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Maine Judicial Branch Releases Phased Re-Opening Plan for the Courts

May 27, 2020, Portland, Maine. The Maine Judicial Branch announced today the release of the State of Maine Judicial Branch COVID-19 Phased Management Plan. The plan creates a five-phased process for reopening Maine Courts and is based on the most recent scientific data available from the Maine Center for Disease Control (CDC) and Prevention and stakeholder input. The plan is available on the Judicial Branch website here: <https://www.courts.maine.gov/covid19/covid-management-plan.pdf>.

The plan sets out guidelines that must be met for each phase, including necessary staffing, availability of technology, and availability of personal protective equipment. Phases may be implemented statewide or only in specific court locations as local conditions may vary. Revisions to the plan may be necessary due to available resources, changing circumstances, or new guidance from the Maine CDC.

Phase 1— June 1-June 12 (two weeks)

Courts will be open to the public from 8:00 a.m. to 4:00 p.m.

The courts will continue to direct judicial resources to priority cases types identified in PMO-SJC-1. Other case types may be scheduled and heard so long they may take place by video or audio conference, except for:

- FED (eviction, landlord/tenant) except requests for writs of possession as provided by the Governor's Executive Order Number 40, dated April 16, 2020;
- Disclosures;
- Foreclosures;
- Small claims; and
- Violation Bureau matters.

No jury trials or grand jury proceedings will be scheduled or held.

In any case that is not being scheduled or heard during phase 1 of the plan, a request can be made to schedule the case as set forth in PMO-SJC-1.

Phase 2 — June 15-July 2 (three weeks)

Same as Phase 1, plus:

Video and telephone conferences are the strongly preferred medium for all proceedings. However, the courts MAY schedule and hear some matters in person, subject to the





availability of judicial resources and the need to address priority cases.

No person in custody will be permitted to enter the courthouse except in compliance with standard entry screening limitations and express prior arrangements or memorandum of understanding with the custodial facility that will adequately protect the public and the incarcerated person from infection.

Phase 3 — July 6- July 31 (four weeks)

Same as Phase 2, plus:

Grand jury proceedings may be scheduled and held in person at courthouses.

Phase 4 — August 3-September 4 (five weeks)

Same as Phase 3, plus:

All types of cases MAY be scheduled and heard in person subject to the availability of judicial resources and the need to address priority cases, including these postponed matters:

- FED (eviction, landlord/tenant) except requests for writs of possession as provided by the Governor's Executive Order Number 40, dated April 16, 2020;
- Disclosures;
- Foreclosures;
- Small claims; and
- Violation Bureau.

Phase 5 — September 7 onward

Same as Phase 4, plus:

- Courts will be open to the public from 8:00 a.m.-4:30 p.m.
- Jury trials may be scheduled and held.
- Oral argument scheduled before the Supreme Judicial Court may be conducted in person or by video conferencing as determined by the Court in consultation with counsel.

Additional procedures are described in the plan, including the priority that will be given to scheduling and hearing certain types of cases and proceedings.

Throughout each phase, public safety restrictions and procedures will be observed, including limiting the number of people allowed in a courtroom to no more than 10 at a time (except for grand jurors), enforcing entry screening and social distancing requirements, and ensuring that all courthouse visitors wear face shields or masks in the courthouse. These procedures and restrictions were developed in consultation with the Maine CDC.

Acting Supreme Court Chief Justice Andrew M. Mead said, "The issuance today of the Judicial Branch's COVID-19 Phased Management Plan represents the culmination of an enormous amount of review, research, consultation, and planning. The Court was especially grateful to receive comments from





members of the Maine bar and the public in two stakeholder video conferences held in May.
The gradual

reopening of Maine's state courts reflects a balancing of the need to protect public health and safety with the need to provide a forum for the peaceful resolution of conflicts and disputes. This plan represents and reflects our commitment to those overarching principles."

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