

**STATE OF MAINE JUDICIAL BRANCH  
PANDEMIC MANAGEMENT ORDER**

Order Issued July 29, 2020

**Order Regarding Trial Court Remote Proceedings and Public Access**

On March 13, 2020, the Supreme Judicial Court issued an Emergency Order reducing the number of people coming into state courthouses in light of the serious health risks posed by the novel coronavirus (COVID-19) pandemic. Thereafter, the Supreme Judicial Court issued a series of Pandemic Management Orders to address court proceedings during the pandemic and a Phased Management Plan (“the Plan”), which was issued on May 27, 2020. The Plan, which has since been amended, created a five-phase process for reopening Maine courts and established guidelines that were required to be met for each phase, including necessary staffing and the availability of technology.

Given the Court’s ongoing concerns for the health of both Judicial Branch employees and members of the public, the Supreme Judicial Court has determined that almost all trial court proceedings must be conducted remotely—through video or telephonic formats—while the Plan is in effect. Therefore, effective immediately and until further Order of the Court, it is hereby ordered as follows:

**PMO-SJC-7(A). PRESUMED FORMATS FOR COURT PROCEEDINGS**

1. *Remote hearings and proceedings.* Unless listed below as an excepted proceeding or otherwise specifically ordered by a court, all proceedings in Maine’s trial courts shall be conducted remotely, by video or telephone.
2. *Hearings and proceedings that may be held in person.* The following hearings and proceedings may be held in person:
  - a. criminal jury trials;

- b. criminal arraignments or first appearances, motions, and hearings, including matters involving probation revocation motions;
- c. Title 22 protective custody hearings concerning jeopardy and termination of parental rights;
- d. protection from abuse hearings;
- e. protection from harassment hearings when the harassment alleged involves sexual assault or stalking;
- f. motions for contempt
- g. juvenile adjudication and dispositional hearings; and
- h. forcible entry and detainer final hearings.

**Any of these proceedings may be held remotely, should a court so decide. In determining whether to conduct any of these proceedings in person, the court must consider the health and safety of court staff, parties, and witnesses; the ability of parties to participate remotely; and the effect its decision will have on the availability to other parties of limited Judicial Branch resources, including courtroom space, technology assistance, and clerical assistance.**

#### **PMO-SJC-7(B). REQUEST OR COURT ORDER FOR ALTERNATIVE FORMAT FOR COURT PROCEEDINGS**

1. *At the request of a party.* If a party asserts that special circumstances warrant conducting a proceeding in person, the party may file a motion for an in-person proceeding. Any such motion must explain with specificity the circumstances asserted and must be filed and served on the other party or parties no later than fourteen days before the scheduled hearing date, unless otherwise ordered by the court. If a party objects to the motion, the objecting party must file a written opposition no later than seven days after the motion is filed, unless otherwise ordered by

the court. The standard for granting a motion for alternative format for court proceedings is good cause shown. **However, before granting such a motion, the court must consider the health and safety of court staff, parties, and witnesses; the ability of parties to participate remotely; and the effect its decision will have on the availability to other parties of limited Judicial Branch resources, including courtroom space, technology assistance, and clerical assistance.**

2. *On the order of a court.* A trial court may, in its discretion, order that any court proceeding be held in person. **However, before issuing such an order, the court must consider the health and safety of court staff, parties, and witnesses; the ability of parties to participate remotely; and the effect its decision will have on the availability to other parties of limited Judicial Branch resources, including courtroom space, technology assistance, and clerical assistance.**

#### **PMO-SJC-7(C). CONDUCTING REMOTE PROCEEDINGS**

1. The trial court will initiate all video or telephone proceedings and will provide information and instructions to all parties for how to access the conference or hearing.
2. Invitations to video or telephonic conferences or hearings will be sent to the parties by the clerk's office. To ensure that the invitations are received, each party is required to provide to the court an email address to be used for official communications.
3. The official audio recording of a remote proceeding shall be created by the Judicial Branch's electronic recording system, For the Record ("FTR").
4. No later than seven days before any remote hearing, any party intending to offer any exhibits during the hearing must mark, copy, and exchange those exhibits with the other party or parties. The offering party must also file those exhibits with the court no later than seven days before the trial, unless the court orders a different time period. During a remote video hearing, the court may permit

rebuttal exhibits to be uploaded electronically to the video conference platform. Electronically filed exhibits must be in a standard, non-proprietary format: MP4 for video; MP3 or M4A for audio; PDF for documents; JPG for photographs. Exhibits in other electronic file formats may be filed only with leave of the court. Exhibits offered in rebuttal, if not previously filed with the court, must be filed within 3 days after the final hearing.

5. Self-represented litigants are held to the same standards as represented parties. A litigant will not be afforded any special consideration because of self-represented status. All court rules of procedure and process, including the rules of evidence, apply during remote hearings and conferences.
6. All parties are required to comport themselves as though the hearing or conference were occurring in person. Standards, including decorum, demeanor, and dress code, still apply. Those participating shall behave as if they were inside the courthouse.
7. Each witness must be alone in a quiet room while testifying, may not use a virtual background, and is ordered, subject to contempt of court, to turn off all electronic devices except for the device enabling participation in the hearing and to refrain from exchanging any electronic messages with anyone while testifying.

