

MAINE STATE LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE.

SENATE.

No. 68.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-NINE.

AN ACT to provide process for the removal of
unworthy attorneys.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. Whenever an information shall be
2 filed in the clerk's office of the supreme judicial
3 court in any county by the attorney general, or by
4 a committee of the bar of such county, charging
5 that any attorney at law has become and is dis-
6 qualified for the office of attorney and counsellor
7 at law in the courts of this state, for reasons speci-
8 fied in the information, any justice of said court, in
9 term time or in vacation, may issue, in the name of
10 the state, a rule requiring the attorney informed
11 against to appear on a day fixed, to show cause

12 why his name should not be struck from the roll of
13 attorneys; which rule, with an attested copy of the
14 information, shall be served upon such attorney in
15 such manner as the justice shall direct, at least
16 fourteen days before the return day, and shall be
17 made returnable either in the county where such
18 attorney resides, or where it is charged that the
19 misconduct was committed.

SECT. 2. If the attorney on whom such service
2 has been made shall on or before said return day,
3 file in the clerk's office of said court in said county
4 of return, a denial of the charges specified in the
5 information, the information shall thereupon stand
6 upon the docket of said court for hearing at the
7 next term thereof in said county, by the justice pre-
8 siding, upon such lawful evidence as may be pro-
9 duced either by the state or by the respondent.

SECT. 3. If such attorney fails to file his denial
2 as aforesaid, the facts set forth in the information
3 shall be taken as confessed, and if the justice pre-
4 siding shall find that the facts so confessed are
5 sufficient to disqualify the respondent from holding
6 the office of attorney and counsellor at law, or in
7 case of denial the justice shall upon hearing find
8 that any of the charges specified are true, and that
9 the acts proved are sufficient to disqualify the

10 respondent as aforesaid, he shall give judgment ac-
11 cordingly, and shall enter a decree that the respon-
12 dent be removed from the office of attorney and
13 counsellor at law, in all the courts of this state, and
14 that his name be struck from the roll of attorneys.

SECT. 4. The judgment of such justice shall be
2 final, unless the respondent shall within one week,
3 and before the adjournment of said term, file his
4 appeal therefrom to the law court, by entering his
5 claim therefor upon the docket.

SECT. 5. Such appeal shall be heard upon printed
2 copies of the case, furnished by the respondent, at
3 the next law term held within the district. If the
4 case is not argued, it shall be decided upon the
5 record, and if the respondent fails to enter his ap-
6 peal, with the printed copies of the case, during the
7 first three days of said law term, the counsel for
8 the prosecution shall enter the appeal, with an at-
9 tested copy of the judgment and decree, whereupon
10 the same shall be affirmed by the law court.

SECT. 6. The prosecution shall be conducted by
2 the county attorney for the county where the rule
3 is returnable, unless the justice issuing the rule
4 shall appoint some other suitable counsel to per-
5 form said duty. Compulsory process shall issue to
6 compel the attendance of witnesses, and in case of

7 decree of removal, judgment shall be rendered in
8 behalf of the state against the respondent for full
9 costs, to be taxed by the court.

SECT. 7. This act shall not be construed to annul
2 or restrict any authority hitherto possessed or ex-
3 ercised by the courts over attorneys.

STATE OF MAINE.

IN SENATE, February 18, 1879.

Presented by Mr. THOMAS of Cumberland, and on his motion
laid over to be printed.

SAMUEL W. LANE, *Secretary*.