



20160436  
FILED  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT  
DECEMBER 30, 2016  
STATE OF NORTH DAKOTA

DWAINE C.PERRY  
TRIBAL CHAIRMAN

**Via E mail**

December 19, 2016

Penny Miller

Clerk of North Dakota Supreme Court

600 E. Boulevard Ave.

Bismarck, ND 58505-0530

[supclerkofcourt@ndcourt.gov](mailto:supclerkofcourt@ndcourt.gov)

**RE: N>D> Supreme Court No. 20160436---Petition to Permit Temporary Provision of Legal Services by qualified Attorneysys from Outside of the state of North Dakota.**

Dear Ms. Miller:

I write on behalf of the Ramapough Lunaape nation ( "the Nation) in support of the above – referenced petition(the Petition) too admit attorneys outside of North Dakota for temporary practice in North Dakota courts in connection with protest of the **Dakota Access Pipeline**. The proposed relief would facilitate the provisions of legal counsel to many indigent individuals who have been arrested in connection with the protests.

The Nation has been a driving force behind efforts to preserve the rich cultural history of Native Americans, improve their economic well-being, and protect their civil rights. Many of those arrested during the Dakota Access Pipeline protests are Native American. The Nation is committed to ensuring that its members of other Indian Nations are not deprived of their constitutional rights



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The Nation understands that the mass arrests are placing a logistical and financial burden on North Dakota's judicial system that threatens to deprive arrestees of their constitutional right to effective legal counsel. The Nation believes that the temporary practice process proposed by the Petition would attract experienced out - of- state criminal defense attorneys, who together with those attorneys already practicing in North Dakota , would ensure that all of the States arrestees receive effective representation and a timely adjudication.

Depriving Native American arrestees of their basic Constitutional rights to effective council reinforces the deep-seated and unfortunate belief among many native Americans that they remain second class citizens in the U>S> legal System. The distrust and resentment that flows from these beliefs have long term ramifications not just for individual arrestees but for U.S. Indian relations in general. Granting the petition would send a powerful message to Native American communities that the Legal System is taking steps to ensure they are treated fairly.

Ensuring a robust pool of criminal defense attorneys is particularly important here because many Native American arrestees are indigent. There are currently not enough public defenders to represent these arrestees. Absent an expedited bar admission process that allows additional attorneys to temporarily practice in North Dakota on behalf of the arrestees, many of the arrestees will not receive effective representation.

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Granting the Petition would also benefit North Dakota Bar and the State as a whole. The temporary nature of the changes proposed in the petition ensures that any influx of attorneys into North Dakota will be short lived and there will be no permanent effect upon the state's admission requirements. And in the short term, a temporary relaxation of the bar admission process will help current bar members, who are now being overburdened by unprecedented numbers of arrestees needing legal counsel.

Granting the petition is also likely to help the State financially. The Nation understands that there are many experienced out of state attorneys who are willing to represent indigent pipeline protesters *pro bono*. Allowing these attorneys to temporarily practice in North Dakota could relieve the State of having to pay for counsel for many indigent defendants.

For these Reason, the Nation respectfully request that this Court grant Petition to temporarily to relax the North Dakota Bar admission process in connection with the representation of Dakota Access Pipeline protesters.

*With All Due respect,*

***Ramapough Lunaape Nation***

*Dwaine C. Perry*

*Encl.*

*bbh*