

Last reviewed and edited March 16, 2021
Includes amendments effective March 16, 2021

RULE 76G. BRIEFS AND ORAL ARGUMENTS IN THE SUPERIOR COURT

(a) Time for Filing Briefs. The appellant shall file the appellant's brief within 40 days after the date on which the record is filed in the Superior Court, the appellee shall file the appellee's brief within 30 days after service of the brief of the appellant, and the appellant may file a reply brief within 14 days after service of the brief of the appellee. In no event shall any brief be filed less than 6 calendar days before the date set for oral argument. Upon a showing of good cause, the Superior Court may increase or decrease the time limit specified in this subdivision.

(b) Consequence of Failure to File Briefs. If an appellant fails to comply with subdivision (a) of this rule, the Superior Court may dismiss the appeal for want of prosecution. If an appellee fails to comply, the appellee will not be heard at oral argument except by permission of the Superior Court.

(c) Scheduling of Oral Argument. Unless the Superior Court determines that oral argument is unnecessary or otherwise directs, all appeals shall be in order for hearing 20 days after the date on which appellee's brief is due or is filed, whichever is earlier. The parties may, by agreement, waive hearing and submit the matter for decision on the record and the briefs. The clerk of the Superior Court shall schedule oral argument for the first appropriate date after the appeal is in order for hearing, and shall notify each counsel of record or unrepresented party of the time and place at which oral argument will be heard.

Advisory Note – March 2021

Rule 76G(c) is amended to provide, consistent with the construction of Rule 80C in *Lindemann v. Comm'n on Governmental Ethics & Election Pracs.*, 2008 ME 187, ¶¶ 23-26, 961 A.2d 538, that the court may, within its discretion, determine not to hear oral arguments in an administrative appeal to the Superior Court.