

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENTS TO THE
MAINE BAR RULES

2019 Me. Rules 04

Effective: May 1, 2019

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 each 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

....

“Registration documents” means those documents that the Board requires each attorney to file on an annual basis, consisting of a registration statement, Continuing Legal Education Annual Report [Rule 5~~(b)~~ (e)], and IOLTA Election Form [Rule 6(b)], and such other documents as the Board may from time to time direct.

Advisory Note – May 2019

This amendment references the applicable subdivision in amended Maine Bar Rule 5(e).

2. Rule 4 of the Maine Bar Rules is amended to read as follows:

RULE 4. REGISTRATION

....

(b) Registration. To facilitate the collection of the annual registration fee provided for in Rule 4(a), commencing July 1st each year, every lawyer admitted to practice in Maine is required to complete, certify and file registration documents, which shall be on forms prescribed by the Board. Each lawyer shall file with the Board a supplemental statement of any change in the information previously submitted within 30 days of the change. Registration documents and payments received after August 31st will be assessed a nonwaivable late fee.

All persons first becoming subject to these Rules by admission to practice in Maine after April 1st shall file the registration documents required by this rule at the time of admission, but no annual registration fee shall be payable until the next annual registration collection. Failure to register shall result in the issuance of a notice of administrative suspension pursuant to Rule 4(h).

Unless otherwise exempted, each lawyer admitted to the active practice of law shall annually file the following:

(1) *Registration Statement.* Each lawyer admitted to the active practice of law in Maine shall file a registration statement with the Board setting forth the information stated in Rule 1(g) and such other information as the Court or the Board may direct.

~~(2) —*CLE Report.* See Rule 5(a)(1).~~

~~(3) *IOLTA Trust Account Report.* See Rule 6(b).~~

~~(4) *Insurance Disclosure.* Each lawyer admitted to the active practice of law in Maine shall annually certify to the Board (A) whether the lawyer is engaged in the private practice of law; (B) if engaged in the private practice of law, whether the lawyer is currently covered by professional liability insurance; (C) whether the lawyer intends to maintain insurance during the period of time the lawyer is engaged in the private practice of law; and~~

(D) whether the lawyer is exempt from the provisions of this rule because the lawyer is engaged in the practice of law as a full-time government lawyer or is employed by an organization in a capacity in which the lawyer does not represent clients other than the employing organization. Each lawyer admitted to the active practice of law in Maine who reports being covered by professional liability insurance shall notify the Board in writing if the insurance policy providing coverage lapses, is no longer in effect, or terminates for any reason. Notice must be delivered to the Board within 30 days of the lapse, cancellation, or termination, unless the policy is renewed or replaced without substantial interruption. The information submitted pursuant to this rule shall be made available to the public by such means as designated by the Board.

(c) Exemptions.

(1) *Registration.* Full-time and active retired judges who are members of the Maine or federal judiciary shall be exempt from the payment of the annual registration fee during the time they serve in office. Judges shall remain on the roll of lawyers in judicial status, and may retire in judicial status or resume active practice upon completion of their tenure in office, by filing registration documents and paying the annual registration fee required for the year in which active practice is resumed. Additionally, lawyers who have notified the Board that they are (a) members of the armed forces of the United States who are on active duty outside of Maine, or (b) judicial law clerks, or (c) emeritus attorneys, shall be exempt from the payment of the annual registration fee. Judicial law clerks and emeritus attorneys shall remain on the roll of lawyers during the tenure of their service and annually file registration documents.

~~(2) *Continuing Legal Education.* See Rule 5(a)(5).~~

~~(3) *IOLTA Accounts.* See Rule 6(a)(2).~~

....

(i) Reinstatement from Administrative Suspension. Any lawyer suspended under Rule 4(g)(2) shall be reinstated by administrative order if, within five years of the effective date of the suspension for nonpayment, the lawyer remits to the Board a reinstatement fee, submits all required registration documents, and makes payment of all arrears.

If an attorney is administratively suspended pursuant to Rule 4(g)(3), (4), or (5), that attorney must also submit a certificate issued by the appropriate state agency stating that the attorney is currently in good standing and has satisfied any obligations and paid any sums due.

