

STATE OF MAINE
SUPREME JUDICIAL COURT



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**Judicial Branch testimony neither for nor against LD 375,
An Act to Require the University of Maine School of Law
to Provide an Online Degree Program**

Senator Rafferty, Representative Murphy, members of the Joint Standing Committee on Education and Cultural Affairs, I am Chief Justice Valerie Stanfill of the Maine Supreme Judicial Court, and I represent the Judicial Branch. I would like to provide the following testimony regarding LD 375, An Act to Require the University of Maine School of Law to Provide an Online Degree Program.

The Maine Supreme Judicial Court establishes the rules and requirements for the licensing of attorneys in the State of Maine. In order to be qualified to sit for the bar examination, Rule 10(b) of the Maine Bar Admission Rules requires that an applicant either graduate from a law school accredited by the American Bar Association (ABA), or complete at least 2 years of an ABA-accredited law school program and one year of full-time "study in the law."¹ The ABA is the accrediting authority for law schools in this country, and of course Maine Law is accredited by the ABA.

I take a particular interest in this bill and would like to explain. I serve as a member of the Board of Directors of the Conference of Chief Justices. I also serve on the executive committee of CLEAR, a committee of the Conference of Chief Justices and Conference of State Court Administrators. "CLEAR" stands for the Committee on Legal Education and Admissions Reform. Since our formation in 2023, we have been researching issues facing the legal profession. The three working subgroups are focused on bar admissions, practice readiness of new lawyers, and promoting the public interest. We have been engaging with stakeholders and conducting extensive research, holding listening sessions, and surveying lawyers, judges and law students across the country.

An issue of particular concern we are addressing are the legal deserts throughout the country when it comes to access to attorneys. At least half of rural counties across the country are considered legal deserts, with fewer than 1 one attorney per 1,000 people. And from the point of view of the courts, rural practitioners are part of the informal network of public interest lawyers. They practice what I would call "people law": family law, criminal

¹ There are some exceptions for applicants who have graduated from a law school accredited by another U.S. jurisdiction or graduated from a foreign law school deemed equivalent to an ABA accredited school and have been in active practice for at least 3 years. See M. Bar Admission R. 10(b)(4), (5).

defense, wills and property issues and the like. They aren't doing national mergers and acquisitions from Dover-Foxcroft. And here in Maine, the numbers of attorneys practicing in our rural counties, places away from the I-95 corridor up to Bangor, are decreasing alarmingly.

Why? Lower salaries, fewer opportunities, decreased mentoring, greater distances to clients or courts, availability of benefits and health insurance – all play a role. But a major issue is also lack of access to law schools.

As I said last week in my State of the Judiciary address, the national research seems to show that lawyers most likely to practice in rural areas and stay in rural areas are those who are from rural areas. I suggested that increased distance learning in legal education would allow people who already live in the rural areas of our state to attend law school without having to uproot themselves and their families to move to Portland for three years. And that appears to be the intent of this bill.

On March 14, I will be in Cincinnati as part of my work with CLEAR. Along with other Chief Justices, I will be meeting all day with representatives of the national stakeholders in this issue:

- the ABA Council on Legal Education and Admissions to the Bar;
- the American Association of Law Schools;
- the Law School Admission Council;
- the Law School Survey of Student Engagement;
- Access Lex Institute;
- the National Conference of Bar Examiners; and
- the National Association for Law Placement.

I think it is fair to understand that distance learning in legal education will be a part of the conversation. I think it is an issue that must be considered.

But it is complicated, and moving the needle will take time. It must be done in a thoughtful way. In particular, it is important to preserve the gains made in experiential learning, learning outside the classroom. Those experiences are critical for preparing law students to competently work with clients and effectively practice law.

Returning to where I started, however, 46 of the 50 states require that law schools be accredited by the ABA. And, ABA accreditation standards do not permit fully online legal education. And if Maine Law loses its accreditation, its students won't be admitted to the bar in Maine. Even if the Maine Supreme Judicial Court were to permit an exception, there are those 45 other states to consider, as not all Maine Law graduates stay in Maine. And thus, I testify neither for nor against LD 375.