

ORIGINAL (e-filed)

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Cota, Terra

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From: Randi Hanson [rhanson@camrudlaw.com]

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To: supclerkofcourt@ndcourts.com

Subject: Amendments to Rule 8.8

FILED
IN THE OFFICE OF THE
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Penny:

STATE OF NORTH DAKOTA

This is to voice my disapproval of the proposed amendments to Rule 8.8 of the North Dakota Rules of Court. Clearly, use of ADR is a great tool that we utilize every day in practice. However, experienced attorneys know when ADR is appropriate and when it will not be fruitful. The Court docket tends to run smoother when attorneys are predominantly running their own cases without judicial intervention. Most cases that I have are generally "court-free" other than a scheduling order throughout their process until shortly before the time of trial. This requires very little court intervention and is clearly the most efficient way of handling cases for the Court docket. Requiring additional bureaucratic intervention will not aide in resolution of cases, but will simply serve to increase the costs of litigation and require the use of procedures which experienced attorneys will already know are not either necessary or likely to result in resolution of the case.

As I indicated above, ADR is a very large part of my practice in medical litigation. However, there are times where it is appropriate and times when it is nothing more than a waste of time. Requiring educational classes and other governmental intervention is costly and unnecessary. This seems to be creating paper for creating paper's sake. The process already works without judicial supervision or interference. Why create more court and clerk work to accomplish what is already being done effectively. There may be good reasons in family law for this to be implemented. However, this rule paints with far too broad a stroke, including all civil litigation.

For the record, I hope that the proposed changes are viewed as unnecessary and time-consuming and not adopted.

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