

**Fifty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE CONCURRENT RESOLUTION NO. 3004  
(Legislative Council)  
(Judiciary A Committee)

A concurrent resolution directing the Legislative Council to study the state's method of providing legal representation for indigent persons and the feasibility and desirability of establishing a public defender system.

**WHEREAS**, North Dakota is the only state to use a "pure" contract system for providing indigent defense services; and

**WHEREAS**, the state's current indigent defense contract system, in which presiding judges supervise the awarding of indigent defense contracts, raises conflict-related issues; and

**WHEREAS**, costs associated with the indigent defense contract system administered by the judicial branch continue to increase in greater proportion than most other costs of the judicial branch; and

**WHEREAS**, attorneys currently and formerly involved in the indigent defense contract process cite heavy caseload and inadequate compensation as issues that need to be addressed in the current system; and

**WHEREAS**, judicial districts in rural areas of the state are experiencing a shortage of attorneys who are willing to provide indigent defense services; and

**WHEREAS**, the Legislative Council's 2001-02 interim Judiciary A Committee, which was assigned the duty of studying the issues related to indigent defense, recommended that the issues be further studied and monitored;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Legislative Council study the state's method of providing legal representation for indigent persons and the feasibility and desirability of establishing a public defender system; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-ninth Legislative Assembly.

\_\_\_\_\_  
Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2003,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State