

**2025 HOUSE JUDICIARY**

**HB 1609**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1609  
2/12/2025

A BILL for an Act to create and enact a new section to chapter 27-11 of the North Dakota Century Code, relating to admission to the bar examination through an apprenticeship program developed, established, and implemented by the supreme court.

11:00 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

## **Discussion Topics:**

- North Dakota bar exam pass rate
- Allied legal professionals
- States with similar programs
- Uniform bar examination cut scores

11:00 a.m. Representative Lori VanWinkle, North Dakota Representative for District 3, introduced the bill and provided testimony #37371.

11:03 a.m. Paul Sorum, independent, testified in favor.

11:09 a.m. Lindsey Pouliot, Independent, testified in opposition and provided testimony #37386.

11:16 a.m. Britney Haga, independent, testified in opposition and provided testimony #37389.

11:21 a.m. Petra Mandigo Hulm, Secretary Treasurer at the State Board of Law Examiners, testified in opposition and provided testimony #37318.

11:37 a.m. Brian Pappas, Dean and Professor of Law at University of North Dakota Law School, testified in opposition #37219.

11:51 a.m. Kara Erickson, Office of Disciplinary Counsel, testified in opposition and provided testimony #37202.

11:56 a.m. Tony Weiler, Executive Director of the State Bar Association of North Dakota, testified in opposition and provided testimony #37152.

## **Additional written testimony:**

Cole Kratochvil, Williston, North Dakota, submitted testimony in favor #37339

Naomi Bromke, Grand Forks, North Dakota, submitted testimony in opposition #36437

Morgan Glines, Minot, North Dakota, submitted testimony in opposition #37077

Bonnie Humphrey, Humphrey Law Office, P.C., submitted testimony in opposition #37135  
Debra Hoffarth, independent, submitted testimony in opposition #37213  
Sara Behrens, Staff Attorney with the State Court Administrator's Office, submitted testimony in opposition #37320.

12:00 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

### Testimony in Opposition to HB 1609

For the record, my name is Naomi Bromke, and I was born and raised in Bismarck, North Dakota. I am a first-year law student at the University of North Dakota School of Law. I am currently in the top 10% of my class and have received multiple academic scholarships for my good standing.

This semester, I am taking Constitutional Law I, as is required of all first-year law students. At the beginning of this semester, we began discussing the checks and balances each branch of government provides to another in addition to the powers delegated to each. When I first read through this bill, immediately my mind went to the class period when we covered this information. The question I raise is whether this law is a potential violation of the North Dakota Constitution or not. The jurisprudence set in North Dakota will tell you it is.

The North Dakota Constitution Article VI states: “The supreme court shall have authority . . . , unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law.” That phrase—“provided by law”—is not limited to statutes. In *Lamb v. State Bd. of Law Exam’rs*, 2010 ND 11, 777 N.W.2d 343, the North Dakota Supreme Court stated, “[t]he term ‘by law’ is not limited to statute but includes rules adopted by the Supreme Court pursuant to the court’s authority contained in Section 3, Article VI, North Dakota Constitution,” quoting the North Dakota Supreme Court in *Dickinson Newspapers v. Jorgensen*, 338 N.W.2d 72 (N.D. 1983); additionally seen in *Lashkowitz v. Disciplinary Bd. of Supreme Court*, 410 N.W.2d 502 (N.D. 1987).

And, to the extent the “unless otherwise provided by law” exception has been applied, it has been in very limited and narrow ways relating to the “conduct” of attorneys at law (e.g., attorneys fees caps in workers compensation awards, N.D. Cent. Code, § 65-02-08), rather than “admissions to practice” or “disciplining” of attorneys. The N.D. Cent. Code, § 27-11-02 states: “The power to admit persons to practice as attorneys and counselors at law in the courts of this state is vested in the supreme court.” (Emphasis added). Passing HB 1609 would directly conflict with this statute. The Supreme Court of North Dakota decides who can practice law as an attorney. If someone takes the bar exam and passes but is not eligible to sit for it based on the parameters set out by the Supreme Court, they do not have to admit them. The North Dakota Supreme Court has the inherent power to do so.

*In re Simpson*, 9 N.D. 379, 83 N.W. 541 (1900), a North Dakota Supreme Court case whose ruling is *still binding*, although it is over 100 years old, the Court stated, “Any court having the right to admit attorneys to practice, and in this state that power is vested in this court, has the inherent right in the exercise of a sound judicial discretion to exclude them from practice.” Significantly, the Court concluded that any legislation that purports to create such a disciplinary power in this Court is “merely a legislative affirmance of a power that already existed.” (Emphasis added). This well-established state separation of powers principle in constitutional law—that the judiciary has almost exclusive authority over the regulation of the practice of law in a state—is often referred to as the “inherent powers” doctrine.

You will see this doctrine alluded to in *Lamb v. State Bd. of Law Exam'rs*, which stated: “*In addition to both constitutional and statutory authority, we have long recognized our inherent authority over attorneys in this state.*”

The American Law Reports states, “Furthermore, the act of admitting attorneys to practice is in most jurisdictions regarded as exclusively for the courts, as is the final determination in regard to the fitness and qualifications of particular persons, and the courts, acting therein, may exercise judicial power to reject an applicant for unfitness, notwithstanding he may have met the terms of existing statutes and under the provisions thereof appears fully entitled to admittance.” W. W. Allen, Annotation, *Power of Legislature Respecting Admission to Bar*, 144 A.L.R. 150 (1943; 2009 ed.) (Emphasis added). This principle of exclusivity of state judicial power to regulate the practice of law has been most strongly and consistently applied in reference to admissions and disciplinary rules and procedures.

From a non-legal perspective, I am a law student. I had to take the LSAT, which is a grueling hours-long exam requiring months of studying, to even be considered for law school. From there, I had to get letters of recommendation, write a personal statement, pass a background check, and talk with the school before even being admitted. You are then thrown into a completely new style of school, your grades resting upon generally a 90% final exam at the end of the semester. Students who generally got A averages in their undergrad now face the brutal awakening of C averages in law school. This is how hard law school is. After the first year, if your grades are not in good standing, you are kicked out. Additionally, the bar exam tests the subjects you are taught in law school.

