

2016

ANNUAL REPORT

NORTH DAKOTA
COURT SYSTEM



MISSION STATEMENT

To provide the people, through an independent judiciary, equal access to fair and timely resolution of disputes under law.



MESSAGE FROM THE CHIEF ANNUAL REPORT

WHY COURTS?

Courts are critical to effective government. Every citizen is affected directly or indirectly by court decisions. Courts settle disputes, process criminal charges, and interpret administrative rules, statutory questions and constitutional issues. Courts provide the ultimate protection for the most vulnerable in society—abused children, the mentally ill, the physically disabled, and neglected elders.

The judiciary's role is indispensable and we spent much of the past year determining how to continue serving the needs of the citizens of North Dakota while facing significant reductions to our budget. As reported in past annual reports, the judicial branch has grown with the addition of programs, personnel, and judgeships and has kept pace with technology through electronic filings, online payments, public search capabilities, and other web-based services. We are grateful for the resources which have allowed us to make this progress. However, our caseload studies show we are still short judges and clerk staff statewide.

With additional budget cuts required for the next biennium, the gap between the workload demand and our staffing level will continue to grow. We eliminated three judicial referee positions in 2016 and implemented a reduction-in-force plan that will further cut 56 other positions and some court programs. The result will be an unavoidable delay in court hearings with a direct impact on businesses and families. While I recognize that reductions must be made and that the other branches of government are facing similar situations, the fact is the delivery of services and the quality of justice will suffer because of the cuts.

Through this process, we have not forgotten our mission—To provide the people, through an independent judiciary, equal access to fair and timely resolution of disputes under law. To that end, we continue to work on a number of projects and programs to improve access to courts and efficient processing of cases.

MESSAGE FROM THE CHIEF

ANNUAL REPORT

The following are a few highlights from the past year:

- With the addition of a paralegal, the self-help center was able to work with hundreds of more litigants and produce new forms and informational brochures.
- The guardianship monitoring program began work on reviewing current guardianship cases and developed new informational packets and forms for the required annual reports.
- The Guardianship Workgroup reviewed related statutes and submitted a bill to the Legislature for several changes. The group also created an online education program for new guardians and is working on standards for professional guardians.
- An interdisciplinary workgroup developed protocols and a web-based solution to address the requirement under the Birchfield decision that law enforcement obtain a search warrant for a blood test when a person is suspected of driving under the influence.
- In juvenile court, a tool to screen for human trafficking of youth was implemented and a bill was introduced to allow juvenile court officers to release information to other entities when they know or suspect that a child is being trafficked.
- The Court Services Administration Committee is reviewing our access, retention, and preservation rules and policies, primarily focusing on how to manage records that are not paper, but are solely data fields or metadata.
- Docket currency standards are under review by the Caseflow Management Committee. This committee has proposed new time-to-disposition standards to ensure that litigants achieve resolution of their case in a fair and timely manner.
- The remodeling of space in the judicial wing authorized during the last legislative session is complete. The space is shared with the Legislative Branch and used as hearing rooms during session and as training and meeting rooms for the court. The offices house the court's education department staff.

In addition to these highlights, the annual report provides a statistical overview of the caseload and budget of the North Dakota Court System in 2016.

North Dakota and our court system has been in an enviable position the past several years. I regret the current funding situation and I hope the need for more budget reductions is short-lived. As we move forward with fewer resources, we will continue to review policy, process, programs, and rules to best meet the needs of citizens and ensure the justice system remains viable and accessible for the residents of North Dakota.

I am pleased to offer you the 2016 Annual Report of the North Dakota Court System.



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NORTH DAKOTA COURTS

NORTH DAKOTA SUPREME COURT

ONE CHIEF JUSTICE & FOUR JUSTICES: 10-YEAR TERMS

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. It is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. The Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary. In its administrative capacity, the Court is responsible for ensuring the efficient and effective operation of all non-federal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession and promulgating procedural rules.

DISTRICT COURT

EIGHT JUDICIAL DISTRICTS/51 JUDGES: SIX-YEAR TERMS

District Courts are the state trials courts of general jurisdiction. Among the types of cases they hear are civil, criminal, domestic relations, small claims, and probate. District Courts also serve as the Juvenile Courts in the state with original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. In some districts, judicial referees have been appointed to preside over juvenile, judgment enforcement, and domestic relations proceedings, other than contested divorces. District Courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies and for criminal convictions in Municipal Courts.

MUNICIPAL COURT

73 JUDGES: FOUR-YEAR TERMS

Municipal Courts have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. In cities with a population of 5,000 or more, the municipal judge is required to be a licensed attorney. Trials in municipal court are before the judge without a jury. State law permits an individual to serve more than one city as a municipal judge.

NORTH DAKOTA SUPREME COURT

ONE CHIEF JUSTICE & FOUR JUSTICES



DISTRICT COURT

EIGHT JUDICIAL DISTRICTS/51 JUDGES



MUNICIPAL COURT

73 JUDGES





Justice Dale V. Sandstrom Justice Daniel J. Crothers Chief Justice Gerald W. VandeWalle Justice Lisa K. Fair McEvers Justice Carol Ronning Kapsner

NORTH DAKOTA SUPREME COURT

THE NORTH DAKOTA SUPREME COURT OVERVIEW

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. However, in the case of the retirement or death of a justice during the term of office, the Governor can appoint to fill the term for two years, when the person must then run for election.

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 arguments and conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

A detailed overview of the court system can be found at www.ndcourts.gov/court/brochure.htm.



2016

CASELOAD HIGHLIGHTS

SUPREME COURT

The 2016 new case filings increased by more than 22%.

The number of cases on appeal and average since 2003 are reflected below.

CIVIL FILINGS – Increases in appeals involving administrative proceedings, contracts, employer/employee disputes, foreclosures, job service, real property, oil and gas, and tax issues reflect the impact of a slow-down in the state’s economy. Appeals in family-related cases accounted for 19% of the civil caseload, and 17% of the overall caseload.

Appeals in post-conviction relief matters, which are by statute civil, and the civil commitment of sexually dangerous individuals increased, accounting for 18% of the civil caseload in 2016.

CRIMINAL FILINGS - Appeals involving drug, theft, sexual, and driving under the influence offenses accounted for 73% of the criminal caseload.

Birchfield v. North Dakota, 136 S.Ct. 2160 (2016) – Contributing to the Court’s 2016 workload was the reversal by the United States Supreme Court of this Court’s decision in State v. Birchfield, 2015 ND 6, 858 N.W.2d 302, and a series of other cases relying on Birchfield. This Court held in Birchfield, the statute criminalizing a refusal to submit to a chemical test did not violate the right to be free from an unreasonable search and seizure under the Fourth Amendment of N.D. Const. art. 1, § 18. Id. This was the first time since 1992 the United States Supreme Court accepted a petition for writ of certiorari and reversed a decision of this Court.

Oral arguments were scheduled in 247 cases, with approximately 35% of those arguments being waived, in whole or part, by either the parties or the Court, and submitted on the briefs and the record.

In 2016, the Justices each authored an average of 50 majority opinions, with another 59 separate concurrences and/or dissents written.

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

In 17.5% of the cases filed in 2016, at least one party was self-represented.

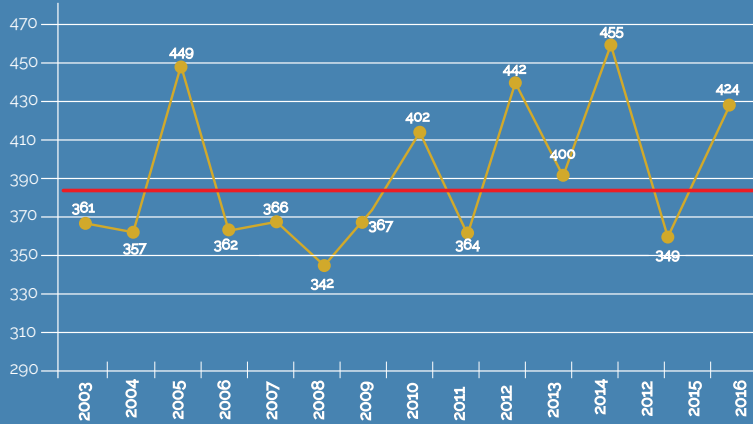
ADMINISTRATIVE FILINGS – The Court considered whether to fill, abolish or transfer four district judge vacancies. There were also seventeen requests for amendment of various procedural rules and policies. One of the petitions, pending at year’s end, requested temporary amendments to Rule 3 of the Admission to Practice Rules to permit out-of-state lawyers to more easily represent criminal defendants arrested during protests, and elicited considerable comments. The Court continued regular weekly conferences to consider motions and other administrative matters impacting the Court’s workload.

The Supreme Court continued the “Taking the Court to Schools” program with visits to Fargo South and Lisbon High Schools.

The Honorable Dale V. Sandstrom retired effective December 31, 2016, after serving 24 years on the Court. Justice Sandstrom’s leadership and drive in advancing the use of technology in the North Dakota Judicial System was invaluable.



NEW CASES ON APPEAL 2003-2016



CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 2016 AND 2015 CALENDAR YEARS

	2016	2015	Percent Difference
New Filings	437	356	22.75
Civil	317	242	30.99
Criminal	120	114	5.26
Dispositions	370	440	-15.90
Civil	256	295	-13.22
Criminal	114	145	-21.37
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0

CASE DISPOSITIONS - 2016

	Civil	Criminal
BY OPINION:		
Affirmed; Affirmed & Modified	79	34
Affirmed in Part & Reversed in Part or Remanded in Part	13	1
Affirmed by Summary Disposition	58	17
Remanded	2	7
Reversed	7	2
Reversed & Remanded; Reversed & Modified	15	9
Reversed by Summary Disposition	2	1
Dismissed	5	2
Order/Judgement Vacated, Remanded	2	0
Certified Question Answered	1	0
Original Jurisdiction - Denied	1	0
Discipline Imposed	3	-
Dispositions by Opinion	188	73
BY ORDER:		
Dismissed	48	35
Original Jurisdiction--Denied	12	4
Original Jurisdiction--Granted	1	1
NOA Voided - No Filing Fee	7	7
NOA Ext. Denied - NOA Not Filed	0	1
Dispositions by Order	68	42
Total Dispositions for 2016	256	114





NORTH DAKOTA DISTRICT COURTS

NORTH DAKOTA DISTRICT COURTS OVERVIEW

There are district court services in each of the state's 53 counties. North Dakota is a fully unified and consolidated court system and all district courts are under the administrative authority of the Chief Justice and 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. There are 51 district judges in the state. Judges in the district courts also serve on statewide committees, boards, and commissions; participate in state and local bar association activities; and provide law-related public education to students and community members. Information about the district courts is located at www.ndcourts.gov/court/Districts/Districts.htm.



