

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1071

H.P. 817

House of Representatives, February 22, 2001

An Act to Prohibit the Exclusion of Legal Counsel as a Condition of Settlement.

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLCENT M. MacFARLAND, Clerk

Presented by Representative MITCHELL of Vassalboro.
Cosponsored by Senator LONGLEY of Waldo and
Representatives: BULL of Freeport, LaVERDIERE of Wilton, LEMOINE of Old Orchard
Beach, RICHARDSON of Brunswick, SAVAGE of Buxton, WATERHOUSE of Bridgton.

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

4 **Sec. 1. 14 MRSA §169** is enacted to read:

6 **§169. Restriction of attorney's representation prohibited**

8 A settlement of litigation may not include a condition that
10 an attorney representing a party in that litigation is not
12 permitted to represent other persons who are similarly situated
14 in a related action involving a party that the attorney opposed
16 in the settled litigation. A condition not in compliance with
18 this section is void and unenforceable as against public policy.

20 **SUMMARY**

This bill prohibits as a condition of settlement of litigation that an attorney representing a party in that litigation is not permitted to represent other persons that are similarly situated in a related action involving a party that the attorney opposed in the settled litigation.