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

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

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

SUBCHAPTER 1-A

VOLUNTEER LEGAL SERVICES

§ 821. State employees

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

SUMMARY

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