

My name is Paul Murphy, Executive Director of the ND States Attorneys Association. I am also the Foster County States Attorney and the former Steele and Griggs County States Attorney

I am here to offer whatever assistance to this committee that I can in my capacities as Exec. Dir. of the NDSAA and also as a rural states attorney.

Our organization is very interested in being a part of this study process. The NDSAA knows there are some counties that do not have resident attorneys and this creates some obstacles in finding states attorneys but for the most part, the current law as it is written, provides options to share states attorneys with adjoining counties. It is the NDSAA's position that, for those counties that do not have a resident states attorney, the law should be examined and altered to address concerns of those counties who currently have no states attorney.

One of the other concerns that has been put forth is that part time states attorneys do not have the criminal expertise to handle big cases, however, this does not ring true. Our organization, in conjunction with the Attorney Generals Office, handles the complex and "big cases" by sharing expertise and providing training and contacts within the organization to assist new and established states attorneys, whether part time or full time with big cases. The Gibbs trial, from a full time states attorneys office, is receiving assistance from the AG's office, while the double murder in Wells County is working with the States attorney from Washburn as well as obtaining assistance from me, a neighboring county with the everyday matters. Furthermore, I do not believe there is a lower conviction rate in part time states attorney offices than that of the full time states attorney offices. The job is getting done in the rural, part-time offices in an efficient manner using county dollars, not state dollars.

It is our organizations stance that the law in its current form works for the vast majority of the counties and it is only a few isolated instances where minor changes may be necessary.

As Foster County States attorney, and Former Griggs County States Attorney and former Assistant Steele County States Attorney, I would like to provide whatever insight to this committee relative to the situations in my region that this committee feels is relevant to their mission.

An important part of keeping states attorneys elected, even in counties that do not have resident states attorneys is a separation of powers issue. If a States Attorney is beholden to the county Commission for a continued appointment to his/her post, will that states attorney have the ability to perform that job the way that is best for the county. It would be similar to, if those of you whom are legislators, if you were appointed by the governor, how eager would you be to override a governor's veto? It is the same with states attorneys that are appointed, how eager would they be to prosecute a commissioner's child for any offense?

Not so many years ago, the initiated measure to keep sheriffs elected passed by a large margin. People want to elect officials as a rule. I believe that people deserve the right to elect all county officials.

Some people use the argument that there is no one else running and we need to open it up for others to run. This same argument is not offered when even some legislative districts have no opposition.

I make the comparison it to what some of the rural communities have done to keep a doctor in their community, they have assisted in the financial aspects of education to get a commitment by that medical student to return to a rural area, perhaps the same could be done for rural attorneys. It may be hard to believe, but litigation is economic development as well. Court proceedings do bring people into town that do business downtown.

If district attorneys are advocated, I would ask that you examine the change of the 80's when county judges were eliminated and District Judges were created. I remember a time when our county had a judge every week, his salary was decided by the counties that he served based on what the county could afford, it took less time to process criminals and expenses were less. Not that everything about that change was bad, but problems still exist in the system we have now.

The current status is: we have a judge scheduled only once per month, (this can be more if necessary & is not scheduled elsewhere), his salary is nearly 100,000, our jail budget, partly as a result of only having a judge one time per month, has increased.

Additionally, a friend of mine stated to me "The secret of North Dakota's quality of life will not remain a secret. People will move here, stay here and the population will increase, its just a matter of time." I believe that is true, he has lived and worked as a pharmacist "out west" and knows that people will be coming here. If we change it to where, our children and grandchildren have a more distant government and possibly a diminished ability to choose our governmental officials, is this the legacy that we want to give our children and grandchildren?