



April 11, 2023

Sen. Anne Carney, Chair  
Rep. Matt Moonen, Chair  
Joint Standing Committee on the Judiciary  
Maine State Legislature  
100 State House Station  
Augusta, ME 04333

Re: ***LD 1352, An Act to Remove Barriers to Becoming a Lawyer***

Dear Sen. Carney, Rep. Moonen, and Members of the Judiciary Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we write to provide comments with regard to LD 1352, *An Act to Remove Barriers to Becoming a Lawyer*. We agree with the spirit of the bill which seeks to expand the number of paths available to become a lawyer in Maine; however, we believe that such expansion should be the result of careful study and consideration. For this reason, we speak in opposition to LD 1352, but we support further discussion.

**About us.** The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 3,000 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers' Compensation Law.

**What does LD 1352 do?** LD 1352 proposes to permit applicants to the Maine Bar who have studied law under the supervision of a licensed attorney for a minimum of 18 hours per week over a 2-year period to take the Bar examination without requiring them to attend law school.

**Background.** As it turns out, Maine law does not require a lawyer to graduate from law school in order to qualify for admission to the Maine Bar. Rather, Maine Bar Admission Rule 10(b)(5) permits individuals who have completed two-thirds of the requirements for graduation from law school and one-year working under an active attorney in the State to sit for the Bar exam.

**Maine needs more lawyers.** MSBA recognizes and understands that Maine needs more lawyers to ensure sufficient access to justice, particularly for indigent Mainers and Mainers living in rural areas. Our Association has been active in promoting both, including before the Legislature.

**Lawyers need to be trained and qualified.** As Maine explores pathways to expand the number of lawyers throughout the State, it is important that those lawyers be well-trained and qualified. Law school is one mechanism to ensure proper training. Clinics and experiential learning represent other key pathways to learning. Regardless of the path, it is important that lawyers in Maine be sufficiently qualified to ensure quality legal representation for Maine people.

**More study is needed.** LD 1352 proposes one possible solution to expand the number of lawyers in Maine. However, in reviewing the proposal, we have a number of questions about the language, including the types of jobs in law firms that would qualify as "experience," and what type of "supervision" is

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required. In this regard, we believe not all experience is created equal. Likewise, we believe law school does provide important training, and actual course work needs to be considered as part of the qualification for becoming a lawyer in Maine.

Given the complexity of the issue, and the stakeholders who need to be engaged, we believe more study is needed before any legislation should be passed on this topic. We would certainly welcome the opportunity to be part of such discussions. Additionally, we would be happy to survey our Association's members to solicit their input on the qualifications to become an attorney in Maine.

**Conclusion.** Thank you for the opportunity to provide these comments on LD 1352. As noted, we believe this bill raises important questions regarding the standards for admission to the Maine Bar, but these questions need more study and analysis prior to adoption of any legislation. If you have questions or need additional information, please do not hesitate to let us know.

Sincerely,



Stacy O. Stitham  
President, Board of Governors

cc: Angela Armstrong, Executive Director  
Rachel Okun, Chair, MSBA Legislative Committee  
James I. Cohen, Verrill Dana, LLP  
Clara McConnell, Maine Street Solutions