

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

**2012 Me. Rules 05**

Effective: January 1, 2012

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 stated below. To aid in understanding of the amendments, an Advisory Committee Note appears after the text of each amendment. The Advisory Committee Note states the reason for recommending the amendment, but it is not part of the amendment adopted by the Court.

1. Rule 10(b) of the Maine Bar Rules is amended to read as follows:

(b) **Failure of Payment.** Any attorney who fails to pay the fee required under subdivision (a) of this rule with the annual registration statement by August 31 is automatically suspended. Notice of the suspension shall be given by the Board by registered or certified mail, and return receipt requested, addressed to the office or home address last known to the Board. Such suspension shall not be effective until thirty (30) days after the date of mailing the notice thereof. The failure to pay shall not be considered a violation of the ~~Code of Professional Responsibility~~ Maine Rules of Professional Conduct per se and the suspension for failure to pay shall not constitute the imposition of discipline. Any suspension pursuant to this subdivision shall be subject to Maine Bar Rules 7.3(i)(2) and 7.3(j)(4). An attorney who, after the date of the mailing of such notice of suspension but before the effective date of such suspension, pays the annual fee as required under subdivision (a) of this rule and receives from the Board acknowledgement of such payment, shall be deemed to be in compliance with this rule and shall not be suspended for failure to pay such fee. An attorney aggrieved as a result of a suspension may apply to the Board Chair for summary relief for good cause shown.

### **Advisory Note – November 2011**

The proposed amendment to Maine Bar Rule 10(b) deletes reference to the Code Professional Responsibility that was abrogated and replaced by the Maine Rules of Professional Conduct effective August 1, 2009.

2. Rule 12(a)(1) of the Maine Bar Rules is amended to read as follows:

(1) Except as otherwise provided in this subdivision, every attorney required to register in accordance with these rules of this state shall complete 11 credit hours of approved continuing legal education in each calendar year beginning January 1, 2001. At least one credit hour in each calendar year shall be primarily concerned with professionalism education issues of ethics or professional responsibility. Qualifying professionalism education topics include professional responsibility, legal ethics, substance abuse and mental health issues, diversity awareness in the legal profession, and malpractice and bar complaint avoidance topics including law office and file management, client relations, and client trust account administration. If an attorney is subject to this rule for more than 3 months of a calendar year but for less than the entire year, the number of credits required for that year shall be prorated according to the number of full months of the year in which the attorney is subject to this rule. However, an attorney who has registered in emeritus attorney status is required to complete only seven credit hours of approved continuing legal education in each calendar year beginning January 1, 2005, unless exempted from the requirements of continuing legal education as provided by Maine Bar Rule 12(a)(5)(F).

### **Advisory Note – November 2011**

The amendment to Bar Rule 12(a)(1) clarifies the types of continuing legal education courses that may qualify for the annually required one hour of “ethics” credit.

3. These amendments shall take effect on January 1, 2012.

Dated: December 13, 2011

FOR THE COURT<sup>1</sup>

/S/

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LEIGH I. SAUFLEY  
Chief Justice

DONALD G. ALEXANDER  
JON D. LEVY  
WARREN M. SILVER  
ANDREW M. MEAD  
ELLEN A. GORMAN  
JOSEPH M. JABAR  
Associate Justices

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<sup>1</sup> This Rules Amendment Order is approved after conference of the Court, all Justices concurring therein.