

Sent via e-mail to: supclerkofcourt@ndcourts.gov

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

Re: Supreme Court No. 20160436 Notice of Comment

To the Honorable Justices of the North Dakota Supreme Court:

The undersigned attorneys hereby express their support for the Petition To Permit Temporary Provision of Legal Services by Qualified Attorneys From Outside North Dakota filed on December 14, 2016 by eight North Dakota law firms and the ACLU of North Dakota.

Over 479 individuals arrested in North Dakota in connection with the Standing Rock/No DAPL protests currently require and have a right to legal representation and a speedy trial as a result of misdemeanor and felony charges filed against them in Morton County.

This emergency situation warrants permitting qualified, ready, and willing out-of-state attorneys to represent both indigent and non-indigent arrestees without the financial and procedural hurdles of the *pro hac vice* or the temporary or regular admissions processes. The particular *pro hac vice* and temporary admission requirement of co-counseling with an in-state attorney is proving, as the petition outlines at pages 11 through 13, an impossible barrier to arrestees receiving representation by the out-of-state counsel of their choice due to the shortage, limited capacity, conflicts, and/or cost of in-state attorney representation.

Granting the petition is a win-win for both the North Dakota legal system and our nation's fundamental principles of providing due process to citizens facing criminal charges. Out-of-state attorneys can and will take a heavy burden off the public defender's office, which does not have the current capacity nor appropriations necessary to swiftly and adequately represent every arrestee who qualifies for a public defender, and can and will, if these out-of-state attorneys can apply their talents immediately, help move these cases in a timely and efficient manner throughout the North Dakota courts. Granting the petition will also reduce the number of complaints that might otherwise be made by arrestees regarding ineffective assistance of counsel, violation of the right to a speedy trial, and other due process violations.

Every attorney in every state is bound by substantive rules of professional responsibility, and those out-of-state attorneys offering representation, in many cases in a volunteer and pro bono capacity, will have every reason to conduct themselves to the highest standard of professionalism and respect for the North Dakota courts, not only to comport with their own state bar's rules but also to provide the best representation to their clients before the North Dakota judges who will decide their clients' cases.

We urge the North Dakota Supreme Court to grant this petition, or, if this petition is not granted, order the local courts to dismiss all charges against the Standing Rock/No DAPL

arrestees due to the petitioners' demonstration of a widespread crisis in which the North Dakota legal system cannot provide both effective assistance of counsel and speedy trials to the arrestees.

Respectfully submitted by,

/s/ Christine A. Hopkins

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