

# MAINE STATE LEGISLATURE

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# **REPORT AND RECOMMENDATIONS OF THE BOARD OF OVERSEERS OF THE BAR'S TASK FORCE TO STUDY BAR DEMOGRAPHICS**



*June 2014*

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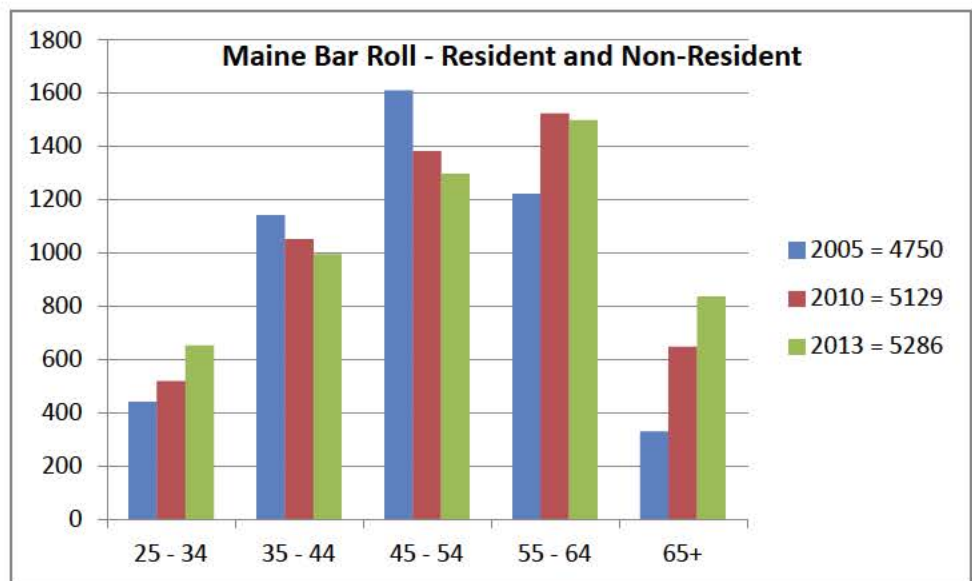
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## INTRODUCTION

The Maine Board of Overseers of the Bar was created by the Maine Supreme Judicial Court in 1978 to govern the conduct of lawyers as officers of the Court. One of the Board's core missions is to compile and keep current a register for the Court of all persons admitted as members of the Bar of the State. In fulfilling that charge, the Board annually analyzes attorney demographic including, but not limited to, registration status, age, admission year, gender, practice type, practice size, and geographic location. As part of its annual review in recent years, the Board identified the following concerns:

- the Maine bar is aging and will be facing a significant reduction in the next decade;
- the number of new attorneys admitted to practice will not be sufficient to offset retiring attorneys;
- new admittees are opting to reside and/or practice in Maine's larger counties, i.e. Cumberland, rather than Maine's rural areas; and
- the residents of rural Maine are served by an increasingly small, and increasingly older, group of lawyers likely causing access to justice concerns.

In August 2013, these concerns prompted the Board to establish a Task Force to Study Maine's Bar Demographics. The Task Force was asked to examine the challenges facing the Maine bar. Recognizing that the challenges listed above were not unique to Maine, Task Force members were also asked to explore how other jurisdictions were responding to these concerns.



The make-up of the Task Force co-chaired by Daniel Pileggi and Barbara Furey, was diverse from an age, geographical, and organizational standpoint. Organizations represented included the Board of Overseer of the Bar, the Maine State Bar Association, the University of Maine School of Law, and the Maine Assistance Program for Lawyers and the Judiciary.

To accomplish its work the Task Force divided into three teams: Rural/New attorneys chaired by Derek Van Volkenburgh; Aging Lawyers chaired by William C. Nugent; and Succession Planning chaired by Phillip E. Johnson. The following report provides a summary of the Task Force's work and its ultimate recommendations. It is hoped that this Report will assist the Board, in coordination with the organized bar and the courts, to address what is likely to be a significant challenge for the legal profession in the next decade.



## RURAL PRACTICE CONTINUITY/NEW LAWYERS TEAM

As its name suggests, the Rural Practice Continuity/New Lawyers team undertook to examine the problem posed by an aging lawyer population in rural and small town Maine and the apparent reluctance of new and younger lawyers to seek practice opportunities outside of greater Portland and other more populous areas of the state. The data collected by the Board of Overseers of the Bar in August 2013 put the situation in stark relief. Outside Cumberland County, just 10% of the lawyers in private practice in Maine are under the age of 35, while more than 65% are 50 or older. Data on the geographic distribution of University of Maine School of Law graduates for the years 2008-2012 paint a similarly skewed picture (see attached Appendix #1).

This is not an issue unique to Maine; of course, as the many articles collected by the Board and members of the Task Force bear out (see <http://www.mebareoverseers.org/DemographicsTaskForce/index.shtml>). A number of states are grappling with the problem of how to persuade young lawyers to take a harder look at small town opportunities. Efforts in other states have included cash subsidies to new law graduates locating in rural areas (South Dakota), and a range of initiatives by law schools and state bar associations aimed at publicizing rural opportunities and encouraging summer internships in areas facing a shortage of young lawyers.

With the Board's assistance, the Rural Practice Continuity/New lawyers Team conducted a survey of 759 Maine lawyers who have practice in Maine for five years or less to get a sense of what factors they considered when deciding where to practice. More than a third of the lawyers responded. The results were unsurprising and generally confirmed expectations. Only 17% of the respondents had chosen a rural location (defined as "a location other than the Greater Portland, Saco/Biddeford, Lewiston/Auburn, Augusta or Bangor"), and just slightly more than a quarter of those who chose not to practice in a rural area had even seriously considered doing so. The most common reasons given for eschewing rural practice were scarcity of professional opportunities for spouses/partners, insufficient projected income, and a desire to practice a kind of law unsuited to a small town setting. A relative lack of social and cultural amenities compared with urban areas was another reason noted.

The survey also asked about the level of interest in starting a solo practice, as many small town lawyers are also solo practitioners. Although two-thirds of the respondents had considered it at one time or another, the vast majority had decided against it, citing income stability, lack of knowledge and experience, and limited availability of networking support. (A summary of the survey results in graph form and the survey questions and copies of the narrative responses are attached as Appendix #2.)

Based on the survey results, and drawing upon the various approaches taken by other states, the team presented the following proposals to the members of the Task Force, to address the "graying of the bar" in rural areas of Maine:

1. **Solo Practice Training (Solo Practice "Bootcamp").** Because many rural and small town lawyers are solo practitioners, it will be useful for the Maine State Bar Association and other continuing legal education providers to offer more solo training focused on the nuts and bolts of establishing and running a practice. An effective approach might be a small workshop-type session, or series of sessions, with an emphasis on how to start a law firm "business" including aids such as forms that need to be filed, checklists, a primer on relevant ethics rules for name/advertising/sharing office space, and so forth.

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Other important subjects may include small firm bookkeeping and financial planning issues. Perhaps attendees could even complete their business plans that same day with the help of experienced presenters. The cost of such a workshop or bootcamp should be kept very low, and it should be offered on a regular, recurring basis, preferably once a year.

*Note: The University of Maine School of Law has recently begun offering a semester-long course in solo practice.*

2. **County/Regional Point Persons.** Each county or multi-county region should establish a "point person," charged with giving new solo practitioners a rundown on helpful state and local organizations and groups, introducing people in the county or region with whom they should be acquainted, and identifying regional geographic and practice areas in which legal services are in short supply. The point person might also compile and maintain a resource and information list to distribute to new solos. The point person would not function as an ongoing mentor for all new solos (too burdensome) but more as an initial stop for new solos when they are first setting up practice.
3. **Website for Rural Lawyers.** Interested stakeholders including the Board of Bar Overseers, county bar associations, and Maine State Bar Association should develop a rural practice web presence. The State Bar of South Dakota has a well-developed website devoted to their "Project Rural Practice" (<http://sdrurallawyer.com/>). The site has many resources for rural and solo practitioners, links to sites of potential interest to lawyers considering small town practice (including information technology services, success stories from newly-minted rural lawyers, tips for students and lawyers seeking rural opportunities, a blog, and much more).
4. **Solo/Small Firm Listservs.** A listserv should be set up to enable solos and small law offices to readily communicate ideas, best practice suggestions, common concerns, and so forth. This might be done on a state-wide basis by the Maine State Bar Association in connection with a rural practice website or on a more local level by county bar associations (in the latter case, monitoring of the listservs for proper use could be done by the county/regional point persons).
5. **Rural Attorney Recruitment Program.** Maine should consider establishing something akin to South Dakota's much publicized Rural Attorney Recruitment Program (<http://ujs.sd.gov/Informaiton/rarprogram.apx>) to provide financial incentives for younger lawyers to locate in rural areas. As noted above, concerns about insufficient income tend strongly to dissuade new lawyers from locating in rural and small town setting. These concerns are especially acute in view of the large education debt loads borne by many recent law school graduates.

Although a program of this kind would require action by the legislature, which may be difficult to obtain given the current economic climate, it is probably the single most effective step that could be taken to address the problem.

6. **Technology Grants.** These would serve several goals, including easing some of the financial burdens on new rural practices, and facilitating lawyers' ability to locate in rural areas while staying connected with their peers and other lawyers. Such grants might be extended (upon application) to lawyers interested in rural practice, and used to pay for a computer, a tablet, or part of the cost of a Smartphone for the first year, etc.

Such grants might be made available as part of the larger Rural Attorney Recruitment Program outlined above. An alternative source of funds and administration might be the Maine Bar Foundation, which already has a modest Loan Repayment Assistance Program.

7. **Educate Law Students About Small Town Life & Practice.** The University of Maine School of Law should enlist the assistance and involvement with the Maine State Bar Association, county bar associations, and the judiciary in educating law students about rural and small town practice. For example, lawyers and judges from areas where there is an existing or threatened shortage of lawyers might regularly visit the law school to describe and promote the work they do. County bar associations might also host student "road trips," which would enable law students (and perhaps even recent graduates) to meet with practicing lawyers and sitting judges, singly or in groups to discuss practice opportunities. The goal of such efforts would be to help allay concerns about income levels and access to social and cultural amenities, as well as to convey an accurate impression of the unique and important role played by lawyers in small communities.

*Note: A "road trip" approach was initiated by the law school in the fall of 2013 with a successful "Down East road trip" for students (focusing on Waldo, Hancock and Washington Counties) conducted last year. In February of 2014 a group of lawyers and one judge from Lincoln County visited the law school to make a presentation on life and practice in the mid-coast. Lastly, with the assistance of the Knox County Bar Association, plans are underway for a spring 2014 road trip to Knox County.*

8. **Small Town Clerkship/Internship Project.** The Maine State Bar Association and the law school should work together in a more concerted fashion with rural/small town attorneys to promote the hiring of law student interns during the summer following 1L year, and to foster a continuing relationship between them throughout the students' time in law school. Such an effort would follow the example of the Iowa State Bar Association's Rural Practice Committee, which is working with local law schools to place first year students with small town lawyers in summer and school year positions in hopes of planting seeds that grow into permanent employment.



## AGING LAWYER TEAM

The Aging Lawyer Team examined the issues of practice succession concerns; tools for measuring/evaluating cognitive impairment in attorneys; barriers to career transition; and educating the bar on aging issues. The team studied these issues and ultimately conducted a survey of senior lawyers to learn what steps they are taking to prepare for retirement. In that regard, the team crafted a number of questions addressing these concerns, identified senior solo practitioners, and personally surveyed twenty-practitioners (see survey and results at appendix 3).

Team members share the opinion of the Task Force as a whole that the present-day practice of requesting that solo practitioners voluntarily designate a proxy on their annual registration statement, in the event a solo practitioner dies or becomes disabled, is inadequate. The team supports a rule mandating that all solo practitioners practicing in Maine designate a proxy and attest that the proxy has agreed to the designation. (41% of the respondents to our senior solo survey had no agreement with another lawyer or firm to oversee the protection of their clients' interest in the event they died or became disabled. Of the 59% who had such an agreement only 21% reduced the agreement to writing.) The team also suggests the consideration of a rule requiring solos to maintain certain information in a retrievable format to enable a proxy to locate important records and other information about their practice. The mandated information should include the location of all current and closed files, identification of all bank accounts and safe deposit boxes related to the practice, computer passwords to enable the proxy to access relevant computer files, etc.

The team further suggests that Maine Rule of Professional Conduct 1.17, prohibiting an attorney who sells his or her practice from entering private practice in the future be reviewed and consideration be given to its potentially chilling effect on older lawyers who might want to sell their practice but not entirely foreclose the opportunity to resume some sort of private work in the future.

The importance of assessing and intervening with aging members of the bar exhibiting cognitive impairment was also discussed by the team. While majority of Maine's older practitioners remain active, provide competent representation and contribute admirably to the legal profession, as the bar ages, it is anticipated that there will be a small number of attorneys who exhibit signs and symptoms of cognitive decline. Consequently, the team took note of the importance of securing competent neuropsychological evaluations for attorneys who might exhibit signs of cognitive impairment. Such evaluations should be performed by professionals with expertise in working with highly educated professionals. The team recommends that the Maine Assistance Program for Lawyers and Judges be of assistance in locating such evaluators.

As part of its study, the team reviewed the work of a subcommittee of the National Organization of Bar Counsel (NOBC) examining the advisability of establishing a "permanent retired" status for older attorneys who are guilty of minor bar violations. Such a status would protect the public from lawyers who are no longer able to provide competent representation, while striving to protect the dignity of attorneys who have contributed to the legal profession. The NOBC subcommittee report is under consideration by the American Bar Association. The team recommends that the Task Force continue to monitor the proposed new status.

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The informal survey of senior solo lawyers yielded a number of interesting results. Forty-one percent of those surveyed had no plans to completely retire from practice. Of those who plan to retire, 44% will do so between the ages of 66 and 70, and 22% plan to do so between 70 and 75. Sixty percent of the respondents who plan to transition to part time practice hope to do so after age 65. These responses suggest that in coming years Maine will have a large number of attorneys practicing well after age 65. It is noteworthy that 56% of respondents indicated an interest bringing a qualified younger lawyer into their practice so that they might eventually transition to part time work or retire completely. This response supports the wisdom of the University of Maine School of Law's initiative to introduce law students to solo attorneys practicing in rural areas of the state. Finally, 56% of those surveyed indicated an interest in joining a statewide organization that provided information and support for senior lawyers and advocated for their interests.



## SUCCESSION PLANNING TEAM

The Succession Planning Team focused on two areas: (1) means to encourage and/or require attorneys, particularly solo practitioners or those without other support, to prepare for an event where they might suddenly and unexpectedly depart the practice of law due to death, illness, disability or other cause; (2) means to encourage attorneys, including but not limited to solo practitioners and small firm practitioners in rural areas, to bring new lawyers into their practices as they approach retirement, and to provide assistance in this regard. The overriding goal is to foster a legal profession in Maine that can continue to serve the needs of clients and their legal matters throughout the State, particularly rural areas, as attorneys voluntarily or involuntarily retire or otherwise cease practicing law.

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### Sudden Departures Caused by Death, Etc; Proxies

It is increasingly difficult for the Board of Overseers to address the problem created when a lawyer passes away, becomes disabled or is suspended or disbarred. These sudden events require another lawyer to step in to inventory the practice, notify clients, secure client files and property, locate lawyers who can take over client matters, and ensure that deadlines are protected. While solo practitioners are currently obligated to designate a proxy upon registration, this may not be undertaken with sufficient seriousness. One real-life example is a lawyer who designated another lawyer as a proxy without informing that lawyer or making any effort to obtain that lawyer's consent. After the lawyer unexpectedly passed away, it was discovered that the designated lawyer could not serve as a proxy because of a conflict of interest with the deceased lawyer's estate.

