

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**Protocols Concerning In-Person Court Proceedings  
during COVID-19 Pandemic**

These protocols apply to all in-person court proceedings conducted by the United States District Court for the District of Maine. These protocols do not apply to trial proceedings, which will be the subject of separate protocols.

**1. Building Access**

All persons seeking entry into the District Court's facilities must comply with General Order 2020-13 (attached hereto as Appendix A).

**2. Courtroom Preparation**

The Court has arranged for frequently-touched surfaces to be disinfected pursuant to the [Guidance for Cleaning and Disinfecting](#) provided by the Centers for Disease Control and Prevention. In addition:

- (a) Hand sanitizer, disinfectant wipes, and nitrile gloves will be made available; and a face mask will be provided to anyone without one.
- (b) Plexiglass barriers have been installed at counsel tables, given the proximity of seating.
- (c) Plexiglass barriers have been installed at most witness-stands. If more than one witness testifies during a hearing, the witness-stand, and microphone will be cleaned by the case manager before a new witness takes the stand.
- (d) Courtroom podiums will not be used. Counsel should speak from counsel tables using the microphones located on the counsel tables. Disposable microphone covers will be used and replaced after each proceeding.
- (e) Conversations with the Court that are ordinarily conducted at sidebar will be conducted using headsets that will allow everyone to remain in their seats. The sidebar system will also permit counsel and the parties to speak with one another confidentially.
- (f) The Court will provide bottled water for witnesses, counsel and the parties seated inside the well of the courtroom. No other food or beverage is permitted in the courtrooms.

- (g) Seating in the gallery is limited to specific seats that have been preselected to facilitate appropriate social distancing.
- (h) Counsel are requested and encouraged to wipe down surfaces they have touched when a hearing is finished. Every table in the courtroom and attorney conference rooms are stocked with disinfecting wipes, hand sanitizers, and masks.
- (i) After every proceeding, the Clerk's Office will clean all frequently used surfaces, including tables, chairs, laptops, the jury box, witness stand, Judge's bench, gallery seating, overflow courtrooms, attorney conference rooms and other surfaces. Examples of frequently touched surfaces and objects include tables, keyboards, screens chairs, tabletops, and gallery seating.
- (j) Signs have been placed at the entrances to courtrooms and attorney conference rooms listing the maximum number of occupants per room.

**3. Persons in Custody**

The U.S. Marshals Service can transport and hold up to three defendants in their cell blocks each day. The three defendants must originate from the same jail or prison. Counsel must notify the Clerk's Office when a proceeding involves multiple parties or witnesses in custody.

**4. Counsel's Duty to Notify the Court**

- (a) Counsel must notify the Court no less than five (5) business days prior to any scheduled hearing when any person who may have a role in the proceeding, including law enforcement officers, , has entered Maine within the past 14-days and may be subject to the requirements of [Governor Janet T. Mill's \*Keep Maine Healthy Plan\*](#).
- (b) Counsel must notify the Court when they anticipate that there may be significant public interest in a proceeding so the court can make arrangements for additional seating in an overflow courtroom or a video short-cast.

**5. Documents and Evidence Presentation**

The Court is trying to eliminate the need to exchange paper documents and exhibits during court proceedings by encouraging counsel to present those items electronically.

**A. Plea Documents**

1. The prosecution version and any plea agreement must be filed in CM/ECF at least two (2) business days prior to the scheduled hearing.
2. The Waiver of Indictment form will not be used in proceedings in which a defendant has the right to waive indictment. The Court will make a comprehensive inquiry as the defendant's decision to waive the right to indictment.
3. If there is a plea agreement, counsel must provide the Clerk the original, signed plea agreement as directed by the Court.
4. Any necessary modification of a previously filed document such as a plea agreement to make a date correction, spelling, etc. will be verbally noted on the record during the hearing. The written change will be noted by counsel and endorsed with counsels' initials at the conclusion of the hearing and submitted to the Clerk for docketing.

**B. Exhibits and Documents for Sentencing and Evidentiary Hearings**

1. All exhibits must be marked for identification prior to any scheduled hearing and received by the Clerk of Court two (2) business days prior to the hearing. The exhibits may be emailed to the Clerk of Court so long as they are all PDF files which do not, in total, exceed 5 megabytes. Otherwise, exhibits must be submitted on a thumb-drive or compact disc.
2. When exhibits are delivered to the Court, counsel must also provide the exhibits to opposing counsel, and the U.S. Probation Office, if appropriate.
3. Counsel are required to use their own computer to display exhibits and documents in courtroom proceedings by connecting their computer to the Court's evidence presentation system.
4. Unless otherwise ordered by the Court, all exhibits offered in evidence, whether admitted or excluded, shall be held in the custody of the Clerk. The exhibits will be maintained by the Clerk during the pendency of the proceedings, except that exhibits which because of their size or nature require special handling shall remain in the possession of the party introducing them. Exhibits retained by counsel shall be preserved in the form in which they were offered until the proceeding is finally concluded.