This is the harsh reality of what it takes to **become** an attorney. Being a legislator for two terms, which is not 4 full years, is not a sufficient replacement for legal education. If you have not completed at least a bachelor's degree, you are not qualified or prepared to go to law school or sit for the bar. If the legislature did not need attorneys or their expertise, then there would be no need for the legislative council or the 3rd-year law students that come in and help legislators with bills. I am not against an apprenticeship-type program that supplements or is incorporated into a law school education, but I do not know what that would look like. In recent years, state supreme courts have been experimenting with post-law-school-graduation apprenticeship programs as alternatives to the bar exam; but that is vastly different than attempting to substitute apprenticeship programs—with so many gaps and unknowns as to the quality of the experiences that would occur—for the rigors and accountability for learning and professional development opportunities that are key aspects of a strong law school education.

If we are to keep the high bar and prestige of what it takes to be an attorney instead of creating Kim Kardashian lawyers, a do not pass on HB 1609 is necessary. If you would like to see more court cases regarding this subject matter, I am happy to provide that to you as well. Thank you for your consideration.

## **Argument Against HB1609: The Danger of Lowering Legal Standards**

My name is Morgan R. Glines. I am a practicing attorney and owner of my own firm in Minot, the alternate municipal judge in Minot, Ward County Bar President, and a member on the board for the Women's Legal Section. I, along with my other fellow practicing attorneys in this great state, have dedicated years of our life to study and have continued with our education and studies decades into our practice for the betterment of our clients. This is not an easy career choice, as we tend to see people at some of the lowest times in their life. However, we have the training to take a comprehensive look at their needs and help them through, which is not as simple as just drafting something up and submitting it to the court. One case may take years to complete.

HB 1609 is a reckless proposal that would fundamentally undermine the integrity of the legal profession by allowing individuals to become attorneys through a mere apprenticeship. This bill ignores the rigorous education and calibration required to produce competent lawyers and threatens the quality of legal services available to the public.

### **The Problem with Legal Apprenticeships**

The practice of law is complex and multifaceted, requiring deep knowledge across various disciplines, from constitutional law to contract disputes. Legal education serves as a calibration process, ensuring that every lawyer meets a standard level of competence before they are entrusted with the power and responsibility of legal representation.

Under HB 1609, an apprentice's education would be dictated entirely by their mentor. What if the mentor specializes only in criminal defense, and the apprentice is never exposed to real estate transactions, family law, or corporate litigation? A licensed attorney must be prepared to practice in any area of law, yet this bill allows someone trained in only one narrow field to become a general practitioner. This raises serious concerns about preparedness and legal malpractice.

### **What does an Apprentice Even Do?**

In traditional legal education, students are trained through rigorous coursework, legal research, moot courts, and practical externships designed to expose them to a broad range of legal issues. The apprenticeship model lacks any standardization: What are the benchmarks for competency? Will apprentices be required to draft pleadings, write appellate briefs, or argue cases in a supervised setting? The bill does not specify, leaving the process open to abuse and inconsistency.

### **Legislatures Becoming Lawyers**

HB 1609 also includes an absurd provision allowing legislatures who have served two terms to become attorneys. This is the very definition of elitism: a select class of individuals who bypass the rigorous path that ordinary citizens must take.

A law degree and bar passage ensure that lawyers have demonstrated intellectual discipline and mastery of the law. Merely passing bills does not equate to legal proficiency. If lawmakers truly want to serve the public as attorneys, they should take the same path as everyone else – through accredited law schools and bar exams. Otherwise, this bill simply creates a privileged class of policymakers with legal authority they did not properly earn.

*The Inevitable Erosion of Legal Standards*

The legal profession is not one that allows for mediocrity. The risks to clients are too great. A poorly trained doctor can kill a patient, and a poorly trained lawyer can ruin a life. By removing the educational safeguards that ensure competency, HB 1609 is not an expansion of opportunity – it is a dangerous shortcut that will compromise the legal system.

For the sake of public trust, professional integrity, and competent legal representation, HB 1609 must be rejected.

Morgan R. Glines (#08853)  
Attorney at Law  
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## **Bonnie P. Humphrey, Attorney at Law**

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February 11, 2025

To: 69<sup>th</sup> Legislative Assembly

In regard to House Bill 1609

Dear 69<sup>th</sup> Legislative Assembly:

I am writing to express my concerns regarding House Bill 1609, which proposes allowing admission to the bar examination through an apprenticeship program. If this bill were to pass, there would be no guarantee that apprentices would be adequately qualified to practice law in North Dakota. This could undermine the rigorous standards that the University of North Dakota (UND) School of Law has established to ensure its graduates are well-prepared to practice law in the state.

The public could be directly harmed by this bill, as there would be no assurance that an apprentice is well-rounded in all areas of law, beyond any specific specialty they may practice. Additionally, it is troubling that the bill appears to allow a particular class of people, namely state legislators serving more than four years, to bypass law school attendance, effectively giving them a "free pass."

I passed the bar after attending UND School of Law over thirty years ago, and the experience I gained there cannot be replicated in terms of quality, concern for students, and the detailed care provided. The experiences I have had over these years are irreplaceable, and would not have been possible without the UND School of Law.

Today marks the 800th anniversary of the final iteration of the Magna Carta, which was the forerunner to our Constitution. The Magna Carta's significance for lawyers

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lies in its establishment of key legal principles such as due process, access to justice, and the rule of law, which have profoundly influenced both historical and contemporary legal systems. Lawyers work hard, engage in many activities in law school which are simply not the same anywhere else, and face many challenges in the process of passing the rigorous bar examination. There is a reason for this: to ensure that attorneys are deeply committed to the ongoing, day-to-day practice in the interest of justice for everyone. The honor of being a lawyer should not be treated lightly and the process to become one cannot be shortchanged.

**Please do not pass this bill.**

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Bonnie P. Humphrey". The signature is fluid and cursive, with the first name "Bonnie" being more prominent and the last name "Humphrey" following in a similar style.

Bonnie P. Humphrey  
Attorney and Counselor at Law

**House Bill 1609****Testimony of Tony J. Weiler****House Judiciary Committee****February 12, 2025**

Chairman Klemin, and members of the House Judiciary Committee. My name is Tony Weiler, and I am the Executive Director of the State Bar Association of North Dakota. We are the professional association of nearly 3,000 licensed North Dakota Lawyers. I work for a Board of 15 lawyers who meet to discuss all legislation that I put in front of them, and they voted unanimously that I appear before you today in Opposition to HB 1609, and I ask for a Do Not Pass recommendation.

The State Bar Association is a unified or mandatory bar association. That means that any licensed lawyer in North Dakota is a member of our association. We were the first mandatory bar association in the county, formed in 1921. There are currently 31 mandatory bars across the county. Because we are a mandatory bar, we are bound by the constitution to only take a position on issues that would improve the practice of law or discipline the profession. As such, we don't take a position on many issues at all. While there arguably may be many bills that would be considered improving the practice of law, we simply don't weigh in on many matters. You see me in the committee room a lot, because I feel it is important that the Bar is represented and acting as a resource to the legislature should questions arise.

