



North Dakota Association for Justice

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APPENDIX G

TESTIMONY OF MARK V. LARSON BEFORE THE JUDICIARY COMMITTEE OF THE NORTH DAKOTA LEGISLATIVE COUNCIL REGARDING STATUTE OF LIMITATIONS AND VENUE REQUIREMENTS

Mr. Chairman and members of the committee, my name is Mark Larson and I am from Minot, ND. I currently serve as President of the North Dakota Association for Justice. I appear before you on behalf of our 110 members. We represent persons who have been injured by the acts of others.

My initial comments are with respect to the reduction on the statute of limitations for commencing actions from six years to three years. It is my understanding, that this bill is designed to finalize issues with respect to tort reform. We believe this is an unnecessary action. That reduction, based on a study prepared by the National Center for State Courts in 2010, demonstrated that tort case filings for North Dakota were 638 in 1999 and had reduced to 320 in 2008.

This means that a variety of actions have interplayed with this reduction. Among those, would be the actions of the legislature and reducing the desirability of tort case filings. Another would be the simple fact that the judicial system, by encouraging other means of case resolution, including mediation and arbitration, have reduced these case filings by a substantial number.

My concern with regard to a three year statute of limitations is that the Courts in North Dakota will see a significant increase in tort filings. If the citizens are pressured to bring their case to the Court's at an earlier time, the number of case filings will substantially increase. Many of us have cases on our dockets which are older than three years. There are a variety of reasons for this. One of the reasons that I believe, is that North Dakotans are slow to anger and do not realize that they should bring a case for some period of time. With a three year statute of limitations, it will be incumbent on all of us to inform persons that there time limits have greatly been reduced and I suspect an increase number of filings by



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lawyers in the state and also by clients. As a result, the pressure on the judiciary, which is already strained in western North Dakota, will significantly increase. We also believe that it will increase the burden on all the Court's within our State. Furthermore, it will increase costs to the litigants, both Plaintiffs and Defendants, as a result of additional attorney fee time and expense.

Our organization's second concern is the amendment of the venue requirements. I believe the effect of this bill is to seriously worsen the ability of persons who have worked or lived in North Dakota to address wrongs. It is possible that smaller cases, which do not qualify for federal jurisdiction, to have no place in which to sue a case out that has occurred here. Specifically, I am concerned with persons who may be working in North Dakota, who are in a vehicle accident and need to resolve the problem. If they are hit by an out-of-state oil company with no residence here, they have no justice available to them. While the Federal Court system may be able to consider the case, Federal Court jurisdiction has a minimum threshold of \$75,000.00. As a result, smaller cases which need to be resolved in North Dakota, because the witnesses are here, it occurred here and the police have investigated the case here, can no longer be brought here. I therefore discourage the changes to the venue statute.