February 9, 2023

Sen. Anne Carney, Chair
Rep. Matt Moonen, Chair
Joint Standing Committee on Judiciary
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: Support for LD 243 “An Act to Eliminate Residency Requirements for District Court Judicial Appointments”

Dear Sen. Carney, Rep. Moonen, and Members of the Judiciary Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we write in support of LD 243 “An Act to Eliminate the Residency Requirements for District Court Judicial Appointments.” Briefly, we think this bill provides needed flexibility to Maine’s Judicial Branch to ensure placement of qualified judges in every county.

About us. The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 3,000 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers’ Compensation Law. Ensuring access to justice for all individuals across Maine is a key element of our mission, hence our strong interest in ensuring that each judicial district, specifically rural districts, has a larger number of attorneys that may be considered for appointment to the District Court.

Proposed change to District Court appointments is practical. The Association supports the proposed change in LD 243 to remove the residency requirements for District Court judge appointments, which proposal comes forward from Maine’s Judicial Branch. Currently, state law requires judges at least one judge in a Maine District Court district must be a resident of a county in which the district lies. LD 243 would eliminate this residency requirement. The Association believes that this proposed change is practical and necessary, particularly regarding judicial districts in Maine’s most rural counties. In some cases, there are only a handful of attorneys resident in such counties, which limits the pool of attorneys from which District Court judges are selected. Moreover, if one of these attorneys is selected to become a judge, such county would have one fewer attorney available to represent people in the county. By allowing District Court judges to be drawn from a wider pool, both of these concerns can be addressed.

Additionally, removing the residency requirement for District Court judicial appointments does not mean that a District Court district will not have a judge resident in the respective county. Rather, the bill simply removes from statute that requirement that each district must have at least one resident judge.
Conclusion. Thank you for the opportunity to provide these comments on LD 243. If you have questions or need additional information, please do not hesitate to let us know.

Sincerely,

Stacy O. Stitham
President, Board of Governors

cc: Angela Armstrong, Executive Director
    Rachel Okun, Chair, MSBA Legislative Committee
    James I. Cohen, Verrill Dana, LLP
    Clara McConnell, Maine Street Solutions