

NORTH DAKOTA

JUDICIAL SYSTEM

“A sense of confidence in the
courts is essential to maintain
the fabric of ordered liberty for
a free people.”

– *Chief Justice Warren E. Burger*

ANNUAL REPORT
2007





MISSION STATEMENT

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



TABLE OF CONTENTS

A N N U A L R E P O R T 2 0 0 7

Opening Section

Supreme Court

District Courts

Municipal Court

Court Administration



MESSAGE FROM CHIEF JUSTICE GERALD W. VANDEWALLE



I am pleased to present the 2007 Annual Report of the North Dakota Judicial System. Through statistics it reveals our adjudicative caseload. Through the reports of the Administrative Units and the Committees it reflects the workings of the Judicial System. The changing demographics and emerging issues in our State become evident in the articles discussing other programs and projects undertaken by the Judicial System.

For those of us raised in a substantially Scandinavian or Germanic community, no one would have thought we would need interpreters fluent in 11 different languages in our judicial districts. In one of those districts, we are using a video to explain their rights to parties who do not speak English. We have attempted to make that explanation meaningful with the judge speaking in English while the party hears the rights in his or her own language. If the State is repopulated in part by people from a number of other countries who currently do not speak English, we will be prepared to assure they receive equal justice procedurally as well as substantively.

As our society becomes more complex the judges and staff must keep pace with the changes. While some of the required ongoing education will necessarily be provided by experts outside of the Judicial System, we have begun a North Dakota

Judicial Faculty Development Institute which will use our resident experts to teach the rest of us. This is proving to be an exciting program in which teachers and students alike improve their skills and understanding of our judicial processes.

I saw a quote that said: "Every child comes with the message that God is not yet discouraged." To enhance and nourish our children, and by the benefit of federal Court Improvement Grants, we are monitoring and improving court processes in child deprivation cases. In addition we are expanding juvenile drug court programs. These programs reflect our concern for the children in a changing society.

Other articles discuss changes we have made in our jury rules in consideration of jury privacy and safety, as well as what we are doing to meet the need to replace our case management system.

Together these statistics and articles represent some of the steps we have taken to make the Judicial System accountable to our citizens and a participant in resolving the issues present in our society. I thank the State Court Administrator and her staff and the Clerk of the Supreme Court and her staff as well as the contributing authors for their endeavors. I offer the 2007 Annual Report of the North Dakota Judicial System for your contemplation.



Court Improvement Grants

Federal grants support court improvement projects for child deprivation cases

The North Dakota Judicial System was awarded two new federal Court Improvement grants for a total of three grants aimed at monitoring and improving court processes in child deprivation cases.

These grants are the basic Court Improvement Grant, \$102,688; the Education and Training Grant, \$96,717; and the Data Collection and Analysis Grant, \$96,704. The grants are awarded by the U.S. Department of Health and Human Services, require a 25% match and are to be expended on the following:

- Conduct assessments of state foster care and adoption laws and judicial processes
- Develop and implement a plan for improving the child welfare system
- Collect and analyze data to help ensure the safety, permanency, and well-being of foster children
- Train judges, attorneys and other legal personnel in child welfare cases and conduct cross-training with child welfare agency staff

The funds from the basic grant, which was initially authorized by Congress in 1993, support the administration of the Lay Guardian Ad Litem Program. The focus of the training grant covers four key activities: to provide training opportunities for judges, defense attorneys and prosecutors; to offer a statewide conference on child welfare issues each biennium; to offer regional training on children welfare practices; and to support the annual ICWA (Indian Child Welfare Act) Conference and ICWA Forums. The data grant will be used to develop a quality assurance program to provide ongoing evaluation of how courts are handling child deprivation and termination of parental rights

cases in an effort to achieve safety, permanency, and due process for children in foster care.

The activities of the three grants are implemented and monitored by the Court Improvement Project Committee which became a committee of the Administrative Council under Policy 520 at the end of 2006. There are four subcommittees working on specific strategic plans for each grant: lay guardian ad litem subcommittee; Indian Child Welfare subcommittee; education and training subcommittee; and data collection and analysis subcommittee.

In addition to funding the administration of the lay GAL program, the strategic plan for the Basic Grant includes an assessment of the court effectiveness in carrying out Interstate Placement requirements in regard to sharing information with agencies and parties from other states without requiring interstate travel. It will also continue to address issues related to ICWA, including active efforts to





keep the family intact and qualified expert witnesses to testify on cultural issues.

An evaluation of the Lay Guardian Ad Litem Program was completed in April 2007. Under the auspices of the Court Services Administration Committee, a CIP subcommittee is currently reviewing the findings and recommendations made in that report, which include working on a proposed rule for lay guardians ad litem.

The strategic plan for the education and training grant focuses on providing cross-disciplinary training for judges, attorneys and social workers. In 2007, child welfare workshops were held in four regions of the state: Minot, Grand Forks, Dickinson, and Valley City. Training was also provided for judges and defense attorneys. The committee began developing the agenda for a statewide Children's Justice Conference which will be held in July 2008.

Developing a quality assurance program for the processing of child welfare cases is the primary goal of the data collection and analysis grant. The first step in designing the quality assurance program is to gather baseline data for court performance in this area. The program, once implemented, will focus on measures related to timeliness, permanency, safety, and due process. The committee is also making recommendations regarding the collection and reporting of child welfare data through the court's information system.

The education and training grant and data collection and analysis grants are renewable each year through 2011. The basic grant is renewable through 2012.

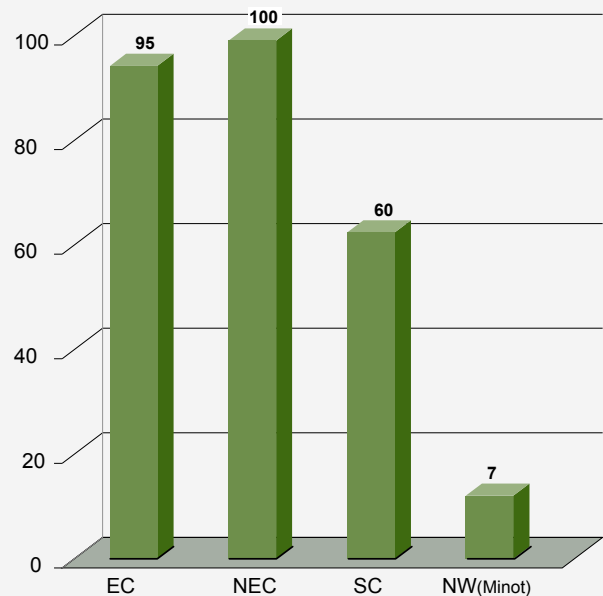
Expansion of Juvenile Drug Courts Continue

The Northwest Judicial District started its first juvenile drug court in 2007 with the opening of a court in Minot in January.

A drug court requires a team of individuals from a community who develop an individualized plan for the participants and participate in weekly staffing and court sessions. The drug court team is comprised of a judge, treatment provider, defense counsel, school representative, probation officer, drug court coordinator, prosecutor, and law enforcement representative.

Drug court participants and parents attend a closed court session each week. The participants are between the age of 13 and 17, and have been assessed with an alcohol or substance abuse problem. The program lasts a minimum of nine months. Participants are required to have random drug testing, curfew checks, attend alcohol or substance abuse treatment, and complete community service projects. Participants are also required to attend school or be employed.

Drug Court Participants By Location 2000-2007





The Supreme Court continues to look at the feasibility of other juvenile drug courts in the state. Preparations for the Williston Juvenile Drug Court, the second juvenile drug court in the Northwest Judicial District and fifth in the state, were completed in 2007 with a projected start date of January 2008. During the past year, the Williston team members, lead by the Hon. David Nelson, attended training with the National Drug Court Institute and team training with the Bismarck Juvenile Drug Court team members.

The Supreme Court will pursue a juvenile drug court in the Northeast Judicial District at Devils Lake in 2008.

Statewide data as of December 31, 2007:

- 262 juveniles have entered the drug court programs.
- 118 have graduated from the drug court programs.
- The average age at entry is 16.4 years.
- Average number of prior referrals to juvenile court before entering drug court is 5.9.
- Fifty percent of participants are terminated from the program because of noncompliance and further offenses
- Alcohol and marijuana are the primary drugs of choice.
- Fifty-seven percent of the participants have a dual diagnosis of substance abuse and mental health
- Participants completed a total 2,548 community service hours in 2007.

Individual Court Statistics and Information

Unit 1 Juvenile Drug Court Highlights

- The juvenile drug court program in Grand Forks celebrated its 7th anniversary.
- Judge Karen Braaten continues to preside over juvenile drug court proceedings.
- There were 3 graduations and 16 new participants entered the program.
- The average age of participants is 15.9 years.
- Participants completed 750 hours of community service.

Unit 2 Juvenile Drug Court Highlights

- The juvenile drug court program in Fargo celebrated its 7th anniversary.
- Judge Wade Webb continues to preside over the drug court proceedings.
- There were 8 graduation and 15 new participants entered the program.
- The average age of participants is 16.1 years.
- Participants completed 826 hours of community service.

Unit 3 Juvenile Drug Court Highlights

- The juvenile drug court program in Bismarck celebrated its 5th anniversary.
- Referee John Grinsteiner presides over the drug court proceedings.
- There were 6 graduation and 12 new participants entered the program.
- The average age of participants is 15.8 years.
- Participants completed 630 hours of community service.

Unit 4 Juvenile Drug Court Highlights

- The juvenile drug court in Minot will celebrate its first anniversary on January 18, 2008.
- Judge Douglas Mattson presides over the drug court proceedings.
- Seven participants entered the program.
- The average age of the participants is 15.8 years.
- Participants completed 230 hours of community service.



Faculty Development Key Component of Judicial Branch Education

The desired outcome of judicial branch education is outstanding, highly developed people. The way to achieve that is to offer valuable educational programs taught by faculty who are not only content experts, but who understand how adults learn.

In March 2007, judges, juvenile court officers, clerks of court and court administrators took part in the North Dakota Judicial Faculty Development Institute, with the goal of developing a cohort of court personnel that could be called on to serve as faculty at educational events sponsored by the North Dakota Supreme Court.

