

MAINE STATE LEGISLATURE

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**Annual Report
of the
Maine
Judicial Branch**

**Fiscal Year 1997
July 1, 1996 to June 30, 1997**

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Administrative Office of the Courts

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State Court Administrator

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This annual report of the Judicial Branch of the State of Maine documents a year of major improvements and the promise of further positive developments in the near future. Through the efforts of the Judicial Branch Performance Council, a strategic plan was developed setting goals to: 1.) resolve cases fairly and promptly, 2.) ensure public confidence in the judicial system and 3.) provide citizen access. This report documents considerable progress in achieving those goals.

Major developments such as the creation of the Family Division result in progress toward all three of these goals. Other efforts advance the goal of "resolving cases fairly and promptly." The expanded use of alternative dispute resolution is providing litigants with additional methods to solve the problems that bring them to court. Technology helps everyone taking part in the court system to process the information they need more promptly. Additional opportunities for volunteerism will provide the courts with much needed help, and the volunteers with a better understanding of how courts operate.

The goal of "ensuring public confidence" is realized over time through improvements that help citizens better understand the system. Initiatives such as videos, improved written materials, and access to the internet provide citizens with assurance that the Courts can meet their needs. A greater emphasis on employee training enhances the confidence of those who work in the courts, which in turn, provides the public with greater confidence.

In FY '97, work toward meeting the goal of "providing citizen access" was extensive and productive. New courthouses specifically designed for the work of the courts make it easier for citizens to conduct their business in dignified and appropriate surroundings. The committee studying the role of the courts in child protection matters and the addition of two judges is allowing more children to receive the protection provided by the courts. Additional income for the civil legal services fund provides more citizens with the help they need to navigate through court proceedings.

The men and women of Maine's Judicial Branch have accomplished a great deal during the last fiscal year. Strategic planning is helping us to measure the productivity of the past and look to the future with intent to further build on these accomplishments.

A handwritten signature in dark ink that reads "James T. Glessner". The signature is written in a cursive style.

James T. Glessner, State Court Administrator



Judicial Branch Recognizes Exemplary Employees and Volunteers

For the first time in its history, Maine Judicial Branch initiated a recognition program for employees and citizens who provide the highest quality service of justice to the Courts, as a volunteer or as an advocate. The program was developed by the Performance Council and will become an annual event. At the historical all-employees meeting on November 18, 1997, long term employees were recognized for their years of service. There were 22 first anniversary employees; 15 at the five-year mark; 10 veterans who logged a decade of service; 10 who served for 15 years; and 10 more at their 20th year.

Employee of the Year was **Donna Coughlin**, Administrative Clerk at the Cumberland Superior Court. Donna, who has worked at the Cumberland Court since 1971, was praised for her dedication and willingness to take on extra projects. One of her nominators stated, "Donna is the epitome of what every person in the court system strives to be - efficient and dedicated to her work."

Hon. Frank M. Coffin, Senior U.S. Circuit Judge, was named "**Advocate for Justice**," for his work as a "champion for the cause of justice in our society." Judge Coffin, nationally recognized as one of the nation's most eminent jurists, has publicly proclaimed the need for adequate legal representation for the poor. His service as chair of the Justice Action Group and as the guiding spirit behind the Dirigo project has given an effective voice to needy Maine citizens.

Esther Waters was named **Volunteer of the Year**. Following Esther's retirement in 1995, she returned to donate her time to the Somerset County Superior Court, where she had worked for more than twenty-one years. She has volunteered on a regular basis, and remains a valued member of the team.

Special Service Awards were presented to **Margaret Gardner**, Clerk at the Penobscot Superior Court, **Roy Rice**, Court Officer at the Cumberland Superior Court, and **Ruth Harris**, Judicial Secretary in the District Court in Portland. Each has gained the respect and admiration of co-workers, supervisors and the public, proving themselves to be superior examples of the Judicial Branch at its finest.

Marking **25 years of service** were **Elaine Carpenter**, Associate Clerk at Calais District Court; **Harry Kaklegian**, Court Officer for the Supreme Judicial Court; and **Virginia Black**, Assistant Clerk of the Law Court. Associate Supreme Court **Justice David Roberts** was commended for his **30 years on the bench**. **Thelma Holmes**, Clerk at Bangor District Court, and **Carol Cottle**, Associate Clerk at Aroostook Superior Court were applauded for their **35 years** as Judicial employees.

Message from the Chief Justice



Daniel E. Wathen
Chief Justice, Supreme Judicial Court



My message this year is captured on the cover of this report. These people constitute the entire third branch of Maine's government. Justice, to a large extent, depends on the effort, competence, and integrity of this small group. Recognizing that we have no business other than to provide justice, I am proud to submit this annual report of our work.

Daniel E. Wathen
Chief Justice, Supreme Judicial Court

Highlights of the year:

1997: Applying Proven Methods in Changing Times

In FY'97, the Maine Judicial Branch focused on improving the delivery of court services to those unable to afford them and to those who are ill served under existing practices. Working cooperatively with Governor King, the Legislature, and the citizens of Maine, the Judicial Branch took steps to modernize Maine's small court system and to advance the cause of justice for all.

Additional Judges for Child Protection Cases

The year began with the creation of two new judicial positions in the District Court. For the first time since 1988, the Legislature increased the size of the judiciary with funding provided by the Department of Human Services to address the needs of abused and neglected children. Commenting on the unprecedented source of funding, Chief Justice Wathen noted that "for the first time we have looked at a problem and decided the solution was to fund the system, not just one aspect of it." Federal funds earmarked for improving child protection efforts within the state were also shared by DHS (17 new caseworkers) and the Attorney General's Office (2.5 Assistant Attorneys General). The Legislature confirmed the appointment of Judge Robert Mullen and Judge James MacMichael, who began their work at the beginning of FY'97.

