

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

Docket No. SJC-20

Effective June 1, 2007

All of the Justices concurring therein, the following amendments to the Maine Rules of Appellate Procedure are hereby adopted, prescribed, promulgated, and amended to be effective on June 1, 2007, as follows:

The specific rules amendment is set forth below. To aid in understanding of the amendments, an Advisory Note appears after the text of each amendment. The Advisory Note states the reason for recommending the amendment, but it is not part of the amendment adopted by the Court.

1. Subdivision (b) of Rule 11 of the Maine Rules of Appellate Procedure is amended to read as follows:

**(b) Time Allowed for Argument.** Each side will be allowed up to ~~20~~ 15 minutes for argument. The appellant may reserve up to 3 minutes for rebuttal. On motion filed at least 7 days in advance of the date scheduled for oral argument and for good cause shown, the Law Court may allow additional time for argument.

**Advisory Notes**

This change of time for oral argument to 15 minutes for each side, makes oral argument timing similar to that of the United States Court of Appeals for the First Circuit. *See* F.R. App. P. 34, Local Rule 34(c)(1). As with current practice, the time allocation is to each side of an appeal. Where more than one party appears for oral argument as an appellant or an appellee, the parties must establish among themselves a fair allocation of the 15 minutes available for argument. The amendment also recognizes that the appellant may reserve up to three minutes for rebuttal.

2. Subdivision (f) of Rule 11 of the Maine Rules of Appellate Procedure is redesignated subdivision (g) as follows:

**(g) (f) Submission on Briefs.**

3. A new subdivision (f) of Rule 11 of the Maine Rules of Appellate Procedure is adopted to read as follows:

**(f) Use of Exhibits at Argument.**

(1) Disclosure: Any party planning to use any exhibit or display at oral argument shall notify the other parties to the oral argument and the Clerk of the Law Court of the planned use of the exhibit or display at least one business day prior to the time scheduled for oral argument.

(2) Display: Any exhibit or display must be presented in a manner that permits it to be easily seen by each of the Justices without limiting observation of the Court by the public or opposing parties or counsel.

(3) Removal: An exhibit or display shall removed upon completion of the argument for which it is used unless the opposing party requests that the exhibit remain available for use in that party's argument.

**Advisory Notes**

Rule 11(f) relating to submission on briefs is redesignated as Rule 11(g), and a new Rule 11(f) is adopted to govern use of displays at oral argument. The amendment is intended to promote better planning for use of exhibits or displays at argument by requiring notice of planned use of exhibits or displays and suggesting more careful consideration of whether any exhibit that is used can be viewed by the Court without disrupting the capacity of interested persons to observe the argument. The new M.R. App. P. 11(f)(1) requires that any party planning to use any exhibit or display at oral argument must notify the other parties to the oral argument and the Clerk of the Law Court of the planned use of the exhibit or display at least one business day prior to the time scheduled for oral argument.

M.R. App. P. 11(f)(2) directs that any exhibit or display must be presented in a manner that permits it to be easily seen by each of the Justices without limiting the capacity of other interested persons to observe the proceedings. Any exhibit should have lettering or numbering sufficiently large that it can be easily seen by the Justices on the bench, and exhibits should avoid excessive diagramming that makes them too “busy” or difficult to explain or follow. Once an argument is

completed, M.R. App. P. 11(f)(3) requires that an exhibit or display must removed so it is not visible to the Court unless the opposing party requests that the exhibit remain available for use in that party's argument.

4. These amendments shall be effective June 1, 2007.

Dated: May 2, 2007

\_\_\_\_\_  
[s]  
Leigh I. Saufley  
Chief Justice

\_\_\_\_\_  
[s]  
Robert W. Clifford

\_\_\_\_\_  
[s]  
Donald G. Alexander

\_\_\_\_\_  
[s]  
Susan Calkins

\_\_\_\_\_  
[s]  
Jon D. Levy

\_\_\_\_\_  
[s]  
Warren M. Silver

\_\_\_\_\_  
[s]  
Andrew M. Mead  
Associate Justices