

STATE OF MAINE
SUPREME JUDICIAL COURT
ADMINISTRATIVE ORDER JB-21-06 (A. 5-22)

ORDER REGARDING FILING USING SHAREFILE PILOT

Effective: May 23, 2022

The COVID-19 pandemic has placed a strain on the courts' resources and on attorneys and their practices. In addition, the mail service has slowed considerably in the state. In an effort to expedite resolution of pending matters and provide timely access to justice, the Supreme Judicial Court will allow attorneys to submit certain documents to the courts using ShareFile.

I. SCOPE

This Administrative Order pertains to filings by attorneys in criminal, civil violation, and juvenile cases. The process was piloted in York County and has been deemed a success. The pilot was expanded to the courts in Regions 7 and 8 on April 19, 2022, and effective May 23, 2022, the pilot will be expanded to the courts in Region 2. After a reasonable period in those Regions, the pilot will be evaluated for further expansion into other areas of the state.

II. PROCESS

ShareFile is a proprietary online platform created by Citrix™ whereby documents can be uploaded by one party in one location and downloaded by a second party in a second location. In the designated locations, the courts will use this platform to allow attorneys to submit filings to the court. Attorneys must adhere to the following process. Failure to do so may result in suspension of the attorney's ShareFile account with the court.

- A. The court will only accept pleadings and other filings via ShareFile that do not require a filing fee. Those that do require a filing fee shall be filed using traditional methods.
- B. The date of filing will be the date that the document is printed and accepted by the court.

- C. Each attorney wishing to participate in the pilot will complete the attached registration form (Attachment A) and submit it via email to the clerk, at the email address provided in Attachment B to this Order.
 - 1. Each participating attorney shall have one email address used for ShareFile. It is preferable that the attorney use the email address that the attorney uses to correspond with the court.
 - 2. The clerk will have 48 hours, or two business days, from receipt of the registration form to add the attorney user to the ShareFile system.
 - 3. Once the attorney is added, ShareFile will automatically confirm via email that the attorney may file using ShareFile. Attorneys may share their ShareFile login credentials with support staff in their office.
- D. The attorney may use ShareFile to file documents with a court only after the court has accepted the attorney as an authorized filer.
- E. There shall be a cover letter accompanying the filing. No other cover sheet will be filed.
- F. Both the filing and the cover letter shall indicate that the document is being filed using ShareFile in order to distinguish these documents from those that arrive via U.S. mail.
- G. ShareFile may not be used for corresponding with the clerk's office in any other fashion.
- H. The filing may be hand signed, or an electronic signature may be used, including /s/. All such signatures certify that the attorney has reviewed the filing and that it is being filed in good faith.
- I. The file to be uploaded (filing and cover letter) shall be named as follows:

1. Full docket number
 2. Defendant's last name
 3. Title of filing (shortened if appropriate)
 4. For example, a motion to continue shall be filed as "YRKCD-CR-2021-1234 Smith Motion to Continue"
- J. The clerk's office will review the queue of pending submissions once per day, akin to picking up the U.S. mail at a post office.
- K. The clerk's office will have a digital mailbox in ShareFile with the name of the court and the time that the clerk's office will review the digital mailbox. The times may vary between courts according to that court's schedule and staffing limitations.
- L. Attorneys should not contact the court to ask about the status of their filings during the first two business days after uploading a submission. Attorneys are cautioned that emergency or urgent motions should not be filed using ShareFile, as the clerk's office may not see or process the filing in time.
- M. The clerk will review, download, and print each submission. Submission of the filing to ShareFile is not a guarantee that it is filed correctly, nor is it a guarantee that it will be accepted by the court. ShareFile is simply a conduit by which filings may be submitted to the court in lieu of using the U.S. Postal Service.
- N. Each court digital mailbox will have a subfile called "Reviewed." Once the clerk has reviewed the submission, the clerk will place it in the "Reviewed" subfile. This is an indicator that the clerk has had eyes on the submission and that the court has received it.
1. Attorneys may check the "Reviewed" file to make sure their submissions have been received by the court.
 2. Attorneys should not call to ensure the submission reached the clerk's office.

3. Reviewed submissions will be kept by ShareFile in the “Reviewed” file for only 14 days. They will then be automatically deleted by ShareFile and will not be saved anywhere.
- O. Attorneys will be able to see only what they (or their support staff using their login) have submitted to the court. Other documents in other cases, or filed by the opposing side, will not be viewable in ShareFile.
 - P. If the filing has not been submitted properly, the clerk’s office will continue the current procedure by rejecting it for filing and returning it via U.S. Postal Service.
 - Q. Simultaneous with filing, counsel shall email the submission to the opposing side(s). If the opposing side is self-represented or otherwise does not have electronic access (e.g., prisoners), U.S. Postal Service shall be used.
 - R. Abuse of these procedures shall be subject to a warning and possible termination from the pilot and/or its subsequent expansion

III. REVIEW AND EVALUATION

The process will continue to be evaluated to assess its efficacy, to determine whether it is advisable to expand the pilot to other courts in the state, and to determine how any such expansion shall occur. Consideration will also be given to whether to include self-represented litigants in the expansion.

Promulgation Date: May 5, 2022

For the Court:

/s/
Valerie Stanfill
Chief Justice, Supreme Judicial Court

AO JB-21-06 (A. 5-22) dated May 5, 2022, and effective May 23, 2022
Signed by: Valerie Stanfill, Chief Justice, Maine Supreme Judicial Court
Issued to expand the pilot project to include Region 2 (Cumberland County) and to clarify in part III that the project will continue to be evaluated and considered for expansion.

Historical Derivation of JB-21-06

AO JB-21-06 (A. 4-22) dated April 1, 2022, and effective April 19, 2022
Signed by: Valerie Stanfill, Chief Justice, Maine Supreme Judicial Court
Issued to expand the pilot project to include Regions 7 and 8 (Hancock, Washington, and Aroostook Counties) and to clarify that submissions other than pleadings may be filed using ShareFile.

AO JB-21-06 dated December 29, 2021, and effective January 3, 2022
Signed by: Valerie Stanfill, Chief Justice, Maine Supreme Judicial Court
Issued to establish a pilot project allowing attorneys to file documents in Region 1 (York County) using ShareFile.