

**Supreme Court Clerk's Office - Keller, Heather**

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**From:** shana Barehand <shanabarehand@yahoo.com>  
**Sent:** Thursday, December 22, 2016 12:27 PM  
**To:** (SUP) Clerk of Court Office  
**Subject:** Comments in support of proposed rule  
**Attachments:** comments in support by Shana Barehand.pdf

Greetings: Please see my comments in support of the proposed rule allowing for out of state attorney to provide limited representation to the waterprotectors. Thank you.

With respect and warm regards,  
Shana Greenberg Barehand, Esq.

I am writing in support of the Order Granting Petition to Permit Temporary Provision of Legal Services by Qualified Attorneys From Outside North Dakota

There were hundreds of water protectors arrested over the course of the past year, each of whom deserve adequate representation and their day in court. Most arrestees will qualify for a free attorney, which will over burden the local pool of attorneys. Allowing attorneys licensed in other states to represent these water protectors will relieve this burden. In addition, out of state attorneys will not create competition for local attorney, because most will be pro bono attorneys who will not be staying to practices. However, these out of state attorneys will be bringing their commerce to the local jurisdiction which will provide the county with much needed revenue. Out of state attorneys can competently represent their clients in North Dakota. I have been practicing law for 20 years and I find that court room rules, etiquette and rules of evidence are similar among various jurisdictions. Whether in state or out of state each would still have to research the law and be prepared for their day in court. Today's technology allows an attorney to remotely research another state's laws. In this case, it also makes sense to not over burden with ND Bar association with applications to process; or to burden these pro bono attorneys with having to apply and pay the admittance fee. I believe that the commerce they will bring will make up for any potential additional revenue brought by the out of state Bar applications. Moreover, the revenue will go the jurisdiction most impacted. Finally, in the spirit of judicial expediency, it makes good policy sense to allow attorneys who are licensed in other states to represent these water protectors in this limited circumstances, because it will allow water protector adequate representation and allow the court to efficiently complete each case and to return to its normal case load more quickly.