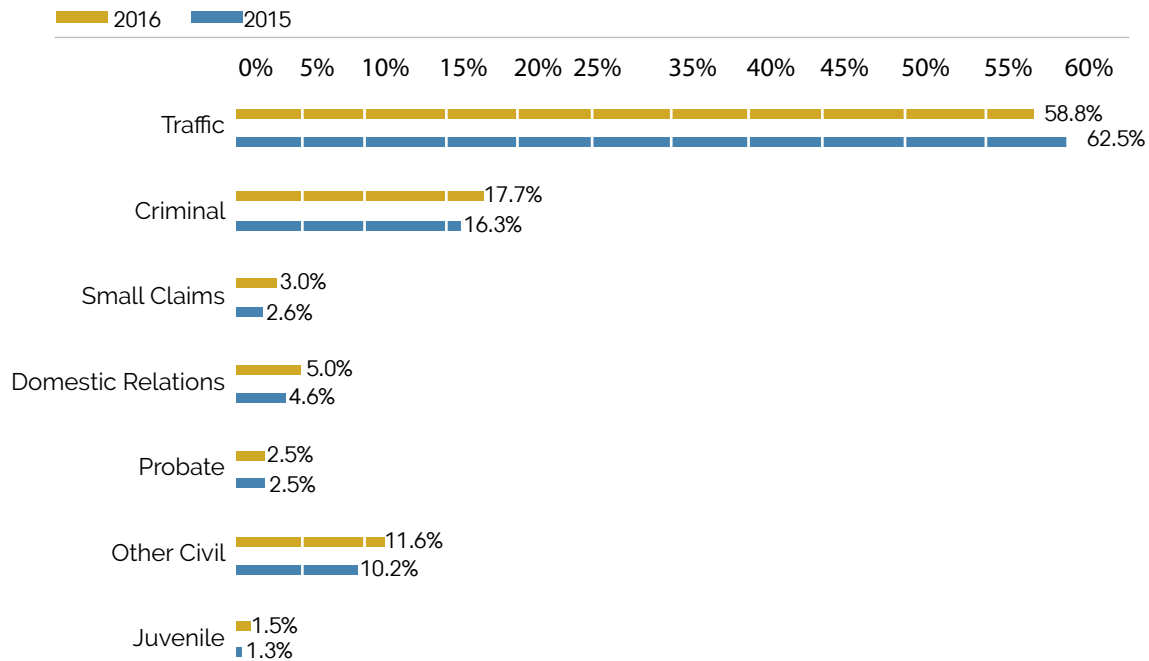
TOTAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2016 & 2015

CASE FILINGS/ DISPOSITIONS	2016			2015			2016/2015	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	30,493	9,765	44,183	32,001	8,767	39,354	-4.71%	12.27%
Small Claims	4,781	102	4,953	4,821	159	4,904	-0.83%	1.00%
Criminal	28,195	13,965	46,440	30,210	12,373	46,503	-6.67%	-0.14%
Traffic	93,911	361	98,006	116,024	439	119,473	-19.06%	-17.97%
Juvenile	2,317	1,838	3,573	2,493	1,807	3,684	-7.06%	-3.01%
Total	159,697	26,031	197,155	185,549	23,545	213,918	-13.93%	-7.84%

TYPES OF CASES FILED IN DISTRICT COURT

FOR CALENDAR YEARS 2016 & 2015



JURY TRIALS FOR JUDICIAL DISTRICT

FOR CALENDAR YEARS 2016 & 2015

Based on jury trials paid

District	2016	2015
Northeast	9	10
Northeast Central	12	22
East Central	35	26
Southeast	29	38
South Central	59	96
Southwest	14	15
Northwest	77	47
North Central	46	48
Total	281	302

2016 CIVIL CASELOAD DISTRICT COURTS

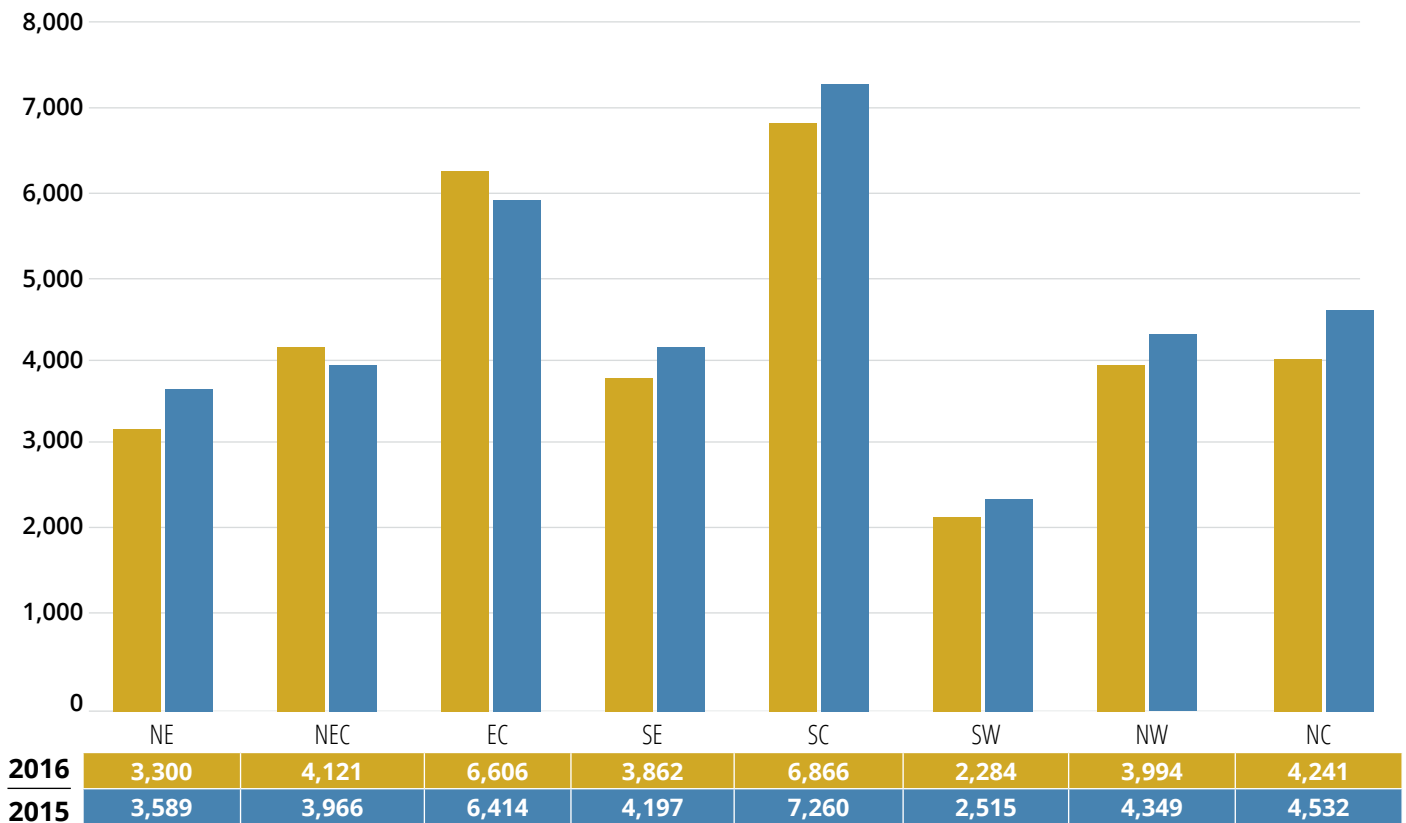
Civil filings decreased by 4.2% in 2016 compared to 2015 with total case filings of 35,274. There were 4,781 small claims cases in 2016, which is a decrease of 40 or 0.8%. Domestic relations cases decreased by 489 or 5.7%, probate/guardianship cases decreased by 707 or 15.5%, and other civil cases decreased by 312 or 1.6% in 2016.

Contract/collection (65%) civil commitment (8%) and forcible detainer (10%) cases account for the majority of the 18,601 other civil case types. Contract/collection decreased by 433 cases or 3.5% compared to 2015.

There were 8,042 domestic relations case filings in 2016, consisting of the following: support proceedings (29%); divorce (30%); protection/retraining orders (28%); paternity (4%); adoption (4%); parenting responsibility filings (5%) and termination of parental rights (less than 1%).

Total divorce filings in 2016 were 2,439 compared to 2,473 in 2015. Support proceedings decreased by 11.3% with 2,339 cases filed, and protections/retraining order filings decreased by 5.2% with 2,217 cases filed.

ND CIVIL CASELOAD FOR DISTRICT COURTS FOR 2015 AND 2016



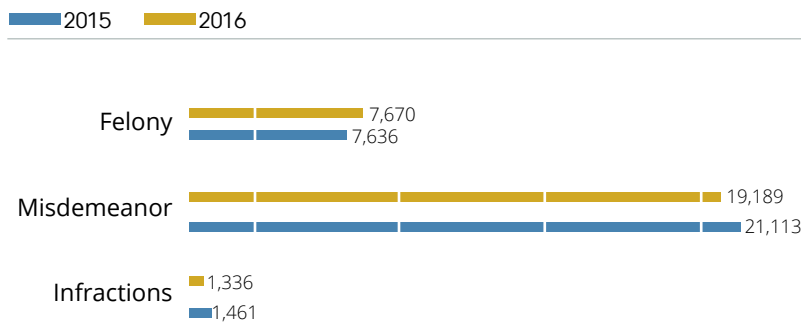
2016

CRIMINAL CASELOAD

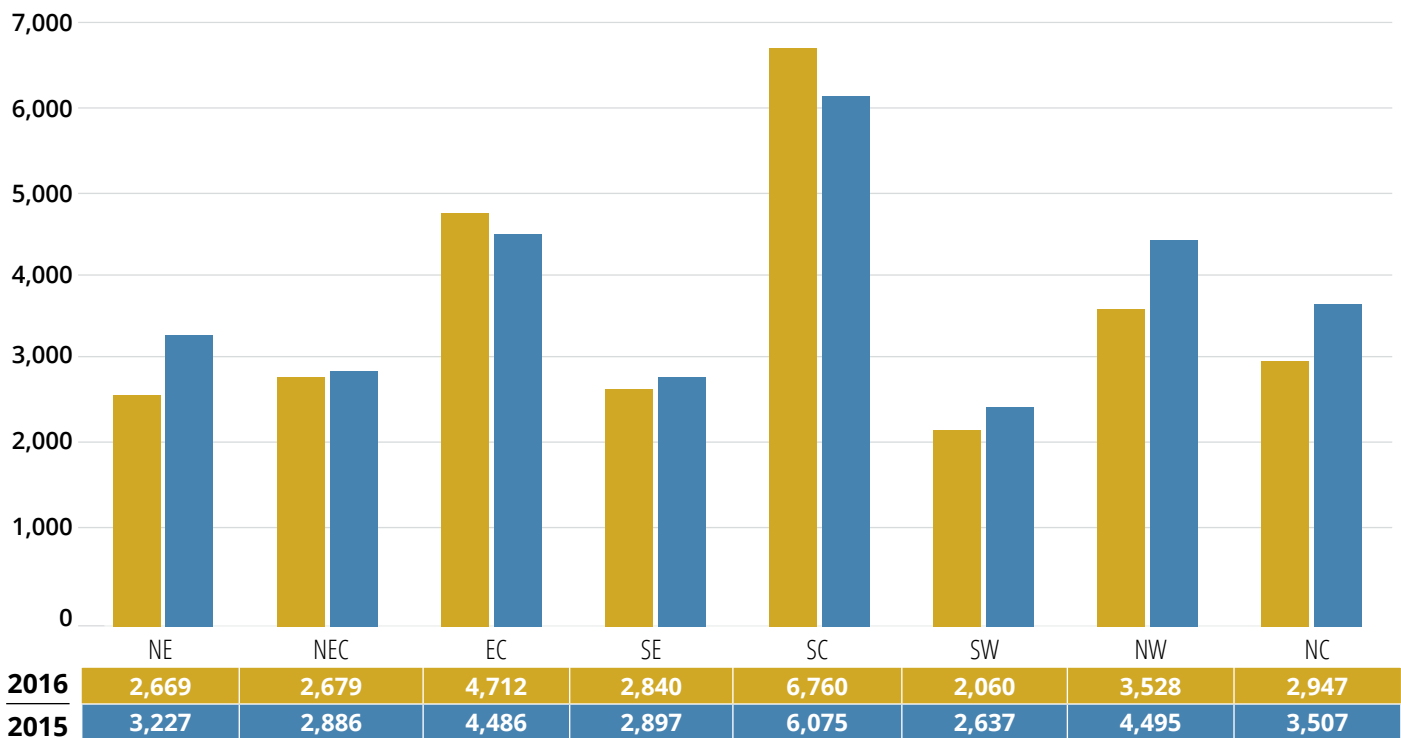
DISTRICT COURTS

Total criminal filings decreased by 6.7% from 2015 to 2016 with 28,195 cases filed compared to 30,210. Felony filings increased by 0.4%; misdemeanors decreased by 9.1%; and infractions decreased by 8.6%. Misdemeanors made up 68% of total criminal filings; felonies 27%; and infractions 5%.

