

MAINE STATE LEGISLATURE

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24th March 1917

To Honorable Carl E. Milliken, Governor of Maine
Re: Representing Oneself in Court

Senate Bill No. 268 provides as follows:

"Clerks of the Supreme Judicial Courts, clerks and recorders of the municipal and police courts and trial justices of the State shall not sell or deliver any blank writs or precepts bearing the seal of said courts and the signature of said clerks, recorders and trial justices, to any person except one who has been admitted as an attorney and counselor at law, and solicitor and counselor in chancery in accordance with the laws of this State."

Article I, Section 20 of the Constitution of Maine provides:

"In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself and his counsel, or either, at his election."

It is our opinion that the framers of the Constitution of Maine intended by this section to give to any individual in this this where the right of jury trial was involved, the privilege of conducting his own case and dispensing with the hiring of an attorney.

It guarantees to each citizen the right to say and do anything in his own behalf that he can have an attorney say or do for him. This applies as well to the starting of a suit by buying a writ as to any other part of the procedure connected with the case and any act that would infringe on this principle would violate this section of the Constitution. It would be a clear infringement of a person's right to do and say for himself anything that an attorney could say and do for him if there was any discrimination between what he could do as distinguished from what an attorney could do for him. The law which provides that an attorney can buy one writ and that an individual must buy a different sort of writ clearly discriminates and is a clear infringement upon the individual's right to conduct his own case.

Franklin Fisher
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