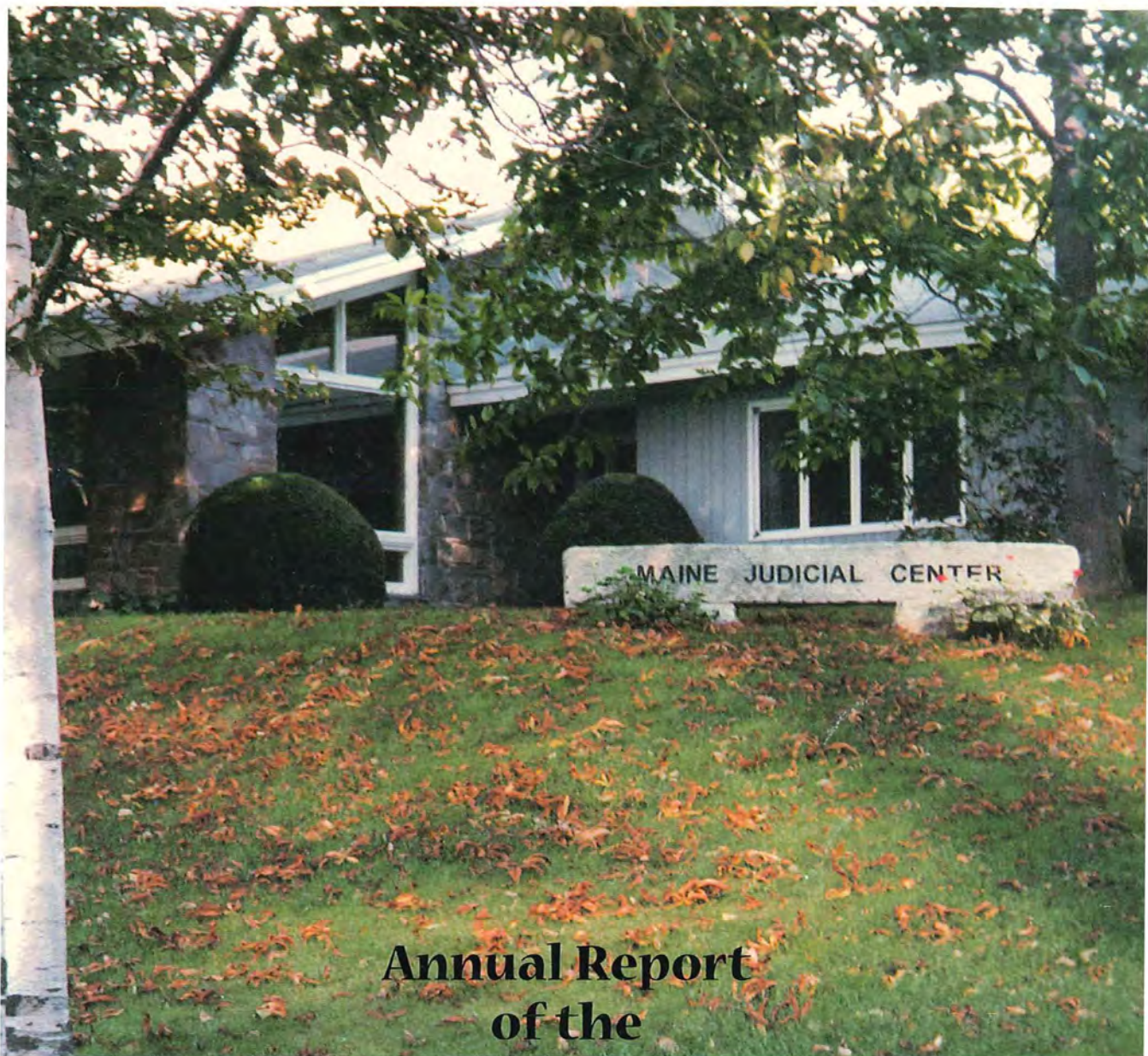


MAINE STATE LEGISLATURE

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**Annual Report
of the**

**State of Maine
Judicial Branch**

**Fiscal Year 1996
July 1, 1995 to June 30, 1996**

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About the Cover:

The cover photo shows the new Maine Judicial Center in Augusta, a symbol of change in the Maine courts.

Formerly a private residence, it was donated to the Judicial Branch of government in 1995 by Elsie P. Viles, pictured above between Governor Angus S. King, Jr. and Chief Justice Daniel E. Wathen.

After minor renovations, the Center was formally opened on May 17, 1996.

Editor: Sherry A. Reed

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Mission:

*To administer justice by providing an accessible, efficient
and impartial system of dispute resolution that serves the
public interest, protects individual rights, and instills
respect for the law.*

Table of Contents

- 2 Transmittal Letter from State Court Administrator
- 4 Message from the Chief Justice
- 6 State Court Caseload Summary
- 8 Supreme Judicial Court Report
- 9 Superior Court Report
- 12 District Court Report
- 14 Administrative Court Report
- 15 Fiscal Report
- 16 Providing Justice in Today's World
- 24 Maine Judicial Branch — Facts in Brief



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Administrative Office of the Courts

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State Court Administrator
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FAX: (207) 822-0781

January, 1997

Honorable Daniel E. Wathen, Chief Justice of the Supreme
Judicial Court

Honorable Angus S. King, Jr., Governor of Maine
Members of the 117th Maine Legislature

Ladies and Gentlemen:

It is a privilege to submit this annual report documenting a year of considerable change and improvement for Maine's Judicial Branch of government. This was a year that saw all of state government responding to the challenge to identify ways to function in a more productive and efficient manner. The court system participated in this process and identified several areas where improvements could be achieved, and changes were instituted accordingly. For the most part, however, the results showed a streamlined operation functioning well because of its dedicated and hard working staff.



James T. Glessner
State Court Administrator

During the year numerous teams continued to work in areas essential to the improvement of services provided to the public. These teams are comprised of employees of the court system and others who are willing to offer their time for the betterment of the system. The Judicial Branch Performance Council assumed responsibility for developing a strategic plan which will serve as the basis for the work of its appointed teams.

Communication improvements were seen in a variety of areas. The Judicial Branch Newsletter developed into an even more attractive and effective vehicle for chronicling court activities. The regional meeting program continued to bring together court employees from around the state. The expansion of technology, most notably the widespread use of e mail, made it much more convenient for staff to stay in contact with each other as they addressed court issues. These improvements in communication ultimately resulted in improvements in the way the Judicial Branch strives to achieve its mission.

We hope that you will find this report to be both informative and interesting. Thanks to all of those who contributed to the report, especially Sherry Reed our editor.

Sincerely,

A handwritten signature in cursive script that reads "James T. Glessner".

James T. Glessner
State Court Administrator

State of Maine Judicial Branch



◆ **Mission**

To administer justice by providing an accessible, efficient and impartial system of dispute resolution that serves the public interest, protects individual rights, and instills respect for the law.

◆ **Vision**

◆ **Public Service**

The Judicial Branch will:

- provide appropriate facilities, equipment, and personnel to deliver judicial services required by the public;
- continuously gather, analyze, and utilize information from all sources concerning the actual needs of Maine citizens;
- eliminate inconsistency, needless complexity, waste and delay;
- eliminate barriers to accessibility, whether those barriers are physical, economic, procedural or otherwise;
- institute uniform and simplified procedures and inform the public about those procedures in a format that is readily available and easily understood.

