



# NORTH DAKOTA JUDICIAL SYSTEM 2008 ANNUAL REPORT



“The administration  
of justice is the  
firmest pillar of  
government.”

– George Washington,  
1st U.S. President





# MISSION STATEMENT

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



## MESSAGE FROM CHIEF JUSTICE GERALD W. VANDEWALLE



**As I reflect on 2008 and my past 30 years on the North Dakota Supreme Court, I am prone to think of all the changes that have occurred in the judicial system and its administration. But I would rather focus on a consistency: service to the people of North Dakota. The articles in this report highlight our efforts to continue to provide access to justice for all individuals, while maintaining accountability and fiscally sound policies and procedures.**

In the district courts, we fully implemented the Family Mediation Program in two pilot judicial districts. Designed to mediate custody and visitation disputes when a divorce action is filed, the program is working well and we will continue to offer services that help families achieve a mutually satisfying decision about custody and visitation and increase compliance with court orders regarding these issues. A simplified divorce process has been implemented in Burleigh County and we continue to monitor the Family Court concept in place in Grand Forks.

Efforts to confront drug and alcohol use among juveniles continue with the expansion of juvenile drug courts. A drug court was added in Williston and one will start in Devils Lake in 2009. While more costly to operate, these courts result in a permanent, positive change in the life of a child. Adult drug courts have also expanded throughout the state. These problem-solving courts provide a direct service to North Dakotans and are possible because of strong partnerships with state agencies, private providers, and non-profit organizations.

Last year we reported that the process of replacing the court's case management system was ready to begin. This past year, we selected a vendor with a proven track record of providing a reliable case management system. Discussions were held on the statement of work, assignment of roles, and responsibilities between the court and the vendor. We reviewed initial fit analysis documents and technical requirements for data conversion and integration activities. The scope of the pilot project was established and Cass and Traill counties were chosen as the sites for the pilot. Conversion steps between the current and new systems have been discussed and plans to go live with pilot sites in late 2009 are in place, pending funding approval by the Legislature.

We continued our collaborative efforts with the Department of Human Services to meet the needs of children and families involved in the state's child welfare system. Through the use of federal Court Improvement Grants, we co-sponsored the state's first Children's Justice Symposium, bringing together judges, juvenile court officers, social workers, attorneys, educators, law enforcement, and treatment providers for a multi-day conference on child abuse and neglect. The Court Improvement Project Committee will continue to provide opportunities for multi-disciplinary training in the coming years.

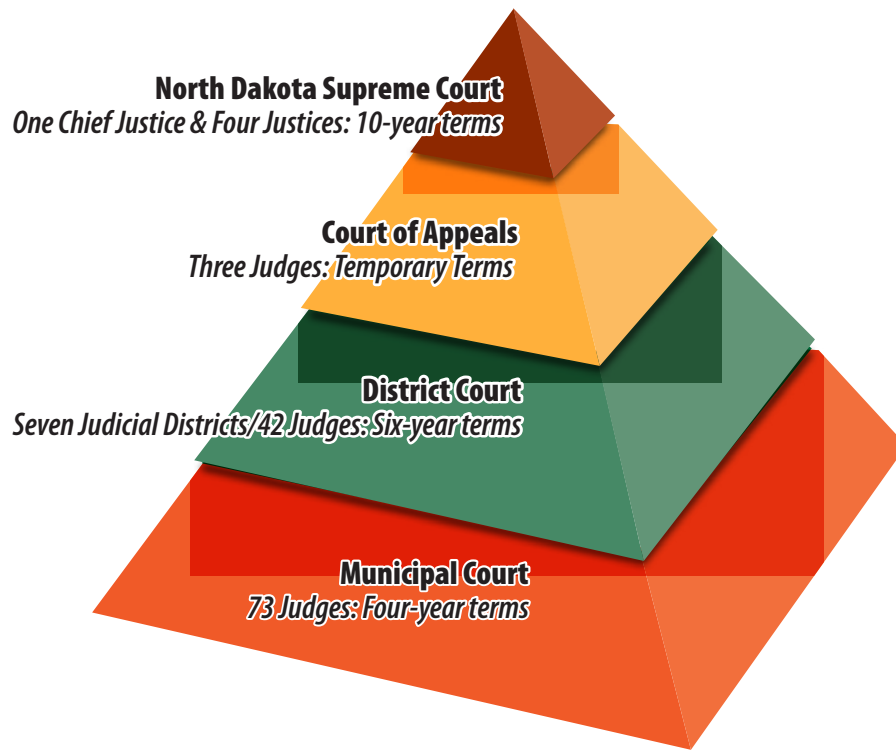
Other information in this report looks at our efforts to collect outstanding fines and court fees, as well as public outreach activities to educate citizens about the judicial system. Statistics show the adjudicative caseloads of the district courts and Supreme Court, as well as budget information for the entire judicial system.

This report focuses on some of the endeavors, both new and ongoing, that we have implemented to provide greater service and greater access for the citizens of North Dakota. I offer the 2008 Annual Report for your consideration.

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## NAVIGATING THE NORTH DAKOTA JUDICIAL SYSTEM



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



**30 Years on the Bench**

**Overview of Court**

**Caseload Highlights**

**Public Outreach**



## CHIEF JUSTICE REACHES 30-YEAR MILESTONE



Chief Justice Gerald Vandewalle reached two milestones in one day in 2008—serving 30 years on the North Dakota Supreme Court and celebrating his 75th birthday.

After working in the North Dakota Attorney General's office since graduating from the University of North Dakota School of Law in 1958, Vandewalle submitted his application for the seat on the Court being vacated by Justice Robert Vogel. An interview with Gov. Art Link resulted in his appointment as justice effective Aug. 15, 1978—which was also his 45th birthday.

Vandewalle's journey to head of the North Dakota Judicial Branch has its roots in Noonan, a small town in western North Dakota, where his family owned a dairy farm. His parents, Jules and Blanche Vandewalle, expected him to help on the farm and do well in school. He accomplished both, cleaning milk bottles and delivering milk throughout the Noonan community and graduating as valedictorian from the high school in Noonan—the first out of ten students in his class. An aerial photo of the family farm hangs in the conference room next to his office as a daily reminder of the values instilled in him by his loving parents and the close-knit community that nurtured him.

Following high school, Vandewalle attended the University of North Dakota, earning a degree in commerce, majoring in accounting. He then attended UND Law School, once again finishing first in his class. His intention was to work with a Williston law firm, specializing in oil and gas law, but instead he accepted a "one-year" position with the Attorney General's office, a post traditionally held by a UND graduate. That one-year job grew to a full-time assistant attorney general position, which Vandewalle held for 20 years. During this time, Vandewalle rose to First Assistant Attorney General and held two other major portfolios in addition to oil and gas: education and the state retirement system.

The investiture of Justice Vandewalle occurred on August 25, 1978. After assuming the appointed position, Vandewalle had to run in a primary in September and general election in November. It was his only contested election. In 1992, he was elected Chief Justice by the North Dakota district court judges and supreme court justices.

Vandewalle has worked to promote professionalism, civility, and public service. Through fifty years as a lawyer, fifty years in the state capitol, thirty years on the Supreme Court, and more than fifteen years as Chief Justice, he continues to create a lasting legacy in shaping the law and the administration of justice in North Dakota.

"Our Chief Justice is an exceptional judge with an extensive memory of the courts. He is a dedicated servant to the people of North Dakota, so many of whom he knows personally that it is impossible for him to



travel without meeting friends and acquaintances.

What impresses me most about Jerry Vandewalle is his comprehensive view - his ability to be aware of, to analyze and evaluate, and to respond to, both the "macro" and "micro" worlds around him.

The Chief Justice creates no distance between himself and the people around him. One gets to know even the mischievous side that has never been lost in this extraordinary man. You see it especially when he gets a gleam in his eyes, rubs his hands together and says the most outrageous things."

— Justice Carol Ronning Kapsner,  
North Dakota Supreme Court



## 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](http://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](http://www.ndcourts.gov/Court/COURT.htm)



## 2008 Supreme Court Caseload Highlights

- The caseload in the Supreme Court slightly decreased in 2008. A significant portion of the caseload is family, alcohol, and drug related.
- The number of appeals in family related cases accounted for almost 25 percent of the civil caseload, a 6 percent increase over last year. Appeals in cases involving administrative agencies accounted for 11 percent of the civil caseload, which is a 7 percent decrease.
- In the criminal area, appeals of convictions of sex offenses, drug related offenses, driving under the influence, theft and miscellaneous identified misdemeanors decreased. However, appeals of drug related offenses and driving under the influence accounted for at least 30 percent of the criminal caseload.
- Oral arguments were scheduled in 207 cases, with approximately 17 percent 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 47 majority opinions, an increase from last year. Another 66 separate concurrences and/or dissents were also written.
- In 14 percent of the cases, at least one party was self-represented.
- The most appeals originated from the South Central Judicial District, followed by the Northwest, East Central, Southeast, Northeast, Southwest and Northeast Central Districts.
- There were 605 motions filed in 2008, with 31 percent being e-filed. The Clerk acted on 46 percent of the motions under North Dakota Supreme Court Administrative Rule 5 and as delegated by the Chief Justice. <http://www.ndcourts.gov/rules/Administrative/frameset.htm>
- Of the 499 briefs filed in 2008, 45 percent were electronically filed; and of the 284 appendices filed, 39 percent were electronically filed under North Dakota Supreme Court Administrative Order 14. <http://www.ndcourts.gov/rules/Administrative/frameset.htm>
- No appeals were transferred to the Court of Appeals in 2008.

Caseload Synopsis of the Supreme Court For the 2008 and 2007 Calendar Years			
	2008	2007	Percent Difference
New Filings	342	366	-6.56
Civil	213	221	-3.62
Criminal	129	145	-11.03
Transferred to Court of Appeals	0	4	-100.00
Civil	0	4	-100.00
Criminal	0	0	0
Filings Carried Over From Previous Calendar Year	209	178	17.42
Total Cases Docketed	551	540	2.04
Dispositions	363	331	9.67
Civil	234	181	29.29
Criminal	129	150	-14.00
Cases Pending as of December 31	188	209	-10.05

Case Dispositions - 2008		
	Civil	Criminal
BY OPINION:		
Affirmed; Affirmed & Modified	87	46
Reversed; Reversed & Remanded;		
Reversed in Part & Remanded;		
Reversed with Instructions	30	17
Affirmed in Part & Reversed in Part;		
Affirmed in Part & Dismissed in Part	21	2
Affirmed by Summary Disposition	20	29
Reversed by Summary Disposition	2	0
Order/Judgment Vacated, Remanded	1	2
Dismissed	3	1
Discipline Imposed	17	-
Reinstatement Ordered	1	-
Original Jurisdiction--Denied	1	0
Original Jurisdiction--Granted	0	1
Certified Question Answered	1	0
Dispositions by Opinion	184	98
BY ORDER:		
Dismissed	21	19
Dismissed After Conference	24	7
Original Jurisdiction--Denied	2	4
Original Jurisdiction--Granted	3	1
Dispositions by Order	50	31
Total Dispositions for 2008	234	129



“The Taking the Courts to Schools program is both informative for the students and invigorating for the justices. The students are provided the opportunity to observe the judicial branch, in their community, working on an actual case. We justices are provided the chance to leave our courtroom to interact with inquisitive minds and be exposed to fresh perspectives about how this branch of government is perceived and understood.”

—Justice Daniel J. Crothers,  
*North Dakota Supreme Court*

## Public Outreach

The Supreme Court continued “Taking the Court to Schools” by visiting Dickinson Trinity in February, Valley City and Cooperstown in April, and Hatton-Northwood in October. The Court also visited the University of North Dakota School of Law 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.

