STATE OF MAINE JUDICIAL BRANCH
PANDEMIC MANAGEMENT ORDER
Order Issued March 30, 2020
(revised May 5, 2020)
(replaced September 3, 2020)
(revised September 23, 2020)
(revised September 28, 2020)
(revised December 14, 2020)

Order Regarding Submission of Documents by Email

This order replaces and supersedes the prior revised Pandemic Management Order PMO-SJC-3.

This order governs the filing of documents by email in civil, criminal, juvenile, family matter, and appellate cases. There shall be no filing by email of any documents in post-conviction matters. **The filing of documents by email in protection from abuse and protection from harassment cases shall be governed by PMO-SJC-3A.**

PMO-SJC-3(A). DOCUMENTS THAT CAN BE FILED BY EMAIL

Effective December 14, 2020, all Maine courts will accept the filing by email of certain documents in all cases, including in civil, criminal, juvenile, family matter, and appellate cases as set forth below.

1. **Bangor District Court, Penobscot Superior Court, and the Business and Consumer Docket**

    a. Required electronic filers as defined by Rule 33(B) of the Maine Rules of Electronic Court Systems may file by email **only** documents that (1) do not require a filing fee (even when the court has waived a filing fee for a document, the document cannot be filed by email)[1] **and** (2) are filed in one of the following case types:

[1] The Revised Court Fees Schedule and Document Management Procedures (Administrative Order, AO-JB-05-26) is available at www.courts.maine.gov/rules_adminorders/adminorders/index.shtml.

i. Criminal cases, except for documents in post-conviction matters;

ii. Civil violation cases;

iii. Juvenile cases; and

iv. Protection from abuse and protection from harassment cases as allowed by PMO-SJC-3A.

Required electronic filers **must** file all other documents through the Odyssey eCourts system.

b. Filers who are **not** required electronic filers as defined by Rule 33(B) of the Maine Rules of Electronic Court Systems may file documents by email as allowed by section A(2) of this Order.

c. Trial exhibits for remote hearings shall be sent to the court in the format required by PMO-SJC-7(C).

d. Requests for preliminary protection orders in child protection cases ("Requests for PPOs") cannot be filed electronically into the Odyssey eCourts system on a weekend, a legal holiday, or after 3:00 p.m. on a business day. Requests for PPOs filed between 3:00 p.m. and 4:00 p.m. on a business day must be filed in person at the courthouse. Requests for PPOs must be reviewed by a judge, and any person seeking such review on a weekend, a legal holiday, or after 4:00 p.m. on a business day must instead follow the standard after-hours procedures for seeking judicial approval.

Notwithstanding any provision of the Maine Rules for Electronic Court Systems, representatives of the Maine Department of Health and Human Services may continue to file paper Requests for Preliminary Protection Orders pursuant to 22 M.R.S. § 4034 at courthouses until further notice.

2. **All Other Maine District and Superior Courts, and the Maine Supreme Judicial Court**

All other Maine District and Superior Courts, and the Maine Supreme Judicial Court will accept the filing by email of all documents at any time, **except that:**

a. Documents that require a filing fee (even if the party requests that the filing fee be waived) cannot be filed by email at any time; [2]

b. Documents in post-conviction matters cannot be filed by email at any time;

c. Requests for PPOs cannot be filed by email on a weekend, a legal holiday, or after 3:00 p.m. on a business day. Requests for PPOs filed between 3:00 p.m. and 4:00 p.m. on a business day must be filed in person at the courthouse. Requests for PPOs must be reviewed by a judge, and any person seeking such review on a weekend, a legal holiday, or after 4:00 p.m. on a business day must instead follow the standard after-hours procedures for seeking judicial approval; and

d. Trial exhibits for remote hearings cannot be sent to the court by email, except as allowed by PMO-SJC-7(C).

PMO-SJC-3(B). FILING DATE AND DOCKETING OF DOCUMENTS THAT ARE FILED BY EMAIL

Email filing is being permitted as an accommodation for the current pandemic. It is occurring at a time when the courts are already understaffed and attempting to address cases under unusual stress. The filing date will be the business day the document is submitted. A day begins at 12:00:00 a.m. and ends at 11:59:59 p.m. in the time zone where the courthouse is located. If a document is submitted on a Saturday, Sunday, or legal holiday, the filing date will be the next business day. It may take up to two business days for the filing to be docketed, and all filers should expect that delay. Even when there is a delay in docketing, the filing date will be the date of submission.

