

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

2022 Me. Rules 03

Effective: July 13, 2022

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 the amendments, an Advisory Committee Note appears after the text of each 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 1C of the Maine Rules of Appellate Procedure is adopted to read as follows:

RULE 1C. SIGNATURES

(a) Form of signature. Where a signature is required on any document filed with the Clerk of the Law Court, a person may sign the document by using one of the following methods:

- (1)** Physically signing the document;
- (2)** Embedding in the document an image of the person's physical signature; or
- (3)** Typing "/s/" followed by the person's name, all on the signature line.

(b) Signature block to follow signature. Every person who signs a document must include a signature block immediately below that person's signature. A signature block must include the following:

- (1)** The person's printed name;

- (2) The person’s mailing address;
- (3) The person’s email address, if any; and
- (4) If the person is an attorney,
 - (A) the attorney’s Maine bar number,
 - (B) the attorney’s law office or firm name, if any,
 - (C) the attorney’s telephone number, and
 - (D) the name of each party on whose behalf the document is filed.

(c) Effect of signature. A person’s signature on a document constitutes a representation that the document, together with any associated exhibits or other documents, is filed in good faith and conforms to the page or word limits and the form and formatting requirements of the applicable rule or rules.

(d) Authenticity of signature. The filing of a document constitutes a representation by the person actually filing the document that each signature on the document is authorized by the person whose signature it purports to be. If a party has a good-faith basis to believe that an image or typed signature was not authorized by the person whose signature appears on a document, the party challenging the signature may file a motion with the Court. If the Court determines that there is a substantial possibility that the signature was not authorized by the person whose signature it purports to be, the Court may strike the challenged document, direct that the challenged document be filed and served again with an original handwritten signature, or impose any other requirement it deems necessary.

Advisory Committee Note – July 2022

Rule 1C is adopted to provide a uniform rule on signatures and to expand the types of permissible signatures, primarily to allow for lawyers to “sign” documents electronically and to direct another attorney or an assistant to place a signature on a document. It is modeled on provisions from existing Rule

7A(g)(1) and from Pandemic Management Order PMO-SJC-2(G) (as amended December 14, 2020). It has four subdivisions.

Subdivision (a) permits a signature to be placed on a document by methods other than the traditional handwritten, or “wet ink,” signature. A person may sign a document by physically signing the document by hand (as always), by incorporating an image of a handwritten signature, or by typing “/s/” followed by the person’s name. Filers should note that a mere “/s/,” without a typed name following the signature, is insufficient. For example, a signature might be “/s/ Jane Smith.”

Subdivision (b) sets out the requirements for the “signature block” following a signature. The signature block must contain the listed information about the person whose signature appears on the signature line. Each client must be named; an indication that the attorney is the “Attorney for appellants” is not sufficient. If more than one attorney from a single firm signs the document, the common information need not be repeated. For example, the signatures and signature block on a document filed by two attorneys on behalf of three appellants should take this form:

Respectfully submitted,
/s/ Andrea Attorney
Andrea Attorney
Maine Bar No. 11111
aattorney@attylawyer.com

/s/ Lawrence Lawyer
Lawrence Lawyer
Maine Bar No. 22222
llawyer@attylawyer.com

Attorney & Lawyer, LLC
100 Main St
Anytown, Maine 04999
207-555-5555

Attorneys for John Doe, Jane Roe, and Charlene Client

Subdivisions (c) and (d) set out the effect of a signature, similarly to M.R. Civ. P. 11(a).

2. Rule 2A(b) of the Maine Rules of Appellate Procedure is amended to read as follows:

(b) Notice and Appearances.

(1) Notice. The appeal shall be commenced by filing a notice of appeal with the clerk of the trial court from which the appeal is taken. A notice of appeal shall be filed in conformity with the rules then in effect for the trial court from which the appeal is taken. The notice of appeal shall be signed by each appellant or the appellant's attorney. The notice of appeal shall specify the party taking the appeal, and designate the judgment or part thereof appealed from, ~~and notify the other parties of the need to file an appearance to be heard on the appeal.~~ A copy of the notice of appeal shall be served on the other parties to the trial court proceeding.