OVERALL ND CRIMINAL CASELOAD FOR DISTRICT COURTS FOR CALENDAR YEARS 2015 & 2016



ND CRIMINAL CASELOAD FOR DISTRICT COURTS FOR 2015 AND 2016

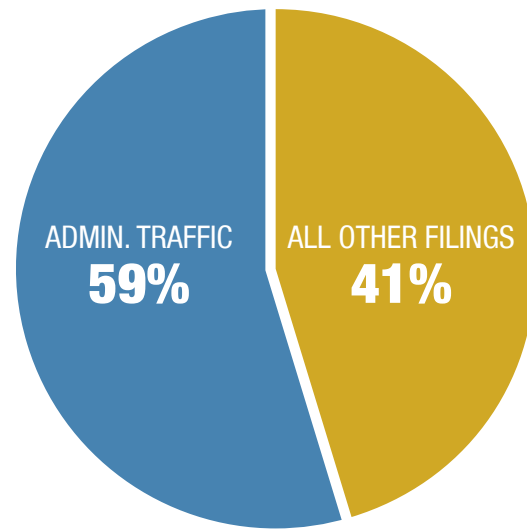


2016

ADMINISTRATIVE TRAFFIC CASES DISTRICT COURTS

Administrative traffic filings decreased by 22,113 (19.1%) from 2015. These cases make up 59% of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Total Cases Filed in District Courts Including Admin Traffic - 2016



Case Filings	2016	2015
Admin. Traffic	93,911	116,024
Case Re-opens	2014	2015
Admin. Traffic	361	439
Case Dispositions	2014	2015
Admin. Traffic	98,006	119,473

2016

DISTRICT COURT JUDGES SERVING IN 2016 & CHAMBERED CITIES

DISTRICT COURTS

Norm Anderson- Fargo

Sonna M. Anderson - Bismarck

Susan Bailey – Fargo

Anthony Swain Benson - Bottineau

Lee A. Christofferson – Devils Lake

Todd Cresap - Minot

Brad Cruff - Wahpeton

Rhonda Ehlis – Dickinson

Daniel El Dweek – Watford City

Cynthia Feland - Bismarck

Laurie A. Fontaine – Cavalier/Langdon

Donovan Foughty – Devils Lake

M. Richard Geiger – Grafton

James D. Gion - Dickinson

Dann Greenwood - Dickinson

John E. Greenwood – Jamestown

John Grinsteiner - Mandan

Richard L. Hagar – Minot

Donald Hager – Grand Forks

Gail Hagerty - Bismarck

Bruce B. Haskell - Bismarck

William Herauf - Dickinson

Douglas R. Herman – Fargo

Jim Hill - Mandan

James D. Hovey – New Rockford

John C. Irby - Fargo

Paul Jacobson - Williston

Jon Jensen – Grand Forks

Debbie G. Kleven – Grand Forks
(Resigned August 2016)

Gary H. Lee – Minot

Stacy Louser - Minot

Steven L. Marquart - Fargo

Douglas L. Mattson – Minot

Jason McCarthy – Grand Forks

John C. McClintock, Jr.- Rugby

Steven E. McCullough - Fargo

Thomas E. Merrick - Jamestown

Daniel D. Narum - Ellendale

David W. Nelson – Williston

Thomas R. Olson - Fargo

Frank Racek - Fargo

David E. Reich - Bismarck

Bruce A. Romanick – Washburn

Lolita Romanick – Grand Forks

Joshua Rustad - Williston

Robin Schmidt – Watford City

Jay Schmitz – Valley City

Thomas J. Schneider – Mandan

Kirsten Sjue - Williston

John Thelen – Grand Forks

Jerod Tufte – Valley City

Wade L. Webb -Hillsboro

JUDICIAL REFEREES SERVING IN 2016

Wayne D. Goter - Bismarck

Scott Griffeth - Fargo

Jay Knudson – Grand Forks

Pam Nesvig - Bismarck

Connie Portscheller - Minot

Susan Solheim - Fargo

Dale A. Thompson - Bottineau

NORTH DAKOTA

DISTRICT COURTS

Northwest Judicial District
Number of Counties: 3

North Central Judicial District
Number of Counties: 3

Northeast Judicial District
Number of Counties: 11

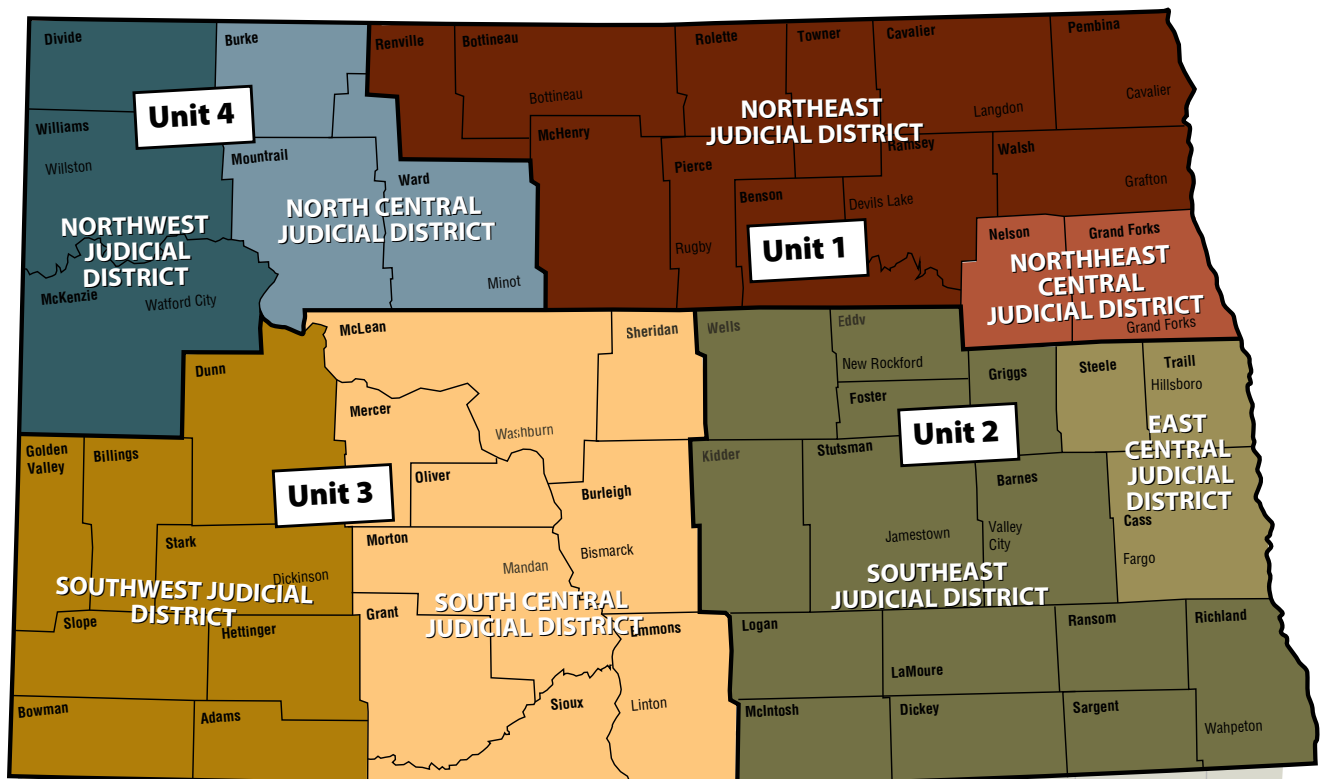
Northeast Central Judicial District
Number of Counties: 2

Southwest Judicial District
Number of Counties: 8

South Central Judicial District
Number of Counties: 9

Southeast Judicial District
Number of Counties: 14

East Central Judicial District
Number of Counties: 3



NORTH DAKOTA

DISTRICT COURTS

NORTHEAST DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2016 & 2015

CASE FILINGS/ DISPOSITIONS	2016			2015			2016/2015	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,763	1,522	4,884	3,031	1,416	4,462	-8.84%	9.46%
Small Claims	537	7	621	558	6	501	-3.76%	23.95%
Criminal	2,669	1,255	4,842	3,227	1,027	4,905	-17.29%	-1.28%
Traffic	8,921	35	9,291	12,873	44	13,406	-30.70%	-30.70%
Juvenile	249	168	372	246	163	349	1.22%	6.59%
Total	15,139	2,987	20,010	19,935	2,656	23,623	-24.06%	-15.29%

NORTHEAST CENTRAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2016 & 2015

CASE FILINGS/ DISPOSITIONS	2016			2015			2016/2015	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,250	839	4,182	3,212	771	3,969	1.18%	5.37%
Small Claims	871	3	892	754	10	794	15.52%	12.34%
Criminal	2,679	1,783	4,879	2,886	1,370	4,318	-7.17%	12.99%
Traffic	7,037	18	7,323	8,396	35	8,789	-16.19%	-16.68%
Juvenile	345	376	597	335	352	611	2.99%	-2.29%
Total	14,182	3,019	17,873	15,583	2,538	18,481	-8.99%	-3.29%

NORTH DAKOTA

DISTRICT COURTS

EAST CENTRAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2016 & 2015

NOTE: 2015 CIVIL FILINGS ADJUSTED BY 13 CASES. 14 ASBESTOS CASES WERE FILED ON SAME DAY AND COUNTED AS 1 FILING.

CASE FILINGS/ DISPOSITIONS	2016			2015			2016/2015	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,583	1,994	8,837	5,386	1,797	6,907	3.66%	27.94%
Small Claims	1,023	26	1,045	1,028	63	1,091	-0.49%	-4.22%
Criminal	4,712	1,341	6,643	4,486	1,268	6,582	5.04%	0.93%
Traffic	13,871	54	14,404	14,791	54	15,156	-6.22%	-4.96%
Juvenile	643	288	872	686	281	885	-6.27%	-1.47%
Total	25,832	3,703	31,801	26,377	3,463	30,621	-2.07%	3.85%

SOUTHEAST DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2016 & 2015

CASE FILINGS/ DISPOSITIONS	2016			2015			2016/2015	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,179	1,135	5,740	3,557	983	4,284	-10.63%	33.99%
Small Claims	683	19	698	640	26	633	6.72%	10.27%
Criminal	2,840	1,455	4,531	2,897	1,126	4,290	-1.97%	5.62%
Traffic	13,665	75	14,186	15,314	73	15,456	-10.77%	-8.22%
Juvenile	204	123	301	217	119	304	-5.99%	-0.99%
Total	20,571	2,807	25,456	22,625	2,327	24,967	-9.08%	1.96%

NORTH DAKOTA

DISTRICT COURTS

SOUTH CENTRAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2016 & 2015

CASE FILINGS/ DISPOSITIONS	2016			2015			2016/2015	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	6,210	1,670	8,420	6,496	1,412	7,498	-4.40%	12.30%
Small Claims	656	16	680	764	24	802	-14.14%	-15.21%
Criminal	6,760	2,989	10,195	6,075	2,870	9,400	11.28%	8.46%
Traffic	16,969	61	17,579	20,396	77	20,797	-16.80%	-15.47%
Juvenile	434	396	690	470	385	713	-7.66%	-3.23%
Total	31,029	5,132	37,564	34,201	4,768	39,210	-9.27%	-4.20%