This is a bill that certainly impacts the improvement of the legal profession in North Dakota and therefore I rise to testify in opposition. While I'm asking you for a Do Not Pass, I want to address some issues that I think are important to not only this committee, but to lawyers, judges, and citizens of this great state.

First, I'd like to talk about the benefits of attending law school.

1. **Advancing Legal Knowledge and Skills:** Law school offers a structured education in legal principles, history, and practice. It provides students with deep knowledge of how laws shape society, the mechanisms of legal systems, and how laws evolve. With a comprehensive understanding of law, graduates can interpret, analyze, and apply legal concepts effectively.
2. **Developing Critical Thinking and Analytical Skills:** Law school sharpens critical thinking and problem-solving abilities. Through case studies, debates, and legal writing, students learn how to think logically, assess complex information, and approach issues from multiple perspectives. These are skills that can be applied in a variety of professions beyond law, such as business or government.
3. **Advocacy and Social Justice:** A law degree empowers individuals to advocate for others. Lawyers can influence change, represent marginalized groups, and work toward justice reform. By attending law school, one has the opportunity to contribute to society

in a meaningful way, whether it's through defending the rights of individuals, lobbying for policy changes, or providing legal aid.

4. **Professional Opportunities and Career Growth:** A law degree opens up numerous career paths, from working as a lawyer, judge, or prosecutor to careers in academia, politics, or corporate governance.
5. **Building a Network and Reputation:** Law schools provide opportunities to build professional networks, collaborate with future leaders in various fields, and develop a reputation in the legal community. By attending law school, students gain access to a vast network of professors, alumni, and peers who can offer mentorship, support, and potential career opportunities throughout their careers.
6. **Making a Difference in Society:** Law professionals often hold positions of power and influence that allow them to shape policies and affect the lives of people both on a local and global scale. Whether it's working on civil rights, environmental law, or corporate regulations, lawyers can be instrumental in creating systems of accountability and fairness.

Second, there are apprenticeship programs in other states. Many of these "Alternative Pathways to Admission" are well structured and have been through a long process of development. Most, however, still contemplate a person attending law school.

New Hampshire has a Scholar Honors Program located in its University's School of Law, and it was the first program of its kind that allowed law students to apply for bar admission without having to take the traditional bar examination. It was part of a study with the Institute for the Advancement of the American Legal System (IAALS) at the University of Denver. This is a very structured program where each semester after the start of a student's second year of law school the bar examiners study a portfolio of the student's coursework. The students must still complete the Multistate Professional Responsibility Examination.

Wisconsin allows for a Diploma Privilege, where those who graduate from Marquette and the University of Wisconsin School of Law are admitted to practice in that state. Students must still with character and fitness requirements.

The Oregon Supreme Court adopted the concept for two new examination models for the Oregon State Bar admission.

1. Supervised Practice Portfolio Exam allows applicants to work in a supervised apprenticeship following law school. The Board of Law Examiners review the work for state bar admission.
2. The Oregon Experiential Portfolio Pathway creates a very rigorous curriculum at Oregon's three law schools. This is still followed by a portfolio to the bar examiners for admission. Draft rules are still being promulgated for this program.

California has really gone its own way and will offer a California specific exam and not rely on the National Conference of Bar Examiners and the NextGen Bar Exam. California is also looking at a Portfolio Bar Exam pilot project. This would assess competence to practice law and require participants to complete 700-1,000 hours of legal work supervised by a licensed attorney in the state.

Minnesota has also studied alternative pathways to admission and has adopted the NextGen Bar Exam. The state is also looking at a curricular-based pathway for assessment.

Finally, the state of Washington created a Washington Bar Licensure Task Force to assess the current bar exam and study related requirements for licensing. The task force studied experiential pathways for law school graduates and students. Washington is currently moving forward with some of the recommendations.

I provide these examples as a way of demonstrating that other states have looked at alternative pathways to admission, but most were done following extensive study and research under the direction of the state's Supreme Court. If we want to look at an alternative pathway to admission, I'd suggest we turn this into a study and ask the North Dakota Supreme Court to analyze the issue.

The 2023 Legislature did something similar. House Concurrent Resolution 3023 encouraged the judicial branch to study alternative pathways to bar admission (Letter from Chief Justice Jensen to Leader Lefor is attached). I served on this Task Force and we looked at many areas of the practice of law in North Dakota. While the Task Force did not recommend any alternative pathways to admission at this time in North Dakota, one recommendation was the Allied Legal Professionals program that is part of the Supreme Court's 2025-2027 biennial budget. Unfortunately, it's my understanding this has already been cut from the Court's budget.

I am hoping we can work on ways to move forward with some of the ideas contained in this bill, but it should be studied by the Court and not dictated by the Legislature. Therefore, I again encourage a DO NOT PASS. I'd be happy to answer any questions.

Tony Weiler

[tony@sband.org](mailto:tony@sband.org)

701-220-5846



CHAMBERS OF  
JEROD E. TUFTE  
JUSTICE

**State of North Dakota**  
SUPREME COURT

11 October 2024

Representative Mike Lefor  
Chairman, Legislative Management  
State Capitol  
600 East Boulevard Ave.  
Bismarck, ND 58505

Re: Report of HCR3023 Lawyer Licensing Task Force

House Concurrent Resolution 3023 encouraged the judicial branch to study alternative pathways to bar admission. Chief Justice Jon Jensen appointed a seven-member task force to study occupational licensing of lawyers in the state and whether changes in licensing or other legal reforms may be advisable to respond to an increasing shortage of available lawyers in the state.

As stated in our report, we examined several alternatives to the bar examination. We determined that the bar exam does not appear to be a significant factor in limiting the number of lawyers serving the people of our state. Over one recent three-year period, UND School of Law graduated 103 non-residents. Of those, only six stayed in state to practice law. As our report indicates, we have identified two reforms we believe are feasible in terms of implementation time and required resources and begin to address the unmet legal needs of our state.

