

MAINE STATE LEGISLATURE

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Date 6/22/23 Majority L D 1352
(Filing No H-705)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H P 866, L D 1352, "An Act to Remove Barriers to Becoming a Lawyer"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 4 MRSA §803, as corrected by RR 2021, c 1, Pt B, §22, is amended to read

§803. Qualifications for taking bar examination

A person may qualify to take the examination for admission to the bar of the State in accordance with this section or section 803-A.

1. **Evidence of graduation.** Before taking the examination for admission to the bar of the State, each applicant under this section shall produce to a the board of bar examiners established by the Supreme Judicial Court pursuant to section 801 satisfactory evidence that the applicant graduated with a bachelor's degree from an accredited college or university or that the applicant successfully completed at least 2 years' work as a candidate for that degree at an accredited college or university

2. **Further qualifications.** Each applicant under this section shall also produce to a the board of bar examiners satisfactory evidence that the applicant

- A Graduated from a law school accredited by the American Bar Association,
- B Graduated from a law school accredited by the United States jurisdiction in which it is located, that the applicant has been admitted to practice by examination in one or more jurisdictions within the United States and has been in active practice there for at least 3 years,
- C Graduated from a foreign law school with a legal education that, in the board's opinion, is equivalent to that provided in those law schools accredited by the American Bar Association, or

COMMITTEE AMENDMENT

1 D Successfully completed 2/3 of the requirements for graduation from a law school
 2 accredited by the American Bar Association and then pursued the study of law in the
 3 office of an attorney within the State for at least one year

4 **3. Eligibility for examination.** When an applicant has satisfied a the board of bar
 5 examiners that these the requirements of this section have been fulfilled and has paid a fee
 6 fixed by the Supreme Judicial Court, that applicant is eligible to take the examinations
 7 prepared or adopted by the board to determine if that applicant has the qualifications
 8 required by this chapter for admission to the bar

9 **Sec. 2. 4 MRS 803-A** is enacted to read

10 **§803-A. Qualifications; law office study program**

11 This section provides an alternative to section 803 for a person to qualify to take the
 12 examination for admission to the bar of the State

13 **1. Definitions.** For purposes of this section, unless the context otherwise indicates, the
 14 following terms have the following meanings

15 A "Board" means the board of bar examiners established by the Supreme Judicial
 16 Court pursuant to section 801

17 B "Week of study" means at least 25 hours of study during a period of 7 consecutive
 18 days or at least 30 hours of study during a period of 14 consecutive days

19 C "Year of study" means at least 44 weeks of study during a period of 12 consecutive
 20 calendar months

21 **2. Education or experience prior to law office study.** Before beginning a law office
 22 study program under subsection 3, an applicant under this section shall produce to the board
 23 satisfactory evidence that the applicant has graduated with a bachelor's degree from an
 24 accredited college or university in this country, has graduated with a bachelor's degree from
 25 a college or university in another country that is accredited under the laws of that country,
 26 or has worked as a paralegal for the equivalent of 4 years on a full-time basis

27 **3. Law office study program; requirements.** An applicant for the bar examination
 28 under this section must produce to the board satisfactory evidence that the applicant

29 A Pursued a systematic course of legal study designed to prepare the applicant for the
 30 general practice of law for at least 4 years in the office of and under the supervision of
 31 a judge or an attorney in this State who has been a member of the bar in good standing
 32 for at least 3 years before the applicant's course of legal study began The course of
 33 legal study must include, at a minimum, a study of the subjects tested on each of the
 34 examinations prepared or adopted by the board to determine if an applicant has the
 35 qualifications required by this chapter for admission to the bar The supervising judge
 36 or attorney may enlist the assistance of other judges and attorneys to provide additional
 37 supervision for the applicant during portions of the applicant's course of legal study for
 38 purposes of providing the applicant with the greatest possible breadth of experience
 39 and instruction,

40 B Submitted in a form or format required by the board a commencement notice within
 41 30 days after commencing a law office study program under this subsection and a
 42 transfer notice within 30 days after transferring the applicant's law office study program
 43 to a new supervising judge or attorney, if applicable The commencement or transfer

1 notice must be signed by the supervising judge or attorney, must include the date that
2 the law office study program began and must be accompanied by a certification from
3 the supervising judge or attorney that the supervising judge or attorney personally
4 investigated the moral character and fitness of the applicant and that, to the best of the
5 supervising judge's or attorney's knowledge, the applicant meets the requirements of
6 good moral character and fitness to practice law,

7 C Submitted in a form or format required by the board a report every 6 months during
8 the course of the law office study program Each 6-month report required by this
9 paragraph must be signed by the applicant under oath and must include the number of
10 weeks of study completed during the preceding 6-month period, a detailed description
11 of the areas of study pursued and the tasks performed by the applicant during the
12 preceding 6-month period and a description of the applicant's plan of study for the next
13 6-month period A report required by this paragraph must be accompanied by a
14 certification from the supervising judge or attorney indicating that, to the best of the
15 supervising judge's or attorney's knowledge, the report is accurate, and

