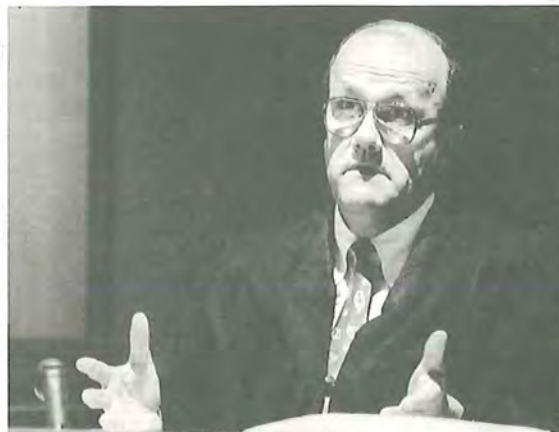


# MAINE STATE LEGISLATURE

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Annual Report  
of the  
Maine  
Judicial Branch

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Fiscal Year 1998  
July 1, 1997 to June 30, 1998



2:00



## *Administrative Office of the Courts*

62 Elm Street, P.O. Box 4820, Portland, Maine 04112



*James T. Glessner  
State Court Administrator*

*James T. Glessner, State Court Administrator  
Telephone: (207) 822-0792 FAX: (207) 822-0781*

At a recent orientation session, new employees took turns explaining what they like most about their new jobs. Their responses demonstrated that they are people-oriented, they like their new co-workers and they enjoy being busy. Throw in an openness to change and the ability to work under pressure — and you have the formula for the ideal Judicial Branch employee.

As this report demonstrates, 1998 was a year that brought about not just change, but real improvement in our ability to serve the citizens of Maine. Improvement requires change, and change isn't always easy. This report is a testimony to the improvements that have been achieved and serves as recognition of the efforts of many people in making this year so successful.

Employees in the Judicial Branch do not work in isolation from their customers. While the courts process cases, the men and women of the court system get to know the people associated with those cases. That leads to a commitment to do the best job possible for the people we serve. This report provides statistics which summarize the work that has been accomplished.

The report provides a narrative which describes the highlights of the last year. It also contains photographs which help to connect the people who do the work, with the work that has been accomplished. All of these, however, can only provide a sample of the true spirit of the Judicial Branch, a spirit that is already embodied in the newest of our employees, as evidenced by their orientation comments.

On behalf of Maine's Judicial Branch of Government, it is a privilege to present the annual report for fiscal year 1998.

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

*James T. Glessner, State Court Administrator*



# Judicial Branch Recognizes Outstanding Performances

Recognition for outstanding and long-term employees took place at the second annual All-Employee meeting held at the Bangor Civic Center.



Honoring 30-year employees Norma Dubeme (2nd. from lt.) and Rita Desjardins (3rd. from lt.), Clerks of Court, are the Honorable Michael N. Westcott (lt.) and the Honorable Daniel E. Wathen (rt.).

There were 23 first anniversary employees: 20 at the five-year mark, 25 veterans who logged a decade of service, 13 who served for 15 years and ten more at their 20th year. Two District Court Clerks, Norma Dubeme of Caribou and Rita Desjardins of Lewiston were applauded for their 30 years as judicial employees.

Employee of the Year was Child Support Coordinator Wendy Rau, who



Chief Wathen (lt.) with Wendy Rau named Employee of the Year.

was praised for “working tirelessly and effectively” to accomplish the many tasks that are assigned to her. In addition to her “day” job coordinating child support efforts, she is always, according to her nominators, willing to take on a new assignment and complete it with excellence. Wendy has been key to the development and implementation of the Family Division and to efforts to improve child protection. Over the past few years, she has provided tremendous support to the Pro Se Divorce Team. Wendy’s “unique capacity to understand complex matters and to bring about progress and accomplishments” has gained the respect and admiration of her fellow employees.

Special Service Awards were presented to the Hon. David G. Roberts and to the members of the Family Court Implementation Team. Justice Roberts was a member of the judiciary for 31 years, serving the bench from March 1967 until his retirement earlier this year. He continues to serve as an active retired justice. Members of the Implementation Team included Sharon Burns, Doreen Emboff, Hon. Rae Ann French, Diane Harvey, Hon. Jeffrey Hjelm, Hon. Thomas Humphrey, Diane Kenty, Robert Miller, Ronda Nelson, Penny Reckards, Sharon Webster and Hon. Joyce Wheeler. This team did a spectacular job in getting the Family Division open for business.



The Honorable David G. Roberts (lt.) receives a warm handshake from Chief Wathen (rt.) with the Special Services Award he shares with the Family Court Implementation Team.



The Family Court Implementation Team honored with the 1998 Special Services Award.



*Cushman Anthony, Esq. (lt.) receives the 1998 Advocate for Justice Award from Chief Watben.*

*Cushman D. Anthony, Esq.* of Falmouth received the **1998 Advocate for Justice Award**. According to one of his nominators, “Cush has been a tireless advocate for justice in the legislature, before state administrative agencies and in his role as one of the most respected private mediators in the state.”

Cush helped to establish and serves as and instructor for the **KIDS FIRST** (formerly “Resources for Divorces Families”) program in Portland, which helps divorcing families to focus on the needs of children involved during the divorce process. Cush has donated many hours of service to the court system, serving as chair of the ADR Planning and Implementation Committee, a member of the CADRES Advisory Board and the ADR Task Force of the Futures Commission.

He was recognized for his commitment to justice, as one who has “most effectively championed the cause of justice in our society.”



*Hank Warren, shown here with Chief Watben (rt.) named Outstanding Volunteer of the Year.*

*Hank Warren* of Cape Elizabeth was honored as **Outstanding Volunteer of the Year**. Hank has donated countless hours of service to the judicial branch directly, and as a volunteer for Pine Tree Legal services. His strong commitment to assisting pro se litigants has led him to serve as a volunteer throughout the courts in southern Maine, answering litigants’ questions and helping to fill out forms. When Pine Tree Legal Services lost funding, Hank volunteered to take on a coordinating role as well.

Hank serves on the Pro Se Divorce Team, and has volunteered to chair the advisory committee for “Maine Volunteers for Justice.” He has just completed training to

become a CASA volunteer. According to one of his nominators. “Hank is one of those rare humans who seems to possess both boundless energy and enduring compassion for individuals caught up in the legal system.... Maine is very fortunate that this retired state official chose to create a new unpaid career for himself in public service to the judicial branch.”



*Court Officer Roy Rice and Hon. Leigh Sausley*



*The Honorable G. Arthur Brennan, Honorable John R. Atwood and CMO Paul D. Mathews share thoughts.*



*Honorable Joyce A. Wheeler*

## Message from the Chief Justice



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

Paraphrasing the words of an ancient philosopher, I often say that “justice will come to Maine when those of us who have never been injured, demeaned, or humiliated become as committed and concerned as those who have.” This annual report documents the commitment and concern of the people who work on a daily basis in the Judicial Branch of Maine’s government. I am proud of their accomplishments.

