

**MINORITY JUSTICE IMPLEMENTATION COMMITTEE**

20150366

Hon. Donovan Foughty, Chair  
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June 8, 2016

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IN THE OFFICE OF THE  
CLERK OF SUPREME COURT  
JUNE 9, 2016  
STATE OF NORTH DAKOTA

Hon. Gerald W. VandeWalle  
Chief Justice  
North Dakota Supreme Court  
600 E. Blvd. Ave.  
Bismarck, ND 58505-0530

**RE: Comments on Proposed Amendments to Rule 11, North Dakota Rules of Civil Procedure, Rule 11.2, North Dakota Rules of Court, and Rule 1.2, North Dakota Rules of Professional Conduct**

Dear Chief Justice VandeWalle,

The Minority Justice Implementation Committee is writing to recommend the adoption of the proposed amendments to Rule 11 of the North Dakota Rules of Civil Procedure, Rule 11.2 of the North Dakota Rules of Court, and Rule 1.2 of the North Dakota Rules of Professional Conduct.

As you are aware, the MJI Committee recommended that the Joint Procedure Committee consider proposed amendments to N.D.R.Civ.P. 11 and N.D.R.Ct. 11.2 relating to limited scope representation. The Committee recommended rule language developed by Nebraska relating to attorney assistance with the preparation of pleadings and simplified attorney withdrawal. The Committee's goal for the amendments is to increase access to legal services for individuals who cannot afford to pay for full representation. There is a need for greater access to legal services. Legal Services of North Dakota and the State Bar Association's reduced fee and pro bono programs are overwhelmed with applications. LSND took in 3552 applications from January 1, 2016 through May 31, 2016. The central intake office in Minot opened 2361 of the 3552 applications, and the remaining applications were opened through the regional office outreach. SBAND estimated that its programs are meeting approximately 10% of the need for legal services.

The proposed amendments eliminate some obstacles which discourage attorneys from providing limited scope representation services. Although the proposed amendments are not identical to the language used by Nebraska, the Committee believes that the spirit and purpose of the Nebraska language is captured by the amendments. The MJI Committee supports and recommends the adoption of the proposed amendments to N.D.R.Civ.P. 11 and N.D.R.Ct. 11.2.

The Committee also supports the proposed amendment to N.D.R.Prof.Conduct 1.2 relating to written representation agreements. It is beneficial to both the client and the attorney to have a written record of the scope of the representation, especially in a limited

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representation situation, to ensure that all parties are aware of which services are being provided by the attorney.

The MJI Committee appreciates the work that is being done to provide greater access to legal services.

Sincerely,



Hon. Donovan Foughty  
Chair



Lindsey Nieuwsma  
Staff Attorney