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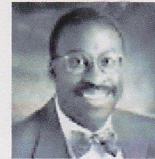
Issues Demanding Our Attention

by Jarvis C. Jones

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"The people should fight for the law as for their city wall."

Heraclitus, 6th-5th century BC



JARVIS C. JONES is president of the Minnesota State Bar Association. An attorney with experience in business and in private practice, he now serves as an executive with the St. Paul Companies, where he is responsible for a new start-up business.

Greetings. As your new State Bar president, I look forward to the MSBA continuing its long proud tradition of providing thoughtful and quality Bar programs and services. Over this next year, I plan to focus my agenda and these President's Pages on three areas that I believe demand even greater attention by our legal profession.

The first area is pro se litigants. The "MSBA 2001 Vision Statement" provides, in part, that "The MSBA commits to a partnership with Minnesota courts to provide meaningful access for Minnesotans and to maintain a quality Justice system." The thorny issues of self-representation have been identified by the courts, litigants and lawyers, both in Minnesota and nationwide, as issues that erode public trust and confidence in our justice system.

In January of 1997, I chaired the MSBA task force that was given the unenviable charge of balancing the differing viewpoints on how the legal profession should address the issue of self-represented litigants. The task force report, "Litigants without Lawyers," I believe, strikes just the right balance between those who say we should do nothing and those who say we should do everything reasonably possible to assist self-represented litigants.

First, the task force report unequivocally recognizes that self-represented litigants are constitutionally entitled to "meaningful courtroom access" and that they are further entitled to represent themselves without an attorney. Secondly, however, the task force report also recognizes that self-representation in the courtroom by no means

should be erroneously equated with adequate legal representation in the courtroom.

The task force found that, given the complexity and nuances of our American jurisprudential system, self-represented litigants in a legal proceeding frequently lack adequate representation, and that therefore those who could afford an attorney should be strongly encouraged to retain one in most legal proceedings. And, for self-represented litigants who cannot afford legal representation, the task force found that the legal profession should work diligently to create meaningful courtroom access. The key findings from this report have been passed on for implementation to Judge Edward Touissant and Eric Magnuson, cochairs of the MSBA Pro Se Feasibility and Implementation Committee.

Another issue on which we can ill-afford to remain silent is racial profiling, that is, the significant disparity of treatment of persons of color in our criminal justice system. The Council on Crime and Justice, a nonprofit community group headed by Tom Johnson, has been studying this issue extensively and reported some of its findings in the May/June issue of Bench & Bar.

The situation described in the article is substantially the same as that which Tom described at a presentation to the MSBA Board of Governors last fall. On that occasion, discussing the disparity between rates at which whites and African Americans are imprisoned, Tom asked the Board, "Which states across the country have the highest black-to-white state imprisonment ratios?" In my Minnesota-smug way, I suspected it was probably the southern states since everyone knows that those states tend to be tougher on crime and there is a greater percentage of African Americans in those states.

To most Bar members' surprise, Minnesota has the largest disparity between black and white imprisonment rates of any state in the nation. In Minnesota, the African-American imprisonment ratio is 25:1, i.e., for every one white person imprisoned in the state, 25 African Americans are imprisoned. This ratio is over three times the national average of 7.62:1, and is significantly greater than that in any other state in the Union including Mississippi (5.15:1), Alabama (5.40:1), Georgia (4.99:1), and even Texas (11.1:1).

I do not know nor pretend to know all the underlying

causes for these numbers but I suspect that there are many, including racism. However, I do know that we, as a legal profession, cannot afford to simply close our eyes to these numbers. We must at least get a better understanding of what is going on in the land of 10,000 lakes. In order for all people to have confidence in our legal system, the public must be able to believe that our treasured justice system will be blind to their pigmentation and melanism. I hope that you will support the Bar in exploring this issue further.

The third area in which I want the Bar to expend more energy and directed resources is the area of technology. The Bar is ideally positioned to explore how practicing attorneys and the judiciary can jointly exploit the use of new technologies and e-commerce initiatives to benefit the legal profession. One such Bar technology initiative launched by the MSBA is a Web site called practicelaw.org. This site is in the developmental stages and is intended to offer members access to information in specific practice areas. Presently, Web sites are being designed for eight practice areas, including family law, appellate practice, employment law, criminal law, attorney's fees, workers' compensation, probate, and marketing.

In each practice area, information is organized in categories so an attorney can drill down and get relevant information on a specific area of concern. For example, the family law site covers 20 different areas of family law practice, such as domestic abuse, child support, emergency relief, etc. Each practice area will include relevant basic legal materials specific to that area, such as forms, case law, rules, statutes, legal memos, secondary research materials, links to other related sites, etc. (P.S.: We are looking for content editors. Know any?)

In closing, thank you for this wonderful opportunity to serve you and the Minnesota community. I look forward to seeing you at the next Bar event.