

Ms. Penny Miller, Clerk

North Dakota Supreme Court
600 E. Boulevard Ave.
Bismarck, ND 58505-0530
supclerkofcourt@ndcourts.gov

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

Dear Ms. Miller:

As a California legal worker and volunteer Legal Observer with the National Lawyers Guild, I urge the North Dakota Supreme Court to allow qualified attorneys admitted in other jurisdictions to practice temporarily in North Dakota in order to protect the constitutional rights of those arrested in connection with their opposition to the Dakota Access Pipeline (“DAPL”). To this end, I support the [Petition to Permit Temporary Provision of Legal Services filed on December 14, 2016, by attorneys licensed in North Dakota](#).

From both this Petition and my time volunteering at Standing Rock as a National Lawyers Guild Legal Observer protecting the First Amendment rights of demonstrators to peaceably assemble and to free speech, I understand that over 500 arrests have been made, primarily in Morton County, since mid-August 2016; and that as of December 2 some 264 defendants remained unrepresented. As these cases rapidly move to trial, it is evident that the number of criminal defense attorneys licensed in North Dakota and available to represent these defendants is inadequate, and that this problem cannot be rectified by the existing rules governing *pro hac vice* representation or reciprocity-based admission.

I am deeply concerned that under these circumstances the rights guaranteed the defendants by the state and federal constitutions cannot be upheld. I am personally familiar with multiple defendants whose court-appointed public defenders are so overburdened that the defendants were not even alerted to scheduled arraignments. The right of both indigent and non-indigent defendants to adequate and effective counsel undergirds the guarantees of a fair and speedy trial, due process, and equal protection that constitute the cornerstones of the rule of law. Furthermore, this Court has multiple and adequate grounds for timely intervention to protect these foundational principles.

For these reasons I support the above referenced Petition and urge you to ensure that all persons arrested and charged in North Dakota have access to adequate and effective legal representation.

Sincerely,

Christopher Tittle

President, Sustainable Economies Law Center*, Oakland CA

* Institutional affiliation listed for identification purposes only