

SUPREME COURT OF NORTH DAKOTA

In the Matter of a Petition to Permit Temporary Provision of Legal Services by Qualified Attorneys From Outside North Dakota

2019 ND 1 · No. 20160436 · Decided January 9, 2019

SUMMARY

The North Dakota Supreme Court extended the deadline for certain qualified attorneys from outside North Dakota to comply with Rule 3(A) of the North Dakota Admission to Practice Rules in criminal cases arising from Dakota Access Pipeline protests. The Court extended the deadline to January 31, 2019, for cases in which prosecution was delayed because of outstanding warrants and left the remaining provisions of its November 15, 2018 order in effect.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Per Curiam; Gerald W. VandeWalle, C.J.; Jerod E. Tufte; Jon J. Jensen; Lisa Fair McEvers; Daniel J. Crothers
JURISDICTION	North Dakota
DECIDED	January 9, 2019
DOCKET	20160436
DISPOSITION	other
PROCEDURAL POSTURE	The North Dakota Supreme Court considered a request to extend the deadline for out-of-state attorneys admitted under temporary pro hac vice provisions to comply with Rule 3(A) of the North Dakota Admission to Practice Rules.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court order; addresses the Court's administration of temporary pro hac vice authorization in specified criminal cases.

TOPICS

criminal procedure

PRACTICE AREAS

legal ethics

admission to practice

criminal procedure

QUESTIONS PRESENTED

1. Whether the Court should extend the deadline for compliance with Rule 3(A) of the North Dakota Admission to Practice Rules for cases whose prosecution was delayed by outstanding warrants.

HOLDINGS

1. The deadline for compliance with Rule 3(A) of the North Dakota Admission to Practice Rules was extended to January 31, 2019, for cases in which prosecution was delayed because of outstanding warrants.
2. All provisions of the November 15, 2018 order other than the specified deadline extension remained in effect.

KEY QUOTATIONS

“ORDERED that the deadline for compliance with Rule 3(A) of the North Dakota Admission to Practice Rules in those cases that prosecution is delayed due to outstanding warrants is extended to January 31, 2019.” (¶15)

FACTUAL BACKGROUND

The North Dakota Supreme Court had authorized qualified out-of-state attorneys to provide legal services in criminal cases arising from Dakota Access Pipeline protest arrests under special pro hac vice provisions. Many cases remained unresolved because the Morton County State's Attorney's Office was reviewing whether to continue or dismiss them, including cases affected by outstanding warrants.

PROCEDURAL HISTORY

The Court had previously issued orders permitting qualified attorneys from outside North Dakota to represent defendants in criminal cases arising from Dakota Access Pipeline protests under relaxed pro hac vice requirements. The Water Protector Legal Collective requested an extension of the compliance deadline because the Morton County State's Attorney's Office was reviewing cases for possible dismissal or continued prosecution. The Court extended the deadline for cases delayed by outstanding warrants and left the remaining provisions of its November 15, 2018 order in effect.

DISPOSITION

other