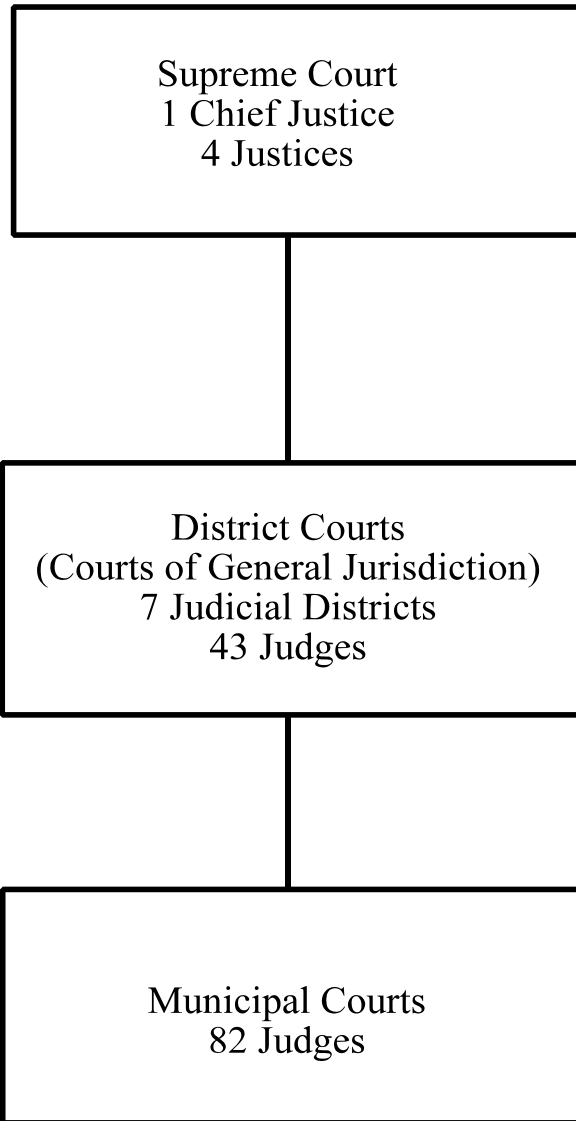


# THE STRUCTURE OF THE NORTH DAKOTA JUDICIAL SYSTEM



# Profile of the North Dakota Judicial System

## Structure of the Court System

The original constitution of the state of North Dakota created a judicial system consisting of the Supreme Court, district courts, justice of the peace courts, and such municipal courts as provided by law. This judicial structure remained intact until 1959 when the Legislative Assembly abolished the justice of peace courts in the state. The adoption of a new judicial article to the state constitution in 1976 significantly modified the constitutional structure of the judicial system. The new judicial article vested the judicial powers of the state in a unified judicial system consisting of a Supreme Court, district courts, and such other courts as provided by law. Thus, under the new judicial article, only the Supreme Court and the district courts retained their status as constitutional courts. All other courts in the state are statutory courts.

In 1981 the Legislative Assembly further altered the structure of the judicial system by enacting legislation that replaced the multi-level county court structure with a uniform system of county courts throughout the state. This new county court structure became effective on January 1, 1983.

With the county court system in place, the judicial system of the state consisted of the Supreme Court, district courts, county courts, and municipal courts.

This changed again as the county courts were abolished by 1991 House Bill 1517, effective January 1, 1995. The Bill, with a final completion date of January 1, 2001, also transferred the jurisdictional workload to an expanded number of district judges. The 1991 total of 26 county judges and 27 district court judges was reduced to 43 district court judges sitting as of the end of 2000 and further reduced to a total of 42 district court judges on January 1, 2001.

## Administrative Authority

The 1981 Legislative Assembly clarified the administrative responsibilities of the Supreme Court by designating the chief justice as the administrative head of the judicial system and by granting the chief justice the authority to assign judges for temporary duty in any non-federal or tribal court in the state. It also acknowledged the Supreme Court's rulemaking authority in such areas as court procedure and attorney supervision.

## Selection and Removal of Judges

All judges in North Dakota are elected in nonpartisan elections. Justices of the Supreme Court are elected for ten-year terms; district court judges for six-year terms; and municipal court judges for four-year terms.

Vacancies in the Supreme Court and the district courts can be filled either by a special election called by the governor or by gubernatorial appointment. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominating Committee must first submit a list of nominees to the governor from which the governor makes an appointment. The person filling the judicial vacancy serves for a minimum of two years and then until the next general election. The person elected to the office at the general election serves for the remainder of the unexpired term.

If a vacancy occurs in a municipal court, it is filled by the executive officer of the municipality with the consent of the governing body of the municipality.

Under the North Dakota Constitution only Supreme Court justices and district court judges can be removed from office by impeachment. All judges, however, are subject to removal, censure, suspension, retirement or other disciplinary action for misconduct by the Supreme Court upon the recommendation of the Judicial Conduct Commission. Other methods for the retirement, removal and discipline of judges can be established by the Legislative Assembly.

## North Dakota Supreme Court



Left to right: (Sitting) Justice Dale V. Sandstrom; Chief Justice Gerald W. VandeWalle; Justice William A. Neumann; (Standing) Justice Carol Ronning Kapsner; Justice Mary Muehlen Maring

The North Dakota Supreme Court has five Justices. Each Justice is elected for a ten-year term in a nonpartisan election. The terms of the Justices are staggered so that only one judgeship is scheduled for election every two years. Each Justice must be a licensed attorney and a citizen of the United States and North Dakota.

One member of the Supreme Court is selected as Chief Justice by the Justices of the Supreme Court and the District Court Judges. The Chief Justice's term is for five years or until the Justice's elected term on the court expires. The Chief Justice's duties include presiding over Supreme Court conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: (1) adjudicative and (2) administrative.

In its adjudicative capacity, the Supreme Court is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. All appeals from these courts must be ripe for review by the Court. In addition, the Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary to exercise this authority.

The state constitution requires that a majority of the Justices is necessary before the Court can conduct its adjudicative business. In addition, the Court cannot declare a legislative enactment unconstitutional unless four of the Justices so decide. When the Court reverses, modifies, or affirms a trial court judgment or order, it is required to issue a written opinion stating the reasons for its decision. Any Justice disagreeing with the majority opinion may issue a dissenting opinion which explains the reasons for the disagreement with the majority.

In its administrative capacity, the Supreme Court has major responsibilities for ensuring the efficient and effective operation of all nonfederal courts in the state, maintaining

high standards of judicial conduct, supervising the legal profession, and promulgating procedural rules which allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility the Court has general rulemaking authority.

The Court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises its authority to admit and license attorneys through the State Bar Board. Its supervision of legal ethics is exercised through the Disciplinary Board of the Supreme Court and its supervision of judicial conduct is exercised through the Judicial Conduct Commission. Continuing review and study of specific subject areas within its administrative jurisdiction is provided through five advisory committees - the Joint Procedure Committee, the Joint Committee on Attorney Standards, the Judiciary Standards Committee, the Court Services Administration Committee, and the Judicial Planning Committee. Other committees, such as, the Continuing Judicial Education Commission, Juvenile Policy Board, Personnel Policy Board, and the Legal Counsel for Indigents Commission, also provide valuable assistance to the Supreme Court in important administrative areas.

Administrative personnel of the Supreme Court also play a vital role in helping the court fulfill its administrative functions. The clerk of the Supreme Court supervises the calendaring and assignment of cases, oversees the distribution and publication of Supreme Court opinions and administrative rules and orders, and decides certain procedural motions filed with the Court. The state court administrator is responsible for the budgetary oversight of the judicial system, prepares statistical reports on the workload of the state's courts, provides judicial educational services, and performs such other administrative duties that are assigned by the Supreme Court. The state law librarian supervises the operation of the state law library.

## North Dakota Supreme Court

New filings decreased by 8% , but the Supreme Court workload was augmented with an additional administrative workload. In calendar year 2000, the Supreme Court's consideration of cases was replaced with consideration of rules and policies relating to clerks of the trial court becoming state employees, creating court-annexed alternative dispute resolution, establishing a process to handle complaints involving temperament; bias related to race, sex, religion, national origin, disability, age, sexual orientation, or socio-economic status; or other inappropriate behavior against judges and employees of the judicial system; and reviewing a number of other proposals to amend current procedural and administrative rules.

Decreases in filings in appeals involving the Workers Compensation Bureau, administrative agencies other than Job Service and the Department of Transportation, driving while under the influence or under suspension, employment issues, and paternity attributed to the year's overall filing decrease. However, there were significant increases in appeals involving termination of parental rights, which can likely be attributed to the Adoption and Safe Families Act, juvenile law, post-conviction relief and sexual offenses. Appeals in family related cases account for 24% of the Supreme Court's civil workload. Almost 50% of the Court's civil workload involves family law, administrative agency appeals, juvenile law and post-conviction relief. In 18% of all cases, one or more parties elected to represent themselves on appeal.

The most appeals originated from the South Central District, followed by the East Central, Southeast, Northeast, Northwest, Northeast Central and Southwest Districts.

In addition to authoring an average of 45 majority opinions each, another 23 concurring and/or dissenting opinions were separately authored by each justice. There were also 237 oral arguments calendared. Administratively, the Court's agenda was overflowing with the weekly motions and administrative conferences, committee work on both a state and national level, visits with students and others, and official appearances.

### CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 2000 AND 1999 CALENDAR YEARS

	2000	1999	Percent Difference
New Filings	350	382	-8.38
Civil	266	293	-9.22
Criminal	84	89	-5.62
Transferred to Court of Appeals	2	1	100.00
Civil	1	1	0.00
Criminal	1	0	N/A
New Filings Balance	348	381	-8.90
Civil	265	292	-9.56
Criminal	83	89	-6.74
Filings Carried Over From Previous Calendar Year	189	188*	+.53
Total Cases Docketed	537	569	-5.62
Dispositions	352	380	-7.37
Civil	267	267	0.00
Criminal	85	113	-24.78
Cases Pending as of December 31	185	189	-2.12
Civil	147	150	-2.00
Criminal	38	39	-2.56

\*Incorrect on previous years' reports.

**CASE DISPOSITIONS - 2000**

	<b>Civil</b>	<b>Criminal</b>
<b>BY OPINION:</b>		
Affirmed	101	32
Affirmed & Modified	1	0
Reversed; Reversed & Remanded; Reversed & Modified	44	8
Affirmed in Part & Reversed in Part	18	1
Affirmed by Summary Disposition	22	14
Dismissed	5	2
Discipline Imposed	8	0
Original Jurisdiction--Denied	2	0
Certified Question Answered	1	0
Remanded	2	0
Order/Judgment Vacated/ Remanded	2	0
<b>Dispositions by Opinion</b>	<b>206</b>	<b>57</b>
<b>BY ORDER:</b>		
Dismissed	34	20
Dismissed After Conference	12	6
Original Jurisdiction- Denied	15	2
<b>Dispositions by Order</b>	<b>61</b>	<b>28</b>
<b>Total Dispositions for 2000</b>	<b>267</b>	<b>85</b>

**CASELOAD OVERVIEW OF NORTH DAKOTA COURTS  
FOR 2000 AND 1999**

<b>Level of Court</b>	<b>Filings</b>		<b>Dispositions</b>	
	<b>2000</b>	<b>1999</b>	<b>2000</b>	<b>1999</b>
Supreme Court	350	382	352	380
District Courts	144,687	147,008	157,571	159,025

## North Dakota Court of Appeals

The Court of Appeals was established in 1987 to assist the Supreme Court in managing its workload. In calendar year 2000, a 1999 case was transferred to the Court of Appeals together with two 2000 cases.

Judges serving on the panel of the Court of Appeals were: the Honorable James H. O'Keefe, Surrogate Judge, acting as Chief Presiding Judge; the Honorable Gordon O. Hoberg, Surrogate Judge; and the Honorable David W. Nelson, District Judge.

Since it was established, the Court of Appeals has written 69 opinions disposing of 73 cases.

Cases assigned to the Court of Appeals under Administrative Rule 27 may include family law issues; appeals from administrative agency decisions; appeals from trial court orders on motions for summary judgment; appeals involving cases originating under the Uniform Juvenile Court Act; and appeals from misdemeanor convictions.

Authorization for the Court of Appeals extends to January 1, 2004.

Statistical summaries of the Court of Appeals cases assignments and dispositions follow.

### CASELOAD SYNOPSIS OF THE COURT OF APPEALS FOR THE 2000 CALENDAR YEAR

	2000
2000 Cases Assigned	2
Civil	1
Criminal	1
1999 Cases Assigned	1
Civil	1
Criminal	0
Total Cases	3
Docketed	2
Civil	1
Criminal	1
Dispositions	1
Civil	0
Criminal	1
Cases Pending as of December 31	2
Civil	2
Criminal	0

2000 DISPOSITIONS	Civil	Criminal
Affirmed by Summary Disposition	0	1
<b>TOTAL 2000 DISPOSITIONS</b>	<b>0</b>	<b>1</b>

## DISTRICT COURTS

There are district court services in each of the state's fifty-three counties. The district courts are funded by the state of North Dakota. The district courts have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal cases and have general jurisdiction for civil cases.

