

Senate Judiciary Committee

Honorable Senator Diane Larson, Chair

SB 2233 Rural Attorney Recruitment Program

January 26, 2021

Chair Larson and Committee Members,

Thank you for the opportunity to introduce SB 2233 to you today. My name is Brad Bekkedahl, Senator from District 1 in Williston. As the prime sponsor of the bill, I will be presenting the bill intent and mechanisms today and there will be supporting testimony after me from those that are in the legal occupation as well as those most directly affected by this proposed program. This bill discussion was initiated about a year ago to address the loss and current lack of attorney availability in many of our rural counties and towns in North Dakota. The State Bar Association, in discussion with State Supreme Court representatives, were looking for a way to incentivize the return of attorneys to practice in areas of need. In the discussion, involved attorneys crafted the framework of the bill before you today.

Essentially, the bill before you allow the Supreme Court, or a committee designated by the Court the ability to establish a program to assist rural counties and municipalities in recruiting and retaining attorneys in underserved areas. The local political subdivision wishing to participate must apply for consideration and grant approval to undergo an assessment to determine that the need exists for recruitment. Part of the eligibility requirement is based on population by county or municipality, as well as the county or city agreeing to provide a portion of the incentive payment.

The bill also sets out specific criteria about attorney eligibility for the program. The program is initially established to allow no more than four attorneys to be in the program at any time. Once established and operational, the need for more attorneys can be evaluated and reported to the next Legislative Session to consider adding more participants. The attorneys accepted to the program will be compensated with an amount equal to ninety percent of the University of North Dakota school of law resident tuition and fees in five annual installments, determined at the time they complete an initial agreement. If the attorney breaches the agreement, the attorney shall repay all the funds received from the program. Failure to repay the funds is grounds for discipline by the Supreme Court. The formula for funding the program is 35% from the county or municipality served, 15% from the State Bar Association, Foundation, or other legal association, and 50% provided by the State appropriation to the Supreme Court. All the funds required will be deposited into a recruitment assistance program fund created by the Supreme Court or its designated committee. The agreement requires the recipient attorney to practice law full time in the eligible area for at least five consecutive years. An attorney that has previously participated in any other attorney recruitment program, any other state or federal scholarship, loan repayment, or tuition reimbursement program requiring the individual to provide services to an underserved area, is ineligible to participate in another attorney recruitment program in this chapter. Ultimately, the Supreme Court may adopt rules as necessary to implement this chapter and provide an annual report to Legislative Management prior to July first each year.

Chair Larson, this is the bill in a nutshell. I'd be happy to answer any questions the committee may have and beg your indulgence to defer questions I cannot adequately answer to others present today.

