

Stocco, Janet

From: Joseph Mazziotti <jrm@mazziotti.org>
Sent: Friday, November 5, 2021 11:19 AM
To: Stocco, Janet
Subject: Commission to Create a Plan To Incorporate the Probate Courts into the Judicial Branch

This message originates from outside the Maine Legislature.

Senator Carney, Representative Cardone, and Members of the Commission

I served as the Cumberland County Probate Judge from December 2004 through December 2018, and have practiced in all Maine Courts beginning in 1978. From 1980 through 1992, I was a Cumberland County Commissioner.

For all the progress achieved by our Maine Court system, notably lacking has been any measurable movement away from part time probate judges who divide their time between bench and bar.

For most of my time serving as probate judge I also maintained a private practice. I can attest to the tension brought about while trying to reconcile those two roles. There is the perception of imbalance among adverse parties, litigants and the general public who suspect, if not believe, the judicial system is not impartial and unbiased. That situation is made worse when in some probate courts sitting judges are permitted to appear before their peers in contested cases. We place a high value on our judiciary and take great care to maintain its independence. Probate judges, just as their counterparts in the other courts, are called upon to make decisions over equally profound, sensitive and defining family matters. As such they should be recognized as full, and not part time, members of the Judicial Branch.

The Registers of Probate and their staffs work every day to provide the highest level of public service. They have frequent contact with families in crisis, and their knowledge, understanding of the process and professionalism, has earned public's confidence. While the registers have worked to make each office an efficient cost-effective model, more should be done to promote uniformity. There is really no need for local practice variations.

In short, it's time that more than a half century's worth of recommendations come to fruition.

Lastly, I want to commend the Commission for the care and thoroughness with which they are undertaking this important task.

Respectfully,

Joseph R. Mazziotti