The district courts also serve as the juvenile courts in the state and have exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. This jurisdiction includes cases in which a female minor is seeking judicial authorization to obtain an abortion without parental consent. Unlike a majority of other states, the responsibility for supervising and counseling juveniles who have been brought into court lies with the judicial branch of government in North Dakota. To meet these responsibilities, the presiding judge, in consultation with the district court judges of each judicial district, has the authority to employ appropriate juvenile court personnel. In addition to these personnel, the presiding judge, on behalf of the district court judges of the judicial district, may also appoint judicial referees to preside over juvenile proceedings, judgment enforcement proceedings, and domestic relations proceedings other than contested divorces.

The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, district courts do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding conducted by the administrative agency.

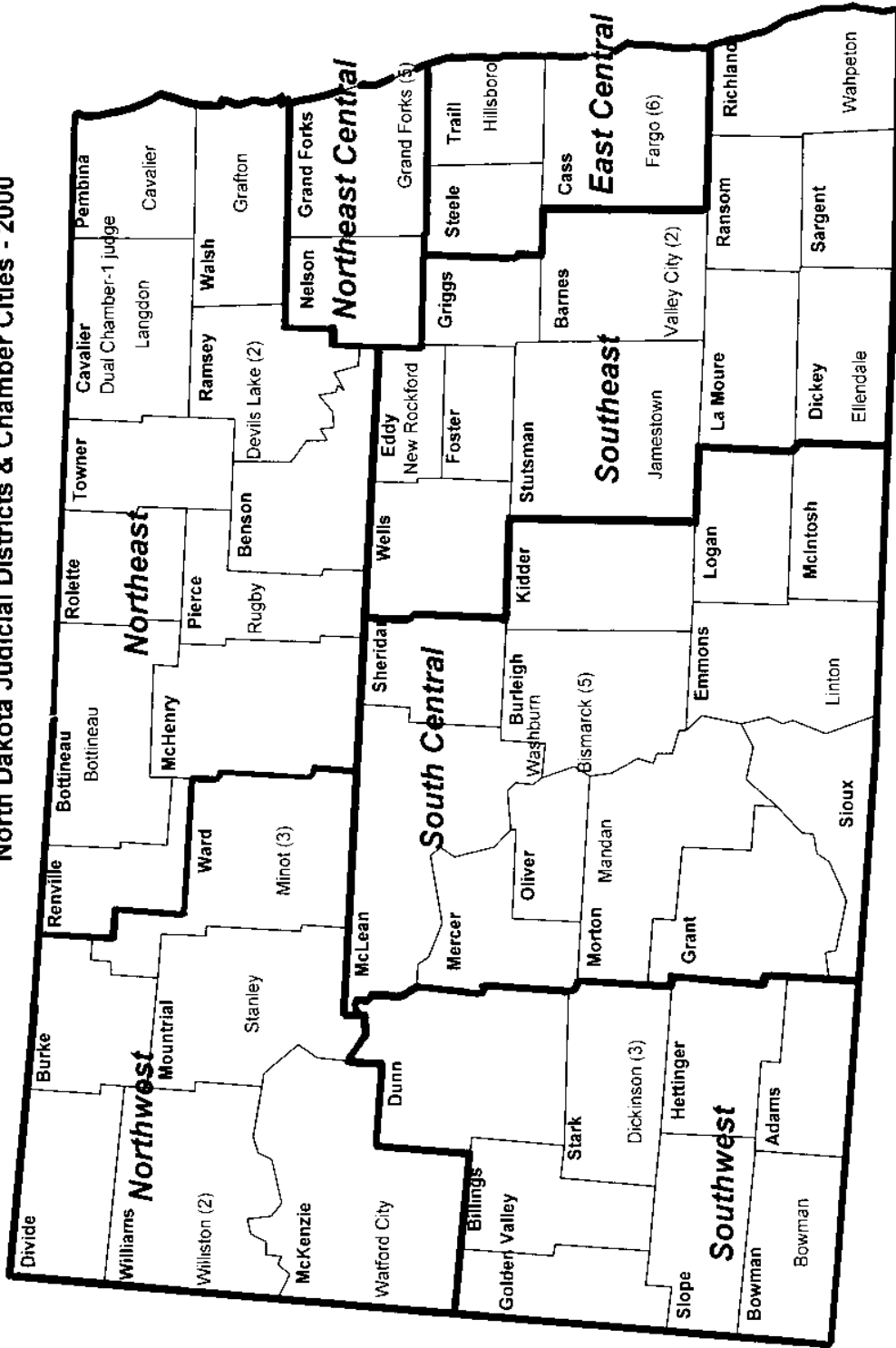
In 1979 the Supreme Court divided the state into seven judicial districts. In each judicial district there is a presiding judge who supervises all court services of courts in the geographical area of the judicial district. The duties of the presiding judge, as established by the Supreme Court, include convening regular meetings of the judges within the judicial district to discuss issues of common concern, assigning cases

among the judges of the district, and assigning judges within the judicial district in cases of demand for change of judge. All judicial districts are served by a court administrator or administrative assistant, who has the administrative responsibility for liaison with governmental agencies, budget, facilities, records management, personnel, and contract administration.

There are, as of the end of 2000, forty-three district judges in the state. On January 1, 2001, there will be 42 district judges. Eight judges in four chamber city locations serve the South Central Judicial District, the largest geographically and most populous district in the state. There are seven judges in the Northwest Judicial District serving in four chamber city locations. Seven judges serve the East Central Judicial District in two chamber city locations, and five judges serve the Northeast Central Judicial District in one chamber city location. Six judges serve the Northeast Judicial District in five chamber city locations. Six judges serve the Southeast Judicial District in five chamber city locations. Four judges serve the Southwest Judicial District in two chamber city locations. All district court judges are required by the state constitution to be licensed North Dakota attorneys, citizens of the United States, and residents of North Dakota.

The office of district court judge is an elected position which is filled every six years in a nonpartisan election held in the district in which the judge will serve. If a vacancy in the office of district judge occurs, the Supreme Court must determine whether the vacancy should be filled or whether the vacant office should be abolished or transferred. If the vacancy is to be filled, the governor may either fill the vacancy by appointing a candidate from a list of nominees submitted by the Judicial Nominating Committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge serves for a minimum of two years and then until the next general election, at which time the office is filled by election for the remainder of the term.

North Dakota Judicial Districts & Chamber Cities - 2000





## District Court Caseload

District court filings remained stable in 2000, showing a .1% increase over 1999 filings and a drop from 1998 levels.

Civil filings were up .62% from 1999 and small claims filings decreased 3.26%. Criminal filings were up slightly with a .57% increase over 1999 levels. Formal juvenile filings show a 3.1% decrease.

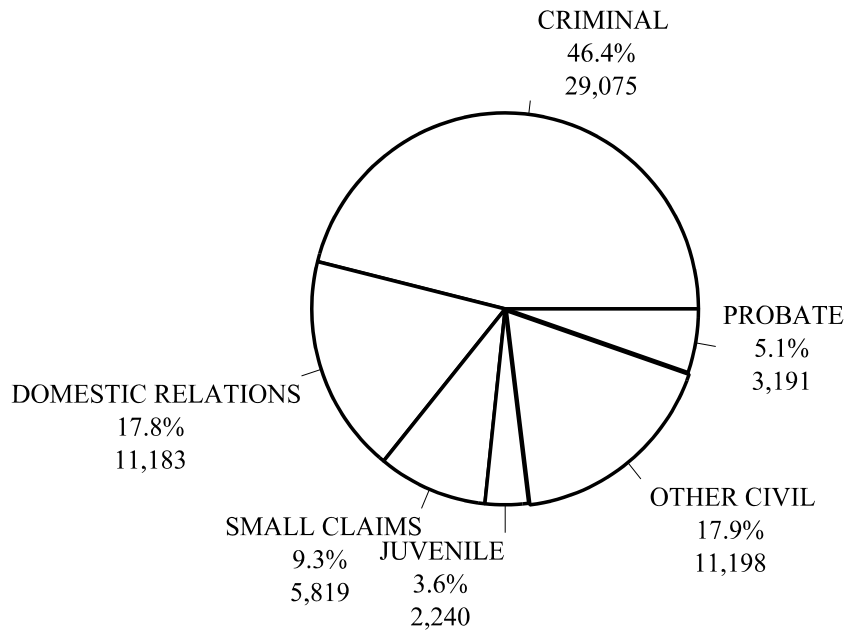
### DISTRICT COURT CASELOAD FOR CALENDAR YEAR 2000 AND 1999

Case Filings	2000	1999	Change in Filings 1999/2000
New Filings	62,706	62,651	+ .10%
Civil	25,572	25,414	+ .62%
Small Claims	5,819	6,015	-3.26%
Criminal	29,075	28,909	+0.57%
Juvenile	2,240	2,313	-3.10%
<b>Case Dispositions</b>	<b>2000</b>	<b>1999</b>	
Dispositions	74,060	76,155	-2.80%
Civil	31,902	33,222	-3.97%
Small Claims	5,841	6,345	-7.94%
Criminal	34,277	34,275	+0.01%
Juvenile	2,240	2,313	-3.10%

### DISTRICT COURT CASE TYPE FILING - 2000

CIVIL		CRIMINAL	
Case Type	Filings	Case Type	Filings
Property Damage	175	Felony	3,203
Personal Injury	343	Misdemeanor	21,055
Malpractice	44	Infraction	4,817
Divorce	2,980		
Adult Abuse	1,211	<b>State Total</b>	<b>29,075</b>
Custody	207		
Support Proceedings	5,354		
Adoption	272		
Paternity	1,124		
Termination of Parental Rights	35		
Administrative Appeal	150		
Appeal Other	11		
Contract/Collect	7,087		
Quiet Title	95		
Condemnation	18		
Forcible Detain	591		
Foreclosure	496		
Change of Name	192		
Special Proceedings	46		
Trust	66		
Foreign Judgment	231		
Other	711		
Conservator/Guardianship	476		
Protective Proceedings	56		
Probate	2,593		
Mental Health	1,008		
Small Claims	5,819		
<b>State Total</b>	<b>31,391</b>		

**TYPES OF CASES FILED IN DISTRICT COURT DURING 2000**



The following is a chart that shows the number of jury trials held in each judicial district for 2000.

District	2000
East Central	43
Northeast Central	43
Northeast	19
Northwest	37
South Central	124
Southeast	38
Southwest	15
<b>Total</b>	<b>319</b>

## Civil Caseload

Civil filings increased slightly during 2000. General civil plus small claims cases decreased .12% from 1999 levels and decreased 6.82% from 1998 levels.

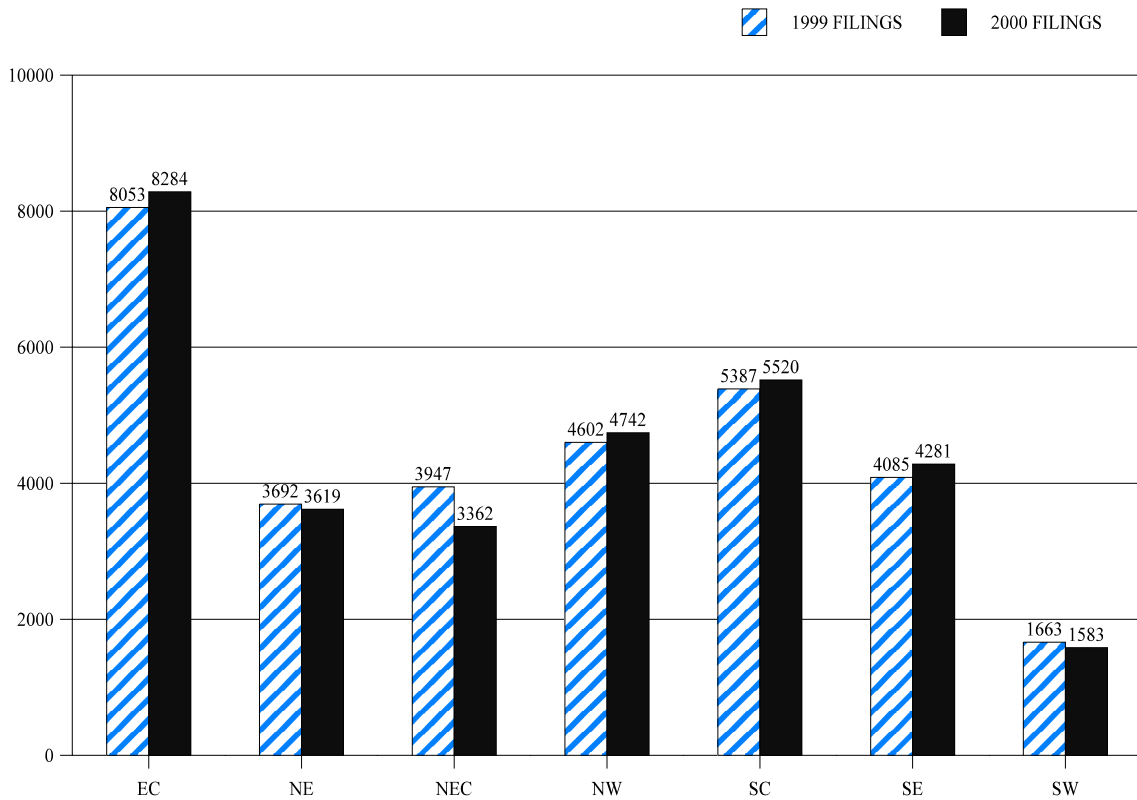
Most case filing categories remain relatively stable. Notable changes include personal injury claims, which decreased 9.7%, and foreclosure filings, which increased 22.7% from 1999 data.

