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STATE OF NORTH DAKOTA

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October 2, 2017

Penny Miller
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600 E. Boulevard Ave.
Bismarck, ND 58505-0530

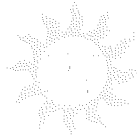
via_email_supclerkofcourt@ndcourts.gov

RE: In the Matter of Petition to Terminate Special Provision of Legal Services by Qualified Attorneys From Outside North Dakota, N.D. Supreme Court No. 20160436

Dear Ms. Miller,

The National Association of Criminal Defense Lawyers wishes to weigh in the on request by the judges of the South Central Judicial District to terminate the January 18, 2017 Order from this Court which relaxed the pro hac vice requirements for out-of-state lawyers seeking to represent Dakota Access Pipeline protesters.

The National Association of Criminal Defense Lawyers (NACDL) is a nonprofit voluntary professional bar association that works on behalf of criminal defense attorneys to ensure justice and due process for those accused of crime or misconduct. NACDL was founded in 1958. It has a nationwide membership of many thousands of direct members, and up to 40,000 with affiliates. NACDL's members include private criminal defense lawyers, public defenders, military defense counsel, law professors, and judges. NACDL is the only nationwide professional bar association for public defenders and private criminal defense lawyers. NACDL is dedicated to advancing the proper, efficient, and just administration of justice. NACDL files numerous amicus briefs each year in the U.S. Supreme Court and other federal and state courts, seeking to provide amicus assistance in cases that present issues of broad importance to criminal defendants, criminal defense lawyers, and the criminal justice system as a whole. NACDL has a particular interest in ensuring that all persons accused of crimes receive effective, zealous representation of counsel.



Our association understands that many protest cases are still pending and many of those individuals are without representation. The pipeline protests caused a proliferation of cases which clearly placed a burden on local lawyers and public defenders in particular. Our organization previously offered to assist in providing experienced counsel, on a pro bono basis, to represent individuals with charges arising from the protests. We remain committed to that effort. We understand that lawyers from California to New York and places in between have appeared in North Dakota and are representing defendants without any compensation. This level of commitment to a defendant's constitutional right to counsel should not be foreclosed. The relaxed rules for pro hac vice representation makes it easier for an out-of-state lawyer to readily accept a protest case and appear in court without the delay or cost of processing this Court's traditional pro hac vice application.

We urge the North Dakota Supreme Court to leave in place the special provisions adopted on January 18, 2017 until such time as all the protest cases have been concluded.

Very truly yours,



Deborah Ellis
Co-chair, NACDL Amicus Committee
For the Eighth Circuit

cc: Ivan Dominguez, National Association for Criminal Defense Lawyers