(2) Appearances. (A) Criminal Appeals. In criminal appeals, a member of the Maine bar ~~the attorney~~ or unrepresented party filing the notice of appeal shall be deemed to be representing the appellant unless new counsel appears or counsel withdraws pursuant to M.R.U. Crim. P. 44(a)(2) and 44B; and the ~~attorney~~ member of the Maine bar or unrepresented party representing the appellee in the trial court at the time the appeal is filed shall be deemed to be representing the appellee unless new counsel appears or counsel withdraws pursuant to M.R.U. Crim. P. 44(a)(2) and 44B.

(B) Civil Appeals. In civil appeals, ~~the attorney~~ a member of the Maine bar or unrepresented party filing the notice of appeal shall be deemed to be representing the appellant unless new counsel appears or counsel withdraws. ~~An attorney~~ A member of the Maine bar representing ~~each other~~ a party who has not filed a notice of appeal in the trial court ~~at the time the appeal is filed~~ shall be deemed to be representing that party in the appeal unless new counsel appears, ~~or~~ counsel withdraws, or ~~that other~~ the party elects not to participate in the appeal. An unrepresented party, other than the appellant, in the trial court proceeding at the time the appeal is filed shall be deemed to be appearing in the appeal unrepresented unless counsel appears or ~~that unrepresented~~ the party elects not to participate in the appeal.

(C) Visiting attorneys. A visiting attorney permitted to practice in the trial court pursuant to M.R. Civ. P. 89(b) or M.R.U. Crim. P. 55 may not appear in the Law Court without permission of the Law Court and payment of the designated fee. The provisions of M.R. Civ. P. 89(b) shall govern the appearances of visiting attorneys in the Law Court.

Advisory Committee Note – July 2022

Subdivision (b)(1) is amended to remove the unnecessary provision containing a requirement that the notice of appeal contain a notice to the other parties that they must file an appearance in order to be heard in the appeal. No notice of appearance was required by any other rule.

Subdivision (b)(2) is amended to clarify that when an appeal is docketed in the Law Court, only members of the Maine bar are deemed to represent parties in the appeal. An out-of-state attorney admitted in the trial court as a visiting attorney must seek permission from the Law Court to appear in the appeal. If a notice of appeal is signed by only a visiting attorney, the notice of appeal is a nullity and will be dismissed by the Law Court. *See* M.R. Civ. P. 89(b) (requiring members of the Maine bar to sign all papers filed with the court); M.R.U. Crim. P. 55(a) (same).

Subdivision (b)(2)(C) is adopted to clarify that visiting attorneys may not appear in an appeal without permission of the Law Court. The subdivision makes any appearance by a visiting attorney subject to M.R. Civ. P. 89(b), whether the appeal is from a civil or criminal matter.

3. Rule 2B(b)-(c) of the Maine Rules of Appellate Procedure is amended to read as follows:

(b) Criminal Cases.

(1) Time to File. Except for extradition appeals addressed in Rule 2B(b)(3), the time within which an appeal may be taken in a criminal case shall be 21 days after entry into the docket of the judgment or order appealed from, unless a shorter time is provided by law.

(2) Time to File Extended by Timely Filing of Certain Motions. If a timely motion for:

- (A) arrest of judgment under M.R.U. Crim. P. 34; or
- (B) judgment of acquittal after verdict under M.R.U. Crim. P. 29; or
- (C) a new trial under M.R.U. Crim. P. 33; or
- (D) correction or reduction of sentence under M.R.U. Crim. P. 35(a) or 35(c)

