

Jim Mitchell of Vassalboro, judge of probate, dies at 74

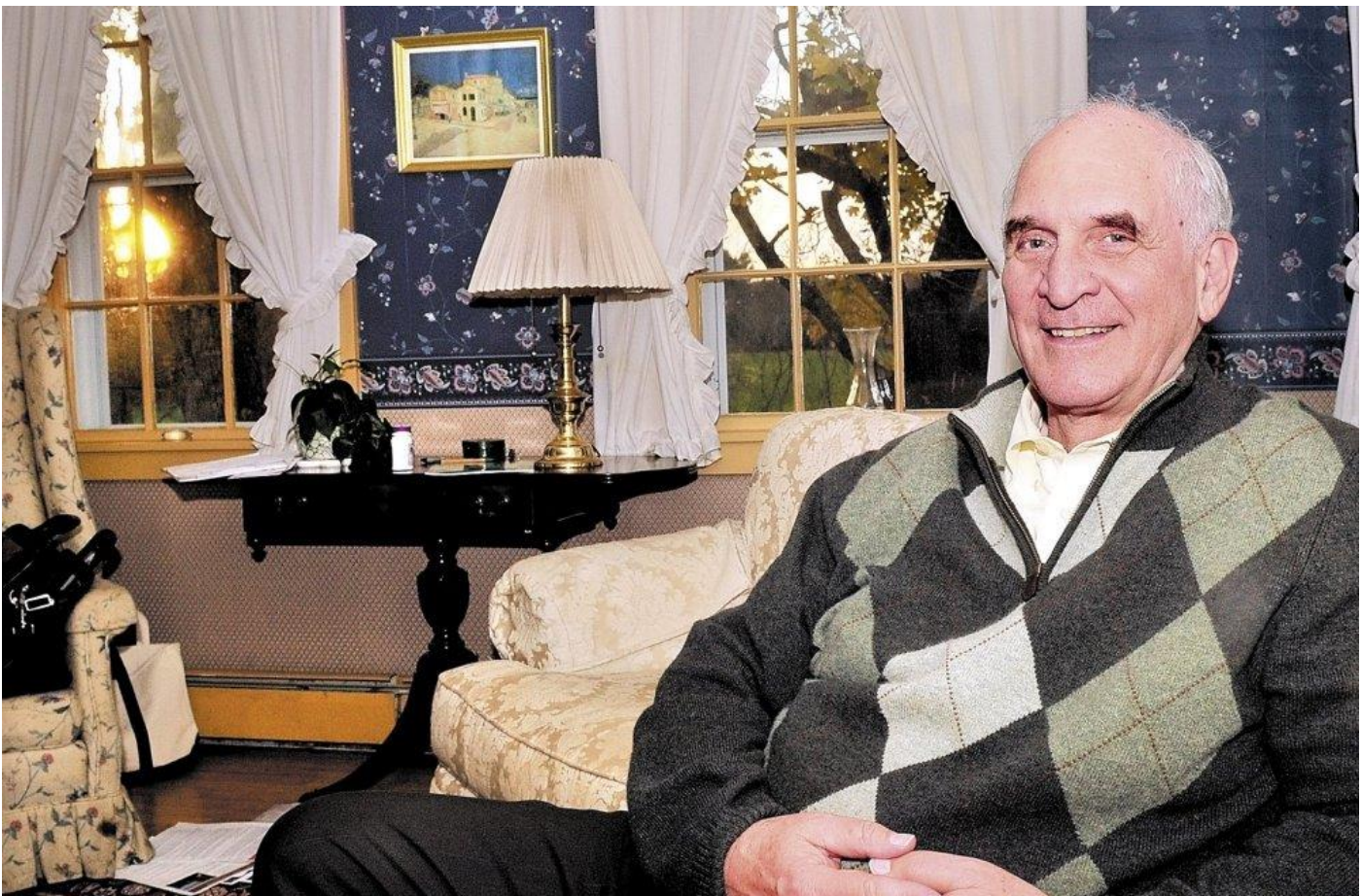
Born in Little Rock, Arkansas, Mitchell was unfailingly polite, the epitome of a courtly, southern gentleman.

BY BETTY ADAMS STAFF WRITER

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Attorneys, fellow judges and others on Monday recalled James E. “Jim” Mitchell as a caring and intelligent man who helped mentor other attorneys and whose greatest joys were being with family and presiding at adoptions.

Mitchell, judge of probate for 37 years in Kennebec County as well as a practicing attorney for 46 years, died Friday of multiple organ failure at Laney Hospital and Medical Center in Burlington, Massachusetts, said Elizabeth “Libby” Mitchell, his wife of 51 years.



