



October 29, 2021

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Via email: Janet.Stocco@legislature.maine.gov.

Re: Consolidation of Probate Courts with State Courts

Thank you for the opportunity to provide public comment on the important work being done by the Commission to Create A Plan To Incorporate the Probate Courts into the Judicial Branch. My name is Elizabeth Stout, and I am the Executive Director of the Maine Volunteer Lawyers Project. I have also been a practicing attorney in the Maine courts for over 30 years, including family and probate matters. I have had experience with working with litigants that I believe would be helpful for your work. I welcome the consolidation of the two court systems and believe that it will improve the experience of the people of Maine who need relief from the justice system.

One observation I have is that self represented litigants do not understand the separate Probate and State court systems. The confusion leads to frustration, disappointment, and reduced confidence that the courts can provide meaningful relief to people with legal problems. Having all the court services accessible through one clerk's office, under one administration, would make it easier for people to access the courts.

Second, it has been my experience that the various probate courts have different local practices. It would increase the fair administration of justice to have one set of rules, and less variation with local customs. Appointment of counsel, appointment of guardians *ad litem*, appointments of visitors, are all examples of widely varying practices, in my experience.

Probate judges only work part time, which means the probate dockets are very slow, causing great frustration for litigants. Further, it is awkward, to say the least, to have a case in front of a judge one day and have that person as opposing counsel the next day. The interaction with the judge in one role is very different than in the other role, and it can impact counsel's actions in both arenas.

Finally, there is an inherent conflict of interest in elections of judges. When the probate judge is running for office, is it appropriate that an attorney would make contributions to a campaign of an individual who may be ruling on the attorney's case? Will the elected judge note who did not make contributions? The introduction of political campaigning and financial contributions is not a good mix with the administration of justice.

I hope these comments are helpful to the commission. I welcome and questions you may have.

Thank you.

Very truly yours,

Elizabeth Stout

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