In the final analysis, however, courts and other public institutions are measured by nothing less than the degree of trust and confidence they inspire in the minds of the people they serve. With the continued support of the other two branches of state government, volunteers, and interested citizens; we are committed to providing a court system that the people of Maine trust and believe in.

A handwritten signature in cursive script, reading 'Daniel E. Wathen'.

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

## Year in Review: Fiscal Year July 1, 1997 to June 30, 1998

*“COURT REFORM is sort of like trying to repair a truck while driving it down the road. If you can’t pull over and stop, and we can’t, you’ve got to keep a sharp eye on the road ahead while you work.”*  
*Chief Justice Daniel E. Wathen*

### Family Division Opens for Business

The single largest change in the recent history of the Maine Judicial Branch occurred in the spring of 1998 when the Family Division of the District Court began its work. Countless hours of planning, preparation and training were dedicated to the huge task of designing and implementing a new procedure for divorce and child support cases in the District Court. Teams of Judicial Branch personnel and volunteers developed processes, revised rules, adapted

forms and mapped procedures to assure the successful advent of the Family Division.

The creation of the Family Division was the most substantial infusion of resources to Maine’s court system in over two decades. Most of the funds to operate the Division came from the Federal Child Support Enforcement Act; state funds cover approximately one third of the costs.

The Family Division provides aggressive case management for child support cases and divorce cases involving children. The rules of the Family Division mandate that Case Management Officers hold case conferences within 30 days of filing. At the initial conference, a case management plan is determined so that expectations of time and resolution are known to the parties. The officers have the authority to establish

temporary child support payments, visitation rules, and to direct the parties to mediation in a timely manner. The expedited hearing of cases and definition of time and process helps parents to focus their actions on the needs of the children. According to District Court Chief Judge *Michael Westcott*, “The goal is to help protect kids from parental conflict.”

The system is designed to give guidance and direction to the many pro se litigants who try to navigate the legal system without assistance from lawyers. With more than half of the divorces in Maine involving at least one unrepresented party, in the words of Chief Justice Wathen, “we had to do something to serve those people who are not represented.” Clerks’ offices and courtrooms are frequently faced with people trying

*continued next page*

to understand complicated legal processes in the midst of feeling overwhelmed by the personal impact of divorce. A key goal of the Family Division is to reduce the stress for both families and the courts.

It is anticipated that the emphasis on resolution between the parties will reduce the number of contested cases that require a full hearing before a judge. More importantly, the case management system is designed to enable parents to resolve their conflicts, and create better circumstances for their children and themselves.

### The Ice Storm Cometh

The storm of the century occurred in January 1998, and the Judicial Branch faced the challenge of maintaining operations under

extreme conditions. Generally, court facilities sustained minimal damage, but monumental efforts were required of staff to cope with extended power outages and interrupted phone access. Many personnel were personally effected by the storm and managed to keep doing their jobs while protecting their homes from disaster caused by days and weeks of no power.

There were numerous instances of co-workers helping each other throughout the weeks that it took to fully recover from the storm's effects. Parts of the Augusta area remained frozen solid and without power for weeks, which led to significant risk for people who struggled to keep their homes warm enough to keep themselves, their families and their waterpipes from freezing.

Newly appointed District Court Judge *Vendean Vafiades* was one of the Augusta residents who kept the Courts running, with help from her fellow employees. Without power for nearly two

weeks, a large tree limb on the roof, and three children home from school for over a week, she managed to navigate the icy roads to keep up with her assigned court duties.

Assigned to Skowhegan for a full day of hearings, her dilemma became part of the ubiquitous storm conversation. Superior Court Chief Justice *Margaret Kravchuk* was in town, and when a scheduled jury trial settled, she arrived at the District Court to cover Judge Vafiades' child protection docket. Fellow District Court Judge *Douglas Clapp* armed Judge Vafiades' with a diagram of how to wire a generator, and she was sent on her way to preserve her home from further damage.

The clerk's office in Augusta managed to keep the court open for business for all but two days. Even when closed to the public, staff arrived at court and used the down time to catch up on outstanding paper work. Since the courthouse never lost power, it provided welcome warmth and shower relief to the dedicated employees.

The landscape of the Maine Judicial Center was significantly changed by the loss of several trees on the grounds. The staff of the Office of Information Technology worked long difficult hours to restore computer service to various areas of the state.

After the storm and its aftermath had passed, *Chief Justice Wathen* offered these compliments, "...even though everyone was hard hit, the court's record of operation during the ice storm was exemplary. Many came to work when your life was upside down. Notwithstanding these difficulties, your service during this difficult time is something that we can point to with pride. Nice going."



*Scenes around the Maine Judicial Center were typical of Maine's iced landscape.*

photos courtesy Scott Clark

*continued next page*



## Year in Review *continued*

### Court Facilities: Celebrating the Present, Planning for the Future

The new Skowhegan Courthouse, located at the corner of High and Court Streets, opened in November of 1997, and was formally dedicated on December 11, 1997. The \$2 million facility provides proper space for the Twelfth District, which has operated out of a basement and storefront in recent years. Dedicated to the late Judge *Edward N. Merrill*, the courthouse is a welcome addition to the community.

In Biddeford, the District Court moved into a new building on Adams Street in the downtown area over Thanksgiving, 1997. On March 2, 1998, the building was dedicated in honor of former *District Court Chief Judge Nicholas Danton*. In his remarks, Chief Justice Wathen said, "This is my idea of a perfect courthouse. The downtown location makes it a center of activity for the city and provides a convenient location for the people we serve."

Approval was granted by the legislature to build new District Court facilities in Springvale and Lewiston. Site location and design procurement tasks were underway throughout the year. The accomplishment of both Biddeford and Skowhegan Courthouses served as inspiration for continuing the tremendous effort required to assure proper court facilities.

### Technology Marches into the Next Century

MEJIS, the Maine Judicial Information System, forged its way into the Superior Court Criminal divisions throughout the year. Under the direction of Office of Information Technology Director *Scott W. Clark*, the new computer-



*Kennebec Superior Court Clerk Nancy Desjardin concentrates during MEJEIS training.*

(photo courtesy *Kennebec Journal*)

ized docketing tool is being developed from scratch by in-house staff, aided by a small group of temporarily assigned programmers. It is an immense task to develop and deploy a comprehensive system that meets the needs of all users and follows the mandates of rules, statutes and policies. OIT provides initial training, with the assistance of the University of Maine Muskie Institute, and remains available to assist clerks with questions and problems. Feedback from the clerks' offices helps to improve and perfect the system.

