

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO
MAINE BAR RULES

2018 Me. Rules 12
[revised July 30, 2018]

Effective: January 1, 2019

All of the Justices concurring therein, the following amendment to the Maine Bar Rules is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in the understanding of the amendment, an Advisory Note appears after the text of the Rule amendment. The Advisory Note states the reason for the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 5 of the Maine Bar Rules is amended to read as follows:

RULE 5. CONTINUING LEGAL EDUCATION (“CLE”)

(a) CLE Credit.

(1) Except as otherwise provided in this rule, every attorney required to register in accordance with these Rules shall complete ~~11~~ 12 credit hours of approved CLE in each calendar year. At least one live credit hour ~~in each calendar year~~ shall be primarily concerned with professionalism education and one live credit hour shall be primarily concerned with the recognition and avoidance of harassment and discriminatory conduct or communication related to the practice of law as set out in the Maine Rules of Professional Conduct.

(A) Qualifying professionalism education topics include, among other things, professional responsibility, legal ethics, substance abuse and mental health issues, diversity awareness in the legal profession, and legal malpractice and bar complaint avoidance topics including law office and file management, client relations, and client trust account administration.

(B) Qualifying harassment and discrimination education topics include conduct or communication related to the practice of law involving harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, or gender identity.

If an attorney is subject to this rule for more than 3 months of a calendar year but for less than the entire year, the number of credits required for that year shall be prorated according to the number of full months of the year in which the attorney is subject to this rule. However, an attorney who has registered in emeritus attorney status is required to complete only seven credit hours of approved CLE in each calendar year, unless exempted from the requirements of CLE as provided by Rule 5(a)(5). Attorneys whose required hours are prorated or who register under emeritus status must complete the professionalism and harassment/discrimination credits as defined above.

(2) An attorney who completes more than ~~11~~ 12 credit hours in a calendar year may carry forward up to 10 credit hours to satisfy the requirement of the following year, provided that the ethics or professionalism education and harassment/discrimination credit requirements of Rule 5(a)(1) ~~is~~ are satisfied for each calendar year.

(3) The requirement of Rule 5(a)(1) may be met only by teaching (as provided in subsection (8)), attending courses, or completing any CLE activity entitled to credit as provided in Rule 5(c) and (d), provided that no more than ~~one half of the~~ five credit hours required in any reporting period may be earned through in-house courses, self-study, or a combination thereof.

(4) An attorney subject to this rule who ~~is a member of the bar of~~ maintains a principal office for the practice of law in another jurisdiction which has a mandatory CLE requirement satisfies the requirements of Rule 5(a)(1) ~~if the attorney is in~~ by certifying compliance with a that jurisdiction's CLE requirement, ~~established by court rule or statute in that jurisdiction.~~ ~~If the other jurisdiction does not require the equivalent of one professionalism education credit hour per year, the attorney must complete one approved professionalism education credit hour in each calendar year.~~ An attorney subject to this rule who is a member of the bar of another jurisdiction must meet the requirement of Rule 5(a)(1) if CLE is not mandated by court rule or statute in the other jurisdiction.

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Advisory Note– January 2019

Rule 5(a)(1) is amended to increase the required annual number of hours of CLE credits from 11 to 12 and to require that at least one live credit hour per year be primarily concerned with professionalism and one live credit hour per year be primarily concerned with the recognition and avoidance of harassment and discriminatory conduct or communication related to the practice of law as set out in the Maine Rules of Professional Conduct. This subdivision is also amended to require attorneys whose required hours are prorated or who register under emeritus status to complete the professionalism and harassment/discrimination credits.

Rule 5(a)(1)(A) is amended to specify “legal” malpractice and clarify that the list of professionalism topics is not exclusive.

Rule 5(a)(1)(B) is added to describe qualifying harassment and discrimination education topics.

Rule 5(a)(3) is amended to specify that no more than five credit hours per reporting period may be earned from in-house courses, self-study, or a combination of both.

Rule 5(a)(4) is amended to apply to an attorney who maintains a principal office for the practice of law in another jurisdiction, to eliminate the description of the CLE requirements of another jurisdiction as being “established by court rule or statute in that jurisdiction,” and to eliminate the provision that, “[i]f the other jurisdiction does not require the equivalent of one professionalism education credit hour per year, the attorney must complete one approved professionalism education credit hour in each calendar year.”

Dated July 18, 2018
Revised July 30, 2018

FOR THE COURT,*

_____/s/_____
DONALD G. ALEXANDER
Associate Justice

LEIGH I. SAUFLEY
Chief Justice

ANDREW M. MEAD
ELLEN A. GORMAN
JOSEPH M. JABAR
JEFFREY L. HJELM
THOMAS E. HUMPHREY
Associate Justices

* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein. The Order was revised on July 30, 2018, to change the effective date from July 18, 2018, to January 1, 2019, and to update the heading to the Advisory Note accordingly.