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**FOR IMMEDIATE RELEASE**

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## **Maine Board of Bar Examiners Makes Historic Changes to Maine Bar Application**

Effective April 20, 2023, the Maine Board of Bar Examiners (MBBE) has made historic changes to Maine’s Bar Application by permanently removing questions asking applicants about their history, diagnoses, or treatment of mental health or substance use disorders. Instead, the MBBE will use questions that focus on conduct or behavior when evaluating an applicant’s ability to practice law in a competent, ethical, and professional manner. These changes come as the result of a disability discrimination complaint filed with the Maine Human Rights Commission.

According to the complaint, the Complainant made a personal choice to receive counseling and treatment while in law school to pre-empt any negative consequences that would have affected his life and career had his issues been left untreated.

“As a law student, my client recognized that he would benefit from help and treatment and he did what we hope everyone does—he sought out and received the professional assistance that he needed,” said the Complainant’s attorney, Kristin Aiello. “Little did he know that when he applied to take the Maine Bar Exam, he would be required to disclose otherwise confidential medical information, sign a broad release, and be subject to a panel hearing before being sworn in as a member of the Maine Bar.”

The Department of Justice has previously ruled that similar questions and processes in other states violated the Americans with Disabilities Act.

Under the Settlement Agreement, the MBBE will also modify its question regarding illegal drug use under state and federal law to exempt cannabis. “Cannabis use is legal in Maine, and what’s more, it’s often prescribed for medicinal purposes. The MBBE has correctly recognized that this should be a more nuanced question and cannabis should be excepted from inquiry,” Aiello said.

“No person should fear getting the help they need. The fact of a diagnosis and treatment is not evidence that an individual is unfit to practice law—far from it. By this historic settlement, the MBBE has correctly recognized that such questions are not necessary and should be eliminated,” Aiello said.