

## Maine Human Rights Commission

### Practice tips!

- MHRC Office:
  - If you would like to use conference room space before or after IRCs/FFCs/mediations/conciliations, etc., please do not assume that there will be available conference room space at the MHRC. Instead, please schedule room use ahead of time with the person who arranged the meeting, or contact Brittany Bourgeois-Munzing at (207) 624-8726.
  - The MHRC office closes at 5 p.m. You will be asked to leave at that time.
  - Directions can be found at this link: <http://maine.gov/mhrc/about/visitor.htm>
  
- Generally:
  - Nondisclosure agreements
    - Must be signed by parties, not counsel. In-house counsel is acceptable to sign on behalf of a party.
    - Until the MHRC receives Respondent's signed nondisclosure agreement, anything disability-related will have to be redacted. We do not automatically send an unredacted copy of the complaint unless you request one.
    - Please do not bury this document in a pile of pleadings/papers.
  - Attorney's Entry of Appearance
    - We require a specific entry of appearance, though it can be by email.
    - If there are multiple respondents in a case, please identify which one(s) you represent.
    - If you can submit an entry of appearance early after Respondent receives notification of the complaint, this will speed up your receiving documents from the Commission and MHRC processing.
  - When you submit paperwork to us, please...
    - **Do** write the case name on every filing (including A-, B-, C-, etc., if applicable) and demarcate exhibits using separators, tabs, etc.
    - **Don't** use staples or spiral/other bindings OR double-sided pages (they make copying difficult).
    - Limit background information (some information is helpful for context, but keep in mind that the MHRC can only investigate complaints based on discrimination that occurred in the last 300 days).
    - If you send a CD/USB, etc., use an easily accessible format and include a copy.
  - Mediation
    - If you have questions about mediation, contact the mediator or Brittany Bourgeois-Munzing (207) 624-8726.
    - When sending in a check for mediation, indicate the case number and which party the check covers.

- You cannot choose a mediator.
- After a case is with an investigator...
  - If the investigator specifically asks for a statement, provide one!
  - Please check with the investigator regarding how they prefer to receive submissions.
  - Be sure to tell the investigator ahead of time if a witness requested for a conference no longer works for Respondent. This will allow the investigator time to locate the witness.
  - If you need to request an extension, contact the investigator as far ahead of time as possible.
  - Don't bring uninvited people to conferences. If there is someone you would like to bring, speak with the investigator/mediator ahead of time.
  - Don't rely on just a narrative; provide evidence. Although a narrative is helpful for the investigator in terms of understand each side's perspective, providing actual documentary evidence allows the investigator to make findings based on fact.
- Complainants:
  - Complainant should clarify their claims. For example, if Complainant alleges sex discrimination, identify Complainant's sex. If Complainant alleges disability discrimination, identify the disability, state why it is a disability under the Maine Human Rights Act, and provide evidence.
  - Please do not use tables, charts, or boxes in detailing the particulars of the complaint.
  - Until the MHRC issues an investigator's report in your case, you may request a right-to-sue letter (after your case has been with the MHRC for 180 days) to go directly to court or withdraw your case, and the MHRC is required to comply with your request. However, after the MHRC issues an investigator's report in your case, the MHRC has discretion as to whether to grant your request and usually will choose not to do so.
- Respondents:
  - If Complainant does not identify Respondent by its correct legal name, ask Complainant to amend their complaint to use the correct legal name. Respondent's name cannot be changed after a finding. The MHRC itself cannot change a Respondent's name.
  - If you are seeking to have a complaint administratively dismissed, you should answer the merits of the complaint at the same time that you are requesting dismissal. You may not be provided another opportunity to answer on the merits of the complaint if you choose not to do so at the outset.
  - The Respondent(s) cannot request to withdraw from the case on its own or on Complainant's behalf.
- Conciliation - If you have questions about this, contact Carrie McCarter at (207) 624-6296.