

WRITTEN TESTIMONY IN OPPOSITION TO HB 1409

House Judiciary Committee

Date of Hearing: February 12, 2025

Debra L. Hoffarth, 1320 11th Street SW, Minot, ND 58701

This written testimony is presented in opposition to HB 1409, which would expand the definition of interest and allow any individual with a legal interest in a judicial action to be represented by a party who has equitable interest in a judicial action.

Whoever is determined to have a legal interest or equitable interest is very nuanced and depends upon the context of litigation. This bill is vague and will create confusion for the courts to resolve. This will undermine judicial efficiency and increase the cost of litigation.

This proposed legislation creates an inherent conflict of interest between the legal and equitable interest parties as it allows the equitable interest party to represent the legal interest party. Although they both may have interests in a particular case, their goals or rights may not be aligned. This litigation creates a circumstance in which an individual could interfere with or insert themselves into other legal disputes.

This proposed legislation also opens the door to the unauthorized practice of law as it allows one party to represent another, which is a class A Misdemeanor, and prohibited by N.D.C.C. § 27-11-01 and the North Dakota Rules of Professional Conduct.

Please oppose HB1409.

A handwritten signature in cursive script, appearing to read "Debra L. Hoffarth".