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February 1, 2021

To: Representative Lawrence Klemin
Chairman, North Dakota House of Representative Committee on
Judiciary

From: Larry Richards, Attorney at Law

RE: Testimony Regarding House Bill No. 1384—Limitation on actions alleging sexual abuse

Mr. Chairman and members of the committee I have reviewed this proposed bill and wanted to express my opposition to its enactment—as written.

First, as a private practice attorney, I do not relish the idea of being brought into Court to testify about whether or not I advised someone years ago during a free consultation about whether they had potential cause of action.


Second and most significantly, I would like to note the practical impact of this legislation, which is that it effectively eliminates this statute of limitation. I say this because I would highly suspect that virtually every plaintiff in this sort of case would merely say that the attorney sitting next to them (i.e. the attorney currently representing them in the lawsuit) was the one who made them fully realize not that long ago that they had a cause of action.

Now, let me be clear, I do not oppose extending or even eliminating this statute of limitation. However, I believe that if that is what is intended then we should just be “academically honest” with ourselves and just eliminate it rather than just have one on the books that doesn’t really mean anything.

Finally, please note that, while I am an attorney, I present this testimony in my individual capacity. I do not present this testimony on behalf on any individual, corporation or other entity. I have not and will not receive any compensation for the presentation of this testimony.

Thank you for your time and consideration as well as your service to the State of North Dakota

Sincerely,


Larry J. Richards
Attorney at Law