5. In the event of an appeal, the Clerk of Court will provide paper copies of the exhibits upon request by counsel or the Court of Appeals.

**C. Other Documents Requiring a Defendant's Signature**

The process for the signing of other documents requiring a Defendant's signature (such as a bail bond, financial declaration, and waiver of preliminary hearing), shall be determined by the presiding Judge, which may include an on-the-record colloquy by which the Defendant and counsel verbally consent to the Clerk of Court signing the document in their names.

**D. Courtroom Folder Containing Paper Documents**

The Defendant's counsel may bring a folder containing paper copies of relevant documents into the courtroom so that the Defendant has the ability to review paper copies of the documents during the hearing. The Defendant's counsel is responsible for retrieving all the documents and the folder at the conclusion of the hearing and safely removing them from the Courthouse.

**6. Courtroom Occupancy**

- (a) The number of persons permitted in the courtrooms depends on each courtroom's specific occupancy calculated using social-distancing requirements. When the courtroom has reached capacity, the Court may create an overflow room where proceedings will be broadcast.
- (b) Counsel must notify the Court in advance of a proceeding when they know that there will be significant public interest in a proceeding in case overflow seating should be arranged.
- (c) Six-foot social distancing must be maintained at all times.

**7. Attorney Conference Rooms**

- (a) Attorney conference rooms are available. Conference rooms will be assigned to specific parties, and the number of persons allowed in each room is limited based on the size of the room and six-foot social distancing requirements.
- (b) Hand sanitizer, disinfectant, masks, and nitrile gloves are available in all conference rooms.
- (c) The Clerk's Office will clean the conference rooms after every proceeding.

**8. Attorney/Client Visitation Rooms**

- (a) Attorney/Client Visitation Rooms located in the U.S. Marshal's Office are available for brief meetings between a detained person and their lawyer.
- (b) A plexiglass barrier has been installed in front of the communication screen.
- (c) Each room is also provisioned with an air purifier.
- (d) The detained person and lawyer must maintain no less than six-foot social distancing and wear masks at all times.

**9. Remote Access to Court Proceedings**

In general, the Court will not provide remote video or audio access to in-person proceedings. However, the presiding Judge may, at the Judge's own initiative in response to a written request seeking remote access, order the Clerk's Office to arrange for remote access.

**10. Technical Requirements for Using the Court's Evidence Presentation System**

- (a) The Court will provide training to any attorney who needs to present documents and evidence electronically in the courtroom. Counsel should make arrangements with the Clerk's Office for training at least five (5) business days prior to the scheduled hearing.
- (b) Devices which are to be used for digital evidence presentation must have the following features:
  - HDMI or VGA ports.
  - To play audio, a 3.5mm headphone port is required.
  - If the device is an iPad, the appropriate HDMI adapter must be supplied

Any questions regarding device compatibility can be directed to the I.T. Department at 207-274-5117.

**11. Effectiveness**

- (a) These protocols may be adjusted at the discretion of the presiding Judge.
- (b) These protocols take effect on October 5, 2020, and will remain in effect until further notice.

**United States District Court**

**District of Maine**

In Re: )  
)  
COURT OPERATIONS UNDER )  
THE EXIGENT CIRCUMSTANCES )  
CREATED BY THE COVID-19 ) GENERAL ORDER 2020-13  
CORONAVIRUS & RELATED ) [Amended, September 30, 2020]  
PANDEMIC PRECAUTIONS: )  
COURTHOUSE ENTRANCE )  
PROTOCOLS )

**GENERAL ORDER RE: ENTRANCE PROTOCOLS**

In the interest of public health and safety, and after the consideration of the public health guidelines regarding COVID-19 issued by the U.S. Centers for Disease Control and Prevention and the State of Maine, the following protocols apply to all persons, other than court employees, entering the Edward T. Gignoux Courthouse in Portland, the U.S. Probation and Pretrial Services Offices in Bangor and Portland, the United States Bankruptcy Court in Portland, and the U.S. District Court or the U.S. Bankruptcy Court located on the third floor of the Margaret Chase Smith Federal Building in Bangor.

**Entrance Protocols**

Every person must comply with the requirements established in this Order. Persons who will not or cannot comply with these protocols will be directed to call or speak with one of the points of contact identified in this Order.

1. You may be asked to answer questions related to the health guidelines in this Order.

2. You may not enter if you:

- Are unwilling to comply with the protocols or participate in any screening questions outlined in this Order.
- Have been advised to self-quarantine by any doctor, hospital or health agency within the last 14 days.
- Have been diagnosed with COVID-19 or have been told to presume that you have COVID-19 by a health professional within the last 14 days.
- Have had contact in the last 14 days with someone who has been diagnosed with COVID-19 or have been told that they have to presume they have COVID-19 by a health professional, unless the diagnosis was more than 14 days ago, and they have been symptom-free for the past 72 hours.
- Have a temperature of 100.4 or higher.
- Have a cough, shortness of breath, fever, chills, muscle pain, headache, sore throat, loss of taste or smell, congestion or runny nose, or extreme fatigue within the last 14 days, unless the symptoms are attributable to another known condition.
- Reside with someone who has had a cough, shortness of breath, fever, chills, muscle pain, headache, sore throat, loss of taste or smell, body aches, or extreme fatigue within the last 14 days, unless the symptoms are attributable to another known condition.