Managing the complexity of the new system, while continuing to support other technology in place has presented a tremendous challenge for the Judicial Branch. Though it has taken longer than anticipated, the first phase of an integrated state-wide court management system has been designed and built for a fraction of the cost experienced in other states.

Many states are outspending Maine ten to one, but the end result is comparable. The Judicial Branch has accessed every opportunity for federal funding and relies on the hard work of a small but

dedicated technical staff in the Office of Information Technology.

### Maine Volunteers for Justice

"Maine Volunteers for Justice", a new project focusing on the use of volunteers in the courthouses and in external legal service provider settings, began in December of 1997. Funded by a grant from the Libra Foundation, consultant *Pamela Perkins* was contracted to establish and coordinate the program. The project progressed toward meeting its goals of becoming a clearinghouse for information, training, evaluation and recognition of citizens donating their time to the Justice System. Survey analysis, database and resource development, and the creation of a recruitment video were among the tasks set for the project. An advisory committee of



*Norma Murray, Lisa M. Nowak and Pamela Perkins provide staff time at the Cumberland County Courthouse Information Table.* (photo courtesy *Debra Nowak*)

*continued next page*

Judicial Branch staff and public representatives was created to provide direction and support to the program's efforts.

### Training Efforts Multiply

Development of new and enhanced training opportunities for Judicial Branch employees continued throughout FY'98. The Judicial Branch Education and Training Team (JBETT) encouraged and supported the efforts of training officer *Debra Nowak*, and the results of their work was evident in the comprehensive catalogs presented to staff. Many committed individuals were trained to present programs internally; periodic bulletins alerting staff to external training opportunities were issued; and an extensive self-study library was established.



*Liz Ashe presents a session on "Dealing with Difficult People."*  
(photo courtesy Don Johnson)

Areas of training established or enhanced this year included intensive supervisory and leadership training, the development and delivery of a New Employee Handbook and Orientation, and "Legal Support Staff Training" presented to law office staff to assist them with understanding and following the operations of Clerks' offices. The Judicial Branch education program has shown tremendous growth and resulted in

better informed and higher skilled employees, a credit to those who devote their energy to making the program a success.

### Adjusted Compensation Recognizes Worth

Following intensive negotiations, Labor and Management reached agreement regarding the relative compensation for Judicial Branch personnel in positions covered by collective bargaining. The agreement resulted in salary increases for many job classifications, including all staff in clerks' offices. Other parts of the agreement called for stipends related to education above minimum requirements, and recruitment and

retention stipends for technical employees to reflect the market demand. With legislative approval, the amended contract will go into effect March 1, 1999.

Following extensive study, recommendations made by the Judicial Compensation Commission were accepted and funded by the Legislature. In addition to substantially increasing salaries for the first time in over a decade, the law makes changes to retirement benefits that had been anticipated years ago, but were withdrawn during budget-cutting times in the 1980's.

The new statute calls for the equalization of pay for District Court judges and Superior Court justices, a recommendation that had been made by the Commission to Study the Future of Maine's Courts in 1993.



*Penobscot County Courthouse, Bangor*  
(photo courtesy Stephen Hatch)



*Penobscot County Courthouse, Bangor*  
(photo courtesy Stephen Hatch)

# 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

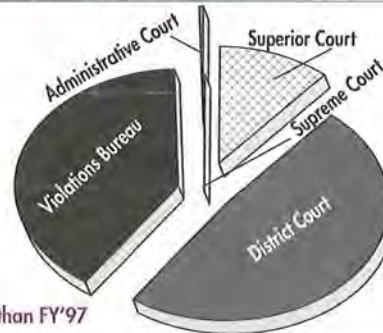
CATEGORY	% of Total		% of Total		% of Total		% of Total		% of Total		%Chg '97-'98
	FY'94	in FY'94	FY'95	in FY'95	FY'96	in FY'96	FY'97	in FY'97	FY'98	in FY'98	
District Court	\$10,745,760	34.3%	\$11,377,714	34.4%	\$11,261,557	33.1%	\$11,539,606	31.9%	\$12,153,496	31.9%	5.3%
Superior Court	7,352,531	23.5	7,737,291	23.4	7,814,666	23.0	7,986,137	22.1	8,092,551	21.3	1.3
Indigent Legal Services	4,951,298	15.8	5,116,458	15.5	4,866,949	14.3	5,859,888	16.2	5,976,841	15.7	2.0
Supreme Judicial Court	2,426,910	7.8	2,391,765	7.2	2,497,030	7.3	2,485,249	6.9	2,593,701	6.8	4.4
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	1,500,716	3.9	6.1
Leases: Maine Court Facilities	1,461,563	4.7	1,224,016	3.7	1,805,152	5.3	1,892,543	5.2	2,289,365	6.0	21.0
Mediation	243,118	0.8	253,059	0.8	210,231	0.6	252,676	0.7	303,849	0.8	20.3
Administrative Court	305,337	1.0	323,638	1.0	298,891	0.9	288,924	0.8	289,859	0.8	0.3
Court Automation	569,298	1.8	727,994	2.2	884,146	2.6	1,565,661	4.3	847,659	2.2	-45.9
State Court Library	169,020	0.5	190,094	0.6	192,376	0.6	199,116	0.5	202,466	0.5	1.7
Grants/Other Allocations	547,788	1.8	723,120	2.2	1,336,931	3.9	1,163,315	3.2	2,242,746	5.9	92.8
Court Security Administration	876,804	2.8	1,267,022	3.8	1,155,613	3.4	1,364,527	3.8	1,324,338	3.5	-2.9
Court Appointed Special Advocate	106,300	0.3	105,064	0.3	77,889	0.2	112,689	0.3	131,146	0.3	16.4
Judicial Responsibility & Disability	44,518	0.1	39,528	0.1	36,439	0.1	35,339	0.1	44,609	0.1	26.2
Other Department Activities	73,205	0.2	96,864	0.3	114,265	0.3	56,689	0.2	63,454	0.2	11.9
<b>TOTAL</b>	<b>\$31,297,028</b>	<b>100.0</b>	<b>\$33,073,160</b>	<b>100.0</b>	<b>\$34,042,995</b>	<b>100.0</b>	<b>\$36,217,222</b>	<b>100.0</b>	<b>\$38,056,796</b>	<b>100.0</b>	<b>5.1</b>

Other monies expended during FY'98 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'98 Judicial Branch Revenue Collections & Distributions

