

STATE OF MAINE  
SOMERSET, ss.

SUPERIOR COURT  
CIVIL ACTION  
Docket No. AP-00-001

EAG-SOM-715/2000

ANNE COVILLION,  
Plaintiff,

DONALD L. GARBRECHT  
LAW LIBRARY

v.

ORDER

JUL 10 2000

JOSEPH COVILLION,  
Defendant.

Anne Covillion filed a Complaint for Divorce against her husband of eleven years on March 24, 1999. Throughout the subsequent proceedings, she was represented by Attorney John Alsop. Mr. Covillion filed his appearance, pro se, on March 17, 1999. He did not retain an attorney, and was either unwilling or unable to secure the services of an attorney through the Volunteer Lawyers Project.

A contested divorce hearing was scheduled on November 1, 1999. Plaintiff was present with her attorney. Defendant was present, but declined to participate in the proceedings, asserting that he had a "right to an attorney." Based upon the evidence presented, the court issued a Judgment on November 8, 1999. In response, Mr. Covillion requested further findings of fact and conclusions of law, and filed a timely Notice of Appeal. Judge MacMichael denied that request in an Order dated November 19, 1999.

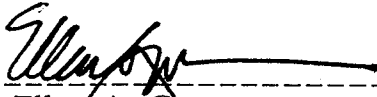
In his 25-page brief, Mr. Covillion alleged no error by the trial court. All of his arguments are aimed at Attorney Alsop's actions, and are based upon his misunderstanding of the Canons of Judicial Conduct as applied to Probate Judges and/or a general misunderstanding of the role of an attorney. Error by the court was only asserted by Mr. Covillion in the reply he filed to Ms. Covillion's brief.

However, the evidence presented at trial more than adequately supports the findings and conclusions reached by the trial judge. The information Mr. Covillion now wishes to present is information he should have presented during the trial.

The trial court's findings of fact cannot be set aside unless clearly erroneous, and its holdings must be affirmed unless the court has violated some positive rule of law or reached a result that is plainly and unmistakably unjust. *Harding v. Murray*, 623 A.2d 172 (Me. 1993) Based upon the record provided and the arguments presented, the District Court judgment is affirmed, and Mr. Covillion's appeal is denied.

This Order is to be incorporated into the docket by reference, in accordance with M.R.Civ.P. 79(a).

DATED: July 5, 2000

  
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Ellen A. Gorman  
Justice, Maine Superior Court

Date Filed 01/14/00 Somerset County Docket No. AP-00-001

County

Action District Court Appeal - Divorce

DONALD L. GARDNER  
LAW LIBRARY

10 2000

Anne Covillion

vs. Joseph Covillion

Plaintiff's Attorney

John Alsop, Esq.  
PO Box 417  
Norridgewock ME 04957  
Tel: #634-2800  
Bar: #3174

Defendant's Attorney

Joseph Covillion, Pro Se  
Route 15  
Jackman ME 04945

Date of Entry

01/27/00

The following documents were received and filed 01/14/00 under Notice of Appeal from the 12th District Court:

- 1 - Complaint for Divorce with Complaint Summary Sheet
- 2 - Family Matter Summons and Preliminary Injunction
- 3 - Court Alternative Dispute Resolution Service
- 4 - Domestic Relations Pre-Trial Order
- 5 - Letter from Joseph Covillion filed 09/28/99
- 6 - Divorce Judgment
- 7 - Order on Defendant's Motion for Findings of Fact
- 8 - Transcript Order
- 9 - Applications to Proceed without Payment of Fees
- 10 - Notice of Appeal
- 11 - Defendant's Motion for Finding of Fact
- 12 - Notice of Mediation
- 13 - Entry of Appearance
- 14 - Notice of Hearing
- 15 - All Correspondence
- 16 - Plaintiff's Financial Statement
- 17 - Exhibits
- 18 - District Court Docket Entries
- 19 - Original Transcript of Deposition of November 1, 1999

Notice and Briefing Schedule forwarded to John Alsop, Esq. and Joseph Covillion, Pro Se on this day.

02/15/00

Brief of Appellant received and filed 02/15/00.

03/17/00

Motion for Extension of Time in which to file Brief received and filed 03/15/00.

03/27/00

Appellant's Response to Appellee's Motion for Extension of Time to File Brief received and filed 03/22/00.

Order filed. Over defendant/appellant's objection, the motion is granted and time for filing enlarged to 04/17/00. 03/27/00 /s/ Kirk Studstrup, JSC. cc: John Alsop, Esq. and Joseph Covillion, Pro Se.

Date of  
Entry

Docket No. AP-00-001 (P2)

04/05/00

Brief of Appellee Anne Covillion received and filed 04/04/00.

04/26/00

Reply Brief of Appellant received and filed 04/19/00.

07/07/00

District Court Appeal scheduled for hearing on July 5, 2000 before the Hon. Ellen A. Gorman. Electronic Recording Tape No. #169, Index No. #843-877. John Alsop, Esq. present for the Plaintiff and addressed court, Joseph Covillion as Defendant present and addressed court. Case taken under advisement.

Order filed. Based upon the record provided and the arguments presented, the District Court judgment is affirmed, and Mr. Covillion's appeal is denied. This Order is to be incorporated into the docket by reference, in accordance with M.R.Civ.P. 79(a). DATED: July 5, 2000 /s/ Ellen A. Gorman, JSC. cc: John Alsop, Esq., Joseph Covillion, Pro Se. Certified copy of Order and Docket entries forwarded to District Court, Ms. Deborah Firestone, The Donald Garbrecht Law Library, and Goss Data Services.