

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

2014 Me. Rules 02

Effective for all appeals docketed in the Law Court on or after July 1, 2014

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

1. Rule 7(b) of the Maine Rules of Appellate Procedure is amended to read as follows:

RULE 7. SCHEDULE FOR BRIEFING AND CONSIDERATION

.....

(b) Time for Filing Briefs.

(1) Track A Appeals. In a Track A appeal, the appellant shall file the appellant's brief within 28 days (4 weeks) after the date that the record on appeal is complete. The appellee shall file the appellee's brief within 56 days (8 weeks) after the date that the record on appeal is complete, and the appellant may file a reply brief within 10 days after the date that the appellee's brief is filed.

An appeal is a Track A appeal if it results from a trial court judgment that

- determines jeopardy pursuant to 22 M.R.S. § 4035;
- terminates parental rights pursuant to 22 M.R.S. § 4055 or 18-A M.R.S. § 9-204;
- grants a decree of adoption pursuant to 18-A M.R.S. § 9-308;

- appoints a guardian for a minor pursuant to 18-A M.R.S. § 5-207;
- denies the termination of a guardianship pursuant to 18-A M.R.S. § 5-210;
- grants a guardianship for an adult pursuant to Title 18-A, Article 5, part 3;
- establishes or changes contact between a parent and child pursuant to 19-A M.R.S. § 1653(2) or (10);
- grants or denies a determination of de facto parenthood;
- grants contact under the Grandparents Visitation Act, 19-A M.R.S. § 1801 et seq.;
- involuntarily commits an individual to an institution or a progressive treatment program, or orders the involuntary medication of a person;
- determines that a criminal defendant is not criminally responsible by reason of insanity; or
- disposes of an appeal from an agency's denial of a request under the Freedom of Access Act.

(2) Track B Appeals: ~~The~~ In an appeal from a trial court judgment that does not fall within Track A, the appellant shall file the appellant's brief within 56 days (8 weeks) after the date that the record on appeal is complete. The appellee shall file the appellee's brief within 105 days (15 weeks) after the date that the record on appeal is complete, and the appellant may file a reply brief within 14 days (2 weeks) after the date that the appellee's brief is filed.

~~The specific due date for each brief shall be listed on the written notice sent by the Clerk of the Law Court pursuant to Rule 7(a). With the extended time for filing briefs, no~~ No extensions of time shall be granted except pursuant to Rule 12A(b)(1)(A) or upon a showing of a significant and unanticipated emergency that prevents a timely filing of a brief.

If a party in a Track B case wishes to expedite the appeal, that party may file a motion for expedited process, following the requirements for motion practice contained in Rule 10.

The specific due date for each brief shall be listed on the written notice sent by the Clerk of the Law Court pursuant to Rule 7(a).

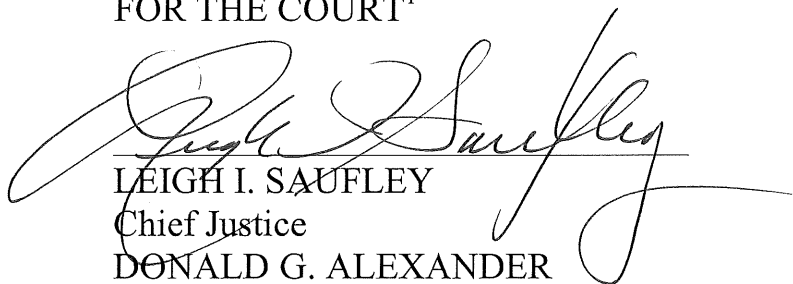
Advisory Note – June 2014

The amendment to Rule 7(b) establishes Track A and Track B appeals, defines the matters that are to be placed on Track A, establishes the time for briefing in appeals on each track, and authorizes motions to expedite an appeal that has been placed on Track B.

2. This amendment shall be effective for appeals docketed in the Law Court on or after July 1, 2014.

Dated: June 19, 2014

FOR THE COURT¹



LEIGH I. SAUFLEY

Chief Justice

DONALD G. ALEXANDER

WARREN M. SILVER

ANDREW M. MEAD

ELLEN A. GORMAN

JOSEPH M. JABAR

Associate Justices

¹ This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.