

United States District Court

District of Maine

Plan for District-Wide Assignment of Civil Cases

I. The Plan¹

The purpose of this Plan is to outline how the Court will assign and conduct proceedings in civil cases filed in this District.

II. Commencement of Action

Parties will continue to file civil cases according to the venue requirements set forth in Local Rule 3(b):

“Maine constitutes one judicial district. Court shall be held at Bangor and Portland. The filing party shall file each new action in Bangor or Portland, and the latter shall ordinarily be tried in Bangor or Portland, by reference to the county in which a substantial part of the events or omissions giving rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated. Cases arising in the counties of Aroostook, Franklin, Hancock, Kennebec, Penobscot, Piscataquis, Somerset, Waldo and Washington shall be filed and ordinarily tried at Bangor. Cases arising in the counties of Androscoggin, Cumberland, Knox, Lincoln, Oxford, Sagadahoc and York shall be filed and ordinarily tried at Portland. However, the Clerk shall assign those cases arising out of Kennebec County, in which the State of Maine is either a plaintiff or a defendant, to the Judges of the Court by lot, in such manner that each judge shall be assigned an equal number of said cases [1]. Those Knox County cases brought by inmates at the Maine State Prison in Warren, which would ordinarily be filed in Portland, are to be filed in Bangor.”

This Plan applies to all civil cases except for the following:

- New civil cases accompanied by a motion for a temporary restraining order will be assigned to a Judge in the location where the case is filed.

¹ On July 1, 2010 the Court conducted an eighteen-month District-Wide Case Assignment Pilot Plan. On January 1, 2012, the Court adopted the Pilot Plan as permanent.

- Cases arising out of Kennebec County in which the State of Maine is a party, appeals from decisions of the U.S. Bankruptcy Court to a District Judge of this Court, and New Hampshire and Rhode Island cases referred to this Court due to the recusal of the Judges in those Districts will be randomly assigned among the District Judges so that each Judge is assigned an equal number of cases in accordance with Local Rule 3(b).
- Cases involving international child abduction pursuant to the Hague Convention shall be assigned to a District Judge in the location where the case is filed.
- Cases filed pursuant to Title 28, U.S.C. Section 2255 will be directly assigned to the District Judge who sentenced the defendant in the related criminal case.
- Any case transferred by the Judicial Panel on Multidistrict Litigation to a District Judge in the District of Maine pursuant to Title 28, U.S.C. Section 1407 will be directly assigned to the Judge to whom such actions are assigned.

III. Assignment to a District Judge²

The Court will randomly assign civil cases among all the District Judges except as otherwise provided for in this Plan. Generally, cases will be assigned to a District Judge without regard to the location in which the case was filed.

IV. Referral Judge Assignments³

Cases will ordinarily be randomly referred to the Magistrate Judges in this District unless otherwise noted below:

- Two thirds of Social Security Appeals will be referred to the Magistrate Judge in Portland and one third will be referred to the Magistrate Judge in Bangor.⁴

² To the extent a judge is not recused at the time of assignment.

³ On November 25, 2014 this Plan was modified to reflect Magistrate Judge Referral assignments. On June 1, 2017 this Plan was revised to reflect that civil cases will be randomly referred to the Magistrate Judges of this District without regard to location in which the case was filed.

⁴ Prior to June 1, 2017, all Social Security Appeals were referred to the Magistrate Judge in Portland. To the extent that more than sixteen appeals were ready for oral argument in a given quarter, then those cases in excess of sixteen were referred for oral argument to the Magistrate

- Non-prisoner pro se cases filed in Bangor will be referred to the Magistrate Judge in Bangor, and those filed in Portland will be referred to the Magistrate Judge in Portland.
- All habeas cases, which include 2254s and 2255s cases, and prisoner civil rights cases will continue to be referred to the Magistrate Judge in Bangor.

V. Court Proceedings

A Judge will ordinarily hold proceedings in the venue in which the case was filed; however, some proceedings may be conducted by video or telephone conference depending on the circumstances.

VI. Final Pretrial Conferences and Trial Planning

The Court will prepare and publish civil trial lists containing Portland and Bangor cases.⁵ Cases will be scheduled for trial following the final pretrial conference depending on length of trial, courtroom availability, the demands of the criminal caseload and the Judges' schedules. To the extent possible, cases will be placed on the trial lists in docket number order so that the oldest cases are tried first. Cases filed in Bangor will be tried in Bangor and cases filed in Portland will be tried in Portland as required by Local Rule 3(b) unless otherwise ordered.

Final pretrial conferences will ordinarily be conducted by the Magistrate Judge to whom the case has been referred. The Judge may conduct the conference in person or by video or telephone conference.

Upon consent, cases scheduled for jury selection in Bangor will be impaneled by the Magistrate Judge in Bangor; cases scheduled for jury selection in Portland will be impaneled by the Magistrate Judge in Portland.

Judge in Bangor or continued to the next oral argument session before the Portland Magistrate Judge.

⁵ In March of 2015, the Plan was modified to reflect that Judges no longer issue separate trial lists for the cases assigned to them.