SOUTHWEST DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2016 & 2015

CASE FILINGS/ DISPOSITIONS	2016			2015			2016/2015	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,071	585	2,820	2,280	670	2,852	-9.17%	-1.12%
Small Claims	213	14	209	235	6	234	-9.36%	-10.68%
Criminal	2,060	1,247	3,644	2,637	1,048	4,033	-21.88%	-9.65%
Traffic	9,008	43	9,659	13,658	67	14,073	-34.05%	-31.37%
Juvenile	92	87	163	115	110	200	-20.00%	-18.50%
Total	13,444	1,976	16,495	18,925	1,901	21,392	-28.96%	-22.89%

NORTH DAKOTA

DISTRICT COURTS

NORTHWEST DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2016 & 2015

CASE FILINGS/ DISPOSITIONS	2016			2015			2016/2015	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,675	930	4,567	4,039	763	4,603	-9.01%	-0.78%
Small Claims	319	9	324	310	13	295	2.90%	9.83%
Criminal	3,528	1,485	5,723	4,495	1,517	6,885	-21.51%	-16.88%
Traffic	12,708	49	13,349	16,614	62	17,339	-23.51%	-23.01%
Juvenile	157	171	268	202	174	298	-22.28%	-10.07%
Total	20,387	2,644	24,231	25,660	2,529	29,420	-20.55%	-17.64%

NORTH CENTRAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2016 & 2015

CASE FILINGS/ DISPOSITIONS	2016			2015			2016/2015	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,762	1,090	4,733	4,000	955	4,779	-5.95%	-0.96%
Small Claims	479	8	484	532	11	554	-9.96%	-12.64%
Criminal	2,947	2,410	5,983	3,507	2,147	6,090	-15.97%	-1.76%
Traffic	11,732	26	12,215	13,982	27	14,457	-16.09%	-15.51%
Juvenile	193	229	310	222	223	324	-13.06%	-4.32%
Total	19,113	3,763	23,725	22,243	3,363	26,204	-14.07%	-9.46%

2016

PRESIDING JUDGES

DISTRICT COURTS

Each of the judicial districts has a presiding judge. Each presiding judge is elected by the judges within their district. The presiding judge is the chief administrative officer of all courts in the district and is responsible for all court services within the geographical area of the judicial district. The presiding judge provides leadership within his or her judicial district.

2016 PRESIDING JUDGES

Northeast Judicial District – Judge Laurie Fontaine

Northeast Central Judicial District – Judge Jon Jensen

East Central Judicial District - Judge Frank Racek

Southeast Judicial District – Judge Dan Narum

South Central Judicial District - Judge Gail Hagerty

Southwest Judicial District - Judge William Herauf

Northwest Judicial District – Judge David Nelson

Northwest Central Judicial District - Judge Gary Lee





NORTH DAKOTA JUVENILE COURTS

JUVENILE COURT MISSION STATEMENT

To carry out the mission of Balanced and Restorative Justice, the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. In carrying out this mission, the courts empower victims and encourage community participation and parental responsibility.

Juvenile Court referrals are received from law enforcement, schools, social services agencies, and parents. Juvenile Court Officers screen referrals from law enforcement, schools, and agencies determining how they should be processed, making detention or emergency shelter care decisions on some of them, preparing court recommendations on those that proceed to the formal courts, and processing the majority of the delinquent and unruly cases via an informal adjustment conference or diversion.

Informal adjustment offers an opportunity to admit to the charge and accept conditions of probation with no formal charges or conviction being entered. A juvenile may deny the charge and that usually results in a referral of the charges to a prosecutor for determination as to whether to formally charge the juvenile with the alleged offense. Juvenile probation is one of the most widely used tools to ensure court requirements are met. Court goals often include repairing the harm to the victim, compliance with programming geared at reducing risk factors for the offender and increasing the overall competency of the offender to contribute to society.

Intake of all juvenile referrals is required by North Dakota law to be conducted by the Director of Juvenile Court or a designated court officer. Juvenile Court intake staffs are knowledgeable about North Dakota criminal and juvenile law as well as the techniques of juvenile treatment and rehabilitation. They screen for probable cause and make decisions regarding the appropriate manner to handle the case by diversion, informal adjustment or the formal court process. Whether to detain a delinquent youth or take an unruly or deprived child into protective custody are also authorized powers of the juvenile court under the North Dakota Century Code.

There are four juvenile court directors who oversee offices in Grand Forks, Devils Lake, Bottineau, Grafton, Fargo, Jamestown, Valley City, Wahpeton, Bismarck, Dickinson, Minot and Williston.

The North Dakota Rules of Juvenile Procedures are located at <http://www.ndcourts.gov/rules/juvenile/frameset.htm>.

NORTH DAKOTA JUVENILE COURTS

2016 REFERRALS TO JUVENILE COURT

DELINQUENT AND UNRULY CASE REFERRALS: In North Dakota, the Juvenile Court has exclusive jurisdiction over youth ages seven to age eighteen who are alleged to have committed a delinquent or an unruly act. A delinquent act would be a crime if committed by an adult, while an unruly act is behavior such as truancy from school, runaway, ungovernable behavior, or minor consuming alcohol, all of which are based on age.

DEPRIVED CASE REFERRALS: The Juvenile Court also has exclusive jurisdiction over children until age eighteen who are alleged to be deprived of proper care or control by their parent, guardian, or other custodian. More commonly known as child abuse and neglect, these cases are referred to the courts by the county social service agencies after a child abuse and neglect investigation.

Total referrals to Juvenile Court have decreased in the past year from 9,792 to 9,767. The chart below reflects the total number of charges referred to the Juvenile Courts, in the three legal categories of unruly, delinquent, and deprived cases over the past five years.

Note the increase in deprivation referrals from 2012 through 2016. Within the last five years the trend of an increase in deprivation filings has been significant.

TOTAL REFERRALS BY YEAR

	Unruly	Delinquent	Deprivation
2012	3,510	5,473	1,969
2013	2,792	4,817	2,282
2014	2,572	4,433	2,269
2015	2,492	4,586	2,714
2016	2467	4461	2839

NORTH DAKOTA JUVENILE COURTS

The chart below reflects the total number of charges referred to the juvenile courts, grouped by case type, over the past five years. In 2016, unruly offenses (offenses which only a child can commit) made up 25% of juvenile court referrals, deprivation referrals made up 29%, and delinquent referrals were 46%.

TOTAL REFERRALS BY CASE TYPE

	2012	2013	2014	2015	2016
Against Person Offenses	886	845	684	750	834
Property Offenses	1996	1676	1380	1441	1327
Public Order	1177	960	942	1029	980
Unruly	3510	2792	2572	2492	2467
Deprivation	1969	2282	2269	2714	2839
Traffic	413	365	315	355	261
Drug Related Offenses	1001	971	1112	1011	1059

NORTH DAKOTA

JUDICIAL

PROGRAMS

AND SERVICES

JUVENILE DRUG COURT

JUVENILE DRUG COURT PROGRAM 2016 HIGHLIGHTS

The Juvenile Drug Court Program is a 9 to 12 month program where participants and their parents or guardians have regular contact with the court. Participants are also required to attend treatment and school and are subject to drug testing, curfew monitoring and community service work. Budget cuts led to the temporary suspension of new referrals to the Grand Forks Drug Court. Despite budgetary concerns, the North Dakota judiciary remains committed to continuing the Juvenile Drug Court Program because it teaches lifelong coping skills and is a cost effective way to provide positive outcomes to our youth with addiction issues.

Six North Dakota Juvenile Drug Courts continued operation in 2016

JUVENILE DRUG COURT 2016 STATISTICS

STATISTICS BY INDIVIDUAL COURTS FOR 2016

Court	Current*	Graduations	Terminations	Suspended	Totals	Court Sessions
Grand Forks	6	4	4	1	15	48
Fargo	7	7	11	0	25	50
Bismarck	4	8	8	0	20	50
Minot	4	3	1	0	8	41
Devils Lake	1	1	4	5	11	46
Stutsman/Barnes	5	3	3	0	11	51
Totals	27	26	31	6	90	

RACE AND GENDER FOR INDIVIDUAL COURTS

Court	Caucasian	Native American	Hispanic	African American	Other	Male	Female
Grand Forks	11	1	1	0	2	7	8
Fargo	20	1	1	3	0	18	7
Bismarck	11	6	0	1	1	12	8
Minot	6	1	1	0	0	6	2
Devils Lake	4	6	0	0	1	9	2
Stutsman/Barnes	9	0	1	0	1	5	6
Totals	61	15	4	4	5	57	33

OVERALL STATISTICS FROM START DATE

Started	Court	Graduations	Terminations	Deceased	Total
May - 2000	Grand Forks	77	96	0	173
May - 2000	Fargo	82	127	1	210
Oct - 2003	Bismarck	65	72	0	137
Jan - 2007	Minot	22	31	0	53
Jan - 2009	Devils Lake	13	23	0	36
Jan - 2013	Stutsman/Barnes	7	10	0	17
Totals		266	359	1	626

NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

FAMILY MEDIATION

FAMILY MEDIATION PROGRAM

The Family Mediation Program is a statewide program that provides a high quality, impartial, and efficient forum for resolving disputed parental rights and responsibilities, as well as grandparent visitation matters through mediation. In 2016, the Family Mediation Program accepted 699 cases into the Program. Four hundred forty-eight cases have been completed as of January 11, 2016. Data for those completed cases indicates 46% reached full agreement, while an addition 31% reached partial agreements for a positive impact on 77% of cases.

We currently have 27 mediators on the Family Mediation Roster.

FAMILY MEDIATION CASES

JANUARY 1, 2016 THROUGH DECEMBER 31, 2016

TOTAL CASES REFERRED TO THE MEDIATION PROGRAM		982
CASES REJECTED OR DROPPED OUT		283
Custody issues settled prior to mediation	61	
Existence of domestic violence restraining order in case record or domestic violence issues identified	48	
One party resides outside of North Dakota	58	
Default divorce	32	
One party incarcerated	9	
Mediation attempted prior to filing divorce action	3	
One or both parties did not comply with order	43	
Parties reconciled	10	
Dismissed	8	
Miscellaneous	11	
CASES ACCEPTED INTO THE PROGRAM		699
Cases mediation completed as of January 11, 2016		448
Cases pending as of January 11, 2016		251

NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

LEGAL SELF HELP



The North Dakota Legal Self Help Center is a neutral resource to assist self-represented litigants with access to the North Dakota Court System. The purpose of the Center is to provide civil process information to the thousands of people in the state who are involved in a civil legal issue but not represented by a lawyer.

The Center, which began in 2014, operates as a division of the North Dakota Supreme Court Law Library. In 2016, the Center was staffed by a licensed attorney, the Citizen Access Coordinator, and a paralegal, the Citizen Access Paralegal. The addition of the Citizen Access Paralegal greatly enhanced the ability of the Citizen Access Coordinator to develop content and conduct outreach for the Center.

The Center provides procedural information and education to self-represented litigants through personal contact with Center staff by phone, email and in-person. Procedural information and education is also provided on the Center website. The online forms, informational guides and brochures are developed by Center staff, Court System committees, and Court Administration staff.

Center staff provides direct support to self-represented litigants by answering questions about court processes, court procedures and legal terms. Staff provides contact information for other agencies that may be able to assist with a problem. Self-represented litigants are directed to state laws, rules and regulations that may be relevant to a legal issue. Staff notifies every person who contacts the Center of the services the Center can provide, and that the Center cannot provide any legal advice or legal representation.

Forms and informational guides are key resources provided by the Center. The Center provides a variety of online forms and informational guides for many civil legal issues, such as family law, guardianship, conservatorship, small claims, name change, informal probate, protection and restraining orders, and eviction.

In 2016, new forms were created and added to the website, including 13 general-use forms for use in civil actions, a packet of forms for uncontested parenting rights and responsibilities between unmarried parents, and instructions for establishing guardianship of an incapacitated person. New informational guides were created and added to the website, including a beginning-to-end guide to civil actions, making claims against an estate, contested divorce, contested parenting rights and responsibilities between unmarried parents, registering and enforcing out-of-state custody orders, applying for post-conviction relief, and subpoenas. Existing forms were updated and revised to reflect changes in law and process.