~~is filed within 21 days after entry of judgment, a notice of appeal from the original judgment need not be filed within 21 days after the entry into the docket of that judgment. Instead, one appeal of the original judgment and the order on the motion may be taken within 21 days after entry into the docket of the order granting, denying, or dismissing the motion. An appeal designated as being taken from such an order shall be treated as an appeal from both the order and the original judgment. In the alternative, if a notice of appeal from the original judgment is filed within 21 days after the entry into the docket of that judgment, the subsequent timely filing of one of the post-judgment motions listed in subsections (A)-(D) above does not waive or otherwise render ineffective the previously filed notice of appeal. The timely filed notice of appeal from the original judgment preserves for review any claim of error in the record, including any claim of error in an order on the post-judgment motions listed in subsections (A)-(D). This paragraph does not apply to any post-judgment motion that is not listed in subsections (A)-(D) above.~~

is filed within 21 days after entry of judgment, a notice of appeal need not be filed within 21 days after entry of judgment. Instead, a notice of appeal may be filed at any time after the entry of judgment but not later than 21 days after the entry of the order on the motion. A notice of appeal so filed shall be treated as an appeal from both the judgment and the order on the motion, even if the notice of appeal is filed before the trial court has acted on the motion. If a notice of appeal is filed within 21 days after entry of judgment, the subsequent timely filing of one of the motions listed in subparagraphs (A)-(D) does not render ineffective the notice of appeal and preserves for review any claim of error in the order on the motion. A notice of appeal so filed shall be treated as an appeal from both the judgment and the order on the motion. This paragraph does not apply to any motion that is not listed in subparagraphs (A)-(D).

(3) Extradition Appeals. The time within which an appeal may be taken from an order making a final disposition of a petition contesting extradition shall be 7 days after entry into the docket of the order appealed from.

(c) Civil Cases.

(1) Time to File. The time within which an appeal may be taken in a civil case shall be 21 days after entry into the docket of the judgment or order appealed from unless a shorter time is provided by law.

(2) Time to File Extended by Timely Filing of Certain Motions. If a timely motion:

(A) for judgment as a matter of law under M.R. Civ. P. 50(b); or

(B) to make or amend findings of fact or conclusions of law under M.R. Civ. P. 52(a) or (b); or

(C) for a new trial under M.R. Civ. P. 59; or

(D) to alter or amend the judgment, including a motion for reconsideration of the judgment, under M.R. Civ. P. 59; or

(E) for reopening or reconsideration before the Public Utilities Commission pursuant to its rules of practice

~~is filed within the time allowed by statute or rule after entry of judgment, a notice of appeal from the original judgment need not be filed within 21 days after the entry into the docket of that judgment. Instead, one appeal of the original judgment and the order on the motion may be taken within 21 days after entry into the docket of the order granting, denying, or dismissing the motion. An appeal designated as being taken from such an order shall be treated as an appeal from both the order and the original judgment. In the alternative, if a notice of appeal from the original judgment is filed within 21 days after the entry into the docket of that judgment, the subsequent timely filing of one of the post-judgment motions listed in subsections (A)-(E) above does not waive or otherwise render ineffective the previously filed notice of appeal. The timely filed notice of appeal from the original judgment preserves for review any claim~~

~~of error in the record, including any claim of error in an order on the post-judgment motions listed in subsections (A)-(E). This paragraph does not apply to any post-judgment motion that is not listed in subsections (A)-(E) above.~~

is filed within the time allowed by statute or rule after entry of judgment, a notice of appeal need not be filed within 21 days after entry of judgment. Instead, a notice of appeal may be filed at any time after the entry of judgment but not later than 21 days after the entry of the order on the motion. A notice of appeal so filed shall be treated as an appeal from both the judgment and the order on the motion, even if the notice of appeal is filed before the trial court or the Public Utilities Commission has acted on the motion. If a notice of appeal is filed within 21 days after entry of judgment, the subsequent timely filing of one of the motions listed in subparagraphs (A)-(E) does not render ineffective the notice of appeal and preserves for review any claim of error in the order on the motion. A notice of appeal so filed shall be treated as an appeal from both the judgment and the order on the motion. This paragraph does not apply to any motion that is not listed in subparagraphs (A)-(E).

Advisory Committee Note – July 2022

Rule 2B(b)-(c) is amended to make clear that when a party timely files certain post-judgment motions, the period for filing a notice of appeal is extended to 21 days after the entry of the order disposing of the post-judgment motions. In other words, a party that timely files any of the post-judgment motions listed in paragraphs (b)(2) or (c)(2) within 21 days of the entry of judgment may file one notice of appeal at any time after the entry of judgment but not later than 21 days after the entry of the order on the post-judgment motions, and the notice of appeal will be treated as an appeal from both the judgment and the order.