### Sources

	Fines (a)	Fees (b)	TOTAL
Supreme Court	\$0	\$25,987	\$25,987
Superior Court	\$1,813,250	\$1,318,462	\$3,131,712
District Court	\$11,337,619	\$2,418,845	\$13,756,464
Violations Bureau	\$10,713,837	\$361,222	\$11,075,059
Administrative Court	\$112,419	\$1,656	\$114,075
<b>TOTAL/All Courts</b>	<b>\$23,997,125</b>	<b>\$4,620,960</b>	<b>\$28,103,297</b>



\* Revenue collections reached an all-time high of \$28,103,297; 3.3% more than FY'97

### DISTRIBUTIONS:

		% of total
General Fund	\$22,011,866	78.32%
Traffic Safety Fund (D.O.T.)	\$755,463	2.69%
Highway Fund (D.O.T.)	\$1,811,019	6.44%
Inland Fish & Wildlife	\$669,918	2.38%
Dept. of Public Safety (1% of surcharge)	\$187,400	0.67%
ME Employment Security Comm.	\$1,628	0.01%
Tobacco Enforcement (DHS & Crim Just. Acad.)	\$60,182	0.21%
Municipalities (Local Ordinances)	\$117,735	0.42%
Govt. Services (County/Jail)	\$437,962	1.56%
Civil Legal Services Fund	\$449,852	1.78%
Victims' Compensation Fund	\$529,147	1.88%
Court Technology (1% of Surcharge)	\$187,398	0.67%
Court Appt. Counsel Reimbursement	\$524,349	1.87%
Mediation Fund	\$307,133	1.09%
Collection Expense (Postage)	\$2,245	0.01%
<b>TOTAL</b>	<b>\$28,103,297</b>	<b>100%</b>

(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.

### Revenue Collection: FY'94 - FY'98

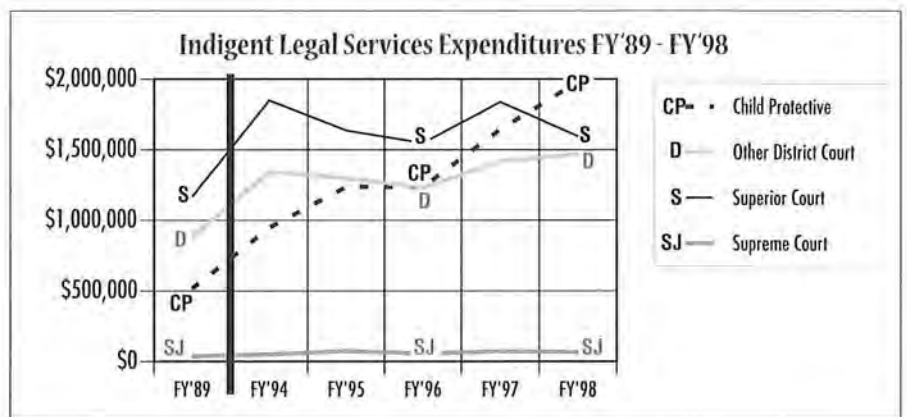
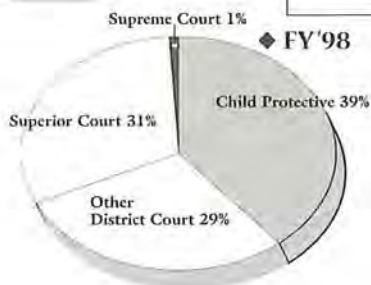
FY'98	\$28,103,297
FY'97	\$27,216,625
FY'96	\$24,083,458
FY'95	\$23,096,271
FY'94	\$22,319,627

# Indigent Legal Services

The State of Maine meets its Constitutional and statutory requirements for legal representation through allocation of funds to the Judicial Branch. Defendants in criminal cases in which there is a possibility of incarceration, as well as parents and children in child protective proceedings, are entitled to representation. The Courts determine the defendant's income eligibility and appoint private attorneys who are paid for their services through the Administrative Office of the Courts.

In FY '98, expenditures for indigent legal services were \$5,976,841, nearly 16% of the Judicial Branch budget. Expenditures for court-appointed counsel have more than doubled in the past decade, increasing 104% from the \$2,925,974 that was spent in FY'89.

In recent years, expenditures for representation of parents and children in child protection cases have shown the most dramatic increases. Changing public policy regarding child abuse and neglect has led to an increase in the number of child protective workers in the Department of Human Services. As a result, there has been significant increase in the number of child protective cases filed. Modification of federal and state mandates, increased complexity and active case management have elevated the standards for representation in these cases.



## Civil Legal Services Fund Yields Revenue and Results

The Civil Legal Services Fund, created by the 118th Maine Legislature, began receiving funds in September of 1997. Supported by a broad coalition of judges, lawyers and citizens, the Fund was established to provide funding for low-income citizens of Maine. The Fund is

the repository of a \$5.00 surcharge on civil fines and penalties, and a surcharge on civil filing fees. Though less than a full year of revenue was received, the fund yielded nearly a one half million dollars in funding for various legal service agencies throughout the state in FY'98. Following public hearings, a three-member commission determined the distribution of funds.

The five agencies that will receive funds are Maine Equal Justice Partners, Volunteer Lawyers Project, Pine Tree Legal Assistance, Legal Services for the Elderly, and the Cumberland Legal Aid Clinic. Based on revenue figures from the first year, the Fund will disburse \$800,000 to \$900,000 annually to these agencies, significantly improving the accessibility of legal representation to needy Maine citizens.



Bar Harbor District Court  
(photo courtesy Stephen Hatch)

# Maine Judicial Branch Caseload

## THE WORK OF THE COURTS: A Decade of Change and Challenge

The nature of the caseload in Maine's courts reflects the changes in the greater community. Fluctuations in the economy, shifts in family relationships, and increased awareness of rights and responsibilities have changed the work of the courts. A closer look at the cases filed in the District Court illustrates the changes that have occurred over the past decade.

While the simple count of filings in the courts shows a decrease in the total number of cases, this is not an accurate picture of the courts' workload. Data is reported as a one-to-one tally of cases; each filing, from a traffic infraction to a child protective case, is a single count. The relative weight of more complicated and time-consuming cases is not accurately indicated. There is no reporting at all of the number of postjudgment actions in the District Court; the tremendous workload created by post-divorce actions frequently consume more court resources than the original divorce settlement.

Rule changes and statutory amendments have enabled the courts to reduce their involvement in simple cases, such as small claims, encouraging resolution between the parties sooner and without court action. This adaptation has eased the burden of the courts somewhat. At the same time, however, increased awareness and public demand for protection from abusive situations have contributed to a growing number of protective actions involving both children and adults; more divorced families request the assistance of the courts in dealing with ongoing conflicts and unexpected transitions; and more juveniles are involved in criminal activity. While these relatively simple cases have declined significantly, more complicated and time-consuming conflicts have increased dramatically. The net result is a growing demand for staff time and judicial resources, as illustrated below.

