

PAT DOE

v.

MATTHEW NORTON

Argued July 13, 2021
Decided July 29, 2021

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Matthew Norton appeals from a divorce judgment and from a judgment extending a protection from abuse order for Pat Doe individually and on behalf of the parties' minor children, entered by the District Court (Wiscasset, *Raimondi, J.*) after a consolidated hearing. Norton challenges the court's admission of and reliance on expert testimony from a licensed clinical social worker on the matters of brain anatomy and chemistry and memory formation and storage. Although the witness's qualifications were insufficient to render an expert opinion on those matters, *see* M.R. Evid. 702; *State v. Cookson*, 2003 ME 136, ¶ 20 & n.2, 837 A.2d 101, we conclude that the error was harmless, *see* M.R. Civ. P. 61; *Henriksen v. Cameron*, 622 A.2d 1135, 1143-44 (Me. 1993). Furthermore, the court did not clearly err in finding that Norton had abused the children. *See* 19-A M.R.S. § 4002(1) (2021); *Sulikowski v. Sulikowski*, 2019 ME 143, ¶ 10, 216 A.3d 893; *Walton v. Ireland*, 2014 ME 130, ¶ 22, 104 A.3d 883. Finally, the court did not abuse its discretion by denying Norton's motion to reopen the evidence. *See* M.R. Civ. P. 43(j); *In re Child of Erica H.*, 2019 ME 66, ¶¶ 17-18, 207 A.3d 1197.

The entry is:

Judgment affirmed.

Tyler J. Smith, Esq. (orally), Libby O'Brien Kingsley & Champion, LLC,
Kennebunk, for appellant Matthew Norton

Judy Potter, Esq. (orally), Cape Elizabeth, for appellee Pat Doe

Wiscasset District Court docket numbers FM-2018-13 and PA-2017-122
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