**Primary Recommendations:**

**1. Allied Legal Professionals (ALP) Program.**

An ALP is an individual not licensed as an attorney who is trained and authorized to provide legal advice in specified areas. Several states, including Arizona, Utah, Minnesota, and Texas have begun programs in this area. There is significant variation among state programs, but ALPs typically are authorized to work in one or more specified areas of law, such as family law, landlord-tenant, and consumer debt collection. This can be a cost-effective option to fill legal service needs, particularly where there are few attorneys practicing in an area relative to the demand for services or where the amount in controversy or the ability to pay may unduly restrict the feasibility of hiring a lawyer for a particular matter. We expect an ALP program would reduce the number of self-represented people in court and as a result reduce associated challenges for judges and court staff when working with litigants unfamiliar with court rules and other requirements.

**2. Court Navigator Program.**

A Court Navigator Program would be an expansion of the court's current legal self help center. A navigator would be authorized by the court to review documents, answer questions about legal interpretation and completion of court forms, and offer limited legal advice in designated areas of law to inform people about the options available to them.

**House Bill 1609**  
**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 record, my name is Kara Erickson. I am here today on behalf of the Disciplinary Board in opposition to House Bill 1609.

As background, I serve as Disciplinary Counsel for the Judicial Conduct Commission and the Disciplinary Board of the Supreme Court. As Disciplinary Counsel, my office handles the administrative, investigative, and prosecutorial roles for matters that are before the Judicial Conduct Commission and the Disciplinary Board. More simply stated, my office handles allegations of ethical violations for both lawyers and judges within the judicial branch.

In looking through House Bill 1609, several concerns are present. Firstly, the importance of the education gained from law school is vastly downplayed within this bill. Law school helps to shape competent lawyers who are able to conduct the critical thinking and legal analysis that is necessary for representing a client. The other options set forward without a more definitive plan and oversight could not be ensured to accomplish those same goals and criteria which have been overseen by both the law schools and the American Bar Association. Having less educated lawyers endangers your constituents, rather than helping them. As a result, those lawyers would be more likely to wind up in my office facing disciplinary complaints.

Additionally, there are several steps involved to becoming a licensed lawyer that are not contemplated within this bill. One does not just go to law school, pass the bar exam, and then become licensed. In addition to the bar exam, there is a separate examination that all licensed lawyers must pass, which is called the

Multistate Professional Responsibility Exam (“MPRE”), which tests specifically on the rules of ethics and the Code of Judicial Conduct. Most students take a course in law school called Professional Responsibility prior to taking this exam. By removing the requirements for a law school education and allowing licensure without passing the MPRE, these potential new lawyers would have no education or background in the ethical rules required of a lawyer. Without that background, those individuals are very likely to end up in my office facing discipline for violating those same ethical rules. As a result, even if individuals were to meet the requirements and pass the bar, House Bill 1609 is not designed to set these individuals up to become successful lawyers.

Further, all lawyers must pass a character and fitness background check. This also does not appear to be contemplated by House Bill 1609. If they were to be admitted absent this background check, my office may be forced in some circumstances to seek immediate suspension of their licenses pursuant to the Rules of Lawyer Discipline. This problem is better explained through an example. If, for instance, a person was to meet the requirements within the bill and successfully pass the bar, but have a criminal background in which they had been found or pled guilty to theft crimes, our office would ask the Court for an immediate suspension of that lawyer. It would shift from this being an admissions issue, handled on the front end, to a disciplinary issue, handled on the back end of licensure.

While the bill is likely well intentioned as an avenue to further increase access to justice, it does not appear that either the Court or the Board of Law Examiners were consulted prior to introducing this bill. The bill does not provide for any appropriation for the Court or the Board of Law Examiners to develop the process contemplated. The Court already has beneficial ideas discussed in Senate Bill 2002 to increase access to justice, and is in a better position to understand various initiatives that would help our state. Rather, than supporting this bill, I

would encourage you to support fully funding the Court's appropriation request in Senate Bill 2002 and its access to justice initiatives.

I would urge the Committee to recommend a "do not pass" of House Bill 1609. I would be happy to try to answer any questions the Committee may have at this time. Thank you for your consideration.

**WRITTEN TESTIMONY IN OPPOSITION TO HB 1609**

House Judiciary Committee

Date of Hearing: February 12, 2025

Debra L. Hoffarth, 1320 11<sup>th</sup> Street SW, Minot, ND 58701

This written testimony is presented in opposition to HB 1609, which relates to the admission to the bar examination through an apprenticeship program. I am a proud graduate of the University of North Dakota and the University of North Dakota School of Law. My entire legal career has been spent representing North Dakotans.

This bill will allow individuals to sit for the bar examination if they have a four-year college degree and has completed 2,000 hours of engagement under the supervision of a licensed attorney or tribal advocate over 5 years or if an individual has served as a state legislator for 4 or more years.

Access to justice is critical to the North Dakota court system. More qualified attorneys is an important component to ensuring that all individuals, regardless of their geographic location, can seek and obtain fair legal representation. However, this bill undermines the critical training in legal skills and ethics that are provided during law school. Attorneys must be properly trained in order to represent those with complex legal issues and to maintain public confidence in the legal system.

The North Dakota Supreme Court has the authority to regulate the practice of law, not the North Dakota Legislature as clearly set forth in North Dakota Constitution Article VI, Section 3 and N.D.C.C. § 27-11-02. The judicial branch has the expertise to best determine who are qualified to be attorneys. This proposed legislation violates our Constitution.

Law school teaches the hard skills and soft skills needed to be a lawyer. You learn the basics of the law, including Constitutional Law, Contracts, Property, Evidence, Civil Procedure, Legal Writing, Criminal Law, Natural Resources, and Trial Advocacy. It is a place to learn to think like a lawyer, analyze cases, and understand why the American and North Dakota justice system operates the way it does. It also creates opportunities for experiential learning such in trial situations, appellate arguments, externships, and legal clinics. Two-thousand hours is not sufficient to learn the depth and nuances of the law.

Law school has professors that are specialized in the area of law that they teach. Although attorneys are well equipped to teach about the areas that they practice, no practitioner has the time to properly teach a prospective lawyer all of these specialized areas of law.

Lawyers work every day to advocate for their clients and to help resolve their problems in a way that is within the bounds of the law. Two-thousand hours is not sufficient training and it would risk admitting individuals who do not have the necessary foundation or knowledge of the law which would harm the public with inadequate representation.

This bill provides a special carve out for North Dakota legislators. The notion that a legislator who has served four years in the North Dakota legislature—meeting only 80 days every other year—is sufficiently prepared to sit for the bar examination is deeply flawed. Legislative experience, while valuable in policymaking, does not equate to the rigorous legal training required to competently practice law. Legislators, although sponsoring bills, do not draft all of the bills presented in the legislative session. The drafting of the bills is primarily done by the Legislative Council, which includes licensed attorneys. Unlike law school, which provides structured education in legal principles, research, and advocacy; legislative service is not designed to teach the analytical and procedural skills necessary for competent legal representation. The limited exposure to legal discussions in the legislature cannot replace the depth of study required to understand case law, statutory interpretation, and professional ethics. Allowing this

apprenticeship program would erode the high standards expected of attorneys and ultimately risk compromising the quality of legal services available to the public.