◆ **Judges and Staff**

The Judicial Branch will:

- provide training to enable all employees to perform their tasks and fulfill their potential;
- motivate employees by encouraging and recognizing their contributions; and,
- provide a work environment that promotes employee productivity and well-being.

◆ **Court Management**

The Judicial Branch will:

- maintain the degree of financial and operational independence that is necessary for the proper performance of its separate constitutional obligations;
- maintain systems to ensure financial and operational accountability;
- institute uniform and coordinated internal operating procedures;
- develop and maintain a system of reciprocal communication with employees, those involved in the justice system, the other branches of government, and the public;
- rely on teamwork and participation by employees in management decision-making;
- systematically evaluate new technologies and implement those appropriate for use in the courts;
- develop and utilize objective standards for the measurement of performance; and,
- plan for the future.

◆ **Guiding Principles**

The Judicial Branch will:

- strive to make justice accessible to all;
- treat everyone with respect, dignity, and courtesy;
- work as a team and encourage and recognize the contributions of all employees;
- communicate public information openly and effectively;
- provide employees with opportunities for continuous learning, growth and advancement; and,
- provide the service that will best serve the public.

Message from the Chief Justice



*Daniel E. Wathen
Chief Justice, Supreme Judicial Court*

Nationally, it has been suggested that state court systems confront five major issues as we approach the next century and the new millennium. In order of importance, courts are challenged to perform as an organization, to open access to the justice system, to develop the capacity to respond to a rapidly changing social environment, to secure and manage scarce resources, and to build relationships with the communities that we serve.

I am pleased to report that here in Maine strong initiatives are underway in each of these categories and significant accomplishments have occurred during this year. I mention only a few.

1996 witnessed the most extensive program of judicial education, both in-state and out-of-state, in the history of Maine's judiciary. This unprecedented accomplishment was made possible by a number of private and federal grants and scholarships.

At the same time, we aggressively moved to modernize Maine courts through the use of technology. Every judge is now equipped with a personal computer and we have begun a two-year process to construct and deploy a computerized court management system that will permit us to measure court performance and improve it.

Faced with drastic reductions in federal funding for legal service providers and an ever increasing number of civil litigants who are unable to afford legal representation, the courts of Maine have worked to assure that the courthouse door remains open to all. Working with the bar, legal service providers, businesses, and members of the community, we seek to continue and improve the delivery of legal services and courthouse assistance to those in need.


In response to changing circumstances, this year has seen the beginning of a Family Court with the addition of two judicial positions in the District Court to permit a more timely response to a growing number of child protection cases. Groups convened by the Judicial Branch considered the role of the courts in protecting children and have identified additional opportunities for making the courts a friendlier place for families.

With the cooperation of the Governor and Maine's Legislature, the Judicial Branch secured a budget that, although remaining modest in comparison with other states, permits the continuation of needed court services and a measured program of improvement. Never has there been a better working relationship between the three branches of Maine's government. Slowly, Maine is addressing the need for new courthouses and construction began on new District Court buildings in Skowhegan and Biddeford.

Finally, through means as diverse as the Dirigo Project, cable television, the Internet, and participation in community affairs, courts have strengthened the process of communicating with the public regarding legal issues of daily concern.

These are challenging times and courts are increasingly involved in all aspects of the life of a community, ranging from the global economy to the most intimate aspects of family life. An appropriate response requires a careful blend of tradition and innovation.

This Annual Report documents the efforts of Maine's third branch of government to provide justice in today's world and to lay the foundation for an improved future.


Daniel E. Wathen
Chief Justice, Supreme Judicial Court

The Maine Judicial Center

From Renovations...



Symbol of Change

The new Maine Judicial Center at 65 Stone Street in Augusta is indeed a symbol of change.

Formerly a private residence, it was donated to the Judicial Branch of government in 1995 by Elsie P. Viles. After minor renovations, it was formally opened on May 17, 1996.



The Judicial Center is a large, nontraditional, ranch-style building near the center of Augusta and the State House in a handsome setting of trees and lawn. It is the first time in Maine history that the third branch of government has been recognized by the existence of its own state center — serving as a hub for providing and receiving information, enabling communication to flow throughout the court system and the state.

to dedication...



The Center is also a symbol because it represents a public spirited donation to the state and the courts, benefiting everyone by helping prepare the Judicial Branch for a new century.

It is the central meeting place for judges, staff and a number of task forces, as well as volunteer citizen committees such as the Dirigo Project which was created during 1996.

to reality...



It is the center for the equipment and personnel in the technological revolution which is now moving the entire court system from the quill pen to the computer.

It is the focal point for the planning and execution of responses to meet the challenges of rapid social change.

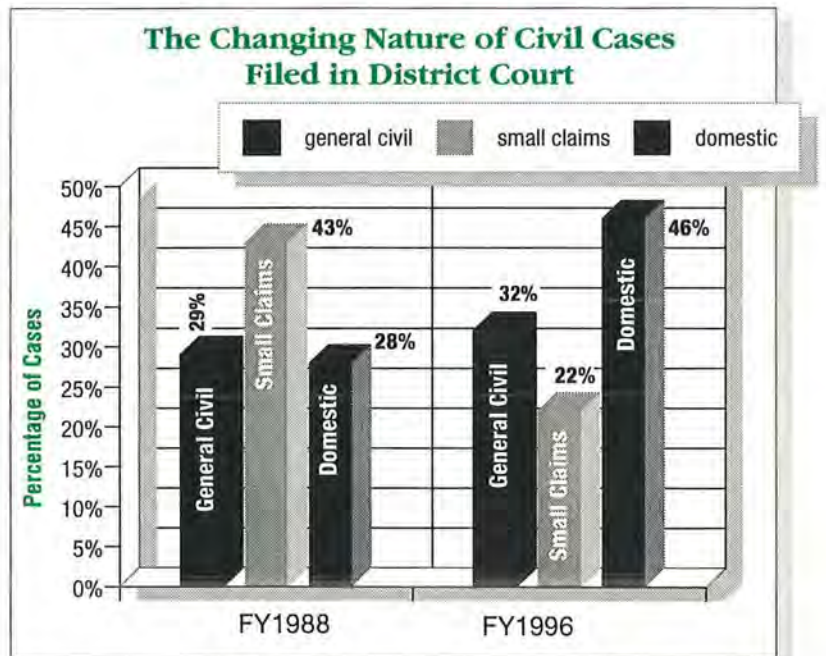


State Court Caseload Summary

Caseloads throughout Maine's state court system have undergone significant changes during the past several years. There are characteristic differences in today's court caseload compared to that of the past, but these changes are difficult to quantify; statistics cannot demonstrate the increased complexity of civil litigation, and it is often impossible to document the actual impact of new legislation each year. The graph below illustrates an example of the shift in demands on the Courts of Maine that simple case counts do not reveal. Over the past several years, complex and time-consuming domestic cases (divorce, family matters, protection from abuse, protection from harassment, child protective and mental health) have become an increasing percentage of Maine's civil caseload, while simpler small claims cases have been reduced. This shift exemplifies the demands on the Courts to respond to pressing social problems.

In the Supreme Judicial Court, FY'96 filings decreased by 14.9% compared to FY'95 following a dramatic increase due to the nearly tripling in filings of Worker's Compensation cases during FY'94. There were 841 cases filed and 800 cases disposed of in FY'96.

The Superior Court is the state's court of general jurisdiction. There were 16,274 cases filed in FY'96, of which 4,915 (50%) were civil. Of the 5,534 civil dispositions during FY'96, 37.5% were dismissed by agreement of the parties (Rule 41(a)). There were 176 civil jury trials and 241 civil non-jury trials during the year.