Caseload Overview of North Dakota Courts for 2008 and 2007				
Level of Court	Filings		Dispositions	
	2007	2008	2007	2008
Supreme Court	366	342	331	363
District Court	153,105	152,540	177,972	182,294





- District Court Overview**
- Family Mediation**
- Simplified Divorce**
- Trial Court Administration**
- Statewide Map**
- Caseload Charts**
- District Caseload**
- Adult Drug Courts**
- Presiding Judges**





## North Dakota District Courts

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 supervised 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.

The district courts 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 court employs judicial referees, who preside over cases as assigned by the presiding judge in their district. Referees may preside over juvenile proceedings, judgment enforcement proceedings, and domestic relations proceedings other than contested divorces.

The district courts are 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 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, and administrative personnel.

There are 42 district judges in the state.

Information about the district courts is located at [www.ndcourts.gov/court/Districts/Districts.htm](http://www.ndcourts.gov/court/Districts/Districts.htm).

## Family Mediation Program Has Successful Start

“It’s not going to work.” “This program is going to adversely affect my income.” “I want to select my own mediator.” These were but a few of the comments heard from local family law attorneys after the implementation of the North Dakota Supreme Court’s Family Mediation Pilot Project in March 2008. However, now that the project has been in place for almost one year, those concerns, with minor exception, are no longer being heard.

During the 2007 legislative session, the Supreme Court asked for and received funding to provide mediation services to litigants involved in custody and visitation disputes in two pilot locations. Since that time, the court has worked with the Joint Alternative Dispute Resolution Committee to pursue alternative dispute resolution in family cases. Over the last ten months the court has implemented such an alternative, the Family Mediation Program.

The Family Mediation Program is a pilot designed to provide pre and post-trial mediation services in cases where custody or visitation are in dispute. It has been implemented in the Northeast Central and South Central Judicial Districts. The purpose of the Family Mediation Program is to minimize family conflicts, encourage shared decision-making, and support healthy relationships and communication among family members by trying to resolve custody and visitation disputes through mediation. Through the skills of a mediator, parents are encouraged to work together to create an agreement that reflects each parent’s unique contribution to their child’s upbringing and is in the best interest of the child.

Since the inception of the program on March 1, 2008, 151 cases from the two pilot districts have been referred to the program. Of those, 98 cases have been accepted into the program.

“Without question, the Family Mediation Pilot Project has certainly been of great assistance to the parties involved as well as to the Northeast Central Judicial District trial judges assigned to domestic relations cases. Further, there can be no doubt that it saves its participants substantial amounts of money in legal fees. Most importantly, however, it encourages parties themselves to decide what is best for their children’s long term best interests, rather than having a trial judge do it for them after an often acrimonious trial.”

—Judge Lawrence Jahnke, Northeast Central District Court Judge

**Pilot Project Cases - 2008**

Total cases referred from pilot districts		151
Cases rejected		53
Reason for Rejection		
Existence of domestic violence (ie. restraining order in case record/domestic violence issues identified)	15	
Out-of-state party	10	
Custody issues settled prior to mediation	28	
Cases accepted into pilot project		98
Evaluations completed as of December 31, 2008		49
Cases open as of December 31, 2008		49



The Family Mediation Program is Showing Great Promise.

- The program has been implemented successfully from an administrative standpoint, with the establishment of procedures, the selection and training of mediators, the augmentation of the UCIS system to support automated data gathering, the gathering of survey and other data for the project, and the preparation of draft ethical guidelines and a draft process for enforcement of those guidelines.
- The program has reached persons from rural areas of the pilot districts, persons of limited means who could not afford private mediation, and members of minority groups.
- Mediations in two thirds of the completed cases have been finished within the time frame set by the North Dakota Supreme Court’s Administrative Order 17. Most of the slower cases occurred at the beginning of the program when implementation was postponed at the request of the evaluator.
- Participants in the completed mediations rate them highly
  - The satisfaction rating for the overall process was 91 percent – for all participants, including those who did not reach agreement.
  - Ratings of mediator respect, fairness, and equal treatment of the parties and the parties’ feelings of safety were over 90 percent.
  - 94 percent prefer mediation over going to court; only 11 percent felt they would have gotten a better outcome in court.
  - 70 percent reported that mediation introduced new ideas into their discussions.
  - 40 percent felt they had come away with better negotiation skills.
  - 33 percent reported that they learned something new about their former spouse.
- Judges in the pilot districts agree that the pilot project is succeeding on all dimensions on which they were asked to provide an opinion.
- Court staff report that the pilot project is not requiring substantial additional work on their part.
- The family law bar is divided on the wisdom of implementing mandatory child custody mediation in North Dakota. A majority of family law attorneys surveyed support mediation of child custody and visitation issues. Most, but not all, of their comments on the pilot project have been positive.
- Mediation providers are supportive of the pilot project, have identified challenges arising from differences between their traditional private mediation clients and the pilot project participants and are successfully addressing those challenges.
- Mediation outcomes have been comparable to outcomes in other states.

Mediation Outcome by Location								
	Agreement on Custody and Visitation Issues				Other Issues			
District	Full	Partial	None	Sum	Full	Partial	None	Sum
Northeast Central	63%	25%	13%	88%	42%	32%	26%	74%
South Central	46%	25%	29%	71%	41%	12%	47%	53%



Northeast Central District Judge Lawrence Jahnke said of those cases in which the mediation effort was completed in this district, 88% have been resolved in whole in part on child-related issues.

“While some of those obviously would probably have settled anyway without involvement in the program, the manner in which they were resolved is as important as any statistical data being kept on the Program,” said Jahnke. “Without extensive attorney involvement, expensive pre-trial discovery, and usually without costly custody investigator expense, the parties themselves have resolved those issues almost immediately after their pleadings were filed. They were able to sit down in a neutral environment and, with the help of a mediator who had no financial interest in the outcome of their case, put their personal differences aside and work out what they felt was in the best interests of their child[ren].”

## Simplified Divorce Proceedings Expand to Burleigh County

Simplified divorce proceedings have expanded to Burleigh County from an initial pilot in Grand Forks. The court rule allowing such proceedings originated as a pilot in 1996 and was made permanent in 2003. The Grand Forks pilot project was led by the Hon. Bruce Bohlman, who developed forms and instructions to allow parties to utilize the simplified proceedings without the assistance of an attorney.

At the request of South Central Judicial District Presiding Judge Gail Hagerty, court administrator Donna Wunderlich added some additional forms, simplified others, and developed a process to work in conjunction with the South Central District’s Family Mediation Pilot Project to provide parties with limited assets easier access to the divorce and mediation processes in Burleigh County. Public reactions to the simplified process have been positive.

The initial forms included a summons, petition, notice of hearing, financial affidavits for each party, answer form for the defendant, and proof of service forms. Wunderlich added simplified methods to prove service, child support guidelines, forms for proposed findings of fact, conclusions of law, and order for judgment, as well as proposed judgment forms and forms for clerk staff to file a notice of entry of judgment.

The simplified process provides parties access to an easier, quicker, and less costly process than if they were required to hire attorneys and go through the regular civil proceedings. While a divorce filed under the rules of civil procedure can take up to 24 months to complete, the summary proceeding will generally be concluded within 60-90 days. Judges and administrators intend to expand the process to other areas of the state in the near future.

To qualify for a simplified divorce, the plaintiff must have been a North Dakota resident for six months, and parties must have combined net assets of less than \$20,000, excluding real estate. The process is available to parties with and without children. Form packets can be purchased for \$5 each at the Burleigh County clerk’s office. Parties should follow the instructions, complete the forms, and appear before Judicial Referee John Grinsteiner. Grinsteiner will apply the child support guideline as appropriate, and develop findings, conclusions, and an order for judgment based on the forms and testimony provided.

Those who do not qualify for the simplified process may obtain a divorce form packet from the Supreme Court’s website at <http://www.ndcourts.gov/Court/Forms/>.



## Trial Court Administration

### **Presiding Judges**

There is a presiding judge in each of North Dakota's seven judicial districts. Each presiding judge is elected by the judges within their district and serves for a three-year term. The presiding judge is the chief administrative officer of all courts in the district and is responsible for all court services of all courts within the geographical area of the judicial district. The presiding judge is responsible for providing leadership within his or her judicial district.

In addition to the duties of a district court judge, the duties of the presiding judge, as established by the Supreme Court, include convening regular meetings of the judges of the judicial district to discuss matters of common concern and to recommend improvement of court services within the judicial district, assigning cases among the judges of the judicial district, and providing administrative staff assistance, when appropriate, in preparing budgets for other court services in the judicial district.

### **Trial Court Administrators**

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. Staff oversight is provided through subordinate supervisors in the administrative unit. Per North Dakota Administrative Rule 6.1 some trial court administrators also supervise judicial staff such as electronic recorders, court reporters, or judicial referees (<http://www.ndcourts.gov/rules/Administrative/frameset.htm>).

Duties include but are not limited to the management of juvenile court, development and oversight of unit budgets, docket and caseflow, jury, records, personnel, facilities, data processing and various district or state-wide functions.

### **Trial Court Managers**

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

Specific duties and responsibilities relate to the development and implementation of processes supporting court policies and procedures which include monitoring and assisting in the development of fiscal requirements, court case flow analysis, jury management, court records and retention, collections, and other district court functions as assigned by the Court Administrator. In addition, the trial court manager is responsible for assisting in the development and updating of their Unit Continuity of Operations plan.

This position may also be assigned responsibility by the State Court Administrator for the development and administration of various statewide programs and initiatives.



**Clerks of Court**

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 of district court. 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.

The clerk of district court is also responsible for facilities management with regard to their offices and courtrooms as well as jury management.

**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 provides leadership in fostering the development of community wide programs and is engaged in providing juvenile court services and programs. The director of juvenile court services is also responsible for developing office operational procedures, fiscal monitoring, staff supervision, and case management activities.

**Administrative Unit 1**

**Trial Court Administrator** – Dennis Herbeck  
**Trial Court Manager** – Kimberly D. Nelsen  
**Director of Juvenile Court** – Deborah Carlson

**Administrative Unit 2**

**Trial Court Administrator** – Rod Olson  
**Trial Court Manager** – Chris Iverson  
**Director of Juvenile Court** – Karen Kringlie

**Administrative Unit 3**

**Trial Court Administrator** – Donna Wunderlich  
**Trial Court Manager** – Ross Munns  
**Director of Juvenile Court** – Dave McGeary

**Administrative Unit 4**

**Trial Court Administrator** – Carolyn Woolf  
**Director of Juvenile Court** – Chris Myers

“The advanced Science and Technology Adjudication Resource Center (ASTAR) trains a nucleus of judges from each U.S. jurisdiction with a case-related science and technology knowledge



platform. All participants are awarded scholarships to cover all expenses. This program is an effort to enhance the capacities of the courts to resolve complex cases involving intricate or novel scientific and technical evidence. It operates by training judges to a retained understanding of the terms of the scientific methodology underlying evidentiary proffers. Completion of the program leads to election of an ASTAR fellow. These fellows will be available to their jurisdictions as sources of information and advice about complex scientific cases.”

– Judge Steven Marquart, East Central District Court Judge, and one of two North Dakota judicial officers attending a two-year ASTAR training program.