We support the formulation of a rule not only making the designation of a proxy mandatory, but imposing additional requirements. The Team discussed two alternative rule changes, the first requiring the lawyer to certify that the lawyer has obtained written affirmation of the proxy's willingness to serve in the capacity, and the second requiring the lawyer to provide the Board of Overseers with the signed affirmation of the proxy. Beyond designation and affirmation of a proxy, it would be helpful to have Board approved written materials that will provide lawyers and their proxies with information concerning their respective obligations. These could address such things as maintenance of books and records, client lists, client files, passwords and court deadlines in a fashion that makes them accessible to proxies.

### Planned Succession

Most of the Team's work centered on planned, and primarily retirement-related, succession, and it focused on the kinds of assistance that might be provided lawyers by the Board of Overseers or organizations such as the Maine State Bar Association. We evaluated the following:

**Timing.** We believe that lawyers need to start thinking about succession a minimum of five years prior to retirement and probably sooner. Five years might work if everything goes smoothly with the first successor lawyer. But if lawyer is taken into a practice, and the "fit" proves not be right, succession may take much longer.

**Motivation.** We believe the lawyers must be motivated to focus on succession planning and should be encouraged to use an estate planning-like mindset. In order to foster motivation, we need more symposiums dedicated to the issue. A new Maine State Bar Association section related in whole or in part to succession planning might be helpful. The County Bars might also serve as an aid. The subject, and the benefits from early planning, should be talked-up so that it is recognized as a common issue for lawyers around the State.

**Education.** Lawyers need to be educated on succession methods, costs and the benefits. Methods include bringing in an associate, merging with another lawyer or firm, and selling a law practice. Bringing in an associate or merging is probably more feasible because selling a practice will be difficult in light of the lack of a fair market value for most practices and the limitations imposed by our current ethical rules. Bringing in an associate can be costly, and lawyers need to be educated on alternative types of employment agreements, compensation systems and economic alternatives for a phased out retirement.

**Connecting Lawyers and Law Students, New Grads and Laterals.** Mechanisms should be established to foster connections between established lawyers who are thinking about the future and newer lawyers who may be looking for an alternative to practicing in a sizable law firm or metropolitan area such as Portland. Web-based markets or exchanges where lawyers can meet one another and share information would be helpful. The same can be said for forums at the Law School and at Maine State Bar Association annual meetings. Lawyers looking ahead at retirement should not overlook laterals with 2 – 5 years of experience. There are lawyers in firms looking for change and new challenges.

**Solving the Financial and Competency Problems of New Lawyers Going Into Rural Areas.** These are important issues. Recent graduates with law school debt may not be able to survive in a rural environment. There is no easy solution. Also, recent graduates lack experience and competency and may not be able to practice on their own without a good network of lawyers from whom they can obtain guidance. Guidance can probably be fostered through many of the Maine State Bar Association sections and perhaps some form of mentorship.

**Succession Tools.** It would be helpful for lawyers to have access to resources that provide tools, including forms, for use in succession planning. We developed a draft attorney employment agreement with a menu of options, albeit incomplete, relating to various compensation arrangements (e.g., salary with various bonus options based on performance and the financial health of the law practice). We also began work on a sample Buy-Out Agreement to be used in conjunction with an employment agreement that would allow for a payout to the senior lawyer as he or she phased out of the profession. These forms need further development, and additional sample agreements and forms should be created, along with education through the Board, the Maine State Bar Association or other legal organizations to go with them.



## STATISTICS

Maine is the oldest state in the United States, with a median age of 43.2 years. Currently, 46 percent of private sector workers are at least 45 years old. A 2013 Maine Department of Labor points out that, within the next 20 years, at least 40 percent of the current workforce will be 65 or older (see [http://www.maine.gov/labor/Templates/news\\_template.shtml?id=524081](http://www.maine.gov/labor/Templates/news_template.shtml?id=524081)). As a group, the Baby Boomers, born between 1946 and 1964, began to reach the traditional retirement age of 65 in 2011; the youngest of the group will reach 65 in 2029.

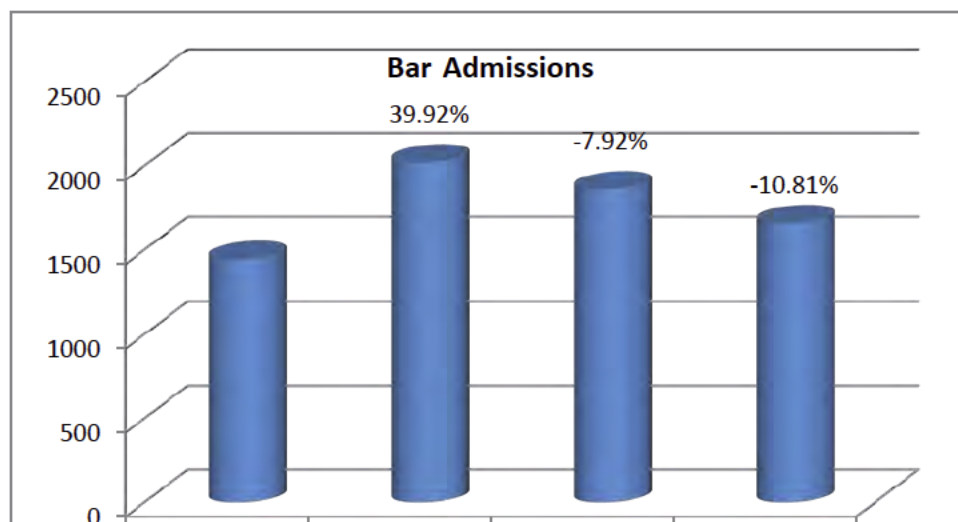
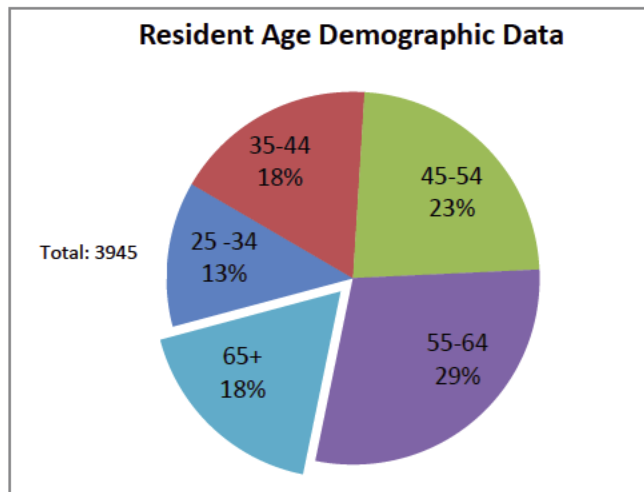
As is the case with other jurisdictions, the Maine bar is aging. The numbers in the chart on the right substantiate that belief. At the close of calendar year 2013, there were approximately 3,945 lawyers living and practicing in Maine. Of those, 1,143 (29%) were between the age of 55 and 64 and 964 (18%) were over the age of 65. These two cohorts represent a staggering 47%. It is notable that the largest percent of registered attorneys are between 55 and 64 years of age, an age group for which retirement plans are likely being contemplated.

An aging bar presents both opportunities and challenges. As the bar ages, the senior bar will offer tremendous experience, insight and wisdom that can be shared with newer members of the bar.

Nonetheless, there is a widespread concern that a greater percentage of the coming generation of senior lawyers (the baby boomer generation) will remain in active law practice, “without adequate support or assistance, beyond the point when their health and abilities indicate professional changes are in order,” states a report issued in 2007 by the Joint Committee on Aging Lawyers, created by the National Organization of Bar Counsel and the Association of Professional Responsibility Lawyers.

As Maine's lawyer population ages, it is necessary to examine whether there is a sufficient influx of new attorneys to fill the void. The mid to late 80's saw dramatic increases in the number of attorneys entering practice in Maine. There has been a decline in new admittees since that time. On a positive note, in January of 2012, the Court

expanded the reciprocal process to permit admission by motion, without taking a bar exam, to any attorney admitted to practice law and in good standing in any state or territory of the United States or the District of Columbia, if the jurisdiction where



the attorney is admitted to practice has a reciprocity rule that allows Maine attorneys to be admitted to practice on motion and without taking a bar exam. Prior to the Court's expansion of the reciprocity rule, twenty-eight attorneys were admitted on motion between 2005 and 2011. Subsequently fifty-four attorneys were admitted on motion in 2012 and 2013. A closer look at those attorneys admitted on motion reveals that 28% reside and/or practice in Maine and 72% reside or practice out-of-state.

Also of concern is the fact that new admittees between the ages of 25 and 34 are working and living primarily in the greater Portland and other more populous areas of the state. The unintended consequence of this geographic choice is the fact that rural counties will likely be faced with a shortage of lawyers in the coming years as aging lawyer retires. This anticipated shortage will in all likelihood lead to access to justice challenges.

A close look at Maine's resident lawyers who have identified themselves as private practitioners reveals that nearly all of resident lawyers under age 40 reside and/or practice in Cumberland County. Of the six lawyers in Piscataquis County in private practice, none are under the age of 40 and half are over the age of 55. Washington County has 27 private practitioners; 18 of whom are 55 years or older and only 4 who are under the age of 40. Somerset County has 31 private practitioners; only four are under the age of 40 and 24 are over 55 years old. Lastly, Franklin County has 24 private practitioners, 16 of whom are over 55 and 2 who are under the age of 40.

Anecdotally, these numbers are skewed by non-practicing attorneys, or attorneys who strictly limit their practice scope and hours, leading to a high percentage of rural lawyers who every day flirt with conflicts of interest in order to both make a living and meet the communities' needs. There are also reports from the judiciary that there are an increasingly high number of unrepresented litigants trying to resolve complex disputes on their own.

#### Registered Attorney by Practice Type

Government.....	547
In House/Corporate Counsel .....	344
Judiciary .....	70
Law Clerk .....	33
Law School .....	33
Legal Service .....	100
Military .....	9
Private Practice .....	3452
Retired .....	84
Other .....	624
Total.....	5286

#### RESIDENT PRIVATE PRACTITIONERS

AGE	Androscoggin	Aroostook	Cumberland	Franklin	Hancock	Kennebec	Knox	Lincoln	Oxford	Penobscot	Piscataquis	Sagadahoc	Somerset	Waldo	Washington	York	Total
29 or Less	6	2	46	0	2	4	1	0	0	10	0	1	2	1	1	6	82
30-34	18	2	134	1	3	14	6	2	2	20	0	4	2	4	2	20	234
35-39	13	8	132	1	5	10	7	3	3	12	0	4	0	4	1	17	220
40-44	24	3	119	2	6	14	8	3	2	18	2	7	2	0	4	18	232
45-49	16	5	131	1	11	20	7	5	2	24	1	7	1	3	0	18	252
50-54	13	4	174	3	10	14	4	3	8	39	0	7	3	2	1	31	316
55-59	22	3	207	4	9	36	10	8	5	39	1	4	7	2	3	40	400
60-64	25	7	182	5	14	33	13	7	3	39	0	8	8	4	3	43	394
65-69	18	7	134	4	15	29	17	19	5	20	1	10	5	4	8	23	319
70+	9	13	86	3	9	23	5	10	3	15	1	5	4	4	4	24	218
Total:	164	54	1345	24	84	197	78	60	33	236	6	57	34	28	27	240	2667

## NATIONAL INITIATIVES

### **The Aging Bar**

At the national level, the ABA Senior Lawyers Division and the ABA Commission on Law and Aging are each involved with promoting programs and examining issues affecting senior lawyers. Those issues include helping lawyers wind down and/or sell a practice, finding part-time or counsel arrangements, disseminating information on investing and finances, and examining mandatory retirement rules.

In 2007, the National Organization of Bar Counsel published an extensive report prepared by its Joint Committee on Aging Lawyers to study the challenges raised by aging lawyers and propose solutions and best practices for attorney grievance committees, bar associations, courts and the bar. The Committee examined age-impairment issues with an eye toward preserving the dignity and hard-earned reputations attained by senior lawyers and enhancing their ability to continue to contribute meaningfully during the later years of their careers.

### **Cognitive Impairment**

In August 2013, the American Bar Association presented a webinar titled "Grey Matters: Perspectives on Aging Lawyers and Cognitive Impairment". Noting that lawyers in all settings have interactions with older lawyers as partners, co-counsel, opposing counsel, Judges or friends the presenters discussed the difference between being a little absent-minded and exhibiting cognitive impairment. Attendees learned about the signs to watch for when dealing with a lawyer who may be experiencing cognitive impairment along with resources to state and local lawyer assistance programs. The risks of disciplinary action when failing to address problems of cognitive impairment and the exposure to malpractice when cognitively impaired lawyers continue to practice were also discussed.

The Florida Bar embarked on a plan in 2012 to help identify lawyers with cognitive impairments before they harm clients and are snared in the disciplinary process. They are also hoping to find ways to help older attorneys continue to share their valuable experience and expertise in less stressful ways than grueling litigation or direct service to clients. In the works is a confidential "cognitive checklist," a self-assessment test lawyers will be able to take online. The online assessment, modeled after the University of Florida's College of Medicine's "Florida Cares" program for physicians, will allow attorneys to see how an attorney ranks among their peers when it comes to sharpness of mind and remembering details. This self-assessment will also break new ground in collecting anonymous data about aging in the Florida legal profession, to better gauge the size of the problem.

What was once a North Carolina Bar Association task force has transformed into a full-fledged Commission aimed at intervening with lawyers dealing with cognitive impairment, helping them to end their careers on a high note. The Transitioning Lawyers Commission, with the training and expertise of HRC Behavioral Health and Psychiatry, has created a program that trains lawyers to act as "team leaders" who gather information from concerned individuals and then work with HRC to determine the best way to move forward. While each case varies, the program offers methods such as a "frank conversation," memory testing, and referrals for neuropsychological testing.

In 2013 the New Mexico Bar Association developed an educational video for members of the bar understand cognitive impairment. Available online 24/7, the video may be viewed discreetly and confidentially to assist attorneys and their colleagues spot aging problems.

## **Lawyer Assistance Programs**

Recognizing that mental health problems significantly impact a professional's ability to function in a legal environment, Lawyers Assistance Programs across the country have expanded their services to include consultations for mental health concerns. More and more assistance programs recognize that it is the responsibility of the legal profession to assist its members who suffer from such impairments.

## **Mentoring**

The Florida Bar Association has created a *Mentoring with the Masters* video series designed to help bridge the gap between law school and practice. Each video addresses a different topic area that contains helpful hints, tricks and practical information that every new lawyer needs to know to have a successful career

The Young Lawyers Division (YLD) of the Florida Bar encourages lawyers to participate in mentoring programs at the local level. Currently, mentoring programs are established voluntarily by local bar associations, Inns of Court, etc. As part of its mission, the YLD has established a Transition to Practice (T2P) committee that is tasked with educating young lawyers about mentoring programs and encouraging state-wide mentoring programs.

In addition to its annual Bridging the Gap program, new admittees in New Mexico bar are paired up with experienced lawyers who serve as mentors for a twelve month period. Mentors and new lawyers meet a minimum of 12 times, seven of which must be in person, to discuss the practical issues in the practice of law and to complete activities chosen from a mentoring curriculum. The goal of the mentoring program is to promote professionalism, ethics, civility, practice skills and to build relationships. When the program is completed, both mentors and new lawyers receive CLE credits.

## **Permanent Retirement Status**

In 2012 the National Organization of Bar Counsel created a Special Committee on Permanent Retirement to research whether jurisdictions presently have or are anticipating non-disciplinary challenges associated with an aging lawyer population, including age related impairments and retirement or semi-retirement. Once completed, the committee will be drafting a best-practice recommendation for consideration by other jurisdictions.

