



# Administrative Office of the Courts

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## **Judicial Branch testimony neither for nor against LD 1352, An Act to Remove Barriers to Becoming a Lawyer:**

Senator Carney, Representative Moonen, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide testimony and comments regarding this bill.

The Judicial Branch would like to applaud the sponsors and cosponsors of this bill for thinking creatively about ways to increase the number of attorneys, especially in rural areas where they are scarce. The shortage of attorneys is a real problem that affects the work of the courts every day.

We think there are some practical concerns. It would be difficult for a “supervising attorney,” as described in the bill, to cover the breadth of topics that are offered in law school. A divorce case, for example, often includes issues involving custody and child support, but may also implicate real estate, income taxes, retirement funds, health and life insurance, and estate issues. Failure to address any one of these could cause negative consequences for a client. In a criminal matter, failure to spot issues could have serious results such as increased jail time or deportation. Assisting a small business may involve issues of the Uniform Commercial Code, secured transactions, commercial paper, and the like. In these days of increasing specialization, few small law practices are broad enough to cover all topics and provide the necessary training.

We note that the role of supervising attorney is a significant commitment of time and resources to training and teaching a prospective attorney as described in the bill. Because lawyers make their livings by charging for their time, it is not clear that anyone would be willing to undertake this role.

It is also unclear whether anyone will take advantage of this process to become a licensed attorney. We note that our current statute does not require that one graduate from law school; a person can be eligible to take the bar if the person completes two out of three years of law school and works with a supervising attorney for the third year. This provision has been in the law since at least 1985 and we are not aware that anyone has completed their training in this manner.

Finally, we note that implementation of this provision would require significant creation and revisions of the Maine Bar Admission Rules. It would also require significant time by the Maine Board of Bar Examiners to oversee the supervision requirements. Members of the Board, appointed pursuant to 4 M.R.S. § 801 and M. Bar Admission R. 3, serve as volunteers. Fees paid for admission to the bar provide for the limited paid secretarial and administrative personnel, M. Bar Admission R. 6A. Both the fees and staff would presumably need to increase.

We urge you to consider these important issues. Thank you for your time.