# NORTH DAKOTA JUDICIAL SYSTEM

## DISTRICT COURTS

**Northwest Judicial District**  
Number of Counties: 6

**Northeast Judicial District**  
Number of Counties: 11

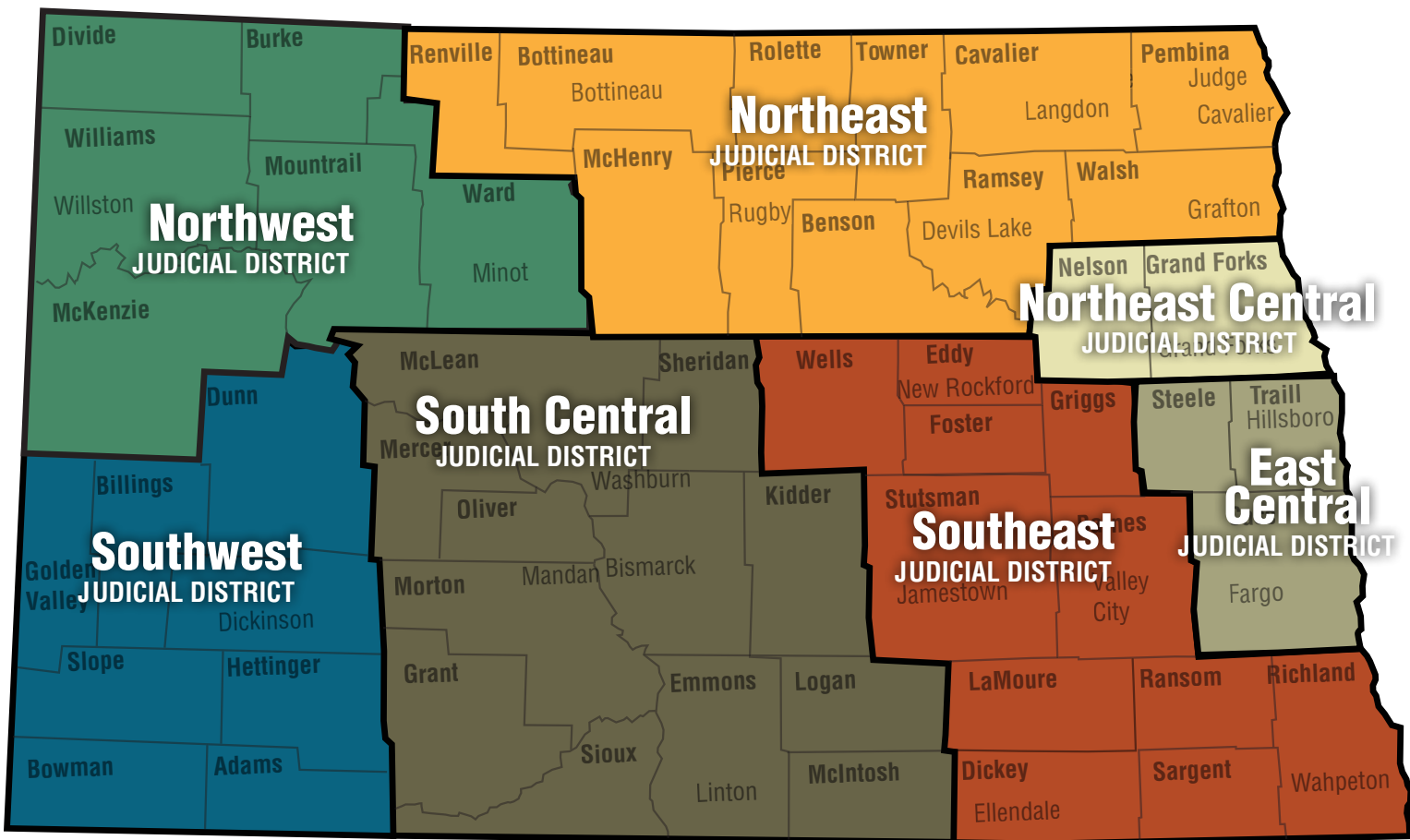
**Northeast Central Judicial District**  
Number of Counties: 2

**East Central Judicial District**  
Number of Counties: 3

**Southwest Judicial District**  
Number of Counties: 8

**South Central Judicial District**  
Number of Counties: 12

**Southeast Judicial District**  
Number of Counties: 11



## Northwest Judicial District

**Presiding Judge:**

William W. McLees

**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, Stanley, and Williston.

Northwest District Court Caseload For Calendar Years 2008 & 2007						
CASE FILINGS/ DISPOSITIONS	2008 FILED	2008 DISP.	2007 FILED	2007 DISP.	Percent Increase/Decrease Filing	Dispositions
Civil	5,571	7,450	5,316	6,989	4.80%	6.60%
Small Claims	535	581	627	665	-14.67%	-12.63%
Criminal	4,784	7,562	4,984	6,608	-4.01%	14.44%
Traffic	13,605	13,602	12,040	12,090	13.00%	12.51%
Juvenile	315	574	305	579	3.28%	-0.86%
<b>Total</b>	<b>24,810</b>	<b>29,769</b>	<b>23,272</b>	<b>26,931</b>	<b>6.61%</b>	<b>10.54%</b>



## Northeast Judicial District

**Presiding Judge:**

Donovan Foughty

**District Court Judges:**

Lee A. Christofferson, LaurieA. Fontaine, M. Richard Geiger,  
John C. McClintock, Jr. and Michael G. Sturdevant.

**Judicial Referee:**

Dale Thompson

**Number of Counties in District: 11**

**District Court Chambers:**

Bottineau, Devils Lake, Grafton, Langdon/Cavalier,  
and Rugby

Northeast District Court Caseload For Calendar Years 2008 & 2007						
CASE FILINGS/ DISPOSITIONS	2008 FILED	2008 DISP.	2007 FILED	2007 DISP.	Percent Increase/Decrease Filing	Dispositions
Civil	3,192	4,450	2,827	3,980	12.91%	11.81%
Small Claims	652	663	689	691	-5.37%	-4.05%
Criminal	3,439	4,650	3,764	5,198	-8.63%	-10.54%
Traffic	11,833	12,001	11,616	11,886	1.87%	0.97%
Juvenile	230	456	246	478	-6.50%	-4.60%
<b>Total</b>	<b>19,346</b>	<b>22,220</b>	<b>19,142</b>	<b>22,233</b>	<b>1.07%</b>	<b>-0.06%</b>

## Northeast Central Judicial District

**Presiding Judge:**

Joel D. Medd

**District Court Judges:**

Karen Braaten, Sonja Clapp, Lawrence E. Jahnke, and Debbie Kleven

**Judicial Referee:**

Harlan Dyrud and David Vigeland

**Number of Counties in District: 2**

**District Court Chambers:**

Grand Forks

Northeast Central District Court Caseload For Calendar Years 2008 & 2007						
CASE FILINGS/ DISPOSITIONS	2008 FILED	2008 DISP.	2007 FILED	2007 DISP.	Percent Increase/Decrease	
					Filing	Dispositions
Civil	3,259	5,291	3,119	4,960	4.49%	6.67%
Small Claims	658	663	622	643	5.79%	3.11%
Criminal	2,795	5,017	3,178	5,830	-12.05%	-13.95%
Traffic	10,184	10,323	9,083	9,127	12.12%	13.10%
Juvenile	477	850	420	769	13.57%	10.53%
<b>Total</b>	<b>17,373</b>	<b>22,144</b>	<b>16,422</b>	<b>21,329</b>	<b>5.79%</b>	<b>3.82%</b>



## Southwest Judicial District

**Presiding Judge:**

Allan L. Schmalenberger

**District Court Judges:**

Zane Anderson and William Herauf

**Number of Counties in District: 8**

**District Court Chambers:**

Dickinson

Southwest District Court Caseload For Calendar Years 2008 & 2007						
CASE FILINGS/ DISPOSITIONS	2008 FILED	2008 DISP.	2007 FILED	2007 DISP.	Percent Increase/Decrease	
					Filing	Dispositions
Civil	1,864	2,578	1,739	2,411	7.19%	6.93%
Small Claims	198	203	206	219	-3.88%	-7.31%
Criminal	1,723	2,472	1,946	2,888	-11.46%	-14.40%
Traffic	6,931	6,994	6,453	6,495	7.41%	7.68%
Juvenile	91	185	101	166	-9.90%	11.45%
<b>Total</b>	<b>10,807</b>	<b>12,432</b>	<b>10,445</b>	<b>12,179</b>	<b>3.47%</b>	<b>2.08%</b>

## South Central Judicial District

**Presiding Judge:**

Gail Hagerty

**District Court Judges:**

Sonna Anderson, Bruce Haskell, Donald Jorgensen,  
David Reich, Bruce Romanick, Thomas Schneider,  
and Robert O. Wefald

**Judicial Referee:**

John Grinsteiner and Julie Buechler-Boschee

**Number of Counties in District: 12**

**District Court Chambers:**

Bismarck, Mandan, Linton and Washburn

South Central District Court Caseload For Calendar Years 2008 & 2007						
CASE FILINGS/ DISPOSITIONS	2008 FILED	2008 DISP.	2007 FILED	2007 DISP.	Percent Increase/Decrease	
					Filing	Dispositions
Civil	6,836	8,993	6,371	7,790	7.30%	15.44%
Small Claims	767	773	867	895	-11.53%	-13.63%
Criminal	5,313	7,891	5,609	7,218	-5.28%	9.32%
Traffic	17,827	18,256	18,069	17,958	-1.34%	1.66%
Juvenile	541	751	424	660	27.59%	13.79%
<b>Total</b>	<b>31,284</b>	<b>36,664</b>	<b>31,340</b>	<b>34,521</b>	<b>-0.18%</b>	<b>6.21%</b>

## Southeast Judicial District

**Presiding Judge:**

John T. Paulson

**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

Southeast District Court Caseload For Calendar Years 2008 & 2007						
CASE FILINGS/ DISPOSITIONS	2008 FILED	2008 DISP.	2007 FILED	2007 DISP.	Percent Increase/Decrease	
					Filing	Dispositions
Civil	3,691	5,349	3,605	4,905	2.39%	9.05%
Small Claims	591	605	686	718	-13.85%	-15.74%
Criminal	3,611	5,148	4,284	5,367	-15.71%	-4.08%
Traffic	12,062	12,203	13,863	14,234	-12.99%	-14.27%
Juvenile	207	314	214	289	-3.27%	8.65%
<b>Total</b>	<b>20,162</b>	<b>23,619</b>	<b>22,652</b>	<b>25,513</b>	<b>-10.99%</b>	<b>-7.42%</b>





## East Central Judicial District

**Presiding Judge:**

Georgia Dawson

**District Court Judges:**

Douglas R. Herman, John C. Irby, Steven L. Marquart,  
Steven E. McCullough, Frank L. Racek, Wade L. Webb,  
and Wick Corwin

**District Court Referees:**

Scott A. Griffeth and Susan Thomas

**Number of Counties in District: 3**

**District Court Chambers:**

Fargo, Hillsboro

**East Central District Court Caseload  
For Calendar Years 2008 & 2007**

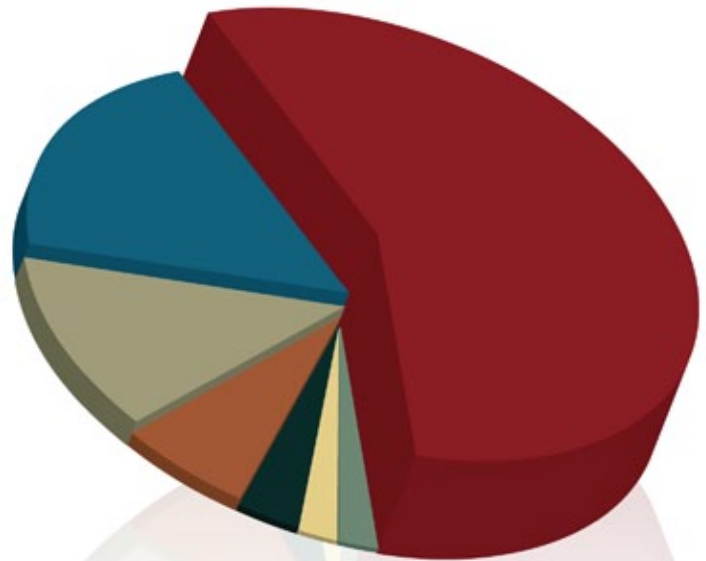
CASE FILINGS/ DISPOSITIONS	2008 FILED	2008 DISP.	2007 FILED	2007 DISP.	Percent Increase/Decrease	
					Filing	Dispositions
Civil	7,167	11,692	6,883	10,328	4.13%	13.21%
Small Claims	1,096	1,212	1,196	1,277	-8.36%	-5.09%
Criminal	5,536	6,972	5,823	7,072	-4.93%	-1.41%
Traffic	14,166	14,146	15,211	15,469	-6.87%	-8.55%
Juvenile	793	1,424	719	1,120	10.29%	27.14%
<b>Total</b>	<b>28,758</b>	<b>35,446</b>	<b>29,832</b>	<b>35,266</b>	<b>-3.60%</b>	<b>0.51%</b>