The Florida Bar believes that permanent retirement, a non confidential status, should not be limited to aging lawyers, but to those who become ill or may otherwise need/deserve the option, regardless of age. Florida does not limit permanent retirement to aging lawyers, although the remedy is and will be used mostly for seniors. Florida's leaves it to other jurisdictions in which an attorney is admitted to decide what, if anything, it wants to do with the involved attorney.

## **Proxy Designation**

In August of 2007, Recommendation 105 was adopted by the American Bar Association House of Delegates which urged bar associations and courts to develop, adopt, promote and implement programs and procedures to encourage and enable lawyers to plan for law practice contingencies. The Recommendation calls for the designation in advance another lawyer who is willing and able to assume the lawyer's practice or to assist in the transfer of client matters and papers and electronic files, in the event that the lawyer has any physical or mental disability that significantly impairs the lawyer's ability to practice law, or the lawyer has died, disappeared, been suspended or disbarred, or otherwise been restricted from the practice of law. Many jurisdictions have subsequently adopted the Recommendation and continue to fine tune their policy and procedures to best meet their individual state needs.



### **Senior Lawyer Initiatives**

In Maine, the senior members of the Cumberland County Bar Association are invited to attend a monthly luncheon. The luncheon is of an informal nature and there are no set agendas. Instead, attendees take the opportunity to catch up with their peers and to talk about both legal and non-legal related subject matters

The Senior Lawyers Committee of the Erie County Bar Association serves the interest and needs of the legal profession and the public by sharing the accumulated knowledge and experience of its members.

The Senior Lawyers Committee of the Dallas Bar Association Oversees operations of a mentor program and prepares an oral history of members and of the association.

This Senior Lawyers Committee of the Akron Bar Association discusses issues of importance to senior lawyers. Committee members present a yearly seminar, sponsor several social events during the year, and visit senior citizen communities to present information of value and interest. The Committee also has developed a mentoring program for new attorneys.

### **Planning Ahead: Winding down Practice**

In 2011, former Maine State Bar Association President William D. Robitzek established an informal program to provide coaching and assistance to attorneys who are contemplating retirement or winding down there practice.

Several disciplinary and bar association organizations, including Maine's, have developed educational materials on winding down a practice. Other jurisdictions that have published closing guides include Illinois, Iowa, New York, West Virginia, and Washington.

### **Rural Practitioner Recruitment**

In 2011, the State Bar of South Dakota (SBSD) formed a multi-disciplinary task force to identify methods of recruiting lawyers to Main Street in rural areas. Several objectives sprang from the work of the task force that can be generally categorized into three areas: 1) Educate lawyers on bar and practice support resources for attorneys seeking to move to a rural area, and break down barriers to a rural practice. 2) Develop community incentives among non-lawyer stakeholders and encourage them to make the case for recruiting a lawyer to their Main Street. 3) Through a website dedicated to PRP, connect lawyers seeking a rural opportunity, veteran attorneys seeking a successor, and communities seeking a lawyer for their Main Street.

In August 2012, at the ABA Annual Meeting, the SBSB gave a report to the ABA House of Delegates in which we declared the Main Street attorney in rural America an endangered species. The House of Delegates unanimously approved Resolution 10B in support of Project Rural Practice (PRP). Since then, many positive advancements have occurred to address the scarcity of Main Street rural attorneys.

A significant milestone was achieved in the fall of 2012, when the task force unveiled the PRP website. The website brings together the practice support information that is instrumental to breaking down barriers to a rural practice, an employment board, and community pages and has been described as a match.com for lawyers and communities. The website and its links provide the lawyer interested in a rural practice a one-stop service for fundamental information and resources.

### **Succession Planning**

As the aging bar explores retirement options in the next decade they will be faced with the daunting question of how to smoothly transition their clients and practices to the next generation. Bar Association across the country, including Maine, are assisting the bar by educating them on how to implement succession plans. This

past September the Maine State Bar Association presented a seminar titled *How to Make Your Succession Successful! For Solo and Small Firm Practitioners in Maine*. Attended by more than ninety attorneys from thirteen counties across the state, the seminar provided an opportunity for attendees to discuss various succession planning modules.

The Washington State Bar Association has a webpage devoted to the topic of succession planning (see <http://www.wsba.org/Resources-and-Services/Ethics/Succession-Planning>). Visitors to the website will find a wealth of information on planning ahead, succession planning and template forms.

The Vermont Bar Association has developed materials designed for its members to help them think about what will happen to a practice when they are unable to serve their clients, whether through voluntary time away, incapacity or illness, retirement, or death. The materials include tools to help attorneys assess their practice, organize important information for use by a successor, think about alternative ways to leave a practice, and provide for the welfare of clients during an absence. The materials include a wide range of forms and checklists that practitioners can use or adapt to ensure that they have covered all the bases and taken the necessary steps.

## RECOMMENDATIONS

Task Force members identified several challenges and opportunities that will require action by a variety of stakeholders, including the Board of Bar Overseers, the MSBA, the courts, the Law School, local and state bar associations, and individual attorneys and professionals. The Task Force recommendations can be summarized as follows:

- 1. Outreach.** In partnership with the Maine State Bar Association's Silent Partner's program, identify local regional point persons to support recruitment efforts for rural attorneys, law school road trips, classroom visits, internships, mentoring and the Senior Lawyers Group.
- 2. Internship Program.** Promote the University of Maine School of Law's efforts to promote the hiring of first-year students at minimal stipends and to foster continuing relationships during subsequent years.
- 3. Education.** Support training by offering an annual solo/small firm boot camp co-sponsored by the Board of Overseers of the Bar and the Maine State Bar Association with an emphasis on business plan creation and best practice tips; an annual succession planning seminar with emphasis on data management; and the continuation of the University of Maine School of Law's course on solo/small firm practice.
- 4. Internet Resources.** Create a listserv for solo/small firms. Create a web page for solo/small firm practitioners containing articles on Maine's rural practice, senior/aging issues, transitioning lawyers, succession planning, and proxy/receiver information.
- 5. Proxy Designation Consent.** Support the recommendation to make designating a proxy on the annual registration form mandatory, particularly for solo practitioners; monitor requiring written consent and mandates of information sharing.
- 6. Regional Senior Attorneys Groups.** Promote formation of a "senior lawyers group" within the Maine State Bar Association and encourage active involvement of older attorneys to discuss issues of common interest.
- 7. Records and Data Management.** Seek ways to educate members of the Bar on proper data management practices through website, newsletters, meeting presentations; assist the Maine State Bar Association in establishing a vendor relationship with companies offering discounted rates for legal storage; consider requirement that attorneys file, and Probate Court accept, original copies of wills where there is no other appropriate method of retention; keep abreast of developments in other jurisdictions.
- 8. Continued Study.** Regularly examine the demographics of Maine attorneys with regard to aging, rural/solo practice, transitioning and disabled attorneys, and the impact of those demographics on access to justice for the people of Maine; explore funding for rural practitioners, internships; keep abreast of developments in retirement classification, proxy and successor rules.

## APPENDIX

During the course of its work, the Committee gathered and reviewed an extensive number of reports and data from other jurisdictions. A listing of these resources follows:

### TEXT

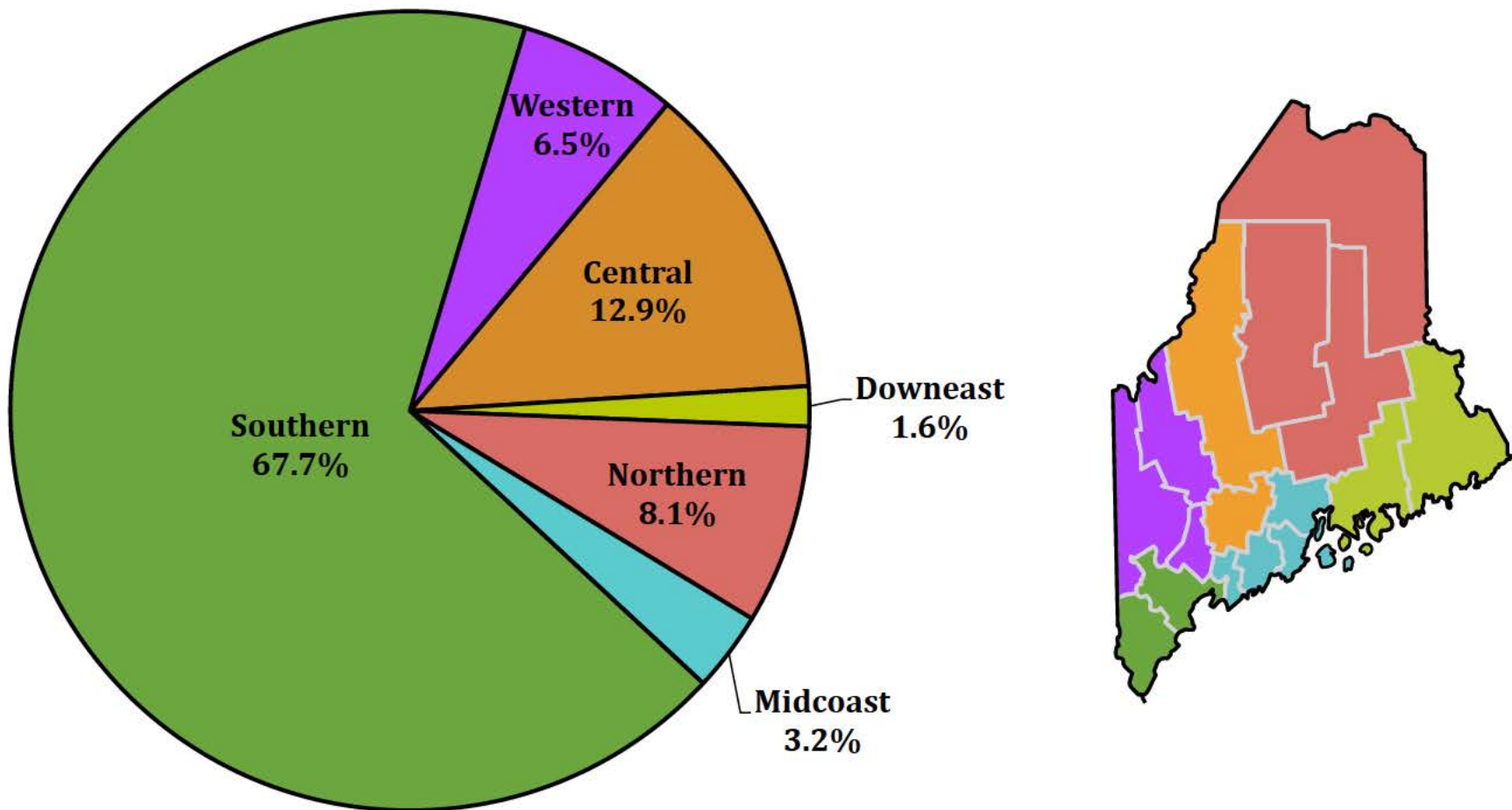
1. Data, Geographic Distribution of University of Maine School of Law Graduates, 2001-2012.
2. Rural Practice Continuity/New Lawyers Team Survey Summary.
3. Aging Lawyer Team Survey and Results.
4. Succession Planning Team Proposed revision to Maine Bar Rules Regarding Proxy Designation.

### LINKS

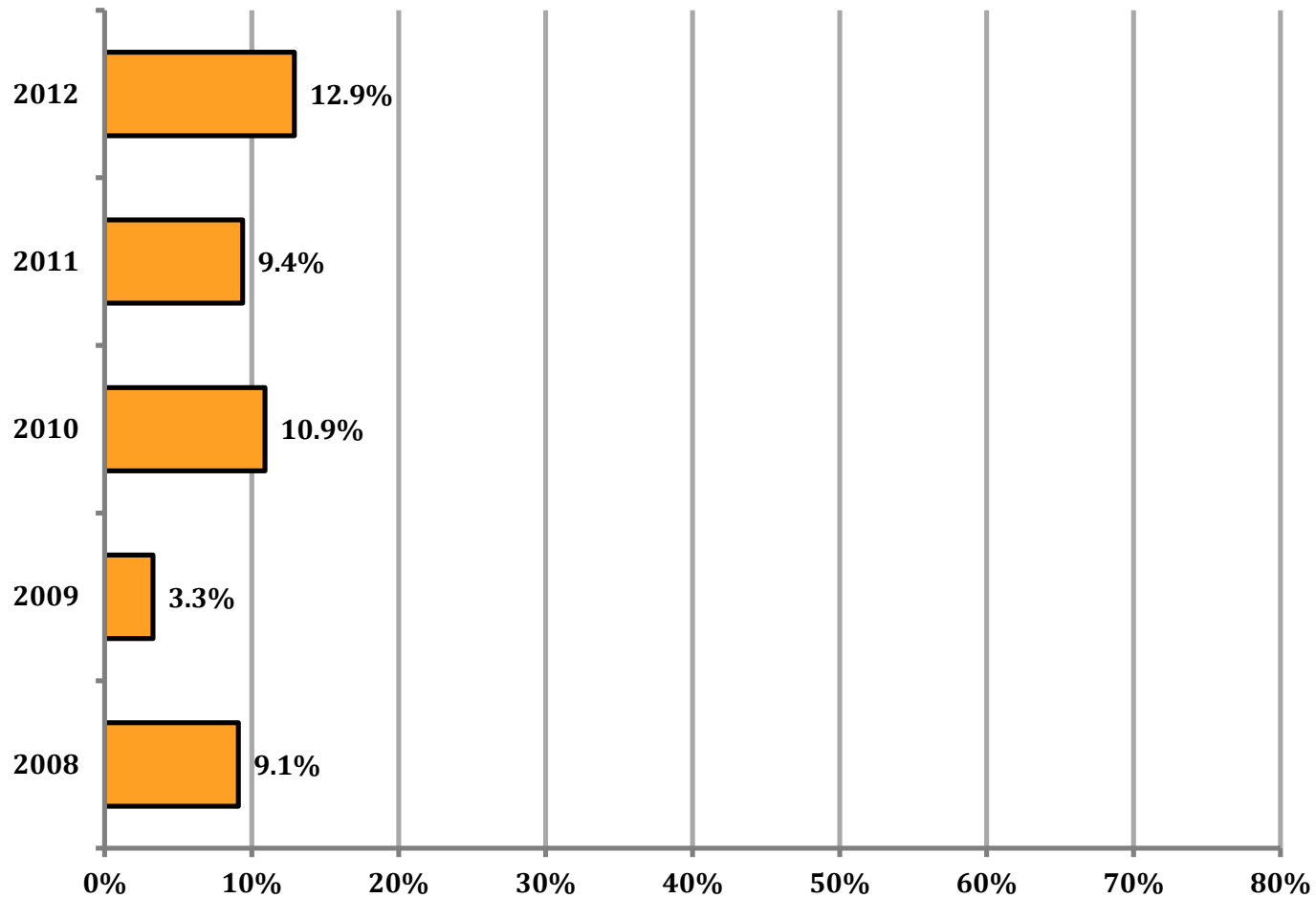
5. South Dakota Project Rural Lawyer.  
<http://sdrurallawyer.com>
6. South Dakota Rural Attorney Recruitment Program.  
<http://ujs.sd.gov/Information/rarprogram.apx>
7. Maine Board of Bar Overseers Annual Report.  
<http://www.mebaroverseers.org/about/pdf/2013%20Annual%20Report.pdf>
8. Maine Board of Bar Overseers Practice Closing Guide.  
<http://mebaroverseers.org/docs/Practice%20Closing%20Guide%20-%202011.09.pdf>
9. 2007 NOBC Report, Joint Commission on Aging Lawyers.  
<http://aprl.net/publications/downloads/NOBC-APRL.pdf>
10. Maine Board of Bar Overseers Handbook for Receivers.  
<http://mebaroverseers.org/docs/Maine%20DMD%20Receiver%20Handbook%20Edition%202.pdf>
12. NOBC 2013 Basic Principles for Creating a Permanent Retirement Class for Lawyers.  
<http://mebaroverseers.org/DemographicsTaskForce/Docs/nobcpermretire.pdf>
13. New York Proposed Uniform Court Rule, Caretaker Lawyer.  
[http://www.nycourts.gov/rules/comments/PDF/2012\\_07\\_12\\_10\\_10\\_36\\_1.pdf](http://www.nycourts.gov/rules/comments/PDF/2012_07_12_10_10_36_1.pdf)
14. COLAP, 2013 Article, Facing and Addressing Cognitive Impairment in our Colleagues.  
[http://www.mebaroverseers.org/DemographicsTaskForce/Docs/ls\\_colap\\_2013\\_cognitive\\_impairment.authcheckdam.pdf](http://www.mebaroverseers.org/DemographicsTaskForce/Docs/ls_colap_2013_cognitive_impairment.authcheckdam.pdf)
15. 2013 W. Va. Disciplinary Board publication, Establishing a Succession Plan: A Guide to Establishing a Succession Plan.  
<HTTP://WWW.WVBAR.ORG/WP-CONTENT/UPLOADS/2013/11/DOC110513SUCCRSSION-PLAN.PDF>



