

**RULES AND PROCEDURES GOVERNING
IN-PERSON PROCEEDINGS**

These rules and procedures will be applicable to trials in the United States Bankruptcy Court for the District of Maine, effective July 1, 2020. As used herein, the term “trial” includes an evidentiary hearing in a contested matter where witnesses testify.

1. Building Access

- a. All persons seeking entry to the bankruptcy courtrooms in the District of Maine must comply with General Order 2020-7 of the United States District Court for the District of Maine (dated June 1, 2020), a copy of which is attached hereto as Appendix A.
- b. Prior to admission to a bankruptcy courtroom, all persons, including counsel and witnesses, must answer questions about their general health and travel during the preceding 14 days, including, without limitation, the following:
 - i. Have you traveled outside of the State of Maine in the last 14 days?
 - ii. Have you been in contact with anyone who has tested positive for COVID-19 in the last 14 days?
 - iii. Have you experienced or displayed any of the following symptoms in the last 14 days:
 - Fever;
 - Sore throat, cough, shortness of breath, or other respiratory symptoms; or
 - Muscle aches, severe fatigue, or chills

2. Courtroom Preparation

- a. The Court will arrange for a cleaning of the courtrooms, the attorney conference rooms, and the “overflow” rooms in accordance with the Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes provided by the Centers for Disease Control and Prevention (the “CDC”).¹ The cleaning will include tables, laptops, chairs, the lectern, the witness stand, and the seating in the gallery.
- b. When practicable, the cleaning will occur within 24 hours of the start of the trial. In addition, high-touch surfaces will be wiped during trials when feasible.
- c. Seating in the gallery will be arranged to facilitate appropriate distancing, with closed rows and a limited number of persons allowed to sit in open rows.
- d. A plexiglass shield will be installed between the bench and the witness stand in the Portland courtroom given the proximity of the two chairs in those locations. Similarly, there will be one plexiglass shield near the witness stand in the Bangor courtroom.

¹ See <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>.

3. Courtroom Occupancy

- a. The number of persons in the courtrooms at any point during the trial will be limited to 10 in Bangor and 15 in Portland. In the event that these numbers are exceeded, persons who plan to participate in or observe the trial may be directed to “overflow” rooms where they will be able to watch and hear the trial. Participants will be allowed to enter the courtroom at such time as their participation is necessary and the number of persons in the courtroom allows. Capacity of the “overflow” rooms will be limited in accordance with CDC guidelines.
- b. In general, the parties are limited to one lawyer per party in the courtroom during a trial. This limitation may be relaxed by the presiding judge on a case-by-case basis.
- c. All persons in the courtrooms, the “overflow” rooms, and attorney conference rooms must wear a mask or face covering at all times, except when (a) examining a witness; (b) testifying or addressing the Court; or (c) otherwise permitted by the Court.
- d. At all times during the trial, all persons must maintain a distance of at least six feet between themselves and all other persons.
- e. In general, attorneys and pro se parties may not use the lectern but must instead address the Court and examine witnesses while standing at counsel tables. Notwithstanding the foregoing, counsel and pro se parties may stand at the lectern to operate the Court’s electronic evidence presentation system. In such event, the lectern and the system controls will be cleaned after one attorney or pro se party finishes using them and before use by another attorney or pro se party.
- f. Hand sanitizer, disinfectant wipes, and non-latex gloves will be made available, and a face mask will be provided to anyone without one.
- g. In the event that more than one witness testifies, the Court will recess between witnesses to permit the witness stand and the microphone to be cleaned in accordance with CDC guidelines.
- h. The Court will provide bottled water for witnesses but will not provide pitchers of water on counsel tables. Instead, attorneys are permitted to bring water into the courtroom in personally owned containers. No other beverages are permitted in the courtroom.

4. Attorney Conference Rooms

- a. Conference rooms may be available to parties, but rooms will be assigned to specific parties for the day and the number of persons allowed in each room will be limited depending on the room size.
- b. Hand sanitizer, disinfectant wipes, and non-latex gloves will be made available in all conference rooms.
- c. The Court will arrange for a cleaning of the conference rooms on the day prior to the trial.

5. Effectiveness and Revision

- a. The rules and procedures contained herein may be adjusted at the discretion of the presiding judge.
- b. As noted above, the effective date of these rules and procedures is July 1, 2020. The Court anticipates reviewing and, as necessary, revising these rules and procedures at least once every 30 days based on current information.