**Total District Court Caseload  
For calendar years 2008 & 2007**

CASE FILINGS/ DISPOSITIONS	2008 FILED	2008 DISP.	2007 FILED	2007 DISP.	Percent Increase/Decrease	
					Filing	Dispositions
Civil	31,580	45,803	29,860	41,363	5.76%	10.73%
Small Claims	4,497	4,700	4,893	5,108	-8.09%	-7.99%
Criminal	27,201	39,712	29,588	40,181	-8.07%	-1.17%
Traffic	86,608	87,525	86,335	87,259	0.32%	0.30%
Juvenile	2,654	4,554	2,429	4,061	9.26%	12.14%
<b>Total</b>	<b>152,540</b>	<b>182,294</b>	<b>153,105</b>	<b>177,972</b>	<b>-0.37%</b>	<b>2.43%</b>

**Types of Cases Filed in District Court - 2008**

JUVENILE	2%
OTHER CIVIL	12%
PROBATE	2%
DOMESTIC RELATIONS	6%
SMALL CLAIMS	3%
CRIMINAL	18%
TRAFFIC	57%



**Jury Trials for Judicial District for 2008**

District	2008
East Central	38
Northeast	22
Northeast Central	32
Northwest	69
South Central	162
Southeast	22
Southwest	13
<b>Total</b>	<b>358</b>

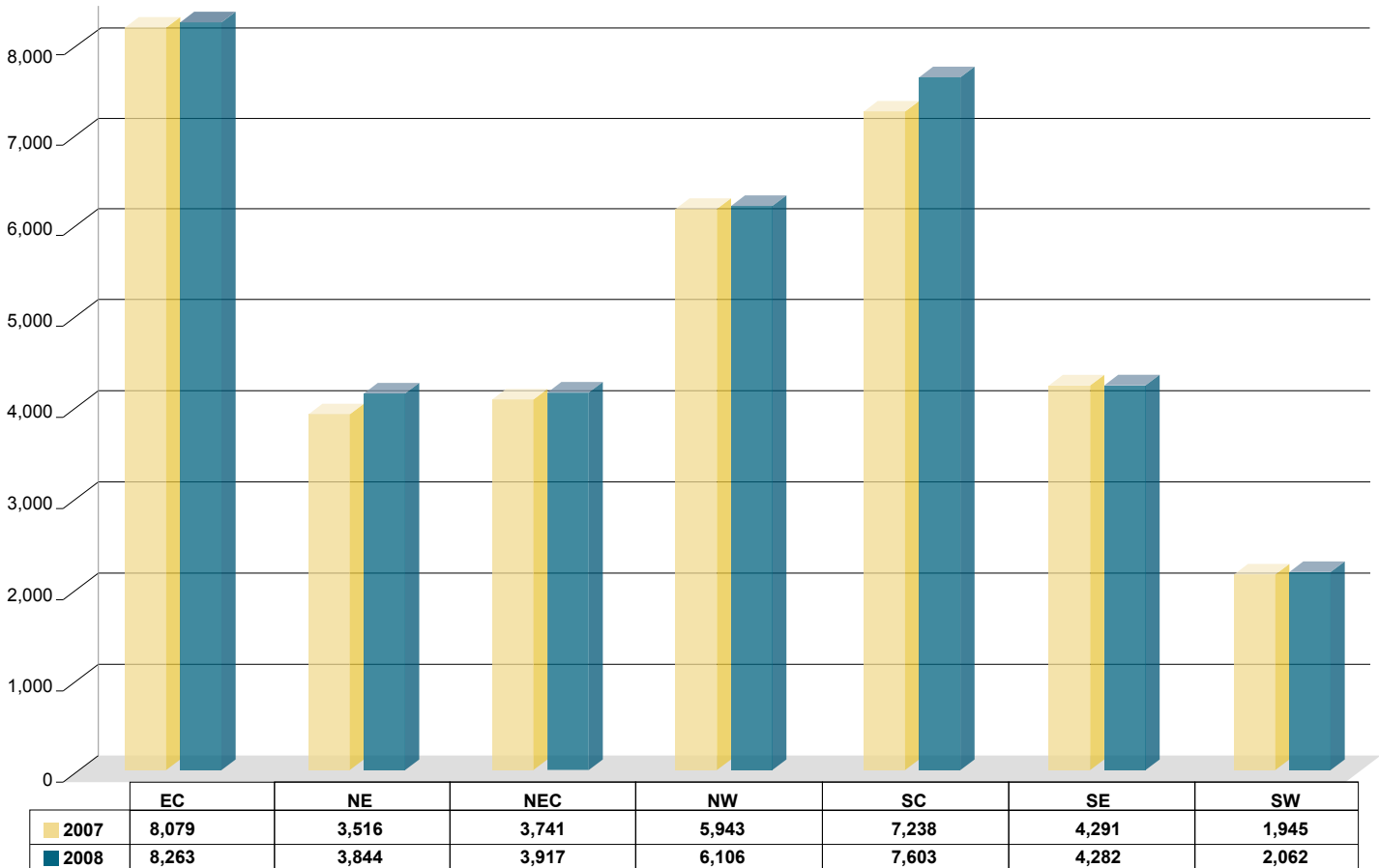
## District Court Civil Caseload

Civil filings increased by 3.8 percent during 2008, with increases in probate (21 percent) and other civil (7 percent) cases filed. Small claims cases filed decreased by 8 percent.

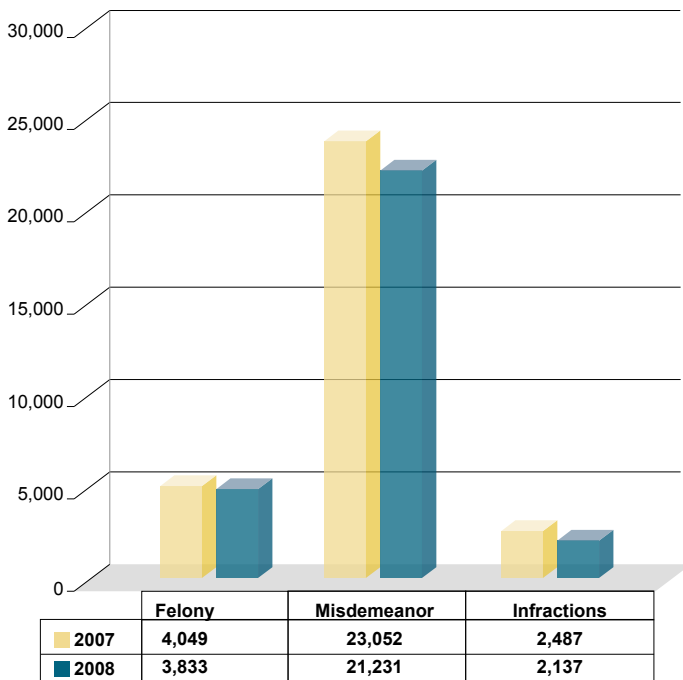
Domestic relations case filings decreased slightly (1.3 percent) during 2008. Divorce filings account for 24 percent, protection/restraining orders 17 percent, support 45 percent, paternity 8 percent, adoption 3 percent, custody filings 2 percent, and termination of parental rights account for less than 1 percent of the domestic caseload.

Total divorce filings in 2008 were 2,160 compared to 2,305 case filings in the previous year. Protection/restraining order filings decreased 5 percent. Paternity case filings decreased slightly (less than 1 percent) with 757 cases filed, while support proceedings increased by 2 percent with 4,161 cases filed in 2008.

**ND Civil Caseload for District Courts for 2007 and 2008**



ND Criminal Caseload for District Court for 2006 and 2007



## Criminal Caseload

Criminal filings decreased by 8.1 percent from 2007 to 2008. Felony filings decreased by 5.3 percent, infractions decreased by 14.1 percent, and misdemeanors decreased by 7.9 percent. Misdemeanors made up 78 percent of total criminal filings, felony 14 percent and infractions 8 percent.

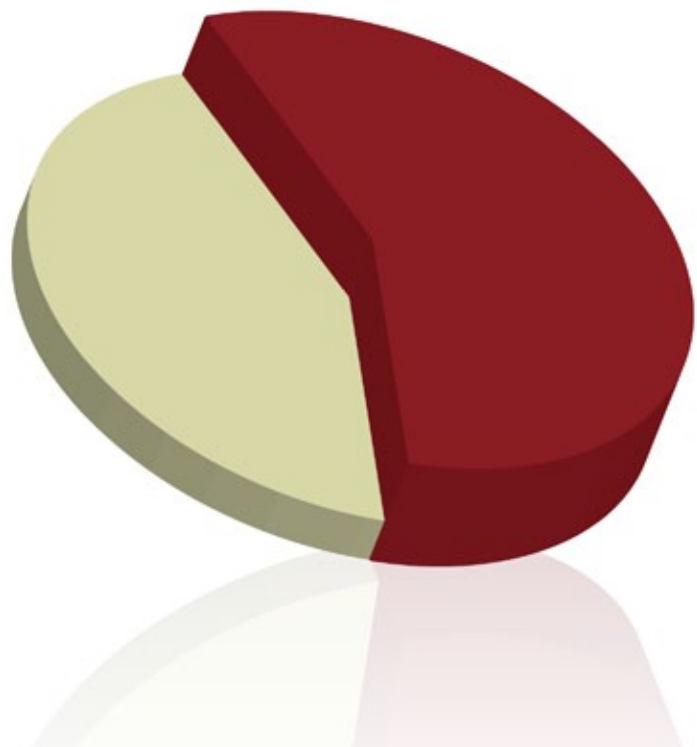
## Administrative Traffic Case Processing

Administrative traffic filings increased by 273 (less than 1 percent) from 2007 to 2008. These cases make up 57 percent of the overall caseload; however they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Case Filings	2007	2008
Admin. Traffic	86,335	86,608
Case Dispositions	2007	2008
Admin. Traffic	87,259	87,525

## Total Cases Filed in District Court Including Admin Traffic - 2008

Admin. Traffic	57%
All Other Filings	43%





## 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 Adult Drug Courts

The Adult Drug Courts in North Dakota combine courts, corrections, and treatment services to lower the repeat rate of drug offenders and put them on the road to recovery.

There are five Adult Drug Courts operating in the state, with the program being offered in each of the four administrative units. The program combines judicial supervision with alcohol and drug testing, and chemical addiction treatment in a licensed treatment program.

The drug court program takes at least a year to complete and includes three phases, each of which require at least four months for completion. Participants attend court sessions each week and are involved in intensive treatment and probation programs. They are tested for drug and alcohol use several times each week. They are required to work, attend school, or do community service for 40 hours each week. During the latter phases, the number of court appearances and the intensity of supervision decrease.

### Unit 1 Drug Courts

**Location:** Grand Forks

**Start Date:** August 2008

**Judges:** The Hon. Sonja Clapp and the Hon. Joel Medd

### Unit 2 Drug Courts

**Location:** Fargo

**Start Dates:** May 2003, September 2007

**Judges:** The Hon. John Irby and the Hon. Steven McCullough

### Unit 3 Drug Courts

**Location:** Bismarck

**Start Date:** January 2001

**Judges:** The Hon. Gail Hagerty and the Hon. Bruce Haskell

### Unit 4 Drug Courts

**Location:** Minot

**Start Date:** January 2009

**Judge:** The Hon. Richard Hagar



**Juvenile Drug Courts**  
**Court Dispositions**  
**Court Referrals**  
**Juvenile Rights Video**

“Each Thursday at 3:00 p.m. the South Central Juvenile Drug Court team meets to go over the child’s past week. Each team member is given the opportunity to discuss each child, each week and determine what reward or what sanction is appropriate for the child to receive. From a defense attorney’s viewpoint, these weekly staff sessions pose the biggest obstacle/challenge. As an attorney who has spent a great deal of my career doing criminal defense and juvenile defense, the weekly staffing was a tough pill to swallow.



