

District Court**State of Minnesota**

County	Winona
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Judicial District:	Third Judicial District
Court File Number:	85-PR-19-1081
Case Type:	Civil Commitment

In re the Guardianship and/or
Conservatorship of David Austin
Russell

Motion for Appointment of Council

David Jones, my current court appointed attorney, has made it clear he will not represent me. He has refused to communicate with me at all despite countless emails and phone calls since his appointment. He has sent a total of three emails to me—on 2021 July 26th, 27th and 2021 August 2nd—which were just to inform me of hearing times and has not responded to the over 30 emails I have sent him since his appointment. When I was informed he was appointed to represent me in the matter of my Civil Commitment (85-21-1255), we briefly spoke via Zoom and other than that we have had only three conversations lasting less than 5 minutes each. The only time he will even attempt to contact me is the day before a hearing and the majority of times he called I was unable to answer; I would call back within the same day to no answer and would not receive a callback.

In all three cases he has been appointed to represent me he has done nothing to prepare for the hearings or done anything to represent me other than appear at the hearings. In addition to not communicating with me—even to inform me of hearings—he has refused to review evidence I have in my possession and have sent him, has requested a second examiner I would never choose ignoring the one I actually wanted, has refused to even contact witnesses that would have testified on my behalf such as my boss, has refused to file anything I have asked him to such as to recuse certain judges, given me any of the court documents or examination reports, and significantly more. This is not negligence, it's willful malice. I have motioned the court five times on this attorney already. The most recent attempt with the court administrators in Winona in 2022 was that the judge will address my motion at the hearing. When asked if the actual hearing will go forward as scheduled knowing that I effectively have no counsel, I was told yes. During that hearing he “represented me” and my motion for new counsel was denied. I have made complaints about every attorney appointed to me but they would at least attempt to do their job and respond. As such, I am demanding, yet another time, new counsel be appointed to me so that I may be adequately represented in court as is required by law.

David A. Russell
2023-10-19