	FY94	FY95	FY96	FY97	FY98
<b>LAW COURT</b>					
Filings	1,038	988	841	724	778
Dispositions	889	732	800	769	833
<b>SUPERIOR COURT</b>					
Filings	17,649	17,469	16,315	15,912	15,801
Dispositions	18,116	17,077	17,726	16,059	16,348
<b>DISTRICT COURT</b>					
<b>Local Courts</b>					
Filings	128,168	133,125	131,652	141,985	146,070
Dispositions	126,029	129,352	128,913	135,607	139,298
<b>Violations Bureau</b>					
Filings	99,432	100,421	98,858	113,709	114,696
Dispositions (b)	not avail.	100,458	110,971	112,274	115,218
<b>TOTAL DISTRICT COURT</b>					
Filings	227,600	233,546	230,510	255,694	260,766
Dispositions	not avail.	229,810	239,884	247,881	254,516
<b>ADMINISTRATIVE COURT</b>					
Filings	358	366	304	495	561
Dispositions	321	494	332	480	580
<b>TOTAL CASELOAD</b>					
Filings	246,645	252,369	247,970	272,810	277,906
Dispositions (c)	not avail.	248,113	258,742	264,980	272,277

(a) Superior Court criminal filings counted by docket number.  
 (b) Disposition data for the JBVB is unavailable for FY'94.  
 (c) Total disposition count for FY'94 has not been calculated

	Annual # Filings		%CHG. '89 - '98
	FY'89	FY'98	
<b>State Total</b>			
Other Family Matters*	1,359	2,449	80.2%
Protection from Abuse	3,682	6,120	66.2%
Child Protective Custody	580	942	62.4%
Juvenile	5,070	6,957	37.2%
Small Claims	27,582	10,033	-63.6%
Money Judgments	4,148	3,237	-22.0%
Mental Health	1,000	596	-40.4%

\* Other Family Matters include conflicts of support and custody between unmarried persons.



Bar Harbor District Court  
(photo courtesy Stephen Hatch)

# The Supreme Judicial Court

As another year ended, the Supreme Judicial Court of Maine prepared for the departure of Justices Lipez and Roberts and the arrival of their replacements, *Justices Susan Calkins* and *Donald Alexander*. After 31 years of exemplary judicial service, *Justice David Roberts* assumed active retired status. We are fortunate that his rich experience and a nearly encyclopedic knowledge of the operation of Maine's court system will remain available to us.

*Justice Kermit Lipez* was appointed by President Clinton to serve on the United States Court of Appeals for the First Circuit. He was a valued colleague and he is missed, but he remains a vital part of the legal system of Maine. Governor King appointed two of Maine's most experienced trial judges to serve on the Supreme Judicial Court.

Justice Alexander has 20 years of trial court experience and Justice Calkins has eight

The Court continued its record high performance in dealing with its appellate work load. For the second consecutive year, more cases were disposed of than were filed, and an overall clearance rate of 107% was achieved. The number of workers' compensation cases has stabilized at around 200 a year, and family law continues as the area experiencing the greatest growth.

The work product of the Supreme Judicial Court reflects favorably upon the quality of justice provided in Maine's trial courts. Only 10% of the 833 cases brought before the Supreme Judicial Court were modified in any way on appeal. With respect to criminal cases, only 5% of the appealed cases were modified, while civil cases involved alteration in 11.4% of appealed cases. The Court's ability to remain current with its workload and, in fact, to reduce backlog is enhanced by the quality of Maine's trial courts.

In both its appellate and administrative capacity, the Court's task is to make real the constitutional promise of prompt and affordable justice for every Maine citizen.



*FY '98 Supreme Judicial Court:*  
*(front row) David G. Roberts, Daniel E. Wathen (Chief Justice), Robert W. Clifford*  
*(back row) Paul L. Rudman, Howard H. Dana, Jr., Kermit V. Lipez, Leigh I. Sausfley*

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

Maine Law Court Caseload					
	FY94	FY95	FY96	FY97	FY98
<b>CIVIL</b>					
Worker's Comp.	448	165	258	186	197
Child Protective			38	33	43
Divorce			30	22	21
Other Civil	408	615	315	277	3314
<b>TOTAL CIVIL FILINGS</b>	<b>856</b>	<b>780</b>	<b>641</b>	<b>531</b>	<b>575</b>
Worker's Comp. Dispositions	280	205	224	199	241
Other Civil Dispositions	423	371	394	358	383
<b>TOTAL CIVIL DISPOSITIONS</b>	<b>703</b>	<b>576</b>	<b>618</b>	<b>557</b>	<b>624</b>
Criminal Filings	182	208	200	193	203
Criminal Dispositions	186	156	182	212	209
<b>TOTAL - FILINGS</b>	<b>1,038</b>	<b>988</b>	<b>841</b>	<b>724</b>	<b>778</b>
<b>TOTAL - DISPOSITIONS</b>	<b>889</b>	<b>732</b>	<b>800</b>	<b>769</b>	<b>833</b>

Child Protective and Divorce detail unavailable until FY '96.

# The Superior Court



Margaret J. Kravchuk  
Chief Justice, Superior Court

During the past year there were dramatic changes on the Superior Court Bench. In FY'98 and early FY'99, Justices *Leigh Sanfley*, *Donald Alexander* and *Susan Calkins* were elevated to the Maine Supreme Judicial Court and Justice *Carl Bradford* retired after 17 years of dedicated service on the Court. In their places, Justices *Kirk Studstrup*, *Jeffrey Hjelm*, *Tom Humphrey*, and *Tom Warren* joined the Superior Court. As there are only 16 Justices on the entire Superior Court, we have experienced a 25% change in the Court's makeup! While it is refreshing to have new people and ideas on the Court, our former colleagues are greatly missed.

A number of Superior Court Justices have had Judicial Education opportunities this year at the National Judicial College in Reno, Nevada. Furthermore, *Justice Mead* of Bangor has continued his hard work with the Judicial Education Committee in presenting "Good Practices" programs at our winter meetings for all Judges. Continuing educational opportunities remain important for all Judges, including those of us on the Superior Court.

Part of my education as Chief Justice has been the wonderful opportunity I have had to work with the Superior Court Clerks and their staffs in all 16 counties, the private attorneys who work so diligently as panel chairs on the Medical Malpractice prelitigation screening panels, the jury officers, court security personnel and the Court Reporters. The dedicated support and administrative staff throughout the state, including *Pat Lane*, Judicial Secretary and *Rob Miller*, Regional Court Administrator, have both provided invaluable help to me as Chief Justice of the Superior Court.

Thanks to all of these folks — it has been a good year for the Maine Superior Court.