This past year, the Citizen Access Coordinator developed training for assisting self-represented litigants for clerks of North Dakota district court and North Dakota librarians and library staff. The training focused on providing legal information and avoiding legal advice. The training also included tips and resources for directing self-represented litigants to helpful materials and services. Clerks of court in all Administrative Units were trained in person or online. The training for librarians was provided at the 2016 North Dakota Library Association Annual Conference in Dickinson, North Dakota and at Bismarck Public Library and Grand Forks Public Library staff meetings.

NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

LEGAL SELF HELP

Based on the topics of requests received, new forms, informational guides and website content are in various stages of development. A packet of forms for uncontested divorce with children will be added to the website in Spring 2017. Informational guides for appealing a Job Service or Workforce Safety and Insurance decision to district court will be added to the website in Summer 2017. Other resources anticipated for 2017 include packets of forms for transferring a guardianship or conservatorship into North Dakota, transferring a North Dakota guardianship or conservatorship to another state, and an informational guide for expungement of criminal records.

Due to budget cuts, the Citizen Access Paralegal position was eliminated and the position unstaffed as of February 2017. The Citizen Access Coordinator position was retained, so the Center will not be closed down completely. The Citizen Access Coordinator is piloting a Spring 2017 externship with the University of North Dakota School of Law to create additional online resources with the use of law student externs.

No one should be denied access to justice because they cannot afford a lawyer, or choose to represent themselves.

ND LEGAL SELF HELP CENTER CONTACT DATA

The Center was unstaffed during the first quarter of 2015. Contact data for the Center is April 1, 2015 through December 31, 2016.

	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016
Phone Calls	281	434	550	510	502	593	496
Emails	68	82	78	74	144	168	111
Letters	4	3	2	0	1	2	2
In-Person	23	13	11	8	7	12	11
Total	376	532	641	592	654	775	620

MOST REQUESTED TOPICS:

1. Family law (parenting time, residential responsibility, child support, and divorce)
2. Small Claims
3. Landlord/Tenant (eviction)
4. Probate
5. Appeal Administrative Agency Decision
6. Expungement
7. Creditor/Debtor

NORTH DAKOTA COURT IMPROVEMENT PROJECT

JUDICIAL PROGRAMS AND SERVICES

The Court Improvement Project (CIP) committee was developed in 2006 to provide recommendations to the Administrative Council on child-welfare related issues. The purpose of the committee is to assess and implement improvements in the roles, responsibilities and effectiveness of state courts in court supervised foster care and adoption cases. The committee meets quarterly to identify and prioritize issues and plan and monitor Court Improvement Project activities and subcommittees. Four subcommittees carry out the work of the committee: Lay Guardian Ad Litem; Indian Child Welfare; Education and Training; and Data Collection and Analysis.

In an effort to measure state court compliance with Indian Child Welfare Act (ICWA) requirements, the CIP committee, ICWA subcommittee along with the University of North Dakota (UND) assisted in the implementation and publication of a statewide ICWA compliance audit. The audit focused on basic components of the Act including notification to tribes, the use of qualified expert witnesses, and court findings of active efforts. An action plan was created by the ICWA Subcommittee to address the recommendations offered to the CIP based on the audit findings. Steps were taken from the action plan to address the issues found throughout the course of the audit. A two-sided bench card of required ICWA finding and an ICWA desk reference guide was provided for judges. Training was held for juvenile court, judicial officers and guardians ad litem on the newly implemented ICWA regulations.

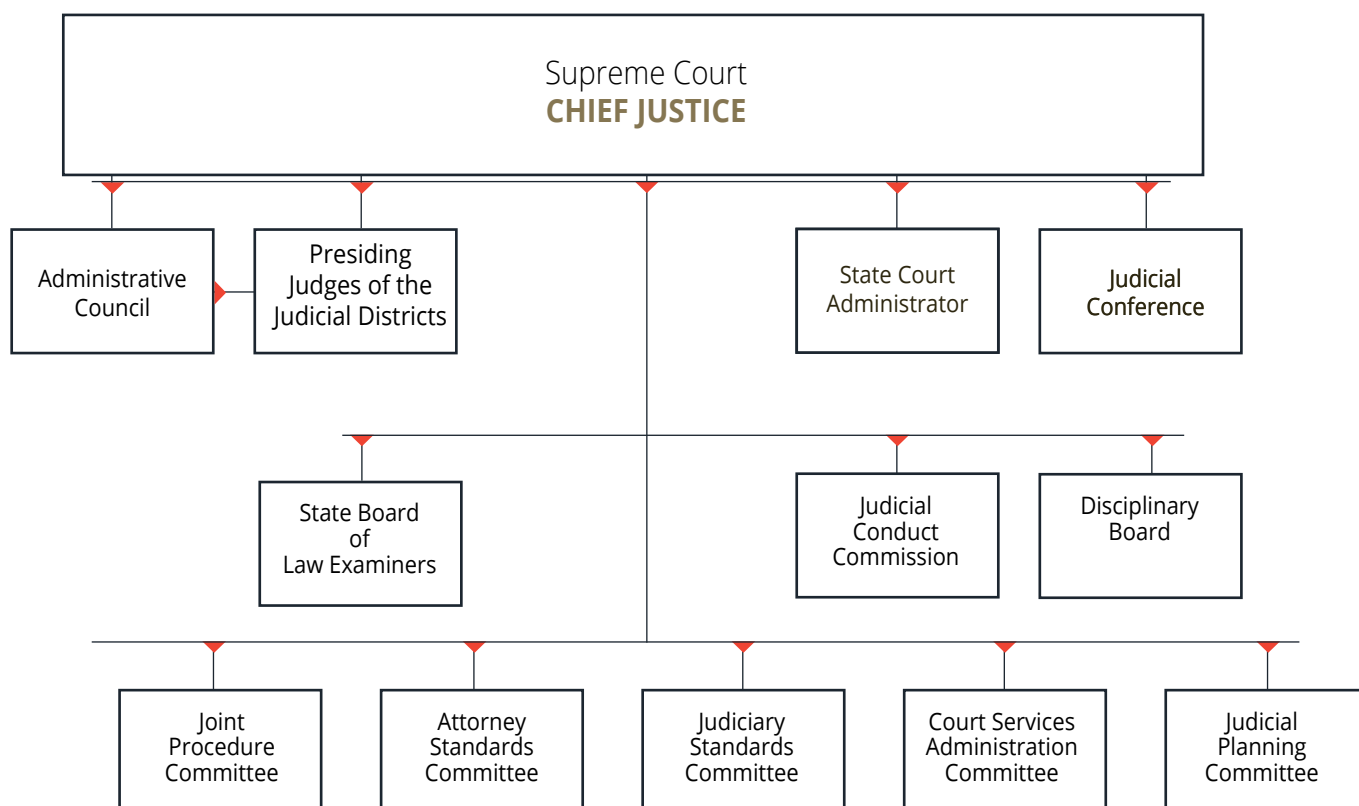
As a result of the audit findings and collaborative efforts between the ICWA subcommittee, CIP committee and tribes, the UND Department of Social Work received a \$2.4-million grant from the U.S. Department of Health and Human Services to support implementation and evaluation of the Indian Child Welfare Act in North Dakota over the next five years.

The CIP committee also provides ongoing evaluation of the Lay Guardian Ad Litem (GAL) Program. The purpose of the evaluation is to assess and increase the effectiveness of the Lay GAL Program on issues of timeliness, safety and permanency for children in deprivation and termination of parental rights cases. In 2016, the CIP committee developed strategies in collaboration with the Lay GAL program administrators to control program costs while ensuring quality and effectiveness. The strategies included restructuring the administrative Lay GAL workload, reducing the GAL roster, setting a best practice “range of hours” per case, and developing better monitoring guidelines that are consistent with ND.R.Juv.P. Rule 17.



NORTH DAKOTA ADMINISTRATION OF THE COURT SYSTEM

Ultimate responsibility for the efficient and effective operation of the court system resides with the Supreme Court. The Constitution establishes the Chief Justice's administrative responsibility for the court system. To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, Supreme Court clerk, directors, staff attorneys, presiding judges, and various advisory committees, commissions, and boards.

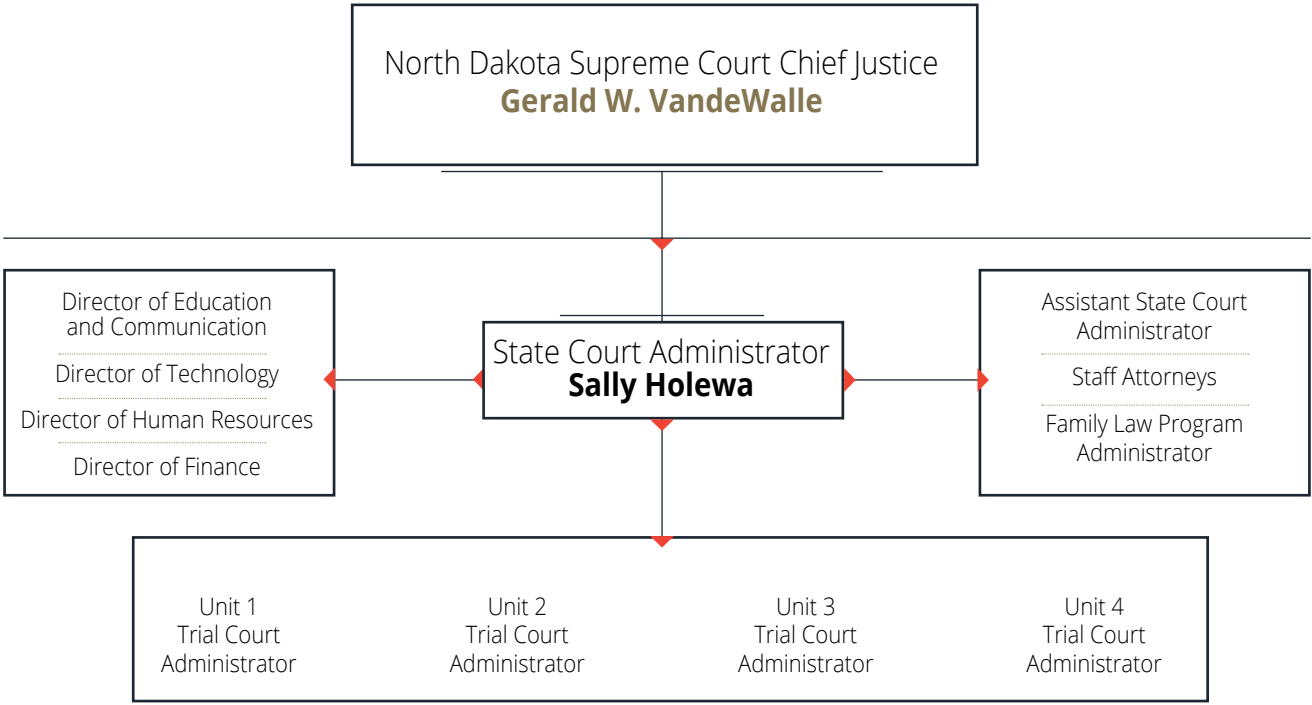


NORTH DAKOTA ADMINISTRATION OF THE COURT SYSTEM

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 an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation and administration 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. The Assistant State Court Administrator for Trial Courts and trial court administrators in each unit assist the state court administrator. Also assisting are directors and personnel who work in finance, general counsel, human resources, technology, and judicial education.

A directory for the State Court Administrator's Office can be found at www.ndcourts.gov/court/email/frAdmin.htm.