The North Dakota Judicial Faculty Development Institute was facilitated by Kathy Story, associate director of LIJE at the University of Memphis. The 2007 institute focused on the educational theories of experiential learning, learning styles, adult development, and cognitive development. The goals were to introduce learning styles to the participants and have them use the experiential learning cycle in designing judicial branch education programs and ultimately teach individual courses.

The faculty members in training discovered their own learning style using the Kolb Learning Circle and explored how those learning preferences impact their leadership and management styles, their communication patterns, their learning, and their teaching orientation. An emphasis was placed on providing opportunities for concrete learning experiences and time for reflection as part of their courses.

“Having a trained internal faculty is key to the future of judicial branch education in North Dakota,” said Lee Ann Barnhardt, Director of Education and Communication. “Our judges and court personnel are the experts on North Dakota laws and court practices. We want to use our faculty development program to enhance their knowledge and experience by giving them some tools that will improve their ability to pass on that knowledge to others.”

Since attending the Faculty Development Institute, several participants have had the opportunity to practice their teaching skills. Judge Steve McCullough, East Central Judicial District; Judge Bill Severin, Bismarck Municipal Court; and Judge DeNae Kautzman, Mandan Municipal Court, developed a course for municipal judges using the experiential learning circle. “Courtroom 101” was offered at the October Municipal Judges Conference.



The faculty development institute was offered as part of a leadership program in judicial education offered through the University of Memphis. Members of the Judicial Education Commission attended the two-phased Leadership Institute in Judicial Education (LIJE) during 2006 and 2007. That experience was the catalyst for developing a strategic plan for judicial branch education, which includes developing faculty within the court system.



“The positive reaction we received from the municipal judges is a testament to the value of the training we received and the methods we learned and utilized in putting together the seminar,” said McCullough. “The training [faculty development] was so valuable because it allows us to convey ourselves to our audience in a more impactful way. It is, in a real sense, invisible to the people we teach, but powerful in its impact upon them.”

District Court Clerks Becky Absey, Grand Forks County, and Kay Braget, Pembina County, and Deb Simenson, Burleigh County, used their training to develop curriculum for new clerks of court. The material was presented at the 2007 Clerks of Court Conference in May and at a seminar for new clerks in November.

“The faculty development program has provided me a way to rejuvenate myself and the opportunity to share with others,” said Absey. “I have used the adult learning theories to improve my own teaching by keeping my focus on the four different types of learning styles and by including participatory activities during the training session.”

Braget added that participants in the program are being taught to be better learners; therefore better educators.

“This opportunity gives us, as educators, the encouragement to get out and develop programs that sharpen the skills of our workgroups within the court system.”

To date, 26 judges, court administrators, and other court personnel have participated in the faculty development program. The Judicial Education Commission will sponsor an advanced faculty development seminar in 2008 and will continue to recruit and train internal faculty as part of its strategic plan for judicial branch education.

Court Recognizes ABA Standards on Juror Privacy

Nationally, the issue of juror privacy has been a topic of much discussion. This has been largely driven by jurors themselves raising concerns about retaliation, identity theft, post-trial contact from litigants and the media, and other general privacy issues. It is not unusual to see these same types of concerns raised by our own jurors.

In response to these concerns, the North Dakota Supreme Court has recognized the ABA standards on juror privacy and handling juror information. These standards include differentiating among information collected for jury qualification, jury administration and voir dire.

The modified juror qualification form, which only requires prospective jurors to answer questions to determine if they qualify to serve as a juror, is probably the most visible of these changes. The Jury Standards Committee, chaired by Judge Joel Medd, worked on changes to the juror qualification form that would balance the concern for juror privacy with the desire of lawyers, and others, to obtain information concerning prospective jurors.

In a message to members of the State Bar Association of North Dakota, Chief Justice Gerald VandeWalle said, “Some of you have expressed concern about the change. We do not intend to interfere with a lawyer’s ability to prepare for trial; however, our first priority has to be to the persons who sacrifice time and money to carry out the very important function of jury service.”

Nineteen principles for Juries and Jury Trials were approved by the ABA in 2005. The principles addressed, for the first time, the need to protect jurors’ privacy throughout the course of a trial and afterward. They clarify that jurors have a right to be questioned about only relevant subjects, to know how their information will be used, and to answer sensitive questions privately. The ABA Principles for Juries



and Jury Trials can be found at <http://www.abanet.org/juryprojectstandards/principles.pdf>. Principle 7 directly addresses the privacy issue.

The recognition of the ABA standards by the Court continues its prior work on jury reform, including juror note taking, questioning by jurors, and written jury instructions. Court Rule 6.7 allows jurors to take notes during trial with supplies provided by the court. If note taking is allowed, the court gives a cautionary instruction informing the jurors of the following: Any notes must pertain to the case; extensive note taking may distract them from properly fulfilling their function; and they should rely primarily on their collective recollection of what was seen and heard, and not on any particular juror's notes.

Under Court Rule 6.8, in a civil case, the trial court may allow a juror to submit a question to be asked of a witness. Questions must be in writing and delivered to the judge through appropriate court personnel. The court shall review all questions with counsel on the record but outside the hearing of the jury. The court then determines if the question will be submitted to the witness. If not, jurors are told why the law prevents it from being part of the trial.

Finally, the court's instructions to the jury must be in writing unless the parties otherwise agree. If written instructions are given, they must be provided to the jury for use during deliberations. If oral instructions are given, they may be provided to the jury for use during deliberations only if they are transcribed and the court orders them provided.

The North Dakota Court System is committed to ensuring that jurors have the information they need to make good decisions and to ensuring that, to the extent possible, jury service is a safe, comfortable, and convenient exercise of public duty.

Court Develops Multi-Language Video For Notice of Rights; Provides Training For Interpreters

With an influx of New Americans and a growing diverse population in Fargo, the East Central Judicial District found a way to improve access to courts and make better use of judicial time by creating a multi-language video for Notice of Rights and beginning a training program for courtroom interpreters.

A weighted caseload study shows the East Central District has a need for 11.89 judicial FTEs. The district is currently served by eight judges and two referees. Since there is a shortage of almost two judges the court must ensure that it uses judicial time efficiently.

Cases taking more time are those involving individuals who do not speak English as their native language. Although many small cities have experienced a growth of non-English speaking people, the influx usually involves only one ethnic group or language.

What makes the situation in Fargo different is that through the placement of people (locally referred to as 'New Americans') by Lutheran Social Services, there are people who speak one of over 11 different languages who regularly appear in court. The languages that are common are Bosnian, Somali, French, Spanish, Arabic, Dinka, Burundi, Krahn, Liberian English, Vietnamese, Chinese, and Cantonese. The court is able to use a local service that provides interpreters for many languages, but at the present time there are no local interpreters for Dinka, Burundi, Krahn or Liberian English. When parties appear who speak one of these languages there is no alternative other than to use telephonic interpreters via vendors such as "Language Line."

In order to make the best use of judicial time, it was determined it would be beneficial to have a Notice of Rights video not only in English, but other common languages as well. The goal was for the defendant's first contact with the



court to be in his or her native language. Before starting on the video the court needed to ensure that its Notice of Rights was written to be easily understood by the average person and that that the words were interpretable. With assistance from the National Center for State Courts, a Notice of Rights was developed that fit those criteria. The National Center provided interpretation of the Notice of Rights in Somali and Arabic and local interpreters interpreted it into Bosnian, French, and Spanish.

Court officials felt it was important for defendants to see one of the local judges, but hear the rights in their own language. This was accomplished with the assistance of a local vendor, Sundog Communications of Fargo. Judge Steven E. McCullough was videotaped informing defendants of their rights in English. Local interpreters then went to the recording studio and recorded the Notice of Rights in Bosnian, Spanish, Arabic, Somalian, and French.

At the initial appearance, the English version is played over the Inter-active Video (ITV) system in the arraignment courtroom so that in-custody defendants appearing through ITV watch the video at the same time as people in the courtroom. Defendants in the courtroom who need to hear the Notice of Rights in their own language watch the video on a portable DVD player using headphones. In-custody defendants who are appearing by ITV and do not speak English watch the video through a portable DVD player at the jail. Using the video has cut approximately 30 minutes out of the two daily arraignment court sessions.

The use of local language interpreters in the courtroom can also save time and improve access to justice. In December 2007, a group of interpreters from the Metro Interpreter Resource Center (MIRC), which provides interpreter services for New Americans in the Fargo area, received training on court process and procedure.

Most of the interpreters attending the training have been living in the United States for 5 to 10 years and are often used within the community to assist in acclimating newer arrivals to the laws and customs in this country. They speak a variety of languages including Kirundi, Arabic, Kirwanda, Swahili, Krahn, Liberian English, Madi, Acholi, Dinka, Somalian, Lingala, Bosnian, and Serbo-Croatian.

While the court does use more experienced, certified interpreters from neighboring Minnesota, they are often unable to interpret for many of the languages spoken by Fargo's New American population. MIRC has recognized the growing need for court interpreters who speak languages not readily available from other local agencies. They have selected a few who show the most aptitude and they are now being called upon to assist others who are involved with the court system. The use of interpreters from MIRC is vital to the smooth operation of the court. The training served to give MIRC interpreters an introduction to the courts as well as some time to experience being part of a court trial through role-play.

Training materials were prepared by Chris Iverson, Trial Court Manager; Judge Steven McCullough; and Rod Olson, Unit Court Administrator. Topics covered during the first phase of the training included background of the court system, procedures, courtroom protocol, ethical and professional dilemmas, and the role of the interpreter.

After an informal lecture on the topics, participants had the opportunity to review the district's new criminal rights video, which has been dubbed into several different languages. This was followed by scripted role-plays, which allowed them to experience what it would be like to interpret in an actual court setting.

Unit 2 Court Administrator Rod Olson anticipates conducting annual training for new interpreters and providing advanced classes for previous attendees.



Case Management System To Be Replaced

Courts are required to monitor the cases that come before them. In the North Dakota trial courts, this is done through the Unified Case Information System (UCIS)

UCIS is a comprehensive case management system currently used by the district courts in all 53 counties and by 11 municipal courts in North Dakota. It enables and assists the clerks of court with proactive management of case related documents, schedules, calendars, parties to a case, notices and other case related items of all case types.

