

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENTS TO
MAINE RULES OF APPELLATE PROCEDURE

2024 Me. Rules 07

Effective: November 1, 2024

All of the Justices concurring therein, the following amendments to the Maine Rules of Appellate Procedure are adopted to be effective on the date indicated above. The specific amendments are stated below. To aid in the understanding of each amendment, an Advisory Committee Note appears after the text of the amendment. The Advisory Committee Note states the reason for recommending the amendment, but the Advisory Committee Note is not part of the amendment adopted by the Court.

1. Rule 1B of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 1B. DEFINITIONS

Unless specified to the contrary by statute or these Rules, the following words, whenever used in these Rules shall have the following meanings:

(a) The term “appellant’s attorney” or “appellee’s attorney” or any like term shall include the party appearing without counsel, and the word “appellant” or “appellee” or any like term shall include the party appearing with counsel.

(b) The word “court” or “trial court” shall include any Unified Criminal Docket, the Business and Consumer Docket, any judge of the Probate Court, any judge of the District Court, any justice of the Superior Court, any single justice of the Supreme Judicial Court, and any administrative agency from which an appeal lies directly to the Law Court.

(c) The term “plaintiff’s attorney” or “defendant’s attorney” or any like term shall include the party appearing without counsel, and the word “plaintiff” or “defendant” or any like term shall include the party appearing with counsel.

(d) The word “reporter” means a court reporter, the Office of Transcript Operations, or a transcriber of an electronically recorded record.

(e) The term “docket entries” shall include case information maintained by the trial court clerk in the registry of actions.

(f) The term “decision of the Law Court” or “decision resolving the appeal” or any like term shall mean a decision of the Law Court reported pursuant to Rule 12(c) resolving an appeal.

(g) The term “order of the Law Court” or any like term shall mean an order signed by one or more justices on behalf of the Law Court other than a decision of the Law Court, including an order acting on a motion pursuant to Rule 10(b).

Advisory Committee Note – November 2024

This amendment clarifies the distinction between “decisions” and “orders” of the Law Court by defining those terms in Rule 1B(f) and (g). This change coincides with the adoption of new Rule 10(a)(5) governing motions for reconsideration of orders of the Law Court, and amendment of Rule 14(b) governing motions for reconsideration of decisions of the Law Court.

2. Rule 1D of the Maine Rules of Appellate Procedure is adopted to read as follows:

RULE 1D. FILING AND FORMATTING OF DOCUMENTS

(a) Method of Filing. All papers or electronic or digital content required by these Rules to be filed with the Law Court or with any Justice of the Law Court must be filed with the Clerk of the Law Court.

(1) Attorneys Must File Electronically. A document filed with the Clerk of the Law Court by an attorney must be filed electronically as provided by subdivision (c) of this Rule, except where these Rules specifically require paper copies to be filed.

(2) Unrepresented Parties May File on Paper or Electronically. A document filed with the Clerk of the Law Court by an unrepresented party may be filed either electronically as provided by subdivision (c) of this Rule or on paper as provided by subdivision (b) of this rule.

(b) Filing of Paper Documents and Copies.

(1) Where Made. Filing of paper documents shall occur at the office of the Clerk of the Law Court, 205 Newbury Street, Room 139, Portland, Maine 04101-4125, unless another office is designated by order of the Chief Justice.

(2) When Effective—Attorney or Non-Incarcerated Party. A paper document filed with the Clerk of the Law Court by an attorney or by a non-incarcerated unrepresented party is deemed to be filed on the date that the Clerk receives it, unless the Clerk's office is not open at the time of receipt, in which case the filing is deemed to be filed on the next date that the Clerk's office is open for all or part of the day.

(3) When Effective—Incarcerated Party. A paper document filed with the Clerk of the Law Court by an incarcerated party personally (and not through counsel) is deemed to be filed when it is deposited in the incarcerated party's institution's mail system for delivery to the Clerk and is accompanied by any necessary forms and payment that the institution requires for mailing.

(c) Electronic Filing of Documents.

(1) How Made. Where these rules permit or require a party to file a document electronically, the filing must be made by transmitting the document as an attachment to an email sent to the Clerk of the Law Court at the email address provided by the Clerk in any notices issued by the Clerk. If the document is too large to send as an attachment to an email, the filer must contact the Clerk of the Law Court for instructions on an alternative method of transmitting the document.

(2) Format.

(A) Any document filed electronically must be in the form of a Portable Document Format (pdf) file.

(B) A document or portion of a document that is created for the appeal must be converted from the original word processing document into a text-based pdf file.

(C) Appendices, exhibits to documents, and other documents that the filer does not possess in the form of a word-processing document may be scanned into a pdf file.

(D) A filing consisting of both a document created for the appeal and one or more exhibits or other scanned documents must be filed as one combined pdf file.

(E) The Clerk of the Law Court may, for good cause shown, relieve a party of one or more of the requirements of this subdivision (2).

(3) When Effective. A document filed electronically is deemed to be filed on the day that the Clerk of the Law Court receives the email, as indicated by the Clerk's email system, if the Clerk's office is or was open for any portion of that day, regardless of the time of day that the Clerk receives the email. If the Clerk's office is not open for any part of the day on which the Clerk receives the email, the document is deemed to be filed on the next day that the Clerk's office is open for all or part of the day.

(d) Formatting of Documents. Motions, responses, and other documents not required to be produced in a manner prescribed by Rule 7A(g) must be typewritten on pages that are 8-1/2 x 11 inches in size, with the typed matter double spaced in at least 14-point font, except that footnotes may be single spaced and may appear in 11-point font. Each document shall contain a caption setting forth the name of the Court (i.e., the Supreme Judicial Court sitting as the Law Court), the title of the case, the Law Court docket number, and a brief descriptive title of the document. Paper copies of the document must be printed or otherwise duplicated upon opaque, unglazed paper 8-1/2 x 11 inches in size and shall be stapled in the upper-left corner.

(e) Indication of Service. Every filed document must contain or be accompanied by an indication that the document was served on each other party as required by Rule 1E. The indication may be in the form of "cc" addressees on an email, a "cc" indication on a cover letter accompanying the

document, or a statement in or accompanying the document that states that the other parties were served with the document.

Advisory Committee Note – November 2024

See the November 2024 Advisory Committee Note following Rule 1E for notes on the adoption of Rule 1D.

3. Rule 1E of the Maine Rules of Appellate Procedure is adopted to read as follows:

RULE 1E. SERVICE OF DOCUMENTS

(a) Requirement.

(1) Service of Filed Documents. A copy of each document filed with the Clerk of the Law Court must be served on each other party to the appeal as provided in this Rule.

