

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1847

6
7 S.P. 657

In Senate, January 4, 1984

8 Reference to the Committee on Judiciary. Ordered printed and sent down
9 for concurrence.

10 Approved for introduction by the Legislative Council pursuant to Joint
Rule 26.

JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Trafton of Androscoggin.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Increase the Number of Superior
18 Court Justices and District Court Judges.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 Sec. 1. 4 MRSA §101, as amended by PL 1973, c.
23 599, §1, is further amended to read:

24 §101. Constitution of court

25 The Superior Court, as heretofore established,
26 shall consist of ~~14~~ 17 justices and such Active Re-
27 tired Justices as may be appointed and serving on
28 said court, learned in the law and of sobriety of
29 manners. The Chief Justice of the Supreme Judicial
30 Court shall assign the Justices of the Superior Court
31 to hold the trial terms of said court. Whenever in
32 the opinion of the Chief Justice of the Supreme Judi-
33 cial Court it becomes necessary, he may designate a
34 Justice of the Supreme Judicial Court or any Active

1 Retired Justice of the Supreme Judicial Court or of
2 the Superior Court to hold a term of said Superior
3 Court, or may designate any of such justices or a
4 Justice of the Superior Court to hold one or more
5 sessions thereof, separate from the session presided
6 over by the justice holding the regular trial term.

7 Sec. 2. 4 MRSA §157, first ¶, as amended by PL
8 1983, c. 477, Pt. E, sub-pt. 1, §3, is further
9 amended to read:

10 The Governor, subject to review by the joint
11 standing committee of the Legislature having juris-
12 diction over judiciary and to confirmation by the
13 Legislature, shall appoint to the District Court 6
14 judges at large and 15 judges. At least one judge
15 shall be appointed in each district who shall be a
16 resident thereof, except that in District 3 there
17 shall be 2 judges appointed who shall be residents
18 thereof and except that in District 9 there shall be
19 2 judges appointed who shall be residents thereof.
20 Each shall have a term of office of 7 years. Each
21 judge shall receive an annual salary of \$42,086 and
22 the Chief Judge shall receive an annual salary of
23 \$43,186. The Chief Justice of the Supreme Judicial
24 Court shall designate one of the judges as Chief
25 Judge. Each judge shall be reimbursed for his ex-
26 penses actually and reasonably incurred by him in
27 performing his duties, upon presentation to the State
28 Controller of a detailed statement of such expenses
29 approved by the Chief Judge. The Chief Judge, with
30 the advice and consent of the Chief Justice of the
31 Supreme Judicial Court, shall designate one of the
32 District Court Judges as Deputy Chief Judge. The Dep-
33 uty Chief Judge shall receive compensation of \$500
34 annually in addition to his annual salary as District
35 Court Judge.

36 STATEMENT OF FACT

37 The Superior Court is Maine's trial court of gen-
38 eral jurisdiction and since 1973 has been staffed by
39 14 justices who serve throughout the State. The popu-
40 lation per justice in 1980 was 80,300, the 3rd high-
41 est ratio in the country for courts of general juris-
42 diction and far greater than the 31,700 national av-

1 erage. Significantly, Maine's attorney population has
2 dramatically increased during the past 10 years. The
3 number of attorneys statewide was recorded at 2,037
4 in 1982, compared with 1,236 in 1974, while the num-
5 ber of attorneys in the Attorney General's and the
6 District Attorneys' offices has risen by 131% and 61%
7 respectively since 1973.

8 Although the number of justices in this court has
9 remained static during the past 10 years, many
10 changes have occurred which directly impact the
11 court's workload. Some changes, such as laws concern-
12 ing unfair trade practices and consumer credit, as
13 well as the strict liability statute and the Tort
14 Claims Act, have generated much new case activity not
15 previously in existence. It is generally agreed
16 among judges and scholars that the composition of the
17 civil caseload has changed dramatically in recent
18 years. The average civil case is more complex, re-
19 quiring more judge time and expertise. Ten years ago,
20 multiple party cases involving multiple counsel were
21 the exception rather than the rule, but these cases
22 are no longer uncommon. The sheer volume of paper
23 submitted to the court has also risen dramatically,
24 perhaps due to both greater case complexity as well
25 as greater use of word processing in attorneys' of-
26 fices. Both civil and criminal motions are filed with
27 much more frequency than in previous years, taxing
28 the already limited judicial resources.