I agree that we need to increase the ability of every North Dakotan to have legal representation. However, we cannot lower the bar and put the public at risk with unqualified attorneys. We need legal professionals that are well-rounded, knowledgeable, effective, and ethical.

Please oppose HB1609.

A handwritten signature in cursive script, appearing to read "Deborah H. Park".

HB1609 Testimony  
Brian Pappas  
Dean & Professor of Law  
University of North Dakota School of Law

Chair Klemin and Members of the House Judiciary Committee:

My name is Brian Pappas and I serve as Dean of the University of North Dakota School of Law. I write in opposition to HB 1609. There are numerous reasons to oppose this bill.

First, in terms of training hours, there is a clear distinction between what is outlined in bill 1609 and the engagement and training standards established at the UND School of Law and law schools generally around the country. The 2,000 hour engagement requirement is far less than the training requirements for law students. The ABA requirement for a standard 3-credit course with an exam is 37.5 hours of classroom instruction and 90 hours of out-of-class time for a total of 127.5 hours. Multiplied by 30 for the 90 credits required to graduate from UND Law, and students will spend 3,825 hours of time preparing to be a lawyer. Further, this is directed instructional time in courses which each cover a subject matter or skill and are taught by an expert in the area.

In addition, there is no prescribed curriculum associated with the 2000-hour engagement requirement as proposed in bill 1609. Thus, there is no mechanism by which those engagement hours can reliably and consistently prepare individuals for a successful bar examination, and beyond that, no specific training in law disciplines that would reliably prepare individuals for successful practice in the field. Law students, however, complete during their course of study an established curriculum in vital areas of law practice during their 1L, 2L, and 3L years, which prepare them for a successful bar examination and give them the expertise needed to perform at a high level in practice for the benefit of the citizens of North Dakota and beyond.

Thus, under the terms of this bill, individuals will be left with significant gaps in the knowledge gained by the apprentice. Further, most lawyers are not generalists and so it would be a challenge for them to supervise the development of expertise in the numerous areas covered by the bar exam.

Second, it is problematic to allow a licensed tribal advocate to supervise an apprentice. Licensed tribal advocates are not attorneys and while they could supervise apprentices who may want to be tribal advocates or to pass licensing requirements in tribal courts, they should not be supervising apprentices in preparation for bar admission.

Third, restricting the North Dakota Board of Law Examiners from requiring any application or registration to start a supervised engagement will have negative consequences. Individuals may begin apprenticeships incorrectly believing their supervisor has the expertise and ability to help them prepare for the bar exam. The hourly requirement is listed as "hours of engagement," but it is not clear what constitutes engagement. Apprentices could spend a great deal of time on tasks that are helpful to the attorney but may not be adequate preparation for the bar exam.

Fourth, the State Board of Law Examiners also requires applicants to pass character and fitness screenings in addition to graduating from law school. The law school admissions process assists future students in determining whether admission is possible due to prior legal, financial and other issues. Without any process, individuals could spend years preparing and then discover they are now ineligible to practice.

Finally, service as a legislator requires considerable skill and expertise. Many of the skills needed to be a successful legislator overlap with the skills needed to be a successful lawyer. However, the two jobs are not identical, and the specialized skills needed to enter into the practice of law require equally specialized training and mentoring. The plan as articulated in this bill recognizes the great experience and skills of those who dedicate their lives to public service, but it does not replace or account for the specialized training needed to enter into the practice of law.

While I am in support of exploring innovative ways of increasing access to legal services, I believe this bill will do more harm than good.

Thank you for the opportunity to testify in opposition to HB1609.

House Judiciary  
February 12, 2025

Testimony of the State Board of Law Examiners  
HOUSE BILL NO. 1609

Chair Klemin and members of the Committee, I am Petra Hulm, Secretary-Treasurer of the State Board of Law Examiners, appearing on behalf of the State Board of Law Examiners in opposition to HB 1609.

The proposed legislation requires the Supreme Court to establish an apprenticeship program which would replace attending law school and allow legislators who have served two terms to be eligible to sit for the bar examination.

The Board understands an apprenticeship program is an option for increasing the availability of legal services and to allow alternatives to law school for some applicants. The Board believes that if apprenticeship is allowed, a formal program should be established and funded through the Judicial Branch. The State Board of Law Examiners was established in 1919. The practice of law and the Board of Law Examiners has been managed and governed by the Judicial Branch since the State's inception.

The Board is concerned with subdivision (c), which appears to provide that the State Board of Law Examiners may not require an application or paperwork except an affidavit from the supervising attorney regarding completion of hours. The four states that permit an apprenticeship-like program have applications and progress reports throughout the apprenticeship. They have detailed programs with benchmarks, and in some cases, exams during the program. The supervising attorneys are required to be licensed and have many years of experience. Finally, all applicants are subject to a character and fitness background investigation – even in the four states I mentioned. This legislation does not appear to contemplate apprentices participating in that background investigation. The Board is concerned that the fitness and competency of attorneys will be compromised and the public subject to harm under the proposed legislation.

The Board is concerned that the proposed apprenticeship hours amount to less than 40 hours per week for one year. Passing the bar examination is not the only requirement to becoming a practicing attorney. Education is also required. The Board appreciates the complex and important work the legislature does, but questions whether a legislator with two sessions of experience has the competency that law school provides. The programs in all four current states are multi-year and full-time

programs with specified curriculum per week or month. Law school, and even an extensive apprenticeship program, provides education of lawyers distinct from the bar exam. Law students learn ethics to guide them in their work and take a Multistate Professional Responsibility Exam to demonstrate that knowledge. They learn client counseling and client advocacy. They learn practical skills around research and writing. They learn how to formulate persuasive arguments and conduct critical legal analysis. They spend years obtaining this education, not months.

The Supreme Court led a task force during the interim session which examined access to legal services. It considered in detail alternatives to licensure. If alternatives to legal services is the desired outcome, I urge you to support the budget request by the Supreme Court for allied legal professionals and a navigator. Both were determined to currently be the best avenues to give greater access to legal services.

The Board requests you to vote do not pass.

**House Bill 1609**  
**House Judiciary Committee**  
**Testimony Presented by Sara Behrens**  
**February 12, 2025**

Good morning Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in opposition to House Bill 1609.

