



Legal Services Advocacy Project

March 30, 2025

The Honorable Ron Latz  
Chair, Judiciary & Public Safety Comm.  
Minnesota Senate  
3105 Minnesota Senate Building  
St. Paul, MN 55155

The Honorable Warren Limmer  
Ranking Minority Member, Judiciary & Public Safety Comm.  
Minnesota Senate  
2221 Minnesota Senate Building  
St. Paul, MN 55155

Re: SF 3109

Dear Chair Latz, Ranking Minority Leader Limmer, and Members of the Judiciary & Public Safety Committee:

The Legal Services Advocacy Project (LSAP) writes in support of SF 3109, a bill that would require the court to appoint an attorney adviser or guardian ad litem cases involving settlement agreements where a party may suffer from a brain injury resulting in a mental or cognitive injury. LSAP is a statewide division of Mid-Minnesota Legal Aid, providing policy, legislative, and administrative advocacy on behalf of Legal Aid statewide. Legal Aid's clients include low-income Minnesotans, elderly Minnesotans and Minnesotans with disabilities.

The concept of this bill is based on Minnesota Statutes, section 549.405, which was enacted in 2022 to address the abusive practices of settlement purchase companies who were taking advantage of persons with cognitive impairments to pressure them into selling the rights to structured settlement payments at a fraction of the settlement's worth. This concept is a national model for protection of persons with cognitive impairments who have been involved in litigation resulted in a structured settlement.

While section 549.405 covers what happens after the settlement has been reached, SF 3109 fills in a gap to protect those very same vulnerable litigants at the front end of the process, to ensure that the initial settlement is fair. The attorney-advisor or the guardian ad litem is an independent voice in the process, advising the judge as to what is in the best interests of the litigant with a cognitive impairment. Enactment of this legislation would be of great benefit to persons with a cognitive disability and give judges additional tools to ensure that settlements of these sorts of cases are just. Thank you for the opportunity to express our support for SF 3019.

Sincerely,

Ron Elwood  
Supervising Attorney