(2) Service of Documents Issued by the Law Court or the Clerk of the Law Court. The Clerk of the Law Court must serve each party to the appeal with all orders, notices, decisions, and other documents issued by the Law Court or the Clerk.

(3) Persons to be Served. Where these rules require service upon a “party,” service must be made on the following person or persons:

(A) if the party is unrepresented, service must be made on the party personally;

(B) if the party is represented by counsel and service is being made electronically, service must be made on each attorney of record for the party;

(C) if the party is represented by counsel and a paper document is being served, service must be made on at least one attorney of record for the party.

(b) Method of Service.

(1) When Service of Paper Copies is Required. Service of a document upon another party must be made by serving a paper copy as provided in subdivision (c) of this rule when

(A) these Rules specifically require that a paper copy of a document be served on other parties; or

(B) the party to be served is an unrepresented party who has not opted in to electronic service.

(2) When Party May Elect Electronic Service or Service of Paper Copies. Except where service of a paper copy is required by paragraph (1) of this subdivision (b), an unrepresented party who has not opted in to electronic service and who files a document on paper may serve the document upon the other parties either by serving a paper copy as provided in subdivision (c) of this rule or by serving the party electronically as provided in subdivision (d) of this rule.

(3) When Electronic Service is Required. Except as required by paragraph (1) of this subdivision (b) or permitted by paragraph (2) of this subdivision (b), service of a document upon a party must be made electronically as provided in subdivision (d) of this Rule.

(c) Service of Paper Copies. When this Rule requires or permits service of paper copies, service of the paper copies must be made by

(1) delivering the copy to the attorney or party by (A) handing it to the attorney or party; (B) leaving it at the office of the attorney or party with an employee in the office, or, if there is no employee present, leaving it in a conspicuous place in the office; or (C) leaving it at the party's dwelling house or usual place of abode with some person of suitable age and discretion then residing at the house or abode; or

(2) mailing the copy to the last known regular mailing address of the attorney or party, postage prepaid, or, if no mailing address is known, by leaving it with the Clerk of the Law Court.

(d) Electronic Service. When this Rule requires or permits service of a document electronically,

(1) electronic service of a document on an attorney must be made by transmitting the pdf document as an attachment to an email sent to the email address provided by the attorney as part of the attorney's annual registration pursuant to M. Bar R. 4(a);

(2) electronic service of a document on an unrepresented party who has opted in to electronic service must be made by transmitting the pdf document as an attachment to an email sent to the email address provided by the party on the party's statement opting in to electronic service; and

(3) if a person who has served a document electronically receives an email notification that an addressee did not receive the email containing the document, the person serving the document must serve the addressee with a paper copy of the document.

Advisory Committee Note – November 2024

Rule 1D adopts filing of documents by email and makes several additional major changes to the rules regarding filing of documents. Rule 1E adopts service of documents by email and makes several additional major changes to the rules regarding service of documents.

The electronic filing and service processes established by Rules 1D and 1E are temporary and will be replaced by the electronic filing system currently being implemented by the Judicial Branch once that system is implemented in the Law Court. Although the rule provides for electronic filing through email, the Maine Rules of Electronic Court Systems do not apply in the Law Court. See M.R.E.C.S. 2(A)(21), (22) (defining “electronic filing” for purposes of those rules as “transmission of a document . . . through the electronic filing system,” and defining “electronic filing system” as “the system approved by the Maine Judicial Branch for the filing and service of electronic documents”).

The new procedures for filing and service by email are intended to make filings and service quicker and easier for counsel and unrepresented parties and more efficient for the Court. The new system will also help to avoid the

delays caused in recent years by the handling of mail by the United States Postal Service.

Attorneys and unrepresented parties must ensure that an email address used to receive emails from the Court and other parties is configured so that either (1) legitimate messages are not filtered and sent to a spam or junk folder or (2) any spam or junk folder is monitored so that the attorney or party does not miss any email from the Court or other parties.

The most significant change to the system for filing and serving documents is that attorneys must file, serve, and receive virtually all documents electronically. The only exception to this rule is for documents that are required to be filed on paper, such as the multiple copies of briefs (Rule 7A), appendices (Rule 8), and petitions and responses in workers' compensation appeals (Rule 23). Unrepresented parties may file documents either electronically or on paper.

The rule also adopts the following significant provisions regarding filing and service of documents:

- A paper filing by an incarcerated party is deemed to have been made on the date that the filing is deposited in the party's institution's mail system.
- Electronic filings must be made by emailing a pdf file to the email address provided by the Clerk of the Law Court in the Clerk's notices.
- An electronic filing is deemed to have been made on the date that the Clerk's email system receives the email, regardless of the time of day that the email is received, as long as the Clerk's office was open for any part of that day. If the Clerk's office was not open for any part of that date, the electronic filing is deemed to have been filed on the next day that the Clerk's office is open for at least part of the day.
- With some exceptions, service of a document on the parties must be made by email on attorneys and on unrepresented parties who opt in to electronic service and by sending paper copies to unrepresented parties who do not opt in to electronic service.

- An unrepresented party who has not opted in to electronic service may serve other parties paper copies of a document if the party filed the document on paper. If the unrepresented party files a document electronically, then the party must serve other parties (except for other unrepresented parties who have not opted in to electronic service) electronically.
- Instead of a formal certificate of service on other parties, a document must merely contain an indication, such as a “cc” list, that the document was served on other parties.
- Service of paper documents must be made in a manner similar to the method of service of paper documents required by M.R. Civ. P. 5(b).

The provisions of former Rule 10(d), regarding the form of motions and other papers, are moved to Rule 1D(d).

4. Rule 3 of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 3. DOCKETING THE APPEAL AND FURTHER TRIAL COURT ACTION

(a) Docketing the Appeal.

(1) Trial Court Docketing. Upon receipt of the signed notice of appeal and, when required, the requisite fee or waiver, the trial court clerk shall mark the case “Law” on the docket. The trial court clerk shall then transmit a copy of the notice of appeal together with a copy of all docket entries to the Clerk of the Law Court.

(2) Law Court Docketing. Upon receipt of the copies of the notice of appeal and the docket entries, the Clerk of the Law Court shall forthwith (A) docket the appeal; (B) and send each party of record a written notice of the docketing, the Law Court docket number, and the date within which the record on appeal and the reporter's transcript must be filed; and (C) send each party who is not represented by an attorney a form, with accompanying instructions, for the party to opt in to receiving service of documents electronically.

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Advisory Committee Note – November 2024

Rule 3(a)(2) is amended to include a requirement that the Clerk of the Law Court “send each party who is not represented by an attorney a form, with accompanying instructions, for the party to opt in to receiving service of documents electronically.”

5. Rule 6(b) of the Maine Rules of Appellate Procedure is amended to read as follows:

(b) Contents of the Record.