A lawyer who has been administratively suspended must complete the continuing legal education requirements of Rule 5(a)(1) for each year the attorney has been suspended, but need not complete more than 22 24 credit hours for that entire period of suspension, provided that (1) no more than one half of the credits are earned through ~~in-house courses~~, self-study; ~~or a combination thereof~~; and (2) at least two credit hours are primarily concerned with the issues of ethics or professionalism education; and (3) at least two credit hours are primarily concerned with issues of recognition and avoidance of harassment and discriminatory communication or conduct related to the practice of law. Additionally, a lawyer who has been suspended within the previous five years for noncompliance with the continuing legal education requirements of Rule 5(a)(1) shall be assessed an additional reinstatement fee, as may be set by the Board.

Any lawyer who fails to seek reinstatement within five years of the effective date of the administrative suspension shall be required to petition for reinstatement under Rule 29.

....

Advisory Note – May 2019

The purpose of the amendments to Rule 4(b) and (c) is to remove the CLE Report filing requirement from the annual registration conducted each fiscal year beginning July 1st.

The amendment to Rule 4(i) removes unnecessary subdivision references to Rule 5, increases the maximum number of CLE credits required for reinstatement from 22 to 24, and provides guidance to members of the bar with respect to the two additional credits. The amendment also eliminates the reference to in-house courses, as revised Maine Bar Rule 5 no longer contains in-house self-study language.

3. Rule 5 of the Maine Bar Rules is repealed in its entirety and replaced with the following:

RULE 5. CONTINUING LEGAL EDUCATION (“CLE”)

(a) Purpose.

To maintain public confidence in the legal profession and the rule of law, and to promote the fair administration of justice, attorneys must be competent regarding the law, legal and practice-oriented skills, the standards and ethical obligations of the legal profession, and the management of their practices. The purpose of minimum continuing legal education (MCLE) requirements is to promote and sustain competence and professionalism and to ensure that attorneys remain current on the law, law practice management, and technology in our rapidly changing society. These rules establish minimum requirements for continuing legal education, accreditation criteria, and compliance procedures.

(b) Continuing Legal Education (CLE) Committee.

(1) The Board shall establish a CLE Committee to oversee the administration of these rules. The CLE Committee shall review the effectiveness and efficiency of the MCLE requirements and recommend proposed changes or additions to these rules to the Board.

(2) The CLE Committee shall comprise three members of the Board including two attorneys and one nonattorney public member. The Vice-Chair of the Board shall serve as Chair of the Committee. The two remaining members shall be appointed by the Board Chair.

(3) In addition to administering and interpreting these rules, the CLE Committee shall have the following powers and duties:

(A) Monitor the availability and quality of programs for members of the bar;

(B) Publish policy statements and regulations regarding programs, credits, and the interpretation of the rules;

(C) Delegate course approval responsibilities and other functions under this Rule to the Board staff; and

(D) Upon request, review any decisions denying approved status, program accreditation, or computation of credits. The CLE Committee's determination on any such issue shall be final.

(c) MCLE Requirements.

(1) Every attorney with an active license to practice law in this jurisdiction shall be required to earn a minimum of 12 MCLE credit hours per calendar year. No more than five of the credit hours may be earned through self-study programs as defined in Rule 5(h)(1)(B).

(2) As part of the required credit hours referenced in Rule 5(c)(1), attorneys must earn at least one live credit hour in Ethics and Professionalism. Qualifying Ethics and Professionalism topics include professional responsibility, legal ethics, substance abuse and mental health issues, diversity awareness in the legal profession, attorney wellness, and legal malpractice and bar complaint prevention topics including client relations, law office and file management, and client trust account administration. The credit hour required by this section is separate from and in addition to the credit hour required by Rule 5(c)(3).

(3) As part of the required credit hours referenced in Rule 5(c)(1), attorneys must earn at least one in-person credit hour in the recognition and avoidance of harassment and discriminatory communication or conduct related to the practice of law as set out in the Maine Rules of Professional Conduct. Qualifying topics include harassment or discriminatory communication or conduct on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, or gender identity. The credit hour required by this section is separate from and in addition to the credit hour required by Rule 5(c)(2).

(d) Exemptions.