The number of criminal filings (counted by docket number) in the Superior Court was 11,359 in FY'96, a 5.4% decrease compared to FY'95. Nearly fifty percent of all criminal case filings were transfers from the District Court. The 3,473 cases involving Class A, Class B and Class C crimes (formerly classified as felonies) constituted nearly thirty percent of the Superior Court's criminal caseload. A total of 54.5% of all dispositions were convictions, while dismissals by the District Attorney accounted for 24.4%. Of the 6,472 convictions, 6,190 (95.6%) were by a plea of guilty. There were 412 criminal jury trials and 45 jury-waived trials during the year.

The state's non-jury trial court is the District Court. The Court experienced a slight decrease in caseload, with 230,510 filings (including traffic infractions) in FY'96, a 1.3% decrease from FY'95. Criminal filings (80,131) decreased by 1.1% from the previous year, civil filings (42,319) decreased by 3.8%, and civil violations increased by 12.8% to 9,202. Traffic violations received at the District Court Violations Bureau were 98,858 compared to 100,421 in FY'95.

The Administrative Court has jurisdiction over the suspension and revocation of administrative agency licenses. Almost all (97%) of this Court's caseload originates from the Bureau of Liquor Enforcement. In FY'96, filings in the Administrative Court, a total of 304, decreased by 17% from the level reported in FY'95.

Maine Judicial Branch Caseload Summary

	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96
LAW COURT (a)										
Filings	565	528	(a)	540	622	646	652	1,036	958	841
Dispositions	492	542	(a)	517	618	573	544	889	732	800
SUPERIOR COURT										
Filings (b)	17,697	18,162	18,805	20,638	19,793	19,190	18,330	17,649	17,469	16,274
Dispositions	17,502	16,886	18,325	19,967	19,484	19,484	18,839	18,116	17,077	17,194
DISTRICT COURT										
Local Courts										
Filings	293,896	321,557	325,560	315,123	307,776	216,830	138,110	128,168	133,125	131,652
Dispositions	277,556	306,491	310,269	305,404	300,259	226,921	136,878	126,029	129,352	128,913
Violations Bureau										
Filings	—	—	—	—	—	57,418	94,796	99,432	100,421	98,858
Dispositions (c)	—	—	—	—	—	not avail.	not avail.	not avail.	100,458	110,971
TOTAL DISTRICT COURT										
FILINGS	293,896	321,557	325,560	315,123	307,776	274,248	232,906	227,600	233,546	230,510
DISPOSITIONS	277,556	306,491	310,269	305,404	300,259	not avail.	not avail.	not avail.	229,810	239,884
ADMINISTRATIVE COURT										
Filings	339	283	357	357	423	454	336	358	366	304
Dispositions	309	286	350	377	404	415	324	321	494	332
TOTAL CASELOAD										
Filings	312,497	340,530	(a)	336,658	328,614	294,538	252,224	246,645	252,369	247,929
Dispositions (d)	295,859	324,205	(a)	326,265	320,702	not avail.	not avail.	not avail.	248,113	258,210

(a) Due to the recordkeeping system used in the Law Court, and the transition from a calendar year to a fiscal year annual report, figures for FY'89 are not available. Only calendar year figures were available until FY'93; FY'90 = 1989 calendar year, FY'91 = 1990 calendar year, FY'92 = 1991 calendar year.

(b) Superior Court criminal filings counted by docket number.

(c) Disposition data for the JBVB is unavailable for FY'92, FY'93 and FY'94.

(d) Total disposition count for FY'92 through FY'94 has not been calculated due to unavailability of data from the JBVB.

The Supreme Judicial Court



Supreme Judicial Court: (front row) David G. Roberts, Daniel E. Wathen, Caroline D. Glassman; (back row) Howard H. Dana, Jr., Robert W. Clifford, Paul L. Rudman, Kermit V. Lipetz

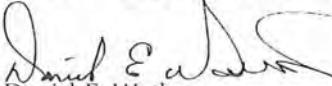
The appellate caseload of the Supreme Judicial Court of Maine continues at record levels – nearly double the numbers experienced as recently as 1991. Although this year was marked by a slight increase in the number of workers' compensation cases, civil case filings declined, after a one year peak, to a more normal level. The Court achieved a remarkable 95% clearance rate (dispositions as a percentage of cases filed) that is very high by any standard. Appellate filings in Maine exceed the filings in most other states with a single court of last resort and no intermediate court of appeal. With

80 appeals per 100,000 population, Maine exceeds the rates experienced in comparable states, such as New Hampshire, Rhode Island, Montana, Delaware, South Dakota, and Wyoming, that do not have an intermediate court of appeals.

This exemplary level of performance was enhanced in the current year by improving the procedure for preparing trial transcripts and appellate records. The Court continued to focus on other avoidable causes of delay. For example, opportunities for delay in the preparation of briefs in child protection cases was limited and such cases received priority in the hearing schedule. Aggressive and continuous management of the appellate docket is essential if the Court is to continue to provide justice without delay.

Once again it is worth noting that a very small percentage of all appeals result in any change in the original judgment. Maine's trial courts handle one quarter of a million cases per year, and only approximately one hundred of those cases required correction in FY '96.

Although numbers and statistics are important, we must never forget that courts exist solely to protect people. The business of the Supreme Judicial Court of Maine is the administration of justice – nothing more, nothing less.


Daniel E. Wathen

Chief Justice, Supreme Judicial Court

Maine Law Court Filings and Dispositions

	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96	%Chg.'87- FY'96	%Chg.'95- FY'96
CIVIL												
Worker's Comp.	—	—	—	—	—	59	154	448	165	258	—	56.4%
Other Civil	—	—	—	—	—	315	321	408	615	383	—	—
TOTAL CIVIL FILINGS	363	328	339	414	416	374	475	856	780	641	76.6%	-17.8%
Worker's Comp. Dispositions	—	—	—	—	—	61	81	280	205	224	—	9.3%
Civil Dispositions	326	344	316	432	369	341	297	423	371	394	20.8%	6.2%
TOTAL CIVIL DISPOSITIONS	326	344	316	432	369	402	378	703	576	618	89.6%	7.3%
Criminal Filings	202	200	201	208	230	177	177	182	208	200	-1.0%	-3.8%
Criminal Dispositions	166	198	201	186	200	169	166	186	156	182	9.6%	16.7%
TOTAL - FILINGS	565	528	540	622	646	551	652	1,038	988	841	48.8%	-14.9%
TOTAL - DISPOSITIONS	492	542	517	618	573	571	544	889	732	800	62.6%	9.3%

(a) Worker's Compensation caseload tracked separately beginning in calendar year 1992, due to changes in law; previously included in total civil filings.

The Superior Court



*Ronald A. Cole
Chief Justice, Superior Court*

During this last year, the 16 justices of the Superior Court have been assigned lap top computers and are learning how to use them with differing levels of success. Plans to computerize the Superior Court are proceeding with the first steps to implement the Court Management System to commence in the fall of 1996.

The single justice assignment project is now permanent in Cumberland County and the success of this project is directly attributable to the efforts of former Superior Court Justices Kermit V. Lipez, and William S. Brodrick and present Justices Carl O. Bradford, G. Arthur Brennan, Nancy Mills and Leigh I. Saufley.