Domestic relations case filings increased .28%. Support proceedings make up 47% of all domestic relations case filings.

Divorce filings account for 26%, adult abuse filings 10%, custody filings 2%, adoption 2%, paternity 10%, and termination of parental rights account for 3% of the domestic caseload.

Divorce filings were up 7.4% to 2,980 cases in 2000. Adult abuse case filings increased 7.8% to 1,211. Paternity case filings were up 26.1% with 1,124 cases filed, while support proceedings decreased 10.6% with 5,354 cases filed, compared to 5,953 cases in 1999.

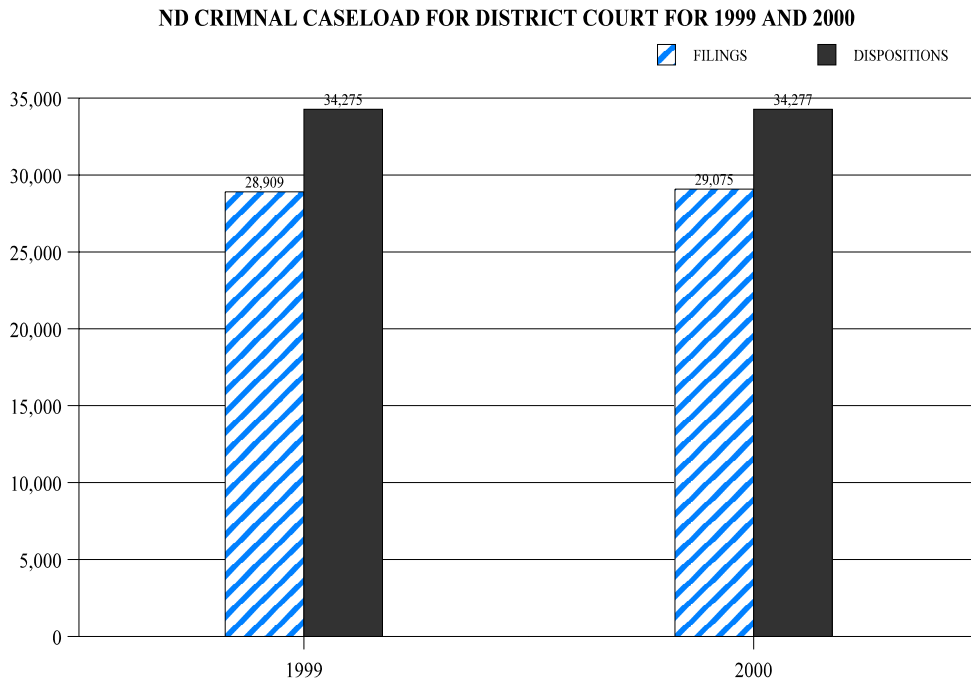
ND CIVIL CASELOAD FOR DISTRICT COURT FOR 1999 AND 2000



## Criminal Caseload

Criminal case filing data for 2000 reflects a .57% increase in filings from 1999. This slight increase comes after three years of decreasing criminal filings. The 2000 criminal filings remain lower than 1996 levels.

Consistent with previous data, misdemeanors and infractions represent 89% of the criminal filings and felonies represent 11% of the overall criminal filings.



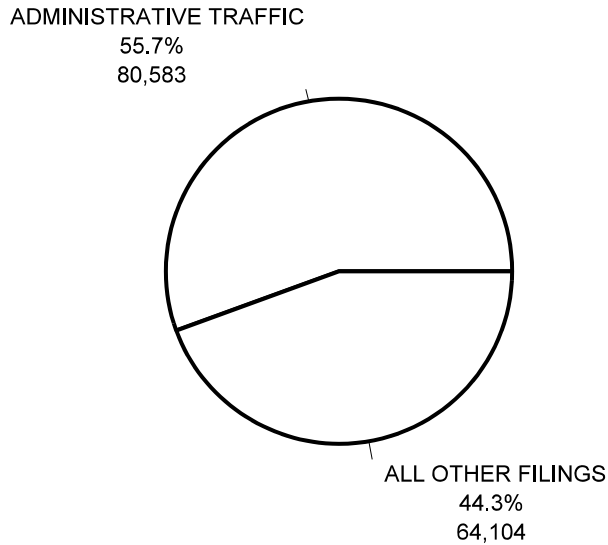
## Administrative Traffic Case Processing

Administrative traffic filings during 2000 decreased 4.47% from 1999 levels. These cases make up 55.6% of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Filings show a greater increase than actual because the previous numbers were from DOT and did not include all cases.

<b>Case Filings</b>	<b>2000</b>	<b>1999</b>	<b>Percent Difference</b>
Admin. Traffic	80,583	84,357	-4.47
<b>Case Dispositions</b>	<b>2000</b>	<b>1999</b>	
Admin. Traffic	81,913	82,870	-1.15

## Total Cases Filed in District Court Including Administrative Traffic



## Juvenile Caseload

As with the criminal caseload, the low violent crime rate in North Dakota is reflected in its juvenile court statistics. Offenses against persons made up 5.2% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 20.8% of the caseload. Other offenses include: property offenses, 21.9%; traffic offense, 4.5%; deprivation, 4.8%; and other filings, 43%.

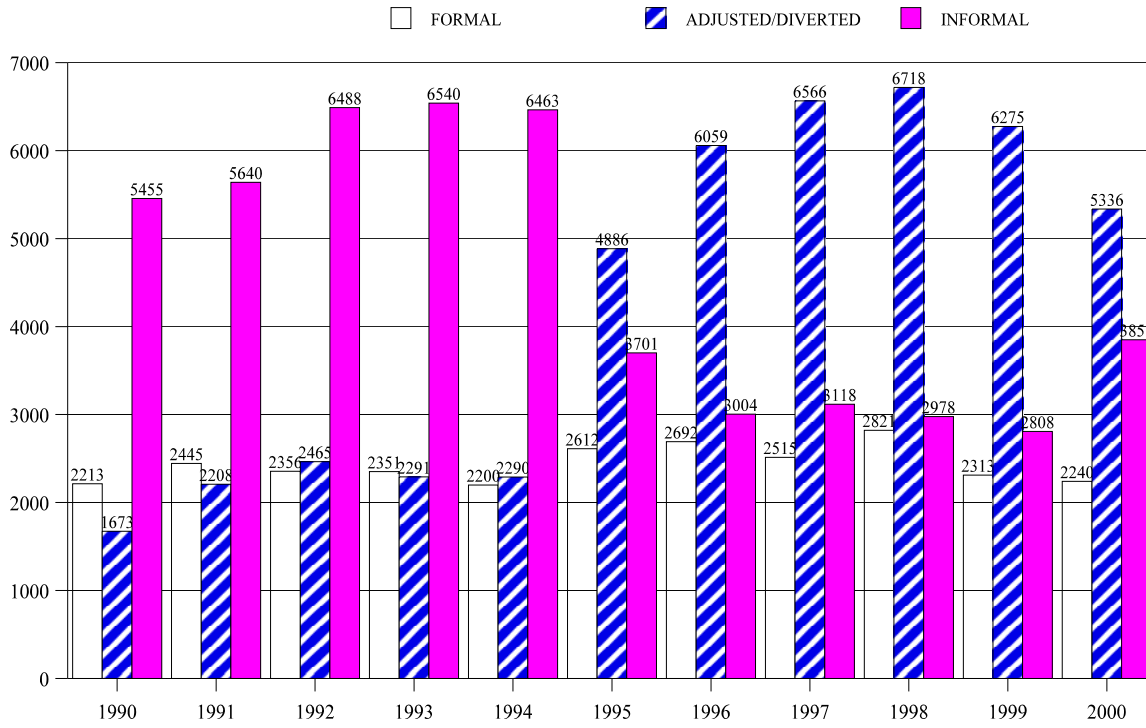
The methods by which cases were disposed show a continued reliance on adjusted/diverted proceedings. Of the cases heard, 46% were disposed of through adjusted/diverted proceedings in 2000,

compared to 53% in 1999 and 54% in 1998. The use of informal probation adjustments increased in 2000. The formal juvenile caseload reflects a slight decrease over previous years. Tables comparing the types of dispositions and reasons for referral to the juvenile court in 1999 and 2000 follow. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral to the juvenile court.

**TYPES OF JUVENILE COURT DISPOSITIONS  
FOR 2000 AND 1999**

Judicial District	Formal		Informal/Probation		Adjusted/Diverted		Total Dispositions		Percent Diff.
	2000	1999	2000	1999	2000	1999	2000	1999	
East Central	600	580	557	483	719	544	1,876	1,607	16.7%
Northeast	375	354	533	101	681	1,170	1,589	1,625	-2.2%
NE Central	351	379	585	306	575	704	1,511	1,389	8.8%
Northwest	251	258	749	782	892	989	1,892	2,029	-6.8%
South Central	350	359	627	617	1,425	1,664	2,402	2,640	-9.0%
Southeast	217	253	506	391	791	809	1,514	1,453	4.2%
Southwest	96	130	294	128	253	395	643	653	-1.5%
<b>TOTAL</b>	<b>2,240</b>	<b>2,313</b>	<b>3,851</b>	<b>2,808</b>	<b>5,336</b>	<b>6,275</b>	<b>11,427</b>	<b>11,396</b>	<b>0.3%</b>

**COMPARISON OF JUVENILE DISPOSITIONS FOR 1990-2000**



**REASONS FOR REFERRAL TO JUVENILE COURT SERVICES  
IN 2000 AND 1999**

		2000	1999	% Diff.
<b>FAMILY</b>		<b>2,738</b>	<b>2,173</b>	<b>26.0</b>
	Runaway (instate resident)	883	602	46/7
	Runaway (out-of-state resident)	24	9	166.7
	Truancy	472	312	51.3
	Ungovernable Behavior	759	549	38.3
	Conduct/Control Violations	0	67	Discont.
	Curfew	506	456	11.0
	Other Unruly	94	178	-47.2
<b>DELINQUENCY</b>		<b>9,498</b>	<b>8,933</b>	<b>6.3</b>
	Offenses Against Persons	695	555	25.2
	Assault	607	372	63.2
	Homicide (attempted)	0	1	0.0
	Kidnapping	0	0	0.0
	Other Offenses Against Persons	17	125	-86.4
	Sex Offenses	71	57	24.6
	Offenses Against Property	2,873	2,700	6.4
	Arson	16	4	300.0
	Burglary	200	182	9.9
	Criminal Mischief/Vandalism	526	525	0.2
	Criminal Trespass	181	202	-10.4
	Forgery	39	44	-11.4
	Other Property Offenses	136	124	9.7
	Robbery	2	10	-80.0
	Shoplifting	768	739	3.9
	Theft	1,005	870	15.5
	Traffic Offenses	560	465	2.4
	DUI/Physical Control	78	108	-27.8
	Driving without License	309	223	38.6
	Other Traffic	173	134	29.1
	Other Offenses	5,370	5,213	3.0

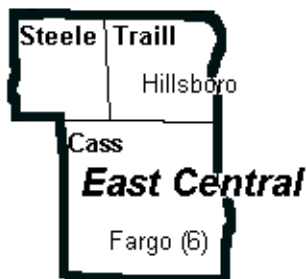


		2000	1999	% Diff.
	Check Offenses	95		New
	City Ordinances	95		New
	Disorderly Conduct	735	632	16.3
	Firearms	59	39	51.3
	Game and Fish	76	86	-22.1
	Obstruction	228	117	94.9
	Other Public Order	132	308	-57.1
	Possession/Purchase Alcohol	2,863	3,079	-7.0
	Controlled Substance Violations	596	504	18.3
	Tobacco	554	448	23.7
<b>DEPRIVATION</b>		<b>630</b>	<b>560</b>	<b>12.5</b>
	Abandonment	1	7	-85.7
	Abuse/Neglect	158	143	10.5
	Deprived	471	410	14.9
<b>SPEC. PROCEEDING</b>		<b>282</b>	<b>272</b>	<b>3.7</b>
	Termination of Parental Rights (Involuntary)	68	100	-32.0
	Termination of Parental Rights (Voluntary)	45	75	-40.0
	Other Special Proceeding	169	97	74.2
<b>TOTAL</b>		<b>13,148</b>	<b>11,938</b>	<b>10.1</b>

## Report of the East Central Judicial District

The Honorable Norman J. Backes, Presiding Judge  
Eloise M. Haaland, Administrative Assistant

District Court Judges: Norman J. Backes, Presiding Judge; Georgia Dawson; Ralph R. Erickson, Lawrence A. Leclerc, Michael O. McGuire;  
Frank L. Racek, Cynthia A. Rothe-Seeger  
District Court Referees: John A. Dietz and Janice Benson Johnson.  
Number of Counties in District: 3  
District Court Chambers: Fargo, Hillsboro



### District Court

Case filings are shown in the chart on the right. In 2000, the criminal division tried 15 misdemeanors and 11 felony jury trials. In addition, 5 felony, 43 misdemeanor, and 121 traffic matters were tried as court trials. The civil division tried 14 jury and 64 court trials and, in addition, heard 2,005 motions.

