

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 517

H. P. 1468

House of Representatives, February 16, 1937.

Reported by Mrs. Currier from Committee on Education and laid on table to be printed under Joint Rules. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Philbrick of Cape Elizabeth.

S T A T E O F M A I N E

I N T H E Y E A R O F O U R L O R D N I N E T E E N H U N D R E D
T H I R T Y - S E V E N

AN ACT Relative to Qualifications of Applicants for Admission to the Bar.

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

Sec. 1. R. S., c. 93, § 25, amended. Section 25 of chapter 93 of the revised statutes, as amended by section 1 of chapter 176 of the public laws of 1931, is hereby further amended to read as follows :

‘Sec. 25. Attorneys, residents of other states or foreign countries, may be admitted to practice in courts of this state after being a bona fide resident of this state for the 6 months last past; 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 3 years and has been a bona fide resident of this state for the 6 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 or of the District of Columbia, and also a certificate of good moral character and of fitness to practice law from the board of examiners of applicants for admission to the bar of this 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.

Any such applicant, when making application for such certificate of good moral character and of fitness to practice law, shall pay to the board of examiners for the examination of applicants for admission to the bar of this state a fee of \$50, all or any part of which may be used by said board to defray the expense of investigation of such applicant.

No person shall be admitted as an attorney upon motion, without ~~a~~ the certificate of qualification mentioned in section 27 of this chapter 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, \$20, and produced a receipt therefor to the court.'

Sec. 2. R. S., c. 93, § 28, amended. Section 28 of chapter 93 of the revised statutes, as amended by chapter 176 of the public laws of 1931, is hereby further amended to 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, sufficient to entitle him to admission as a member in good standing of the third year class of Bates College, Bowdoin College, Colby College or the University of Maine or any other college or university approved by said board of examiners, as a candidate for the degree of Bachelor of Arts, Science, Education or Business Administration. Such preliminary education may shall 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 educational 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 degrees of A. B. or B. S. a certificate of the satisfactory completion of 2 years' work as a candidate for such degree at one or more of such colleges or universities or by a certificate of admission as a candidate for such degree to the third year class of any such college or university. 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 said 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 3 years prior to examination and that he has been a bona fide resident of the state for the 6 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 \$20 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 70% of the questions asked to entitle said applicant to the certificate of qualification mentioned in section 27. The board shall, however, have power to establish such higher grades of standing as to them may seem proper.

Provided however that any applicant who, prior to July 1, 1937, has complied with all of the requirements of law as to preliminary education then in force, and who is otherwise qualified under the terms hereof, shall be eligible for examination as herein provided, provided such applicant shall register with said board by filing the certificate and proof of preliminary education hereinbefore described prior to January 1, 1938; and provided further that any applicant who has been engaged in the study of law in the manner provided for by law for a period of not less than 6 months prior to the passage of this act may register with the board of bar examiners not later than 3 months after this act shall take effect, and upon proof of said study having been pursued as aforesaid to the satisfaction of said board he may file proof of compliance with all of the requirements of law as to preliminary education in force January 1, 1937, at any time prior to January 1, 1939.'

Sec. 3. R. S., c. 93, § 29, amended. Section 29 of chapter 93 of the revised statutes is hereby amended to read as follows:

‘Sec. 29. Examination papers to be kept on file; limitation on number of examinations. The examination papers shall be kept on file in the office of the secretary of the board for a period of 1 year, after which time the same may be destroyed, and a record kept of each application, the name of the applicant, and his qualifications and general standing as ascertained by such examination, and the secretary of the board shall furnish each applicant with a card, showing the proficiency he has attained in each branch or subject upon which he has been examined, whether a certificate of qualification is issued or not. Any applicant failing to pass the first examination may again apply after 6 months, by showing to the board that he has diligently pursued the study of the law 6 months prior to the examination; if such second application is within 1 year after his first examination, he shall not be required to pay an extra fee for the second examination.

Any applicant who fails in 2 examinations shall pay a fee for each succeeding examination, and shall not be allowed to take any examination within 11 months after his last previous failure. No applicant may take any examination after his 4th failure except by special permission of the board of examiners of applicants for admission to the bar and for good cause shown. A decision of said board refusing such permission may be reviewed by any justice of the supreme judicial court upon petition by the applicant for such review filed with the clerk of the judicial courts in and for the county of Cumberland or the county of Penobscot within 90 days after the giving of written notice in hand or by mail, postage prepaid, by any member of said board to the applicant of the board’s decision. The applicant shall cause notice of the time and place of hearing upon such petition for review, together with a copy of such petition, to be served upon the secretary of said board at least 60 days before the date of such hearing.

Nothing in this section shall prohibit any person otherwise qualified from taking any examination held prior to January 1, 1938.’