

STATE OF MAINE
SUPREME JUDICIAL COURT
STANDING ORDER REGARDING MOTIONS FOR FINDINGS OF FACT AND
CONCLUSIONS OF LAW IN FAMILY MATTERS

Effective March 10, 2023

Rule 120(c) of the Maine Rules of Civil Procedure, which falls within the Family Division rules, *see* M.R. Civ. P. 100, provides,

Upon motion of a party made *within 5 days after notice of a decision* under these rules, . . . the justice or judge who has entered an order on a motion for post-judgment relief shall make findings of fact and conclusions of law *in accordance with Rule 52*.

(Emphasis added.) The referenced Rule 52 of the Maine Rules of Civil Procedure, however, includes different timing requirements than Rule 120.¹ There has been some inconsistency in the application of the timing rules, which may affect not only trial court action but also appellate jurisdiction.

Because it will take time to remedy this discrepancy in the rules themselves, it is hereby ORDERED that for all pending cases in which Rule 120 applies, the timing provisions of Rule 52 will apply to motions for findings of fact and conclusions of law and to motions to amend or for additional findings.

Promulgation Date: March 9, 2023

For the Court:

_____/s/_____
Valerie Stanfill
Chief Justice, Supreme Judicial Court

¹ Rule 52(a) provides, “In all actions tried upon the facts without a jury or with an advisory jury, the Superior Court justice or, if an electronic recording was made in the District Court, the District Court judge, shall, upon the request of a party made as a motion *within 7 days after the statement of the decision in open court, or the entry of the decision or judgment on the docket, whichever comes first*, or may upon its own motion, find the facts specially and state separately its conclusions of law.” (Emphasis added.) Rule 52(b) provides, “The court may, upon motion of a party *filed not later than 14 days after entry of judgment*, amend its findings or make additional findings and may amend the judgment if appropriate.” (Emphasis added.)