## Regional Distribution of Maine Law Graduates Residing in Maine 9 Months Following Graduation, 2012

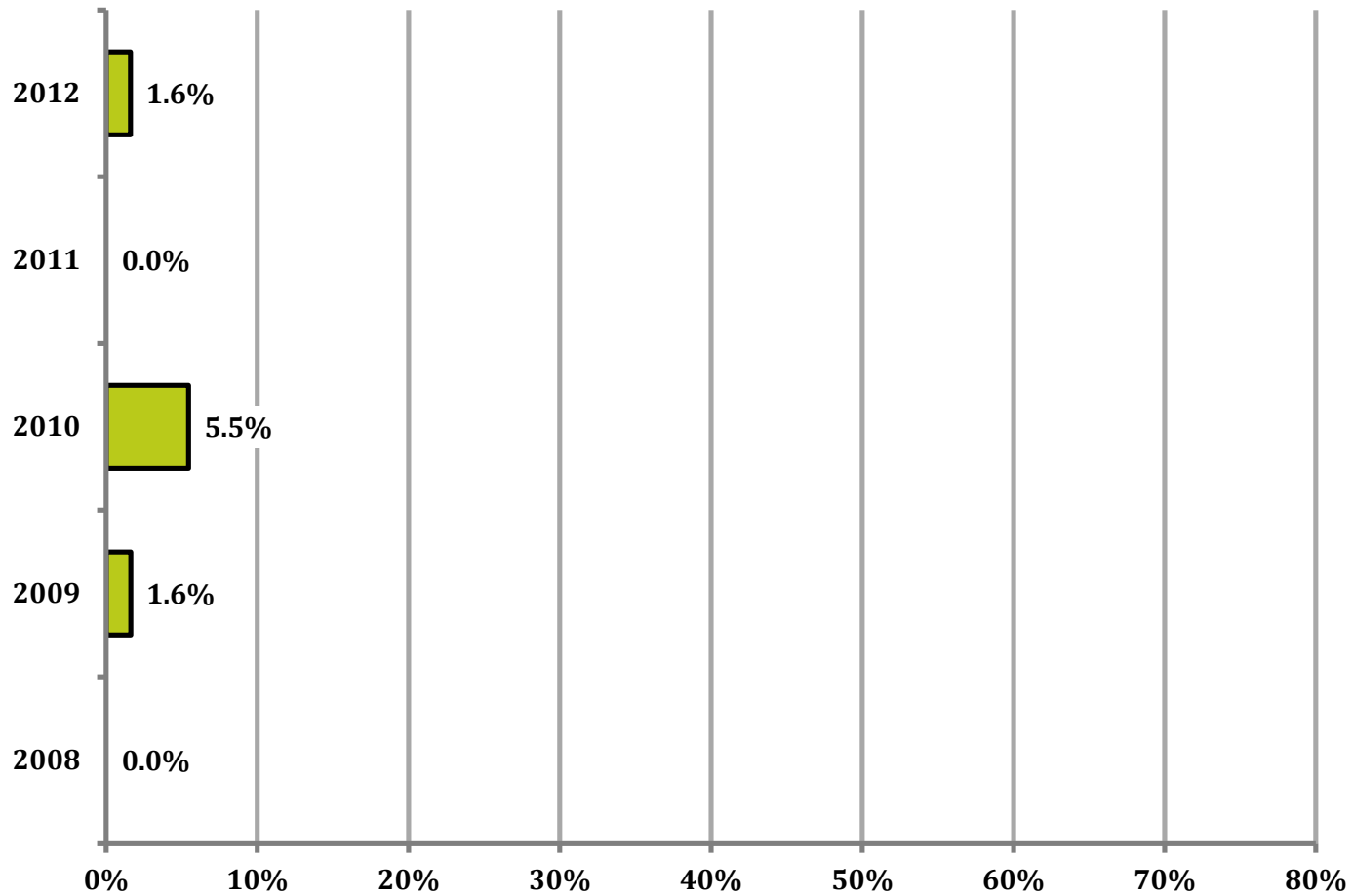


## Percent of Maine Law Graduates in Central Maine 9 Months After Graduation, 2008 - 2012



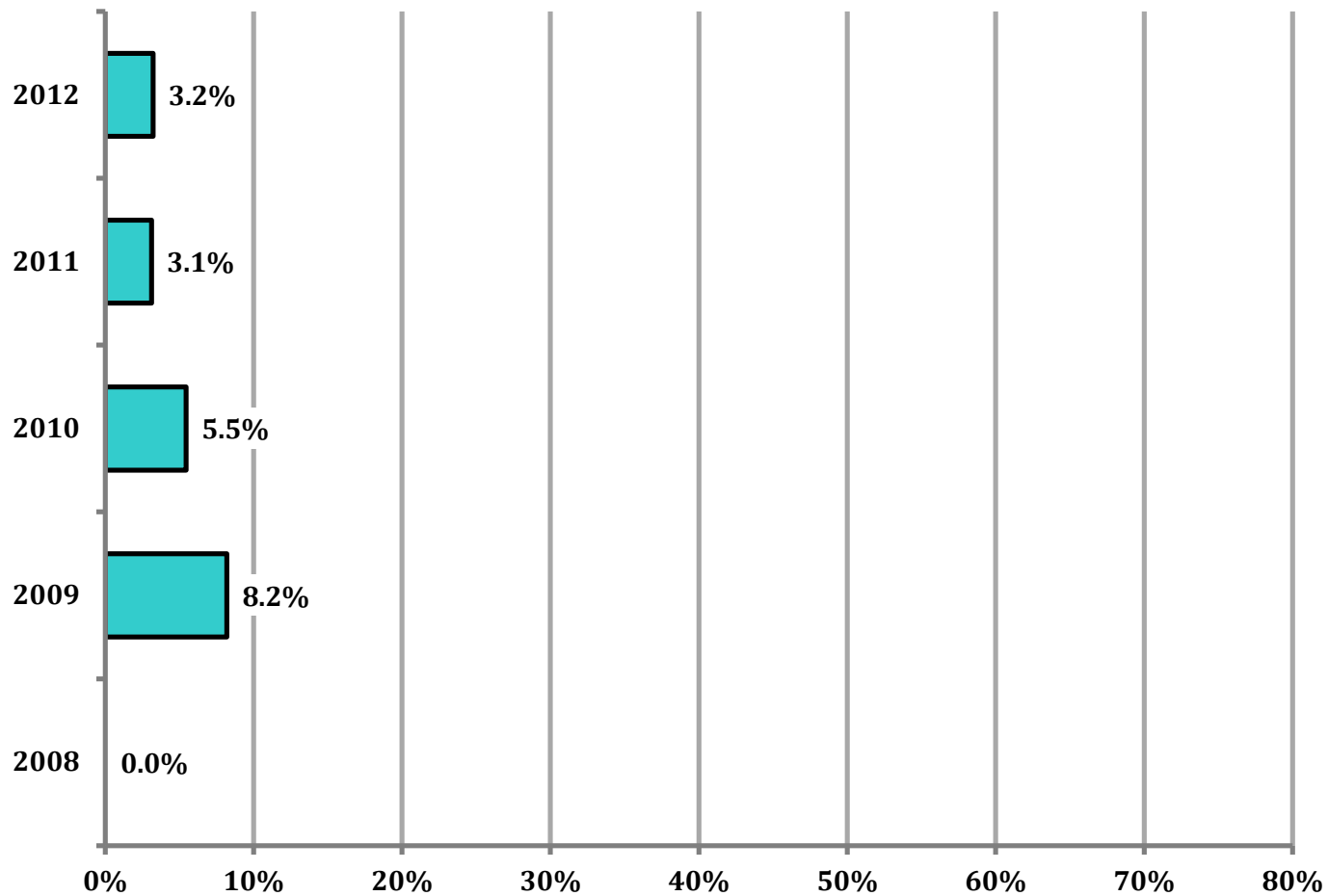
\* Central Maine includes Kennebec and Somerset Counties

## Percent of Maine Law Graduates in Downeast Maine 9 Months After Graduation, 2008 - 2012



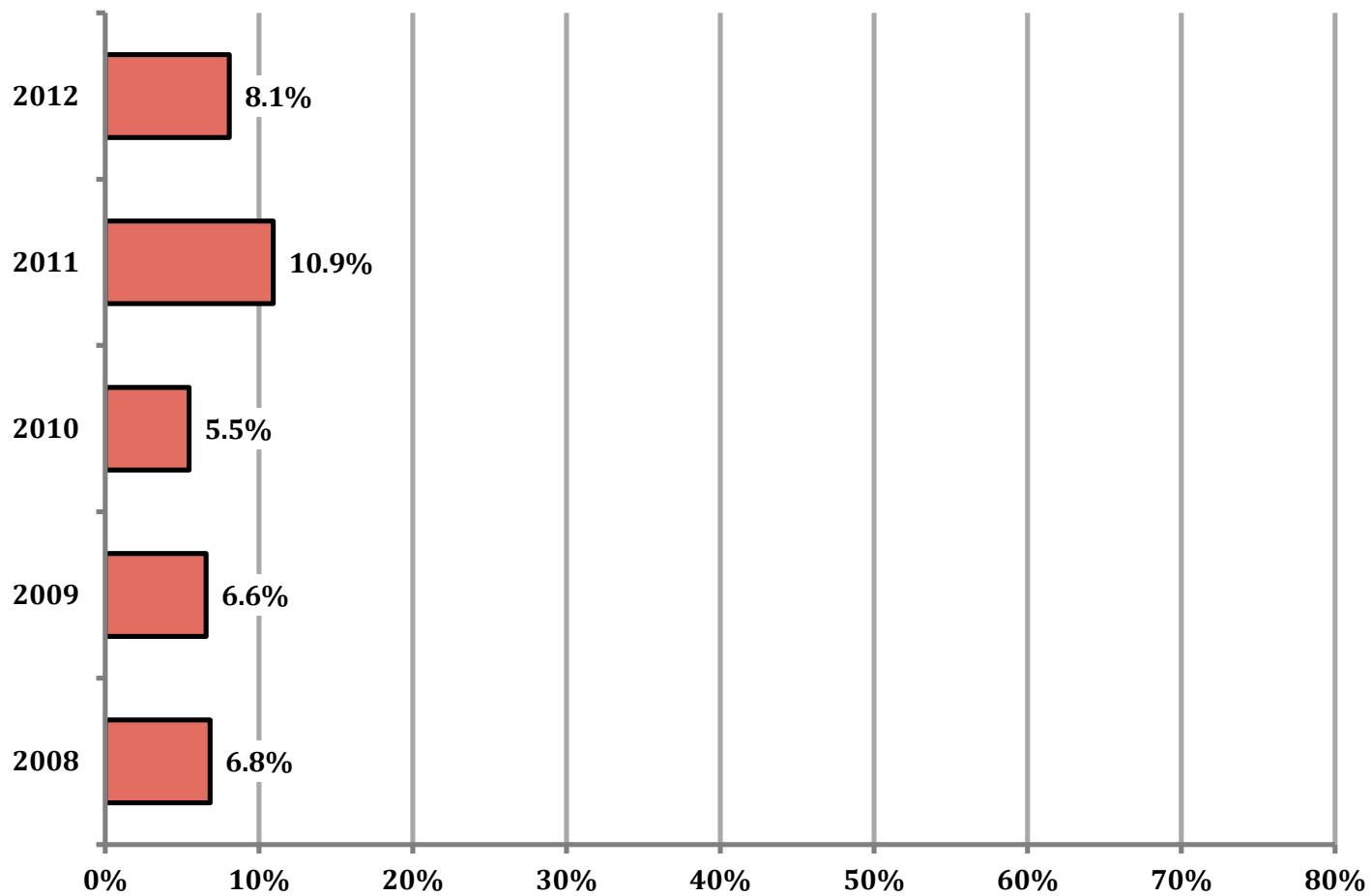
\* Downeast Maine includes Washington and Hancock Counties

## Percent of Maine Law Graduates in Midcoast Maine 9 Months After Graduation, 2008 - 2012



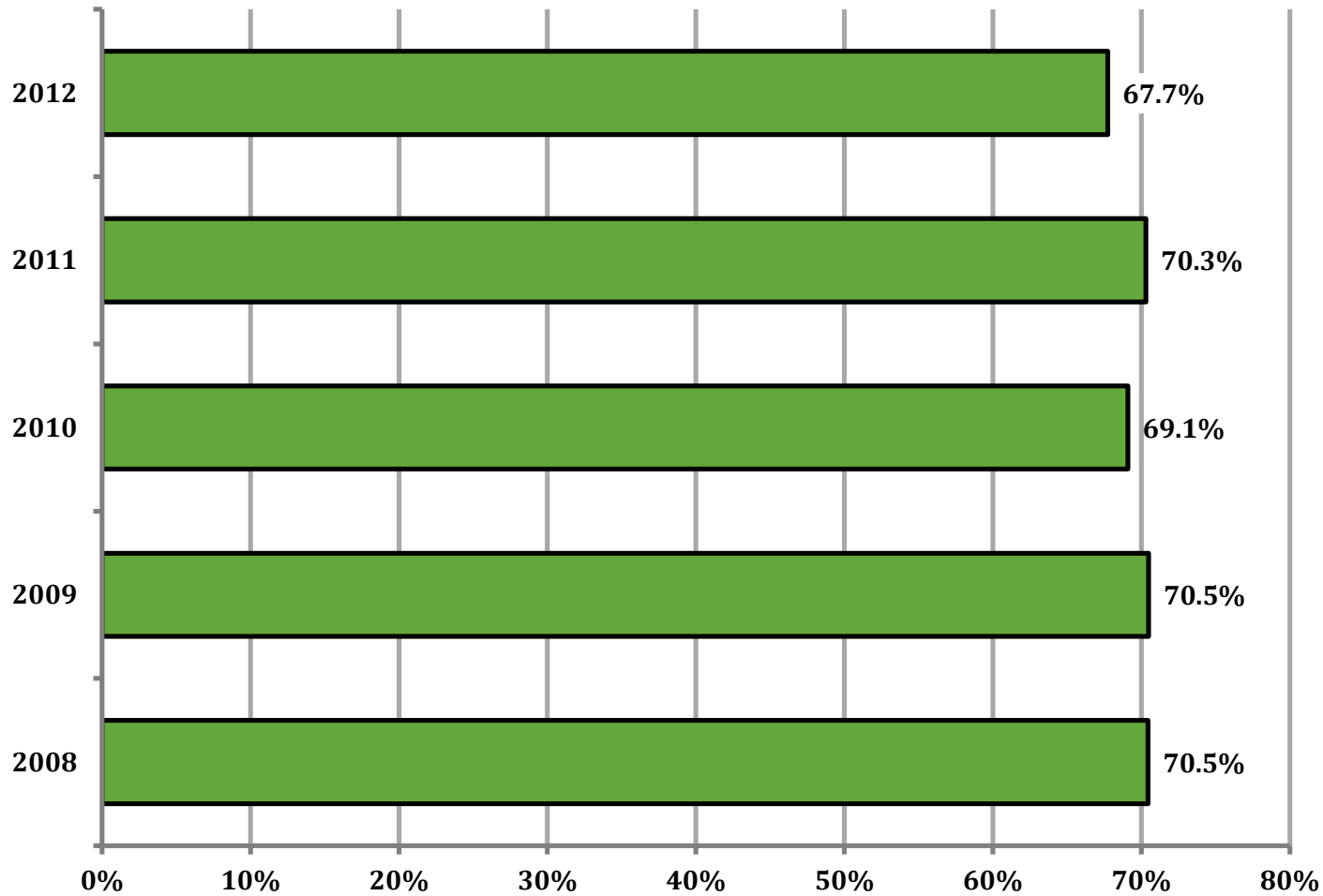
\* Midcoast Maine includes Waldo, Knox, Lincoln and Sagadahoc Counties