*Margaret J. Kravchuk*

Margaret J. Kravchuk,  
Chief Justice, Superior Court

## Superior Court Caseload

The Superior Court is the state's court of general jurisdiction, and the only trial court in which jury trials are available. There were 4,655 civil cases filed in FY'98, a slight decrease of 3.4% compared to FY'97. Civil filings have gradually declined over the past five years. The greatest part of this decline is due to the reduction in UIFSA cases. As the Department of Human Services has utilized more administrative procedures to collect child support from out-of-state parents, there has been less need for the court to issue orders. Of the 4,874 civil dispositions, 40% were withdrawn by the plaintiff, under Rule 41(a). Civil trial activity for FY'98 included 155 non-jury trials and 177 jury trials.

Superior Court Civil Filings					
Case Type	FY94	FY95	FY96	FY97	FY98
Damages	607	685	502	393	271
Personal Injury	1,143	1,144	1,164	1,187	1,115
Contract	715	644	730	702	651
UIFSA*	343	456	101	64	24
Divorce	275	312	296	274	303
Rule 80B/80C Appeal	371	364	312	296	298
Appeal/Lower Court	310	287	350	348	318
Real Property Action	889	795	794	794	912
Equitable Action	276	290	390	294	263
Other	580	479	390	462	500
<b>CIVIL TOTAL:</b>	<b>5,509</b>	<b>5,456</b>	<b>4,933</b>	<b>4,814</b>	<b>4,655</b>
* Unified Interstate Family Support Act					

Superior Court Civil Dispositions					
Type of Disposition	FY94	FY95	FY96	FY97	FY98
Default Judgment	258	185	196	119	125
Rule 41 (a)	2,313	2,184	2,097	2,045	1,988
Rule 41 (b)	330	243	265	157	165
Dismissal	338	412	450	423	381
Summary Judgment	615	521	481	490	539
Final Order	570	427	413	433	409
Divorce Decree	164	198	257	234	206
Appeal Sustained	72	76	65	55	53
Appeal Denied	228	215	214	219	242
Court Judgment	193	163	198	150	120
Jury Verdict	192	151	159	203	166
Other	481	489	464	444	480
<b>TOTAL</b>	<b>5,754</b>	<b>5,264</b>	<b>5,259</b>	<b>4,972</b>	<b>4,874</b>



*FY'98 Superior Court Justices: (front row) Roland A. Cole, G. Arthur Brennan, Thomas E. Delahanty, II, Donald G. Alexander, Margaret J. Kravchuk (Chief Justice), Carl O. Bradford (active retired), Paul T. Pierson, Paul A. Fritzsche (back row) S. Kirk Studstrup, Donald H. Marden, Robert E. Crowley, Nancy Mills, Andrew M. Mead, Francis C. Marsano, John R. Atwood, Susan W. Calkins, Stephen L. Perkins (actived retired)*

Superior Court Criminal Filings					
Case Type	FY94	FY95	FY96	FY97	FY98
Class A	422	426	344	369	376
Class B	901	928	872	944	851
Class C	2,541	2,295	2,271	2,260	2,295
Class D	2,932	3,249	2,820	2,732	2,775
Class E	1,204	1,205	1,243	1,264	1,350
Title 29	2,701	2,427	2,601	2,348	2,106
Other	1,731	1,759	1,574	1,562	1,584
<b>CRIMINAL TOTAL:</b> (counted by defendant)	<b>12,432</b>	<b>12,289</b>	<b>11,725</b>	<b>11,479</b>	<b>11,337</b>

Superior Court Criminal Dispositions					
Type of Disposition	FY94	FY95	FY96	FY97	FY98
District Court Bail Revised	208	203	157	154	123
District Court Bail Affirmed	86	71	61	54	74
Dismissed by Court	99	154	135	98	140
Dismissed by D.A. Rule 48(a)	2,932	2,673	2,950	2,485	2,476
Filed Case	434	627	696	532	570
Probation Revoked	800	784	769	755	780
Convicted — Plea	6,556	5,863	6,461	6,233	5,844
Convicted — Jury Trial	266	216	273	276	229
Convicted — Jury Waived Trial	56	63	42	69	47
Acquitted — Jury Trial	146	165	136	111	140
Acquitted — Jury Waived Trial	15	11	14	15	11
Mistrial	44	32	36	28	35
Other	723	632	581	602	559
<b>TOTAL</b>	<b>12,365</b>	<b>11,494</b>	<b>12,311</b>	<b>11,412</b>	<b>11,028</b>

#### Superior Court Caseload (continued)

There were 11,337 criminal cases filed in FY'98, which was similar to the level of filings during the previous year, a decline of only 1.2%. The 3,522 cases involving Classes A, B, and C (formerly classified as felonies) constituted 31% of the criminal caseload. More than half (55%) of the cases disposed resulted in convictions. Of the 6,120 convictions, 5,844 (95%) were by a plea of guilty. Dismissals by District Attorneys accounted for 22% of dispositions.



## The District Court



Michael N. Wescott  
Chief Judge, District Court

In October, 1997, Chief Justice Wathen appointed Judge *Michael N. Wescott* as Chief Judge of the District Court, and Chief Judge Westcott, in turn, appointed Judge *Thomas E. Humphrey* as deputy Chief Judge. At the same time, Chief Judge *S. Kirk Studstrup* was appointed to the Superior Court. In order to fill that vacancy and another vacancy created in the District Court, Judges *Vendean Vafiades* and *Paul Eggert* were appointed as District Court Judges. Fortunately, Active Retired Justice *William Brodrick* continued to provide substantial service in the District Court.

During the fall of 1997, the District Court judges and clerks designed a system that allocates judges' time to courts in accordance with case load. Judges and clerks within each of seven regions throughout the state collaboratively planned an annual schedule for their area. Congratulations to the judges and clerks who took this concept, made it work and continue to improve it.

New courthouses were dedicated in Skowhegan and Biddeford. Judges *Douglas Clapp* and *Andre Janelle*, along with their facilities committees, are commended for their excellent work.

During the spring of 1998, the District Court judges and clerks directed their efforts toward the creation of the Family Court. This was an extraordinary undertaking which involved the promulgation of Family Court Rules, preparation of forms, creation of a procedural manual, establishment of a protocol and development of an educational program for the Case Management Officers, clerks and judges. Simply stated, this could not have been accomplished without

extraordinary dedication of the District Court clerks and judges who worked on this project.

On April 6, 1998, the first Case Management Officers began their employment with the Judicial Branch. They are *Bruce A. Jordan*, *Louise A. Klaila*, *Joan M. Kidman*, *Paul D. Mathews*, *J. David Kennedy*, *Marilyn E. Stavros*, *Nancy D. Carlson*, and *Lisa J. Friedlander*. Following extensive orientation and training, they began their duties as Case Management Officers in the District Court Family Division on May 4, 1998.