The trial court clerk’s record shall include a copy of the complete docket entries and originals of the following, or, if the Maine Rules of Electronic Court Systems apply, the following as they appear in the electronic case file: any opinion, order, or judgment by the trial court; the pleadings; motions and actions thereon; documentary exhibits; a list of retained exhibits; correspondence between the parties and the trial court; the verdict or the findings of fact and conclusions of law, together with the direction for the entry of judgment thereon; and the notice of appeal with the date of filing.

When more than one appeal is taken following a single trial or hearing, a consolidated trial court clerk’s record shall be prepared.

“Documentary exhibits” include papers, maps, photographs, videos, digital images, diagrams, CDs, DVDs, flash drives, and other similar materials. If a documentary exhibit can be easily and inexpensively reproduced, a copy thereof shall be retained by the clerk of the trial court.

Exhibits that consist of tangible objects, such as weapons, articles of clothing, liquids, computers, hard drives, or other electronic devices shall be retained by the clerk of the trial court, except upon order of the Law Court. If a documentary exhibit, other than a trial court transcript or a record of an administrative proceeding originally appealed to the trial court, is of unusual bulk or weight, it shall be retained by the clerk of the trial court, except upon order of the Law Court.

~~An indigent criminal defendant or indigent parent in a child protection matter filed by the Department of Health and Human Services~~ Any party that qualifies for appointed counsel may have one copy of the trial court clerk's record without charge.

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Advisory Committee Note – November 2024

Rule 6(b) is amended to allow “[a]ny party that qualifies for appointed counsel” to obtain one free copy of the trial court clerk’s record.

6. Rule 7 of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 7. SCHEDULE FOR BRIEFING AND CONSIDERATION

(a) Briefing Schedule. Upon determining that the record on appeal is complete, the Clerk of the Law Court shall promptly send to each counsel of record and each party that is not represented by counsel a written notice stating: (1) the dates on which the appellant’s brief, the appellee’s brief, and the appendix are due to be filed and served on the other parties; and (2) the ~~date~~ or number of days after the filing of the appellee’s brief within which the appellant’s reply brief, if any, is due to be filed and served on the other parties. The due dates stated in the notice for briefing, filing the appendix, and consideration are not affected by any later transcript order, procedural motion, or court order unless the Law Court orders otherwise.

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(c) Method of Filing and Serving Briefs.

(1) A brief must be filed electronically, on or before the date on which the brief is due, as provided in Rule 1D(c).

(2) Simultaneously with the electronic filing of the brief, the party filing the brief must serve a copy of it on each of the other parties as provided

in Rule 1E. A paper copy of the brief served as provided in this paragraph need not have a cover or be bound.

(3) The Clerk of the Law Court will review the contents and formatting of the electronically filed brief and will notify the parties via email whether the Clerk approves or rejects the electronically filed brief, along with a description of any deficiencies in the brief. If the Clerk rejects the electronically transmitted version of the brief, the filer must electronically file a corrected version of the brief within 7 days after the Clerk sends the email rejecting the brief. The corrected version must contain the changes necessary to remedy the deficiencies noted by the Clerk but may not contain any other changes from the rejected brief.

(4) If the Clerk of the Law Court approves the electronically filed brief, the filer must file, within 7 days after the Clerk's emailed approval, 10 printed copies of the brief and must simultaneously serve one printed copy of the brief on each other party to the appeal.

(5) The Clerk of the Law Court may relieve a party of the requirement of filing a pdf version of the brief and require that printed copies of the brief be filed and served on or before the date that the brief is due to be filed electronically.

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Advisory Committee Note – November 2024

Rule 7(a) is amended to (1) make clear that briefs must be served on the same date that they are filed and (2) require the briefing schedule to provide the number of days after the filing of the appellee's brief within which the appellant's reply brief must be filed and served, rather than providing a specific date.

Rule 7(c) adopts a new procedure for the filing and serving briefs. The new procedure is intended to ensure that briefs substantially comply with the rules and to make the process for rejecting and replacing briefs quicker, more efficient, and less expensive, mostly by reducing the number of motions to enlarge the time to file documents that are completed at the last minute,

removing the need for formal Court orders rejecting briefs, and removing the need to reprint documents that are filed on paper and then rejected.

The new procedure is based on the local rules of the United States Court of Appeals for the First Circuit. A party's brief must be filed and served electronically (and served on paper to an unrepresented party who has not opted in to electronic service) by the due date. The Clerk of the Law Court will then review the brief to ensure that it substantially complies with the applicable rules. If the Clerk rejects a brief, the party must file a corrected version within 7 days. If the Clerk approves a brief, the party must file and serve the required number of paper copies within 7 days after the Clerk's approval. The Clerk may relieve a party of the requirement to file the brief electronically, and it is expected that the Clerk will do so for any unrepresented party who is unable to file a brief electronically, such as incarcerated parties and parties who do not have access to computers or email.

7. Rule 7A of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 7A. BRIEFS: FORM AND CONTENT

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(f) Length of Briefs; Attachments.

(1) Length of Briefs Page or Word Limits. The principal brief of any party and any amicus brief shall not exceed the greater of 40 pages or 10,000 words, and any reply brief allowed by these Rules shall not exceed 15 pages or 4,500 words, without prior approval of the Law Court, which shall be granted only upon a showing of good cause. An appellee's brief that also addresses that appellee's cross-appeal shall not exceed the greater of 50 pages or 13,000 words. An appellant's reply brief that also responds to an appellee's cross-appeal shall not exceed the greater of 30 pages or 9,000 words.

(2) Attachment. The principal brief of an appellant or an appellee may include, as an attachment not exceeding 3 pages, copies of documents, photographs, or diagrams that are part of the trial court record and are not prohibited from inclusion in the brief by Rule 7A(a)(2). Any document,

photograph, or diagram included as an attachment may be marked to add emphasis.

(3) Page or Word Limit Calculations. The cover page, the table of contents, the table of authorities, the certificate of service, and any appendix bound with the appellant's brief are not counted in calculating the page or word limits set in this Rule.

(g) Form of Briefs.

(1) Signature. At least one paper copy of each party's brief filed with the Law Court shall be signed, in a manner authorized by Rule 1C, by an attorney who prepared the brief, or, if the party or parties, or amicus or amici, filing the brief are unrepresented by counsel, by each party or amicus filing the brief.

(2) Form and Formatting. Briefs may be reproduced by standard printing or by any duplicating or copying process capable of producing a clear black image on white paper, with printing on only one side of each page. All printed matter must appear in at least 14-point font on opaque, unglazed paper, except that footnotes may appear in 11-point font. Pages shall be 8-1/2 x 11 inches with margins of 1 inch on the top, bottom, and each side of the page, and with double spacing between each line of text except for footnotes and block quotations. Briefs must be prepared using a word processor's double space function.