4. Rule 2C(a)(1) of the Maine Rules of Appellate Procedure is amended to read as follows:

(a) Cross-Appeals.

(1) Need to File. If the appellee seeks any change in the judgment that is on appeal, the appellee must file a cross-appeal to preserve that issue. The notice of cross-appeal shall be filed with the clerk of the trial court from which the appeal is taken and shall be processed in the same manner as a notice of

appeal filed pursuant to Rule 2A(b)(1). An appellee need not file a notice of appeal if no change in the judgment is sought. An appellee may, without filing a cross-appeal, argue that alternative grounds support the judgment that is on appeal.

Advisory Committee Note – July 2022

The change to Rule 2C(a)(1) provides additional clarification regarding the circumstances in which an appellee must file a cross-appeal to preserve a legal or factual argument. Under the rule, no cross-appeal is necessary if the appellee does not seek to change any aspect of the judgment. A cross-appeal is necessary only if a party seeks a change to the judgment. For example:

A defendant files a motion to dismiss a breach of contract claim, arguing that the statute of limitations bars the claim and that there was no breach of contract. The trial court grants the motion but reaches only the statute of limitations argument. The defendant need not file a cross-appeal to preserve the contract argument.

A plaintiff obtains summary judgment on a slip-and-fall claim, and the court awards \$1,000 in damages. Plaintiff believes that the court should have awarded \$2,000. The plaintiff must file a cross-appeal in order to preserve the argument that additional damages should have been awarded.

Rule 2C(a)(1), as amended, is consistent with *Argereow v. Weisberg*, 2018 ME 140, ¶ 11 n.4, 195 A.3d 1210; *Harris v. Woodlands Club*, 2012 ME 117, ¶ 16 n.8, 55 A.3d 449; and *Scott Dugas Trucking & Excavating, Inc. v. Homeplace Building & Remodeling, Inc.*, 651 A.2d 327, 329 (Me. 1994). Under Rule 2C(a)(1), as amended, cross-appeals need not be filed under the circumstances presented in *MaineToday Media, Inc. v. State*, 2013 ME 100, ¶ 28 n.17, 82 A.3d 104; and *Langevin v. Allstate Insurance*, 2013 ME 55, ¶ 6 n.4, 66 A.3d 585.

In the event of an interlocutory appeal, a cross-appeal is not necessary to preserve claims of error that could otherwise be raised in an appeal from a final judgment.

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

(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 14 days (2 weeks) 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:

- (A)** determines jeopardy pursuant to 22 M.R.S. § 4035;
- (B)** terminates parental rights pursuant to 22 M.R.S. § 4055 or ~~18-A~~ 18-C M.R.S. § 9-204;
- (C)** grants a decree of adoption pursuant to ~~18-A~~ 18-C M.R.S. § 9-308;
- (D)** ~~appoints a guardian for a minor pursuant to 18-A M.R.S. § 5-207~~ grants, modifies, or denies the termination of, a guardianship of a minor pursuant to 18-C M.R.S. §§ 5-201 to 5-212;
- (E)** ~~denies the termination of a guardianship for a minor pursuant to 18-A M.R.S. § 5-210~~ grants, modifies, or denies the termination of, a guardianship of an adult pursuant to 18-C M.R.S. §§ 5-301 to 5-319;
- (F)** ~~grants, or denies the termination of, 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);
- (G)** ~~establishes or changes contact between a parent and child pursuant to 19-A M.R.S. § 1653(2) or (10)~~ establishes, disestablishes, or denies the establishment of, the parentage of a child pursuant to the Maine Parentage Act, 19-A M.R.S. §§ 1831-1939;

~~(H) grants or denies a determination of de facto parenthood or parentage in any parentage proceeding defined in 19-A M.R.S. § 1834 grants rights of visitation or access to a minor child pursuant to the Grandparents and Great-grandparents Visitation Act, 19-A M.R.S. §§ 1801-1806;~~

~~(I) grants contact pursuant to the Grandparents Visitation Act, 19-A M.R.S. § 1801 et seq. orders the involuntary commitment of a person to any institution, hospital, facility, or program listed in 34-B M.R.S. § 3801;~~

