

Engrossed SB 2224  
68<sup>th</sup> Legislative Assembly  
House Judiciary Committee  
March 15, 2023  
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, members of the House Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of SB 2224.

The Commission is the state agency that provides counsel for the children referenced in 27-20.1-09. The job of the attorney in any representation is to attempt to achieve the goals of their clients. The Commission has adopted performance standards to guide the work of our attorneys and contract attorneys. Performance Standard 5.1 Attorney Client Relationship – Role of counsel provides “The primary role of a public defender or other counsel appointed by the Commission is to provide zealous and quality representation for their clients. Counsel should seek the lawful objectives of the client and should not substitute the attorney’s judgment for that of the client in those case decisions that are the responsibility of the client”. Under current law, an attorney can be appointed for any child and in fact courts have appointed counsel to represent children as young as two years old. This has created a situation where the attorney cannot ascertain their client’s intent as they are unable to communicate their desires. Thus, the Commission supports this bill, specifically Section 2 as it requires the Court determine the client is of sufficient competent age to assist counsel.

Mr. Chairman, members of the House Judiciary Committee, for the reasons stated herein, the Commission on Legal Counsel urges a DO PASS recommendation.

Respectfully Submitted:



Travis W. Finck  
Executive Director, NDCLCI