My initial reaction at the weekly staffing was to put up the defense attorney shield and make the same arguments that I have made time and again and hope the judge sees it my way. After a few sessions with the South Central Juvenile Drug Court, I quickly realized this is not how a juvenile drug court operates. In order for a child to be successful the team approach is necessary. Yes, there are disagreements on what course of action is appropriate, but at the end of the weekly staffing the decision of the team is the decision of the whole team. I wish each of you had the opportunity to sit in on a staffing to capture the personalities and the way decisions are made collectively. It is an amazing sociological experiment trying to figure out what is the best course of action for a child. It is not uncommon for my position to be supported by law enforcement and for me to support a prosecutor’s sanction recommendation.”

— Brad Peterson, defense attorney and member of the South Central Juvenile Drug Court team

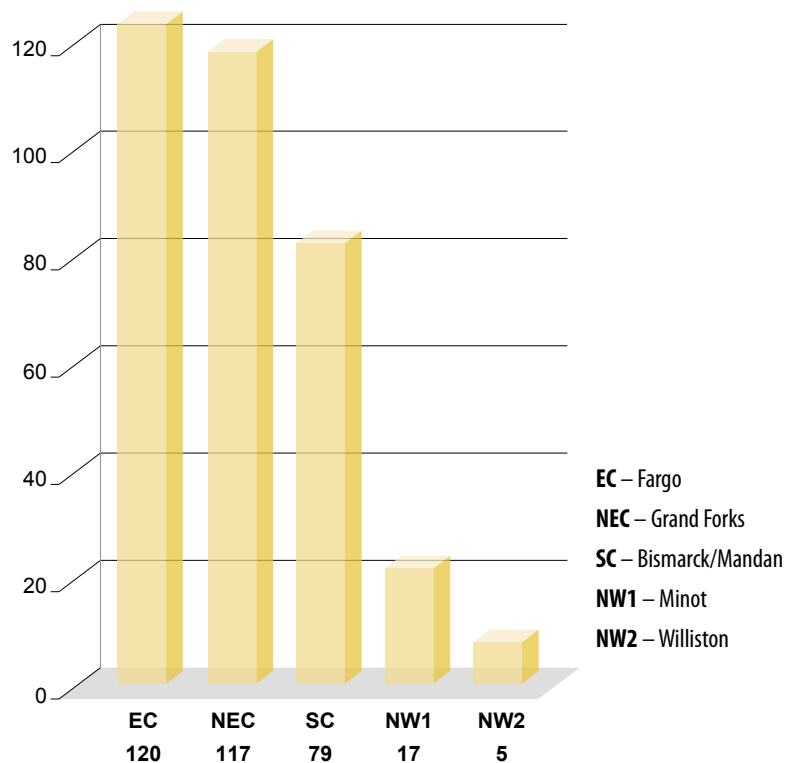
## Juvenile Drug Court Expands

A second juvenile drug court began in the Northwest Judicial District with the start of the Williston Juvenile Drug Court in 2008. Lead by Judge David Nelson, the court had five participants and one graduation in its first year.

Preparation for the newest drug court in Devils Lake began in 2008. Judge Donovan Foughty will open the doors to Devils Lake Juvenile Drug Court in March 2009. 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. Devils Lake team members joining Judge Foughty are Judge Lee Christofferson, Maren Halbach, Douglas Broden, Lisa Nihill, Karen Olson, Shawn Meier, Linda Duckwitz, Ryan Hanson, John Maritato, Andy Horner, and Cathy Ann Wolfe. The team members received their training from the National Drug Court Institute and instate training with the Grand Forks Juvenile Drug Court team. Devils Lake joins the state’s five other juvenile drug courts in Bismarck, Fargo, Grand Forks, Minot, and Williston.

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 2000-2008**



## Individual Court Statistics and Information for 2008

### Unit 1

#### Juvenile Drug Court Highlights

- Hon. Karen Braaten presides over the juvenile court proceedings
- Seventeen juveniles entered the program
- There were four graduations.
- There are currently 10 participants.
- Participants completed 557 hours of community service

### Unit 2

#### Juvenile Drug Court Highlights

- Hon. Wade Webb presides over the drug court proceedings.
- Twenty-five participants entered the drug court program.
- There were five graduations
- There are currently 12 participants.
- Participants completed 770 hours of community service.

### Unit 3

#### Juvenile Drug Court Highlights

- Referee John Grinsteiner presides over the drug court proceedings.
- Nineteen participants entered the drug court program.
- There were five graduations
- There are currently seven participants.
- Participants completed 1,097 hours of community service.

### Unit 4

#### Juvenile Drug Court Highlights

- Hon. Doug Mattson presides over the drug court proceedings for Minot's Juvenile Drug Court Program.
- There were 10 participants in the drug court program.
- There were four graduations.
- Participants completed 172 hours of community service.
- Hon. David Nelson presides over the drug court proceedings for Williston's Juvenile Drug Court Program.
- There were five participants in the program.
- There was one graduation.
- There are currently two active participants.
- Williston's drug court participants completed 391 hours of community service.

## Statewide Data as of December 31, 2008

- 338 juveniles have entered the drug court programs.
- 136 have successfully graduated from the drug court programs.
- There are currently 34 participants.
- Participants completed a total of 2,987 community service hours in 2008.
- At least 50 percent of the participants were terminated from the program because of noncompliance and further offenses.
- Average age at entry is 16.5 years.
- \$2,024 in restitution was collected from the participants in 2008.
- There were 2,838 drug tests administered in 2008 and 2,762 alcohol tests administered.
- 298 drug and alcohol tests were positive.



## Juvenile Caseload

This year's data shows a decrease in juvenile offenses. Overall referrals showed a decrease of 6 percent after decreasing 6 percent from 2006 to 2007.

As with the criminal caseload, North Dakota's low violent crime rate is reflected in its juvenile court statistics. Offenses against persons made up only 7 percent of the juvenile court caseload. Meanwhile, status offenses (offenses that only a child can commit) made up 39 percent of the caseload. Property offenses comprise 22 percent; traffic offenses 5 percent; deprivation 9 percent; and other delinquency 36 percent of the juvenile caseload.

The method by which cases were disposed shows a continued reliance on adjusted/diverted proceedings. Of the cases heard, 55 percent were disposed of through adjusted/diverted proceedings in 2008, compared with 60 percent in 2007. The use of informal probation adjustments decreased in 2008. The formal juvenile court caseload reflected an increase over previous years. Tables comparing the types of disposition and reasons for referral to the juvenile court in 2007 and 2008 follow. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral to the juvenile court.

### Types of Juvenile Court Dispositions for 2007 and 2008

Judicial District	Formal		Informal/Probation		Adjusted/Diverted		Total Dispositions		Percent Difference
	2007	2008	2007	2008	2007	2008	2007	2008	
East Central	860	982	358	306	1,489	1,307	2,707	2,595	-4%
Northeast	238	256	156	119	627	538	1,021	913	-11%
NE Central	332	325	281	278	533	463	1,146	1,066	-7%
Northwest	419	457	240	195	1,125	897	1,784	1,549	-13%
South Central	772	918	240	288	1,973	1,422	2,985	2,628	-12%
Southeast	263	285	179	156	765	833	1,207	1,274	6%
Southwest	165	151	76	69	483	282	724	502	-31%
<b>TOTAL</b>	<b>3,049</b>	<b>3,374</b>	<b>1,530</b>	<b>1,411</b>	<b>6,995</b>	<b>5,742</b>	<b>11,574</b>	<b>10,527</b>	<b>-9%</b>
<b>Percent of total</b>	<b>26%</b>	<b>32%</b>	<b>13%</b>	<b>13%</b>	<b>60%</b>	<b>55%</b>			

\* 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 2007 and 2008**

		2007	2008	% Change	% of Total
<b>FAMILY</b>		<b>1,788</b>	<b>1,779</b>	<b>-1%</b>	<b>21%</b>
	Runaway (instate resident)	545	519		
	Runaway (out-of-state resident)	19	11		
	Truancy	275	231		
	Ungovernable Behavior	600	695		
	Curfew	304	306		
	Other Unruly	45	17		
<b>DELINQUENCY</b>		<b>6,280</b>	<b>5,703</b>	<b>-9%</b>	<b>68%</b>
	Offenses Against Persons	<b>696</b>	<b>569</b>	<b>-18%</b>	
	Assault	437	387		
	Terrorizing-Stalking-Menacing	174	107		
	Homicide (negligent)	4	0		
	Kidnapping	0	0		
	Other Offenses Against Persons	9	4		
	Sex Offenses	72	71		
	Offenses Against Property	<b>1,878</b>	<b>1,797</b>	<b>-4%</b>	
	Arson/Fire Related	19	11		
	Burglary	202	158		
	Criminal Mischief/Vandalism	391	333		
	Criminal Trespass	91	111		
	Forgery	18	6		
	Other Property Offenses	51	37		
	Possession of Stolen Property	65	41		
	Robbery	5	0		
	Shoplifting	446	416		
	Theft	590	684		
	Traffic Offenses	<b>379</b>	<b>377</b>	<b>-1%</b>	
	DUI/Physical Control	95	93		
	Driving without License	175	120		
	Other Traffic	109	164		
	Other Offenses (69%)	<b>3,327</b>	<b>2,960</b>	<b>-11%</b>	
	Check Offenses	11	19		
	City Ordinances	43	34		
	Disorderly Conduct	600	669		
	Weapons	32	39		
	Game and Fish	52	45		
	Obstruction	5	1		
	Other Public Order	241	207		
	Possession/Purchase Alcohol	1,807	1,453		
	Controlled Substance - Possession	473	439		
	Controlled Substance - Delivery	26	19		
	Tobacco	37	35		
<b>DEPRIVATION</b>		<b>730</b>	<b>788</b>	<b>8%</b>	<b>9%</b>
	Abandonment	0	0		
	Abuse/Neglect	64	7		
	Deprived	666	781		
<b>SPEC. PROCEEDING</b>		<b>112</b>	<b>63</b>	<b>-44%</b>	<b>1%</b>
	Termination of Parental Rights (Involuntary)	99	37		
	Termination of Parental Rights (Voluntary)	9	23		
	Other Special Proceeding	4	3		
<b>TOTAL</b>		<b>8,910</b>	<b>8,333</b>	<b>-6%</b>	



“Collaboration and networking among community agencies and juvenile court staff is essential to enhance communication and cooperation. One way we do this is through the Region

VII Children’s Services Coalition in Bismarck. It is an active coalition to oversee, plan, develop and coordinate the delivery of services to families with children at risk. What is unique about this coalition is that it functions with little or no funds. Agency professionals and court staff simply agree to meet and exchange ideas and suggestions to attempt to meet the needs of youth and families within the region. The Coalition is an opportunity to exchange opinions, ideas and suggestions. Collaboration can assist in identifying community strengths/needs and funding recommendations. Ultimately, it can reduce program duplication with quality services. The overall process is an efficient and cost effective means of addressing the needs of youth and families. It’s community/court involvement at its best.”

— Dave McGeary, Juvenile Court Director, Unit 3

## Juvenile Court Included In Notice of Rights Video Project

A multi-language video for Notice of Rights, was developed in the East Central Judicial District in 2007. This past year, that project was expanded to include juvenile court.

The goal of both projects is for the defendant’s first contact with the court to be in his or her native language. Because of the influx of New Americans into the Fargo community, there are a number of foreign language speakers who appear regularly in court.