Implementing a separation of indigent defense counsel, four for adult criminal proceedings and two primary counsel to cover juvenile court proceedings, has proven to be a success. The public defenders for adult court act as backup attorneys for juvenile court cases, when more than two counsel are required for a case. This has allowed more efficiency in scheduling the court matters involving juveniles.

### Juvenile Court

The year 2000 saw the implementation of the Juvenile Court Management System (JCMS) and although it has been a frustrating experience it is our hope that this system will become more user-friendly. The information that was entered into the juvenile court management system by the court officers and support staff should allow for statistical reports to be easily obtained.

The Adoption and Safe Families Act continues to be a learning process. This Act has presented many challenges.

In May of 2000 the first Juvenile Drug Court within the district was established.

Prevention programming in the community remains in full swing. There are concerns that reduced funds may limit the successful options currently available.

Our community is currently immersed in an Underage Alcohol Usage Task Force. The target population is the 18-21 year-olds. The task force is divided into education curriculum, statutes and policies, youth opportunities, social norms, parental-public awareness, early identification, and treatment.

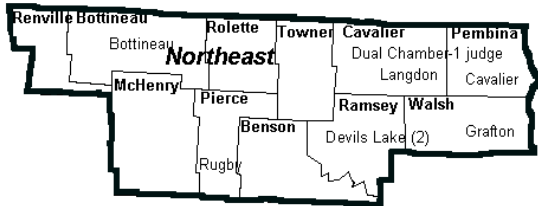
### EAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1999 AND 2000

Case Filings/ Dispositions	1999		2000	
	(F)	(D)	(F)	(D)
Civil	6,533	6,205	6,872	6,721
Small Claims	1,520	1,576	1,412	1,362
Admin Traffic	10,878	10,405	10,781	10,968
Criminal	4,389	4,291	4,454	4,008
Juvenile	580	580	533	533

# Report of the Northeast Judicial District

The Honorable Lee A. Christofferson, Presiding Judge  
Kimberly D. Nelsen, Administrative Assistant

District Court Judges: Lee A. Christofferson, Presiding Judge; Donovan Foughty, M. Richard Geiger, Lester S. Ketterling, John C. McClintock Jr., and Laurie A. Fontaine  
Judicial Referee: Dale Thompson  
Number of Counties: 11  
Chambered Locations: Bottineau, Devils Lake, Grafton, Langdon/Cavalier, and Rugby.



Juvenile court officers continue to implement the Balanced and Restorative Justice model. This is implemented through accountability conferencing, Keys to Innervisions, tobacco and shoplifting awareness classes, intensive tracking and electronic monitoring. More emphasis is being placed on community prevention programs in an effort to avoid out of home placements.

Restitution and community service are major components of balanced and restorative justice. A total of \$50,497.87 was collected in restitution and 12,444 hours of community service completed.

The lay guardian ad litem program is being used in the district. Recruiting and training is ongoing. Lay guardians ad litem have proven to be very helpful especially in abuse and neglect cases.

The juvenile court has implemented a new computer program called Juvenile Court Management System (JCMS). This program is used by the court to enter information on specific juvenile offenders, generate statistical reports, and monitor trends within the juvenile court system.

### District Court

Case filings are shown in the chart on the right. The judicial referee continues to conduct juvenile and child support cases in all eleven counties.

Administratively, the district court continues working towards the implementation of more uniform practices throughout the district. Criminal judgments and notices are now generated in the courtroom in a majority of the counties. As a result, defendants receive the documents immediately.

The Unified Court Information System (UCIS) continues to serve as a valuable case management tool to all Northeast judicial district personnel for managing cases. Monthly reports to judges have improved docket currency. The district currently has eight counties connected to the UCIS program. The district clerks of court meet on a regular basis to improve uniformity and practices with a portion of the meetings dedicated to improving UCIS usage.

Recently, multi-county jury panels have been used in the rural counties.

### Juvenile Court

The juvenile court operates out of three primary sites: Bottineau, Devils Lake, and Grafton.

**NORTHEAST JUDICIAL DISTRICT CASELOAD  
FOR CALENDAR YEARS 1999 AND 2000**

Case Filings/ Dispositions	1999		2000	
	(F)	(D)	(F)	(D)
Civil	2,768	3,206	2,698	3,383
Small Claims	924	1,041	921	938
Admin Traffic	12,656	10,441	11,371	11,510
Criminal	5,001	5,309	5,037	5,719
Juvenile	354	354	459	459

## Report of the Northeast Central Judicial District

The Honorable Lawrence E. Jahnke, Presiding Judge  
Kathy Narlock, Administrative Assistant

District Court Judges: Lawrence E. Jahnke, Presiding Judge; Kirk Smith; Joel D. Medd; Bruce E. Bohlman; and Debbie Kleven  
Judicial Referees: Harlan Dyrud and David Vigeland.  
Number of Counties in District: 2  
District Court Chambers: Grand Forks



### District Court

With the agreement of indigent defense counsel, the Northeast Central Judicial District implemented a new procedure for indigent case assignments. In the past, indigent counsel were assigned every fourth case. Under the new procedure, each firm under contract to provide indigent defense services covers criminal court on a weekly basis and are assigned all new cases filed in their week. This procedure appears to save indigent counsel time and also helps the court by improving the accessibility of indigent counsel.

Our court management committee continues to meet on a quarterly basis to address issues concerning case management, case assignments, scheduling and other issues that arise in both Grand Forks and Nelson counties. Due to the dike project in Grand Forks, the clerk of court has seen an influx of eminent domain cases. It is anticipated many of these cases will be scheduled for jury trial within the next year.

With the completion of the county office building, the Grand Forks County Commission is planning a remodeling project for the courthouse. The entire staff looks forward to better utilization of space in the courthouse and is hopeful a larger courtroom will be built.

### Juvenile Court

The juvenile court in 2000 was busy with cases and programs. Drug court was started in May with twenty kids having either completed or currently involved in Drug Court. Although this is a pilot project, the response to the program has been very positive and the drug court team is hopeful funding for the project will continue.

Keys to Innervisions continues to be the primary rehabilitative tool used with our court. We are establishing, for the first time, use of the full curriculum for this program. We are excited about the prospects of involving parents early and offering the program to families.

A new program with emphasis on truancy is being developed. A truancy team made up of members from social services, state's attorney's office, juvenile court, schools and Lutheran Social Services look to be the catalyst as we try to show families the importance of education with this project. Final interventions will be determined by the truancy team. The first referrals to the team begin in March. We will be looking primarily to elementary and middle school referrals.

Other programs include community service, drug/alcohol testing, offender tracking, and a number of public school related committees that foster communication in working with at risk youth.

The new location of the juvenile court personnel in the County Office Building has been both aesthetically pleasing and efficient. The ability to immediately refer clients within the same building and sharing of information has greatly enhanced the working relationships of the organizations involved.

### NORTHEAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1999 AND 2000

Case Filings/ Dispositions	1999		2000	
	(F)	(D)	(F)	(D)
Civil	3,480	4,461	2,832	4,410
Small Claims	467	553	530	553
Admin Traffic	10,138	10,349	10,709	10,920
Criminal	4,186	5,968	4,122	5,730
Juvenile	357	395	849	849

# Report of the Northwest Judicial District

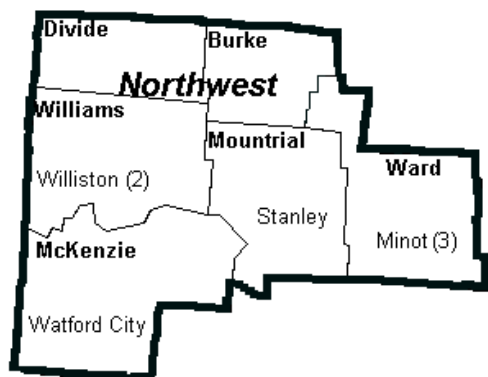
The Honorable Robert W. Holte, Presiding Judge  
Waldemar Kowitz, Administrative Assistant

District Court Judges: Robert W. Holte, Presiding Judge; Glenn Dill III; Gary Holum; William W. McLees, Jr.; David Nelson; Everett Nels Olson, and Gerald Rustad.

Judicial Referee: Connie S. Portscheller

Number of Counties in District: 6

District Court Chambers: Minot, Stanley, Watford City, and Williston.



## District Court

Mission: Dispensing Timely Justice Within the Rule of Law.

During 2000, many improvements were made across the district to improve the efficiency of the court system. More clerks and other personnel were trained in using the Unified Court Information System (UCIS) for case management and in the use of the ledger card module to support the financial needs of the county clerks of court. Much was also done preparing for the transition of the clerks to state employment on April 1, 2001. This affects the district's two largest populated counties, Ward and Williams. As can be expected with such a major change, the year ended with several still unanswered questions.

Progress was also made in case management. Although the number of open cases increased by about 250 from January 1999 to January 2000, those cases which were older than the established state time limits actually decreased (194 cases in October 1999 and only 140 cases in October 2000). The addition of an excellent law clerk for the district is one of several reasons for this improvement.

Improvements were made in the jury system in terms of the number of people brought in for jury duty and in payment for their service. The average number of people brought into the courthouse for each trial decreased from 30 in 1999 to only 27 this year. That equates to 135 fewer people required to report for jury duty. At year end the NWJD successfully completed testing a procedure which decreases the time between end of juror service and payment for that service. The test used the court's computer network to e-file the jurors' names and addresses to Bismarck from the court's jury computer program, saving time and chance of error. Thirty seven (37) jury trials were conducted this year, continuing a downward trend (43 jury trials in 1999, 44 in 1998).

On the technological front, the district has continued efforts to modernize its office equipment. The purchase of laptops allows the judges to travel with their virtual office whenever the need arises. To facilitate teleconferencing of court hearings, a new telephone system which ties into the courtroom sound system was purchased for the McKenzie County courtroom. The Williston district court phone system was further upgraded to include juvenile court (and in 2001,

the clerk's office) and to add voice mail capability. A new, portable, video presentation system allows pictures, x-rays, and objects to be clearly displayed on a large screen TV in the courtroom. It also permits attorneys to present their own computer generated displays. Also successfully tested this year was the use of "real time transcripts" whereby a computer-generated draft transcript is created during a trial or hearing as the reporter types it out on the steno machine.

To help with the occasional lack of courtroom space in the Ward County courthouse, the juvenile hearing room was upgraded to a small court room. The elevated judge's bench increases the judge's safety and the formality of the room makes a greater impression on the juvenile offender. This will also be more useable for visiting judges to conduct small hearings.

## Juvenile Court

Mission: To provide and promote rehabilitation services to delinquent, unruly, or deprived children in the least restrictive manner consistent with the protection of the public interest.

The district's judicial referee handles formal juvenile hearings, child support hearings, and protection & restraining orders, as well as small claims cases. Juvenile and support hearings are held in each of the four chambered cities; by the referee in Minot and by the chambered judges elsewhere in the district. Contracted attorneys provide juvenile indigent defense for juvenile cases, parental terminations, and guardian ad litem services.

Juvenile court started 2000 with a new statewide Juvenile Case Management System (JCMS). As with most new systems, JCMS has had it problems; another program update is due early in 2001.

The juvenile court is now working to get into compliance with the new Federal mandates of the Adoptions and Safe Families Act (ASFA). There has been an incredible amount of training and work done this year to get into compliance with Federal guidelines which have to be followed for North Dakota to receive foster care dollars. Approximately 83 of Ward County's formal cases were deprivation which required "federally correct" court orders. Many of these cases were done by stipulation in the past and that is no longer acceptable. All hearings must be on the record with the proper language and the proper findings recorded. The federal rules also apply to cases that the Division of Juvenile Services has in foster care placements. While this has impacted juvenile court staff, a greater impact is on the referee and state's attorney. The Ward County deprivation referrals continue to climb with more than 60 children in foster care beds.