## Percent of Maine Law Graduates in Northern Maine 9 Months After Graduation, 2008 - 2012



\* Northern Maine includes Penobscot and Piscataquis Counties

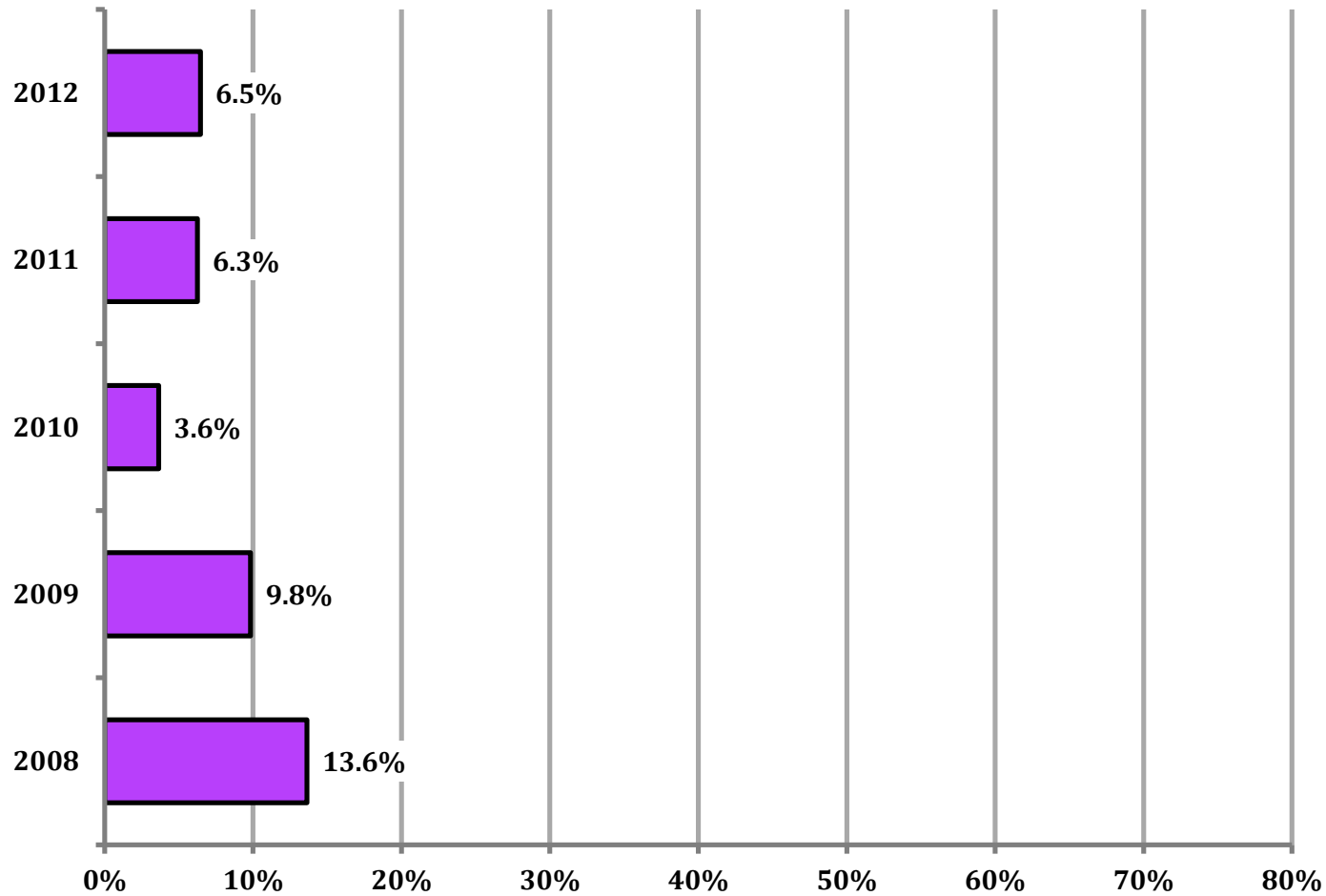
## Percent of Maine Law Graduates in Southern Maine 9 Months After Graduation, 2008 - 2012



