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)

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 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 May 30, 2020, unless otherwise ordered by the court, the following case types and proceedings will **NOT** be scheduled or heard:

- FED (eviction, landlord/tenant) except requests for Writ of Possession as provided by the Governor's Executive Order Number 40, dated April 16, 2020
- Disclosures
- Foreclosures
- Small Claims

All previously scheduled hearings on these cases are postponed. An extension of these postponements beyond May 30 is possible but has not yet been determined.

The courts **WILL** continue to schedule and hear the following proceedings in the same manner that they have been conducted since the implementation of these Pandemic Management Orders:

- Arraignments and first appearances of defendants held in custody
- Motions for review of bail of defendants held in custody
- Juvenile detention hearings

- Protection from Abuse requests and hearings
- Protection from Harassment requests and hearings
- Child Protection petitions and proceedings
    - Hearings are limited to summary preliminary hearings, jeopardy hearings, and judicial reviews[1]
- Mental health requests and hearings
- Emergency guardianships

Effective immediately, and continuing through May 30, 2020, the courts **MAY** schedule and hear all other case types and proceedings so long as all hearings, conferences, and other court events take place only by video or audio conference. In scheduling hearings, conferences, and other court events, the courts will continue to allocate judicial resources in such a manner that the following cases receive priority for scheduling and hearings:

- Arraignments and first appearances of defendants held in custody
- Motions for review of bail of defendants held in custody
- UCD plea agreements for defendants in custody
- UCD probation revocation hearings for defendants in custody
- UCD dispositional conferences for defendants in custody
- Juvenile detention hearings
- Uncontested gestational carrier hearings
- Uncontested divorce and judicial separation hearings
- Uncontested parental rights and responsibilities hearings
- Uncontested parentage hearings
- Telephonic case management, status conference, and Rule 26(g) discovery conferences in family matters
- Protection from abuse requests and hearings
- Protection from harassment requests and hearings
- Child protection petitions and proceedings
    - Summary preliminary hearings, jeopardy hearings, judicial reviews, case management conferences, uncontested hearings on termination of parental rights, and uncontested hearings on orders of parental rights and responsibilities
- Uncontested child support, child support modification, and child support enforcement actions
- Mental health requests and hearings

[1] Case management conferences and docket calls, if held, will be conducted telephonically.

- Emergency guardianships
- Uncontested adoptions
- Petitions for Review concerning Control of Notifiable Diseases (22 M.R.S. § 820)

EXCEPTIONS IN EXTRAORDINARY AND URGENT CIRCUMSTANCES

In any matter that is not being scheduled or heard during this phase of the 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 this particular case must be heard before May 30, 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;

    - The proceeding can be undertaken without requiring the in-person participation of any parties, witnesses, or attorneys; 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, including grand jury proceedings,

are postponed to a date after June 30, 2020.

LITIGANTS: If your jury trial is now scheduled between March 16 and June 30, 2020, your trial will be rescheduled, and you will receive notice of the new trial date. Availability of jury trials will be reviewed on an ongoing basis with notice provided to all parties

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 is hereby 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 will 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 will occur 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 be included should send a request to: chiefjustice@courts.maine.gov, no later than noon on May 7, 2020.

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 13, 2020

For the Court:

s/
Andrew M. Mead
Acting Chief Justice