

HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE  
MARCH 20, 2023

Testimony of the State Board of Law Examiners  
SENATE BILL NO. 2249

Chair Louser and members of the Committee, I am Petra Mandigo Hulm, Secretary/Treasurer of the State Board of Law Examiners, Clerk of the Supreme Court, and Secretary of the Disciplinary Board for lawyers. I manage the operation of the State Board of Law Examiners. I am appearing on behalf of the State Board of Law Examiners in opposition to Senate Bill 2249.

The State Board of Law Examiners requests to be exempted or removed from this bill.

Article VI, Section 3 of the North Dakota Constitution, the power to regulate the admission of attorneys was given to the Supreme Court, which acts on the recommendation of the State Board of Law Examiners. To our knowledge, it is the only board discussed in the constitution and in terms of separation of powers. It was adopted in 1977 after a vote of the people.

The State Board of Law Examiners is also not a board under Title 43 like the other boards with which you are probably familiar. Instead, it is governed by N.D.C.C. Chapters 27-11, 13 and 14.

The practice of law is a matter of vital interest to the general public, because lawyers are engaged in the preservation and protection of fundamental liberties of the people. This task should be left to the Judicial Branch and the State Board of Law Examiners, and not the Legislative Branch and/or the Executive Branch. The Judicial Branch has a procedure for amendment of its rules governing admission of attorneys. The Board is not opposed to examining these issues, but the best way to do so is through the Judicial Branch.

North Dakota is known nationally in the attorney admission and licensing area as being progressive in removing unnecessary barriers for people to apply and become admitted and licensed to practice law, while still maintaining protection of the public. With respect to the Board, there are multiple conferences and training sessions annually on a national level for examination and admission experts. The staff and board members attend many, if not all, of the offered national education as well as other remote education.

This legislation is also unnecessary as to the Board of Law Examiners. The Board has removed barriers to law students and out-of-state licensed attorneys to practice in North Dakota.

We ask the committee to also refer to Scott K. Porsborg's testimony submitted on this bill to the Senate Workforce Development Committee.

We respectfully request ask the committee exempt or remove the State Board of Law Examiners from this bill.