

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Supreme Court No. 20160436

October 2, 2017

The Honorable Chief Justice Gerald W. VandeWalle, The Honorable Daniel J. Crothers, The Honorable Lisa Fair McEvers, The Honorable Jerod E. Tufte, The Honorable Jon J. Jensen:

By way of introduction, I am an attorney licensed to practice law in the State of Illinois where I have been admitted since 1978. During a portion of my career, I served as an Administrative Law Judge with the Illinois Human Rights Commission and I have extensive experience in both civil and criminal litigation. I am admitted to practice law in North Dakota pursuant to relaxation of the pro hac vice rules for the purpose of providing representation to the approximately 800 individuals arrested between September 2016 and February 2017 under the special provisions adopted by this Honorable Court on January 18, 2017.

I appreciate the opportunity that you have afforded to me to practice in the North Dakota courts and I hold myself to the highest standards of representation of my clients in North Dakota, as I do in Illinois. The associate attorney with whom I work is an outstanding, knowledgeable, honorable professional with whom I am honored to work.

I have read the petition presented by the Presiding Judge of the South Central Judicial District and I feel it necessary to present these comments. I have taken care to educate and inform myself about the rules and procedures established in North Dakota, and have had the benefit of an associate attorney who is extremely knowledgeable and willing to assist. I have found that the North Dakota attorneys who are acting as associate attorneys and the attorneys from other jurisdictions who have volunteered to take these cases are extraordinary attorneys who take their responsibilities very seriously and hold themselves to high standards of conduct and representation. I and others have taken care to follow the rules and procedures adopted in North Dakota and the South Central Judicial District in the cases regarding which I have knowledge.

I disagree that there is no longer a need for these relaxed pro hac vice rules. I am presently representing two clients who were initially charged on October 10, 2016. When the original charges were dismissed pursuant to defense motion, the individuals were recharged under new case numbers with a higher class offense on March 31, 2017 and April 28, 2017, respectively. These cases are set for trial in November 2017. I have no reason to think that this practice of recharging will not continue to be followed by the Morton County States Attorney in cases which are just now being heard or which are set for trial in May and June of 2018. In addition, there are many individuals who do not, yet, have representation. Since there are attorneys willing to provide pro bono representation, and there remain many individuals without

counsel, I see no reason why it would benefit the State of North Dakota to terminate the Special Provisions which allow qualified attorneys from outside of North Dakota to provide legal services on a pro bono basis. I ask that you continue this program.

Respectfully submitted,

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