

MACDL Lawyer Assistance Strike Force Guidelines

MISSION STATEMENT: To provide the members of MACDL as a benefit of their membership, the opportunity to consult with a member of MACDL's Lawyers Assistance Strike Force, at no cost, if the MACDL member is threatened in any way for providing legal representation to a client in a criminal proceeding and is subpoenaed to provide information, cited for contempt, being disqualified from the representation, or who becomes the subject of a bar complaint.

MEMBERS OF LAWYERS ASSISTANCE STRIKE FORCE: The MACDL Lawyers Assistance Strike Force shall consist of the duly elected Board of Directors of MACDL, all Past Presidents of MACDL (members of the judiciary excepted), and any other regular member of MACDL willing to participate.

GUIDELINES:

1. Eligibility:

A lawyer, who is a member of MACDL at the time the problem arose, is eligible to apply to the Strike Force for assistance. The Strike Force also retains the discretion to occasionally provide assistance to an individual who is not a member (or who is not a lawyer member) at the time the problem arose, when three criteria are met:

- a) the individual immediately joins MACDL; and
- b) the principle or issue involved in the dispute is important to this organization and has wide spread potential application to our profession as a whole; and
- c) there are sufficient resources available.

Assistance in this latter criteria shall be the exception rather than the rule.

2. Types of cases:

Where the attorney is acting in the capacity of an attorney in a criminal case. (These are typically cases where a defense attorney is held in contempt, has a grievance filed against her or him, is subpoenaed or otherwise harassed as a result of aggressive and ethical defense tactics.)

3. Presumption of confidentiality: There shall be a presumption that an attorney seeking assistance wishes to have her or his identity remain confidential. Such information will be restricted to the chair(s) of the Strike Force, the cooperating attorney assigned to the matter, and such officer or directors of the association as are necessary to secure special authorizations or funding.

All persons who receive such information shall maintain the confidentiality of the identity of the attorney applying for assistance. An attorney applying for assistance will be asked if he or she wishes that the matter remain confidential. If waived, the identity of the applicant may be circulated, as the chair(s) deems appropriate.

Nothing in this section shall limit the reporting of the nature of the matter, the venue and the outcome.

PROCEDURE:

1. Upon written request to the Executive Director of MACDL by a member, said Executive Director shall direct said request to any Strike Force attorney able and willing to consult with the members to the issues raised by his/her request who shall directly contact the member to begin the consultation process. At the conclusion of the consultation process, the Strike Force attorney shall make a

written recommendation to the member and the MACDL Board of Directors as to a course of action, and at that time the Strike Force assistance shall terminate.

2. Approval of the majority of the Executive Committee is required before MACDL intervenes in a case that involves taking a position adverse to the defendant, defense counsel, and/or a MACDL member who is directly involved in the case (e.g. representing a witness in the proceeding who is effected by the issue upon which MACDL seek to intervene).
3. In all other cases, appearance/intervention in court on behalf of MACDL only requires a consensus of the chairpersons of one of the relevant committees – Strike Force, Amicus or Executive.
4. If there is a disagreement between the co-chairs of one of the committees, MACDL should not intervene without approval of the majority of the Executive Committee.
5. In the event that MACDL intends to intervene in a case and take a position that is adverse to a defendant, defense counsel and/or a MACDL member who is directly involved in a case (including capital cases), MACDL shall give reasonable notice to the defendant if pro se, defense counsel, or directly involved MACDL member. A decision that a notice is not appropriate in a particular case should be made by the Executive Committee.
6. The only exception to Rule #2 is in capital cases involving a “volunteer” -- i.e., where the defendant advocates for or does not oppose the death penalty, and/or waives his/her right to an appeal and/or post-conviction review. At a minimum, in those cases the Strike Force shall intervene on behalf of MACDL during the mandatory sentence review by the Missouri Supreme Court.

Missouri Association of Criminal Defense Lawyers

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