

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

NOTICE OF COMMENT

Supreme Court No. 20210233

**Proposed Adoption of North Dakota Supreme Court Administrative
Rule 62 Regarding the Rural Attorney Recruitment Program**

[¶1] The State Court Administrator submitted proposed adoption of North Dakota Supreme Court Administrative Rule 62 regarding the rural attorney recruitment program. The proposal is available at <https://www.ndcourts.gov/supreme-court/dockets/20210233>. Individuals who do not have internet access may contact the Office of the Clerk of the Supreme Court to obtain a copy of the proposal.

[¶2] **IT IS ORDERED**, any person wishing to comment on the proposals may do so by email to Petra H. Mandigo Hulm, Clerk of the Supreme Court, at supclerkofcourt@ndcourts.gov or in writing addressed to 600 E. Boulevard Ave., Bismarck, ND 58505-0530, no later than **September 14, 2021**.

[¶3] The Supreme Court of the State of North Dakota convened this 1st day of September, 2021, with, the Honorable Jon J. Jensen, Chief Justice, and the Honorable Gerald W. VandeWalle, the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, the Honorable Jerod E. Tufte, Justices, directing the Clerk of the Supreme Court to enter the above order.

/s/ Petra H. Mandigo Hulm
Clerk
North Dakota Supreme Court

RULE 62. RURAL ATTORNEY RECRUITMENT PROGRAM

Section 1. Authority and Purpose. Under N.D. Const. art. VI, § 3, and N.D.C.C. ch. 27-02.2, the Supreme Court through this rule establishes a Rural Attorney Recruitment Program to assist counties and municipalities in recruiting attorneys.

Section 2. County or Municipality Application. A county or municipality interested in participating in the program must submit an application to the Supreme Court. The application must include:

(a) An explanation of the county or municipality's need for an attorney and its ability to sustain and support an attorney.

(b) Detailed information on:

(1) The demographics of the county or municipality, including population;

(2) The age and number of the members of the county or local bar association;

(3) Economic development programs within the county or municipality.

(c) A written recommendation from the presiding judge of the judicial district in which the county or municipality is located.

The applicant county or municipality must agree that, if they are selected for participation in the program, they will pay their portion of the incentive payment as required under N.D.C.C. § 27-02.2-06.

Section 3. Assessment.

(a) On receipt of an application from a county or municipality desiring to

22 participate in the program, the Supreme Court will appoint a three-member temporary
23 committee to assess the application. The membership of the temporary committee will
24 consist of a district judge, an attorney and a court administrator.

25 (b) The committee must determine whether the county or municipality is eligible to
26 participate in the program based on the requirements listed in N.D.C.C. §§ 27-02.2-02
27 and 27-02.2-03.

28 (c) If the county or municipality is eligible, the committee will evaluate the
29 information in the application to assess whether the applicant needs an attorney and has
30 the ability to sustain and support an attorney.

31 (d) In its evaluation of the application, the committee must consider:

32 (1) The information provided by the applicant under subsection (2)(b);

33 (2) The presiding judge recommendation required under subsection (2)(c);

34 (3) The geographical location of the applicant in comparison to other
35 counties or municipalities participating in the program;

36 (4) Any prior participation in the program by the county or municipality.

37 (e) In assessing the information provided in the application, the committee may
38 conduct whatever outside research it considers appropriate. On completion of its
39 evaluation, the committee must transmit its recommendations in writing to the Supreme
40 Court.

41 (f) The Supreme Court may revise the assessment of any county or municipality or
42 appoint a temporary committee to conduct a new assessment.

43 Section 4. Attorney Application.

44 (a) An attorney selected for participation in the program must locate both their law
45 office and residence to the participating county or municipality and carry malpractice
46 insurance. The attorney applicant must agree to live and practice law full-time in the
47 participating county or municipality for at least five consecutive years. Participants in the
48 program will be required to make an annual declaration confirming their continued
49 practice and residence in the applicable county or municipality.

50 (b) An attorney interested in participating in the program must submit an
51 application to the Supreme Court. The application must include:

52 (1) A Certificate of Good Standing showing that the applicant is licensed to
53 practice law in the state of North Dakota;

54 (2) Proof that the applicant is a U.S. citizen, U.S. national or permanent resident of
55 the U.S.;

56 (3) A copy of the applicant's law school transcript;

57 (4) Information about the applicant's participation in any scholarship, loan
58 repayment or tuition reimbursement program that obligated the applicant to provide
59 attorney services within an underserved area;

60 (5) Information about whether the applicant was ever subject to an investigation or
61 disciplinary action by any bar association;

62 (6) Information about the applicant's criminal history, including any felony or
63 misdemeanor convictions.

64 Section 5. Administration.

65 (a) The Office of State Court Administrator must:

66 (1) maintain a list of counties and municipalities that have been assessed and
67 selected for participation in the program;

68 (2) inform the State Bar Association of North Dakota and the applicable county or
69 municipality when an applicant has been selected for participation in the program;

70 (3) inform program participants if one of the entities responsible for payment fails
71 to deposit their share of funding.

72 (b) Before July 1 of each year, the Supreme Court must submit a report on the
73 status of the program to legislative management.

74 EXPLANATORY NOTE

75 Rule 62 was adopted effective _____.

76 STATUTES AFFECTED:

77 CONSIDERED: N.D.C.C. ch. 27-02.2.