16 D Submitted within 30 days after completing the law office study program required
17 by this section the final 6-month report required by paragraph C and a completion
18 notice in a form or format approved by the board and signed by the applicant and the
19 supervising judge or attorney

20 **4. Credit for years of study.** The board may award an applicant partial credit for up
21 to 2 of the 4 years of study required by subsection 3, paragraph A if the applicant provides
22 satisfactory evidence that the applicant recently engaged in one of the following types of
23 legal study and the board determines that the legal study satisfies the purposes of the law
24 office study program under this section

25 A Regardless of whether the applicant graduated from the law school, legal study at a
26 law school accredited by the American Bar Association or by the United States
27 jurisdiction in which it is located or at a foreign law school with a legal education that,
28 in the board's opinion, is equivalent to that provided by an accredited law school,

29 B Legal study in a foreign jurisdiction if the applicant has been admitted to the practice
30 of law before a court of general jurisdiction in that foreign jurisdiction, or

31 C Legal study in compliance with the requirements of a law office study program in
32 another state that the applicant demonstrates is substantially equivalent to legal study
33 under the law office study program under this section

34 **5. Report review and approval.** A member of the board shall review each report
35 submitted by an applicant under subsection 3, paragraph B, C or D and, if the member has
36 concerns that the applicant's report does not satisfy the requirements of this section, may
37 refer the report to the board for further review The board may require the applicant to
38 provide additional information in support of the report The board shall notify the applicant
39 no later than the 60th day after the date that the report was submitted by the applicant
40 whether the board has granted credit to the applicant for the period of law office study
41 described in the report If the board does not provide the applicant with a written notice
42 within the time required by this subsection, the board is considered to have granted credit
43 for the period of law office study described in the report

1 **6. Extension; failure to file report.** The board may, for good cause shown, extend by
 2 up to 60 days the deadline for filing any of the reports required under subsection 3,
 3 paragraph B, C or D. If an applicant fails to file a report required under subsection 3,
 4 paragraph B, C or D within the applicable deadline or, if an extension has been granted,
 5 within the extended deadline, the board may deny credit to the applicant for the period of
 6 law office study required to be described in the report or may issue a decision determining
 7 that the applicant is ineligible to take the examinations for admission to the bar.

8 **7. Eligibility for examination.** If the board determines that an applicant under this
 9 section has satisfied the requirements of subsections 2 and 3 and has paid a fee fixed by the
 10 Supreme Judicial Court, the applicant is eligible to take the examinations prepared or
 11 adopted by the board to determine if that applicant has the qualifications required by this
 12 chapter for admission to the bar.

13 **Sec. 3. Appropriations and allocations.** The following appropriations and
 14 allocations are made

15 **JUDICIAL DEPARTMENT**

16 **Courts - Supreme, Superior and District 0063**

17 Initiative Provides funding for the development and administration of a law office study
 18 program as an alternative to qualify for admission to the bar of the State

19 GENERAL FUND	2023-24	2024-25
20 All Other	\$200,000	\$200,000
21		
22 GENERAL FUND TOTAL	\$200,000	\$200,000

23
 24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 25 number to read consecutively

26 **SUMMARY**

27 This amendment, which is the majority report of the committee, replaces the bill
 28 Under the amendment, an applicant for admission to the bar who has studied law for 4
 29 years in a law office study program under the supervision of an attorney or judge who is a
 30 member of the bar in good standing need not attend law school prior to taking the bar
 31 examination. During the 4-year period, the applicant must pursue a systematic course of
 32 legal study designed to prepare the applicant for the general practice of law that must
 33 include, at a minimum, each of the subjects tested on the bar examination. An applicant
 34 may receive credit for up to 2 of the 4 required years of legal study based on the applicant's
 35 study of law at an accredited law school in this country, study of law at an equivalent
 36 foreign law school, legal study in a foreign, common-law jurisdiction that led to the
 37 admission of the applicant to practice law within that jurisdiction or legal study in
 38 compliance with the requirements of a law office study program in another state

39 **FISCAL NOTE REQUIRED**

40 (See attached)



131st MAINE LEGISLATURE

LD 1352

LR 1355(02)

An Act to Remove Barriers to Becoming a Lawyer

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-705)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$200,000	\$200,000	\$200,000	\$200,000
Appropriations/Allocations				
General Fund	\$200,000	\$200,000	\$200,000	\$200,000

Fiscal Detail and Notes

This bill includes an ongoing General Fund appropriation of \$200,000 per year to the Judicial Branch to be distributed to the Board of Bar Examiners and the Board of Overseers of the Bar to provide funding for staffing costs and related expenditures associated with establishing a law office study program as an alternative to qualify for admission to the bar of the State. The appropriation is intended to supplement funds generated by new or increased fees charged by the boards in accordance with rules adopted by the Supreme Judicial Court.