Family Court Becomes a Reality

During the first 118th Legislative session, Chief Justice Wathen urged the Legislature to "...create the Family Division, this year, within the District Court. Courts must become family-friendly. We must preserve family relationships and prevent the harm and expense that currently results from inattention and delay."

The "Family Court" bill, introduced by the Speaker of the House, Elizabeth Mitchell, stimulated debate about restructuring the courts to facilitate and expedite divorce litigation. A family court for Maine had been discussed for many years and had drawn interest from the media, the bar, and citizens affected by divorce.

As enacted, the legislation creates the Family Division within the District Court and authorizes seventeen new positions: eight Case Management Officers, eight court support staff and one social worker. This represents the largest single infusion of personnel in the history of the Judicial Branch.

Two-thirds of the funding for the Family Division will be reimbursed through the federal child support enforcement program. The Case Management Officers will conduct pretrial conferences, issue procedural orders, and orders relating to interim child support. With the consent of the parties or in the absence of any contest, the officers are authorized to hear all as-

pects of divorce litigation. The Family Division will begin operations in calendar year 1998.

Family Law Advisory Commission Submits Proposed Legislation

In February 1997, the Family Law Advisory Commission, chaired by Judge Jon D. Levy, submitted its final report to the Legislature's Joint Standing Committee on the Judiciary. Following public testimony, surveys of judges and lawyers, and submission of comments from citizens, the Commission made recommendations with respect to the misuse of the protection from abuse statute, the "best interest of the child" standard within the context of protection from abuse cases; and a more specific definition of "shared parental rights and responsibilities." The Legislature enacted many of the recommendations of the Commission. In addition, the Commission identified areas for further study, including child support guidelines under shared residential care and expeditious enforcement of parental rights orders.

Committee to Study the Role of the Courts in Protecting Children Issues Report, Begins Implementation

The Committee to Study the Role of the Courts in Protecting Children, created in 1995 and organized in 1996, undertook

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an assessment of current practices and procedures in child protection cases. The study, funded through the federal State Court Improvement Program, was conducted by the National Child Welfare Resource Center for Organizational Improvement, a division of the Muskie Institute at the University of Southern Maine.

As a result of the research and active participation of all committee members, "The Report of the Committee to Study the Role of the Courts in Protecting Children" was submitted to the Supreme Judicial Court in March of 1997. The report contained recommendations for improvement in three general areas: 1. Statutes/Rules/Role of the Court; 2. Case Management; 3. Representation of the Parties. Three subcommittees were formed and charged with reviewing and implementing the Commission's recommendations.

As a further result of the study, the Maine Court Child Protection Office was established and located in Lewiston. Judge John Beliveau, chair of the Committee, serves as program coordinator in addition to his duties as a full time District Court judge. Plans of the implementation subcommittees include pilot projects and sponsorship of statewide training and conferences for lawyers and court clerks in 1998.

Federal funding is assured through 2001, a result of Congress' passage of the "Adoption and Safe Families Act of 1997." This funding will advance the attainment of the overriding goal of the Committee "to reduce the time that children under court order remain in foster care and to establish permanency for these children at the earliest possible date."

More Children and the Courts

Judges Joseph Field and Michael Westcott made news for their innovative ways in dealing with children. The judges, who jointly preside over the District Courts in West Bath, Wiscasset and Rockland, have provided an incentive for self-improvement in juvenile cases. Their dispositional practices include negotiating lesser sentences for improved grades or participation in smoking cessation programs.

Another project, "Home to Home," is designed to protect children in divorced families from parental conflict during weekend visitation exchanges. The project, sponsored by the Bath/Brunswick chapter of the American Association of University

Women and funded by the United Way, grew from a speech delivered to the A.A.U.W. by Judge Field. Trained volunteers at an exchange center escort children from one parent to the other, avoiding direct contact and opportunities for conflict. The program is an outstanding example of community support and coordination in the delivery of justice in Maine.

Pro Se Divorce Team Produces Video

Working under the leadership of Judge Thomas Humphrey, the Pro Se Divorce Team has devoted much time and effort assisting unrepresented litigants. In addition to reviewing and simplifying existing forms, the Team produced a video that explains the documents and procedure for a divorce action. The professionally produced video was distributed to all District Court locations and public libraries throughout the state. The Team plans to produce two more videos in the series - one to describe the mediation process and another to describe the process of amending or enforcing a divorce judgment.

Civil Legal Services Fund Created to Increase Court Access to Low Income Citizens

A broad coalition of judges, lawyers, and citizens successfully supported legislation to fund civil legal services for people with low income. Federal funding for legal service providers has eroded in recent years, severely limiting the availability of legal representation for the poor and elderly. The problems of unequal access were recognized and highlighted by the Maine Commission on Legal Services in 1990. In the chairman's preface to the Commission's action plan, former U.S. Senator Edmund S. Muskie stated, "Our most basic recommendation is addressed to all members of society, as the beneficiaries of its universal, yet unrealized, guarantee of legal access to justice. It speaks to the absolute necessity of directing greatly increased funds to the provision of legal services to the poor." Efforts to fund civil legal services through donations or direct appropriation have not been successful.

