

# JOHNSON LAW OFFICE, P.C.

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SUPREME COURT

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North Dakota Supreme Court  
Attn: Penny Miller, Clerk  
Supreme Court  
State Capitol Building  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0530

September 14, 2011

**RE: Dismissed Criminal Charges/Administrative Rule 41- Access to Court Records**

Dear Ms. Miller:

I am writing this letter on behalf of people who are criminally charged in North Dakota and have had their charges dismissed in support of the proposed change to Administrative Rule 41- Access to Court Records. I find it somewhat disheartening that those charges, as well as all other court proceedings, are showing up on the internet under an individual's name after the charges have been dismissed. Please consider this letter as a written comment in support of the proposed Administrative Rule 41.

I have had a couple of my clients comment that finding a job is difficult due to "dismissed charges" showing on their record. When an employer sees criminal charges on the internet that have been dismissed, as well as the ability to view the various court hearings that led to that dismissal, it is problematic.

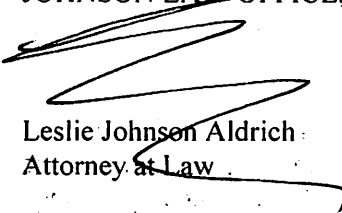
Why are criminal charges not deleted when a dismissal occurs? I think we need to go beyond this open record issue and protect people's privacy who have been charged with crimes, but were never convicted. Although, we as professionals know just because someone is charged with a crime does not mean they are guilty, the public often does not understand this.

I am hoping we will be able to remedy this problem with the Administrative Rule 41 with prompt resolution of this matter. I also want this Rule to be retroactive, allowing old charges that have been dismissed to be redacted.

Thank you for your time and attention to this matter. If you should have any questions or concerns, please feel free to contact our office.

Sincerely,

JOHNSON LAW OFFICE, P.C.

  
Leslie Johnson Aldrich  
Attorney at Law

LJA/bjm

cc: Senator Tim Mathern  
NDACDL (via e-mail)