STATE OF MAINE
SUPREME JUDICIAL COURT

ADMINISTRATIVE ORDER JB-12-1 (A. 11-13)

RECORDING OF TRIAL COURT PROCEEDINGS

Effective: November 22, 2013

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 State 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;
Civil Non-Jury Trials (CV NJ);
Criminal Non-Jury Trials (CR NJ);

Testimonial Proceedings involving the appointment of a Guardian for a Minor;
Child Protection Matters (PC);
Testimonial Proceedings in Civil Matters (CV) and Family Matters (FM);
Criminal Matters except as described in Section III(B), below (CR);
Protection from Abuse and Protection from Harassment Matters (PA);
Juvenile Proceedings (JV); and
Any proceeding wherein a spoken language interpreter is utilized.

III. PROCEEDINGS THAT MUST BE RECORDED AND MAY BE MONITORED

A. 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 (CR);
Discretionary Criminal Appeals (CR);
Forcible Entry and Detainer Matters (FED);
Involuntary Hospitalization Hearings (MH);
Involuntary Medication Hearings (MH);
Judicial Certification (informed consent/mental retardation);
Judicial Commitment (intellectual disability); and
Sterilization Proceedings.

B. Proceedings in the following case types must be recorded, and the clerk in the courtroom shall assist the presiding judge as an elbow clerk:

Criminal arraignments and docket calls; and
Any criminal docket where plea agreements may be addressed and accepted.

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.

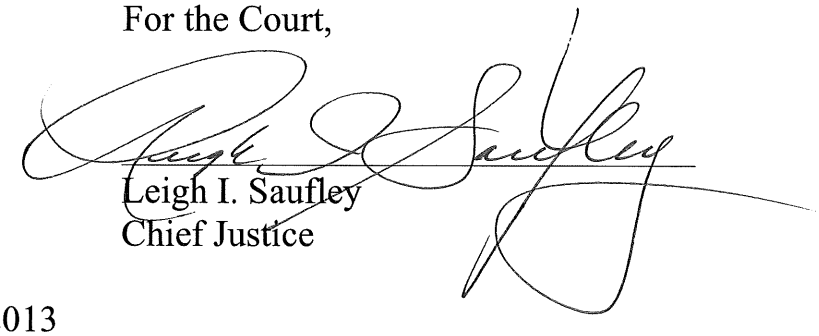
VI. STAFFING EMERGENCIES

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 22, 2013

Recording Of Trial Court Proceedings
AO JB-12-1 (A. 11-13), effective and dated November 22, 2013
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court
Issued to add involuntary medication hearings to proceedings that must be recorded in view of 34-A M.R.S. § 3049(3)(F).

Historical Derivation of JB-12-1

Recording Of Trial Court Proceedings
AO JB-12-1 (A. 9-13), effective and dated September 23, 2013
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court
The amendment is issued to update terminology and to add the following to the list of proceedings that must be

recorded and monitored: Civil and Criminal Non-Jury trials, testimonial proceedings in Family Matters, and Protection from Harassment matters. The Administrative Order is also modified to require the recording of criminal arraignments and docket calls, and any criminal docket where plea agreements may be addressed and accepted, with the courtroom clerk serving as an elbow clerk.

Recording Of Trial Court Proceedings
AO JB-12-1 (A. 1-12), effective February 1, 2012, dated January 6, 2012
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court
In light of staffing considerations and the tasks required of clerks during arraignments or criminal docket calls, the Supreme Judicial Court authorizes judges to determine whether or not these proceedings will be monitored. These matters must be recorded.

Recording Of Trial Court Proceedings
AO JB-12-1, effective February 1, 2012, dated November 30, 2011
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court