

SUPREME JUDICIAL COURT OF MAINE

In re Holmes

32 A.3d 1011 (Me. 2011) · Decided December 1, 2011

SUMMARY

The Maine Supreme Judicial Court held that Probate Judge Lyman L. Holmes violated Canon 3(B)(8) of the Maine Code of Judicial Conduct by failing to dispose of judicial matters promptly. The court publicly reprimanded Judge Holmes and required him to submit periodic reports concerning cases pending under advisement, but declined to impose a one-month suspension. The violations involved substantial delays in several probate and family-related matters, including cases concerning guardianship and family contact with children.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Maine
DECIDED	December 1, 2011
DISPOSITION	other
PROCEDURAL POSTURE	A judicial disciplinary matter arising from a report by the Committee on Judicial Responsibility and Disability recommending sanctions against a Maine probate judge.
PRECEDENTIAL VALUE	published opinion

TOPICS

probate procedure probate guardianships guardianship procedure remedies

PRACTICE AREAS

judicial discipline probate guardianships

QUESTIONS PRESENTED

1. Whether Judge Holmes's pattern of delaying decisions in at least five cases violated Canon 3(B)(8) of the Maine Code of Judicial Conduct.
2. What sanction was appropriate for the violations, including whether to impose a one-month suspension without pay in addition to a public reprimand and corrective action plan.

HOLDINGS

1. Judge Holmes violated Canon 3(B)(8) by failing to dispose of judicial matters promptly; his pattern of prolonged delays constituted a violation.
2. A one-month suspension from judicial duties without pay was not warranted because Judge Holmes acknowledged the violations, had adopted an effective corrective plan, had no prior discipline, and had a lengthy record of service.

KEY QUOTATIONS

“The Court concludes that the pattern of delays constitutes a violation of Canon 3(B)(8).” (¶ 3)

“Given the judge’s commitment to improve his processes and ensure prompt and timely resolution to all matters coming before him, a suspension from his duties at this time would redound to the detriment of the public and litigants and would provide no greater protection for the public.” (¶ 7)

“We are confident that the public reprimand and the corrective action plan will serve to change his practices substantially, will protect the public, and will best serve to ensure that the violations will not reoccur.” (¶ 8)

FACTUAL BACKGROUND

Judge Holmes, a part-time probate judge serving Washington County and other counties when needed, acknowledged a pattern of unacceptable delays in at least five cases. One matter took nearly five years to resolve, while other matters remained undecided for more than fourteen and sixteen months. The delays resulted from his reliance on memory rather than a case-management system and a pattern of postponing difficult decisions, although he later adopted daily and personal logs that reduced pending matters over thirty and sixty days.

PROCEDURAL HISTORY

The Committee reported to the Supreme Judicial Court that Probate Judge Lyman L. Holmes had violated Canon 3(B)(8) by failing to dispose of judicial matters promptly. Associate Justice Jon D. Levy conducted a process for receiving additional input, held a hearing, and submitted findings and recommendations. After inviting final comments, which both parties declined to provide, the full Court adjudicated the violations and imposed a public reprimand and monitored corrective action plan, declining to impose the Committee's recommended one-month suspension.

DISPOSITION

other

CASES CITED

- In re Nadeau, 2007 ME 35, ¶¶ 2-6, 916 A.2d 200