

A Guide to Virtual Hearings for Self Represented Litigants in Probate Matters

During the current novel coronavirus pandemic, the courts of the Commonwealth, including the Probate and Family Courts, have shifted to remote operations. A “remote hearing” means a hearing that is held by either telephone call or Zoom video-conference.

Para obtener información sobre el testamento y el tribunal de familia en español, acceda a la siguiente dirección web: <https://www.mass.gov/guides/preguntas-frecuentes-del-tribunal-de-asuntos-de-familia-testamentos-y-sucesiones>

- 1. You can still file new cases with the Courts.*** Most new matters may be filed by mail, e-mail, or e-filing where available. If possible, you should file new matters via mail. If this is not possible, you should file via e-mail using the appropriate e-mail address as provided in the Division protocol for the applicable court. E-filing (via <https://efilema.tylerhost.net/ofweb>) should be used as a last resort because there are restrictions regarding what types of documents may be e-filed, and in order to e-file you must register.
- 2. Most Courts are not conducting trials or evidentiary hearings remotely.*** Most hearings that require the presentation of evidence and any trial will be rescheduled for a later time when the courts are open to the public. However, as noted above, some judges are scheduling evidentiary hearings and plan to conduct trials remotely.
- 3. The Courts are conducting remote hearings for all non-emergency matters and emergency matters that can be heard remotely.*** The Court will notify you if a hearing is scheduled in your matter. Please note that the Court may call you from a **blocked** number or setup a **Zoom** video conference.
 - If you are calling in and your phone plan uses “minutes” be sure you have at least 90 minutes of available talk time. Let the Judge or the Court Clerk know right away if you have limited minutes on your cellphone.
 - If you are using a mobile device be sure it is fully charged or plugged into a power supply.
 - If you are preparing for a video conference over **Zoom**, download and test the application 48 hours in advance of your scheduled hearing. (**Zoom** is **free** to download at <https://zoom.us/>.)
 - If you are unable to conduct a video conference notify the court immediately to change your hearing to a **teleconference**.

Before the hearing

Plan ahead. Make sure you know:

- **When** your hearing is,
- **How** the Court will hold the hearing, and
- **You know** how to “go to” the hearing

Call or email the court as soon as you can if:

- You do not get a letter from the court.



- You do not understand the instructions for Zoom or the telephone conference call line
- You need an accommodation from the court like:
 - ◇ You are hard of hearing.
 - ◇ You need a break during the hearing.
 - ◇ Your eyesight is not good.
 - ◇ You need an interpreter.
- You cannot do the hearing on the date the court gave you, because you have to work or you have another scheduling conflict. You must have a very good reason to change the date.
- You do not have enough minutes on your cell phone plan to do the entire hearing. Most hearings are about one hour.
- To find the number or an email for the court go to: https://www.mass.gov/orgs/probate-and-family-court/locations?_page=1

If you do not currently have internet service at home and you are a low-income household, you may qualify for free or discounted internet:

- Comcast may be contacted at 1-800-COMCAST or visit https://www.internetessentials.com/covid19#thingstoknow&all_AmIeligibleforIE
 - Verizon may be contacted at 1-800-VERIZON or visit <https://www.verizon.com/info/low-income-internet/>.
 - RCN may be contacted at 1-800-746-4726 or visit <https://www.internetfirst.com/>.
 - Charter-Spectrum may be contacted at 1-844-488-8395.
 - Starry may be contacted at 1-888-231-9403 or visit <https://starry.com/starryconnect>.
 - You may also contact your mobile phone provider regarding high-speed data packages including hot-spot connectivity.
4. ***If your matter is scheduled for a remote hearing and you do not “appear” at the hearing, the court can proceed without you.*** For this reason, it is equally as important to show up for remote hearings as it is to show up for hearings that occur in-person in a courthouse. If there is a reason that you cannot attend your scheduled hearing, you need to contact that court well in advance of the hearing to attempt to reschedule your hearing.
5. ***Treat remote hearings with the same formality as you would an in-person hearing at the courthouse.***

Before the hearing:

- **Prepare your arguments.** Before your hearing, plan what you want to say to the Court. It may help to write yourself a bulleted list of your key points and any support or examples you may have. If you will need the Court to look at any exhibits during your hearing, be sure that the Court has those documents in advance of your hearing.



- **Prepare your space.** You should arrange to be in a quiet and private space for your hearing. You will want to minimize any distractions during your hearing. Common distractions include children, pets, televisions, radios, and lawn mowers.
- **Prepare yourself.** Dress for court! It may be tempting to dress more casually because you are at home, but resist this.
- Remember: anything you give to the Court, you also have to give a copy to the other side.”
- If you are unsure how to file a document or picture or are having problems filing a document or a picture call the court right away. You can also call the Court Service Centers, Court Libraries, or Court helpline for assistance if they have documents they need to file and cannot. All of those numbers or websites are listed in section 8 of this guide.