Tobacco referrals again became a task for the Minot juvenile court when the city judge decided that he had no jurisdiction. However, pending legislation, expected to pass, changes tobacco violation to an infraction and will move it out of juvenile court. The Ward County juvenile court referred 60 youth to the tobacco education class at Uni-Med Hospital. The area of greatest concern is the alcohol referrals. In 1998 there were 277 referrals in Ward County, in 1999 it was 331 and in 2000 we had 410 referred for alcohol possession or consumption. The numbers continue to climb and that is not good news. Another 58 were referred for possession of paraphernalia and 43 for possession of a controlled substance. Because the ND State Lab will no longer verify drug tests for us we have had to contract with a private company to provide this analysis when necessary. We continue to refer runaways to the RAP (runaway alternative program) at North Central.

Community service continues to be a consequence for our youth. In Ward County 3,199 hours were completed this year in comparison to 2,485 in 1999. The cost for community service has also been increased from \$30 to \$36 per the North Dakota legislature.

There is a national trend for juvenile courts to enter into collaboration with the local extension service (4-H Youth Development) to provide programming for needy youth. In cooperation with them, we have added another behavior modification class called Crossroads. It is too soon to tell how it will compare to KEYS and how the youth will respond to it. Restitution collected this year in Ward County amounted to \$14,681.85 compared to \$15,093.04 in 1999.

We have moved slowly but steadily into "Balanced and Restorative Justice". We have been working more closely with victims who have been allowed into court proceedings to give victim impact statements. The victims seem happy with the process and hopefully will agree to participate in accountability conferences with the youth(s) responsible for damages.

The biggest disappointment this year was the failure to get enhanced community service off the ground. Ward County juvenile court had to turn back a grant to the Children's Services Committee for failure to meet time limits. On the positive side, the Ward County detention facility has completed its first full year and it's been a wonderful addition to our present services. It may have played a part in the drop in referrals.

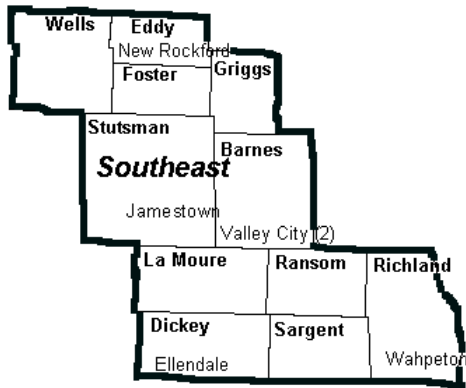
**NORTHWEST JUDICIAL DISTRICT CASELOAD  
FOR CALENDAR YEARS 1999 AND 2000**

Case Filings/ Dispositions	1999		2000	
	(F)	(D)	(F)	(D)
Civil	3,893	5,046	4,026	5,553
Small Claims	709	743	716	700
Admin Traffic	9,535	9,296	9,104	9,308
Criminal	3,685	4,133	4,014	4,595
Juvenile	258	258	736	736

# Report of the Southeast Judicial District

The Honorable John T. Paulson, Presiding Judge  
Christine Iverson, Administrative Assistant

District Court Judge: John T. Paulson, Presiding Judge; James M. Bekken; Ronald E. Goodman; John E. Greenwood; Richard W. Grosz; and Mikal Simonson.  
Number of Counties in District: 11  
District Court Chambers: Valley City, Jamestown, New Rockford, Ellendale, and Wahpeton.



**District Court**

A master calendar system has been developed for use in Stutsman County. Types of cases included on the master calendar are typically short matters such as infractions, probable cause hearings, initial appearances, bond reviews, child support reviews, small claims, traffic appeals, mental health, protection orders, and default divorces. These cases are heard on a rotating 16-day cycle on the first thru fourth Monday through Thursday of the month. Judges assigned to the Stutsman County Master Calendar include Judge John Greenwood, chambered in Stutsman County, Judges John T. Paulson and Mikal Simonson, chambered in Barnes County, and Judge James Bekken, chambered in Eddy County. The civil and criminal cases not resolved on master calendar are then distributed among the four judges according to the percentage of master calendar they handle.

The Unified Court Information System (UCIS) continues to be used as the case management tool throughout the district. There are now six counties which are on-line and enter all case information for their own counties, as well as case information for their sister counties which are not on-line. Training for those counties that are on-line is held quarterly to develop the skills needed to utilize this powerful program, as well as ensure uniform procedures.

**Juvenile Court**

The Juvenile Case Management System (JCMS) has been fully implemented and is being used by the three juvenile court offices in the district. Throughout the first year of use, the program has been evaluated and changes were suggested to make the program more applicable to the needs of users. This program is used by the court to enter information on specific juvenile offenders, generate statistical reports and monitor trends within the juvenile court system.

The juvenile court in Wahpeton received \$31,919 as a result of a federal grant request. The juvenile accountability incentive block grant program (JAIBG) funds were primarily used as a tool to hold youth accountable for their actions. The Wahpeton juvenile office has also implemented a victim/offender mediation program which has been very successful. A number of victims and offenders have taken part in this program and have reported positive results.

The juvenile court in Barnes County was the recipient of two JAIBG grants which have funded a community service program for juveniles and a victim restitution fund. The money spent developed meaningful community service work sites for area youth and resulted in many community improvement projects at area parks and tourist areas. It also established a victim restitution fund wherein juveniles owing restitution but who are unable to pay can perform community service in lieu of payment or repay the fund, as they are able. This guarantees that the victims receive restitution as soon as possible and juvenile offenders are still held accountable for their actions.

The Stutsman County juvenile office is currently conducting training sessions for a community accountability board. The juvenile office is also working with Asset Builders to provide this service for youth in the Jamestown community.

**Guardians Ad Litem**

Due to new court rules regarding guardians ad litem and custody investigators, the Southeast judicial district's lay guardian program has undergone a few modifications. Lay people may now act as guardians ad litem in juvenile court cases only. In divorce/custody cases, they may act only as a custody investigator and licensed attorneys have taken over the guardian ad litem role. Training regarding these new requirements was offered via the interactive video network.

**SOUTHEAST  
JUDICIAL DISTRICT CASELOAD  
FOR CALENDAR YEARS 1999 AND 2000**

Case Filings/ Dispositions	1999		2000	
	(F)	(D)	(F)	(D)
Civil	3,037	3,608	3,322	3,971
Small Claims	1,048	1,089	959	968
Admin Traffic	16,412	16,203	15,537	15,873
Criminal	4,693	4,785	4,810	5,495
Juvenile	255	255	304	304

# Report of the South Central Judicial District

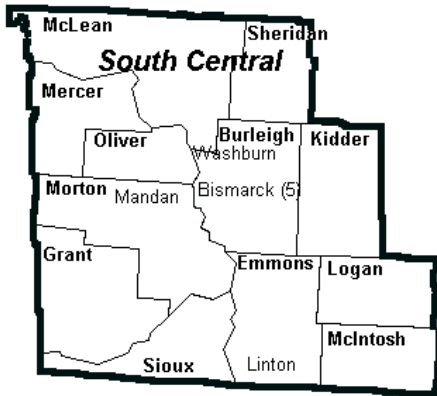
The Honorable Benny A. Graff, Presiding Judge  
Douglas H. Johnson, Trial Court Administrator

District Court Judges: Benny A. Graff, Presiding Judge; Gail Hagerty; Bruce Haskell; Donald Jorgensen; Burt Riskedahl; Thomas Schneider; James Vukelic; and Robert O. Wefald.

Judicial Referees: James Purdy and Robert Freed.

Number of Counties in District: 12

District Court Chambers: Bismarck, Mandan, Linton and Washburn.



### District Court

The year 2000 provided favorable results from the "date certain" scheduling system that was implemented in May of 1999 for misdemeanor cases filed in Burleigh and Morton County. Statistics comparing 2000 to 1999 show a 50% reduction in the number of misdemeanor cases that exceed the 180 day docket currency standard. Due to these results, the district judges decided to expand this scheduling system to one and two day felony cases. The felony scheduling system started in late 2000 and results should be available in the summer of 2001. The goal of the scheduling system is to provide each defendant with a trial date within six months of arrest.

Another program, started in late 2000, was the Adult Drug Court. After a year of planning, the South Central Judicial District saw its first referrals and court session. This is the first adult drug court in North Dakota and is being presided over by Judge Gail Hagerty and Judge Bruce Haskell. At this time, the program only accepts cases from Burleigh and Morton County. The Drug Court came into being with cooperation of many agencies including the Department of Corrections Probation and Parole Division, local state's attorneys and defense counsel, as well as many treatment and addiction facilities in the area.

The districts "case flow management committee" (made up of two judges, a clerk, a calendar control clerk, a court reporter and the district court administrator) continues to meet regularly and looks at issues for improving service and makes recommendations to the entire bench.

### Juvenile Division and Judicial Referee Activities

In 2000, 2,402 referrals were made to the juvenile court. This was a decrease of 238 referrals compared to 1999. Of those referrals, 855 were diverted to the Bismarck-Mandan Police Youth Bureau for disposition. These diversions are first time offenders, minor violations or children of a very young age.

There were 1,547 children retained in the juvenile court and handled either informally or formally through the petition process. There were 350 formal matters heard in juvenile court in 2000. A total of 841 children were placed on probation through the informal or formal process.

Referees conducted 500 formal juvenile hearings (up 34% from the 373 held in 1999) and issued 240 detention and temporary custody orders for children who are placed in temporary alternative environments outside the parental home.

In addition to the formal juvenile proceedings, the judicial referees conducted 395 "orders to show cause" hearings for non-payment of child support, 28 foster support matters, 27 involuntary termination cases and 83 review/modifications of child support. Full-time referee Freed heard 127 small claim cases and 37 civil traffic hearings in 2000.

### ACT Program

The Alternative Choice Training Program (ACT) completed a decade of providing alternative sentencing programs for the court and community. In 2000, 216 people completed the minor-in-possession class while 47 people finished the adult misdemeanor class. The domestic violence class had 44 participants who completed this 24 hour class. The court added two check writing classes in 2000 and will continue to offer the check writing program free of charge for those who need help managing their bills and money.

Bismarck State College and the Adult Abused Resource Center continue to manage the classes and are responsible for the success of these alternative sentencing programs.

### SOUTH CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1999 AND 2000

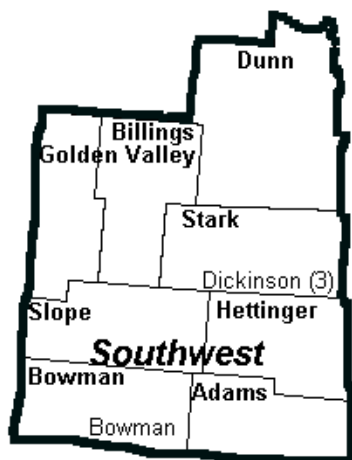
Case Filings/ Dispositions	1999		2000	
	(F)	(D)	(F)	(D)
Civil	4,409	5,752	4,544	5,997
Small Claims	978	995	976	1,007
Admin. Traffic	17,531	17,234	16,534	16,759
Criminal	4,763	5,950	4,419	5,759
Juvenile	359	359	593	593



## Report of the Southwest Judicial District

The Honorable Allan L. Schmalenberger, Presiding Judge  
Ardean Ouellette, Trial Court Administrator

District Court Judges: Allan L. Schmalenberger, Presiding Judge; Maurice R. Hunke; Ronald L. Hilden; and Zane Anderson.  
Number of Counties in District: 8  
District Court Chambers: Dickinson and Bowman



**SOUTHWEST JUDICIAL DISTRICT CASELOAD  
FOR CALENDAR YEARS 1999 AND 2000**

Case Filings/ Dispositions	1999		2000	
	(F)	(D)	(F)	(D)
Civil	1,294	2,068	1,278	1,968
Small Claims	369	383	305	313
Admin Traffic	6,871	6,817	6,547	6,575
Criminal	2,268	3,199	2,219	2,971
Juvenile	130	130	164	164

### District Court

The Southwest Judicial District is currently testing digital audio recording technology as a pilot project. Digital audio recording is the recording and storing of judicial proceedings on a computer in a network environment. It provides for the integration of the recorder's annotations and the judge's notes with the digital recording for easy access anywhere over the network.

On December 31, 2000, Judgeship No. 5, with chambers in Bowman, was abolished. This reduced the number of judges in the Southwest Judicial District from four to three.

All the district judges are assigned throughout the district as necessary to assure an equitable distribution of the caseload and to promote a fair, expeditious disposition of all cases in compliance with the docket currency standards. During 2000, the district was in compliance with such standards.

