

**STATE OF MAINE
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-15-3

USE OF COURT FACILITIES FOR NON-JUDICIAL BRANCH FUNCTIONS

Effective: May 19, 2015

I. SCOPE AND PURPOSE

Pursuant to 4 M.R.S. §§ 1 and 17(8), the Supreme Judicial Court hereby issues this Administrative Order regarding the use of courtrooms, meeting rooms, mediation rooms, and other court facilities for activities other than regular court business. It applies to all court facilities throughout the state. For purposes of this Administrative Order, the term “court facilities” means public hallways, courtrooms, and meeting rooms directly accessible from public hallways. The term does not include judicial, clerk, staff, or security offices or other areas of the courthouse not accessible to the public.

It is the purpose and intent of the Judicial Branch in implementing and enforcing this policy to ensure that any use of court facilities is consistent with the purpose and objectives of the business use of the court facility, including maintaining the orderly conduct of court business in a neutral forum free of actual or perceived partiality; avoiding any appearance of bias, prejudice, or favoritism; maintaining the safety and security; and avoiding any impairment, disruption, or distraction to the court’s business or the administration of justice for court personnel, litigants, or other users of court facilities.

II. SECURITY PROVISIONS

A. Court facilities must be secured at all times outside of the normal hours of operation.

B. Courtrooms must be locked at all times when not in use.

C. Clerk’s offices, judicial chambers, and other secure areas are not available for any use by persons or entities outside of the Judicial Branch.

D. Court facilities contained in buildings owned by a county or municipality may be used outside of normal working hours if the county or municipality has agreed to be responsible for maintaining adequate security and to cover other costs of operation. Court facilities contained in Judicial Branch buildings may be used outside of normal working hours subject to the limitations outlined in this Order.

E. No use of alcoholic beverages or other intoxicants will be allowed in court facilities.

III. COSTS

All non-Judicial Branch users of Judicial Branch buildings may be required to pay reasonable costs of operation, including but not limited to the costs associated with cleaning and with maintaining adequate security. The hours of use and costs relating thereto shall be agreed upon at least seven days before the scheduled use.

IV. PERMISSIVE USES

Any non-Judicial Branch use of court facilities will be at the discretion of the State Court Administrator, and must not interfere or conflict with court operations. If permission to use a court facility is given to another entity, the entity may be asked to cover the costs as addressed above. To preserve the public's right to access to justice, the Judicial Branch reserves the right to withdraw any advance approvals at any time without cause, written notice, or explanation.

A. Court facilities may be used by Judicial Branch-created entities, such as teams, committees, bench/bar groups, or court staff working groups, and by Judicial Branch-related entities, such as the Board of Overseers of the Bar, or the Board of Bar Examiners, as approved by the State Court Administrator and by arrangement with the Clerk of Court.

B. Court facilities may be used by other governmental entities for judicial and quasi-judicial functions, such as adjudicatory hearings of other courts or adjudicatory hearings by administrative agencies, as approved by the State Court Administrator and by arrangement with the Clerk of Court.

C. Court facilities may be used for appropriate general governmental activities as approved by the State Court Administrator and by arrangement with the Clerk of Court.

D. In county or municipally owned buildings, court facilities may be used by county or municipal government by arrangement with the Clerk of Court.

V. PROHIBITED USES

A. Court facilities may not be utilized for commercial purposes or for advertising of commercial activities.

B. Court facilities may not be utilized for political purposes or for advertising of political activities.

VI. EXCEPTIONS

The State Court Administrator, in consultation with the Chief Justice or designee, may grant case-by-case exceptions to the above provisions for good cause shown and consistent with the scope and purpose of this Administrative Order. Exceptions must be conditioned on such terms as the Chief Justice or State Court Administrator determines are necessary to ensure uninterrupted access to justice and adequate security, and to avoid unnecessary expense or disruption of Judicial Branch activities.

For the Court,

/s/

Leigh I. Saufley
Chief Justice

Promulgation date: May 19, 2015