

MAINE DISTRICT COURT
Office of the Chief Judge



Robert E. Mullen
Deputy Chief Judge

163 State House Station
Augusta, ME 04333-0163
Telephone: (207) 287-6950
Fax: (207) 287-4641

June 18, 2012

Lisa [REDACTED]
[REDACTED]
[REDACTED]

RE: Your letter of June 15th, 2012

Dear Madam:

I write in response to your request for a copy of a document you refer to as my "commission," so-called, signed by the Governor upon my appointment to the Maine judiciary.

As you are no doubt aware, the Governor administers an oath or affirmation prescribed by Maine's Constitution to every person appointed to the judiciary in Maine. I believe that a judge or justice's signed oath of office is then filed with the Secretary of State and is available for inspection there.

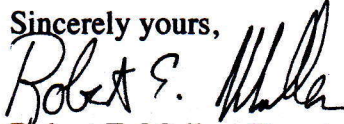
In addition, the Governor and the Secretary of State issue a certificate to each appointed judge or justice. The certificate notes the person's appointment to judicial office and authority to fulfill the duties of that office according to law. It is a one-sided, sealed and signed document. The certificates are not filed with or maintained by the Judicial Branch. Each is in the sole possession of the judicial officer to whom it is given, and some have been professionally framed and cannot be removed from the frames without expense. I believe this may be the document that you refer to as a "commission" under the Maine Constitution.

Because (1) the Constitution appears to distinguish between persons who are elected, appointed and commissioned, and (2) judicial officers, other than elected probate

judges, are appointed, not commissioned, it is not clear to me that the certificate issued to me is the "commission" that you seek.¹

Nevertheless, I do not mind making my certificate available for you to review at the Maine Judicial Center in Augusta. Please contact my Judicial Secretary, Sandy Lewis, at (207) 287-6950, to either (1) arrange a mutually convenient time for you to examine it, or (2) if you prefer, to arrange for a photocopy to be mailed to you.

Sincerely yours,



Robert E. Mullen, Deputy Chief Judge
Maine District Court

¹ See e.g., Me. Const., art. IX, § 1, and Me. Const., art. V, part 1, § 8.



Administrative Office of the Courts

James T. Glessner
State Court Administrator
125 Presumpscot Street (zip 04103)
P.O. Box 4820
Portland, Maine 04112-4820

Telephone: (207) 822-0792
FAX: (207) 822-0781
TTY: (207) 822-0701

August 31, 2012

Lisa

Dear Ms.

Your letter dated August 17, 2012 addressed to Deputy Chief Judge Robert Mullen, of the Maine District Court has been referred to me. In your letter, you request to inspect and/or copy Judge Mullen's "commission" pursuant to Maine's Freedom of Access Act, 5 M.R.S. § 401 *et. seq.* It is my understanding that in prior correspondence you were afforded the opportunity to inspect or obtain a copy of the certificate issued to Judge Mullen.

Enclosed please find a copy of Judge Mullen's certificate that meets the requirements of Article IX, sec. 3 of the Maine Constitution and was forwarded to Judge Mullen by the Secretary of State in accordance with 5 M.R.S. § 84. This document is provided voluntarily by the Judicial Branch.

If you have any questions, please feel free to call.

Sincerely,

James T. Glessner
State Court Administrator

JTG
Enclosures

State of Maine

Greeting:



Know Ye, That

the Governor of the State of Maine, reposing special trust in the integrity, ability and discretion of

ROBERT E. MULLEN

of

WATERVILLE

has nominated and the Legislature has confirmed your appointment as

JUDGE, MAINE DISTRICT COURT

You are, therefore, authorized to fulfill the duties of that office according to law; and to have and to hold the same, together with all the powers, privileges and emoluments thereto of right appertaining unto you for the term of seven years ending on September 8, 2017, unless sooner removed by impeachment, or by address of both branches of the Legislature to the Executive, in pursuance of the provisions of the Constitution.

In testimony whereof, we have caused the Great Seal of the State of Maine to be hereunto affixed. Witness, our Governor, at the State House on September 9, 2010.



[Signature]
Governor of the State of Maine

By the Governor:

[Signature]
Secretary of State