



The Commonwealth of Massachusetts
PROBATE AND FAMILY COURT DEPARTMENT
BERKSHIRE DIVISION

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RICHARD A. SIMONS
FIRST JUSTICE

May 18, 2020

FRANCIS B. MARINARO
REGISTER

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JUDICIAL CASE MANAGER

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ASSISTANT REGISTER

Members of the Domestic Relations and Probate Bar:

We first want to thank you for your ongoing patience and support while the Berkshire Probate and Family Court tries to navigate ways to ensure equal access to justice for all litigants and attorneys that appear before it in a manner that is designed to comply with safety guidelines and direction from Trial Court leaders. We would like to take this opportunity to highlight some of the most important changes that affect your practice and will require your cooperation. We also wish to emphasize the fluidity of the COVID-19 crisis. Decisions and protocols are constantly being reevaluated in light of public health directives and available staff.

1. **Videoconference Hearings.** Hearings by Zoom Meeting are happening. This is the preferred platform for conducting remote hearings. While we will keep telephone conference lines available for litigants who absolutely cannot participate by videoconference, this will be the exception and not the rule. All attorneys are expected to use Zoom Meeting. Even in the event the courthouse opens up to the public in some limited fashion this summer, hearings via video conference shall continue.
2. **Motion Practice.** As explained in our previous correspondence to the Bar, we will continue to offer a very limited motion list on Wednesdays and Thursdays. You may not mark up motions without first contacting the Registry and being given a designated date and time slot from the Registry staff. Any motions marked up in any other manner will not be heard.
3. **Filing Pleadings/Documents.** If you are filing pleadings/documents that are not urgent, we ask that you do so in the same manner you did prior to the pandemic, i.e. by regular mail, electronic filings through MassCourts, or even by dropping off at the court (in dropbox in front of the vestibule instead of at the Registry counter). Please do not inundate the berkshireprobate@jud.state.ma.us email address with unnecessary communications (i.e. copies of documents filed by mail). The address receives a very high volume of traffic and is monitored by multiple managers; it is intended for urgent matters and compliance with court orders.
4. **Electronic signatures.** Please review SJC Order regarding use of electronic signatures on Mass.gov. When pleadings are filed with electronic signatures in compliance with that Order, there is no need to send original pleadings by mail, unless it is a document signed under "the pains and penalties of perjury" (i.e. affidavits, medical certificates, financial

statements, etc.). In those cases, you should make every effort to follow up the electronic signature with an original signature.

5. **Probation Dispute Intervention Services.** Probation is also operating on a limited basis by telephone or videoconferencing. At this time, cases where both parties are represented by counsel are not being referred to Probation. However, if you have a case where you believe Probation's involvement can facilitate a resolution, feel free to contact Probation directly at (413) 443-9469, and staff will work with you to arrange dispute intervention by appointment.
6. **Trials and Pretrial Conferences.** At this time, it does not appear that the Court will be conducting trials during the summer. As such if you have a trial scheduled prior to September 1, 2020, it will likely be cancelled and scheduled for a status conference in the Fall. Further, all Pretrial Conferences scheduled from now through August will also be rescheduled to sometime after September 1st.

Sincerely,

Richard A. Simons, First Justice

David J. Dacyszyn, Associate Justice

Francis B. Marinaro, Register

Amy A. Koenig, Chief Probation Officer

Lisa M. McCormack, Judicial Case Manager