

December 30, 2016

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

****By Email****

Dear Ms. Miller:

As law professors from throughout the United States, we 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, we support the [Petition to Permit Temporary Provision of Legal Services filed on December 14, 2016, by attorneys licensed in North Dakota.](#)

We understand from this Petition that over 500 arrests have been made, primarily in Morton County, since mid-August 2016; that as of December 2 some 264 defendants remained unrepresented; and that the number of arrestees may continue to grow. 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.

We are concerned that under these circumstances the rights guaranteed the defendants by the state and federal constitutions cannot be upheld. 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. Timely intervention by this Court could protect these foundational principles and preclude the time and expense of years of subsequent litigation should these defendants be denied their constitutional rights.

For these reasons we 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.

Signed,

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