

House Bill 1609
House Judiciary Committee
Testimony Presented by Sara Behrens
February 12, 2025

Good morning Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in opposition to House Bill 1609.

This bill requires the Supreme Court, in cooperation with the State Board of Law Examiners, to establish and implement an apprenticeship program as an alternative to law school. However, no funding is provided to establish the required program. Four states currently have apprenticeship programs with varying degrees of success. However, all of these programs have application/registration requirements, benchmarks that must be met, and fees. Most require reports to be submitted periodically from the supervising attorney over the course of 3-4 years. HB 1609 prohibits application or registration requirements. The only requirements that appear to be allowed under this bill are: a 4-year degree and 2,000 hours of engagement under a licensed attorney over a period of up to 5 years.

In order to properly establish a program like what is being proposed in HB 1609, the Supreme Court and State Board of Law Examiners would need a period of time to determine the best structure for the program and the appropriate requirements. The Supreme Court would also need appropriate funding to establish a well-structured program. Absent the time and funds needed to properly establish a program, we fear individuals would be set up for failure.

While we concur with the need for more attorneys in North Dakota, we do not think a quickly put together, unfunded program is the way to accomplish that goal. The Supreme Court has been looking at the issue of attorney shortages and has proposed two programs within the Judicial Branch budget (SB 2002): Allied Legal Professionals Program and Court Navigators Program. These programs are designed to mitigate attorney shortages by providing cost-effective legal advice and assistance in specified proceedings. We hope that these programs ultimately get funded through the Judicial Branch budget.

Additionally, we have the Rural Attorney Recruitment Program, established in 2021, which seeks to address attorney shortages in rural areas in the state. This program has been successful so far with six matches. SB 2211 expands this program to also include retention of attorneys and, instead of population-based, it will be open to counties with five or fewer licensed attorneys in the county.

For these reasons, we urge a do not pass.