

Rebecca L. Flanders
PEMBINA COUNTY STATE'S ATTORNEY

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Petra H. Mandingo Helm
Clerk of the Supreme Court
600 E. Boulevard Ave.
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Re: Vacancy in NEJD Judgeship #5

Dear Ms. Hulm,

I write in response to the Notice of Consultation seeking comments regarding the retention of Judgeship #5 in the NEJD, and express my recommendation in favor of retention of the Judgeship in Pembina County.

Rural Pembina County borders Canada and Minnesota. Pembina County was the first county established in what was to become the state of North Dakota. While rich in history, economically, a majority of Pembina County criminal defendants and respondents in family matters are represented by indigent defense counsel. Routinely, the defense attorneys assigned are located in larger cities many miles away. While reliable electronic means can provide a convenient method of communication in some situations, there are also limitations to that type of communication, and a Defendant may not agree to it. In addition, indigent defendants may not have a phone plan, a computer, or reliable transportation, and must rely on other methods to communicate and avail themselves of services required for rehabilitation. Travel is often an impediment.

Rural communities often lack the resources that larger, centrally located cities offer. As a result, the judges, attorneys, Dept. of Human Services, defendants and families must look for creative ways to resolve issues in a manner that benefits society through reformation, rehabilitation and deterrence. True judicial economy comes in the form of reducing recidivism. Having a local judge who understands the needs of rural communities and the available resources is a benefit to all parties. Having a local judge also provides a quick, and economical way to hold necessary hearings, and trials. The Pembina County Law Enforcement Center and Northern Valley Human Service Zone are on the same city block as the historical courthouse where the judge's chambers are located.

In consideration of caseload statistics, the Pembina County State's Attorney's office is fully staffed and the caseload requires a full time attorney. Master calendar occurs on Mondays, and then the State's Attorney routinely appears before the Court throughout the week. While on the surface, the 2020 caseload numbers may reflect a reduction; however, this reduction appears to be primarily attributable to the pandemic. The impact of Methamphetamine runs far and wide, and the impacts can be seen across the district in the increase in law enforcement contacts, family related cases and the overpopulated jails due to domestic violence, thefts and other related issues. Rural communities are unique, and the lack of timely access to a district court judge would have a negative impact on law enforcement, and be a disservice to litigants, victims and families.

I believe retention of the NEJD judgeship is necessary for the effective administration of justice. The Pembina County State's Attorney's Office requests the judgeship in Pembina County be retained. Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rebecca Flanders", written in a cursive style.

Rebecca Flanders, N.D. Bar #07478
Pembina County State's Attorney