During the hearing:

- **Arrive early.** Call in to the teleconference or join the video conference at least ten minutes before the scheduled start of your remote hearing. This extra time will allow you to address any technology issues that may arise.
 - **Announce yourself.** When you join a remote hearing you should announce yourself by saying, “This is the [Plaintiff/Petitioner/Defendant/Respondent][Insert Name].” You should also do this each time before you speak so that the record is clear as to who is saying what.
 - **Speak clearly.** Speak in a loud and clear voice so that the Court and the other parties can hear you. When you are not speaking mute your computer or phone to reduce background noise and feedback.
 - **Do not speak over others.** You should wait until others have finished speaking before you speak. It is particularly difficult to understand who is saying what during a remote hearing when multiple people are speaking at the same time. You will help the Court (and yourself) by waiting until you are the only one speaking before making your arguments.
6. ***The Courts are conducting in-person hearings for certain emergency matters.*** Check the Division protocols to see what types of matters the court in your county has designated as emergency matters that may be held in-person. To contact the Divisions regarding emergency matters, use the following telephone numbers:

Barnstable: 508-375-6710

Berkshire: 413-442-6941, Ext. 7200

Bristol: 508-977-6040

Dukes: 508-627-4703

Essex: 978-740-4143 (Salem);
978-686-9692 (Lawrence)

Franklin: 413-775-7464

Hampden: 413-748-7758

Hampshire: 413-586-8500

Middlesex: 617-768-5906

Nantucket: 508-228-2669

Norfolk: 781-830-1278

Plymouth: 508-897-5400

Suffolk: 617-788-8300

Worcester: 508-831-2200

7. ***The courts are releasing new Standing Orders on a regular basis.*** It is important to review the Standing Orders *before* you contact the courts. The most up-to-date Standing Orders can be accessed by visiting <https://www.mass.gov/guides/court-system-response-to-covid-19#-probate-and-family-court->



Further, each Division of the Probate and Family Courts has a separate protocol for court operations that outlines what each Division classifies as “emergency”. Those protocols and contact information can be accessed as follows:

Barnstable: <https://www.mass.gov/doc/operating-procedure-for-the-barnstable-division-of-the-probate-and-family-court-under-standing/download>

Berkshire: <https://www.mass.gov/doc/operating-procedure-for-the-berkshire-division-of-the-probate-and-family-court-under-standing/download>

Bristol: <https://www.mass.gov/doc/operating-procedure-for-the-bristol-division-of-the-probate-and-family-court-under-standing/download>

Dukes: <https://www.mass.gov/doc/operating-procedure-for-the-dukes-division-of-the-probate-and-family-court-under-standing-order/download>

Essex: <https://www.mass.gov/doc/operating-procedure-for-the-essex-division-of-the-probate-and-family-court-under-standing-order/download>

Franklin: <https://www.mass.gov/doc/operating-procedure-for-the-franklin-division-of-the-probate-and-family-court-under-standing/download>

Hampden: <https://www.mass.gov/doc/operating-procedure-for-the-hampden-division-of-the-probate-and-family-court-under-standing/download>

Hampshire: <https://www.mass.gov/doc/operating-procedure-for-the-hampshire-division-of-the-probate-and-family-court-under-standing/download>

Middlesex: <https://www.mass.gov/doc/operating-procedure-for-middlesex-division-of-the-probate-and-family-court-under-standing-order/download>

Nantucket: <https://www.mass.gov/doc/operating-procedure-for-the-nantucket-division-of-the-probate-and-family-court-under-standing/download>

Norfolk: <https://www.mass.gov/doc/operating-procedure-for-the-norfolk-division-of-the-probate-and-family-court-under-standing/download>

Plymouth: <https://www.mass.gov/doc/operating-procedure-for-the-plymouth-division-of-the-probate-and-family-court-under-standing/download>

Suffolk: <https://www.mass.gov/doc/operating-procedure-for-the-suffolk-division-of-the-probate-and-family-court-under-standing/download>

Worcester: <https://www.mass.gov/doc/operating-procedure-for-the-worcester-division-of-the-probate-and-family-court-under-standing/download>

8. If you need more help call the Court Helpline at 833-91COURT (833-912-6878)

- You can also get additional help with your case at the Court Service Center, the locations and contact information can be found at <https://www.mass.gov/info-details/learn-about-court-service-centers>
- You can also call a law librarian for help with research on your case at (800) 445-8989
- You may be able to get some of your legal questions answered at Mass Legal Answers Online: <https://mass.freelegalanswers.org>
- If you would like to see if you qualify for a free or reduced cost lawyer to help you check this website: <https://www.masslegalservices.org/findlegalaid>

Please also note that different judges are operating their courtrooms differently. For this reason, it is important to contact the session clerk for your judge to confirm how that particular judge is handling motions and hearings during the pandemic, in addition to reviewing the Standing Orders and applicable Division protocol.

For general questions for the Probate & Family Court, call 1-833-912-6878

These guides were created in collaboration with the Massachusetts Access to Justice Commission.

