

MAP

GOALS

GOAL: EQUAL JUSTICE

- Consistency in process and substance
- Judges exercising their skills with knowledge of subject matter, current law
- Availability when needed
 - Short wait times
 - Emergency situations
 - Sufficient judges, registers and staff
- Record of proceedings
- Continuing education
- Availability geographically – rural, travel times

GOAL: EQUAL ACCESS

- Accessible buildings
- Represented or pro se
- Availability when needed
- Customers with special needs
- Availability geographically – rural, travel times

GOAL: EFFICIENCY

- Efficient use of judicial resources
 - Judges
 - Registers, clerks, staff
 - Informal probate?
- One court for Mainers to go to for most needs (District Court)
- Comprehensive statewide computer system
 - Electronic records
 - E-filing
 - Docketing?
 - Website
 - Records preservation project

GOAL: REMOVE CONFLICTS/APPEARANCE OF IMPROPRIETY

- Full-time judges not practicing law
- Appointed rather than elected

CONSIDERATIONS

Considerations: COSTS

- Judges
- Probate registers
- Staff
 - Salaries
 - Insurance
 - Retirement
 - Vacation and sick time benefits

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Professional development, continuing education
 Workplace grievances
 Space – courtrooms, offices, public areas
 Electronic filing
 Records retention and retrieval
 Compensation for
 Guardians ad litem
 Court-appointed attorneys
 Visitors
 Other?
 Security for courts and customers
 Mediation

Consideration: RELATIONSHIP BETWEEN REGISTER AND:

- Judge - Clarify the legal authority of appointed Judicial Branch judges to confirm or direct legal interpretations and decisions by Registers elected pursuant to County Charter authority (if Registers remain elected)
- Administrative Office of Judicial Branch – Clarify the authority of administrative office personnel to affect the work of Registers, e.g., direct scheduling, report or similar work processes (if Registers remain elected)

Consideration; JURISDICTIONAL ADJUSTMENTS

- Identify jurisdictional changes needed to shift matters currently in the exclusive jurisdiction of the probate court to the judicial branch
- Review all of the matters handled by probate courts now (not all in Probate Code) and determine where in the judicial branch it makes the most sense to place them. Base on:
 - Expertise of judges (e.g., child issues among District Court judges and determination of breach of fiduciary duty perhaps among the Superior Court justices)
 - Similarity with existing jurisdiction, subject matter of cases

Consideration: JUDICIAL EDUCATION AND EXPERTISE

Consideration: TRANSITION

- Identify a transition plan for the migration of judge positions from the existing probate court to the judicial branch while respecting the elected term of current probate judges
- Consistent with existing Constitutional provisions regarding Registers, provide statutory authority, effective when the Constitutional amendment repeal occurs, for the appointment of Registers in case a vacancy occurs due to resignation, death or incapacity. (This assumes Registers stay elected and county employees)

Considerations: OTHER

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Confidentiality – privacy issues (public safety?)

Mediation

Revenue to counties now

Computer system

Filing fees

Probate Courts and Registers (including computer system) *Revenue vs expenses?*

Security

WHAT DO WE NEED TO KNOW?

1. Revenue and costs

A. Revenue

Filing fees

Computer fees

Other?

B. Costs

Salaries

Judges

Registers

Other staff

Personnel benefits

Retirement

Health insurance

Vacation and sick leave

Professional development, continuing education

Payroll, human resources management, administrative costs

Rent?

Building operation and maintenance

Computer systems

Guardians ad litem

Court-appointed attorneys

Visitors

2. Workload

A. Types of cases handled by judge

By location (county)

Time allocation per case

Hours/Days in court

Other judge time

Register/staff time

Appointing visitor, guardian ad litem

*Guardianships and conservatorships have ongoing responsibilities

Number of type of case

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Contested?

- B. Types of cases handled by register without judge involvement
 - By location (county)
 - Time allocation per case
 - Hours/days of register/staff working with customers
 - Hours/Days processing
 - Appointment of visitor, guardian ad litem
 - Time allocation of responding to public inquiries not associated with a specific case
- 3. Population - demographic needs
- 4. Geography – travel distances
- 5. Building and courtroom, public access, staff space needs

HEAR FROM

- Registers
- Probate judges
- County Commissioners
- Judicial Branch judges (Chief Superior and District Courts, family court)
- Administrative Office of the Courts
- PATLAC
- FLAC
- Office of the Attorney General
- Legal aid providers:
 - Legal Services for the Elderly
 - Cumberland Legal Aid Clinic
 - Disability Rights Maine
 - Pine Tree Legal Assistance
 - Volunteer Lawyers Project
 - Maine Association of Mediators
- CADRES
- Maine Commission on Indigent Legal Services
- Attorneys: Probate, Family law, Others
- Adoptive and Foster Families of Maine and other kinship groups
- Guardians
- Others?

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