

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 457

H. P. 966 House of Representatives, Feb. 11, 1931.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Shaw of Bar Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-ONE

AN ACT Relating to Attorneys at Law.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section twenty-five of chapter ninety-three of the revised statutes is hereby amended by adding after the word "years" in the seventh line thereof the words 'and has been a bona fide resident of this state for the six months last passed,' so that said section as amended shall read as follows:

'Sec. 25. Attorneys, residents of other states or foreign countries, may be admitted to practice in courts of this state; fee. Practicing attorneys, residents of other states and territories, or from foreign countries, may be admitted on motion to try cases in any of the courts of this state by such courts, but shall not be admitted to the general practice of law in this state without complying with the provisions of the following section; provided, that where any applicant, residing within or without the state, who has been a member of the bar of another state or the District of Columbia, in good standing and in active practice, for at least three years and has been a bona fide resident of this state for the six months last passed, shall furnish the supreme judicial court a certificate of admission to practice in the court of last resort of such state, or a certificate of admission to any district court of the United States, together with the recommendation of one of the judges of the

court of last resort of such state, said supreme judicial court may in its discretion, if satisfied as to his qualifications, admit such person to practice on motion made by some member of the bar of said court.

No person shall be admitted as an attorney upon motion, without a certificate from the board of examiners of applicants for admission to the bar, until he has paid to the treasurer of the county where he is admitted, twenty dollars, and produced a receipt therefor to the court.'

Sec. 2. Section twenty-eight of said chapter ninety-three of the revised statutes is hereby amended by adding after the word "examination" in the twenty-fifth line thereof the words 'and that he has been a bona fide resident of the state for the six months last passed,' so that said section as amended shall read as follows:

'Sec. 28. Qualification of applicants; mode of examination; grade of standing. Each applicant before taking examination for admission to the bar of this state, shall produce to said board of examiners satisfactory evidence of good moral character and of having received a preliminary education equivalent to that required for graduation from the class A secondary schools of this state as recognized by the state commissioner of education. Such preliminary education may be proved by the production of a diploma from the secondary school attended (and, if said school is located without the state, evidence that its standards are equal to those of said class A secondary schools in this state), or from a school or college of education standing higher than that of the said class A secondary schools, or from a law school approved by said board of examiners. In lieu of such diploma, such applicant may furnish a certificate that he has passed the examinations of the college entrance examination board with a sufficient rank to admit to Bates College, Bowdoin College, Colby College, or the University of Maine, or the entrance examinations of one of said institutions required of candidates for the degree of A. B. or B. S. Any applicant may register with said board of examiners at any time by filing with said board a certificate stating his name, address, age, and the date on which the study of law is commenced and at the same time may submit to the board the proof of preliminary education, which proof shall be at once acted upon by the board and the result of such action communicated to

the applicant. In addition to the foregoing requirements, each applicant shall produce to the board satisfactory evidence of having pursued the study of law in the office of some attorney or in some law school approved by said board for at least three years prior to examination and that he has been a bona fide resident of the state for the six months last passed. When an applicant shall have satisfied said board that all the foregoing requirements have been fulfilled, said applicant shall pay a fee to be fixed by said board of not more than twenty dollars and shall then be required to submit to a written examination which shall be prepared by said board, also an oral examination by said board, if deemed necessary, and shall be required to answer correctly a minimum of seventy per cent of the questions asked to entitle said applicant to the certificate of qualification mentioned in section twenty-seven. The board shall, however, have power to establish such higher grades of standing as to them may seem proper.'

Sec. 3. Section thirty-one of said chapter ninety-three of the revised statutes is hereby amended by striking out the whole of said section and substituting in place thereof the following:

'Sec. 31. Persons not admitted forbidden to practice; cannot recover pay for services; penalty. Unless duly admitted to the bar of this state no person shall practice law, or any branch thereof, or hold himself out to practice law, or any branch thereof, within the state or before any state court therein, or demand or receive any remuneration for such services rendered in this state. Whoever not being duly admitted to the bar of this state shall practice law, or any branch thereof, or hold himself out to practice law, or any branch thereof, within the state or before any state court therein, or demand or receive any remuneration for such services rendered in this state, shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding three months or by both fine and imprisonment. The word 'person' as used herein shall include a body corporate. This section shall not be construed to apply to practice before any federal court by any person duly admitted to practice therein nor to a person pleading or managing his own cause in court.'

Sec. 4. Section forty-five of said chapter ninety-three of the revised statutes is hereby amended by striking out the

words "or by any citizen of good moral character who produces in court a letter of attorney for that purpose," so that said section as amended shall read as follows:

'Sec. 45. Management of causes by parties or counsel. Parties may plead and manage their own causes in court or do so by the aid of such counsel, not exceeding two on a side, as they see fit to employ; but no person whose name has been struck from the roll of attorneys for misconduct shall plead or manage causes in court under a power of attorney for any other party, or be eligible for appointment as a trial justice, or justice of the peace.'