(3) Page Numbering. The pages of the brief must be sequentially numbered, beginning with the cover page as page 1 and using only Arabic numerals for page numbers (i.e., 1, 2, 3), including for the table of contents and table of authorities. Any blank pages must also be numbered. The page number may be suppressed and need not appear on the cover page.

(4) Binding. Briefs shall be bound on the left-hand margin with comb or spiral binding that permits the pages to lie flat when the document is open.

~~(4)~~ (5) Contents of Front Cover. The front cover of the brief shall contain: (A) the name of the Supreme Judicial Court sitting as the Law Court and the Law Court docket number of the case; (B) the title of the case; (C) the nature of the proceeding before the Law Court (e.g., Appeal; Report; Certified

Question) and the name of the court, agency, or other entity from which the appeal is taken or the question is presented; (D) the title of the document (e.g., Brief for Appellant); and (E) the names and addresses of counsel representing the party on whose behalf the document is filed or the name and address of the party filing the brief, if not represented by counsel.

(5) (6) Color of Front Cover. The cover of the brief of the appellant shall be blue; that of the appellee, red; that of an intervenor or amicus curiae, green; and that of any reply brief, gray.

....

~~**(i) Printed and Electronic Copies.**~~

~~**(1) Number of Printed Copies to be Filed and Served.** Unless otherwise ordered by the Law Court, 10 printed copies of each brief shall be filed with the Clerk of the Law Court and 2 printed copies of each brief shall be served on each of the other parties who are either separately represented or unrepresented. The Clerk of the Law Court shall not accept a brief for filing unless it is accompanied by acknowledgement or certificate of service upon the other parties.~~

~~**(2) Electronic Copies.** One electronic copy of each brief filed shall be emailed (1) to the Clerk of the Law Court at the email address provided by the Clerk in the written notice issued pursuant to Rule 7(a), and (2) to each other party that has provided a proper email address with his or her appearance on the appeal. The electronic copy shall be in the form of a single native .pdf file and may appear as unsigned. The electronic copy is due on the same date as the printed copies; however, only the filing of printed copies shall be considered in determining compliance with the filing deadlines set in Rule 7(b). The filing of an electronic copy is in addition to, and does not replace, the required filing of printed copies pursuant to Rule 7A(i)(1). The Clerk of the Law Court may, for good cause shown, relieve a party of one or more of the requirements of this paragraph.~~

(j)(i) Supplemental Legal Authorities After Briefing. If important, relevant legal authorities come to a party's attention after the party's brief has been filed and before a decision resolving the appeal has been issued, the party may promptly advise the Clerk of the Law Court of such by a letter that sets

forth citations to the supplemental authorities. The letter must state the reasons for providing the supplemental authorities and must refer to the pages of the brief or to any points argued orally that the supplemental authorities address. The body of the letter must not exceed 350 words. The party may file the letter using any method permitted by Rule 10(d) of these Rules and must serve a copy of the letter on all other parties by any method permitted by Rule 5 of the Maine Rules of Civil Procedure. Any response must be made promptly and must be similarly limited. The Law Court need not wait for a response.

Advisory Committee Note – November 2024

Several changes are made to Rule 7A. First, headings are added for subdivisions (f) and (f)(1).

Second, a new paragraph (3) is added to subdivision (g) to prescribe the method that parties must use to number the pages of the briefs in order to make navigation of the pdf version of a brief easier. Rule 8(k) is amended simultaneously in a corresponding manner, so that the methods of numbering the pages in the briefs and the appendix are identical.

The difficulty in navigating current pdf versions of briefs was described in a 2017 white paper by the American Bar Association:

A typical [current] example is a brief in which the cover or caption page has no page number, the table of contents and table of authorities have Roman numeral page numbering (i, ii, iii,...), and the body has Arabic numeral page numbering (1, 2, 3,...).

When a brief using this type of pagination is converted to PDF for e-filing, the Arabic page numbers used in the substantive part of the brief do not correlate to the PDF page numbers. For example, a page may be identified in the footer as page “15” but actually be page 21 of the whole document. Page 21 is the page number that will display in the PDF reader and that will be needed to jump to that page, yet page 15 is what it will say in the footer and in references in the table of contents and authorities. Using a different page number in the footer thus makes it more difficult to navigate within the PDF.

This unnecessary obstacle to internal navigation can be avoided by requiring a single run of pagination for the entire brief. The use of Arabic numbers that begin on the first page of the document and continue until the last page is recommended.

American Bar Association Council of Appellate Lawyers, *The Leap from E-Filing to E-Briefing: Recommendations and Options for Appellate Courts to Improve the Functionality and Readability of E-Briefs* 27 (2017), available at https://www.americanbar.org/content/dam/aba/administrative/appellate_lawyers/2017_cal_ebrief_report.pdf, [<https://perma.cc/32MU-U5R5>] (last visited May 17, 2024).

Some courts permit parties to continue to use Roman and Arabic numerals as long as the page number on each page of the electronic version of the brief matches the page number on the printed version. The new paragraph (3) here does not permit that, however, in order to make both the creation and the navigation of the pdf document more straightforward.

Third, former paragraphs (3), (4), and (5) of subdivision (g) are renumbered as paragraphs (4), (5), and (6); the heading of new paragraph (5), governing the cover, is expanded to indicate that the paragraph governs the contents of the cover; and a heading is added to new paragraph (6), which governs the color of the cover.

Fourth, subdivision (i), which governed the filing of a brief on paper and electronically, is repealed. The provisions of former subdivision (i) are now in Rule 7(c).

Fifth, subdivision (j), governing citation of supplemental authorities, is redesignated as Rule 7A(i).

8. Rule 8 of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 8. APPENDIX TO THE BRIEFS

(a) By Whom Filed. In every appeal, the party that files the first notice of appeal shall prepare and file an appendix to the briefs, except that in child

protection matters, 22 M.R.S. §§ 4001-4071, the State shall be responsible for preparing and filing the appendix.

