

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO
MAINE BAR RULES

2024 Me. Rules 09

Effective: November 25, 2024

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 amendment. The Advisory Note states the reason for recommending 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”)

....

(f) Accumulation and Computation of Credits.

(1) Credit hours will be awarded on the basis of one credit hour for every 60 minutes spent engaged in an accredited program, unless otherwise specified.

(2) Credit hours will not be given for time spent on nonsubstantive matters such as introductory remarks, breaks, or business meetings.

(3) The number of credit hours awarded to a program is the maximum that may be earned for that program unless the attorney is a presenter. An attorney may claim partial credit (a minimum of 30 minutes) for partial attendance or completion of an accredited program.

(4) An attorney subject to these rules who makes a presentation at an accredited program not offered for academic credit by the sponsoring institution may earn two credit hours for every 30 minutes of actual

presentation for the accredited program if the attorney has prepared substantial written materials—as defined by the CLE Committee—to accompany the presentation. If substantial written materials have not been prepared, the attorney will earn one credit hour for every 30 minutes of actual presentation.

(5) An attorney who teaches a regularly scheduled law-related course offered for academic credit at an accredited post-secondary educational institution may earn six credit hours under this rule for every hour of academic credit awarded by the institution for the course. An attorney who assists or participates in such a regularly scheduled course will earn one credit hour for every hour of actual participation, up to a maximum of six hours.

(6) An attorney subject to these rules who formally takes for credit or officially audits a regularly scheduled course offered for academic credit at a law school approved by the American Bar Association will earn four credit hours under this rule for every hour of academic credit awarded by the institution for the course, provided that the attorney attends at least 75% of the classes in the course and, if enrolled for academic credit, receives a passing grade.

(7) Each calendar year, attorneys may carry over up to 10 credit hours to satisfy the requirements of the following year, provided that no more than five of the credit hours may be earned through self-study programs as defined in Rule 5(h)(1)(B). The mandatory live credit requirements of Rule 5(c)(2) must be satisfied for each reporting period.

(8) During calendar years 2025 and 2026, an attorney may earn general CLE credit hours at a rate of one (1) hour of credit for every three (3) hours of *pro bono publico* service performed, with a maximum of three (3) credit hours for *pro bono publico* service in each reporting period. Hours claimed must be rounded down to the nearest quarter of an hour.

(A) As used in this rule, “*pro bono publico* service” means legal service provided without fee or expectation of fee to a person of limited means. To be considered for CLE credit hours, the *pro bono* cases must be assigned by one of the following:

(i) An organization that receives funding for *pro bono* programs or services from the Legal Services Corporation or the Maine Justice Foundation;

(ii) The University of Maine School of Law Cumberland Legal Aid Clinic;

(iii) Disability Rights Maine;

(iv) Immigrant Legal Advocacy Project;

(v) Legal Services for the Elderly;

(vi) Maine Equal Justice;

(vii) Pine Tree Legal Assistance;

(viii) Volunteer Lawyers Project; or

(ix) Any other organization recognized by the Board of Overseers of the Bar as providing legal services to persons of limited means in Maine without fee or expectation of fee.

(B) Attorneys seeking CLE credit for *pro bono publico* service shall complete and return to the Board of Overseers of the Bar an “Application for CLE credit for *Pro Bono Publico* Service” form prior to the end of the CLE reporting period during which the services were provided. Such application must include the following:

(i) The attorney’s name;

(ii) The attorney’s address;

(iii) The attorney’s bar number;

(iv) The name of the entity or entities that assigned the *pro bono* case(s) and a brief description of the services provided;

(vi) A statement by the attorney of the number of *pro bono publico* service hours that attorney has provided and the number of CLE credit hours that the attorney is entitled to for that service; and

(vii) The attorney's signature, verifying the accuracy of the information in the application.

The following is a sample form for use under this subdivision of Rule 5:

APPLICATION FOR CLE CREDIT FOR *PRO BONO PUBLICO* SERVICE

TO BE COMPLETED BY ATTORNEY

Attorney's Printed Name:

Maine Bar Number:

Attorney's Address:

Qualifying hours of *pro bono publico* service performed:

General CLE credit hours claimed (Divide number of qualifying *pro bono publico* service hours by three (3) and round down to the nearest quarter of an hour. A maximum of three (3) hours may be claimed.):

Name(s) of legal services provider(s) that assigned the *pro bono* case(s) and brief description of the services provided:

By my signature below, I am verifying that I provided the number of hours of *pro bono publico* service claimed and that I did so without fee or expectation of fee. The CLE hours I am claiming credit for were earned during the current reporting period.

IT IS A VIOLATION OF THE MAINE RULES OF PROFESSIONAL CONDUCT TO CLAIM CLE CREDIT FOR *PRO BONO PUBLICO* SERVICE NOT ACTUALLY PERFORMED.

Attorney's Signature:

Date:

Advisory Note – November 2024

The amendment to Rule 5(f) adds new subdivision (8), establishing a two-year pilot project for the calendar years 2025 and 2026, designed to incentivize *pro bono publico* work by awarding CLE credits, consistent with Rule 5’s purpose of promoting “public confidence in the legal profession,” the “fair administration of justice,” and the “competence and professionalism” of Maine lawyers. M. Bar R. 5(a). It also encourages lawyers to fulfill their “professional responsibility to provide legal services to those unable to pay.” M.R. Prof. Conduct 6.1. This amendment recognizes that attorneys may gain deeper knowledge and understanding of the law through *pro bono* work than through other means of fulfilling their CLE obligations.

Under new Rule 5(f)(8), an attorney seeking the credit must document three hours of *pro bono* service to earn one hour of general CLE credit, and those credits are capped at three, leaving nine hours to be earned through the other routes permitted under Rule 5.

If the pilot project provides positive results, the rule may be amended to make the provisions of Rule 5(f)(8) permanent.

Dated: November 25, 2024

FOR THE COURT,*

_____/s/
VALERIE STANFILL
Chief Justice

ANDREW M. MEAD
ANDREW M. HORTON
CATHERINE R. CONNORS
RICK E. LAWRENCE
WAYNE R. DOUGLAS
Associate Justices

* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.