

132nd Maine Legislature

Joint Standing Committee on the Judiciary

LD 1810 – An Act to Formalize a Process for Reviewing the Conduct of Judges and Justices

Statement of Portland Senior Lawyers Group

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

The Portland Senior Lawyers Group is an informal group of senior (over age 70) attorneys who gather for monthly luncheons at which we discuss a variety of legal and non-legal matters. From time to time our discussions include issues of law reform. Recently the group has discussed Maine's processes for reviewing judicial conduct and administering judicial discipline if appropriate and necessary.

At our luncheon meeting on May 15, 2025, there were 17 senior lawyers present. They unanimously¹ requested that the undersigned, acting as Secretary pro tem of the group, submit these comments for your consideration.

LD 1810 would establish by legislation a comprehensive system for judicial conduct review and discipline. It appears to follow statutes in both Massachusetts and Vermont as well as the ABA Model Rules on Judicial Conduct.

Maine has already established a process for judicial discipline by rule (See Rules of the Committee on Judicial Conduct, effective August 11, 1978). However, the existing rule does not provide a complete process for review and discipline of Justices of the Supreme Judicial Court. The existing process might also be improved by providing for participation by public and attorney members in the ultimate fact-finding proceeding and by providing that the key fact-finding proceedings be public.

Recently the Supreme Judicial Court proposed an amendment to the existing Rules to flesh out a procedure for review of claims of misconduct on the part of Justices of the Supreme Judicial Court. This proposed rule was published for public comment on

¹ One Senior Lawyer, who is a sitting judge, did not participate in this discussion or request.

January 9, 2025. On January 19, 2025, following a discussion at one of our gatherings, the Senior Lawyers filed comments with the Court urging that any process for review of claims of misconduct by a Justice of the Supreme Judicial Court include ultimate fact-finding by a committee composed not only of judges, but also of members of the public and the Bar and that hearings before this committee should be public.

So far, to our knowledge, the Maine Supreme Judicial Court has not taken final action on the proposed rule amendment.

The Portland Senior Lawyers Group is not necessarily urging the adoption of LD 1810. We file these comments to communicate the view of those present at the May 15 Senior Lawyers' gathering that the issue of judicial conduct review and discipline in Maine merits attention at this time, whether by Legislature or by Court. As is the case with states such as Massachusetts and Vermont, Maine should have a comprehensive and credible system and process for review of judicial conduct at all levels of our Judicial Branch.

At this time, rather than recommending the enactment of specific legislation, the Senior Lawyers recommend that LD 1810 be amended to create a legislative commission to study the current Maine systems and processes for review of judicial conduct. In the event that the Supreme Judicial Court does not seasonably complete the revision process that appears to be currently under way, or if the commission is of the view that different or additional provisions are needed, the commission could recommend to this Committee appropriate legislative measures to address the matter.

Respectfully submitted,

The Portland Senior Lawyers Group

A handwritten signature in black ink, appearing to read "Rob L Munay". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Secretary Pro Tem.