

Thursday, March 24, 2022

To: Angela Cook  
Committee Administrator  
Judiciary and Public Safety Finance and Policy Committee  
G-15 Capitol  
St. Paul, MN 55155

RE: MACDL Support of SF 4040

Dear Judiciary and Public Safety Finance and Policy Committee,

The Minnesota Association of Criminal Defense Lawyers (MACDL) supports SF 4040 (Sen. Latz) because provides greater access to the justice system by low-income Minnesotans and promotes equal access to justice. The MCRO system for electronic access is huge process but charging fees to access records makes information inaccessibility to many low-income Minnesotans. Charging fees will also increase costs of representation because Attorneys must pay for access to the records. Obtaining records either in person or online should be treated similarly because they both impact access indigent have to justice and an attorneys ability to provide services at a reasonable rate.

SF 4040 also makes great strides in the equal treatment of attorneys, which is much needed in the current system that excessively favors government employees. The Bill would grant private attorneys access to the MGA records system equal to their government prosecutor and public defender counterparts. This has been an urgent problem MACDL has been trying to solve in the years of COVID, as courthouse access has been limited and private attorneys have been asked to step in to help reduce the backlog of cases. With the possibility of a public defender strike in which the private bar would be asked to cover cases, the need for equal access to MGA has never been greater.

Finally, the Bill would also promote equality in the treatment of lawyers at the courthouse by giving private, background-checked attorneys the ability to bypass security in the same way courthouse employees do already. It has long been a difficult imposition on attorneys that have to enter the courthouse daily to have to go through the thorough security screening that often requires the cumbersome removal of the dress clothing lawyers are required to wear to court. MACDL recently had an extensive internal conversation about this issue that revealed many problems with this daily imposition, such as a disproportionate impact on female lawyers due to their clothing requirements and difficulties getting to the courtroom in a timely manner due to long lines at the screening. As licensed lawyers in good standing, we are subject to regular background checks and held to a high standard of ethics that ensure we can be trusted with the same access a public defender, prosecutor, or court staff member has. It is time we are treated equally in these respects.

If the Committee Chair or Members have additional questions or concerns, please let me know.

My email is [ryan@brockhunterlaw.com](mailto:ryan@brockhunterlaw.com) and my cell is 612-232-8767. Thank you for your consideration of this information.

Sincerely,

Ryan Else –  
Legislative Chair for Minnesota Association of Criminal Defense Lawyers (MACDL)