9	Jury Trials, Evidentiary Hearing Overflow	N/A	In Person
CR10	Jury Trials, Evidentiary Hearing Overflow	N/A	In Person
CR11	Magistrate Hearings – CMVI’s (Tuesday AM, Thursday AM) Small Claims (Thursday and Friday, 10 AM & 2 PM)*	161-011-8312 160-754-5303	Virtual *See below

COMMUNICATION WITH CLERK'S OFFICE:

The Springfield District Court has established a dedicated **e-Court** team to monitor the dedicated email address of: cmspringfielddc@jud.state.ma.us to better facilitate access to the Court. A dedicated "Zoom Room" is staffed daily from 9:00am to 3:30pm, to serve as a virtual public counter, providing real-time information regarding case status, filing instructions, client/attorney information, etc.

The Zoom link for this service is: 161-4303-9389

NOTE: Emailed pleadings are not considered filed until they are physically date stamped by the clerk's office. Filings emailed after regular business hours will be handled the following day.

NOTE: Please do not contact any of the Assistant Clerk Magistrates or other clerk's office employees on their personal mobile devices (either by text or cell phone) for court business unless they have reached out to you. **It is not a substitute for formally contacting the clerk's office.**

CR1 – ARRAIGNMENT SESSION NOTES:

- All criminal arraignments.
- Detention hearings/58As/Revocation hearings.
- Warrant removals will be conducted in person unless the defendant is symptomatic.
- Unrepresented litigant / *pro se* matters.
- Unification of Counsel. If counsel has contact with their client, then that can be reported remotely, and a new pretrial date shall be given.

CR2 – CRIMINAL DISPOSITION AND PROBATION MATTERS SESSION NOTES:

- The session begins at **9:00 AM** and **VOP Matters begin 2:00 p.m.**
- The court shall permit [tender of pleas](#) involving no incarceration, non-evidentiary motions, assertion of privilege, and viability dates, to be heard remotely or **hybrid if counsel files a motion in advance**.
- Otherwise, all disposition hearings are in person events.
- Firearms Track dispositions are in person events.

CR3 - PRETRIAL HEARINGS / DISCOVERY CONFERENCES / CIVIL SESSION:

- Counsel may appear by ZOOM or in person.
- Daily Schedule:
 - 8:30 AM** Custody Matters / **NEW:** MTS Status Conferences
 - 9:00 AM** Pretrial Hearings
- **Except for [Firearms Track](#) cases**, defendants are not required to appear if represented by counsel.
- Discovery Motions: **At the session judge's discretion, discovery motions will only be heard if the parties certify they have conferenced the matter in advance of hearing.**

CIVIL NOTES:

Monday and Tuesday at 2:00 pm

- Civil matters will continue be heard virtually unless the court orders otherwise.
- ***NEW** - In person events shall be scheduled if the subject matter requires an evidentiary hearing.
- Emergency civil matters will be heard at any time. Please contact clerk's office
- Summary Process matters shall be conducted in person.

CR4 – 209A/258E/MENTAL HEALTH SESSION NOTES:

- Session begins at **9:00 AM** with a staggered schedule thereafter.
- Parties shall appear remotely upon motion at judge’s discretion.
- All mental health hearings shall be conducted in a way that takes into account the health and safety of all individuals. Currently, the court will continue conducting these hearings in the following format:
 - **Section 35s:** Conducted in a hybrid fashion
 - **Section 7&8:** Conducted virtually. Please see SDC Standing Order 22-12
- CMVI Appeals may be heard in person or virtually.

CR6 - TRIAL READINESS / MOTIONS TO SUPPRESS SESSION NOTES:

Evidentiary Motion Hearing Notes – Monday through Thursday

- Session begins at **9:00 AM**.
- All evidentiary motions shall be conducted in person.
- Nontestimonial 58As/Motions to Revoke Bail shall be heard in this session and may be heard remotely with prior approval and the assent of all parties.
- Testimonial 58A hearings shall be conducted in person.

Motions to Suppress

- All motions to suppress shall be filed 4 weeks in advance of the hearing date.
- A status conference shall be conducted 2 weeks in advance of the hearing date in CR3. Parties are expected to report on the status of witnesses and filings.

Trial Readiness Notes – Friday at 9:00AM

- Trial readiness hearings shall be heard **virtually or in-person** every Friday beginning at 9:00 a.m.
- **Firearms Track** cases shall be held in person.
- *Motions in Limine*: Must be filed the Wednesday before the session, by the close of business.
- **Pretrial Conference Report**: Parties are directed to file with their *motions in limine* a joint pretrial conference report representing that all discovery is complete.
- Certificates of Compliance. Both parties are required to file Certificates of Compliance. The forms are found by clicking on these links:
 - **Defense:** Click [here](#)
 - **Prosecution:** Click [here](#)
- **Firm and Fair Trial Date**: Parties can expect that barring unforeseen circumstances, their matter will be tried on the trial date selected.

