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SUPREME COURT

# State Bar Association of North Dakota

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William A. Neumann  
Executive Director

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FILED  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT

February 16, 2012

FEB 21 2012

STATE OF NORTH DAKOTA

Ms. Penny Miller  
Clerk of the Supreme Court  
Supreme Court  
Judicial Wing, 1st Floor  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0530

RE: Comments, proposed appellate mediation rules

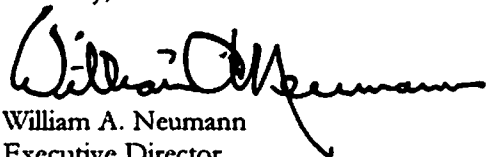
Dear Ms. Miller:

This letter serves as the comment of the Board of Governors of the State Bar Association of North Dakota opposing the proposed appellate mediation rules presently under consideration by the Court.

The SBAND Board of Governors opposes the proposed appellate mediation rules in their current form. The Board objects to the mandatory character of the proposal, not only as a matter of principle, but also because it appears the proposed rules will result in increased costs and unnecessary delay for parties to appeals. The proposed rules will invite misuse and abuse by parties and counsel seeking to disrupt the orderly flow of the appellate process.

The Board of Governors believes the effect of the proposed appellate mediation rules will be contrary to the goal of reasonable and timely access to appellate justice in North Dakota. The Board strongly urges that these proposed rules be rejected by the Court.

Sincerely,



William A. Neumann  
Executive Director

c: Joint Alternative Dispute Resolution Committee