~~**(b) — Number of Copies, When Filed.**~~

~~**(1)**— Eight copies of the appendix shall be filed with the appellant’s brief. In Title 22 child protective cases, the State shall file the appendix with the Court no later than 14 days before the date on which the appellant’s brief is due to be filed. The parties may agree to a later time for the filing of the appendix without notice to or leave of the Law Court, provided that the appendix shall be filed no later than the date that the appellee’s brief is filed or is due to be filed, whichever occurs first.~~

~~**(2)**— When the appendix is filed with the Court, a copy shall be served on each other party to the appeal.~~

~~**(b) Filing and Service of Appendix.**~~

~~**(1)** The party designated by subdivision (a) of this rule shall electronically file the appendix as provided in Rule 1D(c) on or before the following date:~~

~~**(A)** If the appeal is in a child protection matter, 14 days before the date on which the appellant’s brief is due to be filed electronically;~~

~~**(B)** If the appeal is not in a child protection matter and the parties do not agree otherwise, the date on which the appellant’s brief is due to be filed electronically; or~~

~~**(C)** Any date to which the parties have agreed that falls on or before the date on which the appellee’s brief is filed electronically or due to be filed electronically, whichever occurs first.~~

~~**(2)** Simultaneously with the electronic filing of the appendix, the party filing the appendix must serve a copy of it on each of the other parties as provided in Rule 1E. A paper copy of the appendix served as provided in this paragraph need not have a cover or be bound.~~

(3) The Clerk of the Law Court will review the contents and formatting of the electronically filed appendix and will notify the parties via email whether the Clerk approves or rejects the electronically filed appendix, along with a description of any deficiencies in the appendix. If the Clerk rejects the electronically filed appendix, the responsible party must electronically file a corrected version of the appendix within 7 days after the Clerk sends the email rejecting the appendix.

(4) If the Clerk of the Law Court rejects an appendix and an appellant's brief contains citations to the rejected appendix, the appellant must file, within 7 days after the Clerk sends the email rejecting the appendix, a replacement brief correcting citations to the appendix but making no other changes.

(5) If the Clerk of the Law Court approves the electronically transmitted version of the appendix, the party designated in subdivision (a) of this rule must file, within 7 days after the Clerk's emailed approval, eight printed copies of the appendix that conform with the requirements of subdivision (k) and must simultaneously serve one printed copy of the appendix on each other party to the appeal.

(6) The Clerk of the Law Court may relieve a party of the requirement of filing a pdf version of the appendix and require that printed copies of the appendix be filed and served on or before the date that the appendix would be due to be filed electronically.

....

(k) Content; Format.

(1) **Separate Document.** Each page of the appendix shall be numbered consecutively. If the appendix consists of 20 pages or fewer, it may be bound with the appellant's brief. Otherwise, it shall be separately bound. Except as permitted by paragraph (2) of this subdivision, the appendix must be filed as a separate electronic document and a separately bound paper document with a white cover page designated "Appendix" and carrying the Law Court docket number, case title, and ~~appearances of counsel or unrepresented parties for the appeal~~ the names and addresses of counsel representing the party or parties filing the document or the name and address of the party or parties filing the document, if not represented by counsel.

(2) Option for Small Appendices. ~~The appendix shall be reproduced by standard printing or by any duplicating or copying process capable of producing a clear black image on white paper. Printing shall be on both sides of the paper. Except for oversize or electronic exhibits, the paper shall be 8 1/2 x 11 inches. If the appendix consists of 20 pages or fewer, not including any title page, the table of contents, or oversize or electronic exhibits, it need not comply with paragraphs (1), (3), (4), or (5) of this subdivision and may be filed with the appellant's brief as a single electronic and bound document. The pages must be numbered as part of the brief's page numbering scheme pursuant to Rule 7A(g)(3).~~

(3) Binding. The appendix ~~shall~~ **must** be spiral bound or bound by a similar process, such as comb binding, that permits the pages to lie flat when the document is opened. Plastic or metal spikes, staples, or posts ~~shall~~ **may** not be used in binding.

(4) Page Numbering. ~~Oversize exhibits—such as plans or maps—and electronic exhibits on disc or another medium may be attached to the appendix in any method that permits the appendix to be handled as a bound volume. The pages of the appendix must be sequentially numbered, beginning with the cover page as page 1 and using only Arabic numerals for page numbers (i.e., 1, 2, 3), including for the table of contents. Any blank pages must also be numbered. The page number may be suppressed and need not appear on the cover page.~~

(5) Page Limit. No volume of an appendix ~~shall~~ **may** exceed 150 sheets of paper printed on both sides, not including ~~the cover, any title page, the table of contents, or any~~ oversize ~~and~~ **or** electronic exhibits, and no appendix shall exceed one volume without prior approval of the Court.

(6) Printing. ~~The appendix shall be reproduced by standard printing or by any duplicating or copying process capable of producing a clear black image on white paper. Printing shall be on both sides of the paper. Except for oversize or electronic exhibits, the paper shall be 8-1/2 x 11 inches.~~

(7) Oversize and Electronic Exhibits. ~~Oversize exhibits—such as plans or maps—and electronic exhibits on a disc, a flash drive, or another~~

medium may be attached to the appendix in any method that permits the appendix to be handled as a bound volume.

....

Advisory Committee Note – November 2024

Two changes are made to Rule 8. First, subdivision (b), governing filing and service of the appendix, is replaced with a new procedure. The new procedure is intended to ensure that appendices substantially comply with the rules and to make the process for rejecting and replacing appendices quicker, more efficient, and less expensive, mostly by reducing the number of motions to enlarge the time to file documents that are completed at the last minute, removing the need for formal Court orders rejecting appendices, and removing the need to reprint documents that are filed on paper and then rejected.

The new procedure is based on the local rules of the United States Court of Appeals for the First Circuit. An appendix must be filed and served electronically (and served on paper to an unrepresented party who has not opted in to electronic service) by the due date. The Clerk of the Law Court will then review the appendix to ensure that it substantially complies with the applicable rules. If the Clerk rejects an appendix, the party filing the appendix must file a corrected version within 7 days. If the Clerk approves an appendix, the party must file and serve the required number of paper copies within 7 days after the Clerk’s approval. The Clerk may relieve a party of the requirement to file the appendix electronically, and it is expected that the Clerk will do so for any unrepresented party who is unable to file an appendix electronically, such as incarcerated parties and parties who do not have access to computers or email.

Second, a new paragraph (4) is added to subdivision (k) to prescribe the method that parties must use to number the pages of the appendix in order to make navigation of the pdf version of an appendix easier. Rule 7A(g) is amended simultaneously in a corresponding manner, so that the methods of numbering the pages in the briefs and the appendix are identical. The November 2024 Advisory Committee Note to the amendment to Rule 7A(g) explains the reasons for the changes.

Subdivision (k) is also significantly reorganized, some minor changes are

made to existing language, and titles for the paragraphs are added. Subdivision (k)(2) is amended to (1) clarify the option to produce a brief and appendix as a single document where the appendix consists of 20 pages or fewer; (2) prescribe the method of numbering the pages in a combined brief and appendix; and (3) clarify what provisions of subdivision (k) apply to an appendix that is combined with a brief.

9. Rule 10 of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 10. MOTIONS AND OTHER PAPERS IN THE LAW COURT

(a) Motions.

