

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO
MAINE RULES OF PROFESSIONAL CONDUCT

2023 Me. Rules 04

Effective: September 28, 2023

All of the Justices concurring therein, the following amendment to the Maine Rules of Professional Conduct 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 8.3 of the Maine Rules of Professional Conduct is amended to read as follows:

RULE 8.3 *REPORTING PROFESSIONAL MISCONDUCT*

- (a) A lawyer who knows that another lawyer has committed a violation of the Maine Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.¹

- (b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question

¹ In Maine, the appropriate professional authority will be the Maine Board of Overseers of the Bar, or in certain circumstances, as described in the Maine Rules for Maine Assistance Program for Lawyers and Judges, the Maine Assistance Program for Lawyers and Judges.

as to the judge's fitness for office shall inform the appropriate professional authority.²

- (c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information ~~gained by a lawyer or judge while participating~~ obtained in the course of a lawyer's or judge's participation in the Maine Assistance Program for Lawyers and Judges, or an equivalent peer assistance program approved by a state's highest court.

Advisory Note – September 2023

Subdivision (c) of Rule 8.3 and the footnotes contained in the rule are amended to provide the full name of the Maine Assistance Program for Lawyers *and Judges*, and to provide that Rule 8.3 does not require disclosure of information “obtained in the course of a lawyer's or judge's participation” in the Program or an equivalent approved peer assistance program, whereas it previously provided that Rule 8.3 did not require disclosure of information “gained by a lawyer or judge while participating” in such a program.

² In Maine, the appropriate professional authority will be the Committee on Judicial Responsibility and Disability, or, in certain circumstances, as described in the Maine Rules for Maine Assistance Program for Lawyers and Judges, the Maine Assistance Program for Lawyers and Judges.

Dated: September 28, 2023

FOR THE COURT,*

_____/s/_____
VALERIE STANFILL
Chief Justice

ANDREW M. MEAD
JOSEPH M. JABAR
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.