During fiscal year 1998, and continuing into the next century, dramatic changes are occurring in the Maine District Court. Thanks to all those judges and clerks who accept the challenge and work so hard to make the District Court more efficient and better able to dispense justice.

Michael N. Wescott,  
Chief Judge, District Court

### District Court Caseload: Cases Filed By Type

	FY94	FY95	FY96	FY97	FY98
<b>CIVIL CASES</b>					
<b>Domestic:</b>					
Divorce	6,966	7,018	6,639	6,693	6,470
Protection from Abuse	5,718	6,304	5,888	5,766	6,120
Protective Custody	628	722	792	834	942
Other Family Matters	2,067	2,155	2,440	2,507	2,449
<b>Domestic: Sub Total</b>	<b>15,379</b>	<b>16,199</b>	<b>15,759</b>	<b>15,800</b>	<b>15,981</b>
General Civil	14,328	13,868	13,487	14,467	15,135
Small Claims	10,071	10,274	9,772	10,113	10,033
Protection From Harassment	2,895	2,960	2,662	2,845	3,264
Mental Health	734	681	639	625	596
<b>Civil: Total</b>	<b>43,407</b>	<b>43,982</b>	<b>42,319</b>	<b>43,850</b>	<b>45,009</b>
<b>CRIMINAL CASES</b>					
Juvenile	5,691	5,809	5,963	7,661	6,957
Criminal A,B,C	3,898	3,535	3,690	3,906	4,095
Criminal D,E	32,327	33,932	32,784	35,212	36,788
Traffic Criminal	35,104	37,706	37,694	38,107	38,685
<b>Criminal: Total</b>	<b>77,020</b>	<b>80,982</b>	<b>80,131</b>	<b>84,886</b>	<b>86,525</b>
<b>TOTAL: CIVIL &amp; CRIMINAL</b>	<b>120,427</b>	<b>124,964</b>	<b>122,450</b>	<b>128,736</b>	<b>131,534</b>
Civ. Vio./Traffic Inf.	107,173	108,582	108,060	126,958	129,232
<b>GRAND TOTAL</b>	<b>227,600</b>	<b>233,546</b>	<b>230,510</b>	<b>255,694</b>	<b>260,766</b>

- Total case filings in District Court increased nearly 2% compared to FY'97
- Civil case filings increased
- Domestic cases continued to define the nature of civil caseload. In FY'98, more than a third of civil cases (36%) were domestic.
- Small Claims filings, which were 43% of civil filings in FY'89, accounted for only 22% in FY'98.



*FY'98 District Court Judges: (front row) John V. Romei, Andre G. Janelle, Ronald A. Daigle, Thomas E. Humphrey, Michael N. Westcott (Chief Judges), Joseph H. Field, Courtland D. Perry, II, Bernard C. Staples, Peter J. Goranites (second row) Vendean V. Vafiades, Jon D. Levy, William R. Anderson, Ronald D. Russell, John B. Beliveau, David B. Griffiths, Ellen A. Gorman, E. Paul Eggert, Jessie B. Gunther, Robert E. Mullen, RaeAnn French, Paul A. Cote, Jr., Christine Foster, Jeffrey L. Hjelm, Douglas A. Clapp, Roland Beaudoin  
Absent from picture: Jane S. Bradley, James E. MacMichael, John C. Sheldon, Joyce Wheeler*



*Case Management Officers: Joan M. Kidman, John David Kennedy, Bruce A. Jordan, Marilyn E. Stavros, Louise A. Klaila  
Absent from picture: Nancy D. Carlson, Lisa J. Friedlander, Paul D. Mathews*

Administrative Court Caseload					
	FY94	FY95	FY96	FY97	FY98
<b>Bureau of Liquor Enforcement</b>					
Filings	342	352	296	339	437
Dispositions	314	478	324	335	446
<b>Department of Human Services</b>					
Filings	4	0	4	134	111
Dispositions	2	1	3	127	117
All Other - Filings	12	14	4	22	13
All Other - Dispositions	5	15	5	18	17
<b>TOTAL - FILINGS</b>	<b>358</b>	<b>366</b>	<b>304</b>	<b>495</b>	<b>561</b>
<b>TOTAL - DISPOSITIONS</b>	<b>321</b>	<b>494</b>	<b>332</b>	<b>480</b>	<b>580</b>

## The Administrative Court

- The primary workload for Administrative Court involved the Bureau of Liquor Enforcement (77% of filings).
- The increase in Department of Human Services filings beginning in FY '97 resulted from new "juvenile tobacco" legislation.

# The Maine Judicial Branch

Fiscal Year 1998

## 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.*

### 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

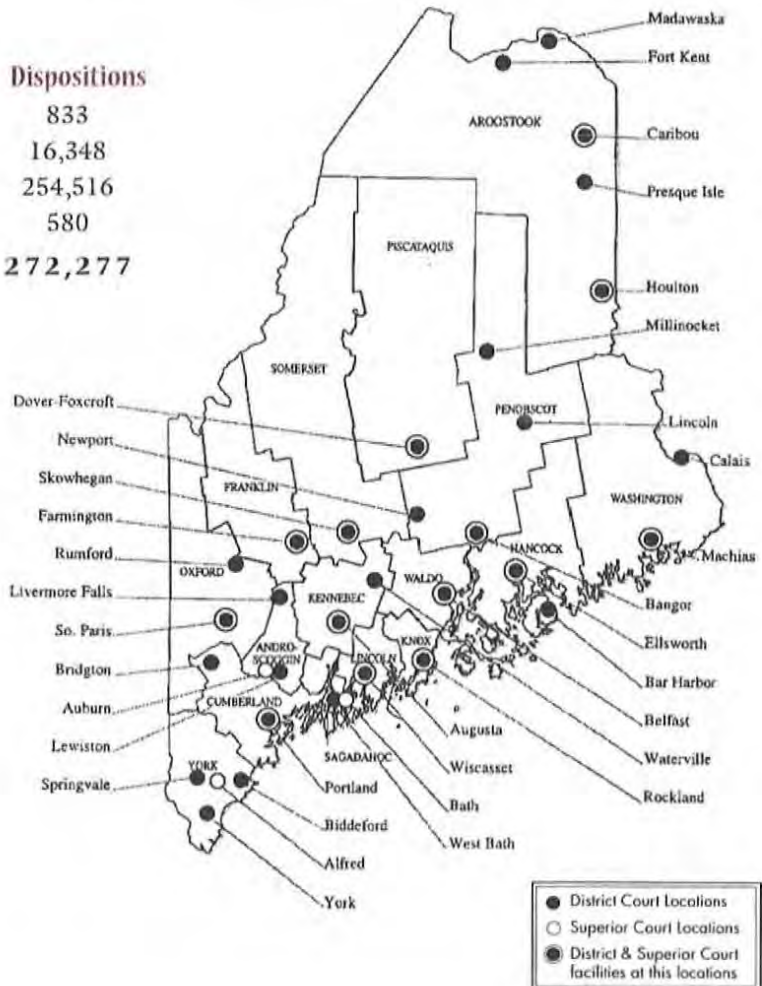
### Authorized Positions

There are 52 judges and 342 staff positions in the Judicial Branch

### Fiscal Year '98 Caseload

	Filings	Dispositions
■ Law Court	778	833
■ Superior Court	15,801	16,348
■ District Court	260,766	254,516
■ Administrative Court	561	580
■ Total Case Filings	<b>277,906</b>	<b>272,277</b>