(1) General Requirements. Unless another form is prescribed by these Rules, an application to the Law Court for an order or other relief shall be by motion, shall state with particularity the grounds therefor, and shall set forth the order or relief sought, and shall be signed in a manner authorized by Rule 1C. Supporting papers shall be served and filed with the motion. Motions and supporting papers shall be typewritten and shall conform to ~~subdivision (d) of this~~ Rule 1D(d).

(2) Notification; Disclosure of Opponent's Position. A motion must state

(A) that the movant has notified opposing counsel and unrepresented parties, including any incarcerated unrepresented parties, or why the movant was unable to do so;

(B) opposing counsel's and unrepresented parties' positions on the relief requested; and

(C) whether any opposing counsel or unrepresented party intends to file a response to the motion.

(3) Notification of Party by Counsel; Indication of Notification. Any motion filed by counsel representing a party in an appeal that seeks an extension of time or a delay of more than 7 days or that seeks a continuance of

any scheduled hearing, oral argument, or other court proceeding, shall indicate that the party represented by counsel filing the motion has been notified of the filing of the motion, and in fact the party represented by counsel shall be notified by counsel of the filing of the motion.

~~(3) Motions will not necessarily be granted even though assented to by other parties.~~

~~(4) **Emergency Motions.** A motion seeking emergency or expedited relief must~~

~~(A) be preceded by as much advance notice of the intent to file the motion as possible to the clerk, other counsel, and other unrepresented parties;~~

~~(B) be labeled “Emergency Motion”;~~

~~(C) if filed electronically contain the words “Emergency Motion” in the subject line of the email;~~

~~(D) state the nature of the emergency and the harm that the movant will suffer if the motion is not granted; and~~

~~(E) state the date by which the movant believes the Law Court must act.~~

~~(5) **Motions for Reconsideration of Orders.** A motion for reconsideration of an order of the Law Court, or of a single justice acting on behalf of the Court pursuant to subsection (4) above, shall not be filed except to bring to the Court’s attention an error, omission, or new material that could not previously have been presented. A motion to reconsider an order that dismisses or otherwise disposes of an appeal shall be filed with the Clerk of the Law Court within 14 days after the date of the order. No response to a motion for reconsideration of an order shall be filed unless requested by the Law Court.~~

~~(4)(b) **Action on Motions.** The Chief Justice, or another Justice designated by the Chief Justice, may act on motions on behalf of the Court, or may refer motions to the entire Court. All motions will be acted on without oral argument unless otherwise ordered. Motions may be acted upon at any time,~~

without waiting for a response thereto. Motions will not necessarily be granted even though assented to by other parties.

~~(b) — **Certificate of Service Required.** Every motion shall be served on the other parties to the appeal by any method permitted by Rule 5 of the Maine Rules of Civil Procedure and shall be accompanied by a certificate of service upon the other parties. If the certificate is not included with the motion, the Clerk of the Law Court shall return the motion as incomplete. The Clerk will not docket the attempted filing but will retain a copy and the notice of return. If the moving party refiles the motion with the proper certificate of service, the complete motion will then be accepted and docketed.~~

(c) Responses. Any party that plans to file a response to a motion shall do so within 7 14 days after the motion is filed. The Law Court may shorten or extend the time for responding to any motion and may act on a motion before receiving any response. Any supporting papers shall be served and filed with the response. Responses and supporting papers shall be typewritten and shall conform to ~~subdivision (d) of this~~ Rule 1D(d).

~~(d) — **Form of Motions and Other Papers; Number of Copies Required.**~~

~~(1) — Motions, responses, and other papers not required to be produced in a manner prescribed by Rule 7A(g) may be typewritten or otherwise duplicated upon opaque, unglazed paper 8-1/2 x 11 inches in size and shall be stapled in the upper-left corner. The typed matter must be double spaced in at least 14-point font, except that footnotes may appear in 11-point font. Each paper shall contain a caption setting forth the name of the Court (i.e., the Supreme Judicial Court sitting as the Law Court), the title of the case, the Law Court docket number, and a brief descriptive title of the paper. The original and one legible copy of every motion, response, and other paper shall be filed with the Court. Additional legible copies shall be filed as requested by the Clerk of the Law Court.~~

~~(2) — In lieu of filing paper copies, a party may file electronically motions, responses, and other papers not required to be produced in a manner prescribed by Rule 7A(g). Electronic filing of a document shall be made by transmitting a single .pdf file of the document to the Clerk of the Law Court in the manner prescribed by the Clerk in the written notice issued pursuant to~~

~~Rule 3(a)(2). The pdf document shall conform to the formatting requirements of subdivision (d)(1) of this Rule.~~

Advisory Committee Note – November 2024

This amendment makes seven changes to Rule 10. First, it adds a provision, as subdivision (a)(2), requiring a movant to notify opposing counsel and parties of the motion prior to filing the motion and requiring the motion to (A) either certify that the movant has done so or state why the movant was unable to do so, (B) state the other parties' positions on the motion, and (C) state whether any other party intends to file a response. An opposing party's incarceration is not, by itself, a sufficient justification for failing to notify the opposing party or seek the party's position on the motion. This provision will increase efficiency in the Court's handling of motions.

Second, the amendment adds a provision, as subdivision (a)(4), providing specific requirements for emergency motions. Although emergency motions in the Law Court are rare, the new provision will provide guidance to parties and to the Clerk of the Law Court on how to handle them when they are made.

Third, in subdivision (c), the amendment extends the time for responses to motions from 7 to 14 days. When motions are served by mail, the 7-day period is insufficient to allow a party to receive a motion by mail, draft a response, and mail the response Clerk of the Law Court. Although electronic filing and service of motions will mitigate that problem, the extension of the time for response applies to all motions, rather than just for motions served by mail, for the sake of simplicity. The existing provision that the Court may act on a motion without waiting for a response remains, and therefore the additional time for responses to motions will not significantly delay any appeal.

Fourth, the amendment deletes the requirement, previously appearing as subdivision (b), for a certificate of service in a motion. The requirement is replaced by Rule 1D(e), which requires that a motion contain some indication, but not necessarily a formal certificate of service, that it was served on other parties.

Fifth, the amendment repeals subdivision (d), which governed the form of motions and the number of copies required to be filed. Provisions governing

the form of motions are now contained in Rule 1D(d), and filing requirements are contained in Rule 1D(a).

Sixth, subdivision (a)(5), governing motions for reconsideration of orders of the Law Court, is adopted. This new provision is modeled on M.R. Civ. P. 7(b)(5). Motions for reconsideration of decisions of the Law Court continue to be governed by Rule 14(b), as amended. This change coincides with amendments to Rule 1B clarifying the distinction between “decisions” and “orders” of the Law Court. Prior to these amendments, Rule 14(b) could have been understood to govern motions for reconsideration of orders of the Law Court, but contained procedural requirements intended to apply to motions for reconsideration of decisions of the Law Court. New Rule 10(a)(5) clarifies the procedure for seeking reconsideration of orders of the Law Court in the narrow circumstances permitted by the Rule. Orders issued by the Clerk of the Law Court are not governed by this rule but are governed by Rule 12A(b), which provides that certain orders of the Clerk are subject to review by a single justice.

