

Rule 2. Appointment and Compensation of counsel

(a) Appointment. The court shall appoint counsel upon request of a Respondent in any district court proceedings under Minnesota Statutes, section 144.4195, subdivision 3, or 144.4195, subdivision 4. The court shall appoint counsel for purposes of an appeal of an order under Minnesota Statutes, section 144.4195, subdivision 3, or 144.4195, subdivision 4, only after making the required indigency determination under Rule 4(a). The court may appoint one attorney to represent a group of Respondents if the court determines the group of Respondents is similarly situated. When appointing an attorney to represent a Respondent, or a group of similarly situated Respondents, the court shall first attempt to appoint an attorney from the Isolation and Quarantine Defense Panel; if no attorneys on the Panel are available, the court shall appoint an otherwise qualified attorney.

(b) Compensation. Court-appointed counsel shall submit timely invoices to the court administrator in the county of venue reflecting the hours worked and all reasonably necessary expenses incurred in preparation of a defense. The hourly compensation rate and expense reimbursement limit shall be as established by the Supreme Court under Rule 3(b). Invoices approved by the court administrator shall be forwarded to the State Court Administrator, who shall forward the invoices to the Department of Health for payment under Minnesota Statutes, section 144.4195, subdivision 5, paragraph (b).

(c) Private Counsel. A Respondent may retain private counsel at the Respondent's expense. If private counsel is retained, the court shall discharge any court-appointed counsel. Where one or more Respondents belonging to a similarly situated group represented by one court-appointed attorney retain private counsel, this does not affect the right of the other Respondents in the group to court-appointed counsel.

(d) Withdrawal. Under Minnesota Statutes, section 144.4195, subdivision 5, paragraph (b), upon request the court shall allow court-appointed counsel to withdraw from representing a Respondent on appeal if, in the opinion of counsel, there is insufficient basis for proceeding. Withdrawal of any counsel for any other reason shall be governed by Minn. Gen. R. Prac. 105 and Minn. R. Prof. Cond. 1.16.

(Added effective September 14, 2009)