

AUG 3'00

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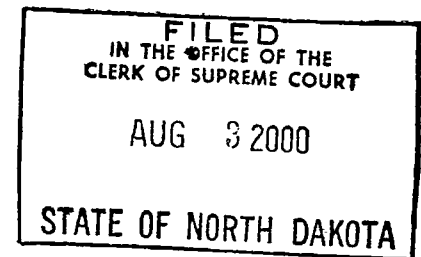
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August 2, 2000

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Penny Miller
Clerk of ND Supreme Court
600 E. Boulevard Ave. Dept. 180
Bismarck, ND 58505-0530



RE: Proposed Rule 8.8 of the North Dakota Rules of Court

Dear Ms. Miller:

I am a strong proponent of alternative dispute resolutions and working together to resolve cases. But I believe the mandatory rules, as designed, will only lead to additional expense and will not meet the needs of litigants, attorneys, or reduce the court workload. It appears the new ADR rule will simply add an additional burden for the courts to look at whether or not the parties have discussed ADR early in the case. I believe it would make much more sense to let the parties conduct their discovery, find out what their case is about, and then require that ADR alternatives be discussed prior to the filing of a Note of Issue and Certificate of Readiness. It is at that point that the parties have a better idea of their case, as well as the other party's case, and an alternative dispute resolution can be worthwhile.

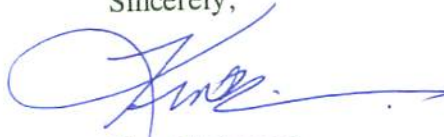
From a realistic standpoint, there are very few lawsuits that are filed before the parties have made an attempt to resolve it. Most often the clients have made some type of attempt to settle the matter. If they have been unable to, they contact an attorney who generally will write a settlement proposal and those are alternative dispute resolution attempts that have already been made in 90% of the cases. Putting in the mandatory ADR requirement early in the case, I do not believe, will accomplish diversion of cases out of the judicial system. Rather, it will just be an additional expense for clients and an additional item for the courts to monitor.

The best method ever devised to settle cases is our jury and court trial system. It is that deadline and ultimate decision-making forum which forces parties to resolve their cases. While some may see that as an inefficient use of judicial resources, I believe it is exactly what the system was designed to do. It is a most efficient settlement tool. The sooner we are able to get cases set for trial, the sooner most of them will settle and clear the court's docket.

Penny Miller
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Thank you for the opportunity to make these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kent', with a long horizontal flourish extending to the right.

Kent Reiersen

KR:mw/penny ltr3