This bill requires the Supreme Court, in cooperation with the State Board of Law Examiners, to establish and implement an apprenticeship program as an alternative to law school. However, no funding is provided to establish the required program. Four states currently have apprenticeship programs with varying degrees of success. However, all of these programs have application/registration requirements, benchmarks that must be met, and fees. Most require reports to be submitted periodically from the supervising attorney over the course of 3-4 years. HB 1609 prohibits application or registration requirements. The only requirements that appear to be allowed under this bill are: a 4-year degree and 2,000 hours of engagement under a licensed attorney over a period of up to 5 years.

In order to properly establish a program like what is being proposed in HB 1609, the Supreme Court and State Board of Law Examiners would need a period of time to determine the best structure for the program and the appropriate requirements. The Supreme Court would also need appropriate funding to establish a well-structured program. Absent the time and funds needed to properly establish a program, we fear individuals would be set up for failure.

While we concur with the need for more attorneys in North Dakota, we do not think a quickly put together, unfunded program is the way to accomplish that goal. The Supreme Court has been looking at the issue of attorney shortages and has proposed two programs within the Judicial Branch budget (SB 2002): Allied Legal Professionals Program and Court Navigators Program. These programs are designed to mitigate attorney shortages by providing cost-effective legal advice and assistance in specified proceedings. We hope that these programs ultimately get funded through the Judicial Branch budget.

Additionally, we have the Rural Attorney Recruitment Program, established in 2021, which seeks to address attorney shortages in rural areas in the state. This program has been successful so far with six matches. SB 2211 expands this program to also include retention of attorneys and, instead of population-based, it will be open to counties with five or fewer licensed attorneys in the county.

For these reasons, we urge a do not pass.

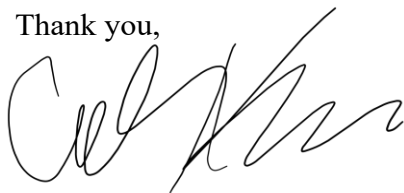
**House Bill 1609**  
**Testimony of Cole Kratochvil**  
**House Judiciary Committee**  
**February 12, 2025**

I submit this testimony in favor of house bill 1609.

Creating an alternative pathway for applicants to sit for the bar exam by way of an apprenticeship program will serve to broaden the applicant field, resulting in a wider range of applicants. Allowing for an alternative to the Juris Doctor as the exclusive qualification for taking the bar does not devalue the profession, as no concessions are being made regarding the exam itself.

I respectfully request a do pass on house bill 1609.

Thank you,

A handwritten signature in black ink, appearing to read 'Cole Kratochvil', with a stylized, cursive script.

Cole Kratochvil

3903 4<sup>th</sup> Avenue East  
Williston, ND 58801  
701.509.6965

HB 1609 is a great bill that meets a growing need for careers to offer a fast track approach to various occupations that are in demand but are presented with current hinderances and shortages, especially in rural areas. This will also provide affordable options that one may otherwise be unable to retain when left to traditional options of law firms only.

HB1609 creates an avenue for the supreme court, in cooperation with the state board of law examiners, to structure and implement an apprenticeship program that creates an avenue for experienced individuals to sit for the bar exam without attending law school. The requirements that would constitute the equivalence of that degree are being a legislator for 4 years minimum, or a 4 year degree with 2000 hours of work under the supervision of a licensed attorney all to be complete within a 5 year span. Upon meeting the requirements an interested individual would submit an affidavit from their supervising attorney stating those hours are complete and all the qualifications are met. The supreme court will review the applicant's requirements and from there will authorize the issuance of certification to take the bar exam.

This again is a simple bill, it's cutting edge for our time, and very appropriate to meet the growing need in high demand careers. This is a good bill and I ask the committee to support HB 1609

Pouliot

Opposed

HB 1609

Chairman Klemin and Members of the House Judiciary Committee,

My name is Lindsey Pouliot, and I live in District 35 now. Today I am testifying against House Bill 1609 in its current form.

I am a lifelong North Dakotan, having grown up in Beulah, attending undergrad at NDSU in Fargo, and obtaining my law degree from UND in Grand Forks. Now, I live in Bismarck working for a statewide nonprofit. While I am proud of my work, which informs the opinions I will share with you today, I am testifying in my personal capacity as a North Dakota resident who has personal insight on the implications of this bill.

Next week, I will take the Oath and Pledge before a judge and finally obtain my law license for the state of North Dakota. The road to this outcome has not been simple, and years of planning and dedication were necessary.

I attended UND School of Law for the standard three years of law school. During that time, I learned from amazing professors, built connections with legal professionals in the state, and came to understand the ethical and professional standards of the legal profession.

*Bar exam prep  
✓ does not replace  
law degree*

I worked several externships: one at a private law firm in my hometown, one for a statewide organization, and one for the 2023 Legislative Assembly. Experiences like these are baked into the law school curriculum. Law students must complete a minimum of 90 credit hours, with a minimum of 76 credit hours consisting of coursework, and at least six credits of experiential learning.

The Legislative Session externship is the largest credit hour externship program in which the UND Law School consistently participates. While the legislative externship was instrumental in my understanding of the law, I could not have been as effective without the education I had prior to the externship. Further, the experience alone was not adequate to constitute an alternative to a law degree. The legislative externship contributed 10 credit hours to the 90 credits I needed to graduate the law program.

My coursework gave me the understanding of how the law works, how it is interpreted, how it changes over time, and how it protects individual liberties. It also taught me the history of this country through a legal lens. While the legislative session taught me a lot about the law, it did not teach the intricacies of criminal law, civil procedure, torts, property law, family law, constitutional law, or family law – topics which are not only tested on the bar exam but are a foundation for the entirety of my legal understanding.

Allowing individuals without a law degree to practice law would be disastrous for the liberties of North Dakotans. Furthermore, a change in license requirements this drastic is likely unworkable for the UND Law School, the State Bar Association, and the Supreme Court.

There are long-standing procedures in place for examining the character and fitness of law students and applicants to the State Bar Association. To even attend UND Law, I had to submit a record of every home address I had ever had, a reference from every job I have had, and records of every one of my speeding tickets from high school. The State Board of Bar Examiners knows more about me than most of my friends and family. These procedures need to be just as stringent for all applicants to the State Bar. Overall, I believe this bill is reckless and unworkable as it is. However, in my work I see directly how the attorney shortage impacts my clients. As such, I want to offer the committee a different option that I think would work with the current licensure process, rather than against it.