The Notice of Rights video, both in English and the other languages, is used at the daily arraignment sessions in the district court in Fargo, and will be available in 2009 for the juvenile court sessions. Work on the video version of rights in juvenile court cases started in 2008. Three versions of rights have already been taped in English—one for formal unruly or delinquency hearings, a second for formal deprivation hearings, and the third for detention hearings.

Court administrators are in the process of locating interpreters whose voices will be dubbed over the English version. When completed, the video will be available in Arabic, Bosnian, French, Somali, and Spanish.



### Municipal Court Overview

“The municipal courts are often the first exposure that individuals have with the justice system where a fine or penalty might potentially be imposed. Cases heard in our courts range from speeding tickets and dog cases to underage drinking, DUI and domestic assault. United States and North Dakota constitutional law are applicable as well as the North Dakota Rules of Evidence and North Dakota Rules of Criminal Procedure in criminal trials. State laws as well as the respective municipal ordinances are utilized for the hearings in the administrative traffic proceedings. The municipal courts do the appointing of indigent defense counsel in criminal trials and the cities pay for the services, subject to possible reimbursement. The courts conduct bench trials at the municipal level for criminal offenses. The municipal courts play an important role in the state judicial system as they have the most direct contact with the residents of the cities that are served.”

—Tom Goven, Valley City Municipal Court Judge.

## Municipal Courts

There are approximately 363 incorporated cities in North Dakota. Currently, there are 73 municipal judges serving in 88 courts. 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. At present, there are approximately 19 legally-trained and 54 lay municipal judges in the state. Vacancies that occur between elections are filled by the executive officer of the municipality with the consent of the governing body of the municipality.

Each municipal judge must complete at least 18 hours of approved continuing judicial education course work every three years. In addition each new municipal court judge must complete a judicial orientation course within the first three months of taking office. If a municipal judge fails to meet the requirements without an excused absence from the Judicial Branch 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.





**UCIS Replacement**  
**Collection Efforts**  
**Credit Card Payment Capability**  
**Budgets**  
**Technology Data**  
**State Court Administration Overview**

## Progress Made Toward New Case Management System

Much of 2008 was devoted to planning for the eminent replacement of the district court case management system.

As Chief Justice Gerald W. Vandewalle remarked in his 2007 State of the Judiciary Address: *“The court, like every other business or government entity, relies on computers to track our case files and opinions. In today’s society, we could not function without them. Our current system, Unified Court Information System (UCIS), is now 18 years old and in need of replacement. Replacing such a complex system is a hard and lengthy process. We anticipate going through the planning, request for proposals, and workflow processes in the coming year, in preparation for purchasing a new system in the next biennium.”*

UCIS is a system originally developed in Minnesota during 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 all 53 of North Dakota’s counties. 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 20 years ago.

Upon receiving funding from the 60th Legislative Assembly to begin the replacement process, an operational oversight group was formed and a project manager was hired to spearhead the RFP process. There were nine responses to the RFP. The top three vendors were given an opportunity to demonstrate their product.

Vendor demonstrations began in July after which the review was narrowed to two vendors.

The review consisted of three parts: (1) use of 30-day temporary licenses to further test both products in the web environment; (2) site visits to two current system users for each product; and (3) reference checks with current users. Eleven clerks participated in the hands-on testing.

Throughout August, site visits occurred in Las Vegas, Nevada; Lexington, Kentucky; and Plano, Texas. Reference checks were conducted with sites located in New Mexico, Indiana, Missouri, Minnesota, Delaware, and Arkansas.

In September, the Odyssey Case Manager System by Tyler Technologies was chosen for our new case management system. This decision was largely based on three factors:

- Experience of the Vendor – Over the past five years, Tyler has had many single court installations of the Odyssey product and one completed state-wide implementation. They currently have four state-wide implementations in various stages of completion.
- Maturity of the Product – Tyler has completed all major development of the core product. It is a mature and stable product that is past the development stage and is now in a maintenance stage.
- User Satisfaction – Current customers of the Odyssey system report that they are satisfied with both the product and the vendor.



Work with Tyler began in earnest in November. This included discussions on the statement of work, assignment of roles and responsibilities between court and Tyler staff, review of initial fit analysis documents, review of technical requirements for data conversion, and integration activities. The scope of the pilot project was established and Cass and Traill counties were chosen as the sites for the pilot.

During December, planning sessions began with Wiznet, the company providing the e-filing component and Sonant, the company providing the Interactive Voice Response (IVR) and Interactive Web Response (IWR) component of Odyssey. Additional meetings were held with Tyler representatives to discuss data conversion steps between the UCIS legacy system and Odyssey as well as required interfaces between the Judiciary and some state agencies.

In 2009, the SCAO will be requesting additional funding to complete the replacement project. If funding is received, it is anticipated that the pilot project will be ready to go live in October, 2009. Pending a successful rollout of the pilot, further deployments will continue throughout the remainder of the 2009-2011 biennium until all counties are using the Odyssey system.

## Efforts In Place To Collect Outstanding Court Fees, Fines

During the 2007 legislative session, the State Court Administrator, acting on behalf of the state courts, was given authority to offset North Dakota state income tax refunds to pay outstanding court ordered fines, fees, or costs due the state.

In January 2008, after much preparation and a coordinated effort, the judiciary implemented an interface with the North Dakota State Tax Commissioner's office. The purpose of the interface is to transfer information to the Tax Commissioner regarding any accounts with the court that are delinquent by 90 days or more.

The first step in this process was to notify court patrons statewide. Approximately 25,000 notices were mailed in December 2007 to all defendants with delinquent accounts. The response to the notice was overwhelming. Not only did many payment schedules get back on track, many people paid their account in full to avoid having their tax refunds seized. The interface continues to be updated daily based on the information being entered into UCIS by the clerks of court.

The total collected through tax intercepts for calendar year 2008 was \$169,015.17. It was applied to 1,727 cases involving 1,654 defendants.

### Ledger card procedure

The McHenry County Clerk of Court's office was selected in late 2007 to implement a project to collect on delinquent accounts established prior to 2001 using the Ledger Card Procedures established by the Administrative Council in 2005.

With the assistance of staff from the State Court Administrator's office, a procedure was established, appropriate changes were made in case management system, and work began. The clerks sorted through the ledger cards, worked on one county at a time, printing the criminal ledger cards and highlighting each case that had past due fines and fees prior to 2001. The next step was to locate updated addresses for each



defendant. After locating the most recent address for a defendant, a printed notice stating that the case was more than 90 days delinquent was mailed, along with a remittance slip. An envelope addressed to the county to which the money was owed was also included with the notice.

Initial collection efforts resulted in fees being paid in full on delinquent cases and payment plans being established. The clerks continue to send out notices each week to locate delinquent defendants and clear cases. Future plans for the program include collection of delinquent restitution, determination of uncollectable cases, and conversion of certain cases to civil judgments.

## Credit Cards Accepted for Court Payments

All of the state-funded Clerk's of Court offices, except Rollette County, are accepting credit cards for all types of payments including bond and restitution. In these 11 counties, individuals have the option of making payments in person at the clerk of court's office or over the phone using their Visa, MasterCard or Discover card. During 2009, the Court Administrator's office plans to expand the credit card program to all 53 counties and eventually allow credit card transactions to be made on-line in, in person or over the phone.

Since July 2007, the 11 state-funded counties accepting credit cards have averaged, in total, over 570 credit card transactions per month. Nearly five percent of state revenues collected in the 11 counties, or \$33,500 per month, are from credit card transactions. The use of credit cards for payment of court transactions has been steadily increasing since the inception of the program.

Under the program, each county's entire share of revenues collected from credit cards are credited to the bank account designated by the county. With expansion of the program to the remaining 42 counties and allowing for on-line transactions, there is potential for a significant amount of revenues to be collected through credit card transactions.

During the fiscal year ending June 30, 2008, North Dakota's clerk of court offices collected state revenues totaling nearly \$11.7 million. The largest percentage of state revenues collected, approximately \$4.8 million, was transferred to the State General Fund. Approximately \$4.7 million was transferred to the Common Schools

### Revenues Collected Fiscal Year Ending 6/30/2008

**State General Fund \$4,766,915**

**State Tuition Fund \$4,691,003**

**State Special Funds Fund \$2,241,732**

**Special Funds**

Fund 279 - Court Facility Improvement Fee - \$617,997

Fund 282 - Indigent Defense Service Fee - \$907,997

Fund 282 - Indigent Application Fee - \$95,896

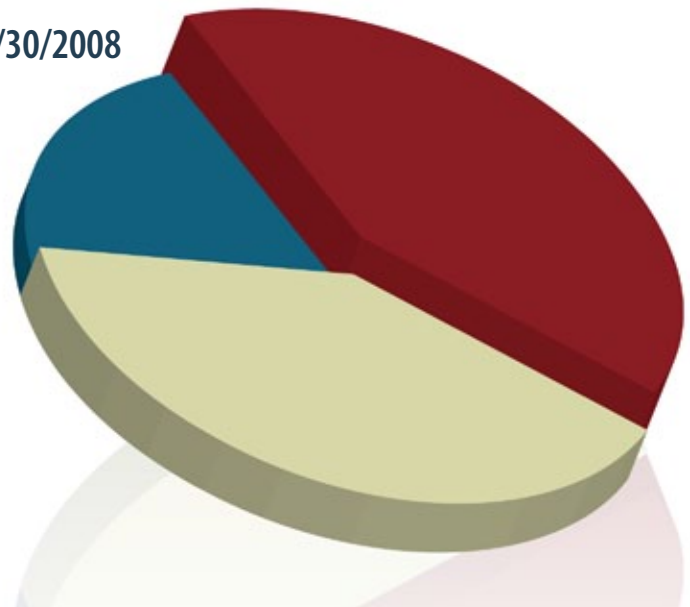
Fund 237 - Civil Legal Service - \$320,140

Fund 462 - Domestic Violence Prevention - \$144,990

Fund 235 - Displaced Homemakers - \$99,176

Fund 268 - Restitution Collection Assistance - \$28,988

Fund 320 - Community Service Supervision - \$26,547



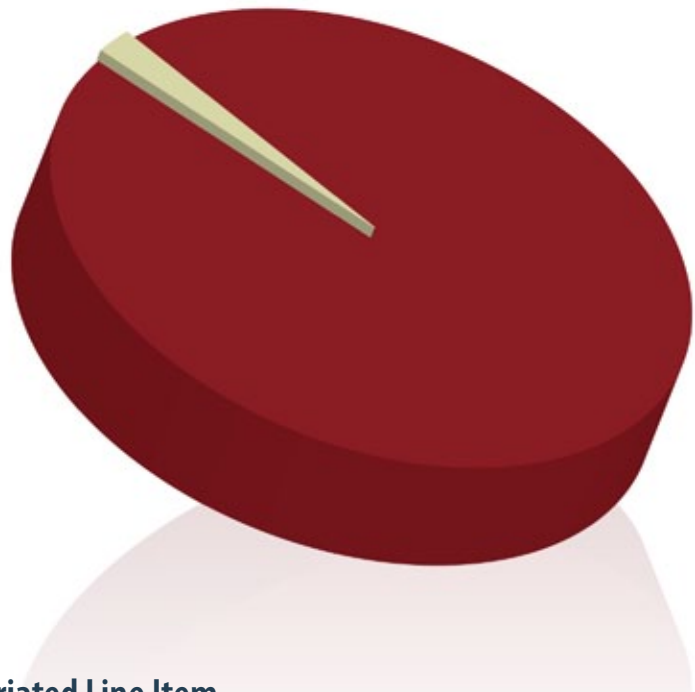
Trust Fund for the benefit of K-12 education in North Dakota. Approximately \$2.2 million was transferred to special funds to be used for various programs within the Judicial Branch, Commission on Legal Counsel for Indigents, Health Department and other state agencies.

