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Legislative Document

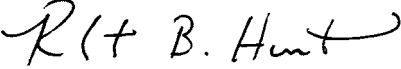
No. 738

H.P. 480

House of Representatives, February 25, 2025

**An Act to Remove Barriers to Becoming a Lawyer by Establishing a
Law Office Study Program**

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative BOYER of Poland.
Cosponsored by Senator HICKMAN of Kennebec and
Representatives: LEE of Auburn, MILLIKEN of Blue Hill, QUINT of Hodgdon, SUPICA of
Bangor, WARREN of Scarborough, Senators: BAILEY of York, BENNETT of Oxford,
TIPPING of Penobscot.

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

2 **Sec. 1. 4 MRSA §803**, as corrected by RR 2021, c. 1, Pt. B, §22, is amended to read:

3 **§803. Qualifications for taking bar examination**

4 A person may qualify to take the examination for admission to the bar of the State in
5 accordance with this section or section 803-A.

6 **1. Evidence of graduation.** Before taking the examination for admission to the bar
7 of the State, each applicant under this section shall produce to a the board of bar examiners
8 established by the Supreme Judicial Court pursuant to section 801 satisfactory evidence
9 that the applicant graduated with a bachelor's degree from an accredited college or
10 university or that the applicant successfully completed at least 2 years' work as a candidate
11 for that degree at an accredited college or university.

12 **2. Further qualifications.** Each applicant under this section shall, in addition to the
13 requirements under subsection 1, produce to a the board of bar examiners satisfactory
14 evidence that the applicant:

15 A. Graduated from a law school accredited by the American Bar Association;

16 B. Graduated from a law school accredited by the United States jurisdiction in which
17 it is located, that the applicant has been admitted to practice by examination in one or
18 more jurisdictions within the United States and has been in active practice there for at
19 least 3 years;

20 C. Graduated from a foreign law school with a legal education that, in the board's
21 opinion, is equivalent to that provided in those law schools accredited by the American
22 Bar Association; or

23 D. Successfully completed 2/3 of the requirements for graduation from a law school
24 accredited by the American Bar Association and then pursued the study of law in the
25 office of an attorney within the State for at least one year.

26 **3. Eligibility for examination.** When an applicant has satisfied a the board of bar
27 examiners that ~~these~~ the requirements of this section have been fulfilled and has paid a fee
28 fixed by the Supreme Judicial Court, that applicant is eligible to take the examinations
29 prepared or adopted by the board to determine if that applicant has the qualifications
30 required by this chapter for admission to the bar.

31 **Sec. 2. 4 MRSA §803-A** is enacted to read:

32 **§803-A. Qualifications for taking bar examination; law office study program**

33 This section provides an alternative to section 803 for a person to qualify to take the
34 examination for admission to the bar of the State.

35 **1. Definitions.** For purposes of this section, unless the context otherwise indicates, the
36 following terms have the following meanings.

37 A. "Board" means the board of bar examiners established by the Supreme Judicial
38 Court pursuant to section 801.

39 B. "Week of study" means at least 25 hours of study during a period of 7 consecutive
40 days or at least 30 hours of study during a period of 14 consecutive days.

1 C. "Year of study" means at least 44 weeks of study during a period of 12 consecutive
2 calendar months.

3 **2. Education or experience prior to law office study.** Before beginning a law office
4 study program under subsection 3, an applicant under this section shall produce to the board
5 satisfactory evidence that the applicant has graduated with a bachelor's degree from an
6 accredited college or university in this country; has graduated with a bachelor's degree from
7 a college or university in another country that is accredited under the laws of that country;
8 or has worked as a paralegal for the equivalent of 4 years on a full-time basis.

9 **3. Law office study program; requirements.** An applicant for the examination for
10 admission to the bar of the State under this section shall produce to the board satisfactory
11 evidence that the applicant:

12 A. Pursued a systematic course of legal study designed to prepare the applicant for the
13 general practice of law for at least 4 years in the office of and under the supervision of
14 a judge or an attorney in this State who has been a member of the bar in good standing
15 for at least 3 years before the applicant's course of legal study began. The course of
16 legal study must include, at a minimum, a study of the subjects tested on each of the
17 examinations prepared or adopted by the board to determine if an applicant has the
18 qualifications required by this chapter for admission to the bar. The supervising judge
19 or attorney may enlist the assistance of other judges and attorneys to provide additional
20 supervision for the applicant during portions of the applicant's course of legal study for
21 purposes of providing the applicant with the greatest possible breadth of experience
22 and instruction;

23 B. Submitted in a form or format required by the board a commencement notice within
24 30 days after commencing a law office study program under this subsection and, if
25 applicable, a transfer notice within 30 days after transferring the applicant's law office
26 study program to a new supervising judge or attorney. The commencement or transfer
27 notice must be signed by the supervising judge or attorney, must include the date that
28 the law office study program began and must be accompanied by a certification from
29 the supervising judge or attorney that the supervising judge or attorney personally
30 investigated the moral character and fitness of the applicant and that, to the best of the
31 supervising judge's or attorney's knowledge, the applicant meets the requirements of
32 good moral character and fitness to practice law;

33 C. Submitted in a form or format required by the board a report every 6 months during
34 the course of the law office study program. Each 6-month report required by this
35 paragraph must be signed by the applicant under oath and must include the number of
36 weeks of study completed during the preceding 6-month period, a detailed description
37 of the areas of study pursued and the tasks performed by the applicant during the
38 preceding 6-month period and a description of the applicant's plan of study for the next
39 6-month period. A report required by this paragraph must be accompanied by a
40 certification from the supervising judge or attorney indicating that, to the best of the
41 supervising judge's or attorney's knowledge, the report is accurate; and

42 D. Submitted within 30 days after completing the law office study program required
43 by this section the final 6-month report required by paragraph C and a completion
44 notice in a form or format approved by the board and signed by the applicant and the
45 supervising judge or attorney.