### Juvenile Court

The Southwest Juvenile Court continues our outreach services to the eight counties in our district and also continues in the shared arrangement with the South Central District to serve Mercer and Grant counties. We have increased our use of tracking and intensive tracking services to better monitor our more difficult probation cases. We use community service, victim offender conferencing, and collection of restitution to make our juveniles accountable to their victims. We now have an additional provider offering alcohol education classes in the Bowman County area. We remain actively involved in the Children's Services Coordinating Committee to facilitate regional programs that benefit children. We continue to partner with Community Action to coordinate our Keys to Innervations Program. Staff have been active on the local Tobacco Coalition to look at changes in legislation and ways to impact young juveniles who use tobacco products. The juvenile court continues to make referrals of selected first-time offenders to the Sunrise Youth Bureau for diversion services. This has given us additional time to concentrate on the more serious offenders referred to us. We have a designated staff person who serves on the JCMS User Committee and gives valuable input and feedback on the progress of the new computer system.

## MUNICIPAL COURTS

There are approximately 363 incorporated cities in North Dakota. Currently, there are 82 municipal judges. State law permits an individual to serve more than one city as a municipal judge.

Municipal judges have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. Violations of state law are not within the jurisdiction of the municipal courts.

A municipal judge is elected for a four-year term. The judge must be a qualified elector of the city, except in cities with a population below 5,000. Each municipality under 5,000 population has the option of deciding whether or not to have a municipal judge. In cities with a population of 5,000 or more, the municipal judge is required to be a licensed attorney, unless an attorney is unavailable or not interested in serving. At present, there are approximately 22 legally-trained and 60 lay municipal judges in the state. Vacancies that occur between elections are filled by appointment by the municipality's governing body.

Municipalities may contract with the state to provide municipal ordinance violation court services so that district judges may hear municipal ordinance violations. State law requires that each new municipal judge attend two educational seminars and all others attend one course conducted by the Supreme Court in each calendar year. If a municipal judge fails to meet this requirement without an excused absence from the Continuing Judicial Education Commission, the judge's name is referred to the Judicial Conduct Commission for disciplinary action.

Municipal courts have jurisdiction over municipal ordinance violations, which are either administrative traffic or criminal cases. Most of the traffic caseload of the municipal courts consists of noncriminal or administrative traffic cases. While these cases greatly outnumber the criminal traffic cases, they generally take much less time to process. There is a lesser burden of proof in noncriminal traffic cases than in criminal cases and most noncriminal traffic cases are disposed of by bond forfeitures. While judges are not needed to process bond forfeitures, support personnel in the clerk's office must account for every citation received by the court.

Municipal criminal ordinance violations that may be heard by a municipal court are either infractions or Class B misdemeanors; and are, in large part, similar or identical to many of the criminal cases heard in the district courts. A large share of the criminal violations are those involving traffic, but most are unique to each city and based on the particular ordinances. The North Dakota Rules of Criminal Procedure and the Rules of Evidence are applicable to municipal court criminal proceedings. Jury trials are available to persons charged in municipal court with Class B misdemeanors upon a request for transfer to district court; otherwise, trials in municipal court are to the judge without a jury. As in all criminal cases, the city must prove beyond a reasonable doubt that the defendant committed the alleged criminal offense. Appeal from a criminal conviction in municipal court is to the district court.

### SELECTED MUNICIPAL COURT CASE DISPOSITIONS FOR CALENDAR YEAR 2000

Municipalities	Criminal	Noncriminal	Total
Bismarck	4,539	12,902	17,441
Center	0	4	4
Devils Lake	1240	1465	2696
Dickinson	548	3114	3662
Grand Forks	2,521	5,318	7,839
Jamestown	1,123	3,841	4,964
Lincoln	40	428	468
Mandan	1,138	1,772	2,910
Minot	3,606	6,772	10,378
Riverdale	0	36	36
West Fargo	859	1,309	2,168
Williston	543	2,205	2,748

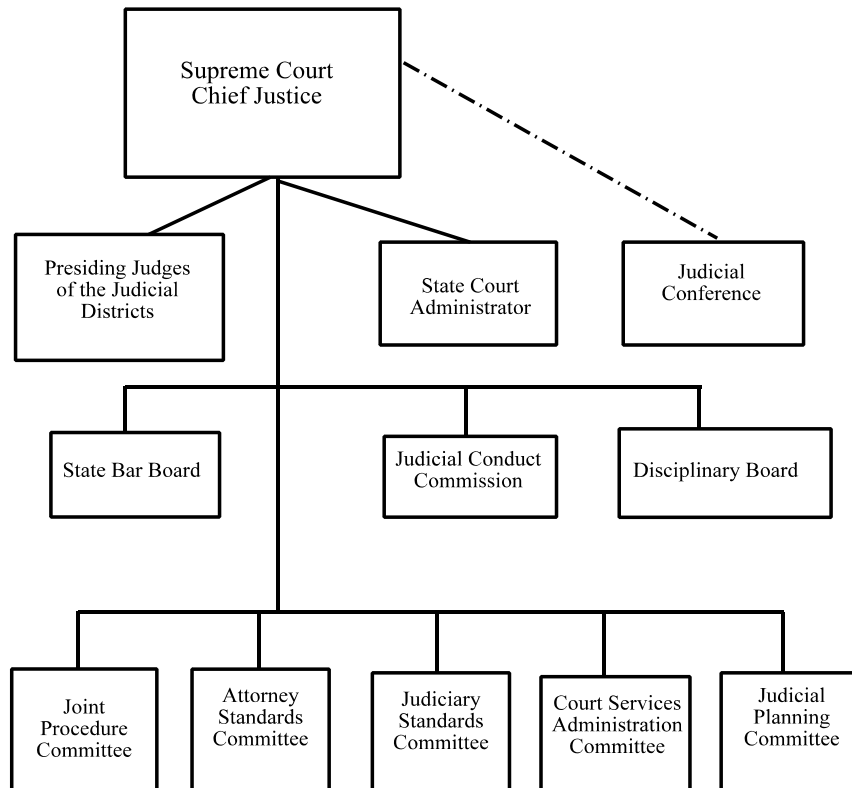
## Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the Supreme Court. The Constitution establishes the Supreme Court's administrative responsibility for the judicial system by designating the chief justice as the administrative head of the judicial system. In addition, the state constitution also grants the Supreme Court supervisory authority over the legal profession. Article VI, Section 3, states that the Supreme Court shall have the authority, "unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law."

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, presiding judges, and various advisory committees, commissions and boards. The functions and activities of these various bodies during 2000 are described in the subsequent pages of this report.

A diagram of the administrative organization of the North Dakota judicial system is provided below.

### ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM



# Office of State Court Administrator

Article VI, Section 3, of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications, and term of the state court administrator in Administrative Rule 1. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation of the judicial budget, providing for judicial education services, coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system.

## Judicial Education

The office of state court administrator, under the guidance and supervision of the Continuing Judicial Education Commission and through the director of judicial education, develops and implements education programs for all judicial and non-judicial personnel. To supplement the education programs presently being offered, an audio and video library has been established and is housed in the Supreme Court Library. To complement this library, the University of North Dakota Law School provides additional materials upon request.

Further activities of the Commission are described in greater detail in the second part of this report which discusses the activities of the Commission.

## Research and Planning

Staff services are provided to the Judicial Planning Committee and other advisory committees of the Supreme Court by staff in the office of state court administrator. The duties of these staff personnel include research, bill drafting, rule drafting, arrangement of committee meetings, and any other tasks assigned by various other committees. Specific activities and projects of the Supreme Court standing committees are provided in a latter section of this report.

## Personnel Management

To ensure uniformity in personnel administration across districts, personnel policies and a pay and classification plan for judiciary employees were developed under the direction of the state court administrator. This program is administered by the director of human resources and development. The Personnel Policy Board provides oversight and guidance.

## Fiscal Responsibilities

One of the primary functions of the office of state court administrator is to obtain adequate financial resources for judicial operations and to manage these resources. These functions are met with fiscal personnel consisting of a director of finance, supervisor of accounting, and technical staff. With the assistance of fiscal staff, the various judicial budgets are developed for funding consideration by the Legislative Assembly. The Supreme Court budget request is developed with input from Supreme Court department heads. The Judicial Conduct Commission and Disciplinary Board budget request is developed by their staff. The district court budget is coordinated by fiscal staff and prepared by each of the seven judicial districts with a joint recommendation of approval from the Council of Presiding Judges.

A monitoring function is carried out on a monthly basis with an analysis of the budget and preparation of status reports after the monthly payroll and other expenditures have been processed. Guidance for approval of various expenditures is found in budgetary policies.

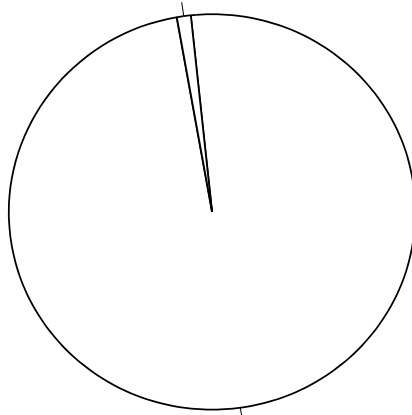
In viewing the judicial budget, it should be noted that the state funds the Supreme Court, the Judicial Conduct Commission, approximately one-half of the expenses of the Disciplinary Board, and district court expenses including 11 of the largest clerk of district court offices. The remaining clerk offices are funded by the state with a service contract, except for four counties which provide clerk of court services with county funds. Municipal courts are funded by the municipalities they serve.

**JUDICIAL PORTION OF THE STATE'S BUDGET  
1999-2001 BIENNIUM**

Total State General and Special Funds Appropriation  
\$4,809,337,839  
Executive and Legislative Branch General and Special Funds Appropriation  
\$4,767,647,320 (99%)  
Judicial Branch General and Special Funds Appropriation  
\$ 41,690,519 ( 1%)

STATE JUDICIAL SYSTEM

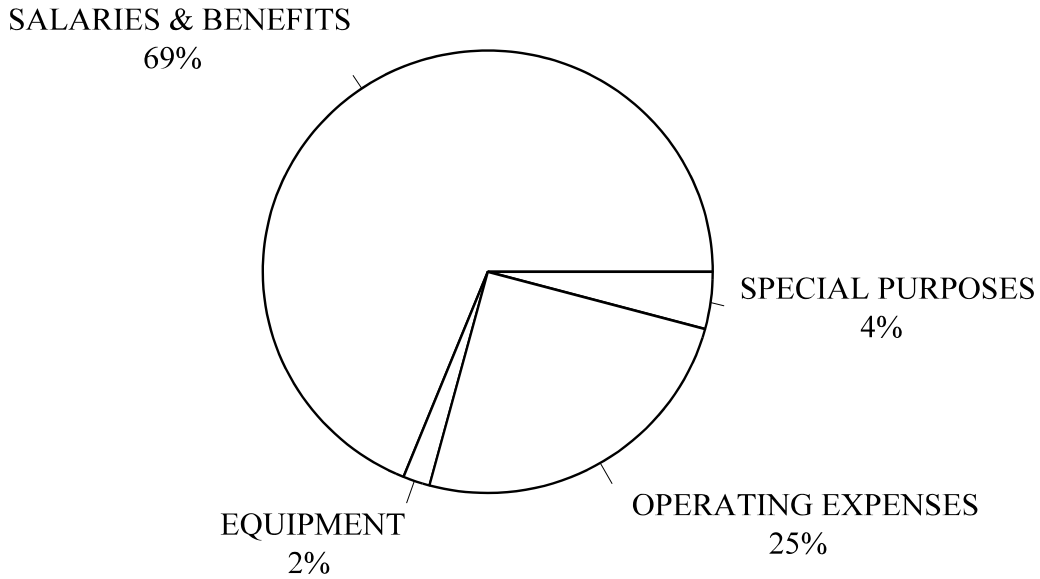
1%



NON-JUDICIAL GEN & SPEC FUNDS APPROP  
99%

**STATE JUDICIAL BRANCH APPROPRIATION  
BY APPROPRIATED LINE ITEM  
1999-2001 BIENNIUM**

Total Judicial Branch General and Special		
Funds Appropriation	\$41,690,519	
Salaries and Benefits	\$28,696,926	(69%)
Operating Expenses	\$10,472,552	(25%)
Equipment	\$ 889,116	( 2%)
Special Purposes	\$ 1,631,925	( 4%)



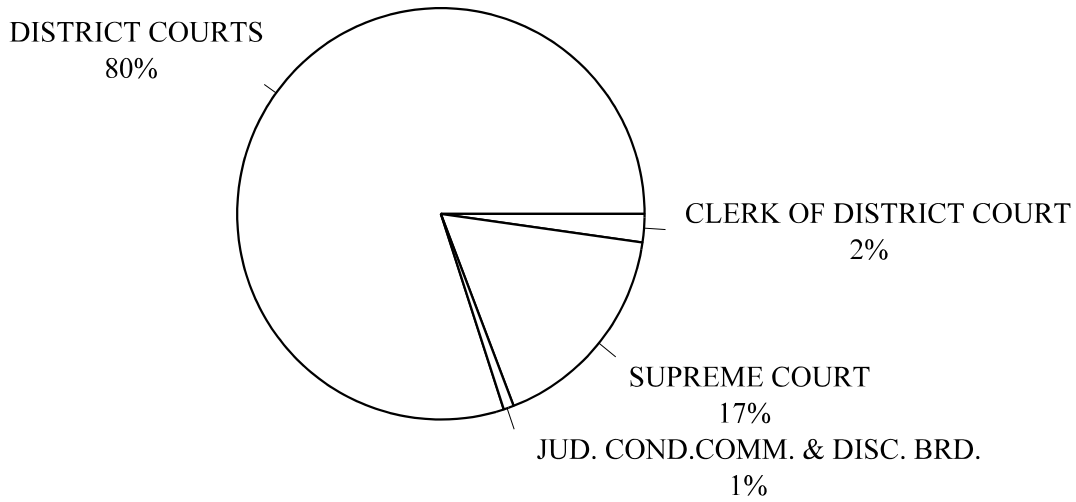
**STATE JUDICIAL BRANCH APPROPRIATION  
BY TYPE OF ACTIVITY  
1999-2001 BIENNIUM**