APPENDIX A

**United States District Court
District of Maine**

In Re:)
)
COURT OPERATIONS UNDER)
THE EXIGENT CIRCUMSTANCES)
CREATED BY THE COVID-19) GENERAL ORDER 2020-7
CORONAVIRUS & RELATED)
PANDEMIC PRECAUTIONS:)
THE USE OF FACE COVERINGS)
OR MASKS IN COURT FACILITIES)

GENERAL ORDER

This General Order is the seventh general order issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine (March 2020)*.¹ This General Order requires the use of face coverings or masks in the District’s courthouses. Accordingly, as of June 1, 2020, there will be four General Orders in effect: General Order 2020-4, General Order 2020-5, General Order 2020-6, and General Order 2020-7.

The Court hereby adopts and incorporates the findings made in its previous General Orders as to the threat to public health and safety presented by the COVID-19 pandemic. The Court further finds that the national emergency declared by

¹ The first General Order continued all civil and criminal (grand and petit) jury selections and jury trials through April 30, 2020, subject to further extension. *See* General Order 2020-1 (D. Me. Mar. 13, 2020). The second General Order superseded and replaced the first General Order. *See* General Order 2020-2 (D. Me. Mar. 18, 2020). It addressed the scope of in-court operations and related matters including jury (grand and petit) matters, scheduling and deadlines in criminal and civil cases, and the availability of telephone conference and video teleconference proceedings. *See id.* The third General Order complemented the second General Order. *See* General Order 2020-3 (D. Me. Mar. 25, 2020). It provided for the use of telephonic hearings in criminal cases, including changes of plea and sentencing hearings in certain cases. *See id.* The fourth General Order partially superseded the second General Order and fully superseded the third General Order. *See* General Order 2020-4 (D. Me. Mar. 31, 2020). It authorizes telephone conferencing and video teleconferencing, under certain circumstances and with the consent of the defendant, for various criminal case events during the COVID-19 pandemic. *See id.* The fifth General Order addresses the scope of in-court operations and related matters including jury (grand and petit) matters, scheduling and deadlines in criminal and civil cases, and the availability of telephone conference and video teleconference proceedings. *See* General Order 2020-5 (D. Me. Apr. 29, 2020). The sixth General Order addresses the Court’s procedures for emergency requests for compassionate release pursuant to Section 603 of the First Step Act, 18 U.S.C. § 3582(c) and (d). *See* General Order 2020-6 (D. Me. May 11, 2020).

President Donald J. Trump and the state of emergency declared by Maine Governor Janet T. Mills remain in effect.

The Centers for Disease Control and Prevention and other public health authorities have advised taking precautions to slow the spread of COVID-19, including recommending the use of face coverings or masks in public settings. Accordingly, to protect public health and safety, it is hereby ordered that:

A. Face Coverings and Masks

1. All persons seeking entry to, or occupying, the Edward T. Gignoux Courthouse in Portland, the United States Bankruptcy Court in Portland, or the third floor of the Margaret Chase Smith Federal Building in Bangor must wear a face covering or mask.
2. The Court will provide masks to its employees and those visitors entering the courthouses who do not have a mask.
3. Face coverings and masks are not required for children under age 2, anyone who has trouble breathing or related medical conditions, or anyone who is unable to remove the mask without assistance. A person who cannot wear a face covering or mask because of a medical condition is not required to produce medical documentation of the condition, except that the Court may require such documentation from an employee in accordance with state and federal law.
4. Face coverings and masks must cover the nose and mouth; fit snugly but comfortably against the side of the face; be secured with ties or ear loops; have multiple layers of fabric; allow for breathing without restriction; and either be disposable or be able to be laundered and machine dried without damage or change to its shape.
5. If the Court is unable to provide a mask for any reason, the employee or visitor will be asked to contact the office to be visited by telephone to explore alternatives to entering the Courthouse.
6. Face coverings and masks must be worn in publicly accessible areas such as court security screening entrances, hallways, courtrooms, conference rooms, and elevators, as well as in any area where at least six feet of social

distancing cannot be maintained. If the wearer is a court employee who is alone in a private office, cubicle, or workspace where at least six feet of physical distance from other persons can be maintained, the wearer may temporarily remove the mask.

7. This General Order does not address or control the wearing of face coverings or masks within a courtroom during a judicial proceeding.

B. Effectiveness; Termination. This General Order takes effect at 11:59 p.m. on June 1, 2020 and shall remain in effect until 11:59 p.m. on December 31, 2020, unless terminated sooner.

SO ORDERED.

Dated: June 1, 2020

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