(1) The following individuals otherwise subject to this Rule are exempted from its requirements:

- (A) Full-time judges in any state, federal, or tribal court;
 - (B) Active retired state court judges and senior status federal court judges;
 - (C) Full-time teachers in any law school approved by the American Bar Association;
 - (D) Members of the armed forces of the United States who are on active duty outside of this jurisdiction;
 - (E) Residents of another country unless they are actively practicing law in this jurisdiction;
 - (F) Attorneys who have practiced 40 years or more, attained the age of 65 years, and are not engaged in the full-time practice of law;
 - (G) Legislators and members of Congress;
 - (H) Attorneys with active licenses to practice law in this jurisdiction who maintain a principal office for the practice of law in another jurisdiction that requires MCLE and who can demonstrate compliance with the MCLE requirements of that jurisdiction;
 - (I) Nonresident attorneys who are temporarily admitted to practice in this jurisdiction under *pro hac vice* rules;
 - (J) Attorneys serving as judicial law clerks;
 - (K) *Emeritus* attorneys; and
 - (L) Attorneys admitted for less than three months of the calendar year.
- (2) New admittees to the Maine bar who complete an accredited new attorney program that focuses on basic skills and substantive law during the year in which they are admitted are exempt for that year and the following calendar year.

(3) In the discretion of the CLE Committee, any individual may be exempted from all or part of the requirements of this Rule upon a showing of hardship or for other good cause shown pursuant to procedures to be established by the CLE Committee. An exemption may not be granted in successive years for the same or similar hardship.

(e) Reporting Period and Compliance.

(1) Attorneys subject to these rules shall complete the MCLE requirements of Rule 5(c) in each calendar year. Attorneys who fail to meet the MCLE requirement within the reporting period will be considered noncompliant.

(2) On January 1st of each year, attorneys subject to these rules shall demonstrate compliance with the requirements of these rules for the prior calendar year.

(3) Each year, attorneys subject to these rules shall certify the accuracy of their individual MCLE Annual Report Statement to the CLE Committee no later than the close of business on the last business day of February.

(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.

(g) Standards for Accreditation of MCLE Programs.

(1) To be accredited, a program must meet the following standards:

(A) The program must have significant intellectual or practical content designed to promote attorney competence and must deal primarily with matters related to the practice of law, ethics and professionalism, or law practice management.

(B) Interdisciplinary programs, if pertinent to an individual attorney's practice, will be considered on a case-by-case basis.

(C) Although written materials may not be appropriate for all courses, they are expected to be utilized whenever possible. Written course materials may be provided in paper or digital format, in advance or at the time of the activity.

(D) Program presenters must be qualified with the necessary practical and/or academic experience to teach the topics covered.

(E) The program must be presented in a suitable environment conducive to learning.

(F) The program must last 30 minutes or longer.

(G) With the exception of certain self-study programs, the sponsor must monitor the program for attendance and certify such attendance to the CLE Committee.

(2) Notwithstanding the minimum requirements set forth in this Rule, the following activities are not eligible for MCLE Credit:

(A) A meeting of a bar association, committee, section, or other entity composed of attorneys, that is intended primarily to be a general business meeting or work session as opposed to an MCLE program;

(B) A program that is intended primarily to market a product or service to attorneys;

(C) A program that is intended primarily to attract clients;

(D) Discussions related to the handling of specific cases within a law firm, corporate law department, governmental agency, or similar entity;

(E) A program that teaches nonlegal skills, general communication skills such as public speaking skills, personal money management or investing, general investment principles, career building, rainmaking, or marketing or social media networking skills;

(F) Reviewing or reading legal articles, legal journals, or case summaries;

(G) A course attended in preparation for admission to practice law in any jurisdiction; or

(H) Any other course or activity deemed ineligible by the CLE Committee.

(h) Credit Categories.