Instead of waiving the requirement for a juris doctorate degree, I believe that this committee should consider creating a path toward licensure for individuals who come close but fail to pass the bar exam. Applicants for this program should still need an undergraduate degree, a juris doctorate degree, character and fitness investigation, and to sit for the bar exam. If the applicant earns a score that falls within a few points of passing, that applicant should have a path to licensure through apprenticeship under a practicing attorney. Requiring the apprenticeship also does not disincentivize law school attendance or passing the bar exam – it is just a second option for those with test anxiety or other struggles with testing.

I do believe it is reckless to give the power to take the bar exam to individuals without a juris doctorate degree. Alternatively, giving someone with an almost-passing score a path towards licensure through apprenticeship would help those who are good students and employees but not such good test takers. The bar exam does not determine whether you are a good attorney. I passed the bar exam on my first try. That is not the truth for a lot of people. Some of my friends studied much harder and longer than I did, and they did not pass. They would be fantastic attorneys, and I hope they pass the February bar exam because they deserve to be able to contribute to our communities that so desperately need their services.

Thank you all for your time. I have attached the amendment, and I now stand for any questions.

Lindsey Pouliot, JD

**State bar apprenticeship program.**

1. The supreme court, in cooperation with the state board of law examiners, shall establish and implement an apprenticeship program as an alternative to a passing bar exam score for applicants for law licensure.
2. The apprenticeship program shall require the following:
  - a. An applicant for admission to the state bar association is qualified for law licensure if an applicant:
    - (1) Obtains a juris doctorate degree from a law school approved, or provisionally approved, for accreditation by the American bar association;
    - (2) Passes the character and fitness investigation conducted by the state board of bar examiners;
    - (3) Sits for the bar exam and obtains a bar exam score within five points of a passing score; and
    - (4) Has completed two thousand hours of engagement under the supervision of a licensed attorney or a licensed tribal advocate, over a period not to exceed five years.
  - b. A supervising attorney or a licensed tribal advocate must verify the engagement of an applicant by submitting an affidavit to the state bar board.
  - c. An applicant has met the engagement requirement under paragraph 2 of subdivision a of subsection 2 by submitting an affidavit from a supervising attorney or supervising tribal advocate verifying an applicant has completed two thousand hours of engagement.
  - d. The supreme court, after receiving and considering the state board of law examiners' report of the results of an examination of applicants for admission to the bar of this state, including applicants from the apprenticeship program, and the recommendations of the board, shall enter an order authorizing the issuance of certificates of admission to the bar to those applicants the court considers entitled to admission.

Chairman Klemin and Members of the House Judiciary Committee:

My name is Britney Haga, I am a resident of North Dakota, District 33, and a graduate of UND Law School, and I am speaking today in opposition, in part, to house bill 1609.

I believe that allowing those who have not gone through the rigorous process of taking the LSATS, and completing the required credits in law school, devalues those who have worked and sacrificed for this degree. It takes away from receiving an education at a law school, and I believe it would give less incentive for those who wish to become licensed legal professionals to attend law school, which would be such a disservice to this profession. We are taught the fundamentals of the law and how to analyze and think like lawyers. If we are no longer required to attend law school to learn such fundamental basics of the law, there is no way to determine that those passing the bar will have a full understanding and are fully capable of being lawyers.

Working in the legal field myself, in a non-lawyer capacity, I've seen firsthand what a struggle it is for our state with the lack of attorneys able to provide legal representation, and the huge need for them, so I understand that this could be a way to help relieve that. However, I believe that we could take this bill as an opportunity to modify it into something that could significantly improve this legal representation drought we are in.

I have taken the bar exam multiple times and have not passed. I have been one point away from passing, and five points away from passing. The process of obtaining your license is grueling, for some more than others. It requires a lot of sacrifice, both personally and financially, and the bar exam is only administered twice a year. As someone who did not pass, I was faced with relying financially on my husband while I studied, and I was unable to keep the legal job I had, because they were expecting me to pass the bar and when I didn't, I could no longer keep my job. The stress of all of that, while also trying to study added to the pressure to pass, as well as not being an excellent test taker, despite the hours and months and years of studying. I grew up only wanting to be an attorney, it was my entire life's goal, and because I couldn't get past the threshold, I wasn't able to be one. I am still working in the legal field here in North Dakota and helping people, but I could help so many more if I had my license right now. So many that desperately need it.

I am not the only one with this story. I have many friends and colleagues who were just under the threshold to pass and have had to seek alternative employment. I personally feel this is a waste of so many that already have the legal education, the training, and the talent to be lawyers, and to help our communities with their legal needs. I have also seen many who were unable to pass the bar here in North Dakota, move to other states or countries to try to obtain their license. This means we have lost out on many capable attorneys to other places, further adding to the disadvantage of lack of legal representation in the state.

That is why I am in support of modifying this bill and in support of the modifications proposed by Lindsey Pouliot. Not to allow those without a law degree to sit for the bar, but to allow those

who have law degrees, and who have already taken the bar exam and failed within five to ten points, to undergo an apprenticeship wherein upon completion they can become licensed to practice law.

I believe this could significantly improve our lawyer shortage, as well as introduce so many capable new legal professionals into our community. It would also not only benefit me but benefit so many I know that would add so much value to our state.

Thank you all for your time.

Britney Haga, JD

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1609  
2/18/2025

A BILL for an Act to create and enact a new section to chapter 27-11 of the North Dakota Century Code, relating to admission to the bar examination through an apprenticeship program developed, established, and implemented by the supreme court.

3:41 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

## **Discussion Topics:**

- States with similar programs
- Credits provided to legislative legal interns

3:53 p.m. Representative VanWinkle moved a Do Pass.

3:53 p.m. Representative Hoverson seconded the motion.

3:59 p.m. Representative VanWinkle withdrew her motion.

3:59 p.m. Representative VanWinkle moved to Amend striking page 2 lines 5 and 6.

4:00 p.m. Representative Hoverson seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	N
Representative Steve Vetter	N
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	N
Representative Mary Schneider	N
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

4:03 p.m. motion passed 10-4-0

4:03 p.m. Representative VanWinkle moved a Do Pass as Amended.

4:03 p.m. Representative Henderson seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Steve Vetter	N
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	N
Representative SuAnn Olson	N
Representative Bernie Satrom	N
Representative Mary Schneider	N
Representative Bill Tveit	N
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

4:05 p.m. Motion failed 6-8-0

**Additional written testimony:**

Shane Goettle, Independent, submitted testimony in opposition #38009

4:06 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

February 25, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1609

Introduced by

Representatives VanWinkle, Heilman, Hendrix, D. Johnston, Koppelman, Morton, D. Ruby,  
Toman

Senators Castaneda, Paulson, Wobbema

- 1 A BILL for an Act to create and enact a new section to chapter 27-11 of the North Dakota  
2 Century Code, relating to admission to the bar examination through an apprenticeship program  
3 developed, established, and implemented by the supreme court.