NORTH DAKOTA TRIAL COURT ADMINISTRATION

ADMINISTRATION OF THE COURTS

Under the direction of the state court administrator, the trial court administrator plans, organizes, and directs court administrative activities for all courts within one of four state administrative units. This position is responsible for supervising a large staff engaged in providing service to high volume and complex caseloads including comprehensive district-wide programs, juvenile, and court administrative services. As the senior administrative position within the administrative unit, the position is responsible for providing leadership and guidance in all administrative areas with emphasis on the development and implementation of efficient and cohesive administrative processes.

ASSISTANT TRIAL COURT ADMINISTRATORS

Under general supervision of the trial court administrator, the assistant trial court administrator implements the policies and procedures of the state judiciary and assists the trial court administrator in coordinating and monitoring administrative activities of the courts.

DIRECTOR OF JUVENILE COURT SERVICES

The director of juvenile court services works under the direction of the trial court administrator and is responsible for planning and directing all juvenile court services in the administrative unit. The director of juvenile court services also provides leadership in fostering the development of community-based programs and in developing statewide policy and practice for juvenile court.

2016 TRIAL COURT ADMINISTRATION

Administrative Unit 1

Trial Court Administrator – Scott Johnson

Assistant Trial Court Administrator – Kelly Hutton

Director of Juvenile Court – Shawn Peterson

Administrative Unit 2

Trial Court Administrator – Rod Olson

Assistant Trial Court Administrator – Chris Iverson

Director of Juvenile Court – Karen Kringlie

Administrative Unit 3

Trial Court Administrator – Donna Wunderlich

Assistant Trial Court Administrator – Ross Munns

Director of Juvenile Court – Cory Pedersen

Administrative Unit 4

Trial Court Administrator – Carolyn Probst

Director of Juvenile Court – Scott Hopwood



NORTH DAKOTA CLERKS OF COURT

ADMINISTRATION OF THE COURTS

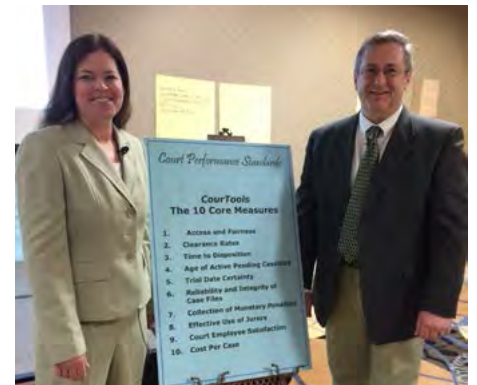
The clerk of district court works under the direction of the trial court administrator and is responsible for planning, directing, organizing and supervising all personnel assigned to the office of the clerk. This position is responsible for maintaining all court records and developing office operational procedures associated with all district court cases involving criminal, civil, restricted, traffic, or other cases filed with district court.

North Dakota Century Code, Chapter 27-05.2, states that the North Dakota Supreme Court shall provide clerk of district court services in each county in the state. The Supreme Court may provide such services through clerks of district court, deputies, and assistants who are employees of the judicial system or through service agreements with the counties.

While the court has assumed the responsibility for the expenses of operating the clerk's offices statewide, only a portion of the clerks have transferred to state employment. A distinction is made based on number of staff in each office. In offices of five or more, the clerk and staff are required to become state employees unless the county chooses to keep the clerk functions and forgo any state funds to support the office.

For offices ranging in staff size from one to four, the county retains the option to transfer the clerk and deputies to state employment. Finally, the smallest counties are ineligible to transfer the clerk position to state employment.

When a county transfers clerk responsibility to the state, the clerk position becomes a classified position within the court's employee classification and compensation system. In those counties that chose to retain clerks and staff as county employees, and those that are ineligible to transfer, the county can continue to choose whether the clerk must run for election or whether the office will be an appointed one. Under state law, counties can choose to combine positions and decide if a combined position will be an appointed or elected position.



COUNTY-EMPLOYED CLERKS OF COURT

METHOD OF ATTAINING OFFICE

County Name	Full-Time / Part-Time	Role: Combined / Separate	Elected	Appointed as Clerk	Eligible to be transferred to State Employment
Adams	Part-time	Recorder	as Recorder		No
Benson	Part-time	Separate	as Clerk		Yes
Billings	Part-time	Recorder	as Recorder/Clerk		No
Bottineau	Full-time	Separate		X	Yes
Bowman	Part-time	Recorder	as Recorder/Clerk		No
Burke	Part-time	Recorder	as Recorder		No
Cavalier	Full-time	Separate		X	No
Dickey	Full-time	Separate		X	No
Divide	Full-time	Recorder	as Recorder		Yes
Dunn	Part-time	Recorder	as Recorder/Clerk		Yes
Eddy	Part-time	Recorder	as Recorder/Clerk		No
Emmons	Part-time	Recorder	as Recorder/Clerk		No
Foster	Full-time	Separate		X	No
Golden Valley	Part-time	Recorder	as Recorder/Clerk		No
Grant	Part-time	Recorder	as Recorder/Clerk		No
Griggs	Part-time	Recorder	as Recorder		No
Hettinger	Part-time	Recorder	as Recorder/Clerk		No
Kidder	Part-time	Recorder	as Recorder		No
Lamoure	Full-time	Separate		X	No
Logan	Part-time	Recorder	as Recorder		No
McHenry	Full-time	Separate	as Clerk		Yes
McIntosh	Part-time	Recorder	as Recorder/Clerk		No
McLean	Full-time	Separate		X	Yes
Mercer	Full-time	Separate		X	Yes
Mountrail	Full-time	Separate		X	Yes
Nelson	Part-time	Recorder	as Recorder/Clerk		No
Oliver	Part-time	Recorder	as Recorder		No
Pembina	Full-time	Recorder	as Recorder/Clerk		Yes
Pierce	Part-time	Separate	as Clerk		Yes
Ransom	Full-time	Separate		X	Yes
Renville	Part-time	Recorder	as Recorder		No
Sargent	Part-time	Recorder & Treasurer & Clerk	as Recorder/Clerk/Treasurer		No
Sheridan	Part-time	Recorder	as Recorder		No
Sioux	Part-time	Recorder & Treasurer & Clerk	as Recorder/Treasurer/Clerk		No
Slope	Part-time	Recorder	as Recorder/Clerk		No
Steele	Part-time	Recorder	as Recorder/Clerk	X	No
Towner	Part-time	Recorder	as Recorder		No
Traill	Full-time	Separate	as Clerk		Yes
Wells	Full-time	Separate		X	No

NORTH DAKOTA CLERKS OF COURT

ADMINISTRATION OF THE COURTS

ELIGIBLE FOR TRANSFER TO STATE

Benson
Bottineau
Divide
Dunn
McHenry
McLean
Mercer
Mountrail
Pembina
Pierce
Ransom
Traill

Total 12

STATE EMPLOYED CLERK OF COURT OFFICES

Barnes
Burleigh
Cass
Grand Forks
McKenzie
Morton
Ramsey
Richland
Rolette
Stark
Stutsman
Walsh
Ward
Williams

Total 14

TOTALS

County-Contract	39
State-Employed	14
Total Clerks	53

Combined Offices	25
Separate Offices	14
Total	39

Appointed	26
Elected	13
Total	39

NORTH DAKOTA STATE BUDGETS

ADMINISTRATION OF THE COURTS

JUDICIAL PORTION OF THE STATE'S BUDGET 2015-2017 BIENNIUM

JULY 1, 2015 - JUNE 30, 2017

Net of 6.55% Budget Reduction

Total State General and Special Funds Appropriation
\$13,976,962,310

Executive And Legislative Branch General
And Special Funds Appropriation
\$13,869,341,840 (99.2%)

Judicial Branch General and
Special Funds Appropriation
\$107,620,470 (.8%)



TOTAL STATE JUDICIAL BRANCH APPROPRIATION 2015-2017 BIENNIUM

NET OF 6.55% BUDGET REDUCTION

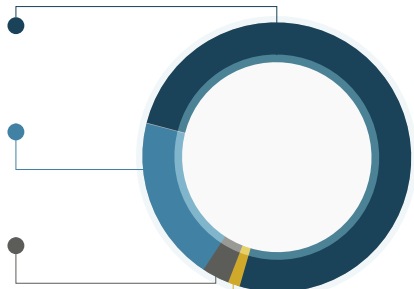
Total State General and Special Funds Appropriation
\$107,620,470

Salaries and Benefits
\$79,728,439 (74.1%)

Operating Expenses
\$23,551,713 (21.9%)

Capital Assets
\$ 2,525,530 (2.3%)

Special Purposes
\$ 1,814,788 (1.7%)



NORTH DAKOTA STATE BUDGETS

ADMINISTRATION OF THE COURTS

STATE JUDICIAL BRANCH APPROPRIATION BY TYPE OF ACTIVITY

2015-2017 BIENNIUM

NET OF 6.55% BUDGET REDUCTION

Supreme Court

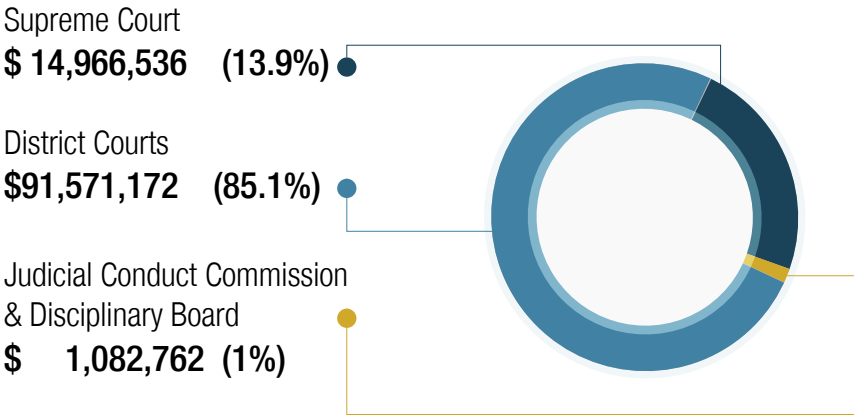
General Fund	\$ 14,966,536	
Special Funds	-	
TOTAL	\$ 14,966,536	(13.9%)

District Courts

General Fund	\$89,649,022	
Federal Funds	1,922,150	
TOTAL	\$91,571,172	(85.1%)

Judicial Conduct Commission & Disciplinary Board

General Fund	\$ 638,106	
Special Funds	444,656	
TOTAL	\$ 1,082,762	(1%)





NORTH DAKOTA COMMITTEES, COMMISSIONS & BOARDS

Within the North Dakota Court System, a system of committees, commissions, boards, and councils has been established to develop new ideas and evaluate proposals for improving public services and to recommend policy and best practices for the judicial system. Citizens, legislators, lawyers, district court judges, municipal court judges, court personnel and members of the Supreme Court serve on these committees.

Committee agendas and minutes are located at www.ndcourts.gov/committees/committees.htm.



NORTH DAKOTA

COMMITTEES,

COMMISSIONS &

BOARDS

ADMINISTRATIVE COUNCIL

The Administrative Council is established by Administrative Rule 22. Duties of the Council are to develop uniform administrative policies and procedures for the trial courts and juvenile courts and make recommendations for their implementation; to review the biennial budget proposals submitted by the trial court administrators for the respective administrative units; to review and approve for submission to the Supreme Court a proposed trial court component of the unified judicial system budget for each biennium; to monitor trial court budget expenditures; and to perform other duties as directed by the Chief Justice.

JUDICIAL PLANNING COMMITTEE

The Judicial Planning Committee is established by Supreme Court rule. The Committee studies the judicial system and makes recommendations concerning long-range and strategic planning and future improvements for the system.

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, criminal procedure, appellate procedure, evidence, and specialized court procedure. 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.

INFORMAL COMPLAINT PANEL

The Informal Complaint Panel is established by Supreme Court rule. It provides an informal forum to address complaints or concerns about judges or other employees of the state judicial system. It is confidential, non-confrontational and educational. It is intended to constructively influence conduct and resolve issues before they rise to a level of a formal grievance or disciplinary proceeding.