As enacted, the fund is the repository of a \$5.00 surcharge on civil fines and penalties, and a surcharge on civil filing fees. The estimated proceeds will approximate \$900,000 annually and will be distributed to non-profit legal service provid-

ers, such as Pine Tree Legal, Legal Services for the Elderly, the Volunteer Lawyers Project, and the Cumberland Legal Aid Clinic. A three-member commission, appointed by the Supreme Judicial Court, will allocate and distribute the funds.

Dirigo Project Improves Opportunities for Court Volunteers

The Dirigo Project, funded by a grant from the Charles E. Culpeper Foundation, provided leadership in improving communication between courts and the public. The members of the Dirigo State Committee participated in Law Day and Fall Forums, and provided a "voice" through numerous media releases and public appearances. A series of half-hour videotaped programs on the courts and justice was produced and made available to Maine cable TV stations. Linking with Community Action Programs and agencies providing legal services for the poor, the Project has successfully supported and infused new energy into the campaign to provide adequate representation for low-income Maine citizens.

Turning their focus toward active involvement by Maine's citizens in the court system, Dirigo developed a proposal for a full-time Volunteer Coordinator to oversee volunteer efforts in the courts. A grant from the Libra Foundation funds the coordinator's position. It should be noted that Elizabeth Noyce, founder and benefactor of the Libra Foundation, was an active member of the Dirigo State Committee until her untimely death in the spring of 1997. This project is yet another aspect of her legacy to Maine.

The Volunteer Coordinator will be responsible for a wide range of activities including development of a plan for recruitment of volunteers, coordination of volunteer orientation, and recognition of volunteer contributions. It is expected that the increased use of volunteers will assist court staff in improving services and will enhance public understanding of court operations.

The Year in Review

Fiscal Year July 1, 1996 to June 30, 1997

Indigent Defense Advisory Committee Established

The Supreme Judicial Court established the Advisory Committee on Indigent Defense in 1997. A committee of lawyers and citizens, working with judicial liaisons, is charged with the broad mandate to consider issues relating to the representation of indigent defendants in criminal cases and to make recommendations concerning indigent representation and the need for establishing a permanent advisory committee. The Committee met throughout the year and considered several issues relating to the representation of indigent defendants, including compensation for court-appointed counsel, competence of counsel, standards for training and qualification, and the appointment system generally. The Committee will submit a report to the Supreme Judicial Court within the next year.

Gender Bias Report Issued, with Recommendations

After nearly four years of study, the 12-member Maine Commission on Gender, Justice and the Courts, chaired by Professor Colleen Khoury, submitted its report to the Supreme Judicial Court. The Commission found little evidence of overt gender bias, and concluded that the inequities and unfairness found in Maine's courts are due more to complex economic and cultural forces outside the legal system than to gender-biased behavior within the system. Concluding that women are more likely than men to be disadvantaged, especially in divorce cases, the Commission recommended more accessibility for legal assistance in domestic cases, and suggested that a family court system be created. Overall, the report offered nearly 60 recommendations for addressing gender-based inequities within the Judicial Branch. The Supreme Judicial Court assigned responsibility for implementing the Commission's report to the Maine Judicial Branch Performance Council.

Judicial Compensation Considered by the Legislature

After an extensive study, the Judicial Compensation Commission issued a report calling for increased judicial salaries and improved retirement benefits. The bill

to implement the Commission's report was favorably considered by the Legislature but stalled on a crowded appropriations table. It will be given further consideration at the next session of the Legislature.

CADRES Grows from Mediation Roots

Efforts to expand and improve alternative dispute resolution options within the courts led to the creation of CADRES, the Court Alternative Dispute Resolution Service. Growing from the former Office of Court Mediation Services, CADRES seeks to make wider use of mediation services throughout the court system and encourage litigant participation in resolving disputes.

Significant Progress in Achieving Technological Capabilities

The Judicial Branch continued the development of a court management system. The first of four phases of the Maine Judicial Branch Information System (MEJIS) has been designed in detail and programmed. When completed, MEJIS will provide clerks with a method of keeping court records on a computer system that will provide docket entries, statistical reporting and electronic data-transfer to other state agencies. A comprehensive training program has been developed and the Muskie Institute of the University of Southern Maine will assist in training.

The first phase of MEJIS was installed in the Franklin County Superior Court, and testing led to significant improvement. General installation of the first phase will occur during 1998. The development of the second phase will follow. Staff within the Office of Information Technology are committed to designing and building a system that will serve the people of Maine well into the Twenty-First Century.

In other technology developments, the Judicial Branch delivered laptop computers to judges and law clerks. These tools provide each judge with basic automation capabilities such as word processing, e-mail and access to electronic legal research. The judges have attended a variety of training sessions and make good use of the equipment. In a moment of historic significance,

the last rotary phone system used in the courts was retired and fax machines were installed in all courts. Finally, the Judicial Branch went on the Internet with its own web site (<http://www.courts.state.me.us>) providing access to Law Court opinions, forms, and information about the courts.

CASA Program Receives Award and Recognition

The Maine "Court Appointed Special Advocate" (CASA) program was the recipient of the John W. Ballou 1996 Annual Distinguished Service Award. The award was presented to recognize the work that the program, through its many volunteers, does to serve the needs of children involved in child protective cases. The Ballou Award is presented annually by the Maine Bar Association to an organization or individual to honor the memory of John W. Ballou, an attorney in the Bangor area who was known throughout his legal career as a dedicated community servant. The award was presented to CASA "in recognition and appreciation of its many years of distinguished service to the State of Maine and its citizens."

