

THOMAS A. COX

Attorney at Law

P.O. Box 1083
Yarmouth, Maine 04096

May 16, 2025

Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Members of the Joint Committee on Judiciary

Re: LD 1810—An Act to Formalize a Process for Reviewing Conduct of Judges and Justices

Dear Senator Carney, Representative Kuhn and Members of the Committee:

I am a Maine attorney from Yarmouth, Maine. I offer this testimony in support of LD 1810

Over the 55 years of my work as a Maine attorney, I have appeared in many hundreds of cases in all the Maine courts including over 40 appeals in the Maine Supreme Court. Because of the events I will describe further, I have studied not only the existing Maine rules for disciplining judges, but also the judicial discipline rules of other states and the American Bar Association's Model Rules for Judicial Discipline. *Rules for the handling of judicial discipline matters such as those embodied in LD 1810 are urgently needed in Maine.*

On October 14, 2024, the Maine Committee on Judicial Conduct delivered to the Maine Supreme Court a report finding that one of its justices had violated the Maine Code of Judicial conduct. This is what the Committee said:

Home ownership and foreclosure actions are serious matters and of concern to Mainers. Justice Connors' lack of sensitivity to the appearance of impropriety should have been, but apparently was not, self-evident. A member of the public informed of the surrounding facts and circumstances of Justice Connors' representation of banking interests would reasonably question her impartiality before and during the time that she chose to participate in the *Finch* and *Moulton* appeals. Thus, Justice Connors violated Canon 2, Rule 2.11 (A) and the public outcry concerning her participation in the appeals is proof that a reasonable person not only could, but would, question her impartiality under the circumstances.

Attorneys and members of the public have raised the fundamental question of whether the other justices on the Court, who are the colleagues of Justice Connors and who work with her every day, can now fairly and impartially sit in judgment of her on this ethics charge. This has led to widespread re-examination of the existing Maine rules of judicial

Telephone: (207) 749-6671
Email: tacsail@icloud.com

discipline. Resulting revelations of major deficiencies in those rules have now led to the offering of LD 1810.

Among the major deficiencies in the Maine rules for judicial discipline are the following:

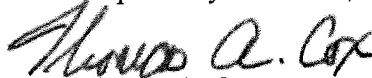
- **No Rules for Proceedings in the Supreme Judicial Court.** Once the Committee on Judicial Conduct sends a report to the Maine SJC finding that the judge has violated the Code of Judicial Conduct, the SJC has no published rules for how it will process that complaint.
- **No Process for Complaints Against Justices of the Maine Supreme Judicial Court.** Maine has no present process or rules for how a Committee finding of judicial misconduct by a Justice of the Court will be handled, or who will handle it.
- **No Rules for Expedited Handling of Judicial Discipline Matters.** There should be urgency in resolving complaints against Maine judges, but there are no rules requiring expedited hearings of those complaints by the Supreme Judicial Court.

In her State of the Judiciary address to you on February 25, 2025, Chief Justice Stanfill talked a lot about increasing disrespect for and diminishing trust in our court system. The issues raised regarding the conduct of Justice Connors certainly have contributed to that. But the fact that the Maine Supreme Judicial Court has failed for over seven months now to even begin to resolve the serious ethics complaint against one of its justices, leaves the appearance that the complaint is being swept under the rug. It is unlikely that there is any matter more in need of urgent attention by the Maine Supreme Judicial Court than this judicial discipline matter. The failure of the Court to give the matter the urgent attention it requires further diminishes public respect for and trust in the courts.

The need for action to fix these issues in Maine judicial discipline system is critical. While the substance of the proposals in LD 1810 is sound, I respectfully suggest that the bill should be amended to provide for the establishment of a commission comprised of judges, legislators, a Governor's representative, lawyers and members of the public, with a requirement that the Commission report back to the Legislature by the end of the with proposed legislation to resolve these issues. I have drafted a proposed resolve to this purpose and to be used as an amendment to LD 1810 which is attached to this written testimony

Thank you for your thoughtful and hard work on these important matters.

Respectfully submitted,


Thomas A. Cox