STATE OF MAINE JUDICIAL BRANCH
PANDEMIC MANAGEMENT ORDER

Issued March 30, 2020
(revised April 14, 2020)
(revised April 22, 2020)
(revised May 5, 2020)
(revised May 13, 2020)
(May 28, 2020)

Revised Emergency Order and Notice from the Maine Supreme Judicial Court

In light of public health concerns arising from the novel coronavirus (COVID-19), Maine's Judicial Branch is taking steps to adhere to the guidance provided by the Maine and United States Centers for Disease Control and Prevention and comply with the Governor's Executive Orders, 19, 19-A, and 49.

IDENTIFYING CURRENTLY EFFECTIVE ORDERS

As the Judicial Branch continues its response to the novel coronavirus pandemic, this and other Orders will be revised from time to time. This Order augments and supersedes the prior Revised Emergency Order and Notice.

This and other Orders of the Supreme Judicial Court will be numbered to reflect the Pandemic Management Order as follows: **PMO-SJC-1**.

Orders issued by the Trial Courts will be similarly numbered to reflect the Pandemic Management Order of the Trial Chiefs: **PMO-TC-1.**

COURTHOUSE SCHEDULES

Courthouse schedules can be found here:

https://www.courts.maine.gov/covid19/court-hours.html

Most courthouses remain open to the public. **You should go to a courthouse only if you are required to be there, or if you are seeking protection from abuse or harassment.** If you have questions about whether you should go to a courthouse, please call 207-753-2999.

NOTICE TO MEMBERS OF THE PUBLIC: If you enter any courthouse, you will be required to wear a face shield, mask or cloth face covering that covers your nose and mouth at all times while you are in the courthouse.

Persons identified as being infected by COVID-19, having had contact with those infected by COVID-19, or having visited areas identified as problematic due to the prevalence of COVID-19 should not come to Maine's courthouses. If you are in this status but have been ordered to attend a court proceeding, call the courthouse where you were required to attend. Courthouse phone numbers can be found using the following link:

https://www.courts.maine.gov/maine_courts/index.shtml

CASE TYPES CANCELLATIONS AND POSTPONEMENTS

Effective immediately, and continuing through September 4, 2020, unless otherwise ordered by the court, scheduling of all case types and proceedings will be governed by the latest version of the State of Maine Judicial Branch COVID-19 Phased Management Plan ("the Plan") which can be found at the following link:

https://www.courts.maine.gov/covid19/covid-management-plan.pdf

All terms and conditions contained in the Plan are deemed to be incorporated by reference in this Pandemic Management Order.

EXCEPTIONS IN URGENT AND COMPELLING CIRCUMSTANCES

In any matter that is not being scheduled or heard during this period of pandemic management, a request can be made for the scheduling of such matters in the following circumstances.

1. If a party or the party's attorney contends that there are urgent and compelling reasons that the court should hold the party's criminal, civil, or family trial or hearing, the party or counsel shall immediately file a written motion.

2. That motion, explaining why a particular case must be addressed without delay, must be served on the other party or parties. If any party objects to the motion, it must file its written opposition within three days after the motion is filed. The court will rule on the motion expeditiously.

3. Hearings may be held if the court has determined that:

    - The nature of the matter for which a hearing or other court action has been requested is urgent and compelling;

    - The hearing can be held without requiring the presence of additional court staff; and

    - The proceeding can be undertaken without requiring the physical proximity of any participants or placing undue stress on those necessary to the proceeding.

JURORS AND JURY TRIALS

All jury matters, civil and criminal, excluding grand jury proceedings, are postponed to a date after September 7, 2020.

LITIGANTS: If your jury trial was scheduled between March 16 and September 4, 2020, your trial will be rescheduled, and you will receive notice of the new trial date.

BOARDS, COMMITTEES, AND CLE

Effective immediately and until further order of the Court, all boards and committees established by the Maine Supreme Judicial Court are hereby authorized to conduct any and all meetings, conferences, and other activities by means of an electronic medium without in-person participation.

In addition, effective immediately and until further order, any in-person participation requirements for continuing legal education, including but not limited to the requirement in M. Bar. R. 5(c)(3), are hereby suspended, and participation may be by an electronic medium.

ORAL ARGUMENTS IN THE SUPREME JUDICIAL COURT

All oral arguments scheduled before the Supreme Judicial Court, sitting as the Law Court, will be conducted either by video conferencing or addressed by the court without oral arguments. The Clerk of the Law Court will notify parties of the mode and schedule of review.

STAKEHOLDERS ADVISORY GROUP

A stakeholders advisory group has been established to provide information and assistance to the Maine Judicial Branch as the Branch continues to formulate plans to address the COVID-19 pandemic and its effects on court operations. Members of the group include representatives from the Maine State Bar Association, the Maine Trial Lawyers Association, District Attorneys, the Office of the Attorney General, the Maine Association of Criminal Defense Lawyers, Sheriffs, jail administrators, domestic violence prevention advocacy groups, civil legal services providers, clerks of court, trial and appellate court leadership, court administrators (including technology representatives), county commissioners, public health officials, Maine Commission on Indigent Legal Services, Maine Pretrial Services, State Forensic Services, and any other subsequently identified stakeholders. Video conferenced meetings of the group occurred on May 14 at 9:30 a.m. and on May 21 at 9:30 a.m. Any party or group beyond those listed above wishing to submit comments or suggestions may send an email to: commentscovid19@courts.maine.gov.

OTHER PANDEMIC MANAGEMENT ORDERS

This Order is not intended to be comprehensive. Other pandemic management orders of the Supreme Judicial Court and the Trial Court Chiefs can be found at this site: https://www.courts.maine.gov/covid19.shtml.

Dated: May 28, 2020

For the Court:

/s/
Andrew M. Mead
Acting Chief Justice