

In the Supreme Court

State of North Dakota

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Opposing the Petition to Terminate the Special Provision of Legal Services by Qualified Attorneys From Outside North Dakota

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My name is Amanda Harris. I am the owner of Harris Law Office, PLLC in Mandan, ND. I currently represent DAPL protestors in Morton County through an indigent state contract and private retainers. I also serve as a sponsoring attorney to many *Pro Hac Vice* attorneys from across the country.

First, it's unsettling that district judges would take a stance to limit representation on cases over which they currently preside. The petition filed on behalf of the judges certainly gives an appearance of impropriety, or at least a conflict. One of the goals in forming the ND Commission on Indigent Defense was to "separate the judiciary from the delivery of indigent services and thereby avoid an appearance of conflict for the Judiciary." <http://www.nd.gov/indigents/commission/>

Second, I want to tell the Court about my experience representing DAPL protestors in criminal cases. Its been a tough road. It's been tough because these cases are not treated like a "typical" criminal defense case (I've represented over a thousand criminal defendants in ND). Normally, my criminal cases resolve or have a trial within a few months. Discovery, service, motions, pre trial offers, communication with the State, and trial preparations usually run smoothly. I give my clients a legal analysis of the facts and law in their cases and they decide how to resolve the cases. DAPL protest cases are different. Nothing comes easy. I have to fight and claw my way to discovering basic information (i.e. the facts of the case and potential witnesses). Some of my cases are a year old and I'm still trying to obtain discovery. When discovery and communication with the State is non-existent, I must file motions and take depositions, respond to objections by the state about the depositions and then argue hearings on the motions. It doesn't end. Sometimes, as I ponder why things are so difficult on these protest cases, I feel like a tiny fish bleeding in an ocean full of sharks. It seems like everyone is against the protestors (now, even the district judges). This petition is just one more shark added to the ocean. So, why do I keep swimming?... because it's the right thing to do. Providing access to zealous defense representation is a core value. In fact, when I was sworn into the bar I took an oath to "work to make the legal system more accessible, responsive, and just." Upholding this oath isn't always popular. My heavy association sponsoring *Pro Hac* attorneys and representing protestors accused of crimes is politically unpopular, but it's the right thing to do. Disagreeing with the judges I practice under is probably not the smartest business decision, but in this instance, it's the right thing to do.

Third, it's important for the Court to be informed about *Pro Hac* attorneys. I believe the Court has been provided the statistics on how instrumental *Pro Hac* Attorneys have been in resolving cases thus far, so I

am going to focus on my own personal experience. When I initially signed up to be an associate attorney for *Pro Hac* attorneys, I thought I would be teaching lawyers how to handle criminal cases in North Dakota. As it worked out, I became a teacher, but more importantly, a student. Sure, I explain local rules and procedures but I also practice alongside and learn from some extremely talented lawyers. Many have been practicing criminal law before I was born and they challenge me to be better at my craft. This experience is more valuable than any CLE. Not only are these top-notch attorneys, they are quality people (you may have already guessed that since they take these cases *pro bono*). When my *Pro Hacs* come to town, I try show them what "North Dakota nice" means. I give them tours and take them to local eateries. We talk about our families and our law practices. Unfortunately, I have personally witnessed *Pro Hacs* being treated poorly for doing their job and providing quality representation. I have been inspired by their professionalism and resilience in the face of adversity. The petition to terminate the special provisions for *pro bono Pro Hac* attorneys is not North Dakota nice.

There is no need to terminate the special provisions, but there is a continued need for quality representation. We need to work together to make the system accessible, responsive, and just. The Court should deny the petition.

Warm Regards,

Amanda Harris #06506

Attorney