[2] Documents that require a filing fee must continue to be filed in conventional hardcopy form, along with any filing fee, at the appropriate Clerk's Office.

PMO-SJC-3(C). FORMAT OF DOCUMENTS THAT ARE FILED BY EMAIL

Attorneys and parties may submit documents by email for filing in Word, PDF, or other common document formats. Proposed orders, however, must be sent in Word format or a fillable PDF. All documents, including proposed orders, must be sent to the correct email address, as provided in the appendix attached to this order.[3] Note that the type of document to be filed will determine which address will be used for each court.

In the Law Court, briefs filed pursuant to this Order must be in the form of a single native PDF and must be signed as provided in section D of this Order. Appendices must be in the form of a single scanned PDF unless the resulting file is too large to email, in which case arrangements must be made with the Clerk of the Law Court for electronic transmission of the appendix. All other documents filed by email may be in Word, PDF, or other common document formats.

PMO-SJC-3(D). EMAIL SUBJECT LINE, SIGNATURES, AND NOTARIZATION

1. Each document filed by email must list the docket number of the case and must be filed with a subject line that lists the docket number.

2. Any document filed by email must contain an electronic signature. An electronic signature is the paperless equivalent of signing one's name on a piece of paper. In order to comply with PMO-SJC-2(G), each electronic signature on a document filed by email must

    a. Be the electronic signature of the attorney or party filing the document; and

    b. Take the form of either a "facsimile signature," defined as a captured image incorporated into the document, or a "typographical signature," defined as a signature block with the name of the signatory typed on the signature line preceded by "/s/".

[3] These email addresses are for the sole purpose of submitting documents for filing and may not be used for other types of communication with clerks, judges, or other Judicial Branch personnel.

The electronic signature shall have the same force and effect as if the attorney or party had signed a paper copy of the document.

3. Except for documents filed in child protection and juvenile cases, a party may file by email a document without notarization provided that, in place of a notarized signature, the party affixes the party's typographical or facsimile signature immediately below a declaration that states the following:

> I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to $5,000.00 if I give false information to the court.

This declaration is included on the Notice of Email Filing and Response Deadline that is required to be submitted with all emailed filings under section F(4).

PMO-SJC-3(E). PAPER ORIGINALS FOR THE COURT WHEN DOCUMENTS ARE FILED BY EMAIL

No paper original of any document filed by email is to be mailed or delivered to the court, except that a party filing an appellate brief and appendix with the Supreme Judicial Court by email shall mail paper originals of those briefs and appendices as required by M.R. App. P. 7(a)(1) and 8(b) no later than the next business day after the email filing. The date of filing of the electronic copy by email, **not the filing of the paper originals**, shall be considered in determining compliance with the filing deadlines.

PMO-SJC-3(F). SERVICE OF DOCUMENTS THAT ARE FILED BY EMAIL AND RESPONSE DEADLINES

1. **Service by Email**

When a document is filed in a case in which all parties are represented by counsel, the filing party **shall always** copy opposing counsel on the email to the

court. This action shall, for the purposes of this Order, qualify as service of those documents that are filed by email.

When a document is filed by email in a case in which any of the parties to be served is **not** represented by counsel, the filing party shall copy the unrepresented party on the email to the court, **except when**

a. The unrepresented party has not chosen to allow electronic service by other parties under M.R. Civ. P. 5(b);

b. The unrepresented party is a defendant in a criminal case who has not chosen to allow electronic service by other parties under M.R.U. Crim. P. 49(d) and M.R. Civ. P. 5(b); or

c. The filing party has completed an Affidavit for Confidential Address (FM-057) in a family matter.

When an opposing party is served by copy on the email to the court, the response deadline is controlled by the applicable rules of civil, criminal, or appellate procedure, **except that, while this Order is in effect, the response period for a motion to continue will be 3 days from the date of filing.**

2. **Service by Mail**

If the filing party cannot serve a party by way of copying that party on the email to the court because (1) the party has not chosen to allow electronic service by other parties under M.R. Civ. P. 5(b); (2) the party is a self-represented defendant in a criminal case who has not chosen to allow electronic service by other parties under M.R.U. Crim. P. 49(d) and M.R. Civ. P. 5(b); or (3) the filing party has completed an Affidavit for Confidential Address (FM-057) in a family matter, then the filing party shall serve the filed document on the party by mail in accordance with the applicable rules of civil, criminal, or appellate procedure.