The system was originally developed in Minnesota in the 1980s and was brought to Burleigh County in North Dakota in the early 1990s. From Burleigh County, the system has gradually evolved to become the single case management system used in the North Dakota Court System. With continual modifications, enhancements and maintenance provided to the system by the State Court Administrator's office, the UCIS of today is much different from the version brought to North Dakota some 17 years ago.

During the 2007 Legislative Session, the Supreme Court was provided the initial funding to plan the replacement process of UCIS. The two-year planning process includes developing an RFP, evaluation and selection of a vendor, and the initial process of modifying and developing a system to meet the requirements of the North Dakota Judicial Branch.

The RFP is scheduled to be released by early May, 2008, and a vendor selected by September 1, 2008.

UCIS currently electronically shares data with several other government entities:

- Case disposition information with the Department of Transportation
- Drivers License information the Department of Transportation.
- Divorce information with the Department of Health (Vital Statistics)

- Protection Order information with the Bureau of Criminal Investigation and subsequently to law enforcement via State Radio
- Petitions for Protection Orders with domestic violence abuse advocacy groups.
- Inquiry access is provided to approximately 300 Criminal Justice related personnel.
- Specific case related information with the Criminal Justice Information Sharing initiative.

While UCIS has served the courts well, the design, architecture and structure limits its ability to continue to meet the increasing needs of the Judicial Branch and the citizens of North Dakota. Some of those limitations include:

1. The user interface used by UCIS is an antiquated technology and development method which, when compared to modern graphical interfaces, results in reduced efficiency, difficulty in training and cumbersome navigation.
2. The data structure of UCIS, which tracks cases instead of people, is becoming inadequate to meet the changing needs of the Judiciary and the citizens of North Dakota.
3. UCIS was initially designed as a case management system. It was later modified to perform extended financial management functions. The current financial controls are cumbersome, limited and inadequate.
4. The current structure, platform and toolset used by UCIS limits its ability to create visually appealing and functional forms, notices, reports, calendars and reports.
5. UCIS does not include the varied and multiple layers of security needed to accommodate the numerous groups of people requesting access to UCIS data.

Many people are currently involved in the replacement project, which is proceeding under the auspices of the Operations Oversight Group chaired by District Court Allen Schmalenberger.



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.

Court of Appeals

Three Judges: Temporary Terms

Court of Appeals was established in 1987 to assist the Supreme Court in managing its workload. The Court of Appeals hears only the cases assigned to it by the Supreme Court. Cases may include family law issues and appeals from administrative agency decisions, trial court orders on motions for summary judgment, cases originating under the Uniform Juvenile Court Act, and misdemeanor convictions.

District Court

Seven Judicial Districts/ 42 Judges: Six-year terms

District court is the state trial court of general jurisdiction. Among the types of cases it hears 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

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.



North Dakota Supreme Court - (left to right) Justice Dale V. Sandstrom, Justice Carol Ronning Kapsner, Chief Justice Gerald VandeWalle, Justice Daniel J. Crothers, and Justice Mary Muehlen Maring. Biographical information on the Justices is located at www.ndcourts.gov/Court/COURT.htm

2007 Supreme Court Caseload Highlights

- The number of appeals in family-related cases accounted for 19% of the civil caseload, a 7% decrease over last year. Appeals in cases involving administrative agencies accounted for 18% of the civil caseload, which is a 10% increase.
- Appeals in post conviction cases, which are civil in nature, significantly increased.
- In the criminal area, appeals of convictions of sex offenses, assault, theft and miscellaneous identified felonies increased. Appeals of drug-related offenses accounted for 22% of the criminal caseload.
- Oral arguments were scheduled in 236 cases, with approximately 17% of those arguments being waived by either the parties or the Court and submitted on the briefs and the record.
- The Justices each authored an average of 42 majority opinions. Another 32 separate concurrences and/or dissents were also written.
- One or more of the parties were self-represented in 18% of the cases.
- The most appeals originated from the South Central Judicial District, followed by the East Central, Northwest, Northeast Central, Southeast, Northeast and Southwest Districts.
- There were 739 motions filed in 2007, with 28% being e-filed. The Clerk acted on 45% of the motions under North Dakota Supreme Court Administrative Rule 5 and as delegated by the Chief Justice.
- Of the 640 briefs filed in 2007, 41% of them were electronically filed under North Dakota Supreme Court Administrative Order 14.

CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 2007 AND 2006 CALENDAR YEARS

	2007	2006	Percent Difference
New Filings	366	362	1.10
Civil	221	209	5.74
Criminal	145	153	-5.23
Transferred to Court of Appeals	4	0	400.00
Civil	4	0	400.00
Criminal	0	0	0
Filings Carried Over From Previous Calendar Year	178	251	-29.08
Total Cases Docketed	540	613	-11.91
Dispositions	331	435	-23.91
Civil	181	271	-33.21
Criminal	150	164	-8.54
Cases Pending as of December 31	209	178	17.42

CASE DISPOSITIONS – 2007

	Civil	Criminal
BY OPINION:		
Affirmed; Affirmed & Modified	65	50
Reversed; Reversed & Remanded; Reversed in Part & Remanded	23	8
Affirmed in Part & Reversed in Part; Affirmed in Part & Vacated in Part; Affirmed in Part & Dismissed in Part	12	2
Affirmed by Summary Disposition	28	29
Dismissed	0	1
Discipline Imposed	7	-
Reinstatement Ordered	1	-
Original Jurisdiction--Denied	0	0
Original Jurisdiction--Granted	0	0
Certified Question Answered	0	0
Dispositions by Opinion	136	90
BY ORDER:		
Dismissed	18	21
Dismissed After Conference	16	34
Original Jurisdiction--Denied	10	4
Original Jurisdiction--Granted	1	1
No Court Action Necessary	0	0
Dispositions by Order	45	60
Total Dispositions for 2007	181	150



CASELOAD OVERVIEW OF NORTH DAKOTA COURTS FOR 2007 AND 2006

Level of Court	Filings		Dispositions	
	2006	2007	2006	2007
Supreme Court	362	366	435	435
District Court	158,577	153,105	181,754	177,972

Public Outreach

The second Justices Teaching Institute was held in October, 2007. Teachers from across the state participated in an intensive day-and-a-half experience learning about the judicial system and judicial decision-making. The goal was to give teachers the knowledge and resources to be able to teach others with confidence about the nature, history, structure, function, and processes of the North Dakota courts and judicial decision-making. The next Justices Teaching Institute is scheduled for October, 2009.

The Court traveled to the University of North Dakota School of Law in October to hear arguments and guest lecture on topics ranging from constitutional law to civil procedures. The justices also heard arguments in the law school's Moot Court competition.

Justices continued other community outreach by speaking to service and professional groups, as well as students and participating in other law-related activities.





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 2007, four cases were transferred to the Court of Appeals.

Judges serving on the Court of Appeals were: the Honorable Benny A. Graff, the Honorable Ronald Goodman, the Honorable William F. Hodny, and the Honorable Everett Nels Olson, Surrogate Judges.

Since it was established, 91 appeals have been assigned to the Court of Appeals. Authorization for the Court of Appeals extends to January 1, 2012.

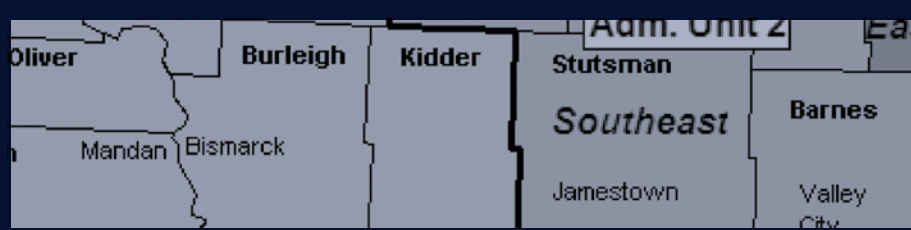
CASELOAD SYNOPSIS OF THE COURT OF APPEALS FOR THE 2007 CALENDAR YEAR

	2007
2006 Cases Assigned	2
Civil	2
Criminal	0
2007 Cases Assigned	2
Civil	2
Criminal	0
Total Cases Docketed	4
Dispositions	4
Civil	4
Criminal	0
Cases Pending as of December 31, 2006	0

2007 DISPOSITIONS	Civil	Criminal
Affirmed	3	0
Affirmed in Part & Reversed in Part	1	0
TOTAL 2007 DISPOSITIONS	4	0

DISTRICT COURTS





North Dakota District Courts

There are district court services in each of the state's 53 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. 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. The presiding judge, on behalf of the district court judges of the judicial district, may appoint judicial referees to preside over juvenile proceedings, judgment enforcement proceedings, and domestic relations proceedings other than contested divorces.