(1) An accredited program is either “live” or “self-study” depending on the following criteria:

(A) *Live programs.* A program is “live” if it is a scheduled activity that an attorney may attend in-person or via electronic medium in which the presenters are available to all course attendees at the time the course is presented, and all attendees can contemporaneously hear or see other attendees’ questions as well as any responses and discussion. The following programs qualify for live credit:

(i) “In-Person” – a CLE program with attendees in the same room as at least one of the presenters;

(ii) “Satellite/Groupcast” – a CLE program broadcast to remote locations (i.e., a classroom setting or a central viewing or listening location);

(iii) “Teleseminar” – a CLE program broadcast via telephone to remote locations (i.e., a classroom setting or a central listening location) or to individual attendees via telephone lines;

(iv) “Moderated Video Replay” – a recorded CLE program, in the same room as a qualified moderator who answers questions and facilitates discussion;

(v) “Webcast/Webinar” – a CLE program broadcast via the internet to remote locations (i.e., a classroom setting or a central viewing or listening location) or to individual attendees; and

(vi) “Webcast/Webinar Replay” – a recorded CLE program broadcast via the internet to remote locations (i.e., a classroom setting or a central viewing or listening location) or to individual attendees with a qualified commentator available to answer questions and facilitate discussion.

(B) *Self-study Programs.* The following programs may qualify for self-study credit:

(i) “Independent Study” – viewing or listening to a pre-recorded CLE audio, video, digital media, or other such programs;

(ii) “Authorship” – upon written request, attorneys may be awarded ethics and professionalism credit hours each calendar year for authoring or co-authoring written material that is published in a legal periodical, journal, book, or treatise approved by the CLE Committee; and

(iii) “Volunteer Service” – upon written request, attorneys may be awarded up to three ethics and professionalism credit hours each calendar year for their volunteer service as members of a board, commission, or committee established by the Court or the Board, which is primarily concerned with ethics or professional responsibility. Credits may also be awarded to court-appointed receivers and monitors.

(2) *Accreditation Period.*

(A) Accreditation of live programs expires at the end of the calendar year of the date of accreditation.

(B) Accreditation of self-study programs is for a period of two years from the date of the accreditation.

(i) Approved Sponsor Status.

(1) The CLE Committee may extend “Approved Sponsor” status to a provider as set forth below:

(A) *Application for Approved Sponsor Status.* A sponsor may be approved by submitting an Approved Sponsor Application and requisite fee, together with evidence establishing to the satisfaction of the CLE Committee that:

(i) the sponsor has been approved or accredited by an accrediting authority established by court rule or statute in another state; or

(ii) during the immediately preceding three years, the sponsor has annually sponsored at least 10 live programs that comply with the requirements for individual program accreditation under Rule 5(g)(1).

(B) *Benefits of Approved Sponsor Status.*

(i) An Approved Sponsor may indicate in promotional materials that it is an “Approved Sponsor” by including the following statement in those promotional materials: “[Sponsor Name] is an Approved Sponsor, as recognized by the CLE Committee.”

(ii) Approved Sponsors pay a reduced application fee.

(iii) Programming presented by an Approved Sponsor is presumptively accredited.

(iv) Approved Sponsors may elect to receive a quarterly invoice for program accreditation.

(C) *Revocation of Approved Sponsor Status.* Approved Sponsor status may be revoked by the CLE Committee if the reporting requirements of these rules are not met or if, upon review of the sponsor’s performance, the CLE Committee determines that the content or quality of the program or program materials or the provider’s performance does not meet the standards set forth in these rules. In such circumstances, the CLE Committee shall mail the Approved Sponsor a 30-day notice of revocation. The Approved Sponsor may request a review of such revocation, and the CLE Committee shall act on the request within 90

days after receipt. The decision of the CLE Committee shall be final after such review.

(j) Application Procedures for Program Accreditation.

(1) Each sponsor seeking accreditation of a program shall submit an application, together with the requisite fee, at least 30 days prior to the program date. A late fee will be assessed for untimely submissions.

(2) If the program sponsor chooses not to submit an application for accreditation of a program, an individual attorney may submit an application, together with the requisite fee, in advance of, but no later than 60 days following the program completion date. A late fee will be assessed for untimely submissions.

(k) Reporting CLE Credit.

(1) *Sponsor Reporting.* Sponsors of accredited programs shall submit attendance rosters no later than 30 days following the program date in a manner prescribed by the CLE Committee. A late fee will be assessed for untimely submissions.

(2) *Attorney Reporting.*

(A) If an attorney has received program accreditation (see Rule 5(j)(2)), the attorney shall independently submit a certificate of attendance no later than 30 days following the program completion date in a manner prescribed by the CLE Committee. A late fee will be assessed for untimely submissions.