The Alternative Dispute Resolution Pilot Project has been in effect since July 1, 1995 and will terminate on July 1, 1997 in Aroostook, Androscoggin, Kennebec and Sagadahoc Counties. All of the data from this project will be accrued and analyzed and the results will surely be instrumental in developing a statewide use of ADR in the future. Already an expansion of the use of the ADR process is taking place in the Superior Court with the law changes requiring ADR in land use and environmental disputes and the implementation of the Court Alternative Dispute Resolution Service (CADRES).

The retirement of Lucille Lepitre, Clerk of the Cumberland County Superior Court and transfer to the Office of Information Technology by Lynda Haskell, Clerk of Franklin Superior Court have resulted in major changes in both of these courts and the dedicated service of these clerks is hereby acknowledged.

The court's response to the Productivity Realization Task Force was to achieve more efficient use of traverse and grand juries statewide with a resulting savings to the taxpayers of these costs in an amount in excess of \$40,000 in 1996.

The efficient processing of cases in the Superior Court has been due to the hard work and dedication of the clerks, judicial secretaries and other court personnel, as well as the 16 Superior Court Justices. This effort has resulted in the number of dispositions exceeding filings for the Superior Court statewide over the last year.

A handwritten signature in black ink, appearing to read 'Roland A. Cole'. The signature is fluid and cursive.

*Roland A. Cole
Chief Justice, Superior Court*

Superior Court Civil Filings

Case Type	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96
CIVIL CASES										
Damages	467	466	497	533	407	457	398	607	685	501
Personal Injury	1,332	1,310	1,465	1,353	1,285	1,195	1,217	1,143	1,144	1,156
Contract	1,086	1,402	1,500	1,542	1,536	1,095	931	715	644	729
URESA	390	454	439	377	408	284	252	343	456	99
Divorce	363	339	351	364	297	304	364	275	312	293
Rule 80B/80C Appeal	225	243	235	302	290	301	264	371	364	313
Appeal/Lower Court	366	483	501	753	1,166	1,380	1,175	310	287	349
Real Property Action	342	335	349	344	307	351	310	889	795	793
Equitable Action	801	1,142	842	596	228	296	299	276	290	293
Other	645	664	708	747	738	725	599	580	479	389
CIVIL TOTAL:	6,017	6,838	6,887	6,911	6,662	6,388	5,809	5,509	5,456	4,915

Superior Court Civil Dispositions

Type of Disposition	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96
STATE TOTAL										
Default Judgment	131	110	129	208	283	240	288	258	185	196
Rule 41 (a)	2,544	2,702	2,729	2,660	2,478	2,484	2,392	2,313	2,184	2,075
Rule 41 (b)	186	167	141	319	286	150	370	330	243	264
Dismissal	538	541	569	559	463	451	411	338	412	444
Summary Judgment	190	172	165	294	455	744	754	615	521	472
Final Order	476	456	575	708	716	610	517	570	427	401
Divorce Decree	257	328	313	295	302	290	232	164	198	246
Appeal Sustained	74	60	67	70	57	60	56	72	76	63
Appeal Denied	196	161	164	217	216	197	190	228	215	208
Court Judgment	132	122	124	106	103	196	148	193	163	196
Jury Verdict	201	221	202	187	183	113	128	192	151	159
Other	430	529	511	484	585	646	596	481	489	455
TOTAL	5,355	5,569	5,689	6,107	6,127	6,181	6,082	5,754	5,264	5,179



Superior Court: (front row) Andrew M. Mead, Paul A. Fritzsche, Thomas E. Delahanty, II, Donald G. Alexander, Roland A. Cole (Chief), Carl O. Bradford, G. Arthur Brennan, Margaret J. Kravchuk.
 (back row) William S. Brodrick (activated retired), Donald H. Marden, Robert E. Crowley, Leigh I. Sausfley, Nancy Mills, Francis C. Marsano, John R. Atwood, Susan W. Calkins, Stephen L. Perkins (activated retired).
 Absent from picture: Paul T. Pierson, William E. McKinley (activated retired), Ian MacInnes, (activated retired), Robert L. Browne (activated retired).

Superior Court Criminal Filings

Case Type	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96
CRIMINAL CASES										
Class A	511	467	501	540	495	434	450	422	426	342
Class B	911	959	1,191	1,216	1,183	1,161	924	901	928	869
Class C	2,211	2,231	2,517	3,030	2,893	2,747	2,468	2,541	2,295	2,262
Class D	2,725	2,467	2,677	2,987	2,904	2,929	3,053	2,932	3,249	2,816
Class E	1,301	1,098	1,173	1,314	1,465	1,386	1,342	1,204	1,205	1,243
Title 29	2,928	2,836	2,625	3,099	2,736	2,669	2,740	2,701	2,427	2,601
Other	1,352	1,508	1,574	1,980	1,815	1,827	1,824	1,731	1,759	1,559
CRIMINAL TOTAL: (counted by defendant)	11,939	11,566	12,258	14,166	13,491	13,153	12,801	12,432	12,289	11,692

Superior Court Criminal Dispositions

Type of Disposition	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96
STATE TOTAL										
District Court Bail Revised	233	338	341	412	345	313	241	208	203	154
District Court Bail Affirmed	65	78	92	112	127	96	87	86	71	59
Dismissed by Court	265	157	197	279	243	232	171	99	154	126
Dismissed by D.A. Rule 48(a)	3,161	2,717	3,013	3,129	3,225	3,127	3,269	2,932	2,673	2,904
Filed Case	141	149	201	194	135	314	419	434	627	696
Probation Revoked	378	505	541	654	664	750	740	800	784	736
Convicted — Plea	5,814	5,472	6,315	7,034	7,080	7,054	6,623	6,556	5,863	6,190
Convicted — Jury Trial	378	379	383	359	339	294	234	266	216	244
Convicted — Jury Waived Trial	120	104	107	99	63	40	67	56	63	42
Acquitted — Jury Trial	160	144	163	166	176	166	137	146	165	135
Acquitted — Jury Waived Trial	36	46	25	36	24	39	21	15	11	14
Mistrial	27	41	45	37	28	20	17	44	32	34
Other	877	573	592	681	748	740	670	723	632	549
TOTAL	11,655	10,703	12,015	13,192	13,197	13,185	12,696	12,365	11,494	11,883

FY'96 Criminal Dispositions Detail

CLASS	Convicted: Plea		Convicted: Trial		Acquitted: Trial		Dismissed by D.A.		Filed		Other *		TOTAL
	#	%	#	%	#	%	#	%	#	%	#	%	
A	187	56.0	25	7.5	17	5.1	87	26.0	0	0.0	18	5.4	334
B	593	71.1	30	3.6	10	1.2	176	21.1	5	0.6	20	2.4	834
C	1,746	75.1	45	2.0	27	1.2	435	18.7	40	1.7	32	1.4	2,325
D	1,373	46.3	69	2.3	49	1.7	973	32.8	387	13.1	114	3.8	2,965
E	671	52.8	21	1.7	11	0.9	405	31.9	137	10.8	25	2.0	1,270
TITLE 29	1,570	58.4	85	3.2	31	1.2	779	29.0	126	4.7	97	3.6	2,688
OTHER*	50	3.4	3	0.2	4	0.3	49	3.3	1	0.1	1,360	92.7	1,467
TOTAL	6,190	52.1	278	2.3	149	1.3	2,904	24.4	696	5.9	1,666	14.0	11,883

*Other dispositions include: bail revised/affirmed, mistrial, not guilty by reason of insanity, probation revoked, and miscellaneous. Of the 257 bail reviews included in the "other" category, 149 were revised, 59 were affirmed and 49 were otherwise disposed. Of the 909 probation revocation cases included in the "other" category, probation was revoked in 735 cases.

