

Supreme Court Clerk's Office - Keller, Heather

From: jdbrysk@gmail.com on behalf of Joshua D. Brysk <bryskesq@gmail.com>
Sent: Thursday, December 22, 2016 2:32 AM
To: (SUP) Clerk of Court Office
Subject: Pro Hac Vice for Defendant Protestors of the Dakota Access Pipeline

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

I submit the following as amicus curiae comment. I have been an attorney licensed to practice law in California for twenty years. Although I do not practice criminal law, I still remember some of the important lessons from classes in constitutional law, criminal law and criminal procedure. As I understand it, the unique situation facing the Court stemming from the great number of criminal cases on the docket has caused a sixth amendment constitutional crisis.

On the one hand, there is the undeniable right to counsel for the criminal defendants. On the other, is the undeniable right to a speedy trial for these same defendants. In between, is a dearth of licensed, qualified and competent attorneys to service these defendants. This dialectical tension admits of only one solution. We cannot abridge the constitutional rights of counsel or speedy trial; thus we need have more attorneys.

Happily, there are qualified and competent attorneys willing to offer their services. The only impediment is that these attorneys lack proper licensing in the state of North Dakota. Offering a streamlined procedure for temporary admissions on a supervised case-by-case basis will alleviate the crisis while maintaining the standards of the North Dakota bar. Out-of-state counsel might associate with in-state counsel and be certified by their own declarations establishing experience and specialization in criminal law. I believe that this solution is mandated unless the prosecutor chooses to dismiss a significant number of these cases.

Respectfully Submitted,
Joshua Brysk
Attorney at Law
(Admitted in CA)