

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO
MAINE BAR ADMISSION RULES

2024 Me. Rules 03

Effective: August 7, 2024

All of the Justices concurring therein, the following amendment to the Maine Bar Admission Rules is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in the understanding of the amendment, an Advisory Note appears after the text of the amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 9 of the Maine Bar Admission Rules is amended to read as follows:

RULE 9. GOOD CHARACTER AND FITNESS TO PRACTICE LAW

....

(c) Review and Additional Investigation.

(1) *Determination of Need for Three-Member Panel.* Notwithstanding the provisions of (2) herein, if the Chair, based upon the application, certificates, references, unsolicited communications, or other information received, determines that a hearing pursuant to Rule 9(d)(5) is necessary to resolve doubt regarding the applicant's good character and fitness to practice law, then the Chair may forego the designation of a three-member review panel, and direct the matter be set for hearing.

(2) *Additional Investigation and Recommendations.* If the application, certificates, references, unsolicited communications, or other information received by the Board cause the Board to doubt the good character and fitness to practice law of an applicant, the Chair, if it has not already done so, shall designate a three-member review panel pursuant to Rule 4(b) to conduct an investigation on behalf of the Board. An applicant who is requested upon

reasonable notice to appear before the review panel to answer questions may be represented by counsel. Interviews by the review panel shall be recorded by the Board. Any other recording of the interview is prohibited. The review panel may request that Counsel for the Board assist in conducting the investigation. The review panel or, at its request, Counsel for the Board shall notify the applicant of the nature of the investigation and that the investigation is going forward and shall request that the applicant furnish explanations and further information concerning the matter or matters in question. For each investigation, a separate investigative file shall be maintained and shall be available to the review panel and Counsel for the Board. The investigative file shall contain all records and other information pertinent to the investigation, including all information received by the review panel or Counsel for the Board. If the investigation has been conducted by Counsel for the Board, at the conclusion of the investigation Counsel for the Board shall make a recommendation to the review panel, either that the Board find the applicant to be a person of good character and is fit to practice law, or that the Board conduct a hearing to resolve any doubt that remains concerning the applicant's good character and fitness to practice law. Counsel for the Board shall summarize with the recommendation the evidence upon which it is based.

Advisory Note – August 2024

This amendment formalizes the Board's procedure for interviewing an applicant as part of an investigation of character and fitness. The applicant is entitled to reasonable notice and to full representation by counsel during the interview. The interview shall be recorded by the Board. Maine's procedure follows the majority of jurisdictions in not allowing applicants or their counsel to record the interview.

Dated: August 2, 2024

FOR THE COURT,*

_____/s/_____
VALERIE STANFILL
Chief Justice

ANDREW M. MEAD
ANDREW M. HORTON
CATHERINE R. CONNORS
RICK E. LAWRENCE
WAYNE R. DOUGLAS
Associate Justices

* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.