

MACDL LAWYERS' ASSISTANCE STRIKE FORCE STATEMENT

MISSION

The mission of the Lawyers' Assistance Strike Force is to provide counsel and representation to criminal defense lawyers who are members of MACDL, and whose representation of a client is imperiled by the threat of contempt or disqualification, or where the lawyer is served with a subpoena or search warrant for privileged information or attorney work product.

PROTOCOL

The Strike Force (SF) may assign one or more volunteer strike force (VSF) lawyers to represent MACDL members. If there is to be any indication, to any court, tribunal, prosecutor, or the public, that the representation is on behalf of MACDL, the representation of an MACDL member by the VSF lawyer must be approved by the SF chair, as well as approved by the president or the MACDL Executive Director. If the representation by the VSF lawyer is solely in that lawyer's individual capacity, there is no requirement for approval by the president or the executive director.

The SF may provide representation to an MACDL member who is served with a search warrant or subpoena, cited for contempt, is defending a bar complaint not involving a claim of ineffective assistance of counsel, is served with a motion to disqualify that lawyer from a case, or whose duty to provide effective representation is otherwise threatened. The SF may also provide representation to a non-member who requests SF assistance, provided the individual joins MACDL prior to commencement of the representation.

In cases where SF representation on behalf of MACDL is requested but not authorized, a VSF lawyer may, after notifying the SF chairs, volunteer to provide an MACDL member with representation in that lawyer's individual capacity. The SF chairs shall convey to the requesting MACDL member and the VSF lawyer that the representation is provided in the lawyer's individual capacity and that MACDL does not represent that member, nor does the representation constitute any approval or endorsement of the actions taken by the individual that gave rise to the request for SF assistance.

Neither MACDL nor the VSF shall incur expenses in connection with the representation of the member. The member shall pay necessary expenses incurred in the course of representation by the VSF lawyer. The member shall not be asked to pay legal fees. The member and SF shall formalize this agreement in writing and in an appropriate format consistent with prevailing standards.

CONFIDENTIALITY

Representation of any member shall remain confidential unless and until the member allows the representation to become a public matter. The requirement of confidentiality does not apply to representation when the representation occurs in a manner that is already public.

APPOINTMENT OF STRIKE FORCE CHAIRS/MEMBERS

The President shall appoint a chair to the Lawyers Assistance Strike Force. VSF members shall be appointed by the President in consultation with the SF chair. The SF chair may assign such other VSF lawyers, as are necessary, to represent MACDL members on authorized SF matters. VSF members shall be appointed with the goals of bringing about geographic representation throughout the State of Minnesota, while promoting diversity, and demonstrating specific subject matter expertise, as well as a balance of federal and state experience.

RESPONSIBILITIES OF STRIKE FORCE CHAIRS/MEMBERS

The all requests for assistance from the MACDL Lawyers Assistance Strike Force are responded to promptly, with a goal of connecting the requester with a SF member or VSF within three business days.

The SF chairs shall ensure that VSF lawyers have the level of expertise necessary to provide MACDL members with the quality of representation envisioned by the MACDL mission. The SF chairs shall report regularly to the Board of Directors, describing the number and nature of cases handled. Case descriptions shall be provided in a generic manner that protects the confidentiality of the representation, unless it is necessary to provide more information to the Board.