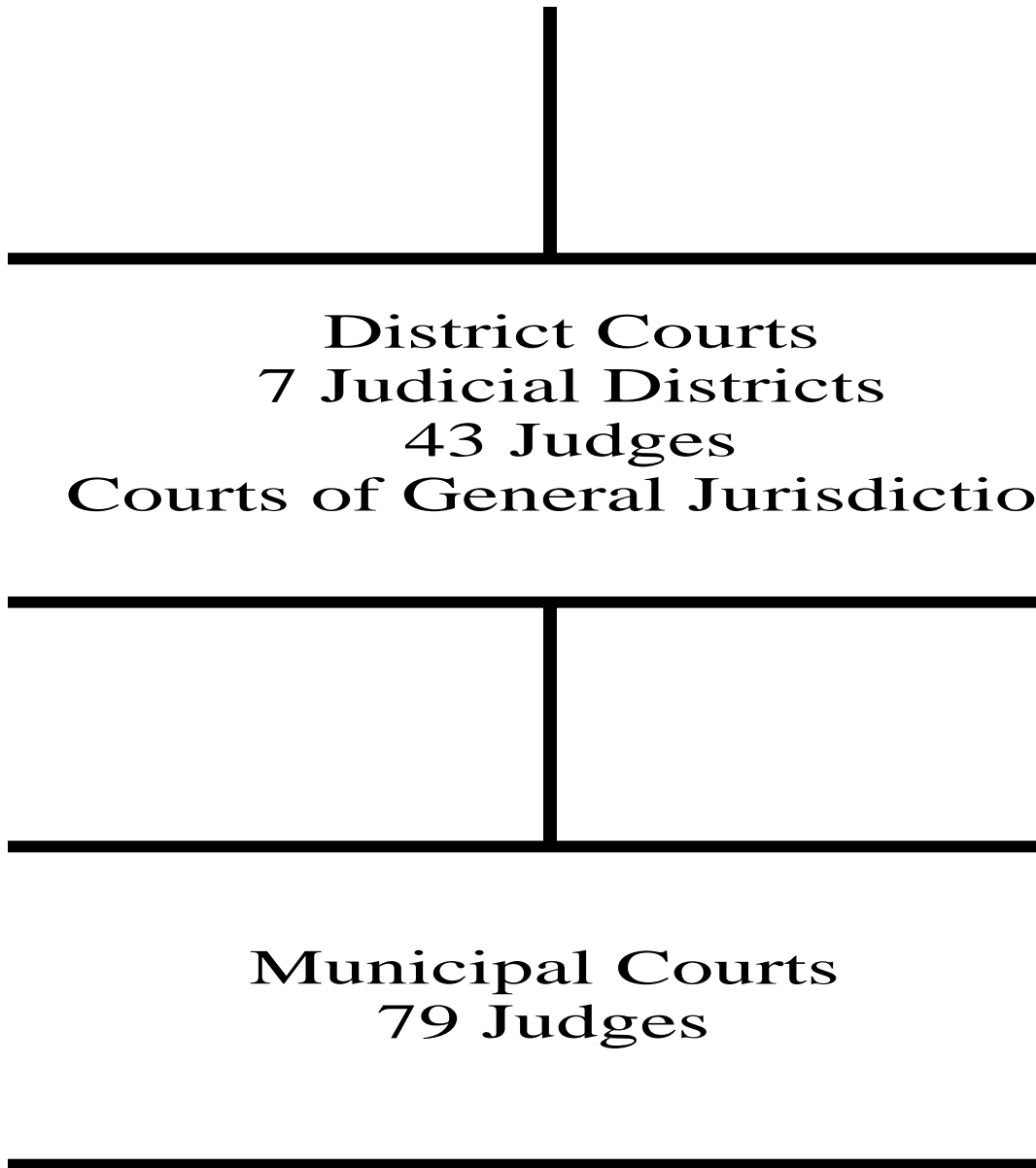


THE STRUCTURE OF THE NORTH DAKOTA JUDICIAL SYSTEM



# Profile of the North Dakota Judicial System

## Structure of the Court System

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

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

This changed once again as 1991 House Bill 1517 began implementation on July 1, 1991, with a completion date of January 1, 2001. Briefly stated, this legislation abolished county courts on January 1, 1995, with the jurisdictional workload transferring to an expanded number of district judges. The 1991 total of 26 county judges and 27 district court judges has been reduced to 43 district court judges sitting as of the end of 1998. This number is scheduled to be reduced to a total of 42 district court judges by January 1, 2001.

## Administrative Authority

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

## Selection and Removal of Judges

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

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

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

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

## North Dakota Supreme Court



Left to right: (Sitting) Justice

Dale V. Sandstrom; Chief

Justice Gerald W. VandeWalle; Justice William A. Neumann;  
(Standing) Justice Carol Ronning Kapsner; Justice Mary Muehlen Maring

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

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

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

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

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

In its administrative capacity, the Supreme Court has responsibility for ensuring the efficient and effective

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

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

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

administrative duties that are assigned by the Supreme Court. The state law librarian supervises the operation of the state law library.