In an additional note of appreciation, Gov. Angus S. King proclaimed June 6, 1997 to be "CASA Volunteer Recognition Day" stating: "Whereas, CASA volunteers advocate, monitor, report and, most importantly, protect children, standing in court 'in the shoes of the child' and acting as the 'voice' of these children...the true value of this contribution, commitment and dedicated service...most certainly demands recognition throughout Maine."

Labor and Management Alter Bargaining Process

In preparation for collective bargaining, the Judicial Branch and the Maine State Employees Association agreed to embark on a process of contract negotiations known as "interest-based bargaining." The process set a new tone for negotiations, moving both labor and management away from confrontation and posturing. The new technique led to agreement in four months with only twelve negotiating sessions. Agreement was reached for a six-month contract for January through June 1997 and a two-year contract covering July 1997 through June 1999.

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The two-year contract called for reopening for negotiation regarding a comprehensive Compensation Study. A "Labor-Management Compensation Study Committee" was responsible for the general oversight of the study, including the development of a Request for Proposals to hire a consultant to design and conduct the study. The resulting study, conducted by the National Center for State Courts, will be the basis for further negotiations regarding changes in the classification system.

Training for All

Training programs and educational opportunities for Judicial Branch employees and the judiciary experienced tremendous growth within the past year. Following a reorganization of the duties of the Training Officer, judicial education was separated from employee training.

Employees were offered many opportunities for training conducted by fellow employees. Regular notices about educational programs in the community were provided, and employees were encouraged

to make use of the training funds available under the bargaining unit contracts. A self-study library was established, offering written and audio video materials for loan throughout the state. Employee response was positive, as materials were repeatedly requested and favorably received.

Opportunities for judicial education expanded with the support of grants to fund attendance at the National Judicial College in Reno and various national conferences. A regional effort with New Hampshire and Vermont provided educational workshops and conferences.



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



District Court Judges: (front row) Christine Foster, Michael N. Westcott, Bernard C. Staples, S. Kirk Studstrup, Andre G. Janelle, 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.

Maine Judicial Branch Caseload

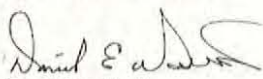
The table to the right summarizes filings in the various courts of the Maine Judicial Branch over the past decade. There are characteristic differences in today's court caseload compared to that of the past. Statistics cannot demonstrate the increased complexity of civil litigation. Over the past several years, complex and time-consuming domestic cases – divorce, protection from abuse and harassment, child protective and other family matters – have become an increasing percentage of the Maine court caseload.

The Supreme Judicial Court

Justice Caroline D. Glassman, the first woman in the history of Maine to serve on the Supreme Judicial Court, retired this year. In her fourteen years of service, she participated in almost 5,000 cases and published over 570 signed opinions for the Court. In addition to her appellate caseload, Justice Glassman served as the Chair of the Sentence Review Panel and the Judicial Education Committee. She served on a number of committees and made a substantial contribution to the work of the Gender Bias Task Force and the Commission on Legal Needs. Although it would be difficult for anyone to follow in the footsteps of this judicial pioneer, her successor is equal to the task. Justice Leigh Saufley served with distinction on the bench of both the District and Superior Courts and has extensive experience in representing the interests of children on behalf of the Attorney General's Office and the Department of Human Services. We welcome her as the 102nd person to be appointed to Maine's highest court.

This was a year of high performance with respect to the appellate workload of the Court. Aided by a welcomed downturn in general filings, in FY'97 the Court succeeded in turning the corner on the large number of appeals that resulted from a major reorganization of the Workers' Compensation Commission in 1995. Achieving an overall clearance rate of 106.2%, the Court reduced backlog and is now able to address improved compliance with time performance standards for the various steps in the appellate process. In the particularly sensitive area of child protection proceedings, the Court continued to emphasize the prompt handling of appeals and reduced significantly the time from filing to disposition.

The Court is challenged to utilize scarce resources efficiently to remain current in dealing with an appellate caseload that exceeds the number of appeals in most other states with a comparable appellate structure. The Court has no other mission than to make the constitutional promise of prompt and accessible justice a reality for every Maine citizen.



Daniel E. Wathen,
Chief Justice, Supreme Judicial Court

Maine Judicial Branch Caseload Summary

	1988	1989	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96	FY'97
LAW COURT										
Filings	528	540	622	646	511	652	1,038	988	841	724
Dispositions	542	517	618	569	571	544	889	732	800	769
SUPERIOR COURT										
Filings (a)	18,162	18,805	20,638	19,793	19,190	18,330	17,649	17,469	16,315	15,912
Dispositions	16,886	18,325	19,967	19,421	19,484	18,839	18,116	17,077	17,726	16,059
DISTRICT COURT										
Local Courts										
Filings	321,557	325,560	315,123	307,776	216,830	138,110	128,168	133,125	131,652	141,985
Dispositions	306,491	310,269	305,404	300,259	226,921	136,878	126,029	129,352	128,913	135,607
Violations Bureau										
Filings	—	—	—	—	57,418	94,796	99,432	100,421	98,858	113,694
Dispositions (b)	—	—	—	—	not avail.	not avail.	not avail.	100,458	110,971	111,975
TOTAL DISTRICT COURT										
Filings	321,557	325,560	315,123	307,776	274,248	232,906	227,600	233,546	230,510	255,679
Dispositions	306,491	310,269	305,404	300,259	not avail.	not avail.	not avail.	229,810	239,884	247,582
ADMINISTRATIVE COURT										
Filings	283	357	357	423	454	336	358	366	304	495
Dispositions	286	350	377	404	415	324	321	494	332	480
TOTAL CASELOAD										
Filings	345,530	345,262	336,740	328,638	294,443	252,224	246,645	252,369	247,970	272,810
Dispositions (c)	324,205	329,461	326,366	320,653	not avail.	not avail.	not avail.	248,113	258,742	264,980