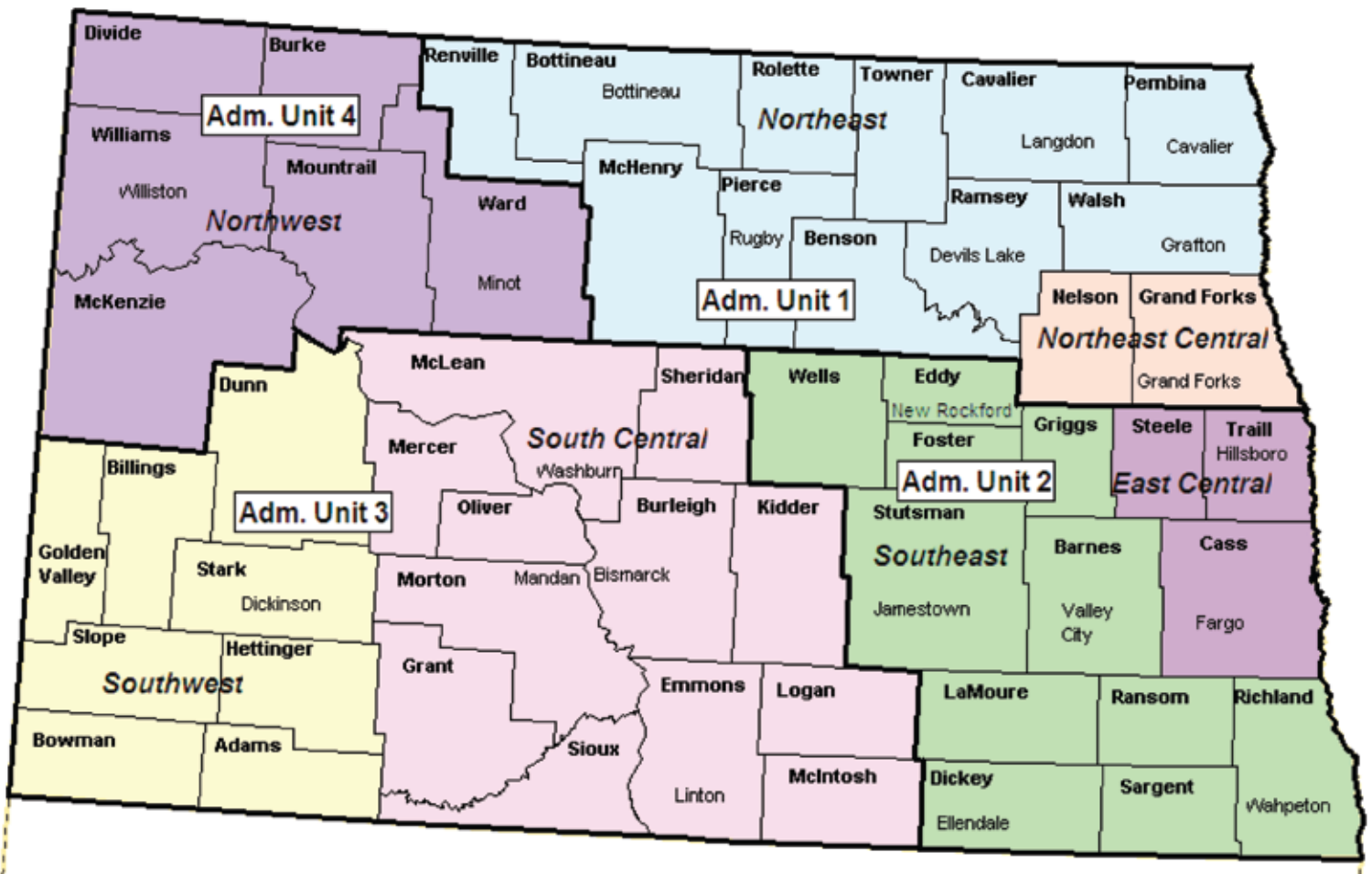
The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, district courts do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding 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 oversees judicial 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. In 2004, the Supreme Court consolidated the seven judicial districts into four administrative units. Each administrative unit is headed by a court administrator who is responsible for operational oversight of the clerks of district court, juvenile court personnel, as well as administrative personnel. The court administrator has the responsibility for liaison with governmental agencies, budget, facilities, records management, personnel, and contract administration.

There are 42 district judges in the state.

Information about the district courts is located at www.ndcourts.gov/court/Districts/Districts.htm.

North Dakota Administrative Units, Judicial Districts & Chambers



TOTAL DISTRICT COURT CASELOAD

For Calendar years 2007 & 2006

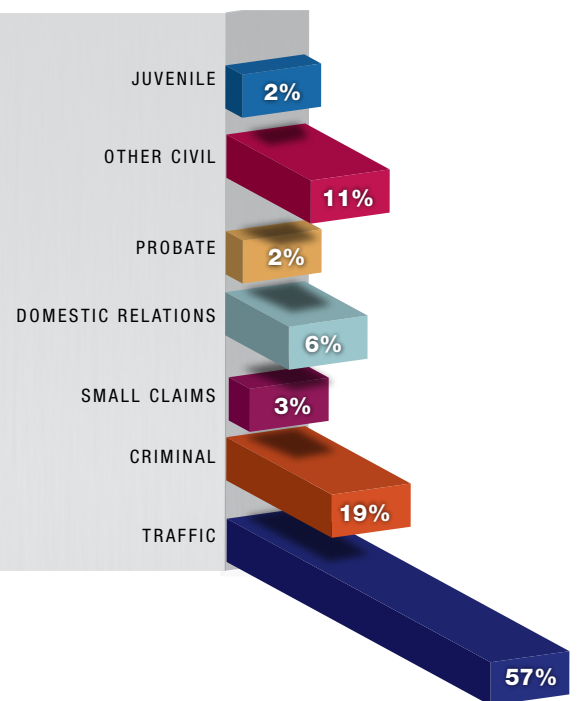
CASE FILINGS/ DISPOSITIONS	2007 FILED	2007 DISP.	2006 FILED	2006 DISP.	Change in Filings 2007/2006	
Civil	29,860	41,363	26,604	38,820	12.24%	6.55%
Small Claims	4,893	5,108	5,228	5,465	-6.41%	-6.53
Criminal	29,588	40,181	30,930	41,258	-4.34%	-2.61%
Traffic	86,335	87,259	93,236	92,059	-7.40	-5.21%
Juvenile	2,429	4,061	2,576	4,152	-5.71%	-2.19%
TOTAL	153,105	177,972	158,574	181,754	-3.45%	-2.08%

DISTRICT COURT DATA

Jury Trials by Judicial District for 2007

District	2007
East Central	53
Northeast	21
Northeast Central	40
Northwest	46
South Central	120
Southeast	35
Southwest	20
Total	335

TYPES OF CASES FILED IN DISTRICT COURTS 2007





District Court Civil Caseload

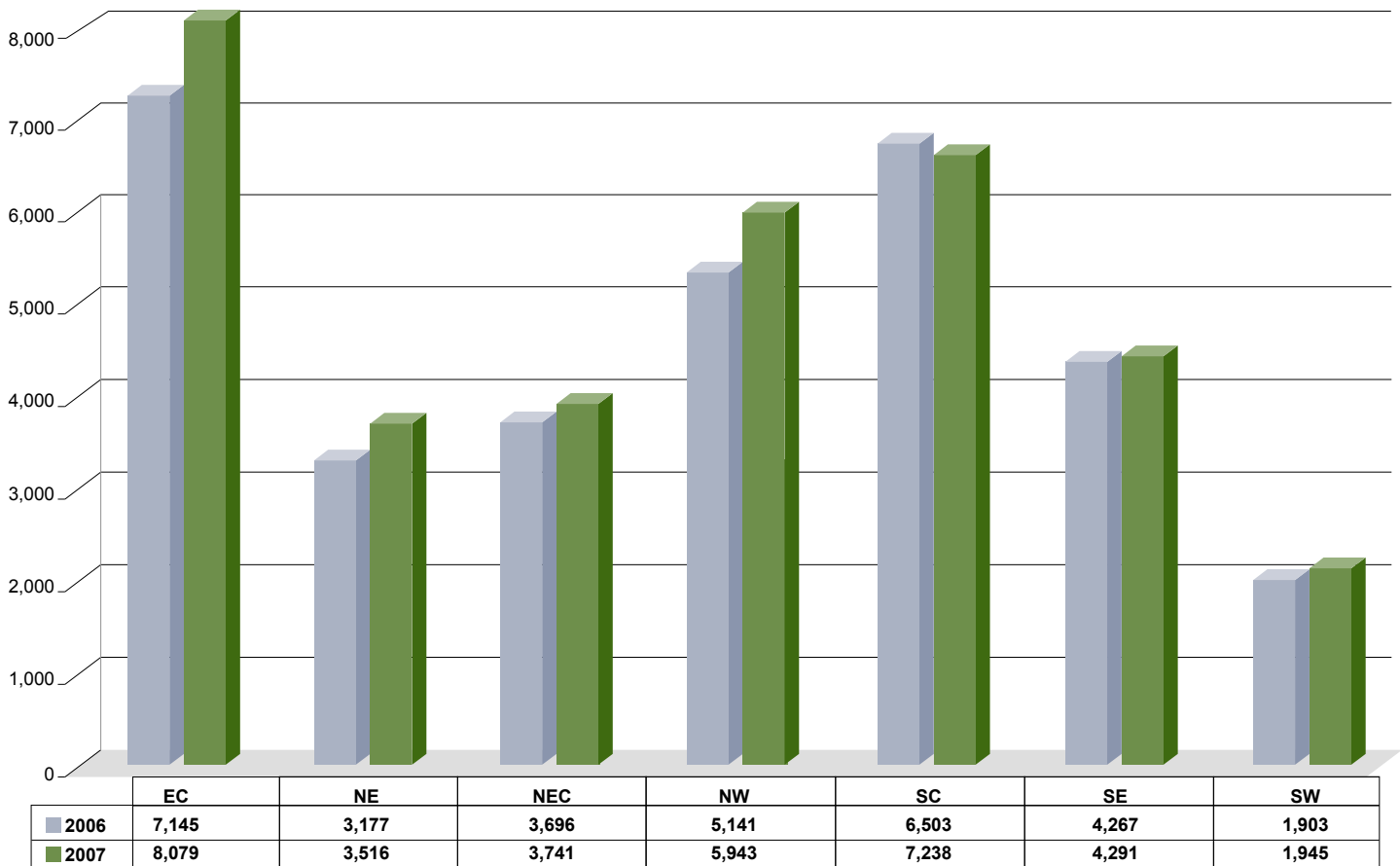
Civil filings increased by 9.2 percent during 2007. Probate, domestic relations and other civil filings all increased.

Domestic relations case filings increased slightly (less than 1 percent) during 2007.

Divorce filings account for 25 percent, support 44 percent, protection/restraining orders 17 percent, paternity 8 percent, adoption 3 percent, custody filings 2 percent, and termination of parental rights account for less than 1 percent of the domestic caseload.

Total divorce filings in 2007 were 2,305 compared to 2,304 cases in the previous year. Protection/restraining order filings increased 2 percent. Paternity case filings increased by 13 percent with 761 cases filed, while support proceedings decreased 2 percent with 4,079 cases filed in 2007.

