PMO-SJC-12

STATE OF MAINE JUDICIAL BRANCH
PANDEMIC MANAGEMENT ORDER
Order Issued March 15, 2021
(Revised May 6, 2021)

Order Creating a Pilot Project for Stand-Alone Small Claims Mediation

The Supreme Judicial Court issued the Phased Management Plan (the "Plan") on May 27, 2020, revised March 15, 2021, minimizing in-person proceedings and explaining the priority scheduling policy of cases during the COVID-19 pandemic. The Plan established that Small Claims matters will not be scheduled or heard in court before an undetermined date in 2021. To address the increasing number of Small Claims cases pending statewide, parties to certain Small Claims cases shall have an opportunity to mediate their matters before the District Court resumes scheduling and hearing Small Claims cases.

Before the COVID-19 pandemic, mediation in Small Claims cases was conducted in courthouses together with Small Claims hearings. Pursuant to the Plan's preference for remote court proceedings, this Pilot Project's stand-alone Small Claims mediation shall be held remotely via Zoom, with telephonic mediation as a back-up option. The Court Alternative Dispute Resolution Service (CADRES) shall schedule mediators to provide remote mediation services in the Pilot Project.

If a case is unresolved after Pilot Project mediation, it will be scheduled for hearing when the District Court resumes Small Claims proceedings. Pilot Project participation will not affect the order in which unresolved mediated cases are scheduled along with other pending cases when Small Claims proceedings resume. When parties resolve their case through mediation, if a judge approves the parties' agreement, judgment or dismissal may enter without further scheduled court proceedings.

The following procedures shall apply to the Pilot Project for Stand-Alone Small Claims Mediation through August 31, 2021, or until amendment of this Pandemic Management Order:

1. Initially, the following court(s) shall participate in the Pilot Project:

    a. Portland District Court

2. Pilot Project mediation shall be scheduled during the following weeks:

    a. April 5 through April 9, 2021,
    b. May 3 through May 7, 2021,
    c. June 7-11, 2021, and
    d. July 12-16, 2021.

3. Both parties must be willing to participate in mediation. Mediation for Pilot Project cases may be scheduled and notices sent to the parties when:

    a. The District Court receives from each party a request for mediation, attached as Appendix 1 "Mediation Request Form";
    b. The District Court receives a request for mediation from one party and after sending a notice of the request to the other party, the District Court receives a response that is not an objection; or
    c. The District Court receives a request for mediation from one party and does not receive an objection within 7 days.

4. A requesting party must provide an email address for purposes of mediation and the other party's email address, if known.

5. To object to a request for mediation, a party must file a written opposition no later than 7 days after the clerk sends notice of the request for mediation, unless otherwise ordered by the court. If no objection is received within 7 days, mediation may be scheduled.

6. Only Small Claims cases in which the parties were involved in the initial act or transaction that gave rise to the claim will be eligible for mediation during the Pilot Project dates. If a party to the action purchased the debt at issue from another person or entity, that case shall not be scheduled for mediation during the Pilot Project.

7. The number of cases scheduled for mediation will be limited by the number of available mediation time slots scheduled by CADRES. Eligible cases will be scheduled on a first come, first served basis.

8. In the event of any conflict between the mediation process in the Pilot Project for Stand-Alone Small Claims Mediation set forth herein and the process set forth in M.R. Civ. P. 92(c), the provisions of PMO-SJC-12 shall control.

Dated: May 6, 2021

For the Court:

/s/
Andrew M. Mead
Acting Chief Justice

MAINE JUDICIAL BRANCH

PILOT PROJECT: SMALL CLAIMS MEDIATION ON ZOOM IN PORTLAND DISTRICT COURT

NOTICE OF OPPORTUNITY FOR SMALL CLAIMS MEDIATION ON ZOOM

You are a party in a pending Small Claims case in the Portland District Court. Before you are scheduled for a hearing, you may ask to have mediation in your case. In mediation, a neutral third person approved by the court tries to help the parties come to an agreement to settle their case without a trial.

Please note: If you try mediation but are not able to settle, your case will not lose its original place on the docket. If you do settle, your mediated agreement will become the Order of the Court after a Judge approves it, without any further notice to the parties.

In this pilot project, the court is providing this mediation opportunity for a limited number of cases during designated "Mediation Weeks." Mediation will take place "remotely" by video on Zoom. **Mediation is not held at the courthouse**. The number of mediation opportunities available is limited.

To be eligible for mediation in this pilot project, the parties involved in the initial act or transaction that gave rise to the claim must also be the parties in the small claims case. (In other words, a party cannot have purchased the debt at issue from another person or entity.) There is no additional charge for mediation.

To be scheduled for mediation, **both plaintiff(s) and defendant(s) must be willing to mediate**. To ask for mediation please complete this form and mail it to: Portland District Court, 205 Newbury Street, PO Box 287, Portland 04112-287 or scan and email it to: cco.cumberland-portland@courts.maine.gov. The court will need your contact information. If possible, you should contact the other parties in the case to say you are asking for mediation.

Mediation will be scheduled in response to requests on a first come, first served basis. If possible, requests received by May 24, 2021 will be scheduled for the week of June 7, 2021. Requests received by June 28, 2021 will be scheduled for the week of July 12, 2021. If mediation is scheduled, you will receive a notice with the date and time of your mediation session. You will also receive a Zoom link for mediation.

REQUEST FOR MEDIATION

My Name: _____

Docket Number: PORDC-SC-_____ I am the: (☐ attorney for) ☐ plaintiff ☐ defendant

☐ Please schedule this case for mediation.

☐ I understand that my case may be scheduled for mediation only if other parties do not object to mediation, the case is eligible to participate in this pilot project, and a time slot for mediation is available.

My email address is: _____

My telephone number is: _____

To the best of my knowledge and belief, the other party's email address is:

_____

Date (mm/dd/yyyy): _____ ▶ _____

Signature

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.