

STATE OF NORTH DAKOTA
RESOLUTION
NORTH DAKOTA JUDICIAL CONFERENCE

WHEREAS, the North Dakota Judicial Conference is established by statute for the purpose of soliciting, receiving, and evaluating suggestions relating to the improvement of the administration of justice; considering and making recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system; coordinating continuing judicial education efforts for judges and support staff; and establishing methods for reviewing proposed legislation, which may affect the operation of the judicial branch; and

WHEREAS, the Judicial Conference is charged with suggestions relating to the improvement of the administration of justice; and

WHEREAS, the North Dakota Commission on Legal Counsel for Indigents (CLCI) is a critical component to administration of justice in North Dakota Courts; and

WHEREAS, CLCI is charged with developing and monitoring a process for the delivery of state-funded legal counsel services for indigents; and

WHEREAS, the right to counsel is guaranteed in the U.S. and North Dakota Constitutions; the right to counsel attaches in criminal, juvenile and some civil cases; and

WHEREAS, significant challenges remain within the North Dakota indigent defense system despite significant progress made by CLCI; and


WHEREAS, there are vast discrepancies between pay and resources for prosecutors/other government attorneys and the CLCI; and

WHEREAS, the CLCI continues to struggle in recruiting and retaining qualified employees because of the discrepancies resulting in an average turnover exceeding 25% in the last four years; and

WHEREAS, the issue is even more acute in rural counties;

NOW THEREFORE, BE IT RESOLVED, the North Dakota Judicial Conference recommends the Legislature:

- 1) Fund public defense in North Dakota at levels allowing pay and resources comparable to prosecutors and other government agencies employing attorneys;
- 2) Appropriate monies to allow CLCI to employ on staff investigators;
- 3) Appropriate money to increase the hourly rate of contractor compensation; and
- 4) Allow the agency to pursue federal funds to help increase representation for indigent clients.


Hon. Stephanie Stiel
Chair, N.D. Judicial Conference

¹ FTE Turnover for calendar year 2021 was 37.5%, calendar year 2022 was 20%, calendar year 2023 was 27.5% and calendar year 2024 so far is at 24.4%.