

## CHAPTER 3.

### PUBLIC DEFENDER'S DEPARTMENT

#### ARRANGEMENT OF SECTIONS

**Section**

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An Act to provide for the creation of the Department of Public Defender and to set out the duties and powers of the Public Defender. [Numbering style modified to reflect new code format]

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|---------------|-------------------|
| Commencement: | December 10, 1979 |
| Source:       | M.I. Code (1975)  |
|               | P.L. 1979-13      |
|               | P.L. 2003-94      |
|               | P.L. 2005-42      |

**§301. Short title.**

This Act may be cited as the "Marshall Islands Public Defender Act 1979". [P.L.1979-13, §1.]

**§302. Creation of Department of Public Defender.**

There is hereby created the Department of the Public Defender of the Republic. [M.I. Code (1975), §2.501; P.L. 1979-13, §2.]

**§303. Duties and responsibilities of the Department.**

(1) The primary duty and responsibility of the Department of the Public Defender shall be to provide legal defense assistance and representation in criminal proceedings to all persons in the Republic, upon request.

(2) The secondary duty and responsibility of the Public Defender shall be to provide legal defense assistance and representation in civil actions to all persons in the Republic upon request. [M.I. Code (1975), §2.502; P.L. 1979-13, §2.]

**§304. Chief Public Defender.**

The Department of the Public Defender shall be administered and supervised by a Chief Public Defender who shall be an attorney licensed to practice law in any jurisdiction whose legal system is based upon the common law of England. He shall be a member of the Public Service of the Republic.

[M.I. Code (1975), §2.503; P.L. 1979-13, §2.]

**§305. Independence of Public Defender.**

In the ethical execution of the professional duties and responsibilities set out in Section 303 of this Act, neither the Chief Public Defender nor his staff shall receive any direction from the Cabinet, the Chief Secretary, or any other authority or person. They shall act independently. [M.I. Code (1975), §2.504; P.L. 1979-13, §2.]

**§306. Private practice prohibited.**

Neither the Chief Public Defender nor his staff shall engage in the private practice of law while so employed, whether for compensation or otherwise, during duty hours or outside duty hours, or while on leave of any kind. [M.I. Code (1975), §2.505; P.L. 1979-13, §2.]

**§307. Legal Assistance.**

(1) Notwithstanding section 303 above, or the provisions of any other Act to the contrary, any person who engages the legal services of other counsel in a criminal or civil case before the courts, is not entitled to request additional legal assistance from the Public Defenders Department in that case.

(2) In accordance with subsection (1) herein, the Public Defenders Department;

(a) shall not accept instructions nor offer legal services in a case where a person has voluntarily engaged the services of another counsel in that case;

(b) in the event that the Public Defender's Department is already acting for a person in a criminal or civil case, and the person concerned voluntarily engages the services of another counsel in addition to the Public Defenders Department, the Public Defenders Department shall withdraw its services immediately.

(c) the Public Defenders Department shall not act as co-counsel in any proceedings before the courts.[new section 307 added by P.L. 2003-94]

**§308. Reports on the Activities of the Office.**

The Chief Public Defender shall, at the end of each financial year, submit to the Minister of Justice, a report on the activities and or programs carried out by the Office in that financial year. The Minister of Justice shall table such report before the Cabinet. [P.L. 2005-42]