

SB 2224
68th Legislative Assembly
Senate Judiciary Committee
January 24, 2023
Testimony of Travis W. Finck, Executive Director, NDCLCI

Madam Chair Larson, members of the Senate 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.

Madam Chair, members of the Senate 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