

**STATE OF MAINE**  
**SUPREME JUDICIAL COURT**  
ADMINISTRATIVE ORDER JB-21-05 (A. 8-23)

ORDER REGARDING TRIAL COURT REMOTE PROCEEDINGS  
AND PUBLIC ACCESS

Effective: August 18, 2023

Increasingly, many attorneys have multiple competing obligations and court appearances. For many court users, it can be burdensome and difficult to appear in person at a courthouse, particularly for short or routine matters. While the ability to appear remotely through video or telephonic formats continues to be a convenient, effective format for certain proceedings, experience has also shown that, where feasible, it is important for all participants to be physically present at a courthouse for other proceedings.

This Order governs the presumed formats—whether remote or in-person—for court proceedings and the processes to be used for remote court proceedings in all cases. Although this Order is otherwise effective immediately, it shall not operate to change the format of a matter which has already been scheduled.

**I. PRESUMED FORMATS FOR TRIAL COURT PROCEEDINGS**

**A.** Unless the regional scheduling jurist or presiding judicial officer specifically orders otherwise as discussed in sections II or III below, the following proceedings shall be held remotely:

1. Pretrial or status conferences and non-testimonial hearings other than initial case management conferences in Family Matters (FM) cases;
2. Uncontested final hearings in Family Matters (FM) cases;
3. Pretrial, discovery or status conferences and non-testimonial hearings in civil (CV) cases;
4. Status and pretrial conferences in Child Protection (PC) cases;
5. Mental Health (MH) hearings;
6. All Violations Bureau (VB) (traffic) hearings; and

7. Arraignments and initial appearances for incarcerated individuals in criminal (CR) cases.

**B.** All other proceedings shall be held in person unless the regional scheduling jurists or presiding judicial officer specifically order otherwise as discussed in section II below. Proceedings to be held in person shall include, but are not limited to, all testimonial hearings and trials in any case type; hearings, conferences and all other proceedings in criminal matters; and post-judgment FM dockets.

## **II. CHANGES IN PRESUMED FORMAT**

**A. Regional changes.** On a regional basis, the court, acting through the regional scheduling jurists, may order any presumptively in-person proceedings or dockets to be held remotely, or any presumptively remote proceedings or dockets to be held in person, where deemed necessary after consideration of availability of attorneys, parties, other court users, judicial officers, courtroom space, judicial marshals, technology assistance, and clerical assistance.

**B. Change in presumed format at the request of a party.** Any party may file a motion requesting that a proceeding presumed or scheduled to be heard in person be heard remotely. Any party may file a motion requesting that a proceeding presumed or scheduled to be heard remotely be heard in person. Any such motion must explain with specificity the basis for the request. Except as provided below, the motion must (1) provide the email address of the moving party and the responding party, if known; and (2) 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.

If the party filing the motion for a change in the presumed format believes that the health, safety, or liberty of the party or a minor child would be jeopardized by disclosure of identifying information, the party may provide the email address to the court without providing that information to the other party, and file an Affidavit of Confidential Address (PA-015) to request that the party's email address be sealed by the court pursuant to 19-A M.R.S. § 4008.

**C. Standard for changing the presumed format upon motion.** The standard for granting a motion and ordering that the presumed format of a proceeding should change is good cause shown. In making the determination, the court must consider the ability of parties to participate remotely or to be present; the availability of constitutionally required counsel to other people and in the courts; and the availability of judicial officers, courtroom space, judicial marshals, technology assistance, and clerical assistance.

**D. In-person hearing on the order of a court.** A trial jurist may, without a motion and upon reasonable notice to the parties, require that a particular presumptively in-person proceeding be held remotely if Judicial Branch resources are insufficient to accommodate an in-person proceeding and if it is otherwise appropriate considering the nature of the proceeding.

### **III. CONDUCTING REMOTE PROCEEDINGS**

**A.** 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.

**B.** 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 for official court communications.

**C.** The official audio recording of a remote proceeding shall be created by the Judicial Branch's electronic recording system, For the Record ("FTR").

**D.** If an evidentiary hearing will be held remotely, no later than seven days before the 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 copies of 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 MP4A for audio; PDF for documents; JPG for photographs. Exhibits in other electronic formats may be filed only with leave of the court. A paper copy

of any exhibit offered in rebuttal, if not previously filed with the court, must be filed within 5 business days after the final hearing.