(B) If a program has not been accredited (see Rule 5(j)(2)), the attorney shall independently submit an application for accreditation and a certificate of attendance, together with the requisite fee, no later than 60 days following the program completion date in a manner prescribed by the CLE Committee. A late fee will be assessed for untimely submissions.

(C) *Independent Study.* Attorneys who apply to earn self-study credit through independent study shall submit a Certificate of Completion no

later than 30 days following the completion date in a manner prescribed by the CLE Committee. A late fee will be assessed for untimely submissions.

(D) *Authorship.* Attorneys who author or co-author published written materials shall submit a Certificate of Completion together with a copy of the published written materials no later than 30 days following the publication date in a manner prescribed by the CLE Committee. A late fee will be assessed for untimely submissions.

(I) Enforcement of MCLE Requirements.

(1) Attorneys who are deficient in their MCLE requirements at the end of the applicable reporting period shall be considered noncompliant. Noncompliant attorneys shall be entitled to an automatic grace period until the close of business on the last business day of February of the succeeding year to make up their deficiencies. Credit hours earned during that grace period may be counted toward compliance with the previous reporting period, and hours in excess may be used to meet the subsequent reporting period's requirement.

(2) Attorneys who remain deficient on the close of business on the last business day of February shall be assessed a noncompliance fee in an amount set by the CLE Committee.

(3) Attorneys who fail to meet the MCLE requirements shall have their right to practice law suspended subject to the provisions of Maine Bar Rules 4(g) and (h).

(4) Attorneys who are suspended pursuant to Maine Bar Rule 4(g) may seek reinstatement under Maine Bar Rule 4(i).

(5) If the CLE Committee has reason to believe that an attorney has submitted a false transcript or other false information to the CLE Committee, it shall forward the attorney's name to Bar Counsel for investigation pursuant to M.R. Prof. Conduct 8.4(c).

(m) Confidentiality and Record Retention.

(1) The files, records, and proceedings of the CLE Committee, as they relate to or arise out of any failure of an attorney to satisfy the requirements of these rules, shall be deemed confidential and shall not be disclosed, except in furtherance of the duties of the CLE Committee, upon the request of the attorney affected, upon the request of Bar Counsel, or upon court order. Nonetheless, the files and records may be introduced in evidence or otherwise produced in proceedings under these rules.

(2) The Board shall retain program and course approval documentation, certificates of attendance, and attendance rosters, for a minimum of two years in paper or digital format. Annual Report Statements shall be retained in digital format for a minimum of 10 years.

Advisory Note – May 2019

Rule 5(a) sets forth the purpose of Maine’s minimum continuing legal education (MCLE) requirement.

Rule 5(b) establishes a CLE Committee to oversee the administration of Rule 5.

Comparative language for proposed Rule 5(c), previously located in Rule 5(a), sets forth the MCLE requirements for active licensed attorneys.

Previously located in Rule 5(a), amended Rule 5(d) defines individuals who are exempt from Rule 5. New to this list are, among others, attorneys who are admitted under pro hac vice rules and new admittees to the Maine bar who complete an accredited new attorney program that focuses on basic skills and substantive law during the year in which they are admitted. (Such new admittees are exempt for that year and the following calendar year. See former Maine Bar Rule 5(a)(6).)

Amended Rule 5(e) bifurcates the annual attorney registration process and the annual attorney MCLE reporting process. This change properly aligns the CLE reporting period with the preceding calendar year compliance requirement. Like former Rule 4(b), attorneys are provided two months to

demonstrate compliance for the reporting period. Enforcement of MCLE requirements is governed by Rule 5(l).

In order to transition from a fiscal year to a calendar year reporting system, and at the Board's recommendation, attorneys will report for calendar years 2018 and 2019 on January 1, 2020. Thereafter, MCLE reporting will be conducted on January 1st for the prior calendar year reporting period.

Comparable language for amended Rule 5(f)(1), (5), (6), and (7) may be found, respectively, in former Rule 5(a)(7), (8), (9), and (2). Rules 5(f)(2), (3), and (4) have been added to formalize existing practices.

Comparable language for portions of Rule 5(g) may be found in former Rule 5(d). The amended rule contains added guidance regarding MCLE standards. The amended rule also provides a list of courses and activities that are ineligible for MCLE credit.

