



May 27, 2021

Massachusetts Trial Court Stakeholders:

We have reviewed the recent changes in the CDC-issued COVID safety protocols and plan to review the DPH protocols once released. In consultation with the Trial Court COVID Operations Committee, we have decided to continue our conservative approach in the interest of the health and safety of staff and the public.

Guidance from the CDC and the Mass. Department of Public Health will allow **fully vaccinated people** to resume activities across the state as of May 29th without wearing a mask or social distancing, except where locally required.

However, since we do not currently have the ability to confirm who is vaccinated and who is not, the Trial Court will continue to require everyone who works in or visits a courthouse to wear masks and to practice social distancing, according to the policy attached and below.

We will monitor operations through our weekly calls with the COVID Operations Committee and will revisit this approach as circumstances change. Vaccination rates of court staff and the general public, in addition to operational considerations, will determine the need for changes.

We appreciate that this may pose a burden and create some local challenges. However, we seek your continued trust and support, as we move into the next phase of operations impacted by the coronavirus. Safety must remain our primary concern.

Handwritten signature of Paula M. Carey in black ink.

Paula M. Carey  
Chief Justice

Handwritten signature of John A. Bello in black ink.

John A. Bello  
Court Administrator



## Trial Court COVID Safety Protocols Effective June 1, 2021 for External Stakeholders

The Trial Court does not currently have the ability to confirm who is vaccinated and who is not, therefore the protocols for courthouses are as follows. These protocols will be monitored to achieve the appropriate balance of safety and reevaluated as circumstances change.

### **Masks, Distancing, Screening**

- Employees, court users and other individuals who work in or visit the courthouse must wear masks and must practice social distancing.
- Occupancy limits, plexiglass and current screening protocols remain in effect.
  - maximum courthouse occupancy / social distancing data will enable local managers to determine reasonable levels based on flow of traffic.

### **Lock-up Occupancy**

- Multiple detainees are allowed in a cell where social distancing is possible.
- Court Officers and detainees are required to wear masks at all times in the lockup and while Court Officers escort detainees to and from the courtroom.

### **All Jury Trials and Evidentiary Hearings**

- Judges who have been fully vaccinated may remove their masks while speaking and may allow mask removal as follows:
  - counsel while speaking, provided that all counsel who have speaking roles in the trial or hearing have been fully vaccinated;
  - witnesses while testifying, including jurors during individual voir dire;
  - during jury impanelment, counsel, a party or witness, briefly and without speaking, for the purpose of permitting potential jurors to determine if they may have a disqualifying relationship with the person; and
  - a criminal defendant or juvenile, if identification is a live issue at trial and jurors' view of that person is necessary to enable jurors to resolve that issue.
- Except as set forth above, all persons must wear masks at all times during jury trials and evidentiary hearings.
- Courthouses not previously approved for jury trials will be reviewed to determine the feasibility of resuming jury trials in those courthouses.