**E.** 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, and the rules of contempt, apply during remote hearings and conferences.

**F.** 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 courtroom.

**G.** Each witness must be alone in a quiet room while testifying and may not use a virtual background unless a virtual background is necessary for the safety and security of the witness or party. Each witness 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.

**H.** When any proceeding is scheduled to be held remotely, counsel and parties shall be ready to proceed at the scheduled date and time. Private conversations and consultations outside the presence of the court will not generally be available on the remote platform.

#### **IV. PUBLIC ACCESS TO REMOTE COURT PROCEEDINGS**

**A.** 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/news/media.html>

shall be the means for requests by members of the media for

1. Direct access to cover a public but remote court proceeding being conducted solely by video or telephone; and

2. Access to or recording of a live audio stream of a court proceeding.

**B.** The trial court retains discretion to approve, approve on conditions, or deny media coverage requests made pursuant to section A(1) above, or to allow access and coverage of remote court proceedings on its own or at the request of a party.

**C.** 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.

Promulgation Date: August 18, 2023

For the Court:

\_\_\_\_\_/s/\_\_\_\_\_  
Valerie Stanfill  
Chief Justice, Supreme Judicial Court

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ATTACHMENT: Clerk's Office Telephone Numbers

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Order Regarding Trial Court Remote Proceedings and Public Access  
AO JB-21-05 (A. 8-23) dated August 18, 2023, and effective August 18, 2023.

Signed by: Valerie Stanfill, Chief Justice, Maine Supreme Judicial Court

Issued to provide clarifying language and acknowledge that particularly in criminal proceedings, it is important, when feasible, for all participants to be physically present at a courthouse. Section I is amended to authorize regional scheduling jurists to order variation in the list of proceedings that must be held remotely. Section I(A) is amended to add docket indicators for all case types and to add to the list of proceedings to be held remotely all Violations Bureau hearings, and arraignments and initial appearances for incarcerated individuals in criminal cases. Section I(B) now provides that all other proceedings shall be held in person unless there is a change in the presumed format under section II and identifies certain proceedings that are presumed to be held in person. Former sections II and III have been merged into a new Section II, which, as revised, authorizes changes in the presumed format on a regional basis by the regional scheduling jurists or by the court at the request of a party upon good cause shown; and allows a court to order, if appropriate, that a specific proceeding be held in a different format, upon reasonable notice to the parties, if Judicial Branch resources are insufficient to accommodate an in-person proceeding. Former section IV is relabeled as section III. Section III(D) is amended to eliminate the requirement that “paper” copies of exhibits be filed. Former section V has been relabeled as section IV, and a cross-reference in section IV(B) has been updated.

### **Historical Derivation of JB-21-06**

Order Regarding Trial Court Remote Proceedings and Public Access  
AO JB-21-05 dated September 24, 2021, and effective October 4, 2021.

Signed by: Valerie Stanfill, Chief Justice, Maine Supreme Judicial Court

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

ANDROSCOGGIN County Superior Court  
330-7500

AROOSTOOK County Superior Court  
498-8125 (Caribou)  
532-6563 (Houlton)

CUMBERLAND County Superior Court  
822-4200

FRANKLIN County Superior Court  
778-3346

HANCOCK County Superior Court  
667-7176

KENNEBEC County Superior Court  
Capital Judicial Center  
213-2800

KNOX County Superior Court  
594-2576

LINCOLN County Superior Court  
882-7517

OXFORD County Superior Court  
743-8936

PENOBSCOT County Superior Court  
Penobscot Judicial Center  
561-2300

PISCATAQUIS County Superior Court  
Piscataquis Judicial Center  
564-2240

SAGADAHOC County Superior Court  
442-0200

SOMERSET County Superior Court  
474-5161

WALDO County Superior Court  
Waldo Judicial Center  
338-1940

WASHINGTON County Superior Court  
255-3326

YORK County Superior Court  
283-6000

**DISTRICT COURT**

AUGUSTA District Court  
Capital Judicial Center  
213-2800

BANGOR District Court  
Penobscot Judicial Center  
561-2300

BELFAST District Court  
338-1940

BIDDEFORD District Court  
283-6000

BRIDGTON District Court  
647-3535

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

WATERVILLE District Court  
873-2103

WEST BATH District Court  
442-0200

WISCASSET District Court  
882-6363

## **VIOLATIONS BUREAU**

VIOLATIONS BUREAU Helpline  
783-5422