ND Civil Caseload for District Courts for 2006 and 2007

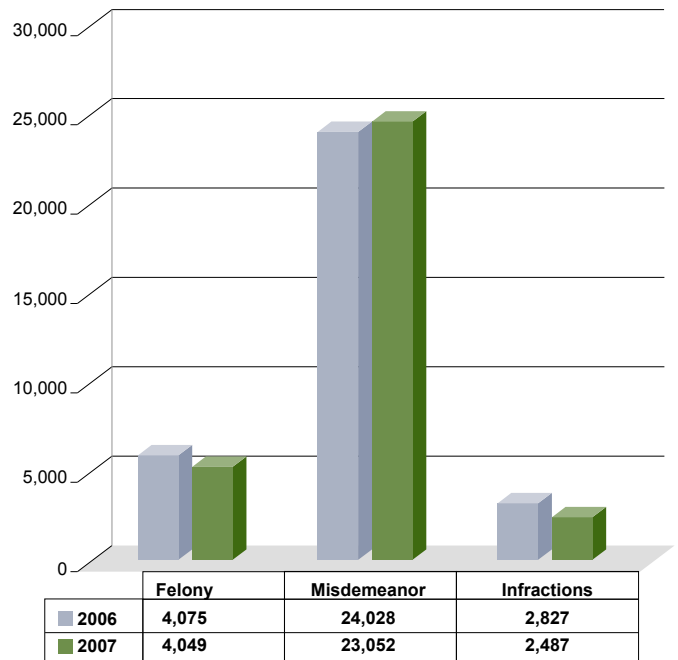




Criminal Caseload

Criminal case filings decreased by 4.3 percent from 2006 to 2007. Felony filings decreased by less than 1 percent, misdemeanors decreased by 4.1 percent and infractions decreased by 12 percent. Misdemeanors made up 78 percent of total criminal filings, felonies 14 percent and infractions 8 percent.

ND Criminal Caseload for District Court for 2006 and 2007

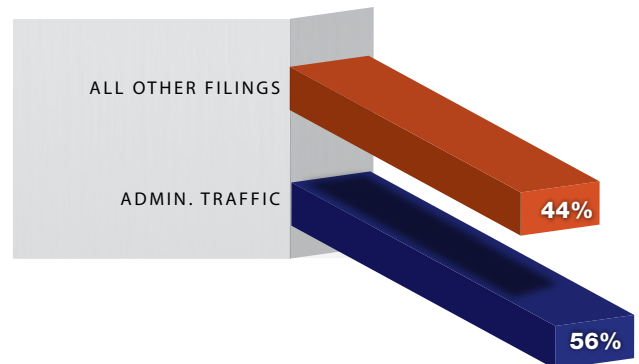


Administrative Traffic Case Processing

Administrative traffic filings decreased by 6,901 (7.4 %) from 2006 to 2007. These cases make up 56 percent of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Case Filings	2006	2007
Admin. Traffic	93,236	86,335
Case Dispositions	2006	2007
Admin Traffic	92,059	87,259

Total Cases Filed In District Court Including Admin. Traffic - 2007





Juvenile Caseload

This year's data shows a decrease in juvenile offenses. Overall referrals show a decrease of 6% after increasing 2 % from 2005 to 2006.

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 8 % of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 41 % of the caseload. Property offenses comprise 21 %; traffic offenses 4 %; deprivation 8 %; and other delinquency 37 % of the juvenile caseload.

The method by which cases were disposed shows a continued reliance on adjusted/diverted proceedings. Of the cases heard, 60 % were disposed of through adjusted/diverted proceedings in 2007, compared to 56 % in 2006. The use of informal probation adjustments decreased in 2007. The formal juvenile court caseload also reflects a decrease over previous years. Tables comparing the types of dispositions and reasons for referral to the juvenile court in 2006 and 2007 follow. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral to juvenile court.

Types of Juvenile Court Dispositions for 2006 and 2007

Judicial District	Formal		Informal/Probation		Adjusted/Diverted		Total Dispositions		Percent Difference
	2006	2007	2006	2007	2006	2007	2006	2007	
East Central	898	860	522	358	1,319	1,489	2,739	2,707	-1%
Northeast	456	238	148	156	734	627	1,338	1,021	-24%
NE Central	434	332	345	281	574	533	1,353	1,146	-15%
Northwest	479	419	355	240	1,017	1,125	1,851	1,784	-4%
South Central	795	772	264	240	1,958	1,973	3,017	2,985	-1%
Southeast	264	263	270	179	926	765	1,460	1,207	-17%
Southwest	163	165	57	76	448	483	668	724	8%
TOTAL	3,489	3,049	1,961	1,530	6,976	6,995	12,426	11,574	-7%

*Cases that are referred to the juvenile court are processed in one of three ways:

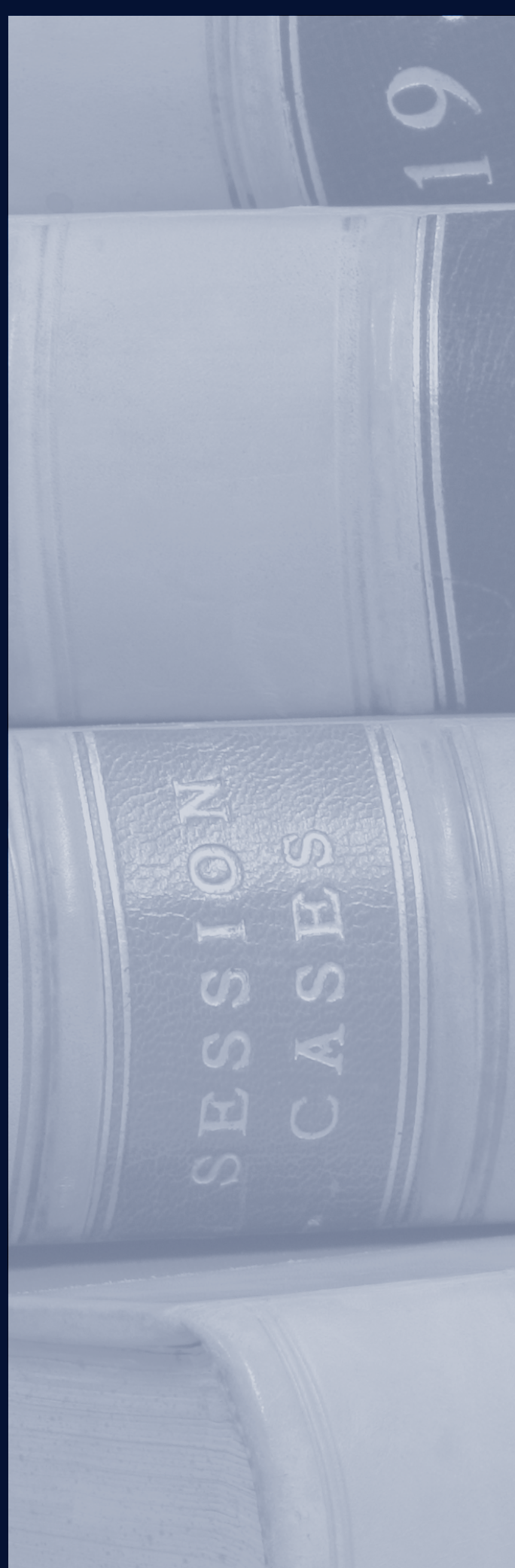
1. Diversion - referred to a private agency or program.
2. Informal adjustment - juvenile court intervention with no formal charge or conviction entered.
3. Formal - charges are filed in the district court and the case proceeds through the court system.

Reasons for Referral to Juvenile Court Services in 2006 and 2007

		2006	2007	% Change	% of Total
FAMILY		1,779	1,788	1%	20%
	Runaway (instate resident)	533	545		
	Runaway (out-of-state resident)	22	19		
	Truancy	334	275		
	Ungovernable Behavior	599	600		
	Curfew	250	304		
	Other Unruly	41	45		
DELINQUENCY		6,549	6,280	-4%	70%
	Offenses Against Persons	709	696	-2%	
	Assault	481	437		
	Terrorizing-Stalking-Menacing	147	174		
	Homicide (negligent)	1	4		
	Kidnapping	0	0		
	Other Offenses Against Persons	7	9		
	Sex Offenses	73	72		
	Offenses Against Property	1,753	1,878	7%	
	Arson/Fire Related	17	19		
	Burglary	226	202		
	Criminal Mischief/Vandalism	384	391		
	Criminal Trespass	151	91		
	Forgery	17	18		
	Other Property Offenses	48	51		
	Possession of Stolen Property	56	65		
	Robbery	5	5		
	Shoplifting	362	446		
	Theft	487	590		
	Traffic Offenses	413	379	-8%	
	DUI/Physical Control	133	95		
	Driving without License	224	175		
	Other Traffic	56	109		
	Other Offenses (69%)	3,674	3,327	-9%	
	Check Offenses	20	11		
	City Ordinances	38	43		
	Disorderly Conduct	703	600		
	Weapons	45	32		
	Game and Fish	31	52		
	Obstruction	7	5		
	Other Public Order	264	241		
	Possession/Purchase Alcohol	2,007	1,807		
	Controlled Substance - Possession	479	473		
	Controlled Substance - Delivery	28	26		
	Tobacco	52	37		
DEPRIVATION		1,078	730	-32%	8%
	Abandonment	0	0		
	Abuse/Neglect	203	64		
	Deprived	875	666		
SPEC. PROCEEDING		108	112	4%	1%
	Termination of Parental Rights (Involuntary)	78	99		
	Termination of Parental Rights (Voluntary)	19	9		
	Other Special Proceeding	11	4		
TOTAL		9,514	8,910	-6%	

MUNICIPAL COURTS

COURT ADMINISTRATION



Municipal Courts

There are approximately 363 incorporated cities in North Dakota. Currently, there are 73 municipal judges. State law permits an individual to serve more than one city as a municipal judge. Each municipality under 5,000 population has the option of deciding whether or not to have a municipal court. Municipalities may contract with the state to provide municipal ordinance violation court services so that district judges may hear municipal ordinance violations. 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. 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. Vacancies that occur between elections are filled by the executive officer of the municipality with the consent of the governing body of the municipality.

State law requires that each municipal judge comply with continuing education requirements established by the Supreme Court. 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 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 many 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.



