

WRITTEN TESTIMONY IN OPPOSITION TO HB 1609

House Judiciary Committee

Date of Hearing: February 12, 2025

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This written testimony is presented in opposition to HB 1609, which relates to the admission to the bar examination through an apprenticeship program. I am a proud graduate of the University of North Dakota and the University of North Dakota School of Law. My entire legal career has been spent representing North Dakotans.

This bill will allow individuals to sit for the bar examination if they have a four-year college degree and has completed 2,000 hours of engagement under the supervision of a licensed attorney or tribal advocate over 5 years or if an individual has served as a state legislator for 4 or more years.

Access to justice is critical to the North Dakota court system. More qualified attorneys is an important component to ensuring that all individuals, regardless of their geographic location, can seek and obtain fair legal representation. However, this bill undermines the critical training in legal skills and ethics that are provided during law school. Attorneys must be properly trained in order to represent those with complex legal issues and to maintain public confidence in the legal system.

The North Dakota Supreme Court has the authority to regulate the practice of law, not the North Dakota Legislature as clearly set forth in North Dakota Constitution Article VI, Section 3 and N.D.C.C. § 27-11-02. The judicial branch has the expertise to best determine who are qualified to be attorneys. This proposed legislation violates our Constitution.

Law school teaches the hard skills and soft skills needed to be a lawyer. You learn the basics of the law, including Constitutional Law, Contracts, Property, Evidence, Civil Procedure, Legal Writing, Criminal Law, Natural Resources, and Trial Advocacy. It is a place to learn to think like a lawyer, analyze cases, and understand why the American and North Dakota justice system operates the way it does. It also creates opportunities for experiential learning such in trial situations, appellate arguments, externships, and legal clinics. Two-thousand hours is not sufficient to learn the depth and nuances of the law.

Law school has professors that are specialized in the area of law that they teach. Although attorneys are well equipped to teach about the areas that they practice, no practitioner has the time to properly teach a prospective lawyer all of these specialized areas of law.

Lawyers work every day to advocate for their clients and to help resolve their problems in a way that is within the bounds of the law. Two-thousand hours is not sufficient training and it would risk admitting individuals who do not have the necessary foundation or knowledge of the law which would harm the public with inadequate representation.

This bill provides a special carve out for North Dakota legislators. The notion that a legislator who has served four years in the North Dakota legislature—meeting only 80 days every other year—is sufficiently prepared to sit for the bar examination is deeply flawed. Legislative experience, while valuable in policymaking, does not equate to the rigorous legal training required to competently practice law. Legislators, although sponsoring bills, do not draft all of the bills presented in the legislative session. The drafting of the bills is primarily done by the Legislative Council, which includes licensed attorneys. Unlike law school, which provides structured education in legal principles, research, and advocacy; legislative service is not designed to teach the analytical and procedural skills necessary for competent legal representation. The limited exposure to legal discussions in the legislature cannot replace the depth of study required to understand case law, statutory interpretation, and professional ethics. Allowing this

apprenticeship program would erode the high standards expected of attorneys and ultimately risk compromising the quality of legal services available to the public.

I agree that we need to increase the ability of every North Dakotan to have legal representation. However, we cannot lower the bar and put the public at risk with unqualified attorneys. We need legal professionals that are well-rounded, knowledgeable, effective, and ethical.

Please oppose HB1609.

A handwritten signature in cursive script, appearing to read "Sebra H. Hark".