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

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

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



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. Lipez

Maine Law Court Caseload

	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96	FY'97
CIVIL										
Worker's Comp.	—	—	—	—	59	154	448	165	258	186
Other Civil	—	—	—	—	315	321	408	615	383	345
TOTAL CIVIL FILINGS	328	339	414	416	374	475	856	780	641	531
Worker's Comp. Dispositions	—	—	—	—	61	81	280	205	224	199
Other Civil Dispositions	344	316	432	369	341	297	423	371	394	358
TOTAL CIVIL DISPOSITIONS	344	316	432	369	402	378	703	576	618	557
Criminal Filings	200	201	208	230	177	177	182	208	200	193
Criminal Dispositions	198	201	186	200	169	166	186	156	182	212
TOTAL - FILINGS	528	540	622	646	551	652	1,038	988	841	724
TOTAL - DISPOSITIONS	542	517	618	569	571	544	889	732	800	769

The Superior Court



Margaret J. Kravchuk
Chief Justice, Superior Court

The end of fiscal year 1997 brought with it the conclusion of Roland A. Cole's two year term as Chief Justice of the Superior Court. Chief Justice Cole has served his colleagues and the entire court system with

distinction. During his term Justice Cole visited all 16 counties. He will be greatly missed by the clerical staff, bailiffs, and others throughout the State.

Justices Arthur Brennan, Susan Calkins, Nancy Mills, and Leigh Sausley assumed responsibility for the single justice assignment project in Cumberland County. Due to the relatively small number of Superior Court Justices, the single justice assignment concept has not been expanded beyond Cumberland County. However, the project continues to be well received by judges, lawyers, clerical staff and litigants and the Superior Court continues to search for better ways to manage and control the civil docket in the other counties.

The close of FY'97 marked the end of the Alternative Dispute Resolution (ADR) Pilot Project in Aroostook, Androscoggin, Kennebec, and Sagadahoc counties. The Muskie Institute is analyzing the data from the project and during FY'98, the ADR Planning and Implementation Committee hopes to be able to make some recommendations to the Maine Supreme Judicial Court regarding a long term plan for ADR in the Superior Court. The establishment of CADRES (Court Alternative Dispute Resolution Services) has given the Superior Court the flexibility to order some cases to alternative dispute resolution prior to trial. As costs and delay associated with litigation continue to increase, it is apparent that ADR has become a more significant component of the court process.

The efficient processing of the Superior Court caseload is dependent upon the hard work of the 16 justices, the Active Retired Justices, the judicial secretaries, law clerks, the clerical staff, the court reporters and all of the other court personnel who contribute their time and talents. The dedicated service of these individuals is hereby acknowledged.

Margaret J. Kravchuk

Margaret J. Kravchuk,
Chief Justice, Superior Court

Superior Court Civil Filings

Case Type	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96	FY'97
Damages	466	497	533	407	457	398	607	685	502	391
Personal Injury	1,310	1,465	1,353	1,285	1,195	1,217	1,143	1,144	1,164	1,181
Contract	1,402	1,500	1,542	1,536	1,095	931	715	644	730	704
URESAs	454	439	377	408	284	252	343	456	101	64
Divorce	339	351	364	297	304	364	275	312	296	272
Rule 80B/80C Appeal	243	235	302	290	301	264	371	364	312	293
Appeal/Lower Court	483	501	753	1,166	1,380	1,175	310	287	350	347
Real Property Action	335	349	344	307	351	310	889	795	794	792
Equitable Action	1,142	842	596	228	296	299	276	290	390	294
Other	664	708	747	738	725	599	580	479	390	459
CIVIL TOTAL:	6,838	6,887	6,911	6,662	6,388	5,809	5,509	5,456	4,933	4,797

■ Civil filings were the lowest in a decade, down 2.8% compared to FY'96, and 29.8% lower than in 1988.

Superior Court Civil Dispositions

Type of Disposition	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96	FY'97
Default Judgment	110	129	208	283	240	288	258	185	196	117
Rule 41 (a)	2,702	2,729	2,660	2,478	2,484	2,392	2,313	2,184	2,097	2,034
Rule 41 (b)	167	141	319	286	150	370	330	243	265	156
Dismissal	541	569	559	463	451	411	338	412	450	415
Summary Judgment	172	165	294	455	744	754	615	521	481	485
Final Order	456	575	708	716	610	517	570	427	413	430
Divorce-Decree	328	313	295	302	290	232	164	198	257	233
Appeal Sustained	60	67	70	57	60	56	72	76	65	55
Appeal Denied	161	164	217	216	197	190	228	215	214	220
Court Judgment	122	124	106	103	196	148	193	163	198	147
Jury Verdict	221	202	187	183	113	128	192	151	159	202
Other	529	511	484	585	646	596	481	489	464	439
TOTAL	5,569	5,689	6,107	6,127	6,181	6,082	5,754	5,264	5,259	4,933

■ 41.2% of civil cases disposed in FY'97 were withdrawn by the plaintiff under Rule 41(a).