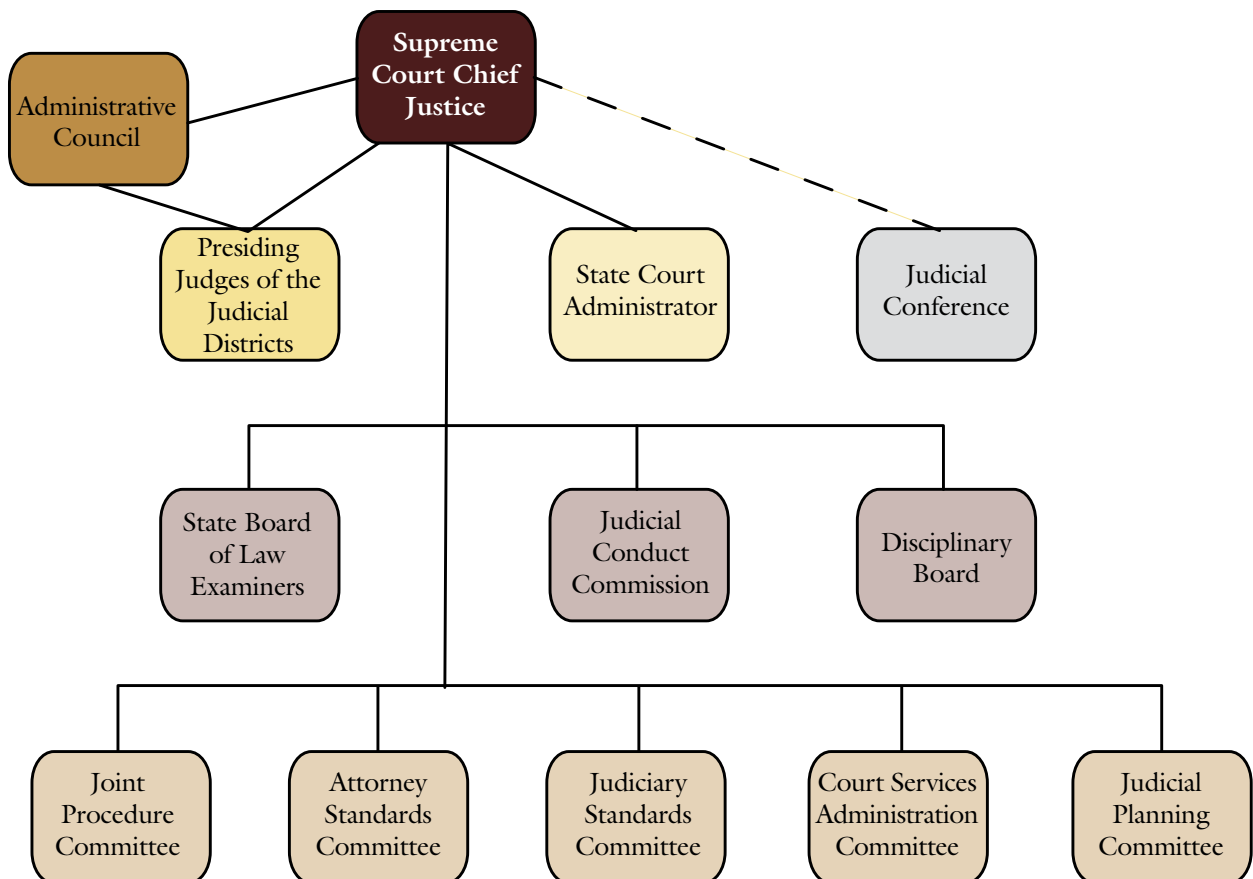
Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the Supreme Court. The Constitution establishes the Chief Justice’s administrative responsibility for 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, Supreme Court clerk, directors, staff attorneys, presiding judges, and various advisory committees, commissions, and boards.

ADMINISTRATION ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM





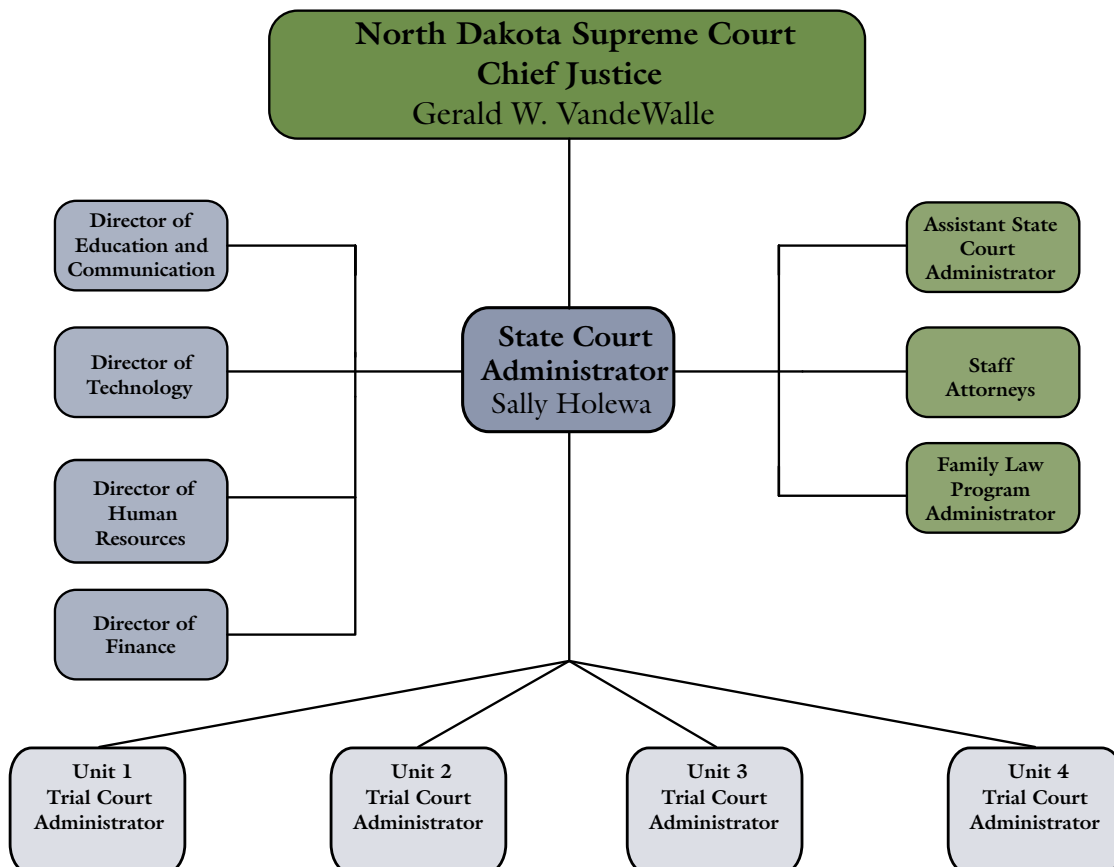
Office of State Court Administrator

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 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 ADMINISTRATIVE OFFICE OF THE COURT

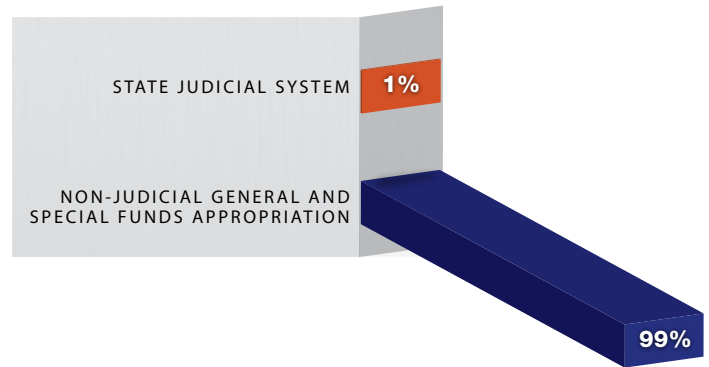




Judicial System Budget

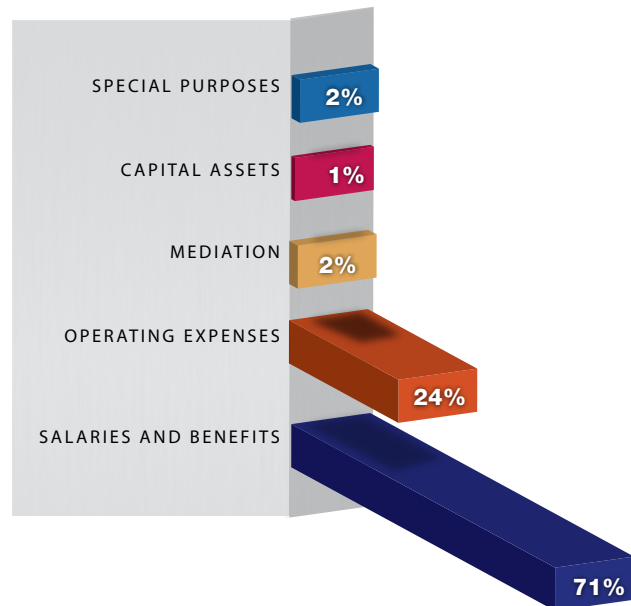
JUDICIAL PORTION OF THE STATE'S BUDGET 2007-2009 BIENNIUM July 1, 2007 - June 30, 2009

Total State General and Special Funds Appropriation	\$6,477,489,040
Executive and Legislative Branch General and Special Funds Appropriation	\$6,408,353,522 (99%)
Judicial Branch General and Special Funds Appropriation	\$69,135,518 (1%)



STATE JUDICIAL BRANCH APPROPRIATION BY APPROPRIATED LINE ITEM 2007-2009 BIENNIUM

Salaries and Benefits	\$49,174,244
Operating Expenses	\$16,784,616
Mediation	\$1,076,824
Capital Assets	\$554,583
Special Purposes	\$1,545,271
Total Judicial Branch Appropriation	\$69,135,518





STATE JUDICIAL BRANCH APPROPRIATION BY TYPE OF ACTIVITY 2007-2009 BIENNIUM

Supreme Court

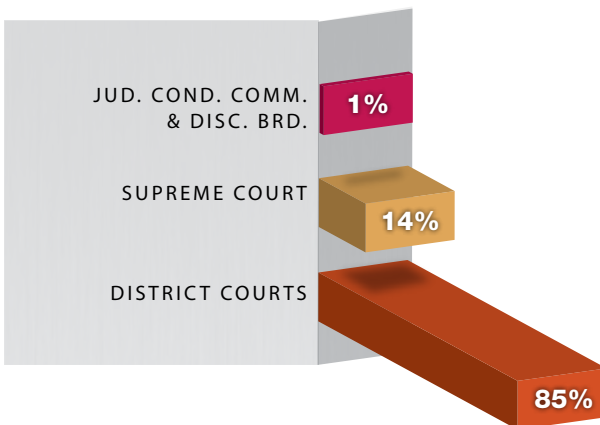
General Fund	\$ 9,439,021	
Special Funds	-	
TOTAL	\$ 9,439,021	(14%)

District Courts

General Fund	\$57,078,615	
Federal Funds	1,900,591	
TOTAL	\$58,979,206	(85%)

Judicial Conduct Commission & Disciplinary Board

General Fund	\$ 418,242	
Special Funds	299,049	
TOTAL	\$ 717,291	(1%)



Presiding Judges

Northeast Judicial District
Judge Donovan Foughty

Northeast Central Judicial District
Judge Joel Medd

East Central Judicial District
Judge Georgia Dawson

Southeast Judicial District
Judge John Paulson

South Central Judicial District
Judge Gail Hagerty

Southwest Judicial District
Judge Allan Schmalenberger

Northwest Judicial District
Judge William McLees

North Dakota Judicial System Committees, Councils, Commissions and Boards

Advisory Committees

In the North Dakota judicial system, a number of committees have been established to develop new ideas and evaluate proposals for improving public services. These advisory committees include citizen members, legislators, lawyers, district court judges, municipal court judges, and members of the Supreme Court. Committee agendas and minutes can be found at www.ndcourts.gov/committees/committees.htm.