The Unified Case Information System (UCIS) has been programmed to account for the receipt of revenues from credit cards. The Court Administrator's office has also developed procedures to be followed regarding acceptance of credit cards and provided training to the clerk's offices. As we move toward a paperless and web-based society, the credit card program will provide greater functionality for the public to conduct court business outside normal business hours. In the near future, North Dakota courts will be open for business 24 hours a day, seven days a week, simply by going to [www.ndcourts.gov](http://www.ndcourts.gov).

## Judicial Portion Of The State's Budget 2007-2009 Biennium

**Total State General and Special Funds Appropriation**  
**\$6,477,489,040**

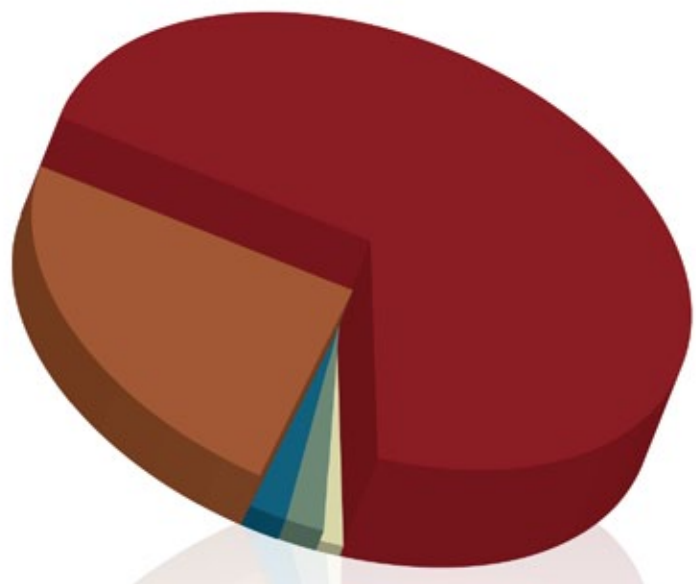
Executive And Legislative Branch General And Special Funds Appropriation	<b>\$6,408,353,522 (99%)</b>
Judicial Branch General and Special Funds Appropriation	<b>\$69,135,518 (1%)</b>



## State Judicial Branch Appropriation by Appropriated Line Item 2007-2009 Biennium

**Total Judicial Branch General and Special Funds Appropriation**  
**\$69,135,518**

Salaries and Benefits	<b>\$49,174,244 (71%)</b>
Operating Expenses	<b>\$16,784,616 (24%)</b>
Mediation	<b>\$ 1,076,824 (2%)</b>
Capital Assets	<b>\$ 554,583 (1%)</b>
Special Purposes	<b>\$ 1,545,271 (2%)</b>



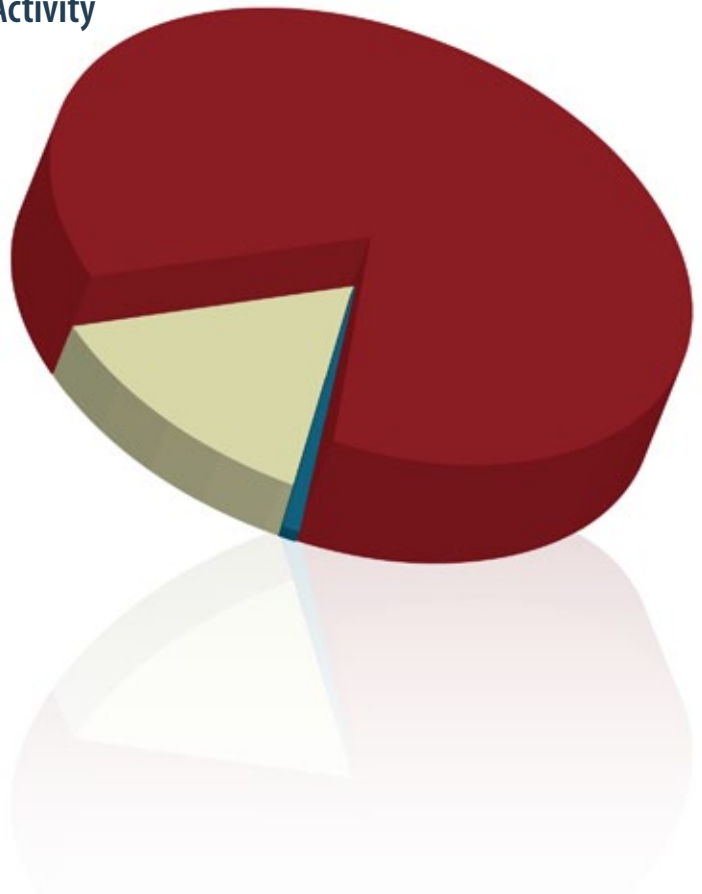


**STATE JUDICIAL BRANCH APPROPRIATION  
BY TYPE OF ACTIVITY  
2007-2009 BIENNIUM**

<b>Supreme Court</b>		
General Fund	\$ 9,439,021	
Special Funds	-	
<b>TOTAL</b>	<b>\$ 9,439,021</b>	<b>(14%)</b>
<b>District Courts</b>		
General Fund	\$57,078,615	
Federal Funds	1,900,591	
<b>TOTAL</b>	<b>\$58,979,206</b>	<b>(85%)</b>
<b>Judicial Conduct Commission &amp; Disciplinary Board</b>		
General Fund	\$ 418,242	
Special Funds	299,049	
<b>TOTAL</b>	<b>\$ 717,291</b>	<b>( 1%)</b>

**State Judicial Branch Appropriation by Type Of Activity  
2007-2009 Biennium**

Supreme Court	<b>\$ 9,439,021 (14%)</b>
District Courts	<b>\$58,979,206 (85%)</b>
Judicial Conduct Commission & Disciplinary Board	<b>\$ 717,291 (1%)</b>



## 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 2008, there were 86,606 traffic citations processed. Sixty-seven 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. Since 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 some time. 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 2008, we had 514 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 5,174 inquiries per day, with approximately one-third 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 others using and accessing the court's information systems. In 2008, the Help Desk received 4,035 support tickets.

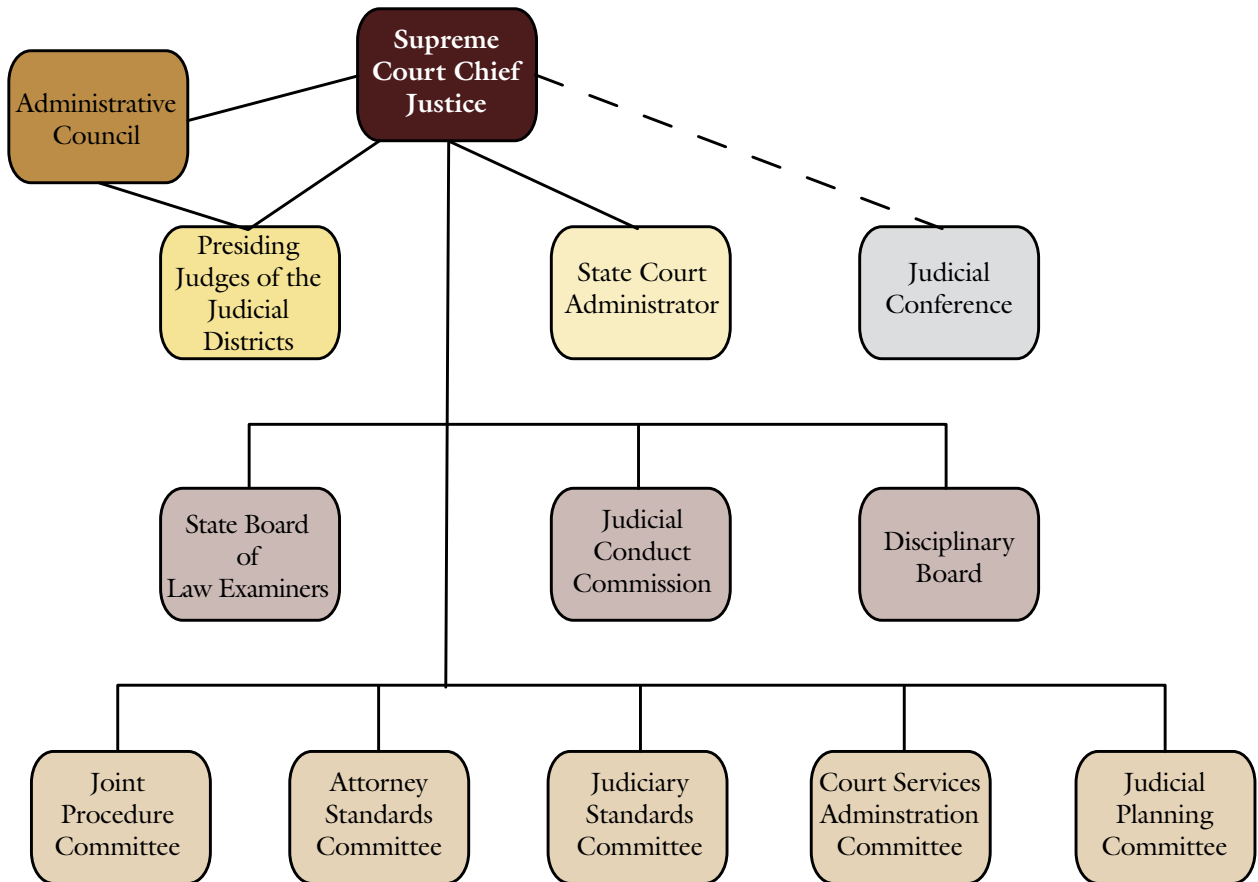


## Administration of the Judicial System

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

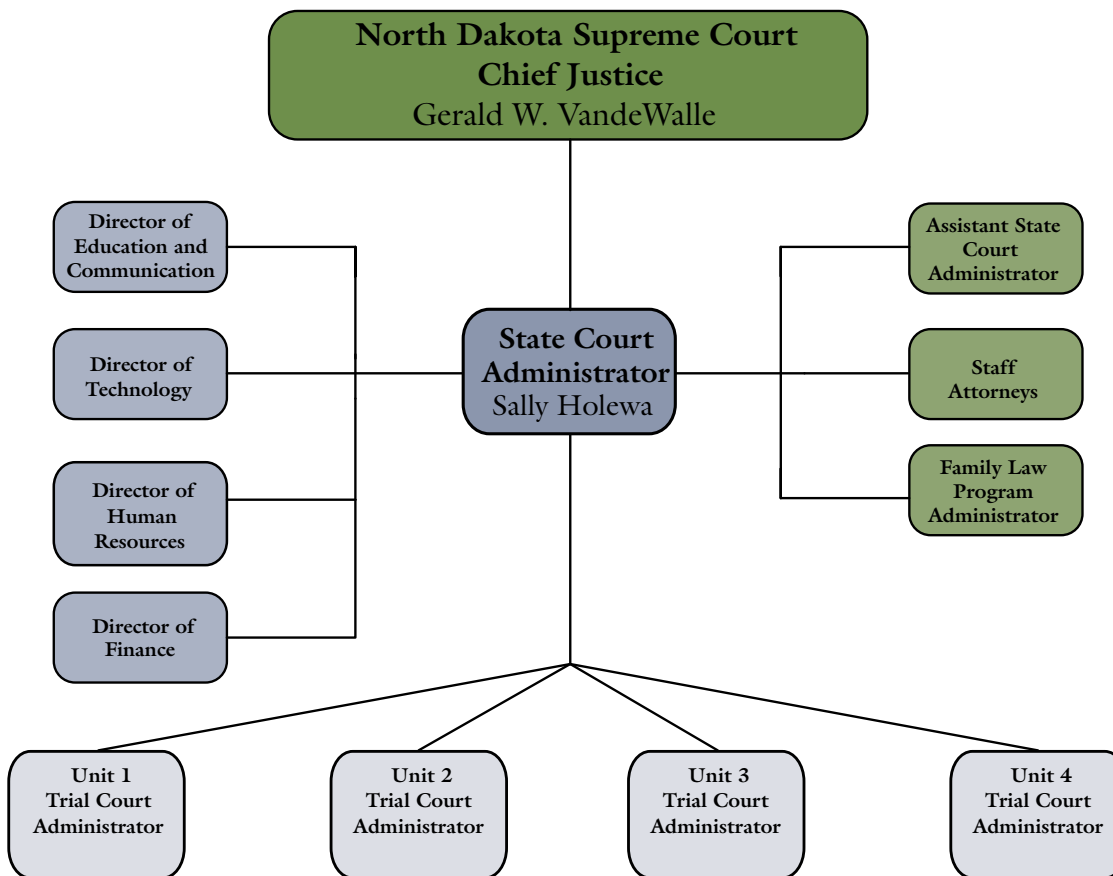


## Office of State Court Administrator

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](http://www.ndcourts.gov/court/email/frAdmin.htm).