~~(J) involuntarily commits an individual to an institution or a progressive treatment program, or orders the involuntary medication or medical treatment of a person pursuant to 15 M.R.S. §§ 106, 107; 22 M.R.S. § 4071; 34-A M.R.S. § 3049; or 34-B M.R.S. §§ 3864, 3873-A;~~

~~(K) determines that a criminal defendant is not criminally responsible by reason of insanity in accordance with 17-A M.R.S. § 39;~~

~~(L) resolves an appeal from an agency's the denial of a request made pursuant to the Freedom of Access Act, 1 M.R.S. § 400 et seq. 1 M.R.S. §§ 400-414;~~

~~(M) results in a juvenile adjudication or disposition pursuant to 15 M.R.S. §§ 3310 or 3314; or~~

~~(N) either binds or does not bind a juvenile over for adult prosecution as an adult pursuant to 15 M.R.S. § 3101(4).~~

Advisory Committee Note – July 2022

In addition to minor restyling, Rule 7(b) is amended to replace citations to former Title 18-A with citations to Title 18-C, allow appeals of orders that modify guardianships to qualify as Track A appeals, strike the reference to “de facto parenthood” because it is already included within the meaning of “parentage,” replace the term “individual” with “person,” correct the short title of the Grandparents and Great-grandparents Visitation Act, clarify that an appeal of an order involuntarily committing a person to any facility listed in 34-B M.R.S. § 1851 qualifies as a Track A appeal, include appeals from judgments ordering involuntary medical treatment, strike the reference to “agency” where the Freedom of Access Act broadly applies to public

proceedings held by bodies other than agencies, add statutory citations, and replace the disfavored “et seq.” abbreviation with citations to a range of statutes.

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

(a) Brief of the Appellant. (1) The brief of the appellant shall contain, unless otherwise indicated, the following sections under appropriate headings and in the order here indicated:

(A) A table of contents, with page references, ~~and a table of cases, statutes, and other authorities cited.~~

(B) A table of authorities—listing each case, statute, or other authority cited in the brief—with page references.

(C) A short introduction stating the nature of the case. This section is optional.

~~**(B)**~~**(D)** A statement of the facts of the case, ~~—including its~~ the procedural history—with citations to the pages in the appendix, transcript, or record that support each fact.

~~**(C)**~~**(E)** A statement of the issues presented for review.

~~**(D)**~~**(F)** A summary of the argument, ~~if the argument is not adequately summarized in the statement of the issues presented for review.~~ This section is optional.

~~**(E)**~~**(G)** An argument. The argument shall contain the contentions of the appellant with respect to the issues presented and the reasons supporting each contention, with citations to the authorities ~~and the particular documents or exhibits in the record relied on, with citation to page numbers of the appendix when they exist~~ upon which the appellant relies. The argument for each issue presented shall begin with a statement of the standard(s) of appellate review applicable to that issue.

(H) A short conclusion stating the precise relief sought.

....

(g) Form of Briefs.

(1) ~~(A) 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 ~~was~~ are unrepresented by counsel, by each party or amicus filing the brief. ~~The attorney's or party's signature on the brief shall constitute a representation that the brief, together with any associated documents, is filed in good faith and conforms to the page or word limits and the form and formatting requirements of this Rule. A separate certificate indicating that the filing conforms to the word limits set in this Rule shall be filed only if the length of the document exceeds the applicable page limits.~~

~~**(B) Electronic Signature.** As an alternative to the signature on a print copy of a brief, an attorney in active practice, registered with the Board of Overseers of the Bar, may file with the electronic copy of the brief a certificate of signature indicating that the attorney (i) has prepared or participated in preparing the brief and (ii) makes the representations and certifications as required by Rule 7A(g)(1)(A). The certificate of signature, on a form prepared by the Clerk of the Law Court, shall identify the party on whose behalf the brief is filed, and shall include the attorney's name, Maine Bar Registration Number, email address, street address, and business telephone number.~~

(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 ~~and quotations~~ 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.

....