Supreme Court			
General Fund	\$ 7,106,323		
Special Funds	<u>          0</u>		
TOTAL	\$ 7,106,323	(17%)	

District Courts			
General Fund	\$32,292,328		
Special Funds	<u>      779,943</u>		
TOTAL	\$33,072,271	(80%)	

Judicial Conduct Commission & Disciplinary Board			
General Fund	\$ 241,925		
Special Funds	<u>      270,000</u>		
TOTAL	\$ 511,925	( 1%)	

Clerk of District Court			
General Fund	\$1,000,000		
Special Funds	<u>              0</u>		
TOTAL	\$1,000,000	( 2%)	



# Advisory Committees of the North Dakota Judicial System

In the North Dakota judicial system, a system of committees has been established to develop new ideas and evaluate proposals for improving public services. These advisory committees include citizen members, legislators, lawyers, and judges. The activities of these advisory committees are summarized here:

## Judicial Planning Committee

The Judicial Planning Committee is chaired by Justice William A. Neumann. This Committee provides planning guidance for the short term (two years), intermediate term (10 years), and the future (20 years). Actions that can improve the judiciary and the service provided are identified, planned, and then referred to judicial leaders and other standing committees for resolution.

## Joint Procedure Committee

The Joint Procedure Committee is the standing committee of the Supreme Court responsible for proposing adoption, amendment, or repeal of rules of civil procedure, rules of criminal procedure, rules of appellate procedure, rules of evidence, rules of court, and specialized court procedure. Justice Dale V. Sandstrom chairs the committee. The committee membership of 10 judges and 10 attorneys is appointed by the Supreme Court, except for one liaison member appointed by the State Bar Association.

## Joint Committee on Attorney Standards

The Joint Committee on Attorney Standards was established following adoption of Administrative Rule 38 by the Supreme Court. The Committee, chaired during 2000 by Judge Ralph R. Erickson, Fargo, is comprised of members appointed by the Chief Justice and the Board of Governors of the State Bar Association. During 2000, the Committee undertook a review of issues related to client access to files, lawyer advertising, and multi-disciplinary practice. This review resulted in proposed rules submitted to the Supreme Court which address a variety of issues related to lawyer advertising, client files, papers, and property, and the lawyer discipline process.

## Judiciary Standards Committee

The Judiciary Standards Committee, chaired by Brian Neugebauer of West Fargo, studies and reviews all rules relating to the supervision of the judiciary, including judicial discipline, judicial ethics, and the judicial nominating process.

## Court Services Administration Committee

The Court Services Administration Committee, chaired by William A. Strutz, Bismarck, is responsible for the study and review of all rules and orders relating to the administrative supervision of the judicial system. The Committee studied implementation of 1999 legislation providing for state funding of clerk of district court services and submitted to the Supreme Court a proposed rule on clerk

duties and appointment. During 2000, the Committee began study of issues related to *pro se* litigation in the courts.

## Committee on Tribal and State Court Affairs

The Committee on Tribal and State Court Affairs was established following adoption of Administrative Rule 37 by the Supreme Court. The Committee, chaired by former Chief Justice Ralph J. Erickstad, is comprised of tribal and state court judges, tribal and state court support services representatives, and public members. It is intended to provide a vehicle for expanding awareness about the operation of tribal and state court systems; identifying and discussing issues regarding court practices, procedures, and administration which are of common concern to members of the two court systems; and for cultivating mutual respect for, and cooperation between, tribal and state courts.

## Commission on Judicial Education

The Continuing Judicial Education Commission was established following adoption of Administrative Rule 36 by the Supreme Court. The commission is chaired by Judge Donald L. Jorgensen, Bismarck, and is comprised of the chief justice, state and municipal court judges, a representative from the law school, juvenile court and court support staff for the courts of record. The commission develops policies and procedures concerning the implementation of a statewide continuing judicial education program for judges and personnel of the unified judicial system.

In 2000, the Commission, with the assistance of the supreme court justices, district court judges, and employees, developed a long-range strategic plan for judicial education. In part, this plan identifies specific long and short-term training needs for all judges and employees of the North Dakota judiciary. The plan will allow the Commission to focus on providing quality education that meets the direct needs of the judiciary and its employees. The plan will be revisited once each biennium to ensure it remains current with the educational needs of the judiciary.

## Personnel Policy Board

The Personnel Policy Board was established following adoption of Administrative Policy 106 by the Supreme Court. The board is chaired by Penny Miller, Clerk of the Supreme Court, and is comprised of a supreme court justice and district court judges, supreme court department heads, and employees of the supreme and district courts. The board is tasked with the responsibility of reviewing and implementing the personnel system and developing a salary administration plan for the judiciary. In 2000 the board's primary focus centered around the policy issues related to the transition of county to state funded clerks of district court and their employees.

## North Dakota Legal Counsel for Indigents Commission

The Legal Counsel for Indigents Commission, chaired by Judge Debbie Kleven, Grand Forks, identifies and reviews issues concerning the operation of the indigent defense contract system. During 2000, the Commission began



review and revisions of the Commission's Indigent Defense Procedures and Guidelines. The Commission also met with a representative of the Spangenberg Group, a national consulting firm specializing in indigent defense services, to assess possible ways of improving North Dakota's indigent defense contract systems.

#### **Juvenile Policy Board**

The Juvenile Policy Board, chaired by Judge Norman Backes, Fargo, continues to oversee the implementation of Balanced and Restorative Justice.

Under this system, juvenile courts address public safety, accountability of the offender to the victim and society, and the competency development of juveniles who come in contact with the court. Research indicates that courts which "balance" these approaches with juveniles are most effective in reducing juvenile recidivism.

Accountability means holding the offender accountable to their victim and to the community. Accountability to the victim has traditionally meant collecting restitution for the victim. Annually, the juvenile courts collect about \$100,000. The ability to collect restitution, enhanced in recent years by the legislature, includes such options as reducing the restitution amount to a judgment when the child turns 18. This keeps the obligation to pay for damages in place for at least ten years. Under Balanced and Restorative Justice, however, the courts attempt to involve the victim more fully.

The courts have contracted with a private provider to hold "juvenile accountability conferences". Through these conferences, victims are given the opportunity to face offenders and explain to the offender the true consequences of their actions and to have input on the consequences of their actions. This program has been shown to be very beneficial to victims and to have a serious impact on offenders.

In several communities, the courts, through local funding, have established restitution funds. Under this program, victims are paid damages immediately and the offender pays the restitution over time, or completes community service hours equivalent to the damages paid out.

Accountability to the community means repaying the community for harm caused. A principle of restorative justice is that any crime hurts the peace and security of the community and that offenders have an obligation to rectify that harm. In response, all of the courts are involved in community service projects. Statewide, the courts are attempting to establish community service projects which are meaningful to both the community and to the juvenile. For example, the Williston juvenile court established a community garden where offenders plant, weed, and maintain a community garden. The produce is sold with profits going to the local victim restitution fund. The Valley City juvenile court undertook a project to have offenders plant trees and shrubs in the local parks. Much of the value of these programs involves the mentoring relationship of the supervisor.

The Balanced and Restorative Justice model also emphasizes the importance of building on the competency of the offender. That is, most, if not all, offenders need to improve in such skills as decision making and anger management.

The courts have emphasized a program known as "Keys to Innervisions". This program emphasizes that the juvenile accept responsibility for their behavior, understand that they have the power to change their behavior, and provide skills towards changing their behavior.

Community safety also involves controlling the whereabouts of certain offenders while they are in the community. This may mean electronic monitoring, drug and alcohol screening, and face-to-face intensive tracking. At times, it involves removal from the community to a correctional or residential setting.

#### **Council of Presiding Judges**

The Council of Presiding Judges is a policy making body charged with the responsibility to provide uniform and efficient delivery of administrative support to the trial courts. The council consists of the presiding judge of each judicial district and the chief justice of the supreme court as the presiding officer of the council. Duties of the council include the responsibility to develop administrative policies for the trial courts and provide the mechanism to ensure implementation. The Council of Presiding Judges meets at the call of the chair.

#### **Court Technology Committee**

The Court Technology Committee, chaired by Judge Allan Schmalenberger, Dickinson, is comprised of people representing the supreme court, district courts, clerks of court, and state court administrator's office. The committee is responsible for general oversight and direction of technology within the Judicial Branch.

Despite many predictions to the contrary, the year 2000, or Y2K as it came to be known, arrived without significant technology issues. This is due in part, to extensive preparation.

Many technology efforts throughout 2000 were focused on integration and simplifying support. Projects were included which help integrate information systems and data sharing. Examples of efforts for 2000 include Windows NT network restructuring to enable better management of the network and email; integration of municipal courts using the Unified Court Information System (UCIS); automation of data flow to other state government entities; and efforts to consolidate the case management systems used by the trial courts.

Additionally, the Court Technology Committee was involved in an interactive television pilot project which continues to explore the use of interactive television to enhance the delivery of judicial services to remote locations of North Dakota.

One project which started in 1999 and still continues today is the state assumption of costs for clerk of court services. Throughout 2000, preparations have been ongoing to ensure a smooth transition.

As mandated by legislation, an Information Technology Plan (IT Plan) was created and submitted. The IT plan provides technical and budgetary planning for the Judicial Branch for the next several years.

**Gender Fairness Implementation Committee**

The Gender Fairness Implementation Committee, chaired by Justice Mary Muehlen Maring, was established by Supreme Court Administrative Order 7 to oversee implementation of the recommendations of the Supreme Court's Commission on Gender Fairness in the Courts. It is further charged with monitoring the progress of the judicial branch in eliminating gender bias in the courts. During 2000, the Committee assisted in coordinating several education programs concerning bias in the courts. The Committee also submitted to the Supreme Court a proposed informal complaint procedure for responding to bias-related complaints.

**Public Trust and Confidence Implementation Committee**

The Public Trust and Confidence Implementation Committee, chaired by Justice William A. Neumann, was established by Supreme Court Administrative Order 12 to oversee implementation of recommendations set out in the Final Report of the Committee on Public Trust and Confidence. The Final Report identified numerous strategies for addressing a broad range of issues and perceptions affecting public trust and confidence in North Dakota's courts. In November 2000, the Implementation Committee began the work of assessing the various recommended strategies and how implementation of the strategies could best be achieved.

**Trial Court Legal Research Assistance Committee**

The Trial Court Legal Research Assistance Committee, chaired by Judge David Nelson, Williston, was created in 1999. The committee provides technical assistance and management assistance to trial courts in the state. During 2000, the committee formulated minimum library standards for trial courts, made group purchases of widely held publications, worked on creating a resource book for judges, and began a comparison of CALR providers.

**Judicial Ethics Advisory Committee**

The Judicial Ethics Advisory Committee, chaired by District Judge Lee A. Christofferson, Devils Lake, provides advisory services for judges relating to judicial ethics issues. The Committee has provided all judges with an ethics manual and responds to inquiries by judges on ethics questions. The Committee also documents responses for use by all members of the judiciary.

**Jury Standards Committee**

The Jury Standards Committee, chaired by District Judge Robert Holte, Stanley, studies and oversees the operation of North Dakota's jury system.

## Disciplinary Board

The Disciplinary Board was established to provide a procedure for investigating, evaluating and acting upon complaints alleging unethical conduct by attorneys licensed in North Dakota. The Rules of Professional Conduct are the primary guide for lawyer conduct.

The North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints. By Supreme Court Administrative Rule 38, the Joint Attorney Standards Committee provides the vehicle for the coordinated, complementary, and continuing study and review of the range of issues concerning attorney standards and supervision.

When a written complaint alleging attorney misconduct is received, it is filed with the Board's secretary and referred to either the District Inquiry Committee East, West, or Northeast of the State Bar Association. The chair of the respective committee reviews the complaint and, if appropriate, assigns the complaint for investigation to a member of the committee or staff counsel. If the complaint, on its face, does not indicate misconduct, an investigation will not be initiated and the matter will be referred to the committee for summary dismissal. Actions available to district inquiry committees are dismissal, issuing an admonition, probation with the consent of the respondent attorney, or directing that formal proceedings be instituted.