State of Maine Court Locations



STATE OF MAINE  
 SUPERIOR COURT  
 DISTRICT OF \_\_\_\_\_

Case No. \_\_\_\_\_

IN RE: \_\_\_\_\_

1. **PLEASE PRINT NAME, PHONE, JOB CITY, AND ADDRESS OF NEXT ADDRESS**  
 (a) Respondent's name and address \_\_\_\_\_  
 (b) Respondent's phone number \_\_\_\_\_

2. **OTHER CONTACT PERSONS**  
 (a) Name, address, and phone number of person who can be contacted \_\_\_\_\_  
 (b) Name, address, and phone number of person who can be contacted \_\_\_\_\_

3. **ANY OTHER FACTS RELEVANT**  
 (a) \_\_\_\_\_  
 (b) \_\_\_\_\_

4. **LEGAL COUNSEL**  
 (a) Name, address, and phone number of attorney for respondent \_\_\_\_\_  
 (b) Name, address, and phone number of attorney for petitioner \_\_\_\_\_

### KEY TAKEAWAYS REGARDING CASE MANAGEMENT CONFERENCE

The Court may hold a conference to discuss the case management plan. The court will discuss the following issues:

1. The parties agree on an alternative plan or judgment or other relief or appropriate process which would be in the best interests of the children.
2. The court will have a firm schedule for the parties.
3. The following matters will be discussed at the conference, and an order may be entered then or at a subsequent hearing if a decision for interim relief has not been filed:
  1. Adversely assignments to the children, including residence, primary/child custody, health insurance, and child support, interim responsibility for payment of periodic, debt, and interim support, if applicable.
  2. Issues in dispute.
  3. Deadlines for moving the case forward, exchange of information (liberty) and mediation.
  4. Payment of fees, including any court-ordered fee and attorney fees.
  5. Date and time of the next court event. If one party is defaulted or if the case involves the reestablishment or enforcement of a child support obligation, a hearing may take place on the day of the conference.
  6. Referral to a judge. When potential rights and responsibilities are in dispute, the parties may exercise their right to be a judge determine interim parental rights and responsibilities. To do this, a party must file a written request with the court clerk before or at the time of the conference.
  7. Other matters pertinent to the case, including attendance at a parent education program, paternity testing, a subpoena, the appointment of a guardian ad litem, a psychological evaluation and an investigation by the Dept. of Human Services pursuant to 19-A.M.R.S. § 915.

The Case Management Officer will issue a Case Management Order following the conference that will describe the scope of the proceedings and may enter other orders, such as an interim order, or an order granting a child support obligation.

**WARNING**

If you are the opposing party and wish to object to the complaint or motion, a response must be filed within the time limits established by statute or court rules. Do not wait until the time of the case management conference to state your objections. For example, if the moving party asks for modification of a child support order and you do not respond within 30 days, the motion may be granted without a conference or hearing.

If a party fails to appear without good cause, any pleadings filed by that party may be dismissed with or without prejudice, a hearing may be held without further notice, and an interim order, a default, or a final judgment may be entered.

STATE OF MAINE  
 SUPERIOR COURT  
 DISTRICT OF \_\_\_\_\_

Case No. \_\_\_\_\_

IN RE: \_\_\_\_\_

1. **PLEASE PRINT NAME, PHONE, JOB CITY, AND ADDRESS OF NEXT ADDRESS**  
 (a) Respondent's name and address \_\_\_\_\_  
 (b) Respondent's phone number \_\_\_\_\_

2. **OTHER CONTACT PERSONS**  
 (a) Name, address, and phone number of person who can be contacted \_\_\_\_\_  
 (b) Name, address, and phone number of person who can be contacted \_\_\_\_\_

3. **ANY OTHER FACTS RELEVANT**  
 (a) \_\_\_\_\_  
 (b) \_\_\_\_\_

4. **LEGAL COUNSEL**  
 (a) Name, address, and phone number of attorney for respondent \_\_\_\_\_  
 (b) Name, address, and phone number of attorney for petitioner \_\_\_\_\_

STATE OF MAINE  
 SUPERIOR COURT  
 DISTRICT OF \_\_\_\_\_

Case No. \_\_\_\_\_

IN RE: \_\_\_\_\_

1. **PLEASE PRINT NAME, PHONE, JOB CITY, AND ADDRESS OF NEXT ADDRESS**  
 (a) Respondent's name and address \_\_\_\_\_  
 (b) Respondent's phone number \_\_\_\_\_

2. **OTHER CONTACT PERSONS**  
 (a) Name, address, and phone number of person who can be contacted \_\_\_\_\_  
 (b) Name, address, and phone number of person who can be contacted \_\_\_\_\_

3. **ANY OTHER FACTS RELEVANT**  
 (a) \_\_\_\_\_  
 (b) \_\_\_\_\_

4. **LEGAL COUNSEL**  
 (a) Name, address, and phone number of attorney for respondent \_\_\_\_\_  
 (b) Name, address, and phone number of attorney for petitioner \_\_\_\_\_

5. **STATE OF MAINE**  
 Plaintiff  Defendant  Intervenor  Other

6. **REASON FOR REQUESTING THIS CONFERENCE**  
 I am a party to the case and I am requesting this conference because I have a question about the case.  
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7. **REASON FOR REQUESTING THIS CONFERENCE**  
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12. **REASON FOR REQUESTING THIS CONFERENCE**  
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13. **REASON FOR REQUESTING THIS CONFERENCE**  
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16. **REASON FOR REQUESTING THIS CONFERENCE**  
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17. **REASON FOR REQUESTING THIS CONFERENCE**  
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19. **REASON FOR REQUESTING THIS CONFERENCE**  
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20. **REASON FOR REQUESTING THIS CONFERENCE**  
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 Supreme Court Justices, Superior Court Justices, District Court Judges, District Court Chief Michael Wescott  
 Cover Photos courtesy: Portland Press Herald, Central Maine Newspapers, Don Johnson



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