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December 22, 2016

Hon. Gerald W. Vandewalle
Hon. Dale Sandstorm
Hon. Carol Ronning Kapsner
Hon. Daniel J. Crothers
Hon. Lisa Fair McEvers
Justices of the Supreme Court of North Dakota
600 East Boulevard Ave.
Bismarck, N.D. 58505-0530

RE: Petition to Permit Temporary Provision of Legal Services by Qualified Attorneys from
Outside North Dakota – Supreme Court No. 20160436

Honorable Justices,

We write in support of the Petitioners in the above captioned matter. We are a non-profit, Oregon-based, law firm that focuses on civil rights litigation and activist-related state and federal criminal defense. Over the last 14 years, we have had the pleasure of litigating various cases throughout the U.S.

It appears, based on statements made by North Dakota's state court administrator and The Commission on Legal Counsel for Indigents, that the court system and the public defender's offices are unable to cope with the massive influx of defendants arrested at Standing Rock. In fact, our office in Oregon receives approximately 10-15 calls a week from Water Protectors who have court appointed counsel that they have been unable to communicate with despite numerous phone calls and messages and are anxious because they have upcoming court dates.

In addition, since early September our office has been contacted by approximately 40 individuals who were arrested in Morton County as part of the Standing Rock protests and had misdemeanor and/or felony criminal charges filed against them in Morton County, ND. Each of the individuals in question is of limited financial means and our organization agreed that we would represent them pro bono contingent upon being able to obtain admission to practice law pro hac vice in the state courts of North Dakota.

In addition, our office has taken dozens of calls from defendants who did not qualify for court appointed counsel, have somewhat limited financial means and relayed the following experiences in attempting to retain private counsel: (a) numerous lawyers did not return calls; (b) several lawyers stated outright that they had no interest in representing Standing Rock protestors and exhibited hostility toward the political nature of these cases; (c) many lawyers indicated that

they were unable to take on additional clients due to their firm's capacity or concern over potential conflicts, and (d) many local lawyers requested retainers that were too expensive for the defendants budget.

While the State of North Dakota has declared a state of emergency, allowing for additional increases in funding to law enforcement as well as the assistance of out of state law enforcement, no emergency actions have been taken to ensure that defendants Fifth and Sixth Amendment rights are preserved.

In order to avoid a serious potential Constitutional crisis, we urge the court to grant the relief sought by petitioners.

Respectfully,

Lauren C. Regan, Executive Director and Staff Attorney
Cooper Brinson, Staff Attorney