Formal proceedings are instituted when there is probable cause to believe that misconduct has occurred. When a matter goes formal, a petition for discipline is filed and a hearing panel is appointed by the chair of the Disciplinary Board to make findings and a recommendation. Present and past members of the Board may serve as hearing panel members. The recommendations of the hearing panel for each matter heard that does not result in dismissal, consent probation, or reprimand are filed directly with the Supreme Court. The hearing panel may enter orders of dismissal, consent probation or reprimand; however, they are subject to a petition for review which may be filed with the Supreme Court.

Non-lawyer citizens are members of the District Inquiry Committees and the Disciplinary Board. All members of the Board and the Inquiry Committees are volunteers and are asked to review what, at times, can be very time-consuming matters. While many complaints are dismissed as groundless, the amount of volunteer time needed to run the system is significant.

Following is a summary of complaint files under consideration in 2000.

<b>New Complaint Files Opened in 2000</b>	<b>181</b>
<b>General Nature of Complaints:</b>	
Client Funds & Property	23
Conflict of Interest	10
Criminal Convictions	0
Excessive Fees	8
Failure to Communicate/Cooperate with Client	17
Improper Conduct	67
Incompetent Representation	33
Misappropriation/Fraud	6
Neglect/Delay	13
Unauthorized Practice of Law	4
<b>TOTAL</b>	<b>181</b>
Formal Proceedings Pending From Prior Years	16
Other Complaint Files Pending From Prior Years	70
Appeals Filed with Disciplinary Board in 2000	46
Appeals Filed with Supreme Court in 2000	1
<b>Total Files for Consideration in 2000</b>	<b>314</b>
<b>Disposition of Complaint Files:</b>	
Dismissed by Inquiry Committees	133
Summary Dismissals by Inquiry Committees	34
Admonitions Issued by Inquiry Committees	15
Consent Probation by Inquiry Committees	3
Dismissals Issued by Disciplinary Board	1
Disciplinary Board Approves IC Dismissal	34
Disciplinary Board Disapproves IC Disposition	3
Disciplinary Board Approves IC Admonition	2
Dismissal by Hearing Panel	2
Reprimand by Hearing Panel	**4
Denial of Reinstatement/Return to Active Status By Supreme Court	1
Disbarment by Supreme Court	2
Suspensions by Supreme Court	*6
Formal Proceedings Pending 12/31/00	22
Other Complaint Files Pending 12/31/00	56
<b>TOTAL</b>	<b>***318</b>

\*6 complaint files resulted in suspension of 4 attorneys.

\*\*4 complaint files resulted in the reprimand of 3 attorneys.

\*\*\*Total number reflects multiple dispositions in review and appeal processes.

## Judicial Conduct Commission

The Judicial Conduct Commission was established in 1975 to receive, investigate, and evaluate complaints against any judge or officer of the judicial system in this state and, when necessary, conduct hearings concerning the discipline, removal or retirement of any judge.

The procedures of the Commission are set forth in the North Dakota Rules of the Judicial Conduct Commission. Procedures include evaluation of the complaint and summary dismissal by Disciplinary Counsel, after providing an opportunity for Commission members to request further consideration. An admonition (formerly a private censure) requires the consent of the judge. Complaints are now filed with Disciplinary Counsel for the Commission. The Supreme Court must take final action on public censure, removal, suspension, retirement, or other public discipline against a judge.

Complaints against judges in 2000 decreased compared to those filed in 1999, although the total number of dispositions increased. The plurality were dismissed as being without merit because complainants frequently believe the Commission has the authority to change a judge's decision or influence trial proceedings in some way.

The following table, which follows, includes a summary of the nature and the disposition of complaints filed with the Judicial Conduct Commission in 2000.

<b>New Complaints Opened in 2000</b>	<b>48</b>
<b>General Nature of Complaints:</b>	
Abuse of authority/prestige	3
Administration irregularity	1
Bias, discrimination/partiality	11
Corruption/bribery	5
Ex parte communications	3
Failure to disqualify	1
Failure to follow law/procedure	1
Failure to perform duties	1
Health physical/mental	1
Improper decision/ruling	15
Incompetence as judge	1
No specific allegations	1
Political activity	1
Practicing law/legal advice	1
Reputation of judicial office	1
Willful misconduct in office	1
<b>TOTAL</b>	<b>48</b>
<b>Complaint Files Carried Over from 1999</b>	<b>35</b>
<b>Total Files Pending Consideration in 2000</b>	<b>83</b>
<b>Disposition of Complaints:</b>	
Summarily Dismissed	69
Dismissed	4
Admonition by the Judicial Conduct Commission	2
Censure by the Supreme Court	0
Suspension	0
<b>Total 2000 Dispositions</b>	<b>75</b>
<b>Complaint Files Pending as of 12/31/00</b>	<b>8</b>

Of the new complaints filed in 2000:

39 were against 22 District Court Judges  
 2 were against 2 Municipal Court Judges  
 6 were against 3 Referees  
 1 was against a Supreme Court Judge

## State Bar Board

The State Bar Board was created by statute to assist the Supreme Court in its constitutional responsibility to regulate the admission to practice. In 2000, Board members were Rebecca S. Thiem of the Bismarck firm of Zuger, Kirmis & Smith; Mark L. Stenehjem of the Williston firm of Winkjer, McKennett, Stenehjem, Reiersen & Forsberg; and Paul F. Richard of MeritCare Health System in Fargo.

In 1999, the Board recommended a significant change to the pro hac vice practice in North Dakota and proposed amendments to Rule 11.1 of the North Dakota Rules of Court which were referred to the Joint Procedure Committee. Following the Committee's review and revisions, the Court adopted amendments effective March 1, 2000, which require nonresident attorneys to designate an associate attorney, who is a North Dakota licensed attorney, to file a motion with the trial court requesting permission to appear in a case, whether it is a personal or written appearance, setting forth the nonresident attorney's disciplinary history and frequency of practice in North Dakota, and requiring in certain circumstances the payment of a \$100 fee. The Board is required to be copied on all motions for monitoring purposes. In 2000, the Board received 109 motions filed under Rule 11.1 and collected \$9,000 in fees. The fees were forwarded to the State Bar Association of North Dakota for use in the disciplinary system.

The Bar Board administered a two-day bar examination in February and in July 2000. The examinations consisted of the Multistate Performance Test (MPT), a written three-hour examination consisting of two ninety-minute tasks that examine fundamental lawyering skills, including problem solving, legal analysis and reasoning, factual analysis, communication, organization and management of a legal task, and recognizing and resolving ethical dilemmas; the Multistate Essay Examination (MEE), a written three-hour examination consisting of six questions from pre-selected topic areas; and the Multistate Bar Examination (MBE), an objective six-hour multiple choice exam.

Passage rates for the 2000 examinations were:

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
2/00	13	12/92%	8	7/88%
7/00	35	30/86%	28	24/86%

Admission to practice in North Dakota can be based on the results of the written bar examination; five years of admission and at least four years of practice in another jurisdiction; or, within two years of application, achieving a score of 150 on the Multistate Bar Examination (MBE) and admission in another jurisdiction. Additionally, every applicant for admission must be at least 18 years old, of good moral character, fit to practice law, and been awarded a juris doctor or equivalent degree from a law school, approved or provisionally approved, for accreditation by the ABA. Of those 61 individuals admitted in 2000, 46 were by bar examination; 7 by achieving the 150 MBE score and admission in another state; and 8 by having the requisite years of practice in another state.

The Character and Fitness Committee assists the Board in investigating applicants' character, fitness and moral qualifications. In 2000, members of the Committee were: Charles S. Miller, Malcolm H. Brown, Luella Dunn, Reverend Keith Odney, and Dr. Al Samuelson, all of Bismarck.

In 2000, the Board, in its licensing capacity, issued licenses to 1,857 lawyers and judges, 379, or 20%, of whom were women.

## North Dakota Judicial Conference

The North Dakota Judicial Conference was originally established as an arm of the judicial branch of state government in 1927. At that time, the organization was known as the North Dakota Judicial Council. Present statutory language covering the Judicial Conference is found in Chapter 27-15, NDCC.

There are currently sixty-eight members of the Judicial Conference. The conference consists of all Supreme Court justices and district court judges. Other members are the attorney general; the dean of the University of North Dakota School of Law; the clerk of the Supreme Court; two judges of the municipal courts, as appointed by the Municipal Judges Association; and five members of the North Dakota Bar Association who are appointed by the Bar Association. All surrogate judges, as appointed by the Supreme Court under section 27-17-03, NDCC, are also conference members.

The members of the conference serve during the time they occupy their respective official positions. The term of office of the two municipal judges is two years. The term of office for the five members of the bar is five years. Vacancies on the Judicial Conference are filled by the authority originally selecting the members.

The state court administrator serves as the executive secretary of the Judicial Conference.

The officers of the Judicial Conference consist of the chair and chair-elect, who are selected for a term of two years by the members of the conference. In addition, there is an executive committee consisting of the chair, chair-elect, a justice of the Supreme Court elected by the Supreme Court, and two district judges elected by the Association of District Judges.

Under North Dakota law, the Judicial Conference is required to meet twice each year. These meetings are usually held in June and November. Special meetings, however, may be called by the chair. While members of the Judicial Conference are not compensated for their services, they are reimbursed for their expenses while discharging their conference duties.

The Judicial Conference has four major duties:

1. Solicit, receive, and evaluate suggestions relating to the improvement of the administration of justice.
2. Consider and make recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system.
3. Coordinate continuing judicial education efforts for judges and support staff.
4. Establish methods for review of proposed legislation which may affect the operation of the judicial branch.

Several committees have been established to support the activities of the full conference. The committees and respective committee chairs during 2000 were as follows:

1. Program Planning Committee, vacant.
2. Committee on Legislation, Judge Burt L. Riskedahl, Chair.
3. Committee on Judicial Compensation, co-chairs Justice William Neumann and Judge Gary Holum.
4. Jury Standards Committee, Judge Robert Holte, Chair.

Committee membership results from appointment by the chair after consultation with the executive committee of the Judicial Conference. The bylaws provide that non-conference members can serve on either standing or special committees.

The officers and executive committee of the Judicial Conference during 2000 were as follows:

Justice Dale V. Sandstrom, Chair  
Judge James Bekken, Chair-Elect  
Judge Kirk Smith, Past Chair  
Justice Mary Muehlen Maring, Executive Committee  
Judge John Goodman, Executive Committee  
Judge Robert Wefald, Executive Committee

## ***NORTH DAKOTA JUDICIAL CONFERENCE***

### **JUDGES OF THE SUPREME COURT**

William A. Neumann  
Dale V. Sandstrom

Gerald W. VandeWalle,  
Chief Justice

Mary Muehlen Maring  
Carol Ronning Kapsner

### **JUDGES OF THE DISTRICT COURT**

#### East Central District

\*Norman J. Backes  
Georgia Dawson  
Ralph R. Erickson  
Lawrence A. Leclerc  
Michael O. McGuire  
Frank L. Racek  
Cynthia Rothe-Seeger

#### Northeast District

\*Lee A. Christofferson  
Laurie A. Fontaine  
Donovan Foughty  
M. Richard Geiger  
Lester Ketterling  
John C. McClintock, Jr.

#### Northeast Central District

\*Lawrence E. Jahnke  
Bruce E. Bohlman  
Debbie Kleven  
Joel D. Medd  
Kirk Smith

#### Northwest District

\*Robert W. Holte  
Glenn Dill III  
Gary A. Holum  
William W. McLees  
David Nelson  
Everett Nels Olson  
Gerald H. Rustad

#### South Central District

\*Benny A. Graff  
Gail Hagerty  
Bruce B. Haskell  
Donald L. Jorgensen  
Burt L. Riskedahl  
Thomas J. Schneider  
James M. Vukelic  
Robert O. Wefald

#### Southeast District

\*John T. Paulson  
James M. Bekken  
Ronald E. Goodman  
John E. Greenwood  
Richard W. Grosz  
Mikal Simonson

#### Southwest District

\*Allan L. Schmalenberger  
Zane Anderson  
Ronald L. Hilden  
Maurice R. Hunke

### **JUDGES OF THE MUNICIPAL COURTS**

Robert A. Keogh  
Lamar K. Wells

### **SURROGATE JUDGES OF THE SUPREME AND DISTRICT COURTS**

William M. Beede  
Eugene A. Burdick  
Ralph J. Erickstad

Gerald G. Glaser  
William F. Hodny  
Gordon O. Hoberg  
Jon R. Kerian

James H. O'Keefe  
Wm. L. Paulson  
Bert L. Wilson

Attorney General Heidi Heitkamp  
Clerk of the Supreme Court Penny Miller  
Dean of the UND School of Law W. Jeremy Davis

### **MEMBERS OF THE BAR**

Sherry Moore  
James S. Hill

Paul G. Kloster  
Steven Lies

Mike Sturdevant

\*Presiding Judge

Executive Secretary Keith E. Nelson

68 Members