

Minnesota State Bar Association
Public Law Section

Policy on Taking Positions Regarding Legislative or Judicial Matters

Approved September 11, 2018
Modified & Approved November 12, 2019

According to its Bylaws, the Public Law Section of the Minnesota State Bar Association (MSBA) is:

. . . [D]edicated to the field of public law and related areas of the law by enhancing the skills of Minnesota lawyers practicing in the area, and inter alia, by serving as a liaison with other parts of the Bar Association and the public on public law related issues and activities.

The MSBA has a process by which sections can advocate that certain legislative action be taken, either on behalf of a section (or sections) or behalf of the MSBA as a whole. The MSBA also has a process that sections can use to take a position on legislation proposed by others. Both processes involve circulation of the proposal among other MSBA sections so that all sections have an opportunity to provide input on the proposal.

The membership of the Public Law Section is a unique combination of attorneys representing or holding office in executive branch agencies at the state, county, or local level, as well as public defenders and members of the judicial branch. Because of their direct employment by these other co-equal branches of government, there is a high potential that any legislative position taken by the Public Law Section could create a conflict of interest, or the appearance of a conflict, for its members.

It is therefore the policy of the Public Law Section to abstain from taking a formal position on any legislative proposal. For the same reasons, the Public Law Section will not take a position in any open matter before a state or federal court, including any state or federal administrative hearing. This includes advocating for or filing *amicus curiae* briefs.

Notwithstanding the foregoing, the Public Law Section's Executive Council or individual members may elect to provide informal input to the section or party proposing action on a particular matter so that section is aware of issues that may impact the Public Law Section, its members, or their clients.