#### 4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1.** A new section to chapter 27-11 of the North Dakota Century Code is created  
6 and enacted as follows:

#### 7 **State bar apprenticeship program.**

- 8 1. The supreme court, in cooperation with the state board of law examiners, shall  
9 establish and implement an apprenticeship program to approve applicants to sit for the  
10 bar examination as an alternative to receiving a juris doctor or equivalent degree from  
11 a law school approved, or provisionally approved, for accreditation by the American  
12 bar association.
- 13 2. The apprenticeship program must provide the following:
- 14 a. An applicant for admission to the state bar is qualified to be examined by the  
15 state bar board if an applicant:
- 16 (1) Obtains a four-year college degree; and
- 17 (2) Has completed two thousand hours of engagement under the supervision of  
18 a licensed attorney or a licensed tribal advocate, over a period not to  
19 exceed five years.

- 1           b. A supervising attorney or supervising licensed tribal advocate must verify the  
2           engagement of an applicant by submitting an affidavit to the state bar board.
- 3           c. The state bar board may not require a commencement notice, application, or  
4           registration from an applicant before a supervised engagement.
- 5           d. An applicant has met the engagement requirement under paragraph 2 of  
6           subdivision a of subsection 2 by submitting an affidavit from a supervising  
7           attorney or supervising tribal advocate verifying an applicant has completed two  
8           thousand hours of engagement.
- 9           e. ~~An applicant for admission to the bar is qualified for examination by the state~~  
10          ~~board of law examiners by serving as a state legislator for four or more years.~~
- 11          f. The supreme court, after receiving and considering the state board of law  
12          examiners' report of the results of an examination of applicants for admission to  
13          the bar of this state, including applicants from the apprenticeship program, and  
14          the recommendations of the board, shall enter an order authorizing the issuance  
15          of certificates of admission to the bar to those applicants the court considers  
16          entitled to admission.

Klemin, Lawrence R.

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**From:** Shane Goettle <shane@goettllelaw.com>  
**Sent:** Wednesday, February 12, 2025 11:16 AM  
**Subject:** Klemin, Lawrence R.  
 Opposing HB 1609 – Protecting the Integrity of the Legal Profession

You don't often get email from shane@goettllelaw.com. [Learn why this is important](#)

Dear Chairman Klemin,

I am writing to express my **strong opposition** to **House Bill 1609**, which proposes allowing individuals to sit for the North Dakota bar exam without attending law school, including a provision that qualifies state legislators with four years of service to do so. While I appreciate efforts to explore alternative pathways to the legal profession, this bill would **dramatically weaken legal standards** and **compromise the quality of legal representation** available to North Dakotans.

### Legislative Service is Not Legal Training

Legislative experience brings valuable insights into policymaking and governance, but it is simply **not equivalent** to the rigorous preparation required to practice law. Unlike law school graduates, legislators do not receive formal training in:

- **Legal reasoning and case law application** – Reviewing bills is not the same as studying legal precedent, understanding statutory interpretation, or analyzing how laws apply in specific factual scenarios.
- **Trial advocacy and court procedures** – A legislator's role does not require knowledge of litigation strategy, courtroom rules, or client representation.
- **Client counseling and ethical obligations** – Lawyers must adhere to strict professional standards, manage client confidentiality, and provide legal advice with deep understanding of the consequences. Legislative service does not prepare someone for these responsibilities.
- **Legal research, writing, and contracts** – Law school provides structured training in drafting pleadings, contracts, wills, and legal arguments. Legislative service, by contrast, does not require proficiency in these core legal skills.

No other state grants bar exam eligibility simply because someone has served in elected office, and for good reason: **being involved in making laws does not mean one is qualified to practice law.**

### The Risks of Weakening Legal Standards

Beyond the legislative exemption, HB 1609 introduces a **loosely structured apprenticeship model** that lacks the comprehensive education, peer engagement, and professional oversight of a law school environment. The result would be an inconsistent, fragmented path to bar eligibility that risks **lowering the overall competence of new attorneys.**

The legal profession is built on **trust, rigorous training, and ethical responsibility**—all of which are earned through a structured legal education. If this bill passes, it will create a **two-tiered system** where some attorneys enter the profession through **years of dedicated study**, while others bypass that entirely

based on unrelated political service or minimal apprenticeship experience. That is **not a fair or effective way to prepare future attorneys.**

### **A Better Path Forward**

I respect the desire to explore ways to expand access to the legal profession, but **HB 1609 is not the answer.** Rather than undermining legal standards, discussions could focus on:

- Strengthening **scholarship opportunities** for aspiring attorneys from underserved communities.
- Encouraging **law school partnerships** to reduce tuition burdens and improve accessibility.
- Expanding **practical training opportunities** within existing educational frameworks.

I urge you and the House Judiciary Committee to **reject HB 1609** and instead pursue solutions that protect both **the integrity of the legal profession** and **the rights of North Dakota citizens to competent legal representation.** I appreciate your time and consideration of this important issue.

Sincerely,

**Shane Goettle**  
**Goettle Law, PLLC**

PO Box 572  
Mandan, ND 58554  
Bar ID#: 05285  
Phone: 701-426-0576  
Email: [shane@goettlelaw.com](mailto:shane@goettlelaw.com)

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1609  
2/24/2025

Relating to admission to the bar examination through an apprenticeship program developed, established, and implemented by the supreme court.

9:14 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, Wolff, Schneider

Members Absent: Representative VanWinkle

## **Discussion Topics:**

- Contents of the bar exam
- Fees involved with the bar exam

9:15 a.m. Representative Tveit moved a Do Not Pass as Amended (Previously Amended during the February 18, 2025, meeting).

9:15 a.m. Representative McLeod seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	N
Representative Jeff Hoverson	N
Representative Daniel Johnston	N
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	N

9:21 a.m. Motion passed 9-4-1

9:21 a.m. Representative McLeod will carry the bill.

9:22 a.m. Chairman Klemin closed the hearing.

Judiciary Committee

HB 1609

February 24, 2025

Page 2

*Wyatt Armstrong, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
HB 1609**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS** ([25.0917.02002](#)) and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1609 was placed on the Sixth order on the calendar.