3. If you have entered Maine from another State within the past 14 days:

a. Pursuant to [Governor Janet T. Mill's Keep Maine Healthy Plan](#), many out-of-state travelers coming into Maine, and Maine residents returning to Maine, must either receive a negative COVID-19 test within 72 hours prior to arrival or complete a 14-day quarantine.

b. The *Keep Maine Healthy Plan* exempts persons who have traveled to Maine from other states from the quarantine/negative test requirements. The current list of those states is available at: <https://www.maine.gov/covid19/restartingmaine/keepmainehealthy/faqs>.

c. If you are a Maine resident, or a visitor from another state, and traveled to or from a state or area not exempted from Maine's quarantine/negative test requirements, you may not enter the Court's facilities unless you:

- i. Have received a recent negative test for COVID-19 in accordance with standards established by the *Keep Maine Healthy Plan*; or
  - ii. Have quarantined for 14 days upon your arrival in Maine; or
  - iii. Your entrance is related to your role in an in-court hearing, grand jury proceeding, or jury trial and has been pre-approved by the presiding judge (based on guidance from the CDC, the Maine CDC, and/or other authorities); or
  - iv. Your entrance has been pre-approved by the administrative head of the court unit or security agency you are visiting (based on guidance from the CDC, the Maine CDC, and/or other authorities).
4. You must wear a mask or face covering pursuant to General Order 2020-7. If you arrive without a mask, one will be provided to you.<sup>1</sup> You must wear your mask at all times unless otherwise directed by a Judge.
5. You must apply hand sanitizer upon entering the court's facilities. Hand sanitizer will be available at all courthouse entrances.
6. You must maintain at least six feet of distance between you and other persons at all times, unless otherwise directed by a Judge. Minor children may accompany adults and will not be expected to stay apart.
7. Unless you are a (1) member of the Court's bar, (2) law enforcement officer, (3) credentialed press person, or (4) U.S. Attorney's Office Victim Witness Coordinator, cell phones and laptops may not be brought into the courthouse without the prior permission of the Court. Permission may be requested by contacting the Clerk's office. If you arrive with a cell phone and cannot store it outside the courthouse, you will be required to label your phone with your name and phone number, and then place it in a clear plastic bag for storage. The phone will be deposited in a dedicated bin and will be made available to you when you exit the Courthouse.
8. Food and drinks may not be brought into the Courthouse without prior approval of the Court.
9. If you are scheduled or required to appear and you are unable to appear because of the restrictions in this Order, you are directed to contact the appropriate person(s) listed in the Points of Contact on page four of this Order.

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<sup>1</sup> Face Shields will be provided for those who cannot wear a mask. A Court Security Officer will contact the Clerk's Office if a shield is needed by a visitor.

**Effectiveness:** This General Order takes effect at 11:59 p.m. on September 30, 2020, and shall remain in effect until superseded by a future Order of the Court.

**SO ORDERED.**

Dated: September 30, 2020

/s/ Jon D. Levy  
**CHIEF U.S. DISTRICT JUDGE**

**Points of Contact**

- If you are represented by the **Federal Public Defender:**
  - Portland: (207) 553-7070
  - Bangor: (207) 992-4111
- If you are represented by an attorney, **contact your attorney.**
- Anyone having business with the **U.S. Attorney's Office:**
  - Portland: (207) 780-3257
  - Bangor: (207) 945-0373
- Anyone having business with the **U.S. Marshals Service:**
  - Portland: (207) 780-3355
  - Bangor: (207) 945-0416
- If you are scheduled to meet with a **U.S. Probation or Pretrial Services Officer:**
  - Portland: (207) 780-3358
  - Bangor: (207) 945-0369
- If you are a **juror**, have any other business with the District Court, an attorney or a *pro se* party, please contact the **Clerk's Office:**
  - Proceedings in Portland: (207) 780-3356
  - Proceedings in Bangor: (207) 945-0575
- If you have business with the **United States Bankruptcy Court**, contact the U.S. Bankruptcy Court Clerk's Office:
  - Portland: (207) 780-3482
  - Bangor: (207) 945-0348

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*Note Regarding September 30, 2020, Amendment:*

General Order 2020-13 was amended effective September 30, 2020, to clarify that the exemption addressed in Section 3.b. relates to all states identified in the most current listing of <https://www.maine.gov/covid19/restartingmaine/keepmainehealthy/faqs>.