

Last reviewed and edited November 3, 2020
Includes amendments effective November 30, 2020

RULE 131. CASE FILING, TRANSFER, AND IDENTIFICATION

(a) Filing Cases; Transfer. No case may be commenced on the BCD through filing. A case must be transferred to the BCD from the originating court by Application or Judicial Recommendation. The “originating court” is the court in which the case is pending.

(1) *Application for Transfer to BCD.* Any party seeking to transfer a case to the BCD shall complete and file, with the originating court, an application to transfer the case to the BCD using an approved BCD form and setting forth the reasons in support of the transfer. An application for transfer may be made at any time and more than one party may join in the application.

(2) *Judicial Recommendation for Transfer to BCD.* At any time after all named defendants have appeared or been defaulted in a case, any trial judge or justice may *sua sponte* file, in the originating court, a recommendation for transfer to the BCD using an approved BCD form and setting forth the reasons in support of the transfer.

(b) Objection to Transfer to BCD. Any party objecting to the application of a party or recommendation of a trial judge or justice for transfer to the BCD shall file with the originating court a written objection, no more than 2 pages in length, setting forth the specific reasons for the objection. Any objection shall be deemed waived unless filed with the originating court within 14 days of the filing of the application or recommendation for transfer; provided, however, if an application is filed with the initial complaint, the written objection must be filed no later than the objecting party’s answer or other response to the complaint or that party’s deadline for filing such answer or other response, whichever first occurs. No reply to the objection shall be permitted.

(c) Decision to Allow Transfer to BCD. The decision to accept or reject a case for transfer to the BCD shall be within the sole discretion of the BCD judge reviewing the transfer application. The decision shall be made summarily, without hearing, unless the BCD judge concludes that a hearing is necessary.

(1) *Transfer Orders are not Subject to Review or Appeal.* Parties shall not have the right to a review or appeal of decisions regarding the transfer of a case to or from the BCD.

(2) *Completion of Transfer to BCD.* When a case is ordered transferred to the BCD, the transfer shall be effective when the order of transfer is signed by the BCD judge.

(A) When a case is ordered transferred to the BCD from a court in which the Electronic Filing System (EFS) has not been implemented, the case file shall be transferred to the BCD, converted to electronic format, and entered into the Case Management System. The filing parties may request return of original documents from the BCD pursuant to the Maine Rules of Electronic Court Systems.

(B) When a case is ordered transferred to the BCD from a court in which the EFS has been implemented, the clerk of the originating court shall comply with the case transfer protocols of the EFS and the Maine Rules of Electronic Court Systems and shall then notify the BCD of the transfer.

(3) *BCD Docket Number.* When a case is ordered transferred to the BCD, it shall be assigned a BCD docket number that will replace the docket number assigned to the case by the originating court.

(d) *Return to Originating Court upon Subsequent Joinder of Parties.* In the event that a party joined in an action after it has been transferred to the BCD objects to the transfer, that party may, within 14 days of being joined in the action, file a written objection to the transfer, no more than 2 pages in length, setting forth the specific reasons for the objection. No reply to the objection shall be permitted. The BCD judge shall decide whether the objection should be sustained or overruled and, if sustained, the case shall be transferred to the originating court. The decision shall be made summarily, without hearing. If the case is ordered transferred from the BCD to the originating court, the transfer shall be effective when the order of transfer is signed by the BCD judge.

Advisory Note - November 2020

Rule 131(c)(2) is amended to establish the process for completing the transfer of a case to the BCD depending on whether the court has implemented the Electronic Filing System (EFS).