



January 6, 2026

Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Joint Standing Committee on Judiciary
State House, Room 438
Augusta, Maine 04333

Re: Testimony in Support of LD 1766, An Act to Incorporate Probate Judges into
the Maine Judicial Branch

Dear Senator Carney, Representative Kuhn, and Members of the Joint Standing
Committee on Judiciary:

My name is Lauren Wille, and I am the Legal Director at Disability Rights Maine. DRM is Maine's designated Protection and Advocacy agency, and our mission is to advance justice and equality by enforcing rights and expanding opportunities for people with disabilities in Maine. I have been practicing in probate courts throughout the state for almost nine years, and I, as do many of my colleagues at DRM, focus solely on adult guardianship matters. I have also served as a member of the Advisory Committee on the Rules of Probate Procedure since 2023. Prior to coming to DRM in 2017, I was in private practice, and frequently appeared in district and superior courts, as well as appeals before the Law Court. It is in my capacity as Legal Director of DRM that I offer my testimony in support of this bill.

Disability Rights Maine strongly supports LD 1766. Mainers who have business in probate courts deserve full-time, dedicated jurists who can focus solely on their duties as judges. This was the mandate of the 1967 Maine Constitutional Amendment: to have full-time probate court judges that are appointed by the Governor instead of elected. It is a mandate that, almost 60 years later, remains unfulfilled. Instead, probate judges remain part-time elected officials, while the role and duties of the probate court have evolved over time. It is long past due that the importance of the work of the probate courts should be recognized.

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MAINE'S PROTECTION AND ADVOCACY AGENCY FOR PEOPLE WITH DISABILITIES

At the time of the creation of the probate courts in the 1800s, the role of probate judges was far more ministerial than it is today. Today, matters in probate court concern fundamental rights, including personal liberty, parental rights, and property rights. Many matters involve contested hearings. The outcomes of these proceedings have significant and long-lasting effects on the lives of the people involved. DRM represents Respondents in guardianship matters; in these cases, individuals can have most or all of their basic rights to control their own lives removed indefinitely. These matters require full-time judges who wear no other hat than to be neutral and objective decisionmakers. Because probate court judges are part-time, they often practice as lawyers in addition to their judicial roles. The fact that probate judges are exempt from the general prohibition on judges practicing law raises serious ethical concerns about the integrity, and the perceived integrity, of the judiciary.

Cases in probate can take far longer to resolve due largely to the part-time nature of the courts. It is not unusual for a non-contested termination of an adult guardianship to take the better part of a year from initial petition to final order of termination. Some courts dedicate only a few days per month for scheduling hearings. Complicated or contested hearings requiring a half a day or more typically face additional scheduling delays. Any delay is a long delay for litigants awaiting an opportunity to have their basic rights restored, particularly when it involves medical decisionmaking or housing.

Incorporating probate judges into the Judicial Branch would also increase oversight and centralization of the work of probate courts. Probate court personnel do communicate with each other to develop certain standards and practices, as well as court forms. However, in reality, many courts have different protocols that can range from small issues, such as which form they prefer in certain matters, to larger issues that can affect the basic due process rights of litigants. Even a seasoned attorney may feel somewhat lost as to how to fill out or file a pleading in a certain matter, which often differs from court to court. This issue is compounded when the litigants have no attorney, as is often the case.¹ Having to refile pleadings based on a specific court's preference is not uncommon in my practice. These inefficiencies are at odds with the concept of judicial economy. Some of what I have seen, both in my personal representation of individuals, those of my colleagues, and in my knowledge of past cases, raise serious concerns about basic due process, such as notice requirements, evidentiary matters, and the right to be represented by counsel if they so choose. Addressing concerns in one court does not solve systemic problems, and significant energy is often required to address the same issues in different courts. If LD 1766 were to pass, the probate courts would be overseen by a single entity, thus creating uniformity and less confusion in the process of litigating both contested and uncontested matters.

The real-world issues that are present in the probate courts, in addition to concerns about the real and perceived integrity of the system, require nothing less than fulfilling


¹ In guardianship matters, Respondents almost never have the benefit of an attorney despite a legal right to court-appointed counsel. (See DISABILITY RIGHTS MAINE, [OVERPROTECTED AND UNDERREPRESENTED: AN ANALYSIS OF ADULT GUARDIANSHIP IN MAINE](#) (2024) (noting that, in adult guardianship cases from 2019-2021, about 75% of Respondents had no attorney, and over 90% of Respondents with developmental disabilities had no attorney). In most adult guardianship cases, neither side has an attorney.

the mandate of the constitutional amendment passed in 1967: the probate courts should be incorporated into Maine Judicial Branch to allow judges to become full-time, appointed jurists.

For the foregoing reasons, DRM strongly supports LD 1766.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Lauren Wille". The signature is written in a cursive, flowing style.

Lauren Wille, Esq.
Legal Director
Disability Rights Maine