

Supreme Court Clerk's Office - Keller, Heather

From: Pat Almonrode <palmonrode@gmail.com>
Sent: Thursday, December 22, 2016 7:21 AM
To: (SUP) Clerk of Court Office
Subject: Case No. 20160436 comments on petition

Ms. Penny Miller
Clerk of the Supreme Court
State of North Dakota
supclerkofcourt@ndcourts.gov

December 22, 2016

Re: Petition to Permit Temporary Provision of Legal Services
by Qualified Attorneys from Outside North Dakota
No. 20160436

Your Honors,

I write in support of the petition of Timothy Q. Purdon and others, asking the Court to temporarily allow qualified out-of-state attorneys to help with the judicial emergency resulting from the arrests of hundreds of peaceful Water Protectors trying to stop the construction of the Dakota Access Pipeline.

Along with many others across the country and around the world, I consider the Water Protectors to be heroes, and the force used to disrupt their peaceful actions to be not only illegal but immoral and deeply shameful. However, I realize that questions of the legality of the protest and of the government's response are not currently before the Court.

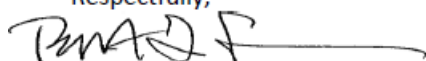
What *is* before the Court is the question of whether the Water Protectors' current situation merits the temporary measures requested. And this question, I think, can hardly be disputed.

The right of a criminal defendant to competent counsel is one of the most important pillars of our judicial system – and, as petitioners lay out in detail in their papers, that right is in serious jeopardy as the courts and the bar struggle to cope with the flood of DAPL arrests. Indeed, the orderly functioning of the whole local judicial system is imperiled, as scarce resources of time, attention, and money are diverted from other matters – not only other criminal cases, but matters across the legal spectrum. The temporary measures requested would likely alleviate this dire situation quickly.

Moreover, there would be no “downside” to taking these measures. If we are honest we recognize that the primary purpose of measures that allow only local counsel to practice, in North Dakota as elsewhere, is to protect the business interests of local counsel. Yet here, local counsel are precisely the ones who are asking the Court for this relief. Clearly, this is a situation in which a temporary relaxation of the rules is warranted.

Finally, I point out that the world is watching, as we watched the protests and the arrests themselves. Your simple and relatively small decision on this petition will have substantial ramifications, of course for the lives of the Water Protectors and members of the local judiciary and bar, but also for justice in North Dakota and, indeed, in this country. I respectfully urge this Court to do the right thing and preserve the Water Protectors' right to competent counsel, and to justice.

Respectfully,


Patrick S. Almonrode, Esq.