

Dave Archambault II
Chairman

20160436

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FILED
IN THE OFFICE OF THE
CLERK OF THE SUPREME COURT
SEPTEMBER 22, 2017
STATE OF NORTH DAKOTA

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September 22, 2017

Penny Miller
Clerk of the Supreme Court
600 E. Boulevard Ave
Bismarck, ND 58505-0530
supclerkofcourt@ndcourts.gov

Re: Notice of Comment
Supreme Court No. 20160436

Dear Ms. Miller:

On January 18, 2017, the North Dakota Supreme Court adopted a special provision relaxing the pro hoc vice requirements, in order to ensure constitutionally mandated representation for individuals facing legal action related to the Dakota Access pipeline. The Standing Rock Sioux Tribe applauded the Supreme Court's decision.


As you know, a Petition asserting the special provision is no longer necessary has been filed with the Court. We feel that assertion is premature. Our understanding is that of the 831 total cases, 403 have been closed or dismissed, which means the backlog is barely half way done. Although 99 are inactive due to warrants, 328 remain open and active, and most significantly, 159 of the open cases involve defendants without representation.

The proper administration of justice is a cornerstone of all good governments. The significant number of qualified attorneys from other jurisdictions who have assisted with defense representation have filled an unmet need, while minimizing indigent defense costs to North Dakota taxpayers.

As the Supreme Court stated when it granted the initial Petition, "we nevertheless recognize the potential for delay or inconvenience for litigants due to the relatively large number

of arrests and finite resources to handle the judicial proceedings related to those arrests.” These concerns remain true. We urge the Supreme Court leave in place the special provision until the task is done.

Sincerely,



Dave Archambault, II