

ORIGINAL

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Swenson, Diane

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

From: Lamb, Steven F [SLAMB@amfam.com]
Sent: Wednesday, May 10, 2006 1:21 PM
To: supclerkofcourt@ndcourts.com
Subject: Proposed 8.8 Amendments

MAY 10 2006

STATE OF NORTH DAKOTA

Comment on Proposed 8.8 Amendments:

I object to the proposed 8.8 Amendments in the form that they presently are being presented. Some of my concerns include the fact that there is no standard upon which a judge is to base a decision to mandate ADR or not and no standard of review if a judge does or does not mandate ADR on parties; and the requirement that a "party" must certify agreement or disagreement to ADR does not seem practical or efficient for defense attorney's representing insureds, especially since the defendant normally does not even attend the ADR.

It does appear that changes are necessary to the rule, but I do not agree with these changes.

Steven Lamb

5/10/2006