

I understand that the service piece is no longer in consideration so I am resending my comments without that argument. I echo Patricia Benelli's comments to you. Please share my comments with the entire committee.

I completely disagree with Section 5. I agree with Penny Benelli's statement: "It would move all appeals from the magistrate from the family division, where they now go, directly to the Supreme Court. Both appeals are based on the record, so the standard of review is the same. But the process in the family court is simpler, more streamlined and MUCH less expensive than an appeal to the Supreme Court. Few who feel the magistrate made a mistake can afford to have an attorney take the matter to the Supreme Court. Even if they have the money, the cost of an appeal to the Supremes would often nullify--or exceed, perhaps by far--the benefit they could get by winning on appeal. In effect, this could foreclose appeals with merit from ever being filed." Such a shift to a Supreme Court appeal would undoubtedly impact self-represented persons significantly and would in essence foreclose any appeal given the cost and the process. Why make things more difficult?

How can the Supreme Court take on all of these appeals? It seems like they are proposing a lot more than just Magistrate appeals, but Probate too. Is the Supreme Court docket so slow that they have time, or will this just lead to appeals being slower to get through the process?

Thank you for your consideration.
Amber

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