1 **4. Other qualifying types of legal study; credit for years of study.** The board may
2 award an applicant partial credit for up to 2 of the 4 years of study required by subsection
3 3, paragraph A if the applicant provides satisfactory evidence that the applicant recently
4 engaged in one of the following types of legal study and the board determines that the legal
5 study satisfies the purposes of the law office study program under this section:

6 A. Regardless of whether the applicant graduated from the law school, legal study at a
7 law school accredited by the American Bar Association or by the United States
8 jurisdiction in which it is located or at a foreign law school with a legal education that,
9 in the board's opinion, is equivalent to that provided by an accredited law school;

10 B. Legal study in a foreign jurisdiction if the applicant has been admitted to the practice
11 of law before a court of general jurisdiction in that foreign jurisdiction; or

12 C. Legal study in compliance with the requirements of a law office study program in
13 another state that the applicant demonstrates is substantially equivalent to legal study
14 under the law office study program under this section.

15 **5. Report review and approval.** A member of the board shall review each report
16 submitted by an applicant under subsection 3, paragraph B, C or D and, if the member has
17 concerns that the applicant's report does not satisfy the requirements of this section, the
18 member may refer the report to the board for further review. The board may require the
19 applicant to provide additional information in support of the report. The board shall notify
20 the applicant no later than the 60th day after the date that the report was submitted by the
21 applicant whether the board has granted credit to the applicant for the period of law office
22 study described in the report. If the board does not provide the applicant with a written
23 notice within the time required by this subsection, the board is considered to have granted
24 credit for the period of law office study described in the report.

25 **6. Extension; failure to file report.** The board may, for good cause shown, extend by
26 up to 60 days the deadline for filing any of the reports required under subsection 3,
27 paragraph B, C or D. If an applicant fails to file a report required under subsection 3,
28 paragraph B, C or D within the applicable deadline or, if an extension has been granted,
29 within the extended deadline, the board may deny credit to the applicant for the period of
30 law office study required to be described in the report or may issue a decision determining
31 that the applicant is ineligible to take the examinations for admission to the bar.

32 **7. Eligibility for examination.** If the board determines that an applicant under this
33 section has satisfied the requirements of subsections 2 and 3 and has paid a fee fixed by the
34 Supreme Judicial Court, the applicant is eligible to take the examinations prepared or
35 adopted by the board to determine if that applicant has the qualifications required by this
36 chapter for admission to the bar.

37 **8. Board to create forms.** By January 1, 2026, the board shall create and make
38 available forms for applicants to submit to the board the reports and notices required under
39 subsection 3, paragraphs B, C and D.

40 **Sec. 3. Board of bar examiners fails to provide forms by deadline;**
41 **submissions without board form.** Notwithstanding the Maine Revised Statutes, Title
42 4, section 803-A, subsection 3, if the board of bar examiners fails to make available any of
43 the forms required under Title 4, section 803-A, subsection 8 by January 1, 2026, an
44 applicant may submit the required reports and notices under Title 4, section 803-A,

1 subsection 3, paragraphs B, C and D in any reasonable form or format, as long as those
2 reports and notices otherwise conform to the requirements of Title 4, section 803-A,
3 subsection 3, paragraphs B, C and D.

4 **SUMMARY**

5 This bill creates additional opportunities for individuals to qualify to take the
6 examination for admission to the bar. Under the bill, an applicant for admission to the bar
7 who has studied law for 4 years in a law office study program under the supervision of a
8 judge or attorney who is a member of the bar in good standing need not attend law school
9 prior to taking the bar examination. During the 4-year period, the applicant must pursue a
10 systematic course of legal study designed to prepare the applicant for the general practice
11 of law that must include, at a minimum, each of the subjects tested on the bar examination.
12 An applicant may receive credit for up to 2 of the 4 required years of legal study based on
13 the applicant's study of law at an accredited law school in this country, study of law at an
14 equivalent foreign law school, legal study in a foreign jurisdiction that led to the admission
15 of the applicant to practice law before a court of general jurisdiction within that jurisdiction
16 or legal study in compliance with the requirements of a law office study program in another
17 state.

18 The bill requires that an applicant who is determined by the board of bar examiners to
19 be otherwise eligible through a law office study program to take the examination for
20 admission to the bar must pay a fee fixed by the Supreme Judicial Court before the applicant
21 is determined eligible to take the examination.

22 The bill requires the board, by January 1, 2026, to create and make available forms for
23 applicants to submit required reports and notices to the board to be eligible to take the
24 examination for admission to the bar through a law office study program. If the board fails
25 to make these forms available by the deadline, then applicants may submit those reports
26 and notices in any reasonable form or format as long as the reports and notices otherwise
27 conform with the law.