

Chapter 2: STANDARDS FOR QUALIFICATIONS OF ASSIGNED COUNSEL

Summary: This chapter establishes the standards prescribing minimum experience, training and other qualifications for contract counsel and assigned counsel to be eligible to accept appointments to represent indigent people, who are eligible for a constitutionally-required attorney.

SECTION 1. Application

All attorneys wishing to accept case assignments by the Commission must complete an application in the manner prescribed by the Commission. The Commission will not act on an application until it is complete. No attorney will be assigned a case until that attorney completes an application.

SECTION 2. Minimum Experience, Training And Other Eligibility Requirements

Any attorney wishing to accept case assignments from the Commission, serve as contract counsel or otherwise be approved by the Commission to accept assignments must satisfy the following conditions.

1. Licensed To Practice

The attorney must be licensed to practice law in the State of Maine. The attorney must be in good standing with the Maine Board of Overseers of the Bar and must promptly inform the Commission of a complaint against him or her before the Maine Board of Overseers of the Bar that has been set for a grievance or panel hearing. The attorney must inform the Commission within 30 days of any criminal conviction or any other resolution of a criminal charge in any jurisdiction that is not an outright dismissal or acquittal, including but not limited to a deferred disposition pursuant 17-A M.R.S.A. §1348-A or a Maine Rule of Criminal Procedure 11B filing of a criminal charge against the attorney.

2. Attorney Cooperation with Procedures and Monitoring

The attorney must register with the Commission annually in a manner prescribed by the Commission. The attorney must comply with all applicable Commission rules and procedures. The attorney must comply with monitoring, performance evaluations, and investigations of any complaints, including billing discrepancies, by the Commission or its designee.

SECTION 3. Office, Telephone, and Electronic Mail

The attorney must maintain an office or have the use of space that is reasonably accessible to clients and that permits the private discussion of confidential and other sensitive matters.

The attorney must maintain a telephone number, which shall be staffed by personnel available for answering telephone calls or an answering service, an answering machine or voicemail capability that ensures client confidentiality.

The attorney must maintain a confidential working e-mail account as a means of receiving information from and providing information to the Commission.

The attorney must keep the Commission and the courts in which the attorney represents indigent clients apprised of the attorney's work telephone number and postal electronic mail addresses. The attorney must ensure that the court has the ability to contact the attorney by mail and by telephone.

SECTION 4. Experience and Proficiency

The attorney shall demonstrate the necessary and sufficient experience and proficiency required to accept appointments as provided below.

1. For the first year of the Commission's operation, which is July 2010 to June 30, 2011, if the attorney has been assigned cases by the judicial branch prior to July 1, 2010, the attorney must satisfactorily complete a Commission-approved training course for the area of the law for which the attorney is willing to accept appointments, including but not limited to, criminal defense, juvenile defense, civil commitment or child protective, within 12 months of first assignments from the Commission; or
2. After the first year of the Commission's operation, any attorney not previously having been accepted to receive appointments from the Commission must satisfactorily complete a Commission-sponsored or Commission-approved training course for the area of the law for which the attorney is willing to accept appointments, including but not limited to, criminal defense, juvenile defense, civil commitment or child protective, prior to accepting assignments; or
3. An attorney may be accepted to receive assignments from the Commission without completing a Commission-sponsored or Commission-approved training course as provided above if the attorney demonstrates to the Commission a commitment to and proficiency in the practice of the area of law for which the Attorney is willing to accept appointments over the course of at least the three years prior to receiving appointments from the Commission.

SECTION 5. Training

The attorney shall annually complete 8 hours of continuing legal education (CLE) approved by the Commission.

The attorney shall meet any specific training requirements of any specialized panels, which may include but are not limited to homicide, child protective, or involuntary commitment, as is required by those panels.

STATUTORY AUTHORITY: 4 M.R.S.A. § 1804(2)(B)

EFFECTIVE DATE:
June 25, 2010