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## Comment on Proposed Rule Change to Rule 80B

1 message

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**Amy K. Tchao** <ATchao@dwmlaw.com>

Fri, Oct 5, 2018 at 3:56 PM

To: "lawcourt.clerk@courts.maine.gov" <lawcourt.clerk@courts.maine.gov>

Dear Honorable Members of the Law Court:

We are writing to register our concerns about the proposed civil rule change requiring governmental bodies to prepare the Rule 80B record whenever a party initiates a Rule 80B action. Our firm represents more than 100 municipalities, school units and other governmental entities across the State. In our view, a rule change like this would improperly shift the cost burden of producing the record onto the governmental entity, the party being sued, rather than the party initiating the legal action. At the very least, the rule should require that the plaintiff bear the cost of preparing the record.

In our experience, we do not often see delays in the filing of the record, and when we do, it is usually accompanied by a failure by the plaintiff to vigorously pursue the litigation. A governmental entity should not be required to bear the burden of preparing and filing a record for an appeal that may not be actively pursued by the plaintiff.

We urge the Law Court to decline to make this proposed change to Rule 80B.

Thank you for your consideration.

Sincerely,

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