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SUPREME COURT

AUG 17 '00

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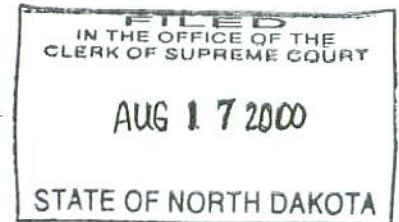
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August 16, 2000

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Ms. Penny Miller, Clerk
North Dakota Supreme Court
Judicial Wing, First Floor
600 East Boulevard Ave.
Bismarck, ND 58505-0530



Re: **Proposed Rule 8.8 – Alternative Dispute Resolution**

Dear Ms. Miller:

I write to comment on Rule 8.8 as it relates to the ability of a sitting district judge to serve as a mediator in Alternative Dispute Resolution ("ADR") matters. I am a person recently exploring ADR in my litigation practice. I am tentative already and it would make me less interested in proceeding knowing that the mediator I will work with will otherwise be seen by me in court.

My issue is not one of competency of the judiciary to conduct mediation, but rather the chilling effect it might have on ADR. I don't know if others who have had specific training in ADR believe that mediation is better left to those with specific training. I am not trained, but am only a consumer of ADR.

I am surprised that the judiciary would look for, or even want the option of, additional work, as the judges seem to have a great deal of work already. In addition, it seems there is a potential for conflict matters and even greater recusal instances, also limiting options of clients and attorneys before the District Court.

Please reconsider this decision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marvin L. Kaiser".

Marvin L. Kaiser

MLK/jk