

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

2014 Me. Rules 03

Effective: September 1, 2014

All of the Justices concurring therein, the following amendments to the Maine Bar Admission Rules are adopted to be effective on the date indicated above. The specific amendments are stated 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. Rule 10(e)(2) of the Maine Bar Admission Rules is amended to read as follows:

(2) An applicant qualified under either (e)(1)(i) or (e)(1)(ii) of this rule and who has achieved a useable MBE scale score may be admitted on the basis of a further modified written examination that shall include two or more of the subjects of the ~~Maine Code of Professional Responsibility~~ Maine Rules of Professional Conduct, the Maine Rules of Evidence, the Maine Rules of Appellate Procedure and the Maine Rules of Civil and Criminal Procedure, if the Board determines that the applicant's minimal competence in every subject tested in such modified examination, combined with the applicant's MBE examination record, demonstrates sufficient learning in the law to practice as an attorney in this State.

....

Advisory Note – June 2014

Subdivision (e)(2) is amended to replace the reference to the Maine Code of Professional Responsibility with a reference to the Maine Rules of Professional Conduct, which are now applicable.

2. Rule 11 of the Maine Bar Admission Rules is amended to add subparts (d) and (e) as follows:

RULE 11. THE MULTISTATE PROFESSIONAL
RESPONSIBILITY EXAMINATION

.....

(d) Applicants for Admission by Examination. An applicant for admission by examination must have taken and obtained a passing score on the MPRE within 15 years prior to the date on which the application is filed.

(e) Applicants for Reciprocal Admission on Motion. An applicant for reciprocal admission on motion must either (1) have taken and obtained a passing score on the MPRE within 15 years prior to the date on which the application is filed or (2) if relying on a passing score on the MPRE that is more than 15 years old, demonstrate to the Board that the applicant in the past was admitted to practice law in another United States jurisdiction that, at the time of the applicant's admission in that jurisdiction, required a passing score on the MPRE that was equal to or greater than the passing score in this State.

Advisory Note – June 2014

Subdivisions (d) and (e) are added in response to the decision of the National Conference of Bar Examiners not to retain MPRE scores that are more than 15 years old.

3. Rule 11A(a) and (b) of the Maine Bar Admission Rules is amended to read as follows:

RULE 11A. RECIPROCAL ADMISSION BY MOTION

(a) An applicant who is an attorney admitted to practice law in a state or territory of the United States or the District of Columbia and meets the following requirements may, upon motion, be admitted to the practice of law without taking and passing the bar examination required by Rule 10, provided that the state or territory of the United States in which the applicant is admitted to practice law allows admission without examination of persons admitted and in good standing to practice law in the State of Maine under circumstances comparable to those set forth in this rule. The applicant shall present evidence that the applicant:

1. Is admitted to practice law in, and is an active member in good standing of the bar of, another state or territory of the United States (or the District

of Columbia) ~~and is an active member of the bar in good standing that allows admission without examination of persons admitted and in good standing to practice law in the State of Maine under circumstances comparable to those set forth in this rule;~~

2. (A) Has been an active member in good standing of the bar of the State of New Hampshire and has been primarily engaged in the active practice of law in the State of New Hampshire for no less than three years immediately preceding the date upon which the ~~motion~~ application is filed;

(B) Has been an active member in good standing of the bar of the State of Vermont and has been primarily engaged in the active practice of law in the State of Vermont for no less than three years immediately preceding the date upon which the ~~motion~~ application is filed; or

(C) Has been primarily engaged in the active practice of law in one or more United States jurisdictions (which may include the active practice of law in the State of Maine to the extent permitted by Rule 5.5(d) of the Maine Rules of Professional Conduct) for at least 5 of the 7 years immediately preceding the date upon which the ~~motion~~ application is filed in one or more other jurisdictions, one of which allows admission without examination of persons admitted and in good standing to practice law in the State of Maine.

For the purposes of this Rule, the “active practice of law” shall include the following activities, either separately or in the aggregate, if performed on a full time basis ~~in a jurisdiction or jurisdictions in which the applicant is admitted and authorized to practice:~~

- (i) Representation of one or more clients in the private practice of law;
- (ii) Service as a lawyer with a local, state, territorial or federal agency including military service;
- (iii) Teaching law at a law school approved by the American Bar Association;
- (iv) Service as a judge in a federal, state, or local court of record;
- (v) Service as a judicial law clerk; or
- (vi) Service as in house counsel providing legal services to the lawyer’s employer.

The “active practice of law” shall not include work undertaken during any period in which the applicant is not an active member in good standing of the bar of a United States jurisdiction and shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

....