The District Court



*S. Kirk Studstrup
Chief Judge, District Court*

Fiscal Year 1996 was busy, as usual, for the District Court. The two judicial vacancies which existed at the beginning of the fiscal year were filled with the appointments of Judge Jon Levy in July 1995 and Judge Christine Foster in February 1996. We were fortunate to have these vacancies filled promptly in light of the growing demand on judge time from multi-day child protective hearings. Recognizing this problem, and as part of a plan to give even greater attention to the plight of children in jeopardy, the Legislature approved two new District Court judgeships to be filled after the beginning of FY'97. We particularly welcome the added judges because the court has now lost most of the active retired judges who previously had taken up the scheduling slack and provided necessary spot coverage. We lost the services of active retired Judge Robert Donovan when his term expired, and those of active retired Judge

Clifford Rourke due to illness. Their experience and many years of service to the court will be greatly missed.

Judicial meetings were held at the new Judicial Center in Augusta during September and May. The new facility is ideal for this function. In addition, we conducted judicial training sessions concurrent with the Maine State Bar Association meetings in July 1995 and January and June 1996. Individual judges took advantage of a variety of other training opportunities, including the General Jurisdiction course at the National Judicial College. The second annual Tri-State Judges Conference was convened last fall with judges from Maine, New Hampshire and Vermont.

The District Court continues to be well represented on various teams and committees addressing diverse issues confronting the Judicial Branch. One new issue is development of standards and criteria for training and certification of guardians ad litem. Deputy Chief Judge Andre Janelle is chairing a committee charged with making recommendations on this issue to the Supreme Judicial Court.

The former District Court Violations Bureau changed its name to the Maine Judicial Branch Violations Bureau, in order to reflect its larger use and potential. With 98,560 filings in FY '96, the Violation Bureau handled slightly fewer filings than the previous year, but posted an increase in fines collected (\$9,242,214). The Bureau continues its streamlined and efficient processing of traffic infractions for the benefit of the courts, the treasury and the citizens of Maine.

A handwritten signature in black ink that reads "Kirk Studstrup". The signature is written in a cursive, flowing style.

*S. Kirk Studstrup
Chief Judge, District Court*

District Court Caseload: Cases Filed By Type

CIVIL CASES	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96
Domestic:									
Divorce	7,377	7,395	7,320	7,207	7,139	7,037	6,966	7,018	6,639
Protection from Abuse	3,430	3,682	3,978	4,891	5,319	5,404	5,718	6,304	5,888
Protective Custody	554	580	506	557	647	665	628	722	792
Other Family Matters	1,360	1,359	1,377	1,305	1,342	1,633	2,067	2,155	2,440
Domestic: Sub Total	12,721	13,016	13,181	13,960	14,447	14,739	15,379	16,199	15,759
General Civil	17,505	17,944	19,896	19,987	17,936	15,997	14,328	13,868	13,487
Small Claims	26,012	27,582	29,740	18,558	11,033	9,997	10,071	10,274	9,772
Protection From Harassment	2,974	3,393	2,217	2,274	2,550	2,665	2,895	2,960	2,662
Mental Health	1,046	1,000	1,071	934	862	696	734	681	639
CIVIL: TOTAL	60,258	62,935	66,105	55,713	46,828	44,094	43,407	43,982	42,319
CRIMINAL CASES	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96
Juvenile	4,717	5,070	5,082	4,619	4,757	5,219	5,691	5,809	5,963
Criminal A,B,C	4,936	5,255	5,520	5,522	4,756	3,705	3,898	3,535	3,960
Criminal D,E	30,430	32,030	34,588	36,077	35,856	33,225	32,327	33,932	32,784
Traffic Criminal	67,548	70,911	68,373	57,591	45,972	35,699	35,104	37,706	37,694
Criminal: Total	107,631	113,266	113,563	103,809	91,341	77,848	77,020	80,982	80,131
TOTAL: CIVIL & CRIMINAL	167,889	176,201	179,668	159,522	138,169	121,942	120,427	124,964	122,450
Civ. Vio./Traffic Inf.	153,668	149,359	135,455	148,254	136,079	110,964	107,173	108,582	108,060
GRAND TOTAL	321,557	325,560	315,123	307,776	274,248	232,906	227,600	233,546	230,510



District Court Judges: (front row) Christine Foster, Michael N. Westcott, Bernard C. Staples, S. Kirk Studstrup (Chief), Andre G. Janelle (Deputy Chief), John V. Romei, Thomas E. Humphrey, Ronald A. Daigle; (middle row) Peter J. Goranites, Jeffrey L. Hjelm, Jon D. Levy, William R. Anderson, Douglas A. Clapp, Ronald D. Russell, Robert E. Mullen, Paul A. Cote, Jr., David B. Griffiths; (back row) John B. Beliveau, Joseph H. Field, James E. MacMichael, Joyce A. Wheeler (Administrative Court), Jane S. Bradley, RaeAnn French, John C. Sheldon, Alexander A. MacNichol.
Absent from picture: Courtland D. Perry, II, Jessie B. Gunther, Ellen A. Gorman.

The Administrative Court



*Administrative Court Judges:
Roland Beaudoin, Joyce A. Wheeler*

For Fiscal Year 1996, the primary caseload for the Administrative Court relating to its statutory jurisdiction continued to involve Bureau of Liquor Enforcement petitions (296 of 304 filings). The docket also included cases involving various administrative agencies such as the Department of Human Services and the Real Estate Commission, the Board of Osteopathic Examination and Registration. This statutory jurisdiction included both trial and appellate dockets.

The judges and staff of the Administrative Court provided major support for the Family Court Pilot Project in FY'96. This pilot project was created by the Legislature, implemented in 1991, and continued in full operation in 1996. Both judges of the Administrative Court expended a majority of their time managing, hearing and disposing of family law cases from both the District and Superior Courts in Cumberland County, and the clerical staff from the Administrative Court provided substantial direction and support for the project. Some cases from other counties were also involved in the project.

The Administrative Court judges and staff were also involved in providing time and resources to the non-family law District Court dockets. The judges heard matters on the full District Court dockets on a regular basis.

Roland Beaudoin
Chief Judge, Administrative Court

ADMINISTRATIVE COURT CASELOAD

	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96
Bureau of Liquor Enforcement										
Filings	327	279	350	348	418	442	328	342	352	296
Dispositions	299	281	344	369	399	407	316	314	478	324
Department of Human Services										
Filings	5	2	2	3	3	1	3	4	0	4
Dispositions	3	3	3	3	0	2	3	2	1	3
All Other - Filings	7	2	5	6	2	11	5	12	14	4
All Other - Dispositions	7	2	3	5	5	6	5	5	15	5
TOTAL - FILINGS	339	283	357	357	423	454	336	358	366	304
TOTAL - DISPOSITIONS	309	286	350	377	404	415	324	321	494	332

Fiscal Report

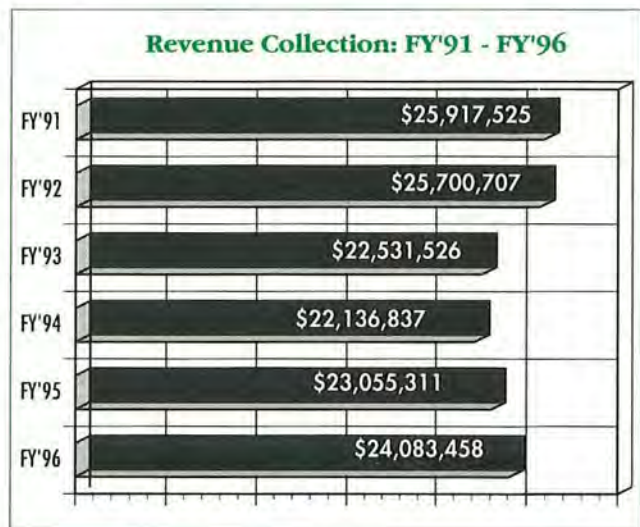
The Judicial Branch operates primarily from the State general funds appropriated by the Maine Legislature. It also receives some grants from public and private sources. With the cooperation of the Governor and Maine's Legislature, the Judicial Branch secured a budget which, although modest in comparison with other states, permits the continuation of needed court services and a measured program of improvement.

