

Responses to RFI's from Commission to plan to Incorporate the Probate Courts into the Judicial Branch

(as of 10.30.21)

	Presiding ⁱ	Preparation ⁱⁱ	Writing ⁱⁱⁱ	Other ^{iv}	Total ^v
Androscoggin County					
Aroostook County					15
Cumberland County					40
Franklin County	6		4	4.5	14.5
Hancock County					
Kennebec County	12	8		7.5	27.5
Knox County	9.5	10	2	3	24.5
Lincoln County	2.6		.8	1.3	4.7
Oxford County	8	7	3	4	22
Penobscot County	16		8		24
Piscataquis County					
Sagadahoc County	10		4	4	18
Somerset County					
Waldo County	9.5	2		2	13.5
Washington County	8	7	4	3	22
York County					40-50

Notes:

Question #2: With respect to your answers to questions 1(a) and 1(b) above, how much or what percentage of that time is spent on the following categories of matters:

- a. Wills, trusts and estates matters:
- b. Guardianships, conservatorships, TPRs, adoptions, name changes
- c. Other

	Wills, ect.	Guardian/Conservator, ect.	Other
Androscoggin County			
Aroostook County			
Cumberland County	25%	75%	
Franklin County	25%	74%	1%
Hancock County			
Kennebec County	25%	75%	
Knox County			
Lincoln County	30%	65%	5%
Oxford County	30%	60%	10%
Penobscot County	20%	50%	30%
Piscataquis County			
Sagadahoc County	62%	25%	13%
Somerset County			
Waldo County	15%	65%	20%
Washington County	35%	65%	
York County			

Question # 3: Are there certain tasks that you currently perform as a Probate Judge that you might not be able to perform if you were a Judicial Branch employee?

-May appoint legal counsel in ALL cases

- This is a court dedicated to just probate issues, which we all recognize as extremely important to the filer, whether it is an estate issue, a guardianship issue or an adoption. Even name changes are emotional and the filer cares deeply about the matter.

-Flexibility to schedule matters within a few hours of a filing, any day of the week, if necessary to handle emergency matters.

-All authorities of Register under 18-C

- Ability to reallocate pay if work is not being completed
- Off site hearings, as needed (nursing homes, personal residences, towns, etc.) 4 MRS Sect 304
- Probate judges may use their private paralegals on research projects at **NO** expense to taxpayers
- Use private space at no expense to taxpayers
- “Continuous Session” (4 MRS Sect 303)
- A single judge following a case through for years (even decades).
- Relationship with Sheriff under 4 MRS
- Work directly with County Commissioners on court needs

ⁱ “Presiding” includes regular hearings/court day and specially assigned cases (some judges included writing time on court days)

ⁱⁱ “Preparation” includes trials/hearings, including research, particularly on unique issues presented in more complex cases conduct all their own research and writing (no clerks); review annual guardianship and conservative reports and accountings for all previously approved cases

ⁱⁱⁱ “Writing” represents an average throughout the year—these include complex cases where decisions on motions occur, where sometimes cases are of first impression, and also routine orders.

^{iv} “Other” includes scheduling, conference with Registers, administrative duties, education (increased with new code), arranging judges’ conferences, service on special committees related to judicial duties (FLAC, PATLAC, Judicial Responsibility, Forms, Ect,), bench/ bar meetings, drafting policies, “Blue Papers,” coordination with other courts, (Some respondents including writing and research in this category.)

^v 7-day week, averaged throughout a year