

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENTS TO
MAINE BAR RULES

2025 Me. Rules 07

Effective: July 10, 2025

All of the Justices concurring therein, the following amendments to the Maine Bar Rules are adopted to be effective on the date indicated above. The specific amendments are stated below. To aid in the understanding of each 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. The Preamble and Terminology section of the Maine Bar Rules is amended to read as follows:

PREAMBLE AND TERMINOLOGY

There is hereby established a comprehensive system of regulation of the legal profession in the State of Maine to encourage and promote competent and ethical practice by members of the Maine Bar, and to make these standards known to members of the public, so that they may have confidence in the legal profession in Maine. These Bar Rules supplement existing statutory regulation and processes, such as those established in 4 M.R.S. §§ 851 and 858, and the inherent authority of the courts to regulate attorney conduct. Attorney regulation includes, but is not limited to, license registration, Continuing Legal Education compliance, fee arbitration, ethical guidance, and discipline.

Terms used in these Rules shall have the following meanings, unless the context clearly requires a different meaning:

....

“Board Clerk” means the attorney or non-attorney employed by the Board to perform advisory, review, and administrative functions as set forth in these Rules.

....

Advisory Note – July 2025

This section is amended to (1) indicate that Attorney regulation includes license registration and Continuing Legal Education compliance, and (2) provide that a “Board Clerk” may be a non-attorney. For further detail regarding the Board Clerk, see the Advisory Note for the contemporaneously adopted amendment to Rule 3.

2. Rule 3 of the Maine Bar Rules is amended to read as follows:

RULE 3. CENTRAL INTAKE.

(a) Functions. There is hereby established a Central Intake Office, staffed by the Board Clerk, which shall

- (1) receive information and complaints regarding the conduct of lawyers over whom the Court has jurisdiction, provided this rule shall not be construed to limit the authority of any authorized agency to institute proceedings;

- (2) provide non-legal assistance to complainants in ~~stating~~ submitting their complaints;

- (3) provide information to complainants about the status of their complaints;

- (4) in conjunction with the Executive Director, determine whether the facts stated in a complaint or other information regarding the conduct of a lawyer provide grounds for further action by Bar Counsel or referral to another agency, and

- (A) dismiss the complaint; or
- (B) forward it to Bar Counsel, or to an appropriate agency or agencies;
- (5) provide to the complainant, if a complaint is dismissed:
 - (A) a copy of the written guidelines for dismissal; and
 - (B) in the event of dismissal, a notice of complainant's right of review pursuant to Rule 9(e);
- (6) record disposition of all complaints.

(b) Powers and Duties. The Board Clerk shall have the following powers and duties:

(1) to notify the complainant and the respondent of the disposition of matters;

(2) to forward a certified copy of the judgment of a lawyer's criminal conviction to the disciplinary agency in each jurisdiction in which that lawyer is admitted when the lawyer is convicted of a serious crime (as hereinafter defined) in Maine;

(3) to maintain disciplinary records, subject to the file retention requirements of Rule 18(g), and to compile statistics to aid in the administration of the system, including but not limited to a single log of all complaints received, investigative files, statistical summaries of docket processing and case dispositions, and other records as the Board or the Court may require to be maintained. Statistical summaries shall contain, at a minimum:

(A) the number of pending cases at each stage in the disciplinary process for each counsel and for the agency;

(B) the number of new cases assigned to each counsel during the year and the total for the agency;

(C) the number of cases carried over from the prior year for each counsel and the total for the agency; and

(D) the number of cases closed by each counsel during the year and the total for the agency.

(4) in conjunction with the Executive Director, to provide legal and administrative support to the Fee Arbitration Commission and Grievance Commission;

(5) to ~~appoint~~ designate alternate members to the Fee Arbitration Commission and Grievance Commission panels as necessary to meet the requirements of Rules 7(d)(8)(A) and 9(a);

(6) to provide notice of public discipline, suspension, disbarment, and reinstatement to general media outlets throughout Maine, and throughout other jurisdictions in which the Board has reason to believe the attorney has been admitted to practice; and

(7) to perform any other functions authorized by these Rules.

Advisory Note – July 2025

Subdivisions (a)(4) and (b)(4) of Rule 3 are amended in conjunction with the contemporaneous amendment of the Preamble and Terminology section above, which allows for lawyers and non-lawyers to serve as the Board Clerk. In the instance of non-lawyer service, the Executive Director is responsible for ensuring that all Central Intake complaint reviews and dismissals are properly completed. Additionally, the Executive Director aids the Board Clerk by supporting, and when necessary, advising the Board's Commissions. This amendment codifies the Board's practices regarding the supervision of the Board Clerk and the provision of Commission guidance since the promulgation of Rule 1(j) requiring that the Executive Director be an attorney. *See* 2020 Me. Rules 04, § 2 (adopting M. Bar R. 1(j) effective Oct. 26, 2020).

Amendments are also incorporated to (1) specify, in subdivision (a)(2), that the Board Clerk shall provide *non-legal* assistance to complainants in *submitting*, rather than *stating*, their complaints and (2) provide, in subdivision

(b)(5), that the Board Clerk has the power and duty to *designate*, rather than *appoint*, alternate members to the Fee Arbitration Commission and Grievance Commission panels.

Dated: July 10, 2025

FOR THE COURT,*

_____/s/_____
VALERIE STANFILL
Chief Justice

ANDREW M. MEAD
ANDREW M. HORTON
CATHERINE R. CONNORS
RICK E. LAWRENCE
WAYNE R. DOUGLAS
JULIA M. LIPEZ

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