Expenditure Summary							
CATEGORY	FY'94	% of Total in FY'94	FY'95	% of Total in FY'95	FY'96	% of Total in FY'96	% Change '95-'96
District Court	\$10,745,760	34.3	\$11,377,714	34.4	11,261,557	33.1	-1.0
Superior Court	7,352,531	23.5	7,737,291	23.4	7,814,666	23.0	1.0
Indigent Legal Services	4,951,298	15.8	5,116,458	15.5	4,866,949	14.3	-4.9
Supreme Judicial Court	2,426,910	7.8	2,391,765	7.2	2,497,030	7.3	4.4
Administrative Office of the Courts	1,423,578	4.5	1,499,532	4.5	1,490,860	4.4	-0.6
Mediation	243,118	0.8	253,059	0.8	210,231	0.6	-16.9
Administrative Court	305,337	1.0	323,638	1.0	298,891	0.9	-7.6
Court Automation	569,298	1.8	727,994	2.2	884,146	2.6	21.4
State Court Library	169,020	0.5	190,094	0.6	192,376	0.6	1.2
Grants/Other Allocations (a)	547,788	1.8	723,120	2.2	1,336,931	3.9	84.9
Court Security Administration	876,804	2.8	1,267,022	3.8	1,155,613	3.4	-8.8
Court Appointed Special Advocate	106,300	0.3	105,064	0.3	77,889	0.2	-25.9
Judicial Council	4,568	0.0	2,856	0.0	1,464	0.0	-48.7
Judicial Responsibility & Disability	44,518	0.1	39,528	0.1	36,439	0.1	-7.8
Other Department Activities (b)	1,530,200	4.9	1,318,024	4.0	1,917,953	5.6	45.5
TOTAL	\$31,297,028	100.0	\$33,073,160	100.0	\$34,042,995	100.0	2.9

(a) Other monies expended during FY'96 were as follows:

- Augusta Mental Health Institute Master Agreement - \$87,902 (Maine Department of Human Services)
- Court Automation - \$155,409 (Bureau of Justice Assistance, through Maine Justice Assistance Council)
- Worker's Compensation Staff Attorney - \$44,388 (Worker's Compensation Board)
- Commission to Study the Future of Maine Courts - \$1,185 (State Justice Institute; Libra Foundation; National Institute of Dispute Resolution; Maine Bar Foundation)
- Cooperative IV-D Program - \$551,073 (Maine Department of Human Services)
- Alternative Dispute Resolution - \$18,350 (State Justice Institute)
- County Law Libraries - \$2143 (Maine Bar Association)
- Mediation - \$56,270 (State Justice Institute; Revenue Dedication)
- County Jail Operations Surcharge - \$397,401 (Revenue Dedication)
- District Court Building Fund - \$24,810 (State)

- (b)** In FY'95, \$1,224,016 (93%) represented annual bond principal and interest payments;
 In FY '96, \$1,805,152 (94%) of "other department activities" represented these payments.



PROVIDING JUSTICE IN TODAY'S WORLD AND LAYING THE FOUNDATION FOR AN IMPROVED FUTURE

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Challenges and Accomplishments: FY '96

As the third branch of Maine State government, the Maine courts have had the same broad mission for more than 175 years. The basic function of the courts, clearly set by the Maine Constitution in 1820, grants that all Maine citizens shall have the right to justice, administered freely and without prejudice.

If this is to remain a nation of laws, as every successful democracy must be, then a viable, flexible, modern court system must constantly seek the means to implement the constitutional right of all citizens to receive meaningful justice.

In the 1995-96 fiscal year, the Maine courts made significant strides in many areas from building new court houses and acquiring a new judicial center to new technology and structural changes which will lead the Judicial Branch of government into the next century. The achievements of this year must be projected into the future as well, as the Judicial Branch of government seeks to build a new foundation which will support a better system of justice for a new millennium. As the challenges created by a rapidly changing society are constant, so too must the efforts of the courts be continuous in the broad areas of education, self evaluation, goal setting, and fundamental change.

Planning to Meet the Needs of the New Millennium

The Maine Constitution sets the broadest of all goals – practical, meaningful, justice for all. In a series of meetings and talks during the year, Chief Justice Daniel Wathen emphasized this basic constitutional goal by indicating that the courts must work and change to be truly accessible to all and that Maine must have a court system that is fast, fair, affordable, and effective.

During the year, the Judicial Branch has worked toward many specific goals including: increased community involvement, more assistance for persons who go to court without a lawyer (pro se litigants), better means of dealing with the complexity of often emotional family law cases, and increased application of technology. Several task forces have dealt with the challenges of meeting shifting expectations of the courts and their role, by the public as well as by judges and court personnel. A consistent effort was made to make appropriate changes in the structure of the court system itself.

The actions of the year and those that will follow are all aimed at the same fundamental goals: protecting the rights of Maine citizens, effectively guarding Maine families from the ills of a complex society, providing equal justice for all citizens regardless of economic or social standing, promoting community understanding of the role of the courts in a democratic society, and encouraging all citizens to participate in assuring the accessibility and deliverance of justice. It is essential that the Courts and Judiciary function as a vital, integrated, meaningful part of Maine life in order to fully realize these goals.

Moving through Rapidly Changing Times

Few things are more evident about American society than the increasingly rapid pace of change and the constantly growing complexity of issues. These changes are having a strong impact on judges and courts in Maine and across the nation.

Cases with far reaching social consequences are being heard and decided by the courts and these decisions can be the subject of protracted and bitter disputes. Judges today are often on the firing line of social controversy as they are asked to decide on the practical application of sweeping new legislation. Not only are there more decisions and more far reaching decisions to be made but also there has been an explosion of family law cases in areas such as divorce, protection from abuse, custody of children, and similar issues. Many petitioners are without representation before the court and thus need help in understanding the law, the procedures involved and their rights as citizens.

During the year, as case filing statistics indicate, the pressure on the courts and demands on the time of judges and staff continue to increase in the family law area. Time and resources allocated to resolving domestic disputes, and in processing criminal cases, reduce the time and resources that can be allocated to civil matters. These changes, brought about by a changing society and new expectations, stress the entire court system, not just the judiciary. The inherent problems resulting from antiquated facilities and equipment are exacerbated by

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*— Chief Justice
Daniel E. Wathen*

**"An appropriate
response
requires a
careful blend of
tradition and
innovation."**

*— Chief Justice
Daniel E. Wathen*

the pressures of limited or stagnant economic resources in the state and by many years of insufficient resource allocation for judges, support personnel, equipment and facilities. While it is an equal third arm of government the Judicial Branch operates on a small fraction of the total government budget and processes significant general fund revenue through fines assessed and fees charged.