4. Has satisfactorily completed the Multistate Professional Responsibility Examination in accordance with Rule 11, prior to the date on which the ~~motion~~ application is filed;

....

8. Has completed at least fifteen hours of continuing legal education in Maine practice and procedure in courses approved by the Maine Board of Overseers of the Bar within one year immediately preceding the date ~~upon which the motion is filed and on which the applicant is certified for admission by the Maine Board of Overseers of the Bar as satisfying this requirement;~~

(b) An applicant who has failed the Maine bar examination within five years of the date of filing a ~~motion~~ an application for admission without examination shall not be eligible for admission on motion. An applicant who has resigned from the practice of law in the State of Maine, or who has been disbarred or is currently under suspension from the practice of law in any jurisdiction shall not be eligible for admission under this Rule, provided, however, that an administrative suspension from the practice of law in a jurisdiction other than the State of Maine, for failure to comply with that jurisdiction’s registration, dues, or continuing legal education requirements, shall not preclude admission under this Rule if the Board determines that the applicant has demonstrated that requiring the applicant to return to good standing in, or resign from, the jurisdiction that imposed the administrative suspension would impose an undue hardship on the applicant and the applicant is in good standing in at least one state of reciprocal admission.

Advisory Notes – June 2014

Subdivision (a)(1) is amended to include the threshold requirement that, to be admitted through reciprocal admission, the applicant must have been admitted in a

jurisdiction that similarly allows for the admission, without examination, of persons admitted and in good standing in the State of Maine.

Subdivisions (a)(2)(A) and (a)(2)(B) are amended to provide that an applicant seeking reciprocal admission under these subdivisions must be active members in good standing of the New Hampshire or Vermont bar and must have been primarily engaged in the active practice of law in New Hampshire or Vermont, and to provide that the requisite period of active practice runs back from the date that the application is filed, not the date that the motion for reciprocal admission is filed.

Subdivision (a)(2)(C) is amended to provide that the requisite period of active practice runs back from the date that the application is filed, not the date that the motion for reciprocal admission is filed, and is further amended to omit the language requiring the applicant to have engaged in active practice within a reciprocal jurisdiction. The amended language of subdivision (a)(2)(C) provides that, as long as the active practice is in the United States and is not the unauthorized practice of law, it will count toward the five years out of the previous seven that are required for reciprocal admission. For instance, a person who has been practicing for the requisite time (and has not engaged in the unauthorized practice of law) may apply for reciprocal admission if the person has worked as in-house counsel, a judicial law clerk, or a law professor, or has engaged in federal practice (for instance as an immigration or social security law practitioner, or a lawyer working in the United States Attorney's office) in a state or states where they have not been admitted (one of which may be Maine).

Subdivision (a)(4) is amended to provide that the applicant must satisfactorily complete the Multistate Professional Responsibility Examination before the date on which the application, rather than the motion for reciprocal admission, is filed.

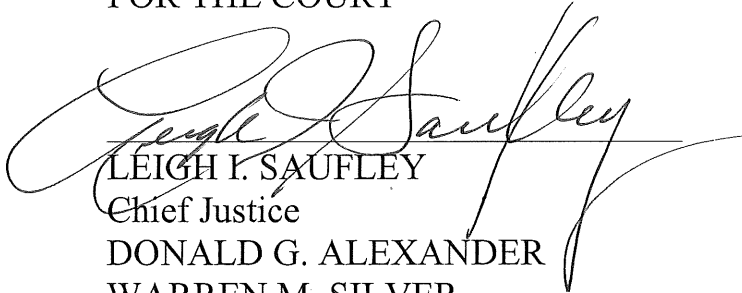
Subdivision (a)(8) is amended to clarify that the continuing legal education requirement must have been satisfied within the year preceding the date that the applicant is certified for admission, not within the year preceding the date "upon which the motion [for reciprocal admission] is filed and is certified by the Maine Board of Overseers of the Bar as satisfying this requirement."

Subdivision (b) is amended to allow the Board to consider an applicant who is administratively suspended in another jurisdiction if the Board determines that requiring the applicant to remedy the suspension or resign from the jurisdiction would impose an undue hardship on the applicant and the applicant is in good standing in at least one state of reciprocal admission.

4. These amendments shall be effective on September 1, 2014.

Dated: June 19, 2014

FOR THE COURT¹

A large, stylized handwritten signature in black ink, which appears to read "Leigh I. Saufley". The signature is written over a horizontal line that serves as a separator between the signature and the printed name below it.

LEIGH I. SAUFLEY

Chief Justice

DONALD G. ALEXANDER

WARREN M. SILVER

ANDREW M. MEAD

ELLEN A. GORMAN

JOSEPH M. JABAR

Associate Justices

¹ This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.