

**Hulm, Petra**

**From:** Community Activism Law Alliance <cala@calachicago.org>  
**Sent:** Friday, December 30, 2016 3:30 PM  
**To:** (SUP) Clerk of Court Office  
**Subject:** Letter in Support of Petition to Permit Temporary Provision of Legal Services by Qualified Attorneys from Outside North Dakota, No. 20160436

Ms. Penny Miller, Clerk

North Dakota Supreme Court  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0530  
[supclerkofcourt@ndcourts.gov](mailto: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 community legal services organization deeply committed to fair and equal justice under the law, we encourage the North Dakota Supreme Court to permit qualified out-of-state attorneys, who are licensed in other jurisdictions, to practice law on a temporary basis in North Dakota so that the constitutional rights of Water Protectors and their allies will not be ignored or violated. Those individuals arrested in connection with the protests against the Dakota Access Pipeline (DAPL) deserve qualified legal representation. Therefore, we, the attorneys and staff of the Community Activism Law Alliance (CALA), support the Petition to Permit Temporary Provision of Legal Services ("Petition") filed on December 14, 2016, by attorneys licensed in North Dakota.

It has come to our attention that more than 570 arrests have been made in Morton County and other areas of North Dakota in connection with the anti-DAPL protests over the last several months. We also understand that nearly half of these individuals have no legal representation and that more arrests are possible in the near future. Such a large number of arrests, in conjunction with the relatively small North Dakota bar, threatens to produce a right-to-counsel crisis and numerous severe violations of the U.S. and North Dakota constitutions. It is our understanding, as well, that the existing rules governing representation in North Dakota will not allow for this potential crisis to be averted, unless special exceptions are made in these cases to allow out-of-state, licensed, and qualified attorneys to represent Water Protectors and their allies in these matters.

The constitutions of the United States and of North Dakota guarantee certain procedural and substantive rights to individuals accused of crimes, including the right to an attorney. CALA worries that, if the Petition is not granted, it will be impossible to protect the constitutional rights of hundreds of individuals in North Dakota. In order for these individuals to have fair, timely, and just trials, consistent with equal protection under the law and due process, we believe that the Petition must be granted. We encourage the North Dakota Supreme Court to seize this opportunity to intervene quickly to uphold the rights of those accused in these matters and to administer a system of justice in keeping with the rule of law. Speedy and appropriate action taken now by this Court may help prevent years of litigation challenging potentially unfair legal action and, moreover, will help to preserve North Dakota's reputation as a state that protects freedom, justice, and individual dignity.

It is with these thoughts in mind that we, the attorneys and staff of CALA, encourage this Court to approve the Petition and thereby guarantee that everyone brought before a judge in North Dakota has access to qualified legal counsel.

Signed,  
Charles Clarke  
Lam Nguyen Ho  
on behalf of Community Activism Law Alliance

**Community Activism Law Alliance**

*"Lawyering Beyond Boundaries..."*

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