3. **Response Deadlines**

A grid showing response deadlines established by this Order follows. These deadlines will apply for all documents filed by email, unless another time is specifically set by the court. When service occurs by email, the response

deadlines will reflect that immediacy. When service on the party occurs by mail, the response deadline shall be as set forth below, unless another time is specifically set by the court:

a. For documents filed in a civil case or family matter:

Responsive Document	**Deadline to Respond**	
	Deadline to Respond if Responding Party was Served by Email	**Deadline to Respond if Responding Party was Served by Mail**
Opposition to a motion pursuant to M.R. Civ. P. 7(c)(2)	21 days after filing date	28 days after filing date
Reply memorandum in support of a motion pursuant to M.R. Civ. P. 7(e)	14 days after filing date but not less than 2 days before hearing	21 days after filing date but not less than 2 days before hearing
Motion to strike a pleading pursuant to M.R. Civ. P. 12(f)	20 days after filing date	27 days after filing date
Response to a motion to modify support pursuant to M.R. Civ. P. 105(a)	30 days after filing date	37 days after filing date
Response to a motion for an expedited hearing filed in a family matter pursuant to M.R. Civ. P. 107(c)	7 days after filing date	14 days after filing date

b. For documents filed in a criminal case:

Responsive Document	**Deadline to Respond**	
	Deadline to Respond if Responding Party was Served by Email	**Deadline to Respond if Responding Party was Served by Mail**
Response to a defendant's motion for additional discovery pursuant to M.R.U. Crim. P. 16(d)	7 days after filing date	14 days after filing date

c. For documents filed in any case on appeal to the Maine Supreme Judicial Court sitting as the Law Court:

Responsive Document	Deadline to Respond	
	Deadline to Respond if Responding Party was Served by Email	**Deadline to Respond if Responding Party was Served by Mail**
Appellee briefs and appellant reply briefs	As indicated in the briefing schedule	As indicated in the briefing schedule
Appellee's response to appellant's statement of the evidence in the event of an unavailable transcript pursuant to M.R. App. P. 5(d)(2)	7 days after filing date	14 days after filing date
Response to motions and supporting papers pursuant to M.R. App. P. 10(c)	7 days after filing date	14 days after filing date
Response to petition for appellate review of a decision of the Workers' Compensation Board pursuant to M.R. App. P. 23(b)(5)	14 days after filing date	21 days after filing date

While this Order is in effect, the response deadlines listed above shall replace the deadlines now found in the rules of civil, criminal, and appellate procedure.

4. **Notice of Email Filing and Response Deadline**

a. In all cases, except child protection and juvenile cases, when a party files a document by email, that party **shall** file and serve a Notice of Email Filing and Response Deadline as follows:

i. For documents filed in civil cases and family matters, complete form CV-FM-254; or

ii. For documents filed in criminal cases, complete form CR-256.

b. The filing party shall include on the Notice of Email Filing and Response Deadline (form CV-FM-254 or CR-256) the following information concerning the attorney or party:

i. Printed name;

ii. Address;

iii. Telephone number;

iv. Email address; and

v. If the signer is an attorney, the name of that attorney's law firm and the attorney's Maine Bar number.

If the filing party has completed an Affidavit for Confidential Address in a family matter (FM-057), the filing party does **not** need to provide that party's address, telephone number, or email address, and can instead write "confidential address" in the cover sheet or email that accompanies the emailed document.

PMO-SJC-3(G). REJECTION OF DOCUMENTS THAT ARE FILED BY EMAIL

The email thread shall not be used for argument or dialogue between or among the parties. Any email filing received that does not comply with this Order, including those that include argument or dialogue between or among the parties and those submitted without the Notice of Email Filing and Response Deadline, will be rejected by the Clerk, and no filing will have occurred. **Repeated violations of this order may result in sanctions.**

Dated: December 14, 2020

For the Court:

/s/
Andrew M. Mead
Acting Chief Justice

APPENDIX PMO-SJC-3

Proposed Orders in Word format or child support orders and worksheets in an editable format may be submitted to proposedorders@courts.maine.gov. The proposed order email address is not for any other type of filing such as child support affidavits, guardian ad litem reports, motions, closing arguments, or anything else that is not an editable version of a proposed order.