(j) ~~Citation of Supplemental~~ Legal Authorities After Briefing. If ~~pertinent and significant~~ important, relevant legal authorities come to a party's attention after the party's brief has been filed and before ~~either (A) oral~~

~~argument, or (B) 42 days (6 weeks) after the date set for filing the appellee's brief for an appeal not set for oral argument a decision resolving the appeal has been issued, the party may promptly advise the Clerk of the Law Court of such by a letter, with a copy mailed and emailed to all other parties, setting that sets forth the citation(s) to the supplemental authorities. The letter must state the reasons for providing the supplemental citation(s), authorities and must referring to the pages of the brief or to any points argued orally addressed by the new citation(s) 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 within 7 days and must be similarly limited. A similar filing may occur after oral argument only if invited by the Court at the oral argument. The Law Court need not wait for a response.~~

Advisory Committee Note – July 2022

In addition to minor restyling, Rule 7A(a) is amended to add the option of including a short introduction stating the nature of the case; to require citations to the pages in the appendix or transcript—or to the record for documents or exhibits that are not included in the appendix—that support each fact in the statement of the facts; to clarify that a summary of the argument is always optional; to eliminate the requirement of including citations to the appendix or record in the argument section; and to require a short conclusion stating the precise relief sought. An introduction, if included, should be a short statement summarizing the procedural posture of the appeal. For example, “This is an appeal from the grant of the insurer’s motion for summary judgment in a slip-and-fall action,” or “This is a theft case in which the defendant appeals from the denial of a motion to suppress statements allegedly obtained in violation of his right against self-incrimination,” or “The mother appeals after the trial court granted the father’s post-divorce motion to amend the divorce judgment to give the father final decision-making authority over medical decisions for the parties’ minor children.”

Rule 7A(g)(1) is amended to allow an unrepresented party, and not just an attorney, to sign a brief “electronically,” and to provide clearer guidance on signatures. The amendment accomplishes this by (1) removing the provisions

relating to the effect of a signature and electronic signatures and (2) incorporating by reference new Rule 1C, which governs signatures.

Rule 7A(g)(2) is amended to allow only footnotes to appear in 11-point font and to clarify spacing requirements. The amendment eliminates any ambiguity in the term “double spacing” by providing that briefs must be prepared using a word processor’s double space function, rather than by using a word processor’s “exactly” line spacing function or other point-based line spacing.

Rule 7A(j) is amended to enlarge the period in which a party may alert the Law Court to newly discovered authorities or new developments in the law that came to the party’s attention after briefing. The Rule is further amended to allow a party to electronically file a letter of supplemental authorities and to serve a copy of the letter on other parties by any method provided by Rule 5 of the Maine Rules of Civil Procedure. Additionally, the Rule is amended to require that any response be filed within 7 days and that the Law Court is not required to wait for a response. Although Rule 7A(j) now allows the filing of a letter of supplemental authorities after oral argument, a party may not file such a letter as a form of rebuttal.

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

(a) Motions.

(1) 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, 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.

(2) 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) 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.

(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 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.

(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 ~~and quotations~~ 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 – July 2022

Rule 10 is amended to clarify that motions filed in the Law Court must be signed and that service must be by a method permitted by Rule 5 of the Maine Rules of Civil Procedure.

Rule 10 is further amended to remove the provision permitting quotations to appear in 11-point font. As amended, the Rule requires all typed matter other than footnotes to appear in at least 14-point font.

Rule 10 is further amended to permit electronic filing of motions by transmitting a .pdf version of the motion to the Clerk of the Law Court in the manner prescribed by the Clerk in the notice of docketing in the Law Court that the Clerk issues pursuant to Rule 3(a)(2). Unlike filing of electronic copies of briefs under Rule 7A(i)(2), electronic filing of motions pursuant to Rule 10, as

amended, is optional and, if used, replaces rather than supplements traditional paper filing.

Dated: July 13, 2022

FOR THE COURT,*

_____/s/_____
VALERIE STANFILL
Chief Justice

ANDREW M. MEAD
JOSEPH M. JABAR
ANDREW M. HORTON
CATHERINE R. CONNORS
RICK E. LAWRENCE
Associate Justices

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