The North Dakota Supreme Court went “live” in 1999 when some oral arguments were broadcast via the Court’s web page to commemorate Law Day and again in the Fall. The response was positive, according to the number of “hits” on the web page. Periodically, oral arguments will again be broadcast on the web. Visit <http://www.ndcourts.com> for the latest news about the Court.

Consistent, steady, and unremarkable describes the Supreme Court’s workload for calendar year 1999 from a statistical standpoint. These same adjectives, obviously, do not describe the impact of the unusual adjudicative and administrative decisions the Court was required to make during the year.

As the charts on this page and the next indicate, the Court saw a slight increase in case filings. The significant decrease in criminal filings somewhat balanced out the caseload despite an increase in civil filings. Decreases in appeals from drug and sexual offense convictions were dramatic, 69%, which attributes to the decline in criminal filings. This decrease changed a two-year pattern of increases. Appeals involving the Workers’ Compensation Bureau increased 81%, while appeals in family law cases involving divorce, child custody or support, marital property or alimony issues decreased by 24%. These two areas accounted for approximately 22% of the Court’s workload in 1999. Other areas which saw increases were employer/ employee disputes, oil and gas, miscellaneous statutory felonies, real property, paternity and post-conviction relief proceedings.

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

In addition to authoring an average of 49 majority opinions each, another 52 concurring and/or dissenting opinions were separately authored. There were 242 oral arguments calendared. Administratively, the Court’s agenda was overflowing with the legislative session, weekly motions and administrative conferences, committee work on both a state and national level, visits with students and others, and official appearances. Adding to the administrative workload were pro se appearances in 22% of the cases.

#### CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 1999 AND 1998 CALENDAR YEARS

	1999	1998	Percent Difference
New Filings	382	380	0.5
Civil	293	257	14.0
Criminal	89	123	-27.6
Transferred to Court of Appeals	0	16	-100
Civil	0	11	-100
Criminal	0	5	-100
New Filings Balance	382	364	4.9
Civil	293	246	19.1
Criminal	89	118	-24.6
Filings Carried Over From Previous Calendar Year	186*	200*	-7.0
Total Cases Docketed	568*	564*	0.7
Dispositions	380	353	7.6
Civil	267	236	13.1
Criminal	113	117	-3.4
Cases Pending as of December 31	188	211*	-11.0
Civil	149		
Criminal	39		

\*Several prior annual reports, did not give accurate statistics for the number of cases pending at year’s end. Technology has finally caught up with the Court.

**CASE DISPOSITIONS - 1999**

	<b>Civil</b>	<b>Criminal</b>
<b>BY OPINION:</b>		
Affirmed	102	62
Affirmed & Modified	3	0
Reversed; Reversed & Remanded	39	6
Affirmed in Part & Reversed in Part; Affirmed in Part & Dismissed in Part	20	1
Affirmed by Summary Disposition	17	11
Reversed by Summary Disposition	1	0
Dismissed	2	0
Discipline Imposed	14	
Original Jurisdiction--Denied	1	0
Certified Question Answered	1	0
Remanded	2	0
Order/Judgement Vacated/ Remanded	1	0
<b>Dispositions by Opinion</b>	<b>203</b>	<b>80</b>
<b>BY ORDER:</b>		
Dismissed	38	10
Dismissed After Conference	19	18
Original Jurisdiction- Denied & Granted in Part	1	0
Original Jurisdiction--Denied	6	4
No Court Action Required	0	1
<b>Dispositions by Order</b>	<b>64</b>	<b>33</b>
<b>Total Dispositions for 1999</b>	<b>267</b>	<b>113</b>

**CASELOAD OVERVIEW OF NORTH DAKOTA COURTS  
FOR 1999 AND 1998**

<b>Level of Court</b>	<b>Filings</b>		<b>Dispositions</b>	
	<b>1999</b>	<b>1998</b>	<b>1999</b>	<b>1998</b>
Supreme Court	382	380	380	353
District Courts	143,315	123,530	155,303	136,776
<b>TOTAL</b>	<b>143,697</b>	<b>123,901</b>	<b>155,683</b>	<b>137,129</b>

## North Dakota Court of Appeals

The Court of Appeals was established in 1987 to assist the Supreme Court in managing its workload. No cases were assigned to the Court of Appeals in 1999. However, the 1999 Legislative Assembly extended the authorization for the Court of Appeals to January 1, 2004.

Since it was established, the Court of Appeals has disposed of 67 cases.