#### **PMO-SJC-7(D). PUBLIC ACCESS TO IN-PERSON COURT PROCEEDINGS**

1. Courtrooms in use for non-confidential proceedings shall remain open to the public during hours of operation. Any member of the public or media wishing to attend a non-confidential court proceeding may do so in person and subject to the required conditions set forth in the Plan.
2. Upon notice that public interest in attending a proceeding exceeds the capacity of the courtroom established in the Plan, the trial court may provide access by video streaming the proceeding to an additional location. **Before providing such access, however, the trial court must obtain permission from the chief of that court. All such decisions shall be made based on the availability of**

**limited Judicial Branch resources, including courtroom space, technology assistance, security staff, and clerical assistance.**

**PMO-SJC-7(E). PUBLIC ACCESS TO REMOTE COURT PROCEEDINGS**

1. JB-05-15 shall apply to media coverage of remote court proceedings during a pandemic. The Media Notification—Requested Coverage of Court Proceeding form, found on the Judicial Branch website at [https://www.courts.maine.gov/rules\\_adminorders/adminorders/JB-05-15.html](https://www.courts.maine.gov/rules_adminorders/adminorders/JB-05-15.html) shall be the means for requests by members of the media for
  - a. Direct access to cover a public but remote court proceeding being conducted solely by video or telephone; and
  - b. Access to or recording of a live audio stream of a court proceeding.
2. The trial court retains discretion to approve, approve on conditions, or deny media coverage requests made pursuant to section E(1) above, or to allow access and coverage of remote court proceedings on its own or at the request of a party.
3. Members of the public who wish to observe or listen to remote court proceedings should contact the clerk of the court where the hearing is being held. A list of addresses and telephone numbers for each clerk’s office is attached to this order.

Dated: July 29, 2020

For the Court:

\_\_\_\_\_/s/  
Andrew M. Mead  
Acting Chief Justice

**SUPERIOR COURTS**  
**(For all Courts: TTY 711 Maine Relay)**

ANDROSCOGGIN County Superior Court  
330-7500

OXFORD County Superior Court  
743-8936

AROOSTOOK County Superior Court  
498-8125

PENOBSCOT County Superior Court  
Penobscot Judicial Center  
561-2300

CUMBERLAND County Superior Court  
822-4204

PISCATAQUIS County Superior Court  
Piscataquis Judicial Center  
564-2240

FRANKLIN County Superior Court  
778-3346

SAGadahoc County Superior Court  
443-9733

HANCOCK County Superior Court  
667-7176

SOMERSET County Superior Court  
474-5161

KENNEBEC County Superior Court  
Capital Judicial Center  
213-2800

WALDO County Superior Court  
Waldo Judicial Center  
338-3107

KNOX County Superior Court  
594-2576

WASHINGTON County Superior Court  
255-3326

LINCOLN County Superior Court  
882-7517

YORK County Superior Court  
324-5122

**DISTRICT COURTS**

AUGUSTA DISTRICT COURT  
Capital Judicial Center  
213-2800

BIDDEFORD DISTRICT COURT  
283-1147

BANGOR DISTRICT COURT  
Penobscot Judicial Center  
561-2300

BRIDGTON DISTRICT COURT  
647-3535

BELFAST DISTRICT COURT  
338-3107

CALAIS DISTRICT COURT  
454-2055

CARIBOU DISTRICT COURT  
493-3144

DOVER-FOXCROFT DISTRICT COURT  
Piscataquis Judicial Center  
564-2240

ELLSWORTH DISTRICT COURT  
667-7141

FARMINGTON DISTRICT COURT  
778-2119

FORT KENT DISTRICT COURT  
834-5003

HOULTON DISTRICT COURT  
532-2147

LEWISTON DISTRICT COURT  
795-4800

LINCOLN DISTRICT COURT  
794-8512

MACHIAS DISTRICT COURT  
255-3044

MADAWASKA DISTRICT COURT  
728-4700 or 834-5003

MILLINOCKET DISTRICT COURT  
723-4786 or 794-8512

NEWPORT DISTRICT COURT  
368-5778

PORTLAND DISTRICT COURT  
822-4200

PRESQUE ISLE DISTRICT COURT  
764-2055

ROCKLAND DISTRICT COURT  
596-2240

RUMFORD DISTRICT COURT  
364-7171

SKOWHEGAN DISTRICT COURT  
474-9518

SOUTH PARIS DISTRICT COURT  
743-8942

SPRINGVALE DISTRICT COURT  
459-1400

WATERVILLE DISTRICT COURT  
873-2103

WEST BATH DISTRICT COURT  
442-0200

WISCASSET DISTRICT COURT  
882-6363

YORK DISTRICT COURT  
363-1230