Rule 5(h) defines the various courses and activities that qualify for live or self-study credit, and the terms of accreditation. Taking its cue from other jurisdictions, the CLE Committee concluded that approved in-house programming falls squarely within the "live credit" definition. Under former Rule 5(d)(3), in-house programming only qualified for self-study credit. Also new to Rule 5(h): in order for video and webcast/webinar replays to qualify as "live credit," a qualified commentator must be available to answer questions and facilitate discussion among attendees.

Comparable language for Rule 5(i) may be found in former rule 5(d). The proposed rule also provides a process for the revocation of Approved Sponsor status.

Accreditation language may be found in former Rule 5(d). In order to ensure program applications are filed timely, the proposed rule imposes late fees for untimely submissions.

Rule 5(k) provides specificity with respect to how attorneys and sponsors must submit attendance rosters and certifications of attendance. In order to ensure timeliness, the proposed rule imposes late fees for untimely submissions.

Rule 5(l) defines the timeline in which attorneys must demonstrate compliance with Maine Bar Rule 5. Attorneys who fail to comply will be assessed a noncompliance fee (referred to as a late fee under current Rule 5(b)) and will be subject to the administrative suspension provisions of Rules 4(g) and (h). The rule also provides a process for the CLE Committee to advise Bar Counsel if an attorney files a false transcript or other false information.

Rule 5(m), derived from an existing Board policy, provides new language to address the confidentiality and retention of continuing legal education records.

4. Rule 27(d)(5)(B) of the Maine Bar Rules is amended to read as follows:

**RULE 27. PROCEEDINGS IN WHICH A LAWYER IS DETERMINED
INCAPACITATED**

(d) Reinstatement.

....

(5) *Learning in Law; Bar Examination.* The Court may also direct that the respondent establish proof of competence and learning in law.

....

(B) The Court may require proof that the petitioner has met the CLE requirements of Rule 5(a)(1) for each year the attorney has been inactive, withdrawn or prohibited from the practice of law in Maine, but need not complete more than ~~22~~ 24 credit hours of approved continuing legal education for that entire period of absence from practice, provided that: (i) no more than one half of the credits are earned through ~~in-house courses, self-study, or a combination thereof;~~ and (ii) at least two credit hours are primarily concerned with the issues of ethics or professional responsibility; and (iii) at least two credit hours are primarily concerned with issues of recognition and avoidance of harassment and discriminatory communication or conduct related to the practice of law.

Advisory Note – May 2019

This amendment removes unnecessary subdivision references to Rule 5, increases the maximum number of CLE credits required for reinstatement from 22 to 24, and provides guidance to members of the bar with respect to the two additional credits. The amendment also eliminates the reference to in-house courses, as revised Maine Bar Rule 5 no longer contains in-house self-study language.

5. Rule 29(e)(7) of the Maine Bar Rules is amended to read as follows:

RULE 29. REINSTATEMENT AFTER DISCIPLINARY SUSPENSION FOR MORE THAN SIX MONTHS

....

(e) Criteria for Reinstatement. A petitioner may be reinstated only if the petitioner meets each of the following criteria:

....

(7) the petitioner has met the CLE requirements of Rule 5(a)(1) for each year the attorney has been suspended or disbarred, but need not complete more than ~~22~~24 hours of approved credit hours for that entire period of absence from practice, provided that (i) no more than one half of the credit hours are earned through ~~in-house courses~~, self-study; ~~or a combination thereof~~; and (ii) at least two credit hours are primarily concerned with the issues of ethics or professionalism as defined in Rule 5(a)(1); and (iii) at least two credit hours are primarily concerned with issues of recognition and avoidance of harassment and discriminatory communication or conduct related to the practice of law; and

....

Advisory Note – May 2019

This amendment removes unnecessary subdivision references to Rule 5, increases the maximum number of credits required for reinstatement from 22 to 24, and provides guidance to members of the bar with respect to the two additional credits. The amendment also eliminates the reference to in-house

courses, as revised Maine Bar Rule 5 no longer contains in-house self-study language.

Dated: May 1, 2019

FOR THE COURT,*

_____/s/_____
LEIGH I. SAUFLEY
Chief Justice

DONALD G. ALEXANDER
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.