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Hon. Gerald W. Vandewalle

Hon. Dale Sandstrom

Hon. Carol Ronning Kapsner

Hon. Daniel J. Crother

Hon. Lisa Fair McEvers

I am writing in support of **In the Matter of a Petition to Permit Temporary Provision of Legal Services by Qualified Attorneys From Outside North Dakota** filed in this court.

I am an attorney licensed in Illinois since 1994. My practice is limited to criminal defense. I have tried over 300 felony cases and several misdemeanors. I have been involved in mass defense cases from drug conspiracies involving as many as 25 defendants to political protests involving as many as 300 arrested over two days. Each client, whether as a sole defendant or as part of a large group, should have the undivided attention of their attorney. Each individual has questions and concerns that may not be shared by others.

The current situation in Morton County presents a serious problem for the North Dakota criminal defense bar. There is a limited number of attorneys willing and able to accept cases. Those involved are working extremely hard but are at a point where accepting additional cases would overtax their ability to provide quality representation and individualized attention to each defendant. I am aware of attorneys refusing additional cases because of ethical concerns as well as work load.

I have visited the Camp at Standing Rock on two occasions. I have met with many who were facing prosecution and tried to answer their question, while refraining from giving legal advice. I have helped them fill out forms and took witness statements. What became clear is that the system is overtaxed.

This Court, in adopting rules, had the foresight to establish emergency procedures for out of state lawyers to temporarily be admitted to practice in North Dakota courts. The issues in the petition and the large number of arrests and cases set for preliminary hearings and trial has outstripped the capacity of the current defense bar to respond adequately. The 550+ arrests in just 4 month has created just the type of emergency this Court envisioned in adopting the rule. I would strongly encourage this court to grant the petition and allow attorneys who fit the criteria for normal pro hac vice status (5 or more years in practice and in good standing) be granted to ability to practice until these cases are resolved.

I will be willing to represent individuals arrested in the DAPL protests on a pro bono basis.

Respectfully,

Stuart Smith

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