



**Testimony in Opposition to LD 1352, *An Act to Remove Barriers to Becoming a Lawyer*  
Presented by Vice Dean Dmitry Bam, University of Maine School of Law  
April 11, 2023**

Good afternoon Senator Carney, Representative Moonan, and members of the Joint Standing Committee on the Judiciary. My name is Dmitry Bam and I am the Vice Dean and Provost of the state's only law school, the University of Maine School of Law. I speak to you today on behalf of Maine Law and the University of Maine System in opposition to LD 1352.

**The Need for More Lawyers in Maine**

To be clear, we all understand that this bill has been presented in support of providing greater access to justice in Maine. While we enthusiastically agree with, and are actively working toward, this goal, we cannot support this approach.

I will not belabor the information you have received showing that, particularly in less populated counties, there are simply not enough lawyers in Maine to help people with important aspects of their lives: Family matters, housing conflicts, business start-ups, and significantly, criminal cases.

We suggest that the answer to those challenges is to attract more lawyers to and throughout Maine, to help new lawyers get a good start in our rural communities, and to continue to increase appropriations for UMS so the state's public law school can continue to provide affordable, high-quality legal education in the state – an education that is accessible to all Mainers who aspire to be attorneys.

As you well know, Maine Law is actively working on this challenge along with many others.

- The Maine Law Legal Aid Clinic provides an average of 14,000 hours of free legal services to Maine people every year;
- Our Rural Fellows Program has resulted in new lawyers moving into rural practice in greater numbers;
- The new Rural Practice Clinic in Fort Kent, a pilot advanced by the 130<sup>th</sup> Legislature with support from the Office of the Attorney General, is both providing new legal aid resources and exposing students to the potential of legal practice in northernmost Maine;
- At Maine Law, Externships that provide opportunities to work outside of the traditional geographic and employment areas have been substantially expanded; and

- Students graduating from Maine Law leave with nearly one-third less debt than their counterparts in other similar law schools, in part because of State appropriations for UMS (\$84,000 at Maine Law last year, versus a national average for the non-top-tier schools at \$118,000). Additionally, Maine Law, our alumni, and students worked with the Legislature last session to enact An Access to Justice tax credit to benefit attorneys who commit to working in underserved areas of the state (P.L 2021, Ch. 473).

There are many ways to improve access to legal careers and the services lawyers provide citizens, companies, and communities in Maine, but allowing those services to be provided by people who have not received sufficient education, supervision and experience will leave Maine people more vulnerable, and it will not provide the access to justice that we all seek.

### **Current Law School Requirements**

In contrast to the proposal before you, law schools across the country, including Maine Law, provide an appropriately rigorous, proven program of education, intense supervision, and experiential practice for those individuals who seek to be licensed to practice law.

#### **First-year program**

The program of legal education at Maine Law begins with rigorous **first-year courses** that cover the foundation of American law and legal practice.

- The substantive doctrinal courses include Contracts, Torts, Property, Criminal Law, Constitutional Law, and Civil Procedure.
- Each of these 4-credit courses meets in **classes over thirteen week for 52 hours, for a total of 312 hours** in a semester.
- During the first year, students are required to spend, **at a minimum, 640 hours per semester in class and preparing for class. This equals approximately 50 hours per week during each 13-week semester.** That is the bare minimum established by the American Bar Association (ABA); many students spend significantly more time preparing for class.
- In addition to these six doctrinal courses, students enroll in two Legal Research and Writing courses. These classes teach students how to research and write a wide range of documents, from client memos to discovery motions to appellate briefs.

In addition to the study time, students **spend hundreds of hours preparing for, and taking, midterm and final examinations.** Those examinations are designed to simulate the problems lawyers face and are graded by experts in the field. These formative and summative assessments are indispensable parts of legal education.

#### **Upper-level program**

After completing 30 credits in the first-year program, students must complete **60 additional credits** to receive their degree from Maine Law. The hours requirement discussed above applies

here as well: **for in class and out-of-class work, students will spend more than 50 hours each week of the semester.**

There are a number of required courses and experiences that are critical to the law school experience and legal training, all of which are absent from the proposed legislation.

First, each upper-class student must complete a 3-credit course on professionalism, professional responsibility, legal ethics, and the duties of lawyers. This course covers ethical obligations that attorneys owe to clients, courts, and the public, and it explores issues from confidentiality to conflicts of interest to duty of candor.

Second, every student must complete a clinic or an externship. This is a critical part of legal education, allowing the students an opportunity to practice law under the supervision of experts in their field. Each experience has a classroom component where students learn from faculty, engage in self-reflection, and learn from their mistakes. Our graduates report that this unique combination of both supported coursework and clinical experience well prepares them for real-world practice.

Third, every student must have an additional writing experience that builds on the first-year writing program. Because legal writing is one of the most important skills lawyers must develop, students spend significant time working on their writing. This writing component is rigorous and requires numerous drafts that receive individualized feedback from faculty supervisors.

### **The proposed legislation**

There are many other key components of law school and legal education that are sacrificed by the proposed legislation.

- The proposed legislation would allow the practice of law with only a fraction of the education and experience currently required. No practitioner, or even a full law firm, has the depth to provide training and teaching in all of these fields.
- Practitioners have a duty first to their own clients. Teaching an apprentice, and providing just 5 hours of actual supervision per week, cannot possibly prepare new lawyers for the range of issues and complexities their prospective clients will present. I tell our new faculty that they should plan to spend approximately 10 hours preparing for each hour of class time. Of course, this is not the kind of commitment we can expect of a practicing attorney.
- Furthermore, most law students engage in critical experiences, including moot court, trial team, law journals, and others, that have for well over a century been viewed as a central part of legal education.
- Ultimately, setting aside thorny issues with labor laws, there is a good reason why, decades ago, states uniformly abandoned the “apprenticeship” model in favor of requiring legal education. Although law school, like medical school, requires more time, and is more expensive than an apprenticeship, state legislatures and courts long ago recognized that the apprenticeship model was a failure, in no small part because “the practitioner-teachers did not teach.” Michele R. Pistone & John J. Hoeffner, *No Path but One: Law School Survival*

*in an Age of Disruptive Technology*, 59 Wayne L. Rev. 193, 213 (2013). At a time when legal practice has become more complex than ever, and Maine lawyers must be able to anticipate and address novel problems for their clients, turning back the clock to a failed apprenticeship model is not right for Maine.

### **Summary**

Today, accredited ABA institutions across the country provide a consistent, high-quality experience for law students to prepare them for the practice of law. The ABA standards guarantee that students receive a rigorous, well-rounded education and are taught by skilled, qualified faculty. The requirement that attorneys have attended an accredited law school ensures that every Maine client will receive competent and ethical representation.

At Maine Law, we would be honored to work with the Legislature to expand the availability of lawyers in Maine, to consider new approaches to paraprofessionals who can assist as navigators or provide assistance with court forms, and to think more broadly about encouraging new lawyers to practice in our beautiful rural counties. But we urge you not to leave the public vulnerable to untrained lawyers through a minimal apprenticeship program.

Thank you, and I would be happy to answer questions.