Seventh, the amendment reorganizes and renumbers some of the provisions.

10. Rule 11 of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 11. CONSIDERATION BY THE LAW COURT

....

(g) Submission on Briefs.

(1) The Clerk of the Law Court will advise counsel or an unrepresented party when the Law Court has ~~decided to consider~~ set a case for consideration on briefs without oral argument. Within 7 days after the Clerk has sent this notice of ~~the decision to consider~~ consideration of the case on briefs, a party may file a statement setting forth the reasons why oral argument should be entertained and requesting the same.

(2) In an appeal scheduled for oral argument, on motion joined by all parties and for good cause shown, the Law Court may allow the parties to submit the appeal on the briefs without oral argument.

Advisory Committee Note – November 2024

Rule 11(g)(1) is amended to eliminate the use of the word “decision,” in accordance with the new definition of that term in Rule 1B(f).

11. Rule 12A of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 12A. THE CLERK OF THE LAW COURT

~~(a)(1) Clerk’s Office, and Filing. All papers or electronic or digital content required by these Rules to be filed with the Law Court or with any Justice of the Law Court shall be filed with the Clerk of the Law Court. Filing of papers shall occur at the office of the Clerk of the Law Court, 205 Newbury Street, Room 139, Portland, Maine 04101-4125, unless another office is designated by order of the Chief Justice.~~ The office of the Clerk of the Law Court shall be open and available to receive filings during such hours as the Chief Justice may designate on all days except Saturdays, Sundays, legal holidays, and such other days as the Chief Justice may designate. ~~(2) After-Hours Filings.~~ The Clerk of the Law Court may not, unless authorized by a Justice of the Law Court, accept filings for other courts or accept paper filings, pleadings, or other documents filed with or left for the Clerk after normal business hours, except when a Justice of the Law Court has explicitly authorized an after-hours paper filing on a specific date. Any paper document filed after hours without explicit authorization shall be date-stamped and deemed to be filed on the next regular business day.

~~(3)~~

~~(4) Electronic Filings and Fax Filings. Except as otherwise permitted or required by these Rules, filings by electronic transmission of data or by means of a fax machine CD, DVD, flash drive, email, or any other method for electronic or Internet filing in place of the filing of paper documents required by these Rules is not permitted.~~

(b) Clerk's Authority. The Clerk of the Law Court is authorized to take the following actions for the Court:

(1) Grant motions filed pursuant to M.R. App. P. 10 to: ~~(A) Enlarge~~ enlarge the time for the filing of a brief, ~~or~~ appendix, petition, or memorandum for up to 7 days.

(B1-A) With the agreement of the parties, consolidate appeals involving the same parties.

(2) Dismiss an appeal, pursuant to M.R. App. P. 7(d), when the appellant has failed to file the required brief within 7 days after expiration of the time specified by M.R. App. P. 7(b).

(3) Dismiss sentence review proceedings filed pursuant to M.R. App. P. 20, when the sentence sought to be appealed was less than one year of incarceration, as addressed in 15 M.R.S. § 2151.

~~**(4)** Reject a brief or appendix for noncompliance with these rules and reset future filing deadlines.~~

~~**(5)** After appropriate consideration by the Court, or a panel thereof, enter orders~~

~~**(A)** reflecting the Court's action on motions for reconsideration pursuant to M.R. App. P. 14(b);~~

~~**(B)** reflecting the Court's action on petitions to allow full appellate review pursuant to M.R. App. P. 19, 20, or 23; or~~

~~**(C)** inviting, requiring, or permitting further briefing, including supplemental briefs or amicus briefs, in an appeal.~~

Any order entered by the Clerk of the Law Court, pursuant to paragraphs 1, ~~1-A~~, 2, ~~or 3, or 4~~ above, ~~granting or denying a motion to enlarge time or dismissing an appeal~~ may be reviewed by a single justice of the Law Court upon the filing of a motion for review, filed pursuant to M.R. App. P. 10, within 7 days after the entry of the Clerk's order from which review is sought.

~~(4) Enter Orders on Court Actions. After appropriate consideration by the Court, or a panel thereof, the Clerk shall enter orders reflecting the Court's action on motions for reconsideration pursuant to M.R. App. P. 14(b), and petitions to allow full appellate review pursuant to M.R. App. P. 19, 20, or 23.~~

Advisory Committee Note – November 2024

Rule 12A(a) is amended to remove most of the provisions regarding the filing of documents with the Clerk of the Law Court. Filing of documents is now governed by Rule 1D. The only provisions that remain are those governing the hours that the Clerk's office must be open to accept paper filings and the effect of a paper filing tendered outside of those authorized hours.

Rule 12A(b) is amended to authorize the Clerk of the Law Court to (1) enlarge the time for petitions and memoranda; (2) reject briefs and appendices for noncompliance with applicable rules; and (3) invite, require, or permit further briefing, including supplemental briefs or amicus briefs, in an appeal. The new actions that the Clerk is authorized to take are intended to make some processes more efficient. Parties retain the ability to challenge some of the Clerk's actions by filing a motion for review by a single justice.

The rule is also slightly reorganized.

12. Rule 14 of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 14. MANDATE; RECONSIDERATION OF DECISIONS; AND SUSPENSION OF THE RULES IN THE LAW COURT

(a) Issuance of Mandate. The mandate of the Law Court, with an opinion or order decision resolving any appeal, shall be issued by the Clerk of the Law Court by transmitting an attested copy thereof to the trial court. Copies of the mandate shall be emailed to those parties to the appeal who have provided a proper email address. No paper copy of the mandate will be provided to the parties to the appeal who are represented by counsel. The opinion or decision of the Law Court sent to the parties on the day the opinion

or decision is published, with the mandate appearing at the end, shall constitute notice of the mandate, and no further notice shall be provided.

(1) Criminal Appeals. The mandate of the Law Court in a criminal appeal shall issue the day that the decision resolving the appeal is published or the first business day thereafter.

(2) Civil Appeals. The mandate of the Law Court in a civil appeal involving a child protective matter, a parental rights matter, a guardianship, an adoption, a contempt, or a temporary or permanent injunction shall issue the day that the decision resolving the appeal is published or the first business day thereafter. The mandate of the Law Court in any other civil appeal shall issue 14 days after the date of decision of the Law Court, unless the time is shortened or enlarged by order of the Law Court.

