

Senate Workforce Development
February 21, 2025

Testimony on behalf of the State Board of Law Examiners
SENATE BILL NO. 2395

Chair Wobbema and members of the Committee, I am Scott Porsborg, appearing on behalf of the State Board of Law Examiners in opposition to Senate Bill 2395. I am a member of the Board and an attorney in private practice in Bismarck.

The State Board of Law Examiners opposes the original bill, and the bill as amended because we believe the licensure of attorneys should be regulated by the Supreme Court.

The admission of attorneys lies with the Supreme Court under the North Dakota Constitution Article VI, Section 3. The State Board of Law Examiners is not an executive branch board under Title 43. We are appointed by the Supreme Court, and it is the Supreme Court that admits attorneys to the bar pursuant to the Board's recommendation.

As was recognized when the constitution was enacted, the practice of law is a matter of vital interest to the general public, because lawyers are engaged in the preservation and protection of fundamental liberties of the people.

The Board believes this important work should be done, as it always has been, by the Judicial Branch and the State Board of Law Examiners, and not the Legislative Branch or the Executive Branch. The Supreme Court should retain its role promulgating the rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law, as provided for in the North Dakota Constitution.

There has been no convincing reason provided to now, after more than 100 years, enact legislation regulating attorney admission rather than adhere to the thorough and effective process developed by the Supreme Court.

We understand this bill has a workforce development goal. The Supreme Court, the State Board of Law Examiners and the State Bar Association have undertaken significant efforts to attract out of state attorneys to come to North Dakota. The Supreme Court recently amended its rules to extend the time a bar examination score can be transferred and to reduce the number of continuing education hours required for licensure. The Court also developed the Rural Attorney Recruitment Program. Finally, the Court has a task force evaluating alternatives to providing legal services

to the public, including using allied legal professionals who would be allowed to offer legal assistance to the public without a license to practice law. Your concerns have been heard and the Board and the Court have acted on them.

Thank you for your time, and the Secretary of the Board, Petra Mandigo Hulm, is also available to address any detailed questions about our process.