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**Date:** October 25, 2019 at 3:53:36 PM CDT  
**To:** "[fredf006@earthlink.net](mailto:fredf006@earthlink.net)" <[fredf006@earthlink.net](mailto:fredf006@earthlink.net)>  
**Subject:** Rule 3.8, Minnesota Rules of Professional Conduct

Dear Mr. Finch,

I work as a crime victim rights compliance investigator with the Crime Victim Justice Unit (CVJU) in the Minnesota Office of Justice Programs. Tim Burke, Deputy Director of the Office of Lawyers Professional Responsibility, kindly provided your contact information to me in an email last month. Mr. Burke and I had earlier discussed in a phone call the idea of amending Rule 3.8 of the Minnesota Rules of Professional Conduct to explicitly include the obligation of prosecutors to honor the statutory rights of crime victims. He offered to raise this idea with the rules committee for his agency and suggested I contact you as well given your role on a similar committee with the Minnesota State Bar Association.

As you know, most of the crime victim rights afforded victims in Minnesota are found in Minnesota Statutes Chapter 611A, with a number of others incorporated into other statutes. Prosecutors carry a larger set of crime victim rights obligations than any other element of the criminal justice. While the CVJU believes the majority of prosecutors' offices in Minnesota are aware of and strive to uphold crime victim rights, we also know that prosecutors at times overlook or even violate crime victim rights – we routinely investigate such complaints from crime victims. Unfortunately, there's very little to no legal recourse for a victim whose rights have been overlooked or violated.

I mentioned that victims can file a complaint with the CVJU, and we in turn can provide nonbinding recommendations to an agency or professional (other than a judge) found to have violated a victim's rights or to have engaged in victim mistreatment. It seems to us that compliance with our crime victim rights statutes could be enhanced if the Minnesota Rules of Professional Conduct were to amend Rule 3.8 to include the obligation of prosecutors to uphold crime victim rights. I realize this would be a departure from the ABA Model Rules, but I think it would be a good one and set an example for it and other states to consider adopting. Currently, while the "special responsibilities of a prosecutor" cover those related to the accused, there is no mention at all of the special responsibilities related to victims despite the clear fact that they exist.

Mr. Burke also suggested that I include some sample wording for the revision. In the interests of simplicity and clarity, I would keep any amendment brief and to the point. It could simply state:

The prosecutor in a criminal case shall:

- ( ) Comply with statutory crime victim rights obligations.

Thank you for your consideration of this matter.

Best regards,

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