

RULE 88. ASSIGNMENT OF COUNSEL

Whenever a party to a civil action is entitled, by operation of law, to counsel appointed or assigned to represent that party at state expense in a proceeding governed by these rules, such assignment shall be governed by M. R. Crim. P. 44, 44A, 44B, and 44C.

Advisory Note – July 2010

The amendment adopting M.R. Civ. P. 88, using the number of a previously repealed rule, is necessitated by the establishment of the Maine Commission on Indigent Legal Services (4 M.R.S. §§ 1801-1805 and 5 M.R.S. §§ 959 and 12004-G (25-A)), enacted by P.L. 2009, ch. 419. These changes reflect a transfer of responsibility for indigent legal services in both civil and criminal cases from the Judicial Branch to the independent Commission. *See* Emergency Preamble to P.L. 2009, ch. 419 and 4 M.R.S. §§ 1801 and 1804.

The statute implementing the Maine Commission on Indigent Legal Services explicitly references case types that fall under the Commission's purview, including civil matters. *See* P.L. 2009, ch. 419 and 4 M.R.S. §§ 1801, 1802, and 1804. The types of civil cases in which counsel may be appointed are not changed by this amendment. Those cases are child protective cases initiated by the state and a very few other cases in which fundamental liberty interests may be at issue.

Guidance for operation of this program for indigent legal services is provided by M.R. Crim. P. 44, 44B, and 44C as amended effective July 1, 2010 and the Advisory Notes to those amendments. Those rules, and M.R. Crim. P. 44A, are made applicable to civil actions by their incorporation by reference into the Maine Rules of Civil Procedure by this amendment.