

STATE OF MAINE  
SUPREME JUDICIAL COURT  
AMENDMENT TO  
MAINE RULES OF UNIFIED CRIMINAL PROCEDURE

**2017 Me. Rules 03**

Effective: April 4, 2017

All of the Justices concurring therein, the following amendment to the Maine Rules of Unified Criminal Procedure is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in understanding of the amendment, an Advisory Note appears after the text of the amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 44B of the Maine Rules of Unified Criminal Procedure is adopted to read as follows:

**RULE 44B. WITHDRAWAL OF COUNSEL**

Counsel may withdraw from a case by serving notice of withdrawal on his or her client and the State and filing the notice, provided that such notice is accompanied by notice of the appearance of other counsel. Unless this condition is met, counsel may withdraw from the case only by leave of court. A court order relieving counsel does not become effective until either new counsel is appointed or has entered an appearance, or the court determines that the defendant has expressly waived the right to ~~appointed~~ counsel, impliedly waived that right by conduct, or forfeited that right.

**Advisory Note – May 2017**

The amendment, in conjunction with the amendment of April 2017, makes the following changes to the final sentence of Rule 44B.

First, it makes the final sentence applicable to retained counsel as well as appointed counsel.

Second, it includes the entry of an appearance by new counsel as a way in which a court order relieving counsel, whether appointed or retained, becomes effective.

Third, in addition to an express waiver of the right to counsel by a defendant, it adds a court determination of implied waiver by conduct or by forfeiture as two additional ways in which a court order relieving counsel becomes effective. *See State v. Nisbet*, 2016 ME 36, 134 A.3d 840.

Dated: May 2, 2017

FOR THE COURT,\*

\_\_\_\_\_/s/\_\_\_\_\_  
LEIGH I. SAUFLEY  
Chief Justice

DONALD G. ALEXANDER  
ANDREW M. MEAD  
ELLEN A. GORMAN  
JOSEPH M. JABAR  
JEFFREY L. HJELM  
THOMAS E. HUMPHREY  
Associate Justices

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\* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.