It is clear that the courts, in Maine and elsewhere, are a vital part of the dynamics of a rapidly changing society – a society in which expectations are growing. National surveys show that the public perception of the courts and their success in providing equal justice is not good. There is every indication that the demands and pressures on the courts to deliver justice will continue to increase.

Responding to the Challenges of Change

Problems are more easily defined than responses are determined. But it is clear the courts must respond or decay at great risk to the fabric of a democratic society. It is equally clear that, as the Judicial Branch reports on 1995–96, that both the problems and the responses are part of a connected web that reaches far back into the past and will extend far into the future. The courts, although they may seem so to many, are not a solidified system impervious to change. The nature and requirements of Justice and Law demand a system that is rooted in past actions and is conservative by nature. However, to deliver justice today in this time and this society, the courts must meet the challenges and the pace of social change, or they will fail in their basic mission and constitutional responsibility.

In 1995–96 the Maine Judicial Branch made substantial progress in building the foundation that will support better and more efficient courts, easier access, speedier resolution of cases, improved technology and management, and greater community understanding, information and willingness to contribute. The goals are clear and, as the courts move toward a new century, the task is formidable but not impossible with the full support of Maine citizens.

Building for the Future: with Bricks, Technology and Knowledge

It has been obvious for some time that the courts could not be managed efficiently and justice delivered effectively with handwritten records and courtrooms with falling plaster and unreliable heat.

During the 1995-96 year the Judicial Branch made significant progress in building new courthouses in both Skowhegan and in Biddeford. In the years ahead it will press for a new courthouse in Springvale and the expansion of the York County Superior courthouse. This is not the end. Every year should be marked by some achievement or improvement in court facilities or, soon, Maine and its citizens will suffer the penalties of decay and disintegration. In addition, as highlighted in this report, Maine has for the first time the welcome advantage of a new, nontraditional, citizen-donated Judicial Center.

The second major achievement in this area is the inauguration of a new era of technology in the court system. The Judicial Branch is in the process of automating clerks' offices with a computerized Court Management System. This will lead to vast improvements in the speed, accuracy and efficiency of case management, judicial assignments, and related problems in justice delivery. During FY '96, teams of clerks, administrators, judges, and data processing professionals reviewed court operations and procedures. The resulting comprehensive analysis was essential to establishing design specifications for computer modules. Through the Office of Information Technology (OIT), a request for proposal (RFP) was issued. After careful review of the responses to the RFP, the Judicial Branch determined that no off-the-shelf system met the unique needs of a multilevel statewide court system. The focus then shifted to internal development. Staffing changes within the OIT included the development of two positions, the court technology analyst and the court technology trainer. Both of these positions were filled by long term court employees whose experience and knowledge of the current court system will facilitate the transition between the practices of the past and the technology of the future.

During the year nearly all judges received and are now learning to use powerful laptop computers. The intent of the "Laptops for Judges" project is to provide each judge with a laptop computer, word processor, e-mail, and access to electronic legal research. Within the next year, all judges will receive laptops and have access to training in order to make the best possible use of these tools.

The Maine Judicial System has a page on the World Wide Web (<http://www.courts.state.me.us>) as part of the Maine State location. In the coming year this will begin to make vast differences in legal research, reporting and accessibility to the general public of all types

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**build
relationships**

**with the
communities**

we serve.

— Chief Justice
Daniel E. Walthen

of information about the courts. This is especially true due to the fact that 1996 marked the beginning of a statewide hookup of all Maine libraries and schools on the Internet.

The Maine Judicial Branch has a long tradition of education and training and this year expanded its program extensively. Judges accepted federal grants and private scholarships at the National Judicial College and completed courses there. Maine participated in a tri-state training program cooperative with New Hampshire and Vermont to educate the judiciary. In addition, the Judicial Branch Education and Training Team (JBETT) developed courses and provided in-house sessions to train court personnel. Maine held a statewide conference, attended by all Maine judges, on legal and judicial problems related to child abuse and judges attended various forums and meetings on subjects ranging from the Future of the Judiciary to the Courts Under Attack.

CITIZEN AND COMMUNITY INVOLVEMENT: Providing Information and Opportunity

A major event of 1996 was the formation of the Dirigo Project State Committee with financial support from the Culpeper Foundation obtained by Federal Judge Frank Coffin. The committee first met in March 1996 and is now moving ahead in several major areas of citizen involvement and education, including pilot projects aimed at providing legal aid over the Internet, a series of cable television programs informing the public about the courts and assistance in the expansion of original volunteer projects that are already assisting the Maine court system to function better. Projects receiving endorsement and support include *Home to Home* in Bath which helps avoid domestic violence by providing for the impersonal exchange of children of divorced parents; and the *Family Court Project* in Waterville which assists litigants without an attorney to fill out required court forms.

Through the Dirigo Project and the direct efforts of the Judicial Branch itself, the court system has increased public information and awareness by providing more information to the media, opening discussions with editorial writers, holding press conferences on key issues and encouraging judges to participate in community education and information projects. The goals of informing and involving the community and providing a free flow of information are long term and require consistent effort and evaluation.

In addition, the Judicial Branch continues to support and operate such programs as the Court Appointed Special Advocates (CASA) through which volunteers represent and protect the interests of the children involved in child protective cases.

Thorough Assessment Leading to Thoughtful Changes

The Judicial Branch in order to reach its goals must constantly examine how it operates and whether or not it is fulfilling its basic mission in rapidly changing times. If not, then it must embrace, welcome and design appropriate changes consistent with the goal of equal and accessible justice for all. Self-evaluation is only valuable if valid recommendations are acted upon. During the year the Judicial Branch took forward steps in a number of areas – some of them experimental.

A group continued the implementation of recommendations made by the Commission on the Future of the Maine Courts which made its report and recommendations in 1993. A Pro Se Team worked on simplification and uniformity of forms being required of persons seeking divorce without a lawyer and on accessible methods, such as video tapes, to increase public information in this area. The courts supported an examination of gender bias in the court system and will follow up on the recommendations to move toward its eventual elimination.

The Committee to Study the Role of the Courts in Protecting Children is examining and working on recommendations in the area of children and the courts. During FY'96, the Committee contracted with the Muskie Institute to help conduct a comprehensive assessment. The assessment involved a review of 300 child protection cases from thirteen District Court locations; a review of 1995 Law Court appeals; written surveys of District Court clerks and CASA volunteers; interviews with all District Court judges, and focus groups at five sites throughout the state. Participants at each site included Assistant Attorneys General, attorneys, Department of Human Services caseworkers and supervisors, and service providers. Input was also provided by children's advocate organizations, foster parents, and foster children. In the next year the Committee will prepare and implement a plan for improving the handling of child protection cases.

The Transcript Production Team, which has been working since May 1994, proposed a number of administrative and managerial changes intended to promote the more timely production of transcripts by Official Court Reporters and the Electronic Recording Division. The process of phasing in these changes began in the fall of 1995 and there are some signs of success. There is much more work to be done in this area,

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**The
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including the revision of forms and manuals. The Team will coordinate these revisions with the development of the Court Management System.

The Electronic Recording Division is now using Macintosh computers for word processing and this has improved their productivity by approximately 25%. The E.R.D. has also improved service to its customers by diverting some of its workload to an outside provider and selling reformatted copies of its recordings to parties who do not wish to incur the expense of purchasing an official transcript.