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.

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 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 two court systems; and for cultivating mutual respect for, and cooperation between, tribal and state courts.

Gender Fairness Implementation Committee

The Gender Fairness Implementation Committee 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.

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; coordinating continuing judicial education efforts for judges and support staff; 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.



Pattern Jury Instruction Commission

The Pattern Jury Instruction Commission, established by Supreme Court rule, is composed of six lawyer members appointed by the SBAND 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 Education

The Continuing Judicial 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 judicial officers and court personnel; develop and recommend a biennial budget for judicial education activities to the North Dakota Supreme Court; and develop a library of resource materials for judicial officers and court 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.

2007 Committee Highlights

Joint Procedure

Chair - Justice Dale V. Sandstrom

- Completed study on options for the commencement of civil actions
- Drafted new rule provisions on discovery of electronically stored information
- Updated Rules of Evidence and Rules of Appellate Procedure

Informal Complaint Panel

Chair – Judge Karen Braaten

- Reconstituted in 2007 with new chair and new members.
- Updated information brochure and complaint form.
- Training provided to court staff about the purpose and process of the informal complaint procedure.

Personnel Policy Board

Chair - Judge M. Richard Geiger

- Recommended update to salary range structure based on legislative appropriations.
- Implemented statewide background check policy for all new employees.
- Reviewed classifications regarding Clerk of Court, Judicial Referee, Director Juvenile Court, Juvenile Officer III, Family Law Mediation Program Administrator, and Director of Education and Communication.
- Drafted Code of Employee Conduct and Political activity policies.
- Established Personnel Policy Board member conflict of interest policy.
- Reviewed employee Discipline and compensation policies.
- Drafted policy regarding leave usage upon separation of employment.

Judicial Education Commission

Chair - Justice Mary Muehlen Maring

- Developed and approved a five-year strategic plan.
- Initiated a faculty development program

Juvenile Policy Board

Chair – Judge Debbie Kleven

- Revisions to the North Dakota Century Code, 27-20, related to the Juvenile Court Act were passed by the 2007 Legislature. The Policy Board's recommendations were received and implemented by the Legislature.
- Discussion began on proposed rules of procedure for Juvenile Court.

Custody Investigator Review Board

Chair – Sherry Mills Moore

- Newly appointed members met for the first time in November 2007.
- Board established ground rules for considering submitted complaints.
- Panel began process of addressing complaints.

Disciplinary Board

The Disciplinary Board was established in 1965 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, and the North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints.

The Disciplinary Board has 10 members –three non-lawyer members and seven lawyers. The non-lawyer members are appointed from around the state by the Supreme Court from a list submitted by the State Bar Association, the Attorney General, and the District Judges Association. One lawyer member is appointed by the Supreme Court from each of the seven judicial districts. All members are unpaid volunteers. Nicholas Hall of Grafton serves as the Chair of the Board.

Following is a summary of complaint files under consideration in 2007.

DISCIPLINARY BOARD DATA

New Complaint Files Opened in 2007	194
General Nature of Complaints:	
Client Funds & Property	7
Conflict of Interest	9
Criminal Convictions	1
Disability/Incapacity to Practice Law	0
Excessive Fees	10
Failure to Communicate/Cooperate with Client	18
Improper Conduct	80
Incompetent Representation	47
Misappropriation/Fraud	4
Neglect/Delay	9
Petition for Reinstatement	1
Unauthorized Practice of Law	7
Reciprocal Discipline/Certified	1
TOTAL	194
Formal Proceedings Pending From Prior Years	22
Other Complaint Files Pending From Prior Years	115
Appeals Filed with Disciplinary Board in 2007	21
Appeals Filed with Supreme Court in 2007	0
Total Filed for Consideration in 2007	352
Disposition of Complaint Files:	
Dismissed by Inquiry Committees	130
Dismissed Without Prejudice by Inquiry Committees	0
Summary Dismissals by Inquiry Committees	57
Admonitions Issued by Inquiry Committees	6
Consent Probation by Inquiry Committees	5
Referred to Lawyer Assistance Program By Inquiry Committee	1
Disciplinary Board Approves IC Dismissal	13
Disciplinary Board Disapproves IC Disposition	2
Disciplinary Board Approves IC Admonition	0
Disciplinary Board Approves Consent Probation	0
Dismissal by Hearing Panel	4
Reprimand by Hearing Panel	3
Referred to Lawyer Assistance by Hearing Panel	0
Reprimand by Supreme Court	0
Reinstatement by Supreme Court	1
Suspensions by Supreme Court	2*
Disbarments by Supreme Court	1
Supreme Court Accepts recommendation to Close File	0
Transfer to Disability Status by Supreme Court	0
Interim Suspensions by Supreme Court	3
Formal Proceedings Pending 12/31/06	32
Other Complaint Files Pending 12/31/06	96
TOTAL	357**

*2 files resulted in the suspension of 8 attorneys.

**Number reflects multiple dispositions in 2 files and 3 interim suspensions.

Judicial Conduct Commission

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.

Of the new complaints filed in 2007:

- 30 were against 21 District Court Judges
- 3 were against 3 Judicial Referees
- 2 were against 2 Municipal Court Judges
- 10 were against 5 Supreme Court Justices

JUDICIAL CONDUCT COMMISSION DATA

New Complaint Files Opened in 2007	45
General Nature of Complaints:	
Bias, discrimination/partiality	18
Conflict of interest	1
Delay court business	2
Improper decision/ruling	19
Loss of temper	1
Other	3
Public comment pending	1
TOTAL	45
Complaint Files Carried Over from 2006	6
Total Files Pending Consideration in 2007	51
Disposition of Complaints:	
Summarily Dismissed	47
Total 2006 Dispositions	47
Complaint Files Pending as of 12/31/07	4

State Board of Law Examiners

The State Board of Law Examiners was created by the 1905 Assembly to assist the Supreme Court in its constitutional responsibility to regulate the admission to practice. The Board's three members must all be licensed members of the North Dakota bar. Admission requirements can be found at www.ndcourts.com/rules/admission/frameset.htm

STATE BOARD OF LAW EXAMINERS DATA

Passage rates for the February and July 2007 examinations

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
02/07	18	9/50%	9	2/22%
7/07	47	36/76%	34	26/77%

Of the 88 attorneys admitted in 2007, 46 were by bar examination; 24 by achieving 150 scaled score on the Multi-state Bar Examination and admission in another state; and 18 by having the requisite years of practice in another state.

In 2007, the Board, in its licensing capacity, issued the highest number of licenses ever issued in North Dakota—1,931. Of that number, 480, or 25%, were women. As a part of its licensing and admission responsibilities, the Board monitors the pro hac vice admission of attorneys who are not licensed in North Dakota. During 2007, 178 nonresident attorneys appeared in North Dakota courts under Rule 3, Admission to Practice Rules, with \$67,640 in fees collected. A portion of the fees go to fund the lawyer discipline system, and the remainder is split between the State Bar Association (80%) and the State Board of Law Examiners (20%).

Technology Department Data

Transfer of traffic citations between the North Dakota State Patrol and the North Dakota Court System has been fully automated since 2003. In 2007, there were 86,335 traffic citations processed. Sixty-nine percent of these were filed electronically. Since the North Dakota Court System also has an electronic interface with the Department of Transportation, dispositions are automatically sent to the DOT without further intervention by the court clerk.

These electronic interfaces work particularly well for North Dakota because traffic violations are classified as administrative offenses. This allows the electronic system to automatically enter a license suspension on any case where bond has not been received by the date it is due. Because there is no need for duplicate data entry between agencies and no need to actively monitor cases for payment or disposition, the need for staff time to process citations for law enforcement, the court system, and the department of transportation is greatly reduced.

The court system has embraced web-based access to district court case information for sometime. Since 2001 we have had a data warehouse which allows authorized personnel full view-only access to the court's unified case management system (UCIS). In 2007, we had 447 authorized users which included domestic violence advocates, child support enforcement workers, law enforcement officers and personnel, parole and probation agents, state's attorneys and their staff, and members of the disciplinary board.

Public access to UCIS has been provided through terminals located at many of the courthouses. In 2006, this was expanded to include web-access to the trial court cases and calendars. This site averages 4,645 inquiries per day, with

approximately 1/3 of the visitors being repeat users of the site. The site can be accessed at <http://www.ndcourts.gov/publicsearch/contactsearch.aspx>.

The Court System's Help Desk provides technical support to all court employees, judges, clerks, and other using and accessing the court's information systems. In 2007, the Help Desk received 4,311 support tickets.