Superior Court Criminal Filings

Case Type	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96	FY'97
Class A	467	501	540	495	434	450	422	426	344	366
Class B	959	1,191	1,216	1,183	1,161	924	901	928	872	936
Class C	2,231	2,517	3,030	2,893	2,747	2,468	2,541	2,295	2,271	2,247
Class D	2,467	2,677	2,987	2,904	2,929	3,053	2,932	3,249	2,820	2,730
Class E	1,098	1,173	1,314	1,465	1,386	1,342	1,204	1,205	1,243	1,265
Title 29	2,836	2,625	3,099	2,736	2,669	2,740	2,701	2,427	2,601	2,530
Other	1,508	1,574	1,980	1,815	1,827	1,824	1,731	1,759	1,574	1,530
CRIMINAL TOTAL: (counted by defendant)	11,566	12,258	14,166	13,491	13,153	12,801	12,432	12,289	11,725	11,424

■ Criminal filings were the lowest in a decade, reaching a level similar to that of 1988.

Superior Court Criminal Dispositions

Type of Disposition	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95	FY'96	FY'97
District Court Bail Revised	338	341	412	345	313	241	208	203	157	155
District Court Bail Affirmed	78	92	112	127	96	87	86	71	61	54
Dismissed by Court	157	197	279	243	232	171	99	154	135	98
Dismissed by D.A. Rule 48(a)	2,717	3,013	3,129	3,225	3,127	3,269	2,932	2,673	2,950	2,464
Filed Case	149	201	194	135	314	419	434	627	696	524
Probation Revoked	505	541	654	664	750	740	800	784	769	738
Convicted — Plea	5,472	6,315	7,034	7,080	7,054	6,623	6,556	5,863	6,461	6,080
Convicted — Jury Trial	379	383	359	339	294	234	266	216	273	258
Convicted — Jury Waived Trial	104	107	99	63	40	67	56	63	42	68
Acquitted — Jury Trial	144	163	166	176	166	137	146	165	136	110
Acquitted — Jury Waived Trial	46	25	36	24	39	21	15	11	14	15
Mistrial	41	45	37	28	20	17	44	32	36	28
Other	573	592	681	748	740	670	723	632	581	599
TOTAL	11,655	10,703	13,192	13,197	13,185	12,696	12,365	11,494	12,311	11,191

■ More than half (54.3%) of the criminal case disposed in FY'97 were as a result of a guilty plea.

The District Court

Fiscal year 1997 was a period of several important changes in the District Court and heralded even more interesting changes to come. Judges Robert Mullen and James MacMichael were appointed to fill two new judgeships approved by the Legislature in its previous session. This added judge time is devoted to the growing caseload of child protective cases. The Committee to Study the Role of the Courts in Protecting Children issued its report and recommendations and moved into an implementation phase, which includes improvement of both the handling of child protective cases and scheduling of the additional judge time devoted to this purpose.

Another change was the metamorphosis of the Mediation Service into the Court Alternative Dispute Resolution Service (CADRES). On the bricks and mortar side, we sold bonds and broke ground for new court houses in Biddeford and Skowhegan, much needed improvements in both cases. Finally, the Pro Se Divorce Team produced and distributed a professionally produced informational video tape. All our judges were initiated into the computer age with the distribution of laptop computers.

Our look into the future occurred when the Chief Justice proposed, the Legislature enacted, and the Governor signed legislation creating a Family Division in the District Court. The creation of eight Case Management Officers, and support staff, will add significant muscle to processing and expediting family-related litigation, primarily that which involves children. This is an exciting development in how The District Court continues to serve the citizens of Maine daily, while aligning itself for better service in the future.



S. Kirk Studstrup
Chief Judge, District Court

S. Kirk Studstrup,
Chief Judge, District Court

District Court Caseload: Cases Filed By Type										
CIVIL CASES	1988	FY89	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97
Domestic:										
Divorce	7,377	7,395	7,320	7,207	7,139	7,037	6,966	7,018	6,639	6,693
Protection from Abuse	3,430	3,682	3,978	4,891	5,319	5,404	5,718	6,304	5,888	5,766
Protective Custody	554	580	506	557	647	665	628	722	792	834
Other Family Matters	1,360	1,359	1,377	1,305	1,342	1,633	2,067	2,155	2,440	2,507
Domestic: Sub Total	12,721	13,016	13,181	13,960	14,447	14,739	15,379	16,199	15,759	15,800
General Civil	17,505	17,944	19,896	19,987	17,936	15,997	14,328	13,868	13,487	14,467
Small Claims	26,012	27,582	29,740	18,558	11,033	9,997	10,071	10,274	9,772	10,113
Protection From Harassment	2,974	3,393	2,217	2,274	2,550	2,665	2,895	2,960	2,662	2,845
Mental Health	1,046	1,000	1,071	934	862	696	734	681	639	625
CIVIL: TOTAL	60,258	62,935	66,105	55,713	46,828	44,094	43,407	43,982	42,319	43,850
CRIMINAL CASES	1988	FY89	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97
Juvenile	4,717	5,070	5,082	4,619	4,757	5,219	5,691	5,809	5,963	7,661
Criminal A,B,C	4,036	5,255	5,520	5,522	4,756	3,705	3,898	3,535	3,690	3,906
Criminal D,E	30,430	32,030	34,588	36,077	35,856	33,225	32,327	33,932	32,784	35,212
Traffic Criminal	67,548	70,911	68,373	57,591	45,972	35,699	35,104	37,706	37,694	38,107
Criminal: Total	107,631	113,266	113,563	103,809	91,341	77,848	77,020	80,982	80,131	84,886
TOTAL: CIVIL & CRIMINAL	167,889	176,201	179,668	159,522	138,169	121,942	120,427	124,964	122,450	128,736
Civ. Vio./Traffic Inf.	153,557	149,359	135,455	148,254	136,079	110,964	107,173	108,582	108,060	126,943
GRAND TOTAL	321,557	325,560	315,123	307,776	274,248	232,906	227,600	233,546	230,510	255,679

