Rosellen Sand Law Office, P.C.
547 S. 7th St. #347
Bismarck, ND 58504



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Penny Miller
Clerk of the Supreme Court
North Dakota Supreme Court
600 E. Boulevard Ave.
Bismarck, ND 58505-0530

Re: Amendment to N.D.A.P. Rule 1 and N.D.R. Ct. Rule 3.5

Dear Ms. Miller:

I have several concerns with the Supreme Court's adoption of the requirement that an e-mail be published on the Supreme Court web page as a condition to licensure to practice law and that attorneys must include their e-mails in any pleadings. I have not complained about publication of my business address or my fax number, both of which I would prefer not be made public, but I draw a line at my e-mail address.

My first concern is with the change to rule 1. I recognize that this may present a problem for the administration of your new system, but I wonder if anyone has addressed the question of whether the change of conditions on a license after the license has been issued is appropriate. I believe the Court can change conditions for licensure for those who have not yet obtained a license this year, and for licenses issued in the future. However, I question whether imposing an additional condition after a license is issued affects an existing property right to the extent that constitutional questions arise. I propose that in those cases where an individual has already been issued a license to practice for 2013, the new condition may only be enforced when the license is issued for another year.

My next concern relates to both the changes to Rule 1 and Rule 3.5 and stems from the scope of my practice as a part time administrative law judge and the fact that I neither practice before the courts nor do I hold myself out to provide legal services to the public.

As an individual who works from home as an administrative law judge, I take great care in protecting my contact information including my address. I do not advertise and I do not even publish my business information in the phone book. I do not represent parties in court and thus do not access your electronic case management system. I do not file pleadings; however I do issue decisions and orders and thus am concerned that rule 3.5 may now require that I include my e-mail in my signature block.

Just as I keep my home address and other information separate from my business, I do not publish my e-mail address. I believe doing so will not only increase my need to be diligent about

informing others that I do not and cannot represent them when they contact me (now with the press of a button by e-mail) and note that publishing my e-mail on the Supreme Court web page would appear to be an invitation for contact by e-mail.

I have been the subject of harassment by facsimile more than one time from an individual who ultimately was convicted criminally for threatening other attorneys by facsimile and who, upon his release from prison, started to contact me again. I have received numerous unsolicited e-mails from individuals who have workers compensation issues and are not even appearing before me. When I worked for the state I had uninvited individuals show up at my home. Publishing my e-mail address only simplifies the process to make uninvited and unwanted contact with me.

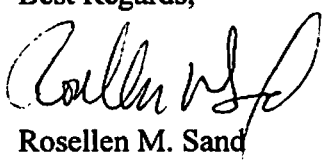
In the area of workers compensation where I practice the percentage of pro se claimants and business is on the rise. Because they are not attorneys, these individuals and business owners think nothing of calling directly without including the other parties. I do not have a clerk to screen my calls or explain that they should not do this. While I can stop them from getting involved in substantive issues on a phone call, I do not have that option with e-mail. Once an e-mail is sent, I have the information before me and must act to assure that all parties get the information that was provided. I do not want to trust that a pro se individual will provide the information to the other parties and often I do not have e-mail addresses for the all the parties. Consequently I must print, copy and mail the information to the other parties along with an explanation of the ex parte contact. While that is also true of "snail mail," e-mail is much more convenient, less expensive, and thus more easily abused.

In addition to pro se individuals, when attorneys see my e-mail address they likewise will see it as an invitation for contact. When they e-mail me I am also in a bind because many pro-se individuals have not provided an e-mail nor do many even have an e-mail address. While I should be able to rely upon the attorneys to not make ex-parte contacts, the only way to assure all parties have the information I have is to print and mail copies to those who did not receive the e-mail as well and print out the e-mails for the record in the case.

I recognize that the Court is merely trying to move into the 21st Century and to implement its electronic filing system in a manner that makes it work; however not everything is best done by electronic means. I urge you to eliminate the requirement for publication of e-mail addresses on the web page and to clarify that administrative law judges do not have to include e-mail addresses in their signature blocks.

Thank you for your consideration.

Best Regards,



Rosellen M. Sand

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