

HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON PUBLIC DEFENDER SYSTEM
AND COUNSEL FOR INDIGENTS,

Final Report
1971-72 Interim

State of Minnesota
House Research Department
December, 1972

Representative Howard Albertson, Chairman of the House Judiciary Committee, appointed an Interim Subcommittee on the Public Defender System and Counsel for Indigents. Representative William Ojala was appointed the Chairman of the Subcommittee.

The members of the Subcommittee are:

Representative William Ojala, Chairman
Representative Salisbury Adams
Representative Warren Chamberlain
Representative Joe Connors
Representative Ray Paricy
Representative Gary Flakne
Representative L. J. Lee

The Subcommittees charge included a review and study of the present Public Defender System with the objective of determining the best means to insure an availability of legal services to indigents throughout the State.

The Subcommittee held public hearings on March 21, 1972, and September 14, 1972.

Testimony was received from Mr. C. Paul Jones, State Public Defender and Professor of Law at William Mitchell Law School; Mr. Robert E. Oliphantee, Minnesota State Bar Association; and Mr. Duke Addicks, Counsel for the Association of Minnesota Counties.

Testimony received at the public hearings and personal study on the part of the Subcommittee members

revealed that presently there are two judicial districts in the State of Minnesota which have not elected to participate in the Minnesota Public Defender System. The testimony and personal study has also shown that the interest of justice through adequate legal representation for all criminal offenders is best served through the establishment of a uniform state-wide Public Defender System. Therefore, the 1972 House Judiciary Interim Subcommittee on Public Defender Systems and Counsel for Indigents recommends for passage during the 1973 Minnesota Legislative Session the enclosed bill, which will provide incentives for the participation of all the Minnesota Judicial Districts in a uniform state-wide Public Defender System.

The incentive for the creation of a uniform state-wide Public Defender System is provided through a 50 per cent state funding of the program. Under the terms of the bill, State appropriated money would be available to counties on a pro-rata basis to fund up to 50 per cent of the cost of the Public Defender System. This funding will provide a near guarantee that all the Judicial Districts will participate in the Public Defender Program since the State funding would be contingent upon their being a member of the uniform state-wide Public Defender System.

Discussion and consideration was also given to the concept of a state-wide legal services program, which would provide for the delivery of legal services in civil matters and misdemeanors. Subcommittee action in this area was postponed due to a lack of available information and data relative to this issue and to pending studies which are presently being conducted. Although this lack of information and the untimeliness of the studies being conducted in these areas prevented a more thorough and detailed investigation by the Subcommittee, it is recommended that the concept of the state-wide legal services program be given serious consideration by the 1973 State Legislature.

The minutes of the two Subcommittee hearings are on file in the House Research Department and are available for review to all interested parties.