(3) (A) Stay of the Mandate. A motion for a stay of the mandate, or for a stay of the effect of a mandate already issued, must be filed with the Clerk of the Law Court within 14 days after the date of the decision. The timely filing of a motion for reconsideration in a civil appeal, prior to issuance of the mandate, will stay the mandate until disposition of the motion unless otherwise ordered by the Law Court. The issuance of the mandate may be stayed or the effect of a mandate already issued may be stayed on motion for good cause shown, accompanied by an affidavit of the moving party or the moving party's attorney setting forth all relevant facts.

(B) Law Court Action. After receipt of a motion for stay of the mandate, the Law Court may act on the motion sua sponte or seek comments from other parties to the appeal. After appropriate consideration, the Law Court may grant or deny the motion, and if the motion is granted in whole or in part, attach such terms and conditions to granting that stay as it deems just.

(C) Appeals to the United States Supreme Court. When the issuance of the mandate has been stayed pending a petition to the Supreme Court of the United States for a writ of certiorari, the receipt by the Clerk of the Law Court of an order granting the petition shall be effective to continue the stay until final disposition of the matter by the Supreme Court of the United States.

(b) Motions for Reconsideration of Decisions.

(1) (A) A motion for reconsideration of any decision of the Law Court, together with the fee specified in the Court Fees Schedule, shall be filed with the Clerk of the Law Court within 14 days after the date of that decision. The motion shall state with particularity the points of law or fact that the moving party asserts the Court has overlooked or misapprehended and shall contain such argument in support of the motion as the moving party desires to present. ~~An original and 7 copies of the~~ The motion and any supporting papers ~~shall be filed and~~ shall conform to Rule ~~10D~~(d).

(B) No response to a motion for reconsideration shall be filed unless requested by the Law Court. The motion is not subject to oral argument except by specific order of the Court.

(2) A motion for reconsideration will not be granted unless ordered by a Justice who concurred in the decision and who acts with the concurrence of a majority of the Justices who participated in the original decision and remain available and qualified to act on the motion.

(3) If a motion for reconsideration is granted, the Law Court may make a final disposition of the cause without re-argument, may restore it to the calendar for reconsideration, or may make such other orders as are appropriate. Frivolous or repetitive motions for reconsideration may result in the imposition of appropriate sanctions.

(c) Suspension of Rules. In the interest of expediting decision upon any matter, or for other good cause shown, the Law Court may modify or suspend any of the requirements or provisions of these Rules, except those addressing filing requirements and time limits in Rules 2A, 2B, 2C, 10(a)(5), and 14(b), on application of a party or on its own motion, and may order proceedings in accordance with its direction.

Advisory Committee Note – November 2024

Rule 14(a) is amended to clarify that it applies to decisions of the Law Court, in accordance with the new definitions of “decisions” and “orders” of the Law Court in Rule 1B(f) and (g).

Rule 14(b) is similarly amended to clarify that it governs motions for reconsideration of decisions of the Law Court, and the title of Rule 14 is also amended accordingly. Motions for reconsideration of orders of the Law Court are governed by new Rule 10(a)(5). Rule 14(b)(1)(A) is also amended to eliminate the requirement of filing an original and 7 copies of motions for reconsideration of decisions. Consistent with other motions, motions for reconsideration of decisions must conform to Rule 1D(d).

Rule 14(c) is amended to include in the list of time limits that the Law Court may not modify or suspend the 14-day time limit set forth in new Rule 10(a)(5) for motions for reconsideration of dispositive orders.

13. Rule 19 of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 19. DISCRETIONARY CRIMINAL APPEALS

....

(c) Memorandum Required on Appeal. Within 21 days after the date on which the transcript is filed in the Law Court, or, if no transcript is ordered, within 21 days after filing a notice of appeal, the party filing the appeal shall file with the Clerk of the Law Court 8 copies of a memorandum, with a copy of the decision or order being appealed from attached, giving specific and substantive reasons why the issue or issues identified for prosecution of the appeal warrant the issuance of a certificate of probable cause authorizing consideration of the appeal on the merits by the Law Court. The memorandum shall not exceed 20 pages and shall otherwise conform to the requirements of Rule 7A(g) relating to the form of briefs. On motion and for good cause shown, the Law Court may allow additional time to file a memorandum.

....

Advisory Committee Note – November 2024

Rule 19(c) is amended to require attachment to the memorandum of a copy of the decision or order appealed from.

14. Rule 20 of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 20. APPEAL OF SENTENCE

....

(b) Time for Filing an Application for Leave to Appeal. The time within which to file an application to allow an appeal of sentence shall be as provided in Rule 2B(b)(1). The appellant may, without leave of the Law Court, amend that application no later than 14 days after the filing in the Law Court of the sentencing hearing transcript.

....

Advisory Committee Note –November 2024

Rule 20(b) is amended to allow an appellant to amend the appellant’s application, without leave of the Court, within 14 days after the filing of the sentencing hearing transcript.

15. Rule 23 of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 23. REVIEW OF DECISIONS OF THE WORKERS’ COMPENSATION BOARD AND APPELLATE DIVISION

....

(b) Petition for Appellate Review and Response.

(1) Form of Petition.

(A) Within 20 days of the filing of the decision or the last filed, timely notice of appeal, the petitioner shall file electronically with the Clerk of the Law Court ~~10 copies of~~ a petition for appellate review, which shall state the procedural and factual history of the case, the error alleged to have been

committed, and the manner in which the petition meets the criteria for granting appellate review stated in Rule 23(b)(2). The petitioner must send to the Clerk of the Law Court 10 paper copies of the petition using a method that will ensure that the Clerk receives the copies within 3 days after the electronic filing.

(B) The petition for appellate review and any response shall be typed in at least 14-point font with double spacing between each line of type except for block quotations. The petition and any response filed by any other party shall be in a single document not exceeding 12 pages.

....

(5) Response. Within 14 days any other party in interest may electronically file with the Clerk of the Law Court ~~10 copies of~~ a response to the petition for appellate review. The response may not exceed 12 pages. The party filing the response must send to the Clerk of the Law Court 10 paper copies of the response using a method that will ensure that the Clerk receives the copies within 3 days after the electronic filing.

....

Advisory Committee Note – November 2024

Rule 23(b) is amended to require that the petitioner and respondent file the petition for appellate review and the response electronically by the due date and file 10 copies of the petition or response within three (business) days after that.

Dated: September 25, 2024

FOR THE COURT,*

_____/s/_____
VALERIE STANFILL
Chief Justice

ANDREW M. MEAD
ANDREW M. HORTON
CATHERINE R. CONNORS
RICK E. LAWRENCE
WAYNE R. DOUGLAS
Associate Justices

* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.