

RULE 123. APPEALS TO THE LAW COURT

Appeals to the Law Court from orders and judgments entered in accordance with this chapter, in which there is a right of appeal to the Law Court, shall be governed by the Maine Rules of Appellate Procedure.

Parties may waive their right to appeal on a court approved form.

Advisory Notes June 2008

Rule 123 notes that appeals to the Law Court from orders and judgments entered in accordance with the Family Division rules are governed by the Maine Rules of Appellate Procedure. The rule contains the qualification that appeals to the Law Court are only available where there is a right of appeal to the Law Court. Rule 123 in no way expands the existing rights of appeal. For example, interlocutory or interim orders issued in Family Division actions cannot be appealed, except to the extent that appeal of such orders is specifically authorized by statute, by precedent, or by rule of court.

Rule 123 also recognizes the present practice of allowing waiver of rights of appeal, to render judgments final before expiration of the appeal period.