- Total case filings in District Court increased nearly 11% compared to FY'96
- Domestic cases continued to define the nature of civil caseload. In 1988, less than a quarter (21%) of civil cases were domestic; in FY'97 more than a third of civil cases (36%) were domestic.
- Small Claims filings, which were 43% of civil filings in 1988, accounted for only 23% in FY'97.
- Juvenile case filings increased, although a significant portion of the increase shown on this table resulted from changes in docketing procedures rather than an actual increase in juvenile offenses.

The Administrative Court



Administrative Court Judges:
Roland Beaudoin, Joyce A. Wheeler

For Fiscal Year 1997, the central caseload for the Administrative Court involved

Administrative Court Caseload										
	1988	FY89	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97
Bureau of Liquor Enforcement										
Filings	279	350	348	418	442	328	342	352	296	339
Dispositions	281	344	369	399	407	316	314	478	324	335
Department of Human Services										
Filings	2	2	3	3	1	3	4	0	4	134
Dispositions	3	3	3	0	2	3	2	1	3	127
All Other - Filings	2	5	6	2	11	5	12	14	4	22
All Other - Dispositions	2	3	5	5	6	5	5	15	5	18
TOTAL - FILINGS	283	357	357	423	454	336	358	366	304	495
TOTAL - DISPOSITIONS	286	350	377	404	415	324	321	494	332	480

Bureau of Liquor Enforcement petitions (539 of 495 filings). The docket also included cases involving various administrative agencies. The increase in filings by the Department of Human Services resulted from enactment of "juvenile tobacco" legislation, which gave the Administrative Court jurisdiction over violations related to tobacco use by minors.

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. The clerical staff from the Administrative Court provided substantial direction and support. The judges heard matters on the full District Court docket on a regular basis as well.

Roland Beaudoin
Chief Judge, Administrative Court

New Courthouses Solve Long Term Problems in Skowhegan and Biddeford

Significant progress was achieved in replacing inadequate court facilities. Courthouses in Skowhegan and Biddeford, long recognized as some of the worst in the state, were replaced with new buildings in 1997. Financing was provided by the Maine Court Facilities Authority.

In Skowhegan, construction of a new courthouse at the corner of High and Court Streets began in the fall of 1996. The 15,000-square foot one-story brick building houses two courtrooms, the clerk's office, six conference rooms, and two judge's chambers.

In Biddeford, ground breaking ceremonies were held in November, 1996. The 19,000 square foot courthouse provides three courtrooms, three judge's chambers, a district attorney's office, and conference rooms. Both courthouses were designed by PDT Architects. As the year closed, the Maine Legislature approved plans for a new District Court building in Springvale.



Fiscal Report

The Judicial Branch operates primarily from 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

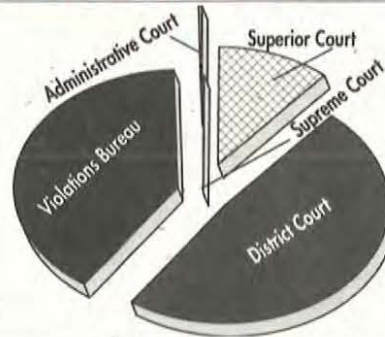
CATEGORY	% of Total		% of Total		% of Total		% of Total	
	FY'94	in FY'94	FY'95	in FY'95	FY'96	in FY'96	FY'97	in FY'97
District Court	\$10,745,760	34.3	\$11,377,714	34.4	11,261,557	33.1	11,539,606	31.9
Superior Court	7,352,531	23.5	7,737,291	23.4	7,814,666	23.0	7,986,137	22.1
Indigent Legal Services	4,951,298	15.8	5,116,458	15.5	4,866,949	14.3	5,859,888	16.2
Supreme Judicial Court	2,426,910	7.8	2,391,765	7.2	2,497,030	7.3	2,485,249	6.9
Administrative Office of the Courts	1,423,578	4.5	1,499,532	4.5	1,490,860	4.4	1,414,863	3.9
Leases: Maine Court Facilities	1,461,563	4.7	1,224,016	3.7	1,805,152	5.3	1,892,543	5.2
Mediation	243,118	0.8	253,059	0.8	210,231	0.6	252,676	0.7
Administrative Court	305,337	1.0	323,638	1.0	298,891	0.9	288,924	0.8
Court Automation	569,298	1.8	727,994	2.2	884,146	2.6	1,565,661	4.3
State Court Library	169,020	0.5	190,094	0.6	192,376	0.6	199,116	0.5
Grants/Other Allocations	547,788	1.8	723,120	2.2	1,336,931	3.9	1,163,315	3.2
Court Security Administration	876,804	2.8	1,267,022	3.8	1,155,613	3.4	1,364,527	3.8
Court Appointed Special Advocate	106,300	0.3	105,064	0.3	77,889	0.2	112,689	0.3
Judicial Responsibility & Disability	44,518	0.1	39,528	0.1	36,439	0.1	35,339	0.1
Other Department Activities	73,205	0.2	96,864	0.3	114,265	0.3	56,689	0.2
TOTAL	\$31,297,028	100.0	\$33,073,160	100.0	\$34,042,995	100.0	\$36,217,222	100.0

Other monies expended during FY'97 included dedicated funds for the Augusta Mental Health Institute Master agreement, Court Automation, Worker's Compensation Staff Attorney, Tobacco Violation revenue, Child Support Title IV-D program Child Welfare Program, County Jail Operation Fund, and grants from the State Justice Institute for the Judicial Conference, Video Arraignment Project, and Mediation Study.