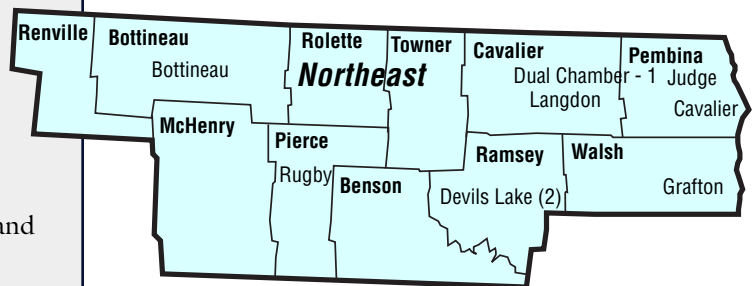


Administrative Unit 1

Dennis Herbeck, Trial Court Administrator
 Kimberly D. Nelsen, Trial Court Manager

Northeast Judicial District

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

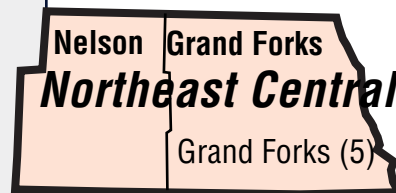


NE DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2007 & 2006

CASE FILINGS/ DISPOSITIONS	2007 FILED	2007 DISP.	2006 FILED	2006 DISP.	Change in Filings 2007/2006	
Civil	2,827	3,980	2,523	3,787	12.05%	5.10%
Small Claims	689	691	654	679	5.35%	1.77%
Criminal	3,764	5,198	4,319	5,491	-12.85%	-5.34%
Traffic	11,616	11,886	14,604	14,317	-20.46%	-16.98%
Juvenile	246	478	355	607	-30.70%	-21.25%
TOTAL	19,142	22,233	22,455	24,881	-14.75%	-10.64%

Northeast Central Judicial District

The Honorable Joel D. Medd, Presiding Judge
 District Court Judges: Karen Braaten; Sonja Clapp,
 Lawrence E. Jahnke; and Debbie Kleven
 Judicial Referees: Harlan Dyrud and David Vigeland.
 Number of Counties in District: 2
 District Court Chambers: Grand Forks



NEC DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2007 & 2006

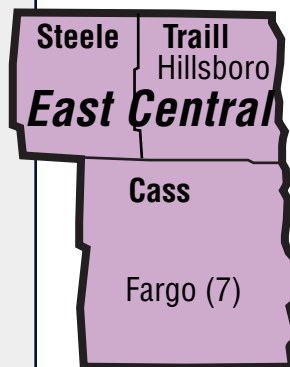
CASE FILINGS/ DISPOSITIONS	2007 FILED	2007 DISP.	2006 FILED	2006 DISP.	Change in Filings 2007/2006	
Civil	3,119	4,960	2,794	4,671	11.63%	6.19%
Small Claims	622	643	902	976	-31.04%	-34.12%
Criminal	3,178	5,830	4,016	6,556	-20.87%	-11.07%
Traffic	9,083	9,127	10,321	10,163	-11.99%	10.19%
Juvenile	420	769	481	725	-12.68%	6.07%
TOTAL	16,422	21,329	18,514	23,091	-11.30%	-7.63%

Administrative Unit 2

Rod Olson, Trial Court Administrator
Chris Iverson, Trial Court Manager

East Central Judicial District

The Honorable Georgia Dawson, Presiding Judge
District Court Judges: Douglas R. Herman; John C. Irby;
Steven L. Marquart; Steven E. McCullough; Frank L.
Racek; Cynthia A. Rothe-Seeger; Wade L. Webb
District Court Referees: Scott A. Griffeth and Susan Thomas.
Number of Counties in District: 3
District Court Chambers: Fargo, Hillsboro

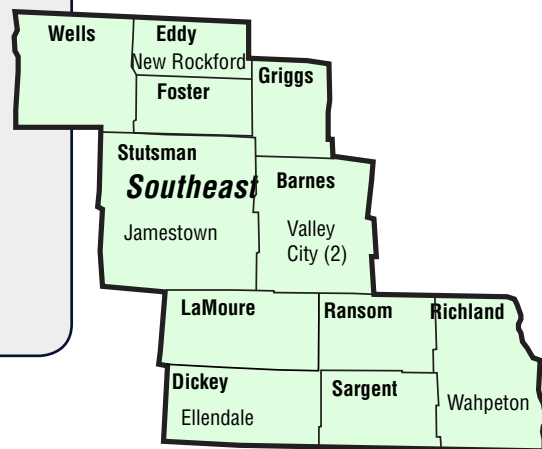


EC DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2007 & 2006

CASE FILINGS/ DISPOSITIONS	2007 FILED	2007 DISP.	2006 FILED	2006 DISP.	Change in Filings 2007/2006	
Civil	6,883	10,328	5,877	9,536	17.12%	8.31%
Small Claims	1,196	1,277	1,268	1,334	-5.68%	-4.27%
Criminal	5,823	7,072	5,624	6,969	3.54%	1.48%
Traffic	15,211	15,469	16,819	16,566	-9.56%	-6.62%
Juvenile	719	1,120	733	1,144	-1.91%	-2.10%
TOTAL	29,832	35,266	30,321	35,549	-1.61%	-0.80%

Southeast Judicial District

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



SE DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2007 & 2006

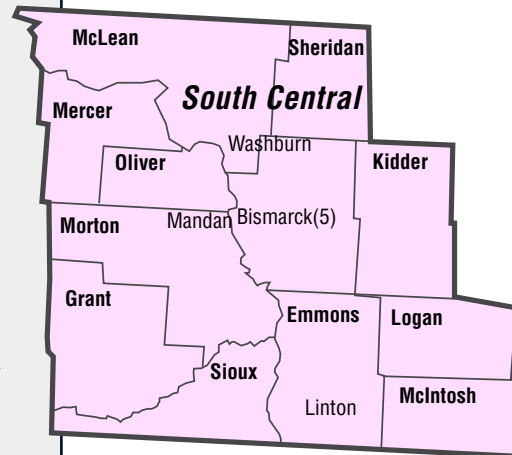
CASE FILINGS/ DISPOSITIONS	2007 FILED	2007 DISP.	2006 FILED	2006 DISP.	Change in Filings 2007/2006	
Civil	3,605	4,905	3,572	5,101	0.92%	-3.84%
Small Claims	686	718	695	720	-1.29%	-0.28%
Criminal	4,284	5,367	4,312	5,388	-0.65%	-0.39%
Traffic	13,863	14,234	15,237	15,072	-9.02%	-5.56%
Juvenile	214	289	180	292	18.89%	-1.03%
TOTAL	22,652	25,513	23,996	26,573	-5.60%	-3.99%

Administrative Unit 3

Donna Fair, Trial Court Administrator
 Joe Ware, Trial Court Manager

South Central Judicial District

The Honorable Gail Hagerty, Presiding Judge
 District Court Judges: Sonna Anderson; Bruce Haskell;
 Donald Jorgensen; David Reich; Bruce Romanick;
 Thomas Schneider; and Robert O. Wefald.
 Judicial Referees: John Grinsteiner and Julie Buechler-
 Boschee
 Number of Counties in District: 12
 District Court Chambers: Bismarck, Mandan, Linton and
 Washburn.



SC DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2007 & 2006

CASE FILINGS/ DISPOSITIONS	2007 FILED	2007 DISP.	2006 FILED	2006 DISP.	Change in Filings 2007/2006	
Civil	6,371	7,790	5,705	7,210	11.67%	8.04%
Small Claims	867	895	798	813	8.65%	10.09%
Criminal	5,609	7,218	5,140	7,436	9.12%	-2.93%
Traffic	18,069	17,958	17,429	17,404	3.67%	3.18%
Juvenile	424	660	421	603	0.71%	9.45%
TOTAL	31,340	34,521	29,493	33,466	6.26%	3.15%

Southwest Judicial District

The Honorable Allan L. Schmalenberger, Presiding Judge
 District Court Judges: Zane Anderson and William Herauf
 Number of Counties in District: 8
 District Court Chambers: Dickinson



SW DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2007 & 2006

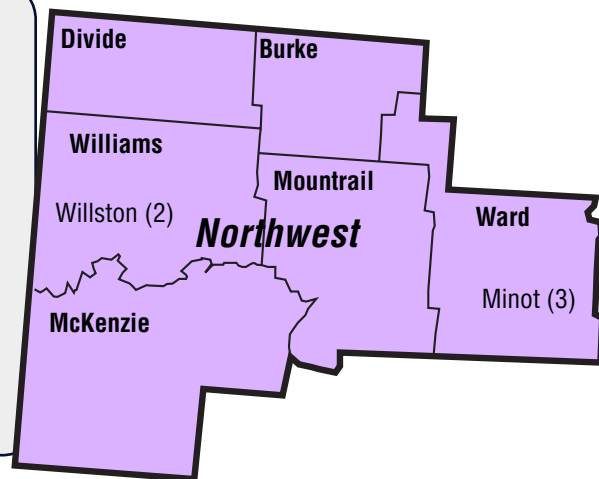
CASE FILINGS/ DISPOSITIONS	2007 FILED	2007 DISP.	2006 FILED	2006 DISP.	Change in Filings 2007/2006	
Civil	1,739	2,411	1,653	2,350	5.20%	2.60%
Small Claims	206	219	250	256	-17.60%	-14.45%
Criminal	1,946	2,888	2,201	3,127	-11.59%	-7.64%
Traffic	6,453	6,495	5,972	5,884	8.05%	10.38%
Juvenile	101	166	97	182	4.12%%	-8.79%
TOTAL	10,445	12,179	10,173	11,799	2.67%	3.22%

Administrative Unit 4

Dixie Knoebel, Trial Court Administrator

Northwest Judicial District

The Honorable William W. McLees, Presiding Judge
 District Court Judges: Douglas L. Mattson; Gary H. Lee;
 Richard L. Hagar; David W. Nelson; and Gerald Rustad.
 Judicial Referee: Connie S. Portscheller
 Number of Counties in District: 6
 District Court Chambers: Minot and Williston.



NW DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2007 & 2006

CASE FILINGS/ DISPOSITIONS	2007 FILED	2007 DISP.	2006 FILED	2006 DISP.	Change in Filings 2007/2006	
Civil	5,316	6,989	4,480	6,165	18.66%	13.37%
Small Claims	627	665	661	687	-5.14%	-3.20%
Criminal	4,984	6,608	5,318	6,291	-6.28%	5.04%
Traffic	12,040	12,090	12,854	12,653	-6.33%	-4.45%
Juvenile	305	579	309	599	-1.29%	-3.34%
TOTAL	23,272	26,931	23,622	26,395	-1.48%	2.03%

