

House Bill 1409
House Judiciary Committee

Testimony Presented by Kara J. Erickson
Disciplinary Counsel
February 12, 2025

Good morning, Chairman Klemin and members of the committee. For the purposes of the record, my name is Kara Erickson. I serve as Disciplinary Counsel for the Disciplinary Board of the North Dakota Supreme Court. In that role, I lead the Office of Disciplinary Counsel which handles the administration, investigations, and prosecutions of lawyers for violations of the North Dakota Rules for Professional Conduct.

I am here today on behalf of the Disciplinary Board in opposition to House Bill 1409. My concern with this bill is with the last sentence, which allows a party with an interest to represent another party with an interest. This representing party is not required to be a licensed lawyer. My office would then be likely to receive complaints regarding individuals who are engaged in the unauthorized practice of law. Additionally, these individuals may be reported for a failure to follow the ethical rules that lawyers are required to follow the North Dakota Rules of Professional Conduct.

Additionally, these other interested parties are not required to have any legal background or training. This creates a potential danger to the public because these individuals may cause more harm than good to the cases and would not have oversight by my office due to the lack of licensure.

Further, it seems that this bill is encouraging the “representing party” to engage in conduct which would likely be a Class A Misdemeanor under NDCC § 27-11-01, because the individuals are not licensed to practice law.

For these reasons, I would encourage you not to pass this bill. Thank you for your consideration.