

STATE OF MAINE  
SUPREME JUDICIAL COURT



VALERIE STANFILL  
Chief Justice

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April 3, 2026

The Honorable Todd Blanche  
Acting Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Submitted by: <https://www.regulations.gov>

Re: Public Comment by the Maine Supreme Judicial Court to Proposed  
Rulemaking: *Review of State Bar Complaints and Allegations Against  
Department of Justice Attorneys*  
**DOJ Docket No. OAG199**

Dear Acting Attorney General Blanche:

We write to offer comment on the proposed rulemaking for the *Review of State Bar Complaints and Allegations Against Department of Justice Attorneys* ("Proposed Rule"). We are taking the unusual step of commenting as a court to express our concern that the Proposed Rule intrudes on a core function of the Maine Supreme Judicial Court—attorney regulation and discipline.

The Maine Supreme Judicial Court, by virtue of its inherent constitutional authority, *see* Me. Const. art. VI, § 1, has the sole "power to define and regulate the practice of law" in Maine, including the "admission and disbarment of attorneys." *Bd. of Overseers of the Bar v. Lee*, 422 A.2d 998, 1002 (Me. 1980). That power is exercised through a comprehensive attorney disciplinary system overseen by the Maine Board of Overseers of the Bar and the Maine Supreme Judicial Court. The United States Supreme Court has recognized that a state has "an extremely important interest in

maintaining and assuring the professional conduct of the attorneys it licenses,” and that “[s]tates traditionally have exercised extensive control over the professional conduct of attorneys.” *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 434 (1982). This is, of course, also embodied in 28 U.S.C. § 530B(a), which makes explicit that Department of Justice attorneys are subject to state laws and rules governing their conduct “to the same extent and in the same manner as other attorneys in that [s]tate.”

We recognize that the Department of Justice has the right to review the conduct of the attorneys it employs and to take such action as it sees fit. The Proposed Rule would require state bar disciplinary authorities to suspend investigation of bar complaints and allegations against Department of Justice attorneys until the Department completes its own internal review. In so doing, the Proposed Rule would interfere with our authority and responsibility to timely address ethical complaints against lawyers who are members of the Maine Bar. Prompt attention to complaints of attorney misconduct is critical to the protection of the public and to maintaining trust and confidence in the judicial system.

As we are gravely concerned that the Proposed Rule does not respect principles of federalism or separation of powers, and risks undermining the public’s confidence in the courts, we are obliged to register our opposition.

Thank you for the opportunity to comment.

For the Court,

/s/

VALERIE STANFILL  
Chief Justice

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cc: Robert Hinchman  
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