



Maine State Bar

A S S O C I A T I O N

Chartered in 1891

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April 16, 2010

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex W)
600 Pennsylvania Avenue, NW
Washington, DC 20580

BOARD OF GOVERNORS

Geraldine G. Sanchez
PRESIDENT

Re: Proposed Changes to the Practice of Law Exemption, FTC Mortgage Assistance Relief Services Rulemaking, Rule No. R911003, 75 Fed. Reg. 10707 (March 9, 2010)

Virginia E. Davis
IMMEDIATE PAST PRESIDENT

Dear Sir/Madam:

David S. Wakelin
PRESIDENT ELECT

On behalf of the Maine State Bar Association, which has nearly 3,200 members, I write to express our concerns over the above-referenced proposed rule (the "Proposed Rule") regarding "Mortgage Assistance Relief Services" ("MARS") to the extent that it would impose excessive new regulations on lawyers engaged in the practice of law. If adopted in its current form, the Proposed Rule could undermine both the confidential attorney-client relationship and the ability of state courts to supervise and discipline lawyers effectively. In addition, the rule would make it difficult or impossible for many consumer debtors to obtain the legal services that they desperately need to help negotiate changes to their residential mortgages with their lenders and keep their homes.

Anne-Marie L. Storey
VICE PRESIDENT

Diane Dusini
TREASURER

In order to avoid these negative consequences, the Maine State Bar Association urges the FTC to modify the rule to expand its existing attorney exemption to exclude lawyers engaged in the practice of law from all aspects of the proposed rule, not just certain narrow provisions of the rule. In addition, the Maine State Bar Association urges the FTC to broaden the exemption to cover all aspects of the attorneys' legal representation of clients in connection with mortgage assistance relief services, not just those provided in connection with the filing of a bankruptcy, court, or administrative proceeding. Finally, the Maine State Bar Association urges the Commission to apply the exemption to all licensed attorneys representing clients in connection with mortgage assistance relief services, not just those attorneys who are licensed in the consumer's state.

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The Maine State Bar Association has reviewed the American Bar Association's March 29, 2010 Comment Letter and concurs in its analysis and conclusions. On behalf of our membership, thank you for your consideration.

Lisa A. Pare
ADMINISTRATION &
FINANCE DIRECTOR

Linda M. Morin-Pasco
CLE DIRECTOR

Penny Hilton
LRIS DIRECTOR

Sincerely,

Geraldine G. Sanchez
President

Neil Cavanaugh
MEMBER SERVICES DIRECTOR