

Maine Civil Justice Reform
Summary of Major Changes in the Maine Rules of Civil Procedure
October 2019

The Maine Supreme Judicial Court proposes the attached amendments to the Maine Rules of Civil Procedure as part of a project to achieve Civil Process Improvement by providing for **effective and proportional differentiated case management** of civil cases in Maine's state courts. The following are some of the central features of the proposed amendments.

Assignment to a Track for Initial Case Scheduling—Proposed Rule 16

- **Track A:** For cases in which a process is already defined by statutes, rules, and orders of the court, which includes appeals filed pursuant to Rule 80B or 80C, the cases will continue to be governed by the applicable statutes, rules, and court orders as in the past. Discovery will be ordered only if appropriate.
- **Track B:** Cases in this track will be governed by an initial scheduling order produced by the court. Deadlines and presumptive limits will guide the court in drafting the scheduling order. A single judge or justice will be assigned.
- **Track C:** Cases in this track will immediately be scheduled for a case management conference to determine the appropriate initial scheduling order. More expansive deadlines and presumptive limits will guide the court in producing the initial scheduling order. A single judge or justice will be assigned.

Streamlined Process for Resolving Many Pretrial Issues—Proposed Rule 7(b)(1)

To reduce the delays that may be occasioned by pretrial motion practice, many pretrial issues, including requests to exceed presumptive limits or modify scheduling orders, may be resolved using a simplified process that is similar to the process currently employed for resolution of discovery disputes (current Rule 26(g)).

Automatic Initial Disclosures—Proposed Rule 26A

Automatic initial disclosures, to be made soon after the commencement of an action, will accelerate the sharing of information and streamline the discovery process.

Presumptive Limits on the Scope and Duration of Discovery—Proposed Rules 26B, 30, 33, 34, 36

- In Track B and Track C cases, presumptive limits are imposed.
- A court may order *shorter or narrower discovery*—below the presumptive limits—if a case does not require extensive discovery.
- A court may order that discovery *exceed the limits* if one or more of the parties demonstrates that the increased discovery or time requested is proportional to the needs of the case.

Updated and Expedited Summary Judgment Practice—Proposed Rule 56

- The rule is reorganized to make the information more understandable.
- A shorter timeline is put in place for filing motions for summary judgment.
- The rule establishes presumptive limits on the number of statements of material facts.

Earlier Time to Demand a Jury Trial—Proposed Rules 38 and 76C

A jury trial demand, with payment of the jury fee, is required earlier in the process, with the same due date in the District Court and the Superior Court. If a jury trial demand is made in the District Court, the case will still be transferred to the Superior Court for a jury trial.