

STATE OF MAINE

SUPREME JUDICIAL COURT
DOCKET NO. Bar-07-4

IN RE PETITION OF DANIEL)
CRAWLING BEAR HARAYDA)

ORDER

Daniel Crawling Bear Harayda has filed a petition with this Court, asking that the Court order that he be allowed to sit for the July administration of the Maine Bar Examination. At the same time that Harayda filed the petition with this Court, he also filed with the Maine Board of Bar Examiners an application to take the Bar Examination.

The Court held a status conference with Harayda and the Maine Board of Bar Examiners on July 10, 2007. At that time, the parties agreed that the Court had before it all facts necessary to reach a decision.

The essential facts are not in dispute. Harayda has filed a timely and complete application to take the Bar Examination. That application, and other materials filed by Harayda, suggests that Harayda is a 2006 graduate of the Massachusetts School of Law.¹ In addition, Harayda has been admitted to practice law in the State of Connecticut. He works at the Massachusetts School of Law in Andover, Massachusetts. However, he has not initiated efforts to become admitted

¹ Harayda's application does not indicate either a degree earned or a date of graduation from Massachusetts School of Law. Other materials in the file suggest he graduated in 2006.

to practice in Massachusetts. The Massachusetts School of Law is not a law school that has received provisional or final accreditation from the American Bar Association.

Mr. Harayda concedes that he is not qualified to sit for the Bar Examination based on the provisions of M. Bar Admission R. 10(c) in that he is not (1) a graduate of a law school with a provisional or final accreditation from the American Bar Association as required by M. Bar Admission R. 10(c)(2); or, alternatively, (2) he is not a graduate of a law school, accredited by the United States jurisdiction in which it is located, who has been admitted to practice in a United States jurisdiction and been engaged in active practice in that jurisdiction for at least three years as required by M. Bar Admission R. 10(c)(3).

Because of Harayda's undisputed ineligibility pursuant to M. Bar Admission R. 10(c), the Board of Bar Examiners has declined to act on his application pending resolution of Harayda's petition to this Court.

Harayda contends that he should be allowed to sit for the Bar Examination because he may, in the future, qualify to sit pursuant to Rule 10(c)(3), or he may ultimately qualify for admission by motion in New Hampshire after which, with a period of practice, he might qualify for admission by motion in the State of Maine pursuant to M. Bar Admission R. 11A.

Harayda also suggests that it is time to revisit the Order of the Court issued on December 24, 1996, based on a petition of the Massachusetts School of Law. In that Order, this Court, after full consideration, determined that graduates of the Massachusetts School of Law would be eligible to sit for the Maine Bar Examination “provided that said applicants shall comply with the remaining requirements of the Maine Bar Admission Rules governing applicants for said Bar Examination and shall produce satisfactory evidence that the applicant has been admitted to practice law in the State of Massachusetts.”

Harayda argues that he qualifies to take the Bar Examination under this Order in all respects except that he has not been admitted to practice in Massachusetts, as the 1996 Order required.

Based on the materials before the Court, the Court sees no reason to change the Order adopted eleven years ago or otherwise grant an exception to the qualification limitations of the Maine Bar Admission Rules. To expand the Rule to allow persons admitted in any jurisdiction to sit for the Maine Bar Examination would necessarily involve the Court and the Maine Board of Bar Examiners in having to make ad hoc determinations about the quality and seriousness of legal education offered at unaccredited law schools. The Court is not in a position to make such determinations in this case, or to grant an exception to the rules that would require such determinations to be made on a regular basis as requests from