29 The Superior Court no longer benefits from having
30 Supreme Judicial Court Justices hearing Superior
31 Court matters. Prior to the late 1970's, Justices of
32 the Supreme Judicial Court often sat as single jus-
33 tices and handled many lengthy equity cases as well
34 as criminal post conviction review cases. This is no
35 longer the case as the Supreme Judicial Court work-
36 load requires the full-time attention of these jus-
37 tices.

38 Regardless of the cause, the reality is that Su-
39 perior Court filings have risen and the pending case-
40 load has skyrocketed. The number of new civil and
41 criminal case filings has increased by 25.9% and
42 36.5% respectively during the 1973-1982 period. The
43 number of new civil and criminal case filings has in-
44 creased by an average of over 1,000 cases each year

1 and the 17,668 cases pending at the end of 1982 re-
2 flect a caseload which is over 80% higher than the
3 1973 level. The Superior Court has been consistently
4 unable to dispose of its annual case filings which
5 necessarily has resulted in increasing levels of
6 pending caseload. Backlog reduction cannot be
7 achieved until dispositions exceed filings over a
8 number of years. Given the Superior Court's experi-
9 ence of the 10 years, reduction of pending caseload
10 appears to be an impossibility at the current judi-
11 cial staffing level despite the consistent increase
12 in productivity. Since 1980, each justice has dis-
13 posed of over 1,100 cases per year, compared to lev-
14 els of 1,000 or less in previous years. The pursuit
15 of increased judicial disposition rates is not with-
16 out cost, since the end result is that justices have
17 less time to devote to more thoughtful decision mak-
18 ing.

19 The District Court is Maine's trial court of lim-
20 ited jurisdiction and in 1982 was granted one addi-
21 tional judgeship, bringing the total number of Dis-
22 trict Court Judges to 21. Prior to that time, the
23 number of District Court Judges had stayed at 20
24 since 1973.

25 New legislation has increased the District Court
26 workload. For instance, in 1975, the Legislature
27 changed the designation of certain traffic offenses
28 from misdemeanors to infractions, which appears to be
29 an insignificant distinction. Cases which previously
30 had been handled summarily by a plea of not guilty,
31 a waiver of trial and pro forma finding of guilty and
32 an automatic appeal for a trial de novo in the Supe-
33 rior Court, now may involve lengthy recorded hearings
34 in the District Court. In 1979, the protection from
35 abuse statute was enacted, generating over 1,500 new
36 case filings by 1982. Another instance is the "single
37 trial law," which resulted in rules being promulgated
38 by the Supreme Judicial Court requiring that all pre-
39 trial motions in cases transferred for trial to the
40 Superior Court be made, heard and determined in the
41 District Court.

42 The District Court handles many types of proceed-
43 ings which have become more complex over the years,
44 such as mortgage foreclosures, termination of paren-

1 tal rights and divorces. Coupled with the more fre-
2 quent occurrence of contested custody, previously
3 perfunctory divorce hearings can now consume hours or
4 days of judicial time. It is likely that District
5 Court Judges will now be handling increasingly com-
6 plicated civil litigation in future years, due to a
7 recent increase in the court's monetary jurisdiction
8 from \$20,000 to \$30,000.

9 While an assessment of the precise statistical
10 impact of these changes is difficult, aggregate sta-
11 tistics indicate that although the number of filings
12 has decreased from the peak reached in 1980, District
13 Court caseload is still 34% higher than in 1973. The
14 number of civil violations and traffic infractions
15 have declined as a proportion of the total caseload
16 and other time-consuming types of cases have risen
17 accordingly.

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