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Legislative Document

No. 663

S.P. 225

In Senate, February 24, 2017

An Act To Allow Attorneys Employed by the State To Perform Volunteer Legal Services

Received by the Secretary of the Senate on February 22, 2017. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Senators: BELLOWS of Kennebec, DAVIS of Piscataquis, DION of
Cumberland, KATZ of Kennebec, KEIM of Oxford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA c. 17, sub-c. 1-A** is enacted to read:

3 **SUBCHAPTER 1-A**

4 **VOLUNTEER LEGAL SERVICES**

5 **§821. State employees**

6 Except as provided in section 183, subsection 1, paragraph B and Title 5, section 191,
7 subsection 2, an attorney employed by the State may provide volunteer legal services as
8 long as the provision of the volunteer legal services does not create a conflict of interest
9 with the duties of the attorney as a state employee.

10 **SUMMARY**

11 This bill makes clear that an attorney who is employed by the State to provide
12 volunteer legal services as long as the volunteer legal services do not create a conflict of
13 interest with the attorney's work for the State. A conflict of interest exists if there is a
14 substantial risk that the attorney's representation of the State as a client would be
15 materially and adversely affected by the attorney's duties pursuant to the provision of the
16 volunteer legal services. Current law prohibits the Attorney General and family law
17 magistrates from engaging in the private practice of law, and this bill retains those
18 prohibitions.