

OFFICE of the WELLS COUNTY STATE'S ATTORNEY

OLIVER W. BROMKE, ATTORNEY AT LAW
ND BAR ID# 09786

700 RAILWAY STREET NORTH #325
FESSENDEN, ND 58438-0325
bromkeoliver@nd.gov
(701) 547-3885

January 30, 2025

TO: Senate Workforce Development Committee
Hon. Senator Wobbema, Chairman
Hon. Sen. Axtman, Vice Chair

RE: Senate Bill 2211

Chairman Wobbema, Vice Chair Axtman, and committee members:

I submit this letter to urge a DO PASS on Senate Bill 2211 while requesting an amendment to the proposed language for N.D.C.C. § 27-02.2-04 regarding attorney eligibility.

To summarize my situation:

- I was appointed the full-time Wells County State's Attorney in July 2024 to serve out the remainder of the unexpired 2023-2026 term of office.
- I intend to stand for election to the position in 2026.
- My wife is a first-year law student at the University of North Dakota School of Law.
- Both of us intend to remain, and practice law, in North Dakota after she graduates.
- I purchased a building in Harvey (see attached photo) with the intent to turn it into a home and law office for my soon-to-be family of three (see attached ultrasound).

In my opinion, we are the exact demographic that this program was designed to entice. My plan was to reinvest 100% of the funds I would receive from the program back into the community by renovating what is currently an eyesore on Harvey's main street.

With the support of my county's board of commissioners, I applied for participation in the Rural Attorney Recruitment Program on behalf of the community of Wells County and in my capacity as its appointed state's attorney. However, the State Court Administrator informed me that the Supreme Court does not believe elected state's attorneys meet the program's goal of recruitment or retention (see attached email). By contrast, multiple rural judicial officers, including the presiding judge of the Southeast Judicial District (whose written assent was required to start Wells County's application process, see attached letter) and the district judge who chairs the application review committee, have expressed their support for my application *on the basis* of my position as the county state's attorney. At the time of writing, these applications are still pending.

Even if the Supreme Court's policy allows admittance to the program for *appointed* rather than *elected* state's attorneys (and this point is not clear), if I am elected in 2026, that would prevent me from continuing to participate. To do so, I would need to initiate the process by which the position may be made appointive rather than elective. I refuse to do that, both because it would be unethical self-dealing and because I believe the citizens of Wells County should have the right to choose their state's attorney by vote.

In my individual capacity, I echo the NDSAA's request to clarify the legislative intent as to whether elected officials are meant to be included in or excluded from the program. If the latter, as a member of the law enforcement community, I also have concerns about a public policy decision which would exclusively forbid a class of prosecutors from participating.

Very respectfully,

/s/ Oliver W. Bromke

Oliver W. Bromke

Wells County State's Attorney



(FUTURE OFFICE, BROMKE LAW FIRM)



(FUTURE ATTORNEY BROMKE)



RE: Rural Attorney Recruitment Program

From Holewa, Sally [REDACTED]
Date Thu 10/31/2024 5:01 PM
To Bromke, Oliver <bromkeoliver@nd.gov>
Cc Johnson, Scott [REDACTED]

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Thank you. Yes, we can accept the community application by email. It can be sent to Scott Johnson at [REDACTED]. You are correct that there is no application form. A letter containing all of the required elements is sufficient.

I don't know if this applies to your current situation, but the supreme court has determined that elected officials do not qualify for the program since by virtual of their election they don't meet the program goal for recruitment or retention.

From: Bromke, Oliver <bromkeoliver@nd.gov>
Sent: Thursday, October 31, 2024 4:49 PM
To: Holewa, Sally [REDACTED]
Subject: Rural Attorney Recruitment Program

Ms. Holewa:

I'm writing to let State Court Administration know that Wells County and I will be separately filing community and attorney applications for joint consideration. I have already submitted my individual application, although I'm not sure whether I should direct inquiries about it to you or someone else. The Supreme Court has received the required letter from Southeast District Judge Narum in support of the community's inclusion (see attached) and I will be sending a completed community application to you once I have received a list of Wells County's economic development programs from the Harvey Chamber of Commerce and the city's Job Development Authority.

Can you accept the community application by email, or do you prefer hard copies? Also—I don't see that there are any forms for this application, so I planned to simply write a letter incorporating the required information under the Century Code along with some affidavits and exhibits. Please let me know if you need something different.

Best,

Oliver W. Bromke
Wells County State's Attorney
700 Railway St N #325
Fessenden, ND 58438
bromkeoliver@nd.gov
(701) 547-3885
ND Bar ID# 09786

**State of North Dakota
Chambers of
The District Court**

DANIEL D. NARUM
DISTRICT JUDGE
SOUTHEAST JUDICIAL DISTRICT
October 9, 2024

LAUREL ALBER
JUDICIAL SECRETARY
COURT RECORDER

Chief Justice Jensen and members of the North Dakota Supreme Court
Judicial Wing, 1st Floor
600 East Boulevard Avenue
Bismarck, ND 58505-0530

Dear Chief Justice Jensen and members of the North Dakota Supreme Court,

I am writing in support of Wells County's inclusion in the Rural Attorney Recruitment Program.

Wells County qualifies for the Rural Attorney Recruitment Program by population and due to the fact that it is without a resident attorney to serve in a position of state's attorney.

Fortunately, the appointed state's attorney intends on making Wells County his permanent residence, and his spouse is currently a law student. It is my hope that you recognize the significance of this opportunity to bring two young attorneys to Wells County, North Dakota.

Wells County is the largest and busiest county in what I call the "north counties" in the Southeast Judicial District; Eddy, Foster, Wells and Griggs. Those counties are typically covered by Judge Hovey, but I am familiar with the dockets and legal climate in those counties and, in particular, Wells County.

The former Wells County State's Attorney relocated to Bismarck and now works for the Attorney General's office. There were no willing or available resident attorneys at the time of her resignation to take on the role of State's Attorney.

For the last 25 years, I have been an advocate for rural law practice. The citizens of rural North Dakota and, in this case, of Wells County deserve to be able to elect a resident attorney as their state's attorney and be served by someone who answers to the voters. The Attorney Recruitment Program is an appropriate avenue to assist in providing that important community component.

I recommend Wells County for inclusion in the Rural Attorney Recruitment Program. I do so with no reservations whatsoever.

If can provide any further information, please do not hesitate to contact me.

Thank you.

Sincerely,

**State of North Dakota
Chambers of
The District Court**

Daniel D. Narum

Honorable Daniel D. Narum
District Judge

PC: Wells County Commission, 700 Railway St. N., Fessenden, ND 58438
Wells County State's Attorney, 700 Railway St. N., Dept. 325, Fessenden, ND 58438