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House Bill No. 1533
Senate Judiciary Committee
Testimony Presented by Seth O'Neill, JD, MSW
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Chairwoman Larson and members of the Committee, my name is Seth O'Neill and I am representing CAWS North Dakota in support of HB 1533. This bill would allow abusive litigation victims to be protected through a court order limiting abusive claims.

In domestic violence situations, offenders seek to have power and control over their victims. When a victim escapes an abusive relationship, the offender seeks to maintain control over the victim. One of the most common ways is through the legal system. If an offender has a domestic violence protection order against them they are not allowed to contact the victim. Instead, some offenders file abusive claims against their victim in a court of law which they are currently allowed to do. These offenders are typically pro-se and file countless claims in family law situations.

The North Dakota Supreme Court Administrative Rule 58 has a process to declare someone a vexatious litigant. However, the process requires that “the person has repeatedly relitigated or attempted to relitigate, as a self-represented party the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined¹”

Oftentimes in family law cases, an individual may seek to bring up what seems like new issues but are simply relitigating issues. Under the vexatious litigant procedure, this would be

¹ See [North Dakota Supreme Court Administrative Rule 58\(4\)\(b\)](#)

unlikely for this individual to be declared a vexatious litigant as each instance could be constituted a new determination or claim. In addition, the vexatious litigant process is purposely broad and does not specifically apply to domestic violence abusers. In a prior role, I was successful in getting an individual declared a vexatious litigant after the individual repeatedly filed over 30 frivolous lawsuits against anyone who upset the individual. This is the type of situation that the vexatious litigant process was designed for.

In North Dakota, we need a process in law to protect domestic violence victims from abusive litigation from their partner and I believe this bill does that while still respecting access to the courts. The North Dakota Supreme Court has recognized the ability of a court to “control its docket, so as to stem abuse of the judicial process from vexatious and meritless litigation.”² This bill gives the courts the ability control abuse of the judicial process by protecting domestic violence victims and freeing up the courts for more important matters.

We encourage the committee to give HB 1533 a do pass recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank you.

² See [Holkesvig v. Grove, 2014 ND 57, ¶ 17, 844 N.W.2d 557.](#)