### NORTH DAKOTA ADMINISTRATIVE OFFICE OF THE COURT





**Court Improvement/Children's Justice  
Committee Highlights  
Disciplinary Board  
Judicial Conduct Commission  
Law Examiners**



## Court Improvement Sponsors First Children's Justice Symposium

Over 400 individuals took part in the first Children's Justice Symposium held in July 2008. The event, which addressed issues relating to child welfare, was sponsored by the North Dakota Supreme Court's Court Improvement Committee and the North Dakota Department of Human Services.

Participants included social service workers, judicial officers, juvenile court officers, law enforcement, educators, attorneys, treatment providers, foster parents, and other stakeholders in the child welfare system.

The Symposium was part of an ongoing collaboration between the court system and the Department of Human Services.

"Our partnership with the North Dakota Supreme Court to present cross-disciplinary training of this caliber in the state created a sentinel event for our child welfare staff, law enforcement, and judicial and court personnel," said Tara Muhlhauser, Director of Children and Family Services. "The opportunity to learn together in this symposium and to work together in furthering our skills and knowledge was invaluable."

Symposium highlights were keynote addresses by Dr. James Garbarino, Judge William Byars, Carol Spigner, and Mark Washington. Topics included childhood aggression, the psychological impact of placement on children, a paradigm shift in how the system looks at time, and front-end prevention strategies. Other workshops addressed education issues, collaborative strategies, representing parents, over-representation of tribal children, childhood trauma, workforce development, and the effects of exposure to drugs and alcohol.

"We were very excited to have the partnership of the Supreme Court in presenting the Children's Justice Symposium in the summer of 2008. It provided a great learning opportunity for all of the child welfare system partners who are facing the complicated issues that children and families face on a daily basis," said Pete Tunseth, Director of the Children and Family Services Training Center at the University of North Dakota. "It was a great experience working with the Supreme Court in putting this symposium together."

The Symposium was funded through a federal grant program. The North Dakota Supreme Court receives three Court Improvement grants each year designed to improve the quality and timeliness of juvenile court disposition of abuse, neglect, foster care, and adoption cases. 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 Supreme Court applied for the Education and Training Grant in 2006. Implementation of the various training projects began in November 2006 and will continue through 2011. The second Children's Justice Symposium is scheduled for summer 2010.



## North Dakota Judicial System Committees, Councils, Commissions and Boards

In the North Dakota Judicial Branch, a system of committees has been established to develop new ideas and evaluate proposals for improving public services. These advisory committees include citizen members, legislators, lawyers, 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](http://www.ndcourts.gov/committees/committees.htm).

### 2008 Committee Highlights

#### **Court Improvement Project Committee**

*Chair – Judge Sonya Clapp*

- The GAL subcommittee worked on draft rules governing juvenile court lay guardians ad litem to include such areas as qualifications, criteria for appointment, responsibilities, powers of GALs, and a review board.
- The ICWA subcommittee explored compliance issues, access to juvenile court files, and efforts to include procedures on the Indian Child Welfare Act requirements in the Department of Human Services best practices manual.
- The Committee continued to sponsor the annual Indian Child Welfare Act Conference coordinated by the Native American Training Institute.
- Grant funds were used to support judicial training and training for both defense attorneys and state's attorneys.
- The committee co-sponsored a state-wide Children's Justice Symposium, which brought together juvenile dependency and delinquency professionals, including judicial officers, court administrators, child welfare professionals, public defenders, state's attorneys, probation officers, educators, mental health professionals, and service providers to learn about the latest research and best practices with regard to improving juvenile justice and child abuse and neglect proceedings.
- A contract was awarded for the collection and analysis of court data related to child deprivation cases and the establishment of performance measures for these cases.

#### **Custody Investigator Review Board**

*Chair – Sherry Mills Moore*

- Received four complaints relating to custody investigators.
- Dismissed three complaints after comprehensive panel investigations.
- Dismissed one complaint by summary process.

#### **Informal Complaint Panel**

*Chair – Judge Karen Braaten*

- Continued working to inform the court community about the informal complaint process by sending members to speak at staff education workshops.
- Prepared an opinion on how the informal complaint process applies to contract clerks of court.
- Received and resolved five informal complaints during the year.



### Joint Procedure Committee

*Chair – Justice Mary Muehlen Maring*

- Refined rules related to the electronic service and filing of documents.
- Finalized a new rule designed to improve protection of personal information in court documents.
- Drafted a new rule providing guidelines for the pretrial diversion of criminal defendants.
- Implemented rule amendments allowing attorneys to provide limited services to otherwise unrepresented parties.
- Continued work on form and style revisions to the Rules of Civil Procedure designed to make the rules more easily understood.

### Judicial Branch Education Commission

*Chair – Justice Mary Muehlen Maring*

- Sponsored an Advanced Faculty Development Institute.
- Submitted amendments to Administrative Rule 36 to the Supreme Court for approval including changing the name to the Judicial Branch Education Commission, adding the Director of Technology as an ex-officio member of the Commission, and establishing new continuing education reporting requirements for municipal court judges (<http://www.ndcourts.gov/court/rules/administrative/ar36.htm>).
- Proposed an amendment to Administrative Order 9 adding the Director of Education and Communication as an ex-officio member of the Court Technology Committee (<http://www.ndcourts.gov/court/rules/administrative/ao09.htm>).
- Began revisions to orientation programs for new district court judges and juvenile court officers.

### Juvenile Policy Board

*Chair – Judge Debbie Kleven*

- Discussed proposed rules for Juvenile Court procedure and sent draft rules out for comment.
- Adopted new language in the Best Practices Manual for Juvenile Court Officers.

### Personnel Policy Board

*Chair – Judge M. Richard Geiger*

- Recommended update to salary range structure based on legislative appropriations.
- Reviewed classifications regarding Education and Special Projects Coordinator, Program Manager, and Chief Deputy Supreme Court.
- Proposed to increase the membership of the Personnel Policy Board from eight to nine members.
- Drafted definition of Appointing Authority.
- Drafted changes to Annual Leave and Funeral Leave policies.
- Proposed changes to the minimum qualifications for existing court classifications.



## 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.

More information about how the board processes complaints can be found at [http://www.ndcourts.gov/court/committees/disc\\_brd/Information.htm](http://www.ndcourts.gov/court/committees/disc_brd/Information.htm).

Following is a summary of complaint files under consideration in 2008.



Disciplinary Board Data	
<b>New Complaint Files Opened in 2008</b>	<b>213</b>
<b>General Nature of Complaints:</b>	
Client Funds & Property	10
Conflict of Interest	10
Criminal Convictions	2
Disability/Incapacity to Practice Law	0
Excessive Fees	18
Failure to Communicate/Cooperate with Client	6
Improper Conduct	108
Incompetent Representation	42
Misappropriation/Fraud	4
Neglect/Delay	3
Petition for Reinstatement	1
Unauthorized Practice of Law	6
Reciprocal Discipline	3
<b>TOTAL</b>	<b>213</b>
<b>Formal Proceedings Pending From Prior Years</b>	<b>32</b>
<b>Other Complaint Files Pending From Prior Years</b>	<b>96</b>
<b>Appeals Filed with Disciplinary Board in 2008</b>	<b>34</b>
<b>Appeals Filed with Supreme Court in 2008</b>	<b>0</b>
<b>Total Filed for Consideration in 2008</b>	<b>375</b>
<b>Disposition of Complaint Files:</b>	
Dismissed by Inquiry Committees	106
Dismissed Without Prejudice by Inquiry Committees	0
Summary Dismissals by Inquiry Committees	57
Admonitions Issued by Inquiry Committees	4
Consent Probation by Inquiry Committees	4
Referred to Lawyer Assistance Program By Inquiry Committee or Hearing Panel	0
Disciplinary Board Approves IC Dismissal	15
Disciplinary Board Disapproves IC Disposition	1
Disciplinary Board Approves IC Admonition	2
Disciplinary Board Approves Consent Probation	0
Dismissal by Hearing Panel	0
Reprimand by Hearing Panel	1
Reprimand by Supreme Court	0
Reinstatement by Supreme Court	1
Suspensions by Supreme Court	*8
Disbarments by Supreme Court	**7
Transfer to Disability Status by Supreme Court	0
Interim Suspensions by Supreme Court	2
Formal Proceedings Pending 12/31/08	41
Other Complaint Files Pending 12/31/08	133
<b>TOTAL</b>	<b>***382</b>

\*8 files results in suspension of 5 attorneys

\*\*7 files resulted in disbarment of 2 attorneys

\*\*\*Number reflects multiple disposition in 5 files, and 2 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.

More information about the Commission can be found at [http://www.ndcourts.gov/court/committees/Jud\\_Cond/complaints.htm](http://www.ndcourts.gov/court/committees/Jud_Cond/complaints.htm).

### Of the new complaints filed in 2008:

- 38 were against 21 District Court Judges
- 2 were against 2 Judicial Referees
- 2 were against 2 Municipal Court Judges
- 17 were against 5 Supreme Court Justices



<b>New Complaints Opened in 2008</b>	<b>60</b>
General Nature of Complaints:	
Abuse of authority/prestige	1
Bias, discrimination/partiality	13
Conflict of interest	2
Criminal behavior	1
Delay court business	1
Ex parte communications	2
General demeanor/decorum	3
Improper conduct on bench	2
Improper decision/ruling	11
No specific allegations	23
Willful misconduct in office	1
<b>Total</b>	<b>60</b>
<b>Complaint Files Carried Over from 2007</b>	<b>4</b>
<b>Total Files Pending Consideration in 2008</b>	<b>64</b>
Disposition of Complaints:	
Admonition	3
Dismissed	3
Summarily Dismissed	55
<b>Total 2008 Dispositions</b>	<b>61</b>
<b>Complaint Files Pending as of 12/31/08</b>	<b>3</b>

## State Board of Law Examiners

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

Of the 106 attorneys admitted in 2008, 57 were by bar examination; 20 by achieving 150 scaled score on the Multistate Bar Examination and admission in another state; and 29 by having the requisite years of practice in another state.

Continuing a trend, in 2008 the Board in its licensing capacity issued 1,990 licenses, the highest number ever issued in North Dakota.

As a part of its responsibilities, the Board monitors the pro hac vice admission of attorneys who are not licensed in North Dakota. During 2008, 155 nonresident attorneys appeared in North Dakota courts under Rule 3, Admission to Practice Rules. (<http://www.ndcourts.gov/rules/Admission/frameset.htm>).

In 2008, Board members were Rebecca S. Thiem of the Bismarck firm of Zuger, Kirmis & Smith; Mark L. Stenehjem of the Williston firm of McKennett, Stenehjem, Forsberg & Hermanson; and Paul F. Richard of MeritCare Health System in Fargo.

On December 31, 2008, Ms. Thiem's term expired, and she was not eligible for reappointment. The first woman to be appointed to the Board, Thiem served on the Board for 18 years, and as President for 13 of those years.

Passage Rate Passage rates for the February and July 2008 North Dakota Bar Examinations				
Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
02/08	19	9/47%	11	5/45%
07/08	60	52/87%	49	44/90%