Expanding the Vision of Dispute Resolution

The courts recognize that the problem of getting more out of the system and also achieving better public acceptance requires exploration and eventual acceptance of other forms of dispute resolution than a full fledged battle in court between opposing parties. Other methods of dispute resolution are needed in the court bag of tools. In some cases full litigation may not only be a somewhat inferior method, it may also in some cases be the worst method.

In divorce cases involving children mediation has been mandatory for many years but the fees went into the state General Fund. While the fees increased the appropriation to pay for mediation remained static so that there was a disincentive for the courts to promote further mediation. Due to the work of the recent Productivity Task Force, this was changed in 1995-96 to allow the court system to directly retain 80 percent of compulsory mediation fees and thus encourage and advocate increased mediation as a method for dispute resolution.

Within the next fiscal year, the Judicial Branch will hire a director for the new Court Alternative Dispute Resolution Service (CADRES) and will be in the position to expand the availability of mediation and to explore its full potential at both the District and Superior Court levels.

In a parallel development the Judicial Branch in FY '96 began a two-year experiment in Alternative Dispute Resolution (ADR) in several counties to test whether or not in more complex litigation it is possible to move cases along faster through the use of ADR using specially trained mediators. The ADR experiment will also try to determine at what point mediation would be most effective - at the very beginning or later in the case after discovery and the accumulation of a certain amount of facts and evidence.

The Judicial Branch began work on the creation of a Family Court Division. As indicated previously, domestic caseload is not only the fastest growing but is also an increasingly complex challenge for judges. Using Federal funds from the Department of Human Services will enable the Judicial Branch to add two new judges during the next fiscal year. The concept of a Family Court arises both from the growing need and from the availability of Federal funds to reimburse states up to two-thirds of the cost of improvements in enforcement of laws and improvement of conditions for children. The Federal funds cannot be used to pay judges but they can be used to pay family case hearing officers or para-judicial personnel. The proposal planned during the year and now under consideration will create eight hearing officers, plus at least eight staff members – including licensed social workers and others. This could help relieve the district courts of pressures created by the demands of increasing and complex cases in the family area. Judges will remain the final decision makers but they will have access to the resources for fact finding and more efficient management of the cases.

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The Maine Judicial Branch

Fiscal Year 1996

July 1, 1995 to June 30, 1996

Configuration of the State Court System

- Supreme Judicial Court (Law Court): Appellate Court of Last Resort
- Superior Court: Court of General Jurisdiction, Trial Court
- District Court: non-jury Trial Court (*civil, criminal, protective proceedings, juvenile, traffic violations, small claims*)
- Administrative Court: Court of Limited Jurisdiction (*administrative agency appeals*)

Number of Judgeships

■ Supreme Judicial Court	7 justices	1 court location
■ Superior Court	16 justices	17 court locations
■ District Court	27 judges	31 court locations
■ Administrative Court	2 judges	1 court location

Authorized Positions

There are 52 judges and 320 staff positions in the Judicial Branch

Financial Information

■ Expenditures

State General Fund	\$32,706,065
Other Sources	\$1,336,931
Total Expenditures	\$34,042,995

■ Revenue

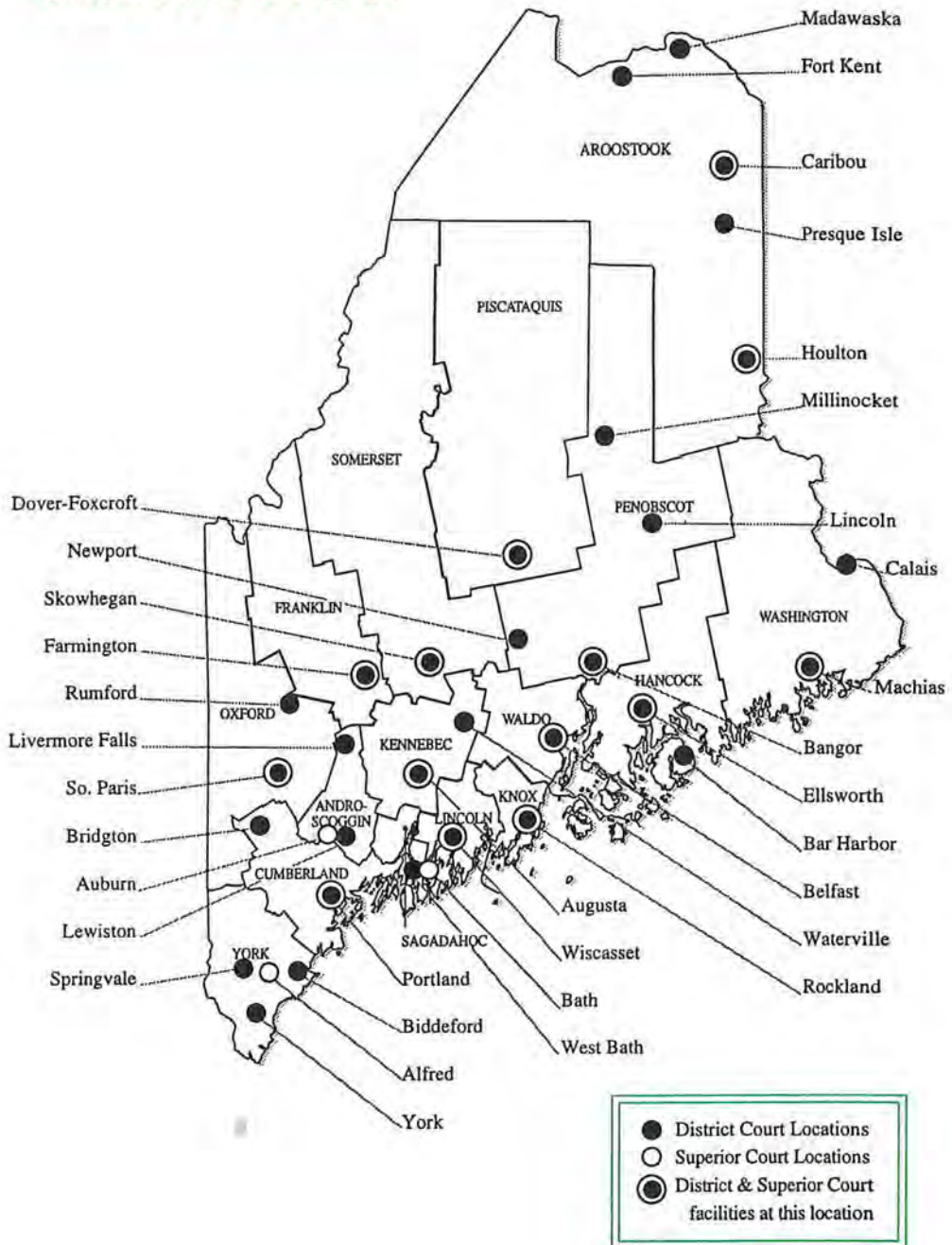
State General Fund	\$19,945,334
Other Funds	\$4,138,124
Total Revenue	\$24,083,458

Case Filings

■ Law Court	841
■ Superior Court	16,274
■ District Court	230,510
court locations (131,652)	
violations bureau (98,858)	
■ Administrative Court	304
■ Total Case Filings ...	247,929



State of Maine Court Locations





Cover Photo: Maine Judicial Center, Augusta, Maine