



**North Dakota Association for Justice**  
PO Box 365  
Mandan, ND 58554  
*The Trial Lawyers of North Dakota*

Jaclyn Hall, Executive Director  
jaclyn@ndaj.org

Madam Chair Larson and members of the Senate Judiciary Committee, my name is Jaci Hall, Executive Director of the North Dakota Association for Justice. I am here today opposed to H1032 as it was amended in the House.

HB1032 is the result of an interim study on Municipal Courts. While we believe the bill will provide clarity for the courts, we have some concerns.

1. **Court of Record** – currently under this bill, Municipal Courts are not a court of record. Line 8 page 3 explicitly states this. This poses a problem because these recordings are beneficial to review decisions and be able to make changes if needed.
2. **Judges are not required to be a licensed attorney.** So, your defense counsel and prosecutor are licensed attorneys, but your judge is not required to be in smaller communities. This also means that when you are not licensed, you do not adhere to the ethical responsibilities attorneys are held to. Where else can you make decisions that impact someone's future and not be law trained.
3. **There is no ability to appeal a decision by municipal court.** This can pose a problem, especially when you are not recording the hearing.
4. **Municipal courts in smaller communities do not use Odessey,** they simply send their decisions and submit information to DOT when they have time. This is a huge issue when second, third and fourth offenses require additional penalties, and they have not been recorded. I have heard stories of waiting 30 – 60 days to submit decisions. These impact DOT decisions and judicial decisions for repeat offenders.

Municipal, District and the Supreme Court all serve a purpose. To not utilize the technology advances that the state has invested since COVID in courthouses all over the state or to hold our Judges to the highest ethical standard is wrong.

If we are planning to make substantial changes to the Municipal Court, we need to set them up for success and support changes that will make their jobs easier and support our judicial system in the future. We cannot hold them back.

I understand the cost that may be associated with some of these requests, but I believe that these courts can work together to support each other.



**North Dakota Association for Justice**

PO Box 365

Mandan, ND 58554

*The Trial Lawyers of North Dakota*

Jaclyn Hall, Executive Director

[jaclyn@ndaj.org](mailto:jaclyn@ndaj.org)

Many systems can use technology to support other localities and share licensed attorneys.

Twelve years ago, this body made changes to ALJs and required them to be licensed attorneys. They understood some of the current Administrative Law Judges were not lawyers and grandfathered them in, slowly replacing them on the bench. This process worked well and we ask you to also consider this as a way to replace sitting unlicensed Judges with those that are licensed attorneys.

We also hear about how busy District court is. Perhaps a study to increase the responsibility of licensed attorneys who preside over the Municipal Court would alleviate these concerns and reduce the backlog.

Finally, we talk a lot about rural attorneys and supporting attorneys who want to work in smaller communities. The opportunity for these attorneys to become a municipal judge in one or two locations would support these efforts.

Our association members practice in these courts. We believe they serve a purpose, but we are asking the committee to not go halfway – support these courts into the future. Please consider these changes before you send this bill to the floor.