

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENTS TO THE
MAINE BAR RULES

2009 Me. Rules 2

Effective: January 1, 2009

All of the Justices concurring therein, the following amendments to the Maine Bar Rules are hereby adopted to be effective on the date indicated above.

The specific rules amendments are set forth below. To aid in understanding of the amendments, an Advisory Note appears after the text of each amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Maine Bar Rule 4(d), paragraphs (1) and (2) are amended to read as follows:

(d) Responsibilities and Authority. The Board of Overseers of the Bar:

(1) shall, subject to the Court's approval, appoint and compensate ~~a chief Bar Counsel and the Executive Director such deputy, assistant and special counsel as may be required;~~

(2) ~~may, subject to the Court's approval,~~ appoint and compensate such deputy, assistant and special counsel and administrative and secretarial personnel as are needed to assist the Board in the performance of its duties;

Advisory Note

This amendment to M. Bar. R. 4(d) adds the Executive Director to the list of staff hires that are subject to Supreme Judicial Court approval and allows the Board to hire, without Court approval, attorneys to serve as deputy, assistant or special bar counsel.

2. Maine Bar Rule 7.1(b) is amended to read as follows:

(b) Investigation. Bar Counsel shall investigate all complaints of attorney misconduct submitted in accordance with Rule 7.1(a). In addition, if the Board or

Bar Counsel become aware of information or allegations, in a manner other than receipt of a complaint, involving an attorney which, if true, raise a good faith belief that an attorney's conduct may have violated the Code of Professional Responsibility, Bar Counsel may initiate an investigation under Rule 7.1(a) in the absence of a complaint under the circumstances. However, ~~except that~~ any such complaint alleging or involving misconduct by an attorney member of the Board or Grievance Commission, or by any attorney employed at the office of Bar Counsel, shall be forwarded directly to the Chair of the Board, or the Vice Chair of the Board, or the Chair of the Grievance Commission in those cases when the Chair and Vice Chair are not able, to act in place of Bar Counsel for conducting an investigation and subsequent disposition pursuant to this Rule or such other Court Rules and Board Regulations governing the Board and Grievance Commission in the processing of grievance complaints.

Advisory Note

It is becoming common for the Board or Bar Counsel to learn of allegations of attorney misconduct through a source other than the filing of a complaint to the Board. Media reports, judicial decisions, and even certain administrative proceedings may divulge information that could form a basis for apparent misconduct by an attorney. When such allegations of misconduct become known to the Board or Bar Counsel, this amendment allows Bar Counsel to file and thereby initiate a sua sponte complaint leading to an investigation.

3. These amendments are effective January 1, 2009.

Dated: November 18, 2008

/s/
LEIGH I. SAUFLEY
Chief Justice

/s/
ROBERT W. CLIFFORD
Associate Justice

/s/
DONALD G. ALEXANDER
Associate Justice

/s/

JON D. LEVY
Associate Justice

/s/

WARREN M. SILVER
Associate Justice

/s/

ANDREW M. MEAD
Associate Justice

/s/

ELLEN A. GORMAN
Associate Justice