

**STATE OF MAINE  
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-05-27 (A. 2-16)

RULES OVERSIGHT AND RULEMAKING PROCESSES

Amendment Effective: February 8, 2016

The Maine Supreme Judicial Court has promulgated and regularly amends and publishes rules governing practice before the courts of the State of Maine; admission to the practice of law; and professional responsibility and discipline of attorneys, judges, and other court officers.

The rules promulgated by the Maine Supreme Judicial Court are updated on the Judicial Branch website as amendments are adopted. The rules are subject to oversight by the Court, assisted by advisory committees reviewing the various rules. The rules oversight process seeks to assure that

- Rules are regularly reviewed to consider current developments, needs, and changes;
- Rules are consistent with each other;
- The general goals that the Court seeks to promote through the rules are recognized;
- Any special needs or issues identified in operation of the court system are considered by the rules committees, and, to the extent appropriate, addressed in the general rules rather than in special rules or administrative orders;
- The public, the bar, and the trial courts are given an opportunity to comment on proposed amendments; and
- The principal rules and changes to them are readily available to the public, the bar, and the trial courts at or soon after any changes are adopted.

RULES OVERSIGHT

To support these objectives, the Advisory Committees on Rules of Civil Procedure, Unified Criminal Procedure, Appellate Procedure, Probate Procedure, and Evidence; and Rules governing Professional Conduct, Bar Admissions, and Judicial Ethics are each requested to regularly examine the rules that are within their responsibility in light of current issues and needs in litigation, professional

responsibility, law practice management, and service to the public, to consider

- The consistency of provisions of the rules with other rules and current practices;
- Whether there are unnecessary bars to efficiency, unnecessary practices that increase costs or delay, or unnecessary “traps for the unwary” within the rules; and
- What new directions may be recommended to generally serve the objectives of the rules and practice and service to the public under the rules.

Each rules committee shall report by October 15 of each even-numbered year addressing these matters; any other issues, rules, and amendments the committee has considered since its last report; and any matters the committee wishes to bring to the Court’s attention related to oversight of the rules within its responsibility.

## PREPARATION AND PUBLICATION OF RULES AMENDMENTS

The manner of preparation and publication of the rules and rules amendments is standardized as follows:

1. Changes in the rules may be recommended by any source.
2. Recommended changes will, unless otherwise directed by the Supreme Judicial Court, be developed by or referred to the appropriate rules committee or committees for review, consideration, and recommendation.
3. The rules committees will propose changes to the Court by sending to the Court both a paper and an electronic version of proposed amendments, with the proposed amendments in legislative format and supported by advisory notes describing the proposed amendments.
4. Proposed amendments from any committee, person or group should be submitted to the Court by May 1, for changes proposed to take effect September 1, unless otherwise requested by the Court in response to legislation or urgent situations. Except for emergencies, recommended changes should not be submitted to take effect at any other time. All recommended changes from each committee should be submitted as a single set of rules and amendments and not as separate, individual rules amendments.

5. If the Court determines after its preliminary review that it may adopt a proposed change, it shall solicit written comments from the public, the bar, and the trial courts by posting an announcement on the Judicial Branch website with the text of the proposed rule and instructions for submitting written comments. The Court shall allow a 14-day period for written comments unless, in extraordinary circumstances, a longer or shorter time frame would be more effective. The Court may, in its discretion, schedule a public hearing to solicit additional comment on proposed rules.

6. After the comment period has closed, the Court will make a final determination regarding the proposed rules and adopt, adopt with amendments, or reject the recommendation. If adopted with amendments, the Court may provide additional advisory notes describing the amendments. The rules changes adopted by the Court will be published on the Court's website shortly after adoption.

7. Except where legislation or other special situations require adoption of amendments effective at different times, rules changes will be proposed and adopted on a track designed to have the amendments take effect on September 1 of each year.

8. The complete text of the Maine Court Rules will be available as amended on the Judicial Branch website.

9. These requirements do not prevent the Court from developing and adopting, on its own, amendments to rules that exceptional circumstances may require. Where possible, the Court will seek comment from the relevant committee or committees, on rule changes that require prompt action from the Court.

For the Court,

/s/ \_\_\_\_\_  
Leigh I. Saufley  
Chief Justice

Promulgation Date: February 8, 2016

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Rules Oversight and Rulemaking Processes

AO JB-05-27 (A. 2-16), signed February 8, 2016, effective February 8, 2016

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

This amended order is issued to include rules governing the discipline of “other court officers” in the first sentence, to update the section governing rules oversight to account for the new Maine Rules of Unified Criminal Procedure and include an Advisory Committee for the Rules of Appellate Procedure, to change the ordinary period for comment from 30 days to 14 days, and to make minor changes in style and punctuation.

**Historical Derivation of JB-05-27:**

Rules Oversight and Rulemaking Processes

AO JB-05-27 (A. 9-11), signed September 19, 2011, effective September 19, 2011

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Rules Oversight and Rulemaking Processes

AO JB-05-27, signed December 19, 2005, effective January 1, 2006

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Order Modifying Operating Procedures for Rulemaking

Dated December 16, 1981

Signed by Vincent L. McKusick, Chief Justice, Maine Supreme Judicial Court

Operating Procedures for Rulemaking

Dated January 3, 1980

Signed by Vincent L. McKusick, Chief Justice, and Sidney W. Wernick, Edward S. Godfrey, David A. Nichols and Harry P. Glassman, Associate Justices, Maine Supreme Judicial Court.

Public Notice and Opportunity to Comment on Proposed Rules or Changes in Rules

Date January 21, 1974

Signed by Armand A. Dufresne, Chief Justice, and Randolph A. Weatherbee, Charles A. Pomeroy, Sidney W. Wernick, James P. Archibald, and Thomas E. Delahanty, Associate Justices, Maine Supreme Judicial Court