

§1807. Court appointment of private attorney**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE UNTIL 2/01/26)****(WHOLE SECTION TEXT REPEALED 2/01/26 by T. 4, §1807, sub-§6)**

1. Appointment of private attorneys by District Court and Superior Court. Notwithstanding any provision of this chapter to the contrary, a court may appoint a private attorney to represent a person who is eligible to receive indigent legal services in a matter pending before the District Court or Superior Court if the court finds the following:

A. A public defender, assigned counsel, contract counsel or employed counsel is not available to represent the person; [PL 2025, c. 40, §3 (NEW).]

B. The private attorney is qualified to represent the person in the matter pending before the court, has not been disqualified by the commission and has at least 3 years of legal experience relevant to the pending matter; and [PL 2025, c. 40, §3 (NEW).]

C. The private attorney is willing to undertake the representation, which may be limited representation defined by the court in its appointment order. [PL 2025, c. 40, §3 (NEW).]
[PL 2025, c. 40, §3 (NEW).]

2. Private attorney appointment; Supreme Judicial Court. Notwithstanding any provision of this chapter to the contrary, a court may appoint a private attorney to represent a person who is eligible to receive indigent legal services in a matter before the Supreme Judicial Court if the court finds the following:

A. A public defender, assigned counsel, contract counsel or employed counsel is not available to represent the person; [PL 2025, c. 40, §3 (NEW).]

B. The private attorney is qualified to represent the person in the matter pending before the court, has not been disqualified by the commission and either has at least 3 years of legal experience relevant to the pending matter or has previously served as a law clerk analyzing cases relevant to the pending matter; and [PL 2025, c. 40, §3 (NEW).]

C. The private attorney is willing to undertake the representation, which may be limited representation defined by the court in its appointment order. [PL 2025, c. 40, §3 (NEW).]
[PL 2025, c. 40, §3 (NEW).]

3. Compensation. The commission shall provide compensation and reimbursement to a private attorney appointed by the court under subsection 1 or 2. The compensation and reimbursement must be equivalent to the reimbursement provided to assigned counsel under the rulemaking directed by section 1804, subsection 3, paragraph F. The process for compensation of private attorneys appointed pursuant to subsection 1 or 2 must be in accordance with the requirements established by the commission under section 1804, subsection 3, paragraph B for voucher review and payment authorization.

[PL 2025, c. 40, §3 (NEW).]

4. Supervision. The commission's supervision of a private attorney appointed pursuant to subsection 1 or 2 is limited to addressing complaints made by the client whom the private attorney was appointed to represent under subsection 1 or 2.

[PL 2025, c. 40, §3 (NEW).]

5. Confidentiality. The provisions of section 1806, subsections 2 and 3 apply, to the same extent that those provisions apply to commission-rostered attorneys who serve as assigned counsel, to private attorneys appointed by the court to provide indigent legal services pursuant to subsections 1 and 2.

[PL 2025, c. 40, §3 (NEW).]

6. Repeal. This section is repealed February 1, 2026.
[PL 2025, c. 40, §3 (NEW).]

SECTION HISTORY

PL 2025, c. 40, §3 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 132nd Maine Legislature and is current through October 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--