FY'97 Judicial Branch Revenue Collections & Distributions

Sources

	Fines (a)	Fees (b)	TOTAL
Supreme Court	\$0	\$24,381	\$24,381
Superior Court	\$1,859,622	\$1,184,089	\$3,043,711
District Court	\$10,897,784	\$2,271,587	\$13,169,371
Violations Bureau	\$10,543,199	\$327,791	\$10,870,990
Administrative Court	\$106,424	\$1,749	\$108,172
TOTAL/All Courts	\$23,407,028	\$3,809,597	\$27,216,625



• Revenue collections reached an all-time high of \$27,216,625.

DISTRIBUTIONS:

		% of total
General Fund	\$21,713,760	79.8%
Traffic Safety Fund (D.O.T.)	\$590,019	2.2%
Highway Fund (D.O.T.)	\$2,022,082	7.4%
Inland Fish & Wildlife	\$665,740	2.4%
Dept. of Public Safety (1% of surcharge)	\$142,823	0.5%
ME Employment Security Comm.	\$6,985	0.0%
Tobacco Enforcement (DHS & Crim Just. Acad.)	\$41,196	0.2%
Municipalities (Local Ordinances)	\$122,130	0.4%
Govt. Services (County/Jail)	\$435,289	1.6%
Victims' Compensation Fund	\$528,641	1.9%
Court Technology (1% of Surcharge)	\$142,823	0.5%
Court Appt. Counsel Reimbursement	\$549,708	2.0%
Mediation Fund	\$251,832	0.9%
Collection Expense (Postage)	\$3,596	0.0%
TOTAL	\$27,216,625	100%

Revenue Collection: FY91 - FY97



(a) Fine revenue includes all civil and criminal fines, and surcharges

(b) Fee revenue includes civil filing fees, mediation fees, transcript fees, bail defaults, interest income and amounts paid by indigent defendants. (Indigent defendants may be found by the court to be "partially" eligible, and ordered to pay a portion of their defense costs.)

- 86% of revenues collected by the Judicial Branch were fines assessed in criminal, traffic and civil violation cases.
- The largest portion of the revenue, nearly 80% is deposited into the General Fund.

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.

The Maine Judicial Branch

Fiscal Year 1997

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

Fiscal Year '97 Caseload

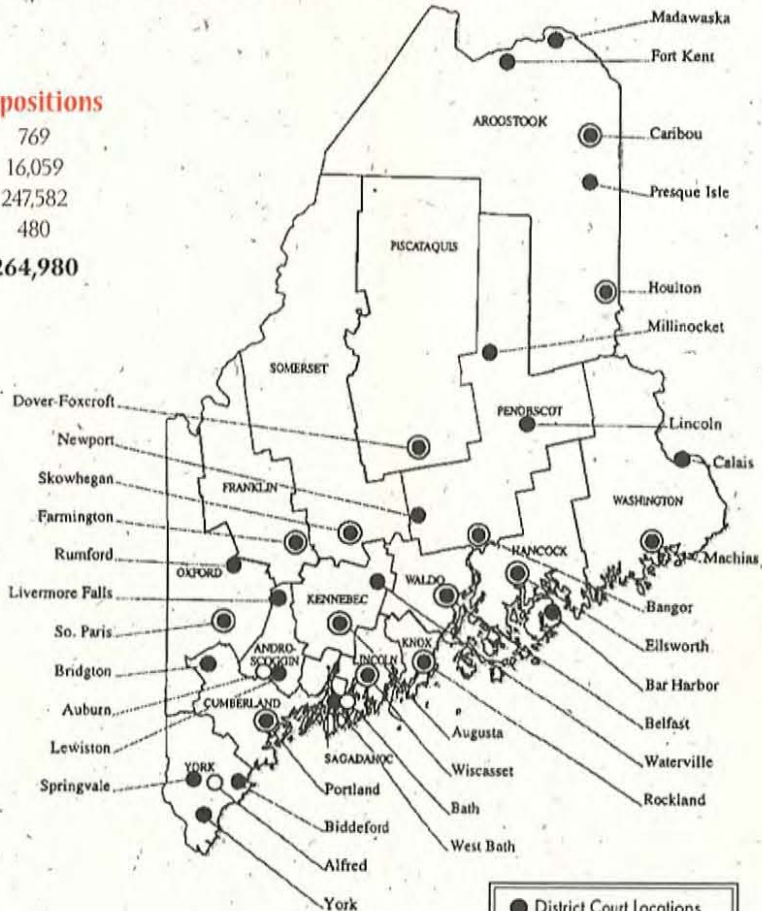
■ Law Court	724
■ Superior Court	15,912
■ District Court	255,679
■ Administrative Court	495
■ Total Case Filings	272,810

Filings

Dispositions

724	769
15,912	16,059
255,679	247,582
495	480
272,810	264,980

State of Maine Court Locations



●	District Court Locations
○	Superior Court Locations
●	District & Superior Court facilities of this location



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