\* Southern Maine includes York and Cumberland Counties

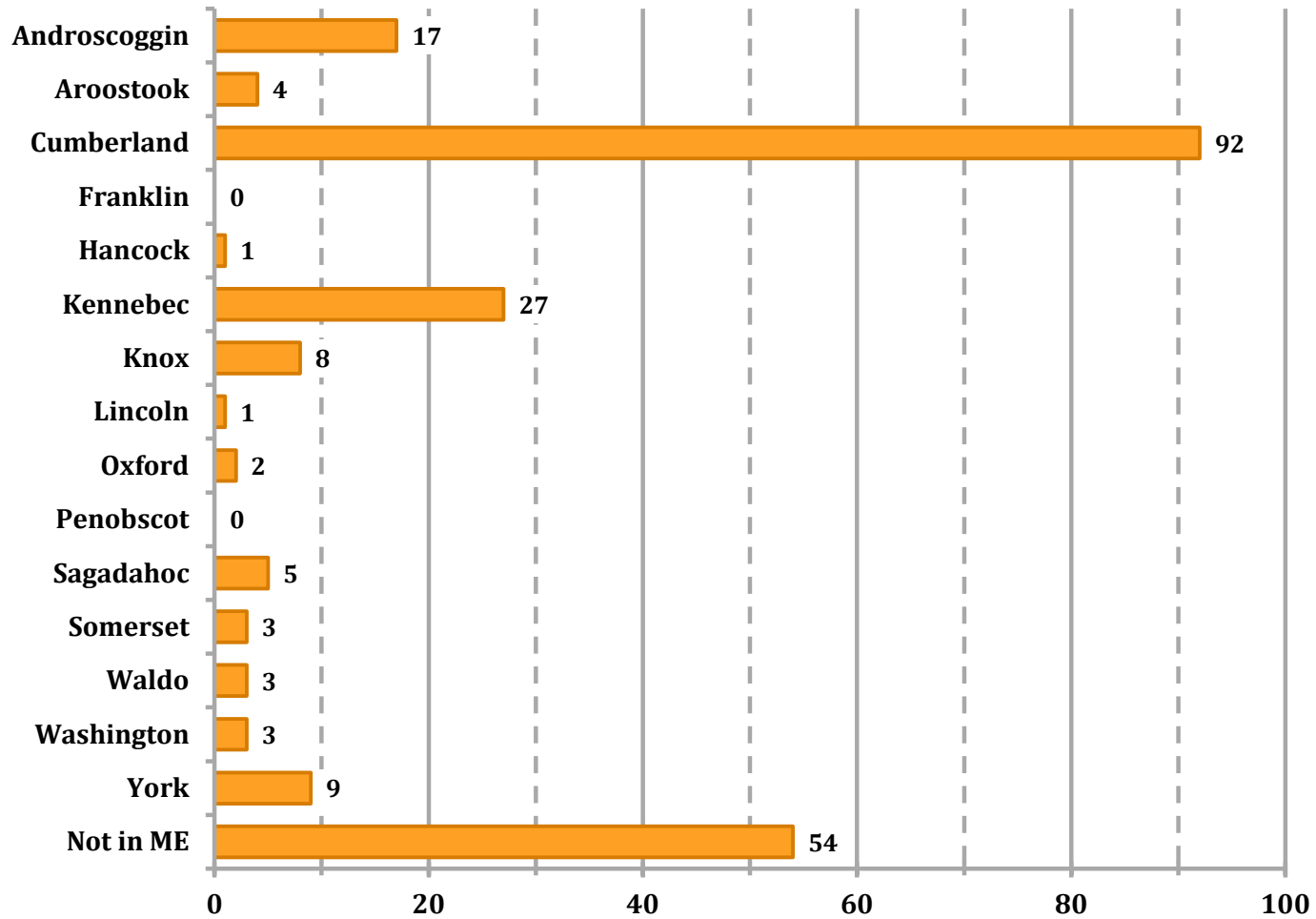


## Percent of Maine Law Graduates in Western Maine 9 Months After Graduation, 2008 - 2012

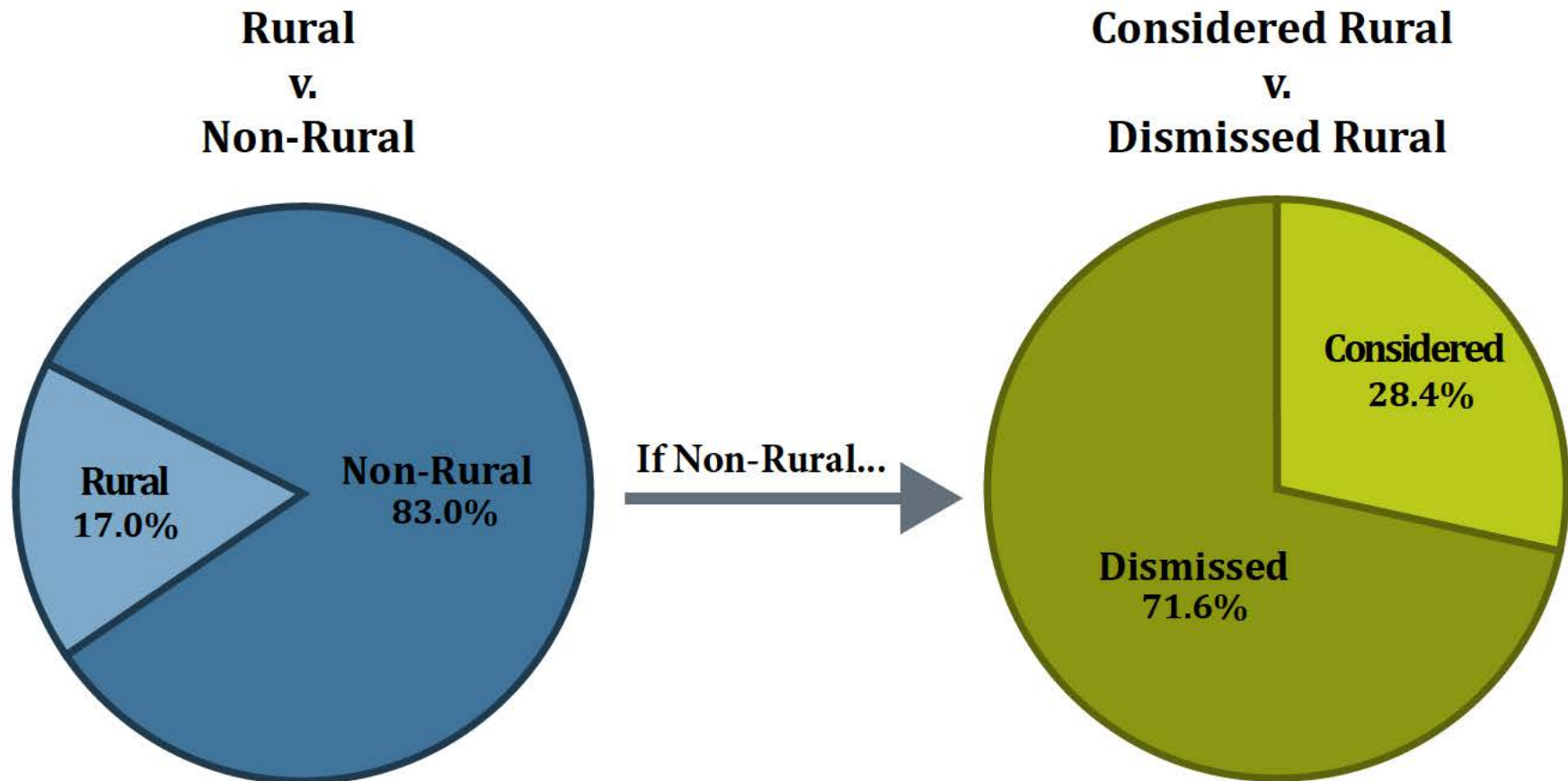


\* Western Maine includes Oxford, Androscoggin and Franklin Counties

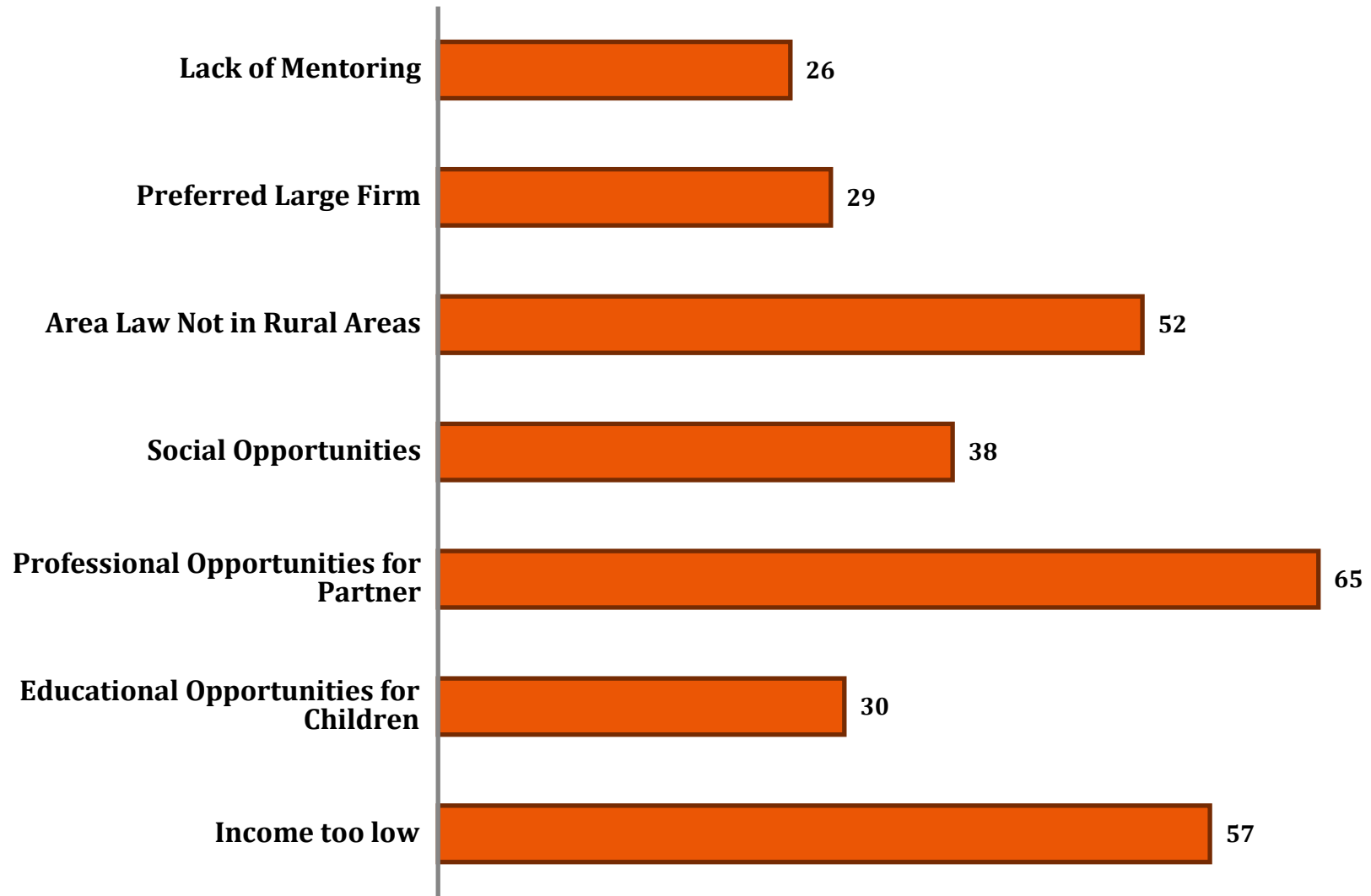
**Figure 1: Respondents By County**



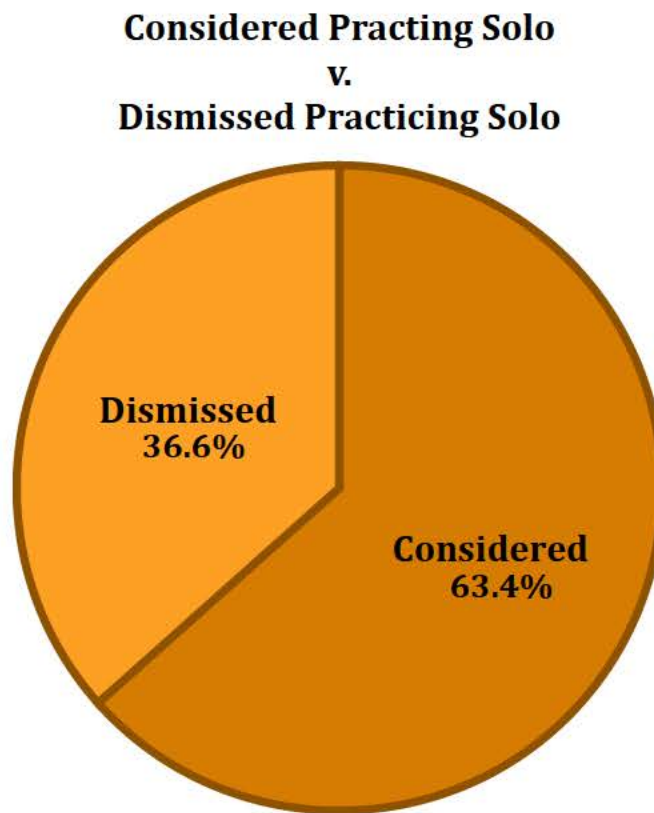
**Figure 2: Respondents Practicing in Rural Maine or Have Considered Practicing in Rural Maine**



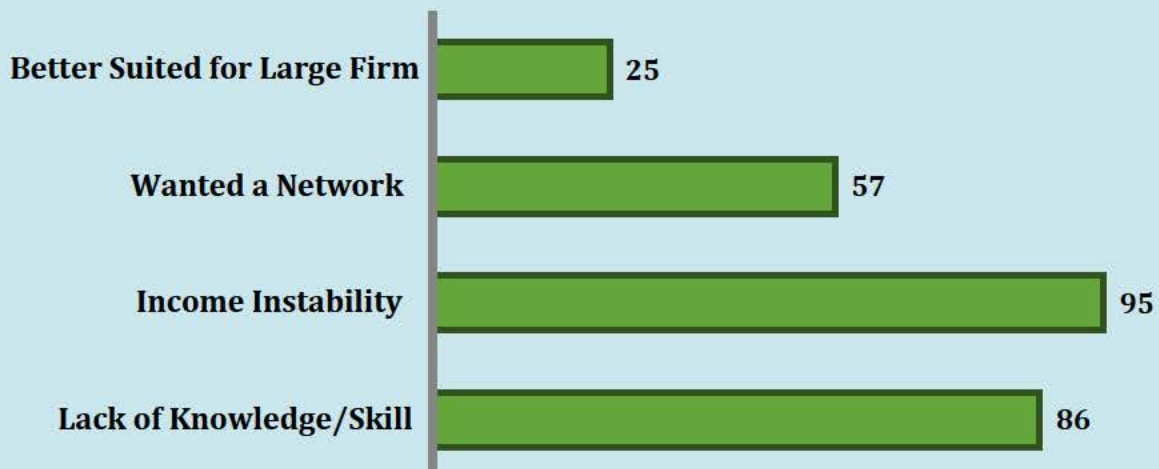
**Figure 3: Influences for Not Considering a Rural Area Based on Respondents Selecting "Very Important"**



**Figure 4: Whether Respondents Have Considered Solo Practice and Factors for Why They Dismissed Practicing Solo**



**If Considered, Factoring Influences for Why Respondent Did Not Practice Solo:**



## **NEW LAWYER SURVEY QUESTIONS**

**1. From what law school did you graduate?**

**2. In what Maine county are you principally practicing?**

**3. Are you practicing in a rural location (i.e., in a location other than Greater Portland, Saco/Biddeford, Lewiston/Auburn, Augusta or Bangor)?**

**4. If you are not practicing in a rural location, did you seriously consider rural locations in Maine when you were seeking post-law school employment?**

**5. If NO, to what extent did the following factors influence your decision not to consider a rural area? [5 choices for each, ranging from “very important” to “not important at all”]**

- Projected income too low
- Concerns about educational opportunities for children
- Concerns about professional opportunities for spouse/partner
- Concerns about social opportunities for self/spouse/partner/children
- Pursued an area of law not often practiced in rural areas
- Preferred to practice in a larger firm
- Perceived lack of mentoring
- Other (please specify): \_\_\_\_\_


**6. Have you considered practicing as a solo attorney?**

**7. If YES, and you are currently not practicing as a solo, why did you choose a different option?**

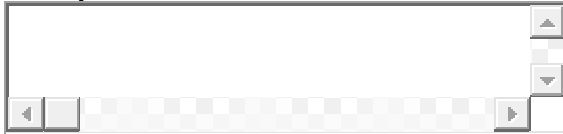
- ☐ If YES, and you are currently not practicing as a solo, why did you choose a different option? Didn't feel I h
- ☐ Income instability
- ☐ Wanted a network of other attorneys
- ☐ My practice area is better suited to a larger firm
- ☐ Other (please specify)



**8. If you currently practice in a rural part of Maine, what is the primary reason that you located your practice where you did, and what (from your perspective) are the pluses and minuses of that choice?**



**9. If you currently practice in an urban or suburban area and are dissatisfied professionally with that choice, what would lead you to seriously consider moving to a rural practice?**



**10. If you are not yet settled in a practice, have you explored the possibility of practicing in a rural area in a business relationship with an existing small or solo firm? If not, why? If you have, what has been your experience when approaching those firms?**



## **Narrative Responses to New Lawyer Questionnaire**

### **5. If NO [i.e., you are not in a rural practice and *did not seriously consider a rural practice*], to what extent did the following factors influence your decision in considering a rural area?**

#### **COMMENTS:**

1. Cannot move my family
2. Concerns regarding income relate to perceived inability to pay off large amount of student debt from law school. I understand that loan forgiveness after ten years is only available for those working in the public sector.
3. Considered it, but there aren't a lot of opportunities to meet other gay people in rural Maine.
4. Do not want to uproot family. Lack of advertising of rural jobs.
5. Fear of being a general practitioner -- seemed like an opportunity to make a lot of mistakes
6. Got a position in the city and had no reason to consider a position in the rural area.
7. I already have a large family--four kids--and our home town is Portland. Did not want to uproot.
8. I am house counsel for Hanover Insurance Company based out of Boston, not in private practice.
9. I am not interested in living in an area even more rural than York and Cumberland Counties.
10. I am worried that I would stand out and have awkward experiences because I am Black.
11. I came to Maine to take a government job that exists only in Portland.
12. I chose to locate in my hometown, which was not a rural area. I did not consider practicing in other areas in Maine.
13. I currently practice in Delaware and am relocating to Maine; I have not practiced in Maine.
14. I don't live in a rural area.
15. I hoped to practice in Belfast, but there are very very few jobs available in rural Maine, and it is difficult to start a practice straight from law school.
16. I live in a rural area and commute to Bangor for most of my work, but would be happy to shift to a more local practice in the future
17. I owned a home in the community where I work at the time I completed law school & did not want to move.
18. I wanted to stay near family and friends that are in the Greater Portland area.
19. I was seeking a judicial clerkship, which were only available in Portland, Augusta, and Bangor.
20. I worked as a Paralegal at the law firm in Portland and was going to work at the same firm after passing the bar exam and being admitted to the Bar.
21. I'm single and don't expect that to change if I'm living in the middle of nowhere.
22. Income instability during beginning stages of practice is incompatible with my significant student debt load.
23. Jobs in Rural Maine often involve opening your own practice and I was not ready to do that.
24. Lifestyle change, lack of services, lack of access to entertainment, restaurants, etc.
25. My firm practices statewide
26. My husband and I were already established in Bangor.
27. My husband works at UMO and we own a home in Bangor.
28. Never thought about it
29. No clue how to approach it.
30. Own home in Portland; needed and wanted to stay in Portland and with my home

31. Own property in Auburn and working out of the house for low overhead
32. pay off debt
33. Perceived lack of career growth opportunity.
34. Perceived lack of professional stability and work flow
35. Perception of greater homophobia and associated dangers in rural areas.
36. Received job in Boston
37. Rural, small practice would not offer the variety and volume of intellectually engaging, challenging work found in larger markets
38. Student loans.
39. Taking over a specialist practice from a family member,
40. This is probably the most important factor: I am very concerned that opening or joining a small generalist practice in a rural area will pigeon-hole me for the rest of my legal career. I want to practice in Portland, which is where I was born, where all my closest friends live and work, and where most of family lives. If I practice in Farmington/Calais/Skowhegan etc. for 5 years, how attractive a candidate will I be for a job opening in Portland . . . I would have no connections with clients in the area, will be disadvantaged in terms of frequency of interaction with Portland area attorneys, and will have not had the opportunity to specialize in a particular practice area. I have no desire to be a generalist if I can avoid it.
41. Upfront capital required

**7. If YES [i.e., you have considered solo practice] and you are currently *not* practicing as a solo, why did you choose a different option?**

**COMMENTS:**

1. Book of business too small; Insufficient starting capital
2. Currently w/out a job.
3. During 2011 and 2012, I was located in Maine and actively searching for work with a firm through employment, subcontract position, and even volunteer. At that time, I had eight years of experience with litigation defense, motion practice, tort claims in personal injury and malpractice, bankruptcy, tax resolution, family law, and criminal law. I interviewed at approximately 35 different firms and the common response was that the firms were not seeking candidates due to market conditions but were merely interviewing for informational purposes. I offered to take on work on a contract basis at a low rate to prove value and worth. I went to CLE's in Maine and commonly heard comments from the Board of Overseers and Judges that new attorneys to Maine should consider doing a start-up in rural locations. Such comments seemed frustrating to many new attorneys because start-ups have little return up front and provide little feedback. In my line of work as insurance defense counsel, in a large metropolitan area in Idaho, I deal with small practice or solo practice attorneys quite frequently. I frequently notice a difference in the polished practice style that comes from having worked in a firm where there is feedback from other attorneys, a database of forms and prior work to draw upon, legal staff such as secretaries and paralegals who can help guide a new attorney with practical matters of how to caption a document, or filing procedures, calendaring, case organization skills, document review skills, etc. that are hard learned from long hours of self-teaching. These skills can be learned easily when working with others; you can learn how to and how not to. Aside from the fact that solo practice start-ups have very little immediate return, high risk, the biggest downside is the lack of mentoring. Further, for highly educated individuals who have spent years going to school in metropolitan areas at large expense to themselves, it is a hard thing to

be told that your probable avenue of employment in Maine is to be a solo practice start-up in a rural community where you will have no salary, healthcare benefits, vacation time, etc. unless you can make yourself and your business successful from the ground up by yourself. Other attorneys are usually willing to help mentor on a minimal basis but, mentoring takes time and attorneys are busy people. It is the lack of mentoring and lack of support that swings against new attorneys having a desire to be rural solo practitioners. Further, it is hard to want to be a rural solo practice start-up without any support when you realize that you have to get malpractice insurance to cover yourself because at the time of start-up you don't have any support or mentoring when you need it the most to avoid possible malpractice, and such insurance is just an added cost. One thing that the bar could do is allow solo practitioners in rural areas to attend CLE classes at no cost or host workshops for CLE credit on the practical matters of starting up a small practice, ie. how to get an office space, a check list of supplies needed, how to advertise and find clients, how to create a core base of clientele in bread and butter areas of practice, how to keep finance books for tax purposes for the startup, how to navigate the court clerk's office; what software is available to small practice management, etc. A form database for standard templates of documents. How to be a small business owner.

4. Got a position with a larger law firm and have been happy with it.
5. Have not yet been admitted to the bar. Will likely hold off going solo for 3-5 years in order to gain experience first.
6. I am currently working as a law clerk.
7. I am working with an attorney who was a solo practitioner before I joined his office. I enjoy having someone to work with and look over my work as I start my career.
8. I associate with two other attorneys and receive much more referral work. I run a "solo" practice amidst this association.
9. I found a fantastic attorney to partner with (2 attorney firm)
10. I found a great job in an advocacy organization.
11. I got a job at an existing firm, the day after the bar exam.
12. I live in new Jersey and practice here- 53 years old
13. I love the small firm that I ended up with - Solo practitioner was only a backup plan if I had nothing else.
14. I needed public service loan forgiveness because of my large law school loans.
15. I started as a solo and then joined a small firm of two other attorneys. It's a better fit.
16. I wanted a mentor, to ask questions, learn from, and provide a practical and economic safety net
17. I wanted the experience, mentoring, and stability that comes with working at a firm
18. I wanted to gain experience first
19. I was offered a job at a non-profit and it was hard to turn down a paying gig
20. I'm not currently practicing at all.
21. In house counsel of one.
22. Mentoring!!!!
23. My current position has given me the opportunity to take over a pre-existing practice.
24. My practice area is business-specific, and this business is not generally done in rural areas.
25. My preference was to work as a state attorney, which is what I do now.
26. n/a
27. Not enough local connections
28. The thought terrified me.



29. There is simply no way to pay off law school loans with the opportunities in a rural location. It's a non-starter unless loans could be forgiven or paid off somehow.