JOINT COMMITTEE ON ATTORNEY STANDARDS

The Joint Committee on Attorney Standards, established by Supreme Court rule, is comprised of members appointed by the Chief Justice and the Board of Governors of the State Bar Association. The Committee is responsible for the study and review of all rules and proposals concerning attorney supervision, including admission to the bar, attorney discipline, rules of professional conduct, and law student practice.

JUDICIARY STANDARDS COMMITTEE

The Judiciary Standards Committee, established by Supreme Court rule, 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, established by Supreme Court rule, is responsible for the study and review of all rules and orders relating to the administrative supervision of the judicial system.

NORTH DAKOTA COMMITTEES, COMMISSIONS & BOARDS

COMMITTEE ON TRIBAL AND STATE COURT AFFAIRS

The Committee on Tribal and State Court Affairs, established following adoption of Administrative Rule 37 by the Supreme Court, is comprised of tribal and state court judges, tribal and state court support services representatives, and public members. It provides 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 different court systems; and for cultivating mutual respect for, and cooperation between, tribal and state courts.

PERSONNEL POLICY BOARD

The Personnel Policy Board is established by Supreme Court rule. The Board is comprised of a Supreme Court justice, 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.

COURT TECHNOLOGY COMMITTEE

The Court Technology Committee is established by Administrative Order and is responsible for the planning and implementation of information technology for the judicial system. The Committee's coordinated efforts are responsible for consistent and efficient management of information technology resources.

JURY STANDARDS COMMITTEE

The Jury Standards Committee, established by Supreme Court rule, studies and oversees the operation of North Dakota's jury system. The Committee is responsible for reviewing the Uniform Jury Selection Act, studying and making recommendations concerning juror use and management, and reviewing the operation, management, and administration of the state's jury system.

NORTH DAKOTA JUDICIAL CONFERENCE

The North Dakota Judicial Conference is established by statute for the purpose of soliciting, receiving, and evaluating suggestions relating to the improvement of the administration of justice; considering and making recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system; and establishing methods for reviewing proposed legislation, which may affect the operation of the judicial branch.

COMMITTEE ON LEGISLATION

The Committee on Legislation, a standing committee of the Judicial Conference, drafts, reviews, and tracks proposed legislation that may affect the North Dakota judicial system. During legislative sessions, the Committee provides weekly reports to the members of the conference on legislation that could affect judicial services.

ADVISORY COMMISSION ON CAMERAS IN THE COURTROOM

The Advisory Commission on Cameras in the Courtroom is established by Supreme Court rule and governs electronic and photographic coverage of court proceedings. The Commission generally monitors the experience with cameras in the North Dakota Supreme Court, in district courts, and municipal courts.

NORTH DAKOTA COMMITTEES, COMMISSIONS & BOARDS

PATTERN JURY INSTRUCTION COMMISSION

The Pattern Jury Instruction Commission, established by Supreme Court rule, is composed of six lawyer members appointed by the State Bar Association of North Dakota Board of Governors and six judge members appointed by the chair of the Judicial Conference after consultation with the Executive Committee. In addition to revising and developing instructions corresponding to current law, the Commission is engaged in an extensive review of all pre-1986 civil and criminal instructions. A primary goal is rewriting the instructions using plain English, that is, language that is understandable by jurors without a legal background.

COMMISSION ON JUDICIAL BRANCH EDUCATION

The Judicial Branch Education Commission was established by Supreme Court rule in 1993. The responsibilities of the Commission are to establish policies that effect the implementation of the mandatory education provision of the rule; develop judicial education programs for judges and court personnel; develop and recommend to the North Dakota Supreme Court a biennial budget for judicial education activities; and provide resource materials for judges and court support personnel.

JUVENILE POLICY BOARD

The Juvenile Policy Board is established by Supreme Court rule to define the mission of juvenile court services consistent with N.D.C.C. 27-20-01 to provide the administrative mechanism and authority to ensure the implementation of the policies; and to ensure the full involvement of the judges and personnel of the North Dakota judicial system in the development of juvenile court policies and procedures.

PARENTING INVESTIGATOR REVIEW BOARD

The Parenting Investigator Review Board is established by Supreme Court rule. It addresses complaints about parenting investigators. It has nine members: three judges and one lawyer appointed by the Chief Justice, two lawyers appointed by the State Bar Association, and three parenting investigators appointed by the Chief Justice and the president of the State Bar Association acting together.

CASEFLOW MANAGEMENT COMMITTEE

Establish by Policy 510, the Caseflow Management Committee is developed under the auspices of the Administrative Council to provide recommendations to the Council on case management activities governing all trial courts statewide. The purpose of the Committee is to establish and monitor caseflow management practices in each judicial district of the state.

NORTH DAKOTA

JUDICIAL CONDUCT COMMISSION

COMMITTEES, COMMISSIONS & BOARDS

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

The Commission consists of four non-lawyers, two judges, and one lawyer. The non-lawyers are appointed by the Governor; the judges are appointed by the North Dakota Judges Association; and the lawyer member is appointed by the State Bar Association.

(http://www.ndcourts.gov/court/committees/Jud_Cond/Commission.asp)

Of the new complaints filed in 2016:

- 17 were against 13 District Court Judges
- 2 were against 1 Judicial Referee

New Complaints Opened in 2016	19
General Nature of Complaints:	
Bias, discrimination/partiality	5
Improper Decision/Ruling	7
Ex parte Communication	1
Abuse of Authority	2
Failed to Follow Procedure	2
General Demeanor	1
No Specific Allegation	1
Complaint Files Carried Over from 2015	13
Total Files Pending Consideration in 2016	32
Disposition of Complaints:	
Summary Dismissal	24
Dismissal	2
Formal Proceedings	1
Total 2016 Dispositions	
Complaint Files Pending as of 12/31/2016	5

NORTH DAKOTA STATE BOARD OF LAW EXAMINERS

COMMITTEES, COMMISSIONS & BOARDS

The State Board of Law Examiners assists the Supreme Court of North Dakota in its constitutional responsibility to regulate the admission to the practice of law.

In 2016, Board members were Lawrence King of Zuger Kirmis and Smith in Bismarck; Jane Dynes of the Serkland Law Firm in Fargo; and Bradley Beehler of the Morley Law Firm in Grand Forks. King served as President of the Board. The Director of Admissions, Laurie Guenther, assists the Board in its statutory responsibilities.

North Dakota reached some milestones in 2016:

- 3,053 licenses were issued, which is the most in the history of the state. 42.5% of the licensees reside out of state, which is also a record high; and,
- 357 nonresident attorneys appeared pro hac vice in North Dakota courts under Rule 3, Admission to Practice Rules, which is a record high. The fees received under this rule are distributed in the same manner as license fees: \$75 for the lawyer disciplinary system sent to the State Bar Association, with the remainder split 80% to the State Bar Association and 20% to the State Board of Law Examiners.

Additional information from 2016 is below.

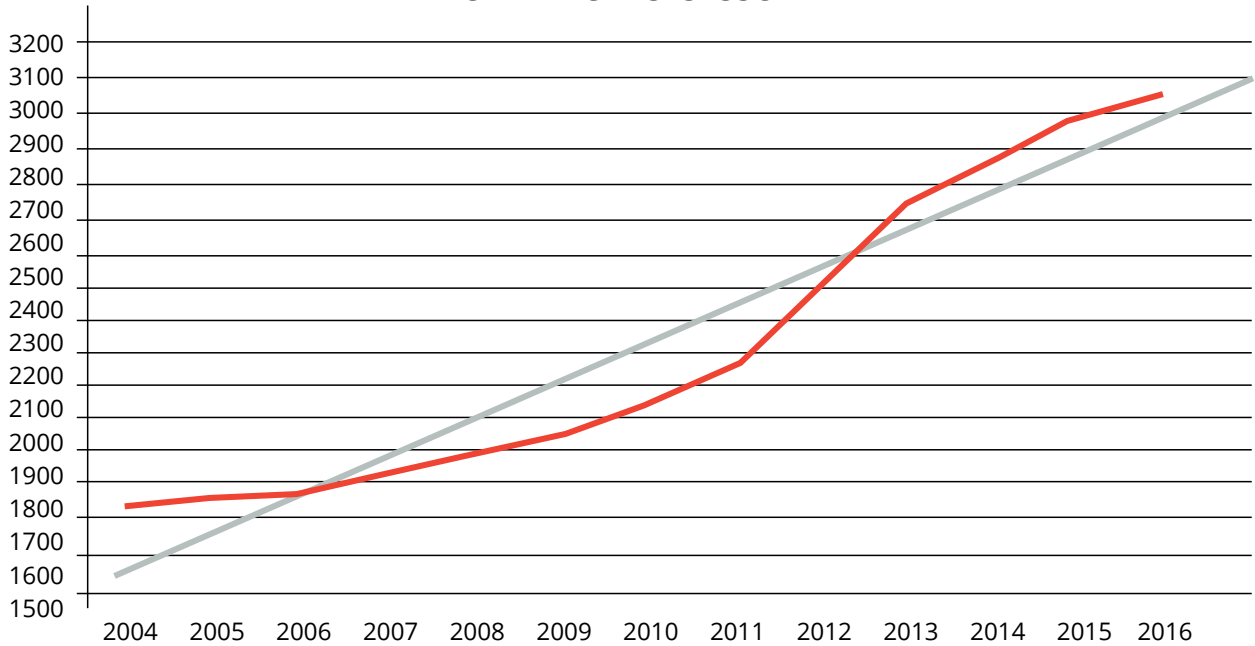
- 161 new attorneys were admitted to the Bar, a 26% decrease from 2015.
- 105 motions for admission based on practice or test score were filed, a 16% decrease.
 - 49 motions for admission based on practice were filed, an 8% decrease.
 - 56 motions for admission on test score were filed, a 22% decrease from 2015; with 75% based on the transfer of a Uniform Bar Examination (UBE) score received in another jurisdiction.
- 18 temporary licenses were approved, while applicants licensed in another jurisdiction awaited the review and approval of their North Dakota applications.

The 2016 Character and Fitness Committee members were Sherry Mills Moore, Bismarck attorney; Dr. Robert Olson, Fargo psychiatrist; Paul Richard, Fargo attorney; Daniel Ulmer, Bismarck; and Michael Williams, Fargo attorney.

