

RULE 90. LEGAL ASSISTANCE BY LAW STUDENTS

(a) Permitted Activities. An eligible student may appear in court, in any civil action, or before any administrative tribunal in this State, on behalf of any indigent person receiving legal services through an organization providing legal services to the indigent, which organization has been approved by the Supreme Judicial Court, if the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance. An eligible student may appear in court in any civil action or before any administrative tribunal in this State on behalf of the State or an agency thereof with the written approval of the lawyer who is supervising the student in that appearance.

The written consent and approval referred to above shall be filed in the record of the case and shall be brought to the attention of the judge or justice of the court or the presiding officer of the administrative tribunal.

(b) Requirements and Limitations. In order to be an eligible law student under this rule, the student must:

(1) Be duly enrolled in a law school approved by the American Bar Association.

(2) Have completed legal studies amounting to at least three (3) semesters.

(3) Be certified by the dean of the student's law school as being of good character and competent legal ability, as being adequately trained to perform as a legal intern and as having met the other requirements of this subdivision (b).

(4) Neither ask for nor receive any compensation or remuneration of any kind for services from the person on whose behalf such services are rendered, but this shall not prevent a legal aid bureau, law school, or the State from paying compensation to the eligible law student, nor shall it prevent any agency from making such charges for its services as it may otherwise properly require.

(5) Certify in writing that the student has read and is familiar with the Maine Bar Rules, the Maine Rules of Civil Procedure, the Maine Rules of Criminal Procedure, the Maine Rules of Appellate Procedure, and the Maine Rules of Evidence.

(c) Approved Organization. Upon application of any organization located in this State providing free legal services to indigents in this State for permission to allow eligible law students to practice under its supervision pursuant to this rule, the Supreme Judicial Court may grant permission by filing an order authorizing such practice with the Clerk of the Law Court.

(d) Certification. Certification of a student by the law school dean:

(1) Shall be filed with the Clerk of the Law Court.

(2) May be withdrawn by the dean at any time by mailing a notice to that effect to the Clerk of the Law Court. It is not necessary that the notice state the cause for withdrawal.

(3) May be terminated by the Supreme Judicial Court without notice or hearing and without any showing of cause. Notice of such termination shall be filed with the Clerk of the Law Court.

The dean may refuse certification of a law student to practice in a position which the dean considers of insufficient educational benefit to the student.

(e) Other Activities. Subject to the limitation of subdivisions (b) and (c) of this rule.

(1) An eligible law student may also engage in other activities authorized by law, under the general supervision of a member of the bar of this State, but outside the personal presence of that lawyer, including:

(i) Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear, but such pleadings or documents must be signed by the supervising lawyer.

(ii) Preparation of briefs and other documents to be filed in the Law Court in any matter in which the student is eligible to appear, but such documents must be signed by the supervising lawyer.

Each pleading, document or brief must contain the name of the eligible law student who has participated in drafting it. If the student has participated in drafting only a portion of it, that fact may be mentioned.

(2) An eligible law student may participate in oral argument in the Law Court in any matter in which the student is eligible to appear, but only in the presence of the supervising lawyer.

(f) Supervision. The member of the bar under whose supervision an eligible law student does any of the things permitted by this rule shall:

(1) Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

(2) Assist the student in preparation to the extent the supervising lawyer considers it necessary.

(g) Miscellaneous. Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that the person might lawfully do prior to the adoption of this rule.

Advisory Note – May 2020

Rule 90(b)(2), which establishes the requirements and limitations for a law student to provide legal assistance through an approved organization, is amended to require the completion of legal studies amounting to at least three, rather than four, semesters.

Advisory Committee Notes

January 2004

Rule 90(b)(5) is amended to add reference to the Maine Rules of Appellate Procedure and to strike the reference to the separate District Court Criminal Rules which have been abrogated.

Advisory Committee's Notes

May 1, 2000

The specific gender reference in subdivision (d)(3) is eliminated, substituting the title "the dean."

Advisory Committee's Note

September 1, 1980

This rule is amended to reflect the promulgation by the Supreme Judicial Court of the Maine Bar Rules, which in Rule 3 provide a Code of Professional Responsibility that is binding upon all attorneys "admitted to, or engaging in, the practice of law in this state." Me. Bar R. 1(a); see Me. Bar R. 3.1(a).

Explanation of Amendment

(June 1, 1976)

Rule 90 was generally amended to permit Maine law students enrolled in law schools outside the state to practice under the rule. In addition, the rule was amended to list the various rules of procedure and of evidence with which the students must be familiar.

Advisory Committee's Note

October 6, 1969

Rule 90 was promulgated to implement the provisions of 1969 Laws, c. 396, which amended 4 M.R.S.A. § 807 to permit appearances by third-year law students in the courts of Maine on behalf of the State or on behalf of an indigent receiving free legal services through an approved legal aid organization. The rule is based on the "Proposed Model Rule Relative to Legal Assistance by Law Students," approved by the American Bar Association House of Delegates in January, 1969. Minor adaptations have been made to fit Maine practice and the statutory authorization. While the "Model Rule" deals with practice in civil and criminal cases, Rule 90 applies only to civil cases in the Superior Court and the Law Court. Contemporaneous with the promulgation of Rule 90, a similar rule bearing the same number was incorporated in the Maine District Court Civil Rules to allow practice in civil cases in the District Court and Rule 62 was added to the Maine Rules of Criminal Procedure and the Maine District Court Criminal Rules to govern practice in criminal cases.