**8. If you currently practice in a rural part of Maine, what is the primary reason that you located your practice where you did, and what (from your perspective) are the plusses and minuses of that choice?**

1. (+) Demand; Business Opportunity; Support from Local Attorneys. (-) Economy; Lack of Recreational Activities.
2. Chose current position due to lack of employment opportunities for inexperienced attorneys. The plus side to working in a rural area is getting a good amount of transactional work. The downside is that there is minimal litigation work.
3. Don't want to live in a rural area until I'm older and the commute is difficult. I have concerns that if I try to transfer into a more urban setting in the future, urban firms will not take my experience as seriously as that of someone who has been practicing in an urban area.
4. Family ties is why I located here. Pluses are having family support, not dealing with traffic, being closer to outdoor recreation opportunities, and feeling more connected to the community. The downside is low pay, but I am in government practice so that may not be a function of location.
5. Found employment in my hometown. Pluses are that I am familiar with and involved with the community and live close to my parents. The only minus at this point is the lack of diversity, which is very important to my family because my spouse is African American and we have a child who is not being exposed to other racial/cultural groups on a daily basis.
6. I already owned my home and my job is close to my home. I did not want to move. My kids love their school. Also, I don't have the stress that I perceive to go along with practicing in an urban area -- I think working in the rural area is more laid back, meaning that I have the freedom and flexibility to set my hours and attend my kids' events, while I perceive the quality of product my firm delivers to be equal or superior to what I see from firms in urban areas.
7. I am practicing where I want to live (which is a big plus) - possible downsides are the difficulty to find qualified help and the conflict of interest rules which make practicing law in small towns unnecessarily difficult.
8. I chose to practice in Washington County because I am from here, and this is where my family is. I was also fortunate that my husband, also an attorney, was able to find work here. The cost of housing (buying, not renting - renting is quite expensive here considering) is also more affordable than in Southern Maine. We own a home here that we could never have begun to acquire elsewhere. I also like being so close to Canada.
9. I didn't really have much of a choice. I was offered a job in a small practice that was in a less-populated area. When that attorney decided to change directions and had to let me go, I already had a home and a family in this region. The plus, which is a serious plus, is that most people in the region know me either personally or have heard of my reputation from others. I get many of my clients through personal relationships. Another plus is that the other attorney's office in this region is conflicted out of a lot of work because they have been here for so long. The minus is that, because I am regional, it's hard to get to me. I do a lot of traveling to get to my clients. It's hard to spread the word farther than my region. There really aren't many attorneys in the region willing to assist me because I am "competition". I am younger than most other attorneys in the region, so it is easy to be discounted or treated as inconsequential. I am found great assistance through attorneys in other regions - further south, but it is hard to find someone to assist me in this area. It is also really hard to find employees.
10. I do not practice in rural Maine.

11. I found a job in the area around where I had already established residence.
12. I got hired as an assistant district attorney in Machias after working for over a year at a private Brunswick firm. The primary reason I moved here was because my girlfriend, now wife, grew up here and wanted to end up here. I appreciate getting paid the same as my counterparts in other DA's offices across the state while enjoying a lower cost of living, I like being more closely tied to my community, and I like the work hours and lower stress. Sometimes I do miss "city" amenities but I can always shop online via Amazon or drive for a trip to Bangor. How often does one need to visit museums anyway? With the money I'm saving I could also afford more vacations by air. If you have further questions I'd be glad to help out. Chris Chu 255-4425.
13. I grew up in this area and wanted to return. My partner practices law in Portland, and we are looking to Brunswick as a good halfway point to live.
14. I had a hard time finding employment, and it just so happened that I found a job working for the State in Aroostook County. I like living in an area with a small population, but I feel that opportunity for advancement is not as good as a more urban area.
15. I moved from Portland to Belfast in August of 2013. I practice criminal defense almost entirely and rely upon court appointments to support myself. I was not receiving enough work from the courts in southern Maine, and I was told by several experienced attorneys that Belfast would be a good location because the bar is aging there and it is located within an hour of several court systems. I have received work at a higher rate since I've moved, but it is too soon to accurately assess the pros and cons. I have yet to open an office front and test the market for retained clients.
16. I practice in my hometown. I knew there was a need for attorneys in the area when I was deciding where to practice. I was living in Portland prior to relocating to Aroostook and saw the difficulty my peers had finding decent jobs. I also saw how tight the market was down there for solos. Lawyers fight to get cases that people take up here as a favor to the court or because we feel bad for the person. The plusses are that I get to live in my hometown and help folks who live there, as a solo, I make my own schedule. I don't have to deal with the billable hour nonsense that kept some of my friends up at night. I take the cases I want. I have a friendly relationship with the court, court staff, and other attorneys that comes from working together often. The disadvantages are that it is professionally isolating. I'm the only practicing lawyer who is not semi-retired for 40 miles. General practice can be overwhelming (and it's terribly annoying to have to listen to peers in Portland talk about my liability issues as they pertain to constantly having to educate myself in seemingly random areas of law). I would like to work with other attorneys, but I can't get anyone to join me. Folks seem happier underemployed or unemployed in Portland than working up here.
17. I prefer to live in a rural setting in Maine, regarding my own lifestyle preferences.
18. I returned home to practice law in Presque Isle, Maine because that is my home town and I wanted to live in my home town. I worked as the only attorney for a non-profit organization for the past five years. In July, I opened my own practice in Fort Fairfield because the attorney who had practiced in that town for over 40 years decided to retire. I felt that was a great opportunity for me to step into. Also, the organization I was working for was having difficulty acquiring funding and there was uncertainty with regard to my job stability. For me, financial growth and stability has been the biggest disadvantage to practicing in a rural area of Maine and especially as a solo practitioner.
19. I said "no" to the above, but I practice in three offices (Augusta, Waterville, and Skowhegan) and live in Augusta. I lived in Portland before I relocated and only relocated because of employment. The best part about practicing in a semi-rural area is that there is a very identifiable and relatively close bar. I only practice criminal law and communicate with the same group of attorneys on 75% of my cases. This can also be a con as there are some attorneys who I trust

and respect more than others. Those "others" I frequently work with on a consistent basis because of the number of court appointments they take and their proximity to the court houses in my area. Those who practice in a rural area typically find themselves before only one or two different judges. I find it helpful to practice in front of a larger spread of judges, especially as a new attorney, because I can watch and listen to how they handle their own court rooms and get a sense of how they respond to certain arguments. The last con (and I don't mean to stack the cons against the pros) is that I'm more easily recognized in a smaller community. Some attorneys may not mind that, but I'd prefer that when I'm out of the office that I'm seen as just another member of the community.

20. I started out practicing out of my family's house in Castine but moved two Ellsworth after two and a half years. Ellsworth is the fastest growing town in Maine and there has been plenty of work here. I love the freedom that comes with working for myself and am proud that I am building my own practice. The biggest minus has been having to figure out how to run a small business and practice law without the benefit of a more experienced attorney's oversight. I've found a lot of the local attorneys to be very helpful in this regard.
21. I was interested in serving tribal communities
22. If I did practice in Maine, it would be in the Deer Isle, Blue Hill, Ellsworth area. I have a house on Deer Isle.
23. Job opportunity. I really enjoy the small bar in this area. Attorneys are much more civil with each other and seem to be able to better work with each other to resolve conflict
24. joined a practice with a family member
25. Located my practice in the area I grew up in and also an area where there was no one specializing the way I do. Being from here has given me a lot of built in business. I could not have survived here if I didn't have that built in client base. The difficult part is that even though my specialty is in need - it is hard to specialize the way I want to. Also networking can be difficult.
26. More sense of community. Better relationships.
27. My children wanted to stay here. I have many friends here.
28. My parents live here and I have children. I knew an attorney who took me in, though I don't get paid much so I am considering moving to a more urban location to start my own practice and make more money eventually. People here don't have money for lawyers. I may end up staying here and taking over the practice if I get paid enough to stay here or start my own practice here if I feel I can make a decent living. I am making 1/3 of what I was making in Boston.
29. My practice is located close to where I live. I already owned a home prior to law school, my husband's job is in this community, so moving was not really an option for us. I consider myself lucky to have found a position with a firm as I was not confident in my ability to be a successful solo.
30. My primary reason for moving out of the Portland area was because I spend several month applying to firm with no luck. I more often than not found myself applying to the same positions as my friends and classmates. Finally I was so desperate that I sent a cold resume to one firm in a part of the state that I had never been to and got a call back the next day. The biggest drawback of working in a small firm in a rural part of the state is isolation from fellow young professions and the lesser pay.
31. My wife and I wanted to raise our children in a rural part of her home state. The pluses are the natural beauty and opportunity for the kids to spend time on their own outside, relative safety of a rural location vs. city with regard to certain risk factors and our ability to spend more time with the kids. The minuses are the difficulty of accessing cultural events available in NYC, Boston etc., lower wages for our professions.
32. pluses - live in the same town, very short commute minuses - very low income

33. Primary reason for location: family in the area. Pluses: closer community and network of attorneys; develop stronger collegial relationships with area attorneys, clerks, and judges; name recognition within the area and much easier to build a reputation and strong client base in a close community. Negatives: income; less prestige; smaller market for niche/specialization.
34. Primary reason- spouse relocated to this area. Also, I work for a company in a legal capacity- I do not work in a traditional law firm setting. Pluses- easy to know everyone fairly quickly. Generally found the bar members to be easily approachable. Minuses- not a large population and a generally low economic condition makes growing the attorney base difficult. Additionally, established attorneys are cornerstones of the market but do not have interest and/or resources to expand their practices- it's a solo type practice mentality. You can hardly make a decent earning practicing here- enough to cover the debt of law school and general living expenses- in this rural community as a new attorney. I was saddened when coming here to hear what a possible annual income would be- b/c I moved here from another state where I worked in a small firm in a more rural area.
35. Pro bono to assist with affordable housing.
36. The primary reason I chose to practice in Hancock County was family relationships within the Bar, as well as personal relationships with my family. The pluses are being known already as part of the Bar, respected as a member of my family practice in a way. The minuses are simply that I do not have the opportunity some have to gather clients.
37. The primary reason was a job opportunity. I have only ever wanted to be a prosecutor. I am from Lincoln County and therefore interned at that DA's Office for two summers. Apply for a position in District 6 seemed a natural progression.
38. There are tremendous opportunities for attorneys to practice in a rural area. I have family that is local. It's absolutely harder to break into a smaller, legal market due to the 'old guard.' I like having one on one contact with my clients and truly having the ability to assist them.
39. This is where I was able to find a job where I could get the support I need to learn how to develop a practice. (I'm practicing in Camden, so it is not as rural as many areas of Maine and there is a strong network of attorneys here.)
40. Too many lawyers in Portland and seemed the further east you went along the coast, the more opportunity there was.
41. We already lived there and owned a house.
42. Wife got a job here. Pluses of practicing here are: (1) low cost of living; (2) lots of court appointed work - easy to get; (3) great trial and other opportunities as a result of #2. Minuses of practicing here are: (1) no large firms or big business - no super complicated legal issues
43. Without question, the single biggest plus is practicing in an area not already awash with attorneys. It's also great to have just a 2 mile commute to my office.

**9. If you currently practice in an urban or suburban area and are dissatisfied professionally with that choice, what would lead you to seriously consider moving to a rural practice?**

1. A means of facilitating the resources necessary to start a practice.
2. A student loan reduction program that is used in other fields to entice professionals to practice in less populated areas.
3. Ability to co-locate; support for technology infrastructure to serve clients on-site and remotely; connection to peer networks, mentors; assurance of adequate income.
4. Access to at least a small firm/solo practice in which I could learn more about the practical and daily aspects of the practice of law. Mentoring itself does not seem specific enough, ideally I would work under a more experienced attorney, to learn with a bit of a safety net.

5. access to sufficient work (I am an IP attorney) and access to a professional network of peers and senior attorneys that I could look to for guidance/support
6. Accessibility to living in the greater Portland area.
7. Am in government work, no suitable opportunities in rural areas
8. An opportunity to assume ownership of an existing practice in a good community with abundant outdoor recreational opportunities.
9. At least five years of experience.
10. Availability of a suitable income and opportunities for my children.
11. Availability of legal aid jobs
12. Availability of mentor in desired practice area; social opportunities; complete and utter lack of opportunity in urban areas
13. Availability of work and contacts.
14. Availability of work. Most new law school graduates would pretty much go anywhere there is a job. The difficulty, however, is that law school does not prepare us very well for solo practice, and there are not too many firms of 2+ attorneys in rural areas.
15. Because I am married, the opportunity would have to be VERY lucrative and enticing in order to make it worth my husband needing to find a new job in a remote location. I imagine his options would be too limited to make it work.
16. Being able to afford start-up costs for a solo/small firm. Finding a firm/practice with adequate income potential.
17. Being able to maintain the same standard of living i.e. paying my loans. I expect cost of living would go down substantially once traveling beyond Cumberland county so that would balance out any decrease in salary.
18. Better job opportunities for spouse
19. Can't because of family.
20. Client List, Established Firm
21. currently in rural, seeking other employment opportunities outside of practicing law due to combination of lack of income and length or work week
22. Development of this State and getting the illicit and prescription drug problem in rural areas under control.
23. Excellent mentoring opportunities, experiences to allow me to improve as an attorney and an opportunity for my spouse to continue to earn at an equal income level.
24. Good financial opportunities
25. Honestly, it's just unlikely. I grew up in the suburbs of a major urban city outside of Maine. I have no connection to rural Maine and no connection to rural life, generally. I love Maine, but I wouldn't leave the urban areas for more than a vacation. I am much more likely to just leave the law entirely than to relocate.
26. I actually am currently employed by a Maine firm but am practicing in their Boston office. I am dissatisfied personally with the urban setting, but satisfied professionally. It would occur to me that Maine's competitive advantage going forward will be to find a way to deliver the benefit of a suburban or rural Maine lifestyle with the provision of sophisticated legal services. That will need to come from technological advances in how the law is practiced. If Maine is able to stay at the forefront of that movement (which is likely over the next decade), there could be a huge upside.
27. I am currently a law clerk in an urban area and am not dissatisfied with that choice. However, I will seriously consider a rural practice after my clerkship due to the difficult job market and because I am not opposed to living in rural Maine.



28. I am from a rural area, and often consider re-locating there as I get older.
29. I am not dissatisfied with my choice to practice in an urban or suburban area.
30. I am not dissatisfied working in an urban area. At some point I may consider a rural practice, but I have concerns over the ability to earn a good wage and being too far away from metro areas.
31. I am not dissatisfied.
32. I am not sure. I think if my personal life was more stable and I was with a partner who would want to move with me further from the city, I would like that very much. The professional opportunities and connections in the city are quite extensive. I miss the rural area from which I came, so my family there is also a consideration.
33. I am practicing in a rural place. It would be helpful if a student loan forgiveness program existed for attorneys who practice in rural areas, similar to programs that exist for doctors and dentists practicing in rural communities. As a new attorney, just starting out, my student loan payments are my biggest expense and a program of some sort would be helpful.
34. I am professionally satisfied with practicing in an urban area, and I would not want to move due to the disruption to my spouse and social life, and the lack of cultural activities in a rural area (chamber music, plays, symphony, etc.)
35. I am satisfied with my choice. I practice administrative law and government relations, areas necessitate that I practice in Augusta. I would consider moving to a rural practice if I could continue that work.
36. I can't picture it. I practice in an area not suited for rural practice.
37. I currently practice in an urban area (Portland) but I am not dissatisfied professionally with that choice. To the extent it is useful, however, I am a relatively junior attorney (2 years of practice) who knew that I wanted to move back to Maine after law school. I can tell you that the idea of hanging my own shingle in a rural area, or joining a small firm in a rural area, was a non-starter. The reason for this is two-fold. First, my understanding is that, generally, a rural practice is more of a general practice. With the ever-growing complexity and breadth of the law, it was daunting, to say the least, to think of starting practicing without a larger support network behind me. Second, and more important, the possible income of practicing in a rural area presents serious difficulties for newer lawyers. The amount of money it takes to attend law school is amazing. The debt service on law school loans is significant. You don't necessarily have to work at one of the top-tier firms in Portland to pay down those loans, but you do need both a somewhat substantial income stream and a steady income stream. In my experience, it is simply a financial impossibility for many recent law school graduates to hang their own shingle or even to join smaller (2-5 person) firms in rural Maine. As an example, a colleague of mine in law school received an offer to work for a smaller Maine firm (in Portland no less) but had to decline it because it was not sufficient to allow him to pay down his student debt. For us newer lawyers, this is a significant issue.
38. I currently practice in Delaware and have not yet practiced in Maine.
39. I do not practice in such an area.
40. I have a mountain of student loan debt. I also had to live off credit cards for 11 months while looking for work after law school. To move to rural practice, I would need to earn enough money to cover the expense of relocating and of paying off my soul-crushing debt.
41. I just do not think that I could do it because of my husband's job and because of my children's education.
42. I live in rural Maine, and commute 1 hour to an urban setting for work. If I had a job possibility in a rural setting, I would no longer commute to an urban setting from the rural setting I live in.