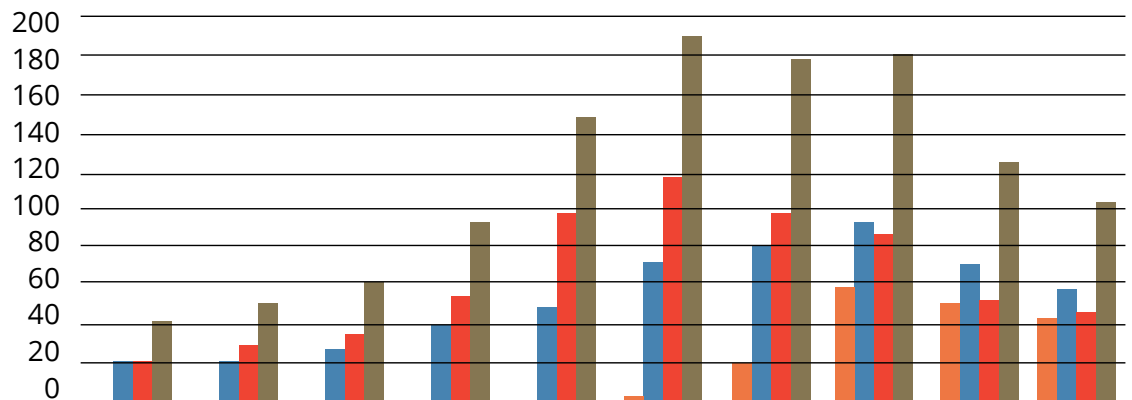
NORTH DAKOTA STATE BOARD OF LAW EXAMINERS

COMMITTEES, COMMISSIONS & BOARDS

TOTAL LICENSES ISSUED

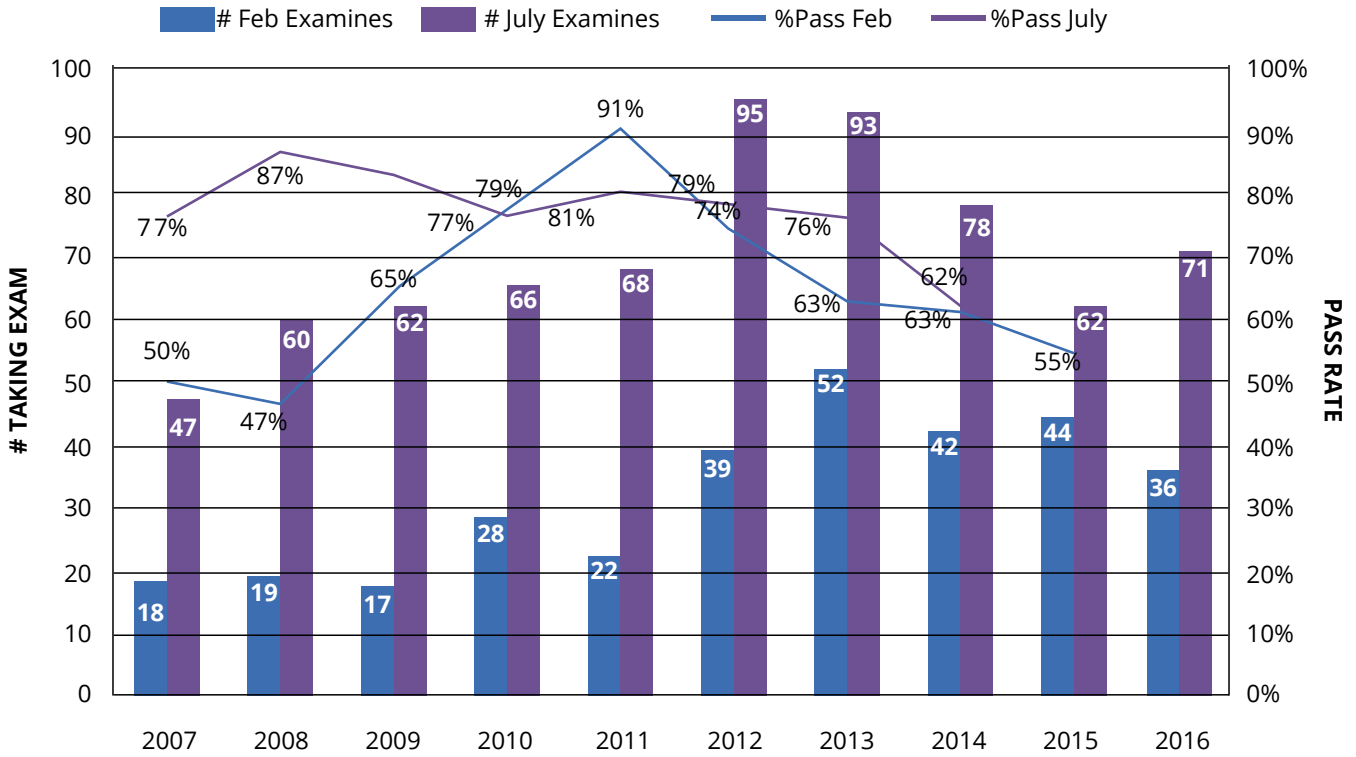


MOTION APPLICATIONS FILED

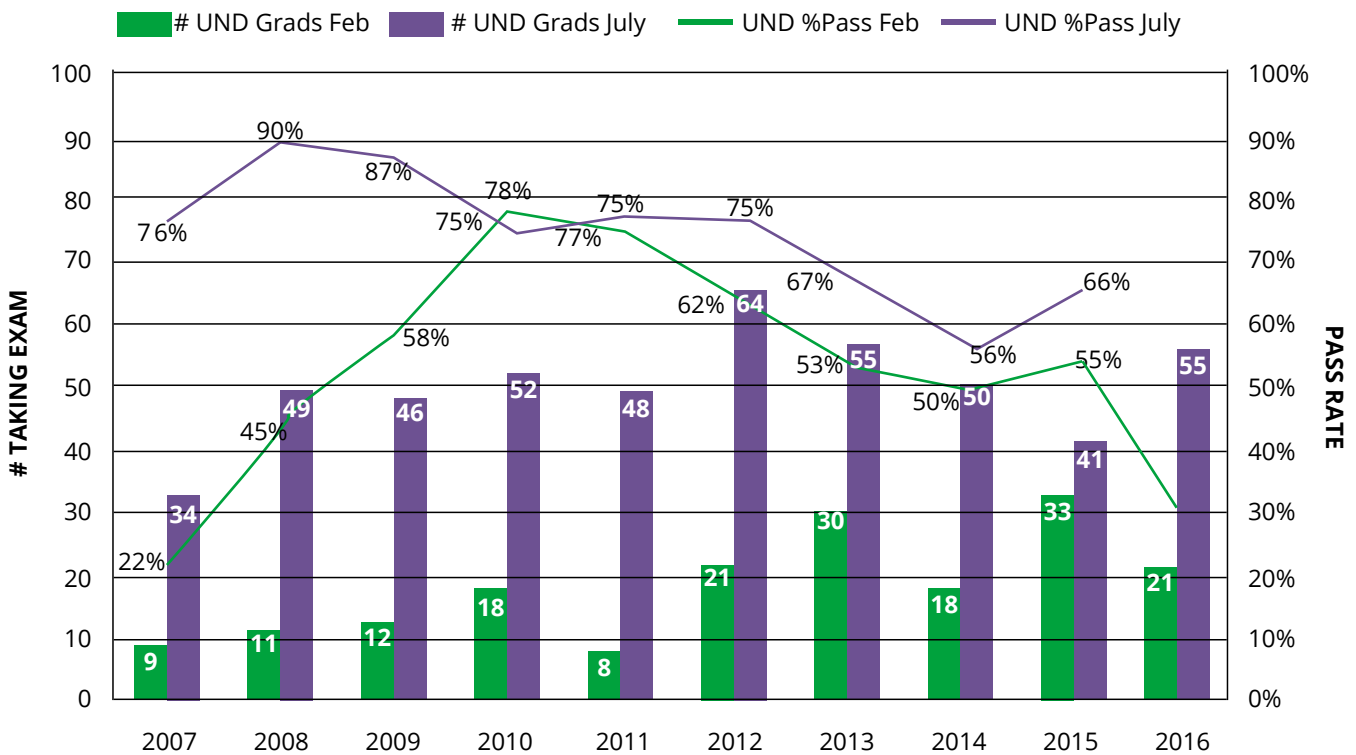


	2007	2008	2009	2010	2011	2012	2013	2014	2015	2015
UBE Only						2	20	60	51	42
Test Score	22	22	28	39	50	74	80	93	72	56
Practice	20	29	35	55	98	116	99	87	53	49
Total Motions	42	51	63	94	148	190	179	180	125	105

FEBRUARY & JULY EXAMS



UNIVERSITY OF NORTH DAKOTA



NORTH DAKOTA DISCIPLINARY BOARD

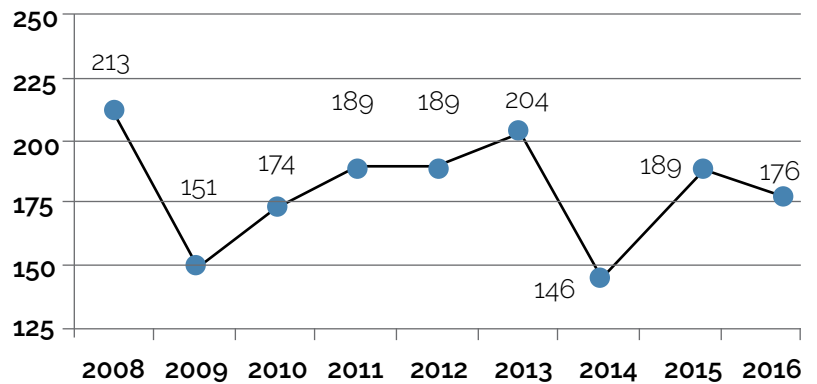
COMMITTEES, COMMISSIONS & BOARDS

The lawyer disciplinary process, with the Disciplinary Board at the center, provides a procedure for investigating, evaluating and acting upon complaints alleging unethical conduct by lawyers licensed in North Dakota. The Rules of Professional Conduct are the primary guide for lawyer conduct, and the North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints.

A summary of the workload under consideration in the lawyer discipline system in 2016, as well as a comparison of new complaints filed since 2008, appear on this page.

176 new cases were filed in 2016, which is a 6.9% decrease from 2015.

TOTAL COMPLAINTS 2008-2016



The 2016 statistics reflect multiple complaints against two attorneys. Informal complaints pending at the beginning of 2016 increased 36.7%. By the end of 2016, many of those complaints were formal. Informal complaints pending at the end of 2016 decreased by 42.4%, but there was a 51.3% increase in formal complaints pending at the end of 2016.

The clearance rate for informal and formal discipline cases was 71.1% with 305 cases have been considered in 2016 and 215 cases having dispositions.

A matter becomes formal when following investigation, an inquiry committee believes misconduct has occurred, and votes to send a matter formal. At the filing and service of a summons and petition for discipline, the matter is formal and becomes public.

Disciplinary Board and North Dakota Supreme Court dispositions in lawyer discipline matters decreased in 2016 by 89.0% and 78.6%, respectively.

Amendments to the disciplinary rules which become effective March 1, 2017, will result in Disciplinary Counsel's office opening and investigating all informal complaints.

Information about how a complaint is processed can be found at:
http://www.ndcourts.gov/court/committees/disc_brd/Information.htm.

**WORKLOAD SUMMARY OF
ATTORNEY DISCIPLINE SYSTEM**

WORKLOAD SUMMARY OF ATTORNEY DISCIPLINE SYSTEM

General Nature of Complaints:	
Client Funds & Property	12
Conflict of Interest	4
Criminal Convictions	0
Disability/Incapacity to Practice Law	0
Excessive Fees	4
Failure to Communicate/Cooperate with Client	12
Improper Conduct	125
Incompetent Representation	5
Misappropriation/Fraud	0
Neglect/Delay	5
Petition for Reinstatement	0
Unauthorized Practice of Law	8
Solicitation	1
Reciprocal Discipline	0
Total New Complaints Opened in 2016	176
Formal Proceedings Pending From Prior Years	11
Other Complaint Files Pending From Prior Years	98
Appeals Filed with Disciplinary Board in 2016	20
Appeals Allowed by Supreme Court in 2016	0
Total Files Available for Consideration in 2016	305
Inquiry Committee's Actions	
Dismissal	114
Summary Dismissal	58
Admonition	6
Referral to Lawyer Assistance Program	3
Consent Probation	4
Dismissal Without Prejudice	0
No Action - Referred to Another State	0
Disciplinary Board Actions	
Approve Inquiry Committee Dismissal	24
Approve Inquiry Committee Admonition	1
Approve Inquiry Committee Consent Probation	0
Disapprove Inquiry Committee Disposition	2
Dismissal by Hearing Panel of the Board	0
Reprimand by Hearing Panel of the Board	0
Consent Probation by Hearing Panel of the Board	0
Supreme Court Actions	
Reprimand	1
Suspension	2
Disbarment	0
Interim Suspension	0
Reinstatement	0
Court Vacated Interim Suspension	0
Transfer to Disability Inactive Status (No DB File)	0
Formal Proceedings Pending 12/31/16	59
Other Complaint Files Pending 12/31/16	38