CR5 / CR11 CLERK MAGISTRATE MATTERS NOTES:

Monday:	Show Cause Hearings (am),	E-file Applications (pm)
Tuesday:	Show Cause Hearings (am),	E-file Applications (pm)
Tuesday:	CMVI Hearings (am)	
Tuesday	Civil Case Management Conferences (pm)	
Wednesday	Show Cause Hearings (am & pm)	
Thursday:	Small Claims Hearings (am)*,	Small Claims Hearings (pm)*
Thursday	CMVI Hearings (am)	
Friday:	Small Claims Hearings (am)*	Small Claims Hearings (pm)* <i>In Person as of 4/1/24</i>

CR9/CR10 JURY TRIAL NOTES

- On the day of trial, parties are expected report to either CR9 or CR10 and be ready impanel at **9:00 AM**.
- All audio-visual equipment, exhibits, or other media should be set up and ready before 9:00 AM the day of trial.
- Counsel can expect the Clerk's office to be in contact several days before the day of trial to determine status and provide further information about the trial. The court expects that counsel will respond promptly.
- Motions to continue a jury trial shall be presented to the First Justice for review.

PUBLIC ACCESS and HEALTH AND SAFETY

Members of the public are permitted to attend all in-person hearings subject to building and safety requirements. As of the date of this memorandum, court users are not required to wear a face covering or be asked certain questions regarding their health. However, all court users are still subjected to safety screening at the front door. If any court user is sick or symptomatic, they should refrain from coming to court and contact the Clerk's Office immediately.

VIRTUAL APPEARANCE

Appearing virtually means that one or all parties appear by videoconference (e.g., Zoom). A judge or clerk may allow a party to connect to a videoconference system with audio only, ***but only if circumstances require this accommodation***. Appearance by telephone on a conference line is **not an option** for a virtual appearance. Parties appearing virtually should treat their virtual appearance as if they were appearing in court and their camera must be turned on.

A party's request to appear virtually waives any objection to other parties appearing in person. The requirement that a party (or parties) appear in person does not preclude an attorney or witness from being permitted to appear virtually. An attorney or witness may appear virtually if the judge or clerk-magistrate presiding over the hearing allows the request, and doing so would be consistent with constitutional rights and statutory requirements. Unless prohibited by law or court order, members of the public may access virtual court hearings as they are happening.

During a virtual court hearing, members of the public are not permitted to speak, interrupt, or otherwise disrupt the hearing and must mute whatever device they are using to access the hearing. No person shall take any photographs or other digital images or make any recording or transmission by electronic means of a virtual court hearing, whether being held virtually or in person, without prior authorization from the First Justice or Magistrate in accordance with Supreme Judicial Court Rule 1:19 governing electronic access to the courts.

FIREARMS TRACK

The Firearms Track applies to all matters involving a firearms or ammunition charge and will include the following additional case management enhancements that simulate a firearms session within the current court operations. There will be no new session. Rather matters will continue be held in respective scheduled session in conjunction with the Court Operations Memorandum 22-13 (attached):

- **START DATE:** Immediately.
- **ALL CASES:** All matters with firearms charges will be included in the firearms track.
- **CASE FLOW:** For all new matters a pretrial hearing shall be scheduled 30-45 days after arraignment or resolution of a dangerousness hearing under G.L. c. 276, § 58A hearings. All subsequent hearings shall be scheduled no later than 30-60 days depending on the nature of the next hearing.
- **IN PERSON HEARINGS:** **Starting on the next court event after Friday, September 29, 2023**, defendants who have a firearms case pending are required to appear at all court events including pretrial and motion hearings. If defense counsel believes they need a summons to issue for the following court date, please contact the clerk's office.

The court will entertain motions to excuse the defendant's presence if they are (1) filed in advance and (2) brought to the attention of the First Justice.

- **PARALLEL DISCOVERY MANAGEMENT:** The court expects that *Long, Brady*, or suppression issues shall be conducted while the Commonwealth fulfills its discovery and testing obligations.
- **MOTIONS TO SUPPRESS:** Similar to motions to suppress on other matters, the file by date will be 30 days from the hearing date with a status conference scheduled 14 days from the hearing date to ensure witness availability and that a motion was filed. The Commonwealth is expected to contact its officers in a timely basis to ensure availability and the court expects the officers to respond.
- **DISCOVERY MOTIONS:** No discovery motion shall be heard unless it has been conferenced in advance of the hearing. In addition, if the discovery motion relates to *Long or Brady* material, **the Commonwealth shall file a written response.**
- **TRIAL READINESS AND TRIAL:** Trial dates to be scheduled no later than 30-60 days after the scheduling of the trial readiness date, unless longer for good cause.
- **JURY TRIAL FIRST CASE OUT DESIGNATION:** Unless there is a custody matter or a victim-based crime involving a minor or other matter in the jury session judge's discretion, all firearm cases will be designated "first case out" on the scheduled jury trial date.
- **MOTIONS TO CONTINUE:** All motions to continue a jury trial or motion to suppress shall be first reviewed by First Justice or their designee to determine whether a hearing is necessary. Any hearing on a motion to continue a jury trial shall be conducted in person. Parties are directed to discuss proposed dates with the clerk's office.
- **CASES OUT OF TIME STANDARDS:** Attached to this memorandum is a list of cases that Chief Justice Fortes has specially assigned due to their age. She has ordered that these matters be brought to conclusion no later than March 2024 absent some compelling reason. Preference will be given to these matters for purposes of scheduling dispositions, trials, or motions to suppress.

In addition, the court will continue to bring matters forward for pretrial hearing if it determines that there is inactivity or unnecessary delay in resolving cases.

KVM
SDC23-2

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