43. I will likely begin practicing in an urban/suburban area because I currently live in Portland, ME. My goal is to move back to the Belfast area on the midcoast to practice.
44. I would consider a rural practice if the right opportunity presented itself but I would not actively seek it out.
45. I would consider moving back to Maine from D.C. later in life provided there were more opportunities in public policy with higher salaries. The low cost of living is attractive, but I do miss my hometown of Camden.
46. I would consider moving to a rural practice if there were a firm that I wanted to work for.
47. I would consider moving to rural practice if there were more opportunities for my spouse.
48. If I felt confident I would make enough money to pay back my student loans and live at least a middle class lifestyle.
49. If professional opportunities appeared for both myself and my spouse, I would seriously consider moving to a rural practice.
50. If there was a job available for myself and spouse.
51. I'm not dissatisfied as I can and extend my practice into Franklin County.
52. I'm not sure there is anything that could lure me into a rural practice to be honest. I grew up in Maine, have family that live in rural areas, and have spent time in rural areas and I'm not at a point in life where that is at all a desirable place to live and work.
53. Income
54. income stability
55. Income stability
56. Income stability and sufficient resident knowledge/expertise in the rural practice.
57. income stability...would love to move rural,
58. Income stability; appropriate professional guidance and support system.
59. It would need to be close to home. I would need to work with other attorneys and the salary would have to be good.
60. Job opportunities for my husband in the biotech sector (really difficult to find in Maine right now, other than Jackson labs).
61. Just need more experience, the legal education system is poorly equipping new lawyers with the necessary knowledge. Law school and the bar exam have nothing to do with practicing law.
62. Knowing I would have support in the community and regular work.
63. Less corporate work, more personal connections. Want to feel like I am helping people.
64. Maybe
65. More options for practice area and income.
66. My area of practice likely will never result in rural practice.
67. My kids are now in college- desire to retire to Maine and start a practice there.
68. Not dissatisfied however will cover some rural areas and will always keep the options open if there is a solo/small firm looking to connect.
69. Not dissatisfied where I am (Augusta). I practiced in Millinocket for most of 2011 and was concerned about my ability to start a family and lack of arts/culture/entertainment opportunities, but ultimately it was my interest in a particular type of practice (government) that led me back south.
70. Not dissatisfied.

71. Nothing would cause me to consider movement to rural practice; lack of proximity to airports, larger stores, and other necessary locations are an issue, in addition to not being able to make a living practicing one primary area of law without driving between multiple counties.
72. Opportunity for my family
73. Quality of life/work life and opportunities for social/cultural activities
74. Radical change in personal desire to live in urban setting
75. Salary competitive enough so that I could make a monthly loan payment sufficient to repay my loans in a reasonable timeframe.
76. Significant income improvement, income stability, access to larger city when needed, employment opportunities for my spouse
77. Significant loan repayment programs.
78. Stable income. We desperately want to come back to Maine (husband and I are both originally from there) but are having a very hard time finding legal jobs in Maine. We would LOVE to work in a rural area.
79. stable position, mentoring, reputation of the potential mentor among the local bar, involvement of the potential mentor in professional organizations (e.g. CLE provision, MSBA, county bar, etc.), online presence (firm site, LinkedIn, etc.), educational background of attorney/attorneys in firm
80. Structured networking opportunities with an existing solo who plans to retire, and in the interim could offer a salary, with an agreement about transferring the practice according to a specified timeframe. The rural area would also have to offer quality educational opportunities for my children.
81. Student loan forgiveness, primarily. Also the option would be more attractive to me if I was married with kids.
82. Support from local attorney bar for client development
83. This survey does not really apply to new admittees in Maine who, like myself, have practiced for many years in another jurisdiction (in my case, New Jersey). I am planning to transition and move to Maine, and I would definitely consider rural practice (if the area within 50 miles of Boothbay Harbor is considered rural)
84. While not dissatisfied, I would love to move my focus to Belfast/Ellsworth over time if I felt I could make a living there, without doing types of law I dislike.

**10. If you are not yet settled in a practice, have you explored the possibility of practicing in a rural area in a business relationship with an existing small or solo firm? If not, why? If you have, what has been your experience when approaching those firms?**

1. Currently clerking, would absolutely consider a more rural practice if I find the right small firm to join. Some firms have been receptive, few are hiring, and others are a very long way from family in Southern Maine (Gorham).
2. Have not explored, am interested.
3. I am a practicing attorney in Massachusetts, admitted in 1975, and since 2006 I have practiced essentially as a solo. I have had strong ties to Maine, graduated Bowdoin 1971, summer clerked for Judge Thomas Delehanty, and twice sought to locate in Portland. Since 2007 we have owned a home in Edgecomb and I have an interest in splitting my time between Boston and Maine. I will have a home office in Edgecomb and will explore a possible affiliation in the area.
4. I am a younger solo practitioner. Many of the attorneys in the area are closing in on retirement. I have tried approaching many of them about the possibility of working together when retirement becomes more than a thought. The local bar association has started thinking about the need for

succession planning, but I get the impression that most of the attorneys think they will be able to hire someone to take over for them, rather than joining with another solo practice.

5. I am comfortable in my urban setting at the moment; however, it may be something that I would consider in the future.
6. I am not yet settled in a practice (I am clerking). I would consider seeking a business relationship with an existing small or solo firm in the future, but probably not until I had 5 to 10 years of experience. I would like to work in a firm environment to have the opportunity to learn from more seasoned lawyers.
7. I am settled in a practice.
8. I am settled in a practice.
9. I am settled in a practice.
10. I am settled in practice.
11. I do not have sufficient funds to even start a solo practice. I am single and without another source of income it is prohibitively expensive to start your own firm. I am actually currently not even employed as an attorney as I have been unable to find work in the field in the four years since graduation and passing the bar.
12. I enjoy living in the Greater Portland area a great deal and my spouse has a job in South Portland, I am willing to commute, but to commute more than an hour would be too difficult. I am also not always aware when smaller, more rural firms are hiring.
13. I found the smaller and rural firms more approachable and willing to provide guidance when I moved to Maine to practice.
14. I had thought about that but I am not sure if I would like to practice in a rural area and I am not sure how to approach those firms.
15. I have considered this possibility, and have been in contact with an attorney who has been practicing in Searsport for approximately 8 years. I was put in contact with him by a member of the career development office at Maine Law School, where my girlfriend is a student. He is considering buying a larger office space and leasing part of it to someone in my position, and we have kept in touch through email after meeting in person a few times. My strategy will be to build up enough work throughout the winter so that I can be in a position to invest in an office front next spring or summer.
16. I have had a negative experience in approaching existing small or solo firms in my area. I did not have much experience in working in the law when I left law school and passed the bar, so no lawyer in the area was interested in mentoring me or working with me due to my lack of experience.
17. I have not explored because I am currently content with my job in an urban setting. That said, I would consider approaching a rural firm in the future.
18. I have not explored that option because I am in a small to medium size firm, making a decent salary, and I have a fair amount of flexibility how much I work and in what areas
19. I have not explored that option. My concern with practicing in a rural area is that I want to have a social life and I need to earn a lot of money to pay off the debts I incurred during and after law school. I don't anticipate either of those opportunities arising in most rural areas. Frankly, I don't like practicing law. Going to law school is a major regret. I am now drowning in debt and slaving away at a job that I hate in order to pay it off. When I'm 40, I'll be in the same financial situation that I was in at 25. My goal is to escape the legal profession and do something else if the economy ever recovers.
20. I have not explored the possibility, largely because I am so new to the Maine Bar, with my pre-existing practice based in Massachusetts, that I have not yet had an opportunity to

comprehensively evaluate what local (rural and non-rural) options for engaging in practice in Maine may be.

21. I have not explored this possibility yet because it didn't occur to me and because my spouse is not ready to leave her current position, but I may pursue this avenue in the future.
22. I have not met attorneys in rural settings who are looking for an associate.
23. I have not yet approached small rural practices, but I am considering doing so as I seek post-clerkship employment.
24. I have not, primarily due to the economics of paying back student loan debt.
25. I have not. If one of the two of us gets an offer that will provide financial stability, then the other will certainly start talking to rural and solo/small firms.
26. I have thought about it but have not actively pursued it. Solo practitioners and small firms are difficult to identify and cold call - it would be helpful if solo practitioners or small firms interested in acquiring or mentoring new attorneys could sign up in a database that is accessible to interested attorneys.
27. I looked into taking over retiring solo...problem with income stability.
28. I would be open to developing a relationship if it didn't pose too much of a strain on me geographically (commuting multiple days a week far from home).
29. I would have explored a small firm in a rural area if I'd found any that were hiring in early 2012.
30. I'm settled in my practice.
31. It has been difficult to find an opportunity with a small or solo firm as a new attorney because of income instability at the time of entry. Entering into such a business relationship, however, would be my ideal, and I will continue to look until I find the right fit in a rural area.
32. It is of interest in the future.
33. Listen, the greatest difficulty is identifying firms and who might like to be approached. There needs to be some central database either of rural firms/solos or a résumé database of new attorneys potentially interested in rural practice. Feel free to contact me regarding this survey: danieljndube@gmail.com, (207) 577-8534 (cell).
34. Most small or solo firms don't have the capital on hand to offer a salary to a new attorney. As it is, practicing in Bangor, I cannot pay my student loans. After bills for a very reasonable lifestyle, and before car expenses including gas, I live on \$180 a week and have no health insurance.
35. No, because without a way to get practical experience with in the liability shield of an established practice, the risks of malpractice and discipline are too great.
36. No, I have not.
37. no, more opportunity and better pay in the Portland area
38. No. I am not at a point in life where I would consider living by myself that many hours away from my family and friends. I think the loneliness would be depressing.
39. No. It would be very difficult to practice my area of law in a rural area. The professional opportunities in Maine are already bad enough for a dual-career, ambitious couple, even in the Greater Portland area.
40. No. My student loans are so high I need a steady income to pay them.
41. No. See the reasons above.
42. No; does not seem practical given student loan obligations. Also, I do not want to be "boxed-in" into a rural, generalist practice and lose connections with the Portland market
43. Not applicable.
44. Not yet, but may do so

45. NOTE: Not sure where else to put this, but while I office in Augusta, my practice is statewide. Within the last 6 months, I have represented clients from Biddeford to Dyer Brook and from Farmington to Calais.
46. Positive. I am employed by a small firm.
47. Prior to my current employment I reached out to several existing small or solo firms in rural areas, to no avail.
48. See answer to number 9
49. Some exploration. Most do not seem to have the structure or are too recent in considering an associate that they do not have a plan to offer.
50. Though I am not yet settled in a practice, I have not explored the possibility of practicing in a rural area in such an arrangement for the reasons listed above. That is, I am interested in a public interest-oriented practice for which there are few (if any) opportunities in rural areas. I am also interested in working with, and learning from, experienced attorney mentors, and believe my skills and knowledge-base would benefit greatly from working with a number of experienced attorneys with different strengths and styles. Additionally, I simply prefer a more urban or suburban living environment.
51. Yes I have. Have had difficulty locating opportunities.
52. Yes, few jobs in Maine for new attorneys
53. Yes, I have had some conversations.
54. Yes, I have thought about joining an existing small firm in a rural area. I have not yet approached any firms because I don't have any personal networks that would help me know who to meet, etc.
55. Yes.
56. Yes. In Knox County.



17.

## SOLO PRACTITIONER SURVEY RESULTS

1. What is your age?
  - a. 55-60..... 33%
  - b. 61-65..... 29%
  - c. 66-70..... 29%
  - d. 70-75..... 7%
  - e. Over 75 ..... 0%
2. Do you employ any office support staff!
  - a. No ..... 18.5%
  - b. Yes, part time ..... 18.5%
  - c. Yes, full time ..... 44%
  - d. Yes, full and part time ..... 18.5%
3. In the event of your death or disability do you have an agreement with another lawyer or law firm to oversee the protection of your clients' interests and the return or transfer of client files?
  - a. No ..... 41%
  - b. Yes ..... 59%
4. If you have such an agreement is it in writing?
  - a. No ..... 79%
  - b. Yes ..... 21%
5. Do you plan to eventually transition to practicing part time?
  - a. No ..... 30%
  - b. Yes ..... 70%
6. If so, at what age do you plan to begin transitioning to part time practice?
  - a. 55-60..... 5%
  - b. 61- 65..... 10%
  - c. 65-70..... 45%
  - d. 70-75..... 10%
  - e. After 75..... 5%
  - f. Do not know ..... 25%
7. Do you plan to eventually retire completely from practice?
  - a. No ..... 41%
  - b. Yes ..... 59%
8. If so, at what age do you plan to retire?
  - a. 55-60..... 0%
  - b. 61-65..... 0%
  - c. 66-70..... 44%
  - d. 71-75..... 22%
  - e. After 75..... 5%
  - f. Do not know ..... 28%
9. What is or would be the most important factor in deciding to retire completely from the practice of law?
  - a. My health..... 42%
  - b. My age ..... 6%
  - c. Family considerations ..... 10%
  - d. Financial considerations ..... 19%
  - e. Other interests..... 16%
  - f. Burnout..... 6%
10. If you decided to retire would you attempt to sell your practice?
  - a. No ..... 88%
  - b. Yes..... 12%
11. If not, what is the primary reason?
  - a. The nature of my practice is not conducive to a sale ..... 78%
  - b. I do not know how to determine if my practice has any market value ..... 0%
  - c. I do not know how to undertake the process of marketing my practice ..... 14%
  - d. It would be too much trouble..... 8%
12. Assuming the right candidate was available, would you consider bringing a newer attorney into your practice to enable you to transition to part time practice and/or eventually retire?
  - a. No ..... 44%
  - b. Yes..... 56%
13. If not, what is the primary reason you would not consider bringing on a newer lawyer?
  - a. Not financially feasible ..... 33%
  - b. Mentoring a less experienced lawyer would be too time consuming..... 8%
  - c. Prefer to practice as a solo ..... 16%
  - d. Concerned the younger lawyer would leave..... 0%
  - e. Too difficult to structure a satisfactory practice arrangement ..... 0%
  - f. Just not interested ..... 42%
14. Would you be interested in joining a statewide organization that provided information and support for senior lawyers and advocated for their interests?
  - a. No ..... 44%
  - b. Yes..... 56%

## **Proposed Rule Change Regarding Registration Statement**

### **Rule 1(G)**

(12) the name and address of a proxy, along with that proxy's written affirmation of the willingness to serve in the capacity contemplated by Rule 32, in the event of the lawyer's suspension, disbarment, disappearance or death, along with the lawyer's written affirmation that he or she has made accessible to the proxy a list of all electronic and banking passwords, login and security information necessary for access to the lawyer's accounts and files.

### **Proposed Written Affirmation Format:**

I, \_\_\_\_\_, Maine Bar Registration No. \_\_\_\_\_, agree to serve as proxy for \_\_\_\_\_, in the capacity contemplated by Maine Bar Rule 32, in the event of his/her suspension, disbarment, disappearance or death during this calendar year.

Date: \_\_\_\_\_