STATE OF MAINE
SUPREME JUDICIAL COURT

ADMINISTRATIVE ORDER JB-12-1

RECORDING OF TRIAL COURT PROCEEDINGS

Effective: February 1, 2012

Pursuant to M.R. Crim. P. 27(a) and M.R. Civ. P 76H(c), and upon the recommendation of the Trial Court Chiefs, these standards and procedures for courtroom operation of electronic recording equipment are hereby established in all trial courts to ensure a complete and accurate oral recording of all proceedings, as well as a written record of all information necessary for accurate transcription.

I. PURPOSE

To increase efficiency and provide quality public service, the court system must continue to examine ways to reallocate resources to meet present workload needs. In reallocating time resources, judges and clerks are encouraged to seek ways in which standard operations can be completed with less staff intervention at times when public service or case processing demand heightened attention. Any reallocation of resources to achieve such efficiencies, however, must always safeguard the quality of justice and of the resulting record. This reallocation of resources must also promote the timely transcription of courtroom proceedings when requested or required.

II. PROCEEDINGS THAT MUST BE RECORDED AND MONITORED

Unless testimony is being taken down by an official court reporter, all proceedings in the following case types that are being heard in a courtroom shall be recorded and monitored by a court clerk or other court personnel whose primary function in the courtroom is to monitor the recording pursuant to standards issued by the Office of Transcript Production:

Jury Trials;
Testimonial Proceedings involving the appointment of a Guardian for a Minor;
Child Protection Proceedings;

Testimonial Proceedings in Civil Matters;
Criminal Matters;
Protection from Abuse Proceedings;
Juvenile Proceedings; and
Any proceeding wherein a spoken language interpreter is utilized.

III. PROCEEDINGS THAT MUST BE RECORDED AND MAY BE MONITORED

Proceedings in the following case types must be recorded and monitored unless the presiding justice or judge determines that the matter need not be monitored:

Fine and Restitution Enforcement Proceedings;
Discretionary Criminal Appeals;
Testimonial Proceedings in Family Matters;
Forcible Entry and Detainer Matters;
Involuntary Hospitalization Hearings;
Judicial Certification (informed consent/mental retardation);
Judicial Commitment (mental retardation); and
Sterilization Proceedings.

IV. PROCEEDINGS THAT NEED NOT BE RECORDED

In all proceedings not specifically listed in II and III above, except as otherwise required by rule or law, presiding judicial officers may use discretion about whether a proceeding will be recorded (and whether it will be monitored or unmonitored). Any proceeding that is not routinely recorded shall be recorded at the request of any party or at the request of the presiding justice or judge.

V. PROCEDURES IN UNMONITORED CASES

In cases that are recorded but not monitored, the clerk must ensure that all microphones and the recording equipment are working properly. The clerk or designee must submit log sheet header information along with any relevant scheduling notices or lists identifying the matters heard to the Office of Transcript Production.

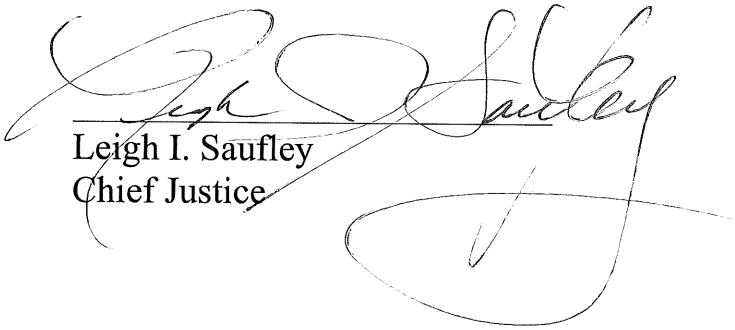
VI. STAFFING EMERGENCIES

In instances of unanticipated and insurmountable staffing shortages, the Chief Judge or Chief Justice of the Trial Court may waive or amend the mandatory requirements of Section II.

VII. REVIEW

The Trial Court Chiefs shall conduct, or cause to be conducted, a review of these procedures, including their purpose, goals, and operations, and shall make and implement such further recommendations as they deem appropriate under the circumstances.

For the Court,



Leigh I. Saufley
Chief Justice

Promulgation Date: November 30, 2011