Kennebec County Probate Judge Jim Mitchell, shown here in 2010 in his Vassalboro home when his wife Libby was running for governor, died Friday at age 74. Staff file photo by David Learning



Libby Mitchell gets a hug from her husband, Jim, at her election night gathering on Nov. 2, 2010 at Bayside Bowl in Portland, where Mitchell conceded the governor's race. *File photo by Portland Press Herald photographer Gordon Chibroski*

Mitchell, 74, of Vassalboro, had fought cancer, lung disease, and had previously had heart surgery, said his wife. wThe end came swiftly.

“The week before he died, we went out to dinner every night,” she said. “He really felt good until boom, this thing caught up with him. He never lost his sense of humor, never lost total consciousness.”

Mitchell last sat in probate court on Aug. 29.

“The last Sunday we were together before he went in the hospital, he drove his boat full throttle from Richmond to Five Islands,” Libby Mitchell said Monday.

They were even pulled over by the U.S. Coast Guard, who checked that the grandchildren were safely secured.

A [memorial service](#) is set for 10 a.m. Tuesday at the Episcopal Cathedral Church of St. Luke in Portland. Other services will follow at later dates, his wife said, including burial at the Maine Veterans Memorial Cemetery in Augusta.

In Maine, each of the 16 counties has a judge of probate, a part-time, partisan post that is popularly elected every four years. Mitchell was in the middle of his term.

Probate courts handle disputed estates of deceased people, adoptions, guardianships and conservatorships of disabled adults, and custody of children whose parents can't care for them in cases that do not go through the district court child protective system.

Mitchell authored the “Maine Probate Manual” and was continually gathering material to update it.

Franklin County Probate Judge Richard Morton said Mitchell “was a source of great knowledge and advice both to his fellow probate judges and to the legislative process, to those who have crafted and revised Maine probate law during the entire period of his tenure.”

“Jim was a beloved colleague and a wonderfully articulate and intelligent judge,” said Morton, judge of probate in Franklin County since 1983. “He was also a vigorous advocate and tried probate cases all over the state.”

Morton noted that probate judges are bound by the rules of judicial ethics and judicial responsibility, and their decisions can be appealed to the Maine Supreme Judicial Court.

“In probate court, the court where the citizens are sometimes in their most vulnerable circumstances essentially on their own, he had a wonderful ability to make those folks feel comfortable and still follow the law,” Morton said.

Last month, Mitchell had performed the marriage of his eldest granddaughter at Mount Hood in Portland, Oregon. At the end, he was humming a tune that had been played at that wedding.

“He was the ideal judge, thorough, fair, compassionate, and he really believed that everybody should be heard,” said Mitchell, a former speaker of the Maine House of Representatives and former Senate president who joined the firm of Mitchell & Davis a decade ago.

Mitchell himself had a number of clients, and his wife said she and Mitchell’s longtime law partner Jed Davis worked together.

Mitchell took special care when he presided at adoptions, and his wife recalled one such ceremony that had so many people attending it was moved to the front lawn of the Kennebec County Courthouse where the wind whipped his judicial robes.

Born in Little Rock, Arkansas, Mitchell was unfailingly polite, the epitome of a courtly, southern gentleman. At one point, he declined an offer to bypass court security to enter a courtroom, saying he needed to go through just as every member of the public did. He was a 1971 graduate of Yale Law School.

Maine Supreme Court Chief Justice Leigh Saufley said Monday via email, “Our thoughts are with Libby Mitchell and their family at this sad time. Jim and Libby have contributed so much to the State of Maine. Judge Mitchell was a wonderful jurist who cared very much about providing justice to all those who came before him in the Kennebec County Probate Court. He was also a caring mentor to many attorneys and judges. His strength through these last years and his unwavering commitment to the causes of justice in Maine have provided inspiration to so many. We will miss him tremendously.”

Mitchell’s four-year term as probate court judge expires Dec. 31, 2018. On Monday, Kristen Muszynski, spokeswoman for the Maine Secretary of State’s Office, said that the Maine Constitution lays out a framework for electing a probate judge if a sitting one dies.

“The vacancy will be declared soon and the four recognized political parties — Democratic, Green, Libertarian and Republican — will be given a timeframe in which to caucus and return a candidate nomination,” Muszynski said in an email. “A special election will take place in concurrence with the General Election Nov. 8 in Kennebec County.”

The constitution also says that in the meantime, the governor may appoint a person to fill the vacancy until Jan. 1, 2017.

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