

**STATE OF MAINE JUDICIAL BRANCH
POST-PANDEMIC MANAGEMENT ORDER
(Issued June 1, 2021)**

Order Regarding Trial Court Remote Proceedings

The Supreme Judicial Court has now issued PPMO-SJC-1, which rescinds PPMO-SJC-7. Because PPMO-SJC-1 continues and extends the use of remote proceedings in the trial courts, the Court issues this post-pandemic management order to ensure that participation in remote proceedings complies with due process and proper procedure.

PPMO-SJC-2(A) 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 for official court communications, except for forcible entry and detainer cases as stated in PPMO-SJC-2(B)(6) below, or for Violations Bureau cases as stated in PPMO-SJC-2(B)(7) below.
3. The official audio recording of a remote proceeding shall be created by the Judicial Branch's electronic recording system, For the Record ("FTR").

PPMO-SJC-2(B) PARTICIPATING IN REMOTE PROCEEDINGS

1. No later than seven days before any remote hearing, except hearings concerning protection from abuse or protection from harassment cases as stated in subdivision 5 below, forcible entry and detainer cases as stated in subdivision 6 below, or Violations Bureau cases as stated in subdivision 7 below, 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 paper 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 days after the final hearing.

2. 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.
3. 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.
4. 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.
5. Unless otherwise noted above, all of the requirements in section B apply for remote hearings in protection from abuse or protection from harassment cases. The following processes shall also apply to remote hearings in those cases:
 - a. *Exchanging and filing of exhibits.* In protection from abuse or protection from harassment cases, all of the requirements regarding the exchange and filing of exhibits in subdivision 1 above apply, but the deadline for exchanging and filing exhibits is two

days before a remote hearing, unless the court orders a different time period.

b. *Service, distribution, and enforcement of final orders and extensions of temporary orders.*

i. If the defendant participates in the hearing remotely, and the court extends a temporary order or issues a final order, the court shall (1) review the contents of the order with the defendant on the record; (2) email the order to the defendant at the email address provided to the court by the defendant; and (3) order a law enforcement agency to personally serve the defendant with the order. For purposes of 19-A M.R.S. § 4011, any defendant who participates remotely and is instructed about the contents of the order by the court is deemed to have prior actual notice of the order, and the order is enforceable and effective upon signature by the court, even before service by law enforcement.

ii. If the plaintiff participates in the hearing remotely, and the court extends a temporary order or issues a final order, the court shall (1) email the order to the plaintiff at the email address provided to the court by the plaintiff; and (2) mail a certified copy of the order to the plaintiff.

6. Unless otherwise noted above, all of the requirements in section B apply for remote final hearings in forcible entry and detainer cases. The following processes shall also apply to remote final hearings in those cases:

a. *Exchanging and filing of exhibits.* Any party intending to offer any exhibits during the final hearing may upload all exhibits electronically to the video conference platform during the hearing or electronically transmit via email. Electronically filed exhibits must be in a standard, non-proprietary format: MP4 for video; MP3 or MP4A for audio; PDF for documents; and JPG for photographs. Exhibits in other electronic formats may be filed only with leave of the court. A paper copy of any exhibit offered during the final

hearing, if not previously filed with the court, must be filed within 5 days after the final hearing.

- b. *Email addresses.* In forcible entry and detainer cases, parties are not required, but are still encouraged, to provide email addresses to the court prior to the remote hearing. Parties will be notified of remote hearings, including information and instructions to access the remote hearings, through a notice of remote hearing along with the summons or via mail.
7. Unless otherwise noted above, all of the requirements in section B apply for remote Violations Bureau hearings. The following processes shall also apply to remote hearings in those cases:
- a. *Exchanging and filing of exhibits.* Any party intending to offer any exhibits during the hearing may upload all exhibits electronically to the video conference platform during the hearing or electronically transmit via email. Electronically filed exhibits must be in a standard, non-proprietary format: MP4 for video; MP3 or MP4A for audio; PDF for documents; and JPG for photographs. Exhibits in other electronic formats may be filed only with leave of the court.
 - b. *Email addresses.* In Violations Bureau cases, parties are not required to provide email addresses to the court prior to the remote hearing. Parties will be notified of remote hearings, including information and instructions to access the remote hearings, through a notice of remote hearing or via mail.

Dated: June 1, 2021

For the Court:

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Andrew M. Mead
Acting Chief Justice