

January 13, 2023

Testimony to **House Appropriations-Government Operations**

By Jackson J. Lofgren

**Testimony in Support of H.B. 1022**

Chairman Monson and Committee Members:

My name is Jackson Lofgren and I reside in District 35. I have had the pleasure of practicing law in North Dakota for sixteen years. I have worked as a Special Assistant Attorney General and Assistant Morton County State's Attorney. For the last nine years I have been in private practice in Bismarck. I serve on the North Dakota Parole Board and am the State Bar Association's representative on the Commission on Legal Counsel for Indigents (Commission). I am also a past president of the North Dakota Association of Criminal Defense Lawyers. I am providing testimony in support of the Commission's budget request on my own behalf.

The Commission's work is extremely important. It is entrusted with providing vital legal services to criminally accused North Dakotans. The attorneys working for the Commission are charged with defending the constitutional rights of the indigent. Without their dedication we would have a criminal system but not a criminal *justice* system.

The Commission is in trouble. At every meeting the commissioners are provided with an update of all the open positions that cannot be filled. In my short time as a commissioner we have had to close an office in Minot and the Williston office, which is supposed to have three attorneys, has one lawyer who is a brand-new attorney. Even when the Commission can fill an opening, the employee often leaves within a short time to work for another state or county agency. Often for significantly more pay and better benefits.

Executive Director, Travis Finck, should be given praise for tirelessly working to triage the agency. But, it cannot be held together by duct tape and baling twine forever. I have spoken with many attorneys who provide contract legal services to the Commission. They are extremely frustrated with the low level of pay. The rate the Commission pays for defense work is less than half what the Federal government pays for comparable services. It is also lower than what most municipalities in North Dakota pay.

Without the Legislature's commitment to adequately fund the Commission our state will find itself in a constitutional crisis within the foreseeable future. The Commission will simply not have enough attorneys to provide representation throughout North Dakota. The court system will gridlock as criminal cases stall. Rights will be violated.

Please do not allow this to happen. The Commission's budget request is conservative and reasonable and I ask that you to approve it.

Thank You,

*Jackson J. Lofgren*

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jlofgren@suhrandlofgren.com