

(e) Electronic service.

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(3) Each attorney must provide an e-mail address to the State Board of Law Examiners for accepting electronic service. This e-mail address will be posted on the attorney's entry in the Lawyers Directory of the North Dakota Supreme Court website. Each state's attorney must provide an e-mail address to the North Dakota Supreme Court for accepting electronic service upon the state's attorney. This e-mail address will be posted on the state's attorney's entry in the list of State's Attorneys on the North Dakota Supreme Court website. Service on a state's attorney or assistant state's attorney acting in that capacity must be made on the address designated by the state's attorney. Service on an attorney not acting in the capacity of a state's attorney or assistant state's attorney must be served on the address designated by the individual attorney.

I agree with the above proposed version of electronic service.

Ariston Johnson's reasons are appropriate and I agree with those reasons.

There are additional reasons the current rule is not appropriate.

1. The Attorney has to be responsible to review and open, save and file all documents, or the staff person has to have access to all attorney emails to try to be able to check for any efile documents.
2. If there is an office with only one attorney, then, it makes it extremely difficult when the attorney is in trial and/or on vacation to be able to review and save efile documents.
3. If there is one location for efile email, then, the attorney could check it when the staff person is unavailable or on vacation, or the staff could check it almost all of the time, or if the attorney and staff are not available and a back-up attorney (such as in small counties with only 1 or a part-time attorney) or a staff person of a back-up attorney would be able to check the email for efilng when the attorney and staff are not available.
4. For female attorneys and/or female staff, this would eliminate any problems if the attorney and/or staff person changes their legal name and/or email address without fear that efiled documents will not be received.

I request that the Court amend the rule to the rule proposed by Ariston Johnson.

Thank you.

Kathleen K. Murray  
Wells County State's Attorney