Documents in protection from abuse and protection from harassment cases that can be emailed to the court under PMO-SJC-3A, must be sent to the email addresses listed in the appendix to PMO-SJC-3A.

Documents that can be emailed to the Maine Supreme Judicial Court sitting as the Law Court under PMO-SJC-3, must be emailed to lawcourt.clerk@courts.maine.gov.

Documents that can be emailed to the Business and Consumer Court (BCD) under PMO-SJC-3, must be emailed to business.court@courts.maine.gov.

All other documents, as permitted by PMO-SJC-3, may be submitted to the applicable court's email address listed below.

Superior Court and Unified Criminal Dockets	District Court
Androscoggin County Superior Court sc.staff.aubsc@courts.maine.gov **Aroostook County Superior Court (Caribou)** cco.aroostook-caribou@courts.maine.gov **Aroostook County Superior Court (Houlton)** dc.staff.houdc@courts.maine.gov **Cumberland County Superior Court, Cumberland County Unified Criminal Docket** cco.cumberland-portland@courts.maine.gov CUMUCD@courts.maine.gov **Franklin County Superior Court** cco.franklin-farmington@courts.maine.gov **Hancock County Superior Court** cco.hancock-ellsworth@courts.maine.gov	**Augusta District Court** cco.kennebec-augusta@courts.maine.gov **Bangor District Court** cco.penobscot-bangor@courts.maine.gov **Belfast District Court** cco.waldo-belfast@courts.maine.gov **Biddeford District Court** dc.staff.biddc@courts.maine.gov **Bridgton District Court** dc.staff.bridc@courts.maine.gov **Calais District Court** dc.staff.caldc@courts.maine.gov **Caribou District Court** cco.aroostook-caribou@courts.maine.gov

APPENDIX PMO-SJC-3

Kennebec County Superior Court
cco.kennebec-augusta@courts.maine.gov

Knox County Superior Court
cco.knox-rockland@courts.maine.gov

Lincoln County Superior Court
cco.Lincoln-wiscasset@courts.maine.gov

Oxford County Superior Court
cco.oxford-south.paris@courts.maine.gov

Penobscot County Superior Court
cco.penobscot-bangor@courts.maine.gov

Penobscot County Unified Criminal Docket
PENUCD.clerks@courts.maine.gov

Piscataquis County Superior Court
cco.piscataquis-dover-foxcroft@court.maine.gov

Sagadahoc County Superior Court
cco.sagadahoc-west-bath@courts.maine.gov

Somerset County Superior Court
cco.somerset-skowhegan@courts.maine.gov

Waldo County Superior Court
cco.waldo-belfast@courts.maine.gov

Washington County Superior Court
cco.washington-machias@courts.maine.gov

York County Superior Court
sc.staff.alfsc@courts.maine.gov

Dover-Foxcroft District Court
cco.piscataquis-dover-foxcroft@court.maine.gov

Ellsworth District Court
cco.hancock-ellsworth@courts.maine.gov

Farmington District Court
cco.franklin-farmington@courts.maine.gov

Fort Kent and Madawaska District Courts
dc.staff.fordc@courts.maine.gov

Houlton District Court
dc.staff.houdc@courts.maine.gov

Lewiston District Court
dc.staff.lewdc@courts.maine.gov

Lincoln and Millinocket District Courts
cco.lincoln-millinocket@courts.maine.gov

Machias District Court
cco.washington-machias@courts.maine.gov

Newport District Court
dc.staff.newdc@courts.maine.gov

Portland District Court
cco.cumberland-portland@courts.maine.gov
CUMJV@courts.maine.gov

Presque Isle District Court
dc.staff.predc@courts.maine.gov

Rockland District Court
cco.knox-rockland@courts.maine.gov

Rumford District Court
dc.staff.rumdc@courts.maine.gov

Skowhegan District Court
cco.somerset-skowhegan@courts.maine.gov

	South Paris District Court cco.oxford-south.paris@courts.maine.gov **Springvale District Court** dc.staff.sprdc@courts.maine.gov **Waterville District Court** dc.staff.watdc@courts.maine.gov **West Bath District Court** cco.sagadahoc-west-bath@courts.maine.gov **Wiscasset District Court** cco.Lincoln-wiscasset@courts.maine.gov **York District Court** dc.staff.yordc@courts.maine.gov