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

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

### CASELOAD SYNOPSIS OF THE COURT OF APPEALS FOR THE 1999 CALENDAR YEAR

	1999
1999 Cases Assigned	0
Civil	0
Criminal	0
1998 & 1997 Cases	
Pending	3
Civil	2
Criminal	1
Total Cases Docketed	3
Civil	2
Criminal	1
Dispositions	3
Civil	2
Criminal	1
Cases Pending as of December 31	0
Civil	0
Criminal	0

1999 DISPOSITIONS	Civil	Criminal
Affirmed	2	1
<b>TOTAL 1999 DISPOSITIONS</b>	<b>2</b>	<b>1</b>

## DISTRICT COURTS

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

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

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

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

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

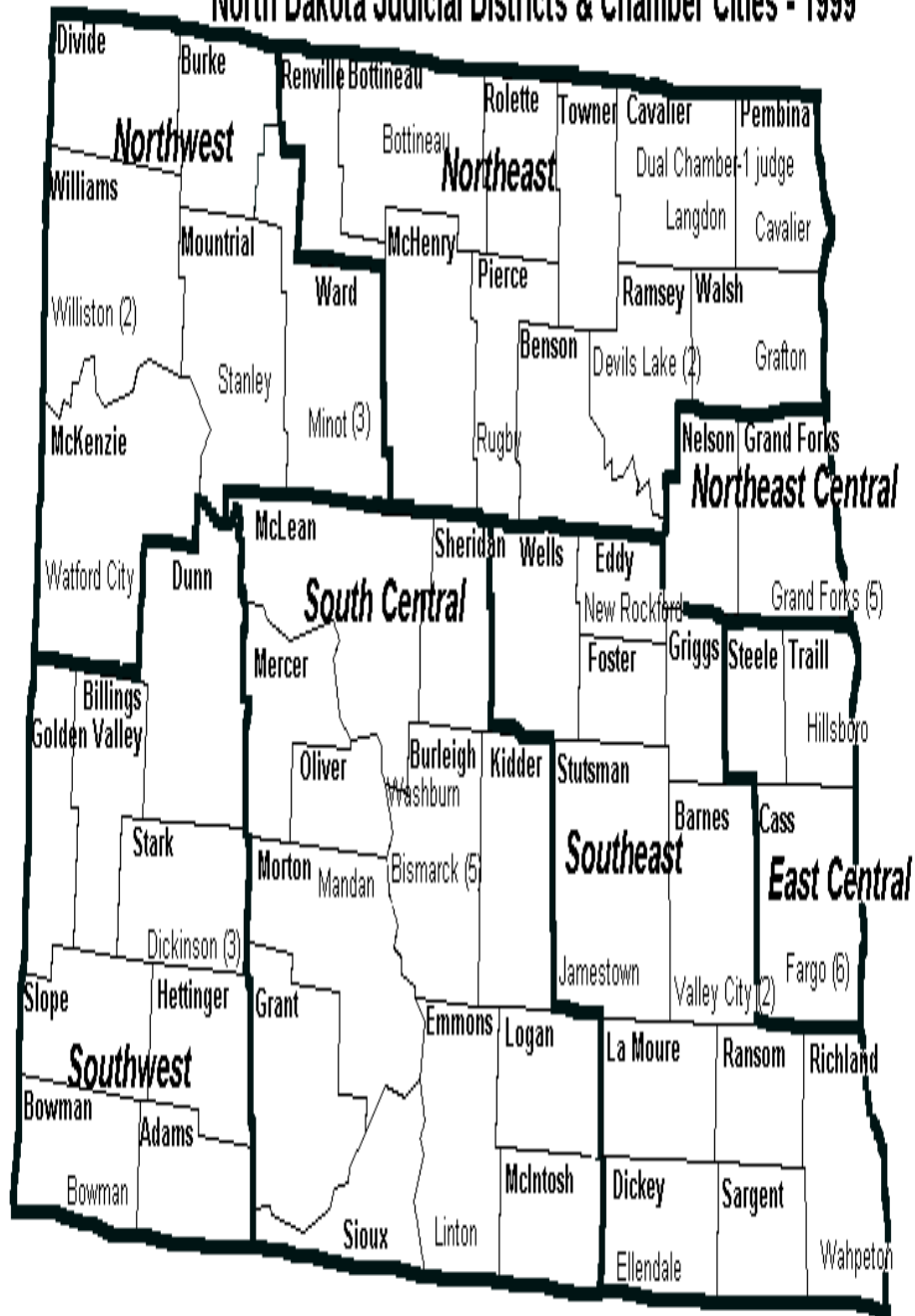
There are, as of the end of 1999, forty-three district judges in the state. Eight judges in four chamber city locations serve the South Central Judicial District, the largest geographically and most populous district in the state. There are seven judges in the Northwest Judicial District serving in four chamber city locations. Seven judges serve the East Central Judicial District in two chamber city locations, and five judges serve the Northeast Central Judicial District in one chamber city location. Six judges serve the Northeast Judicial District in five chamber city locations. Six judges serve the Southeast Judicial District in five chamber city locations. Four judges serve the Southwest Judicial District in two chamber city locations. All district court judges are required by the state constitution to be licensed North Dakota attorneys, citizens of the United States, and residents of North Dakota.

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





## North Dakota Judicial Districts & Chamber Cities - 1999



## District Court Caseload

District court filings declined, showing a 6.0% decrease in total case filings since 1998.

Civil filings were down 5.6% and small claims filings decreased 11.3% since 998. Criminal filings were down 4.1% and formal juvenile filings were down 18.0%, though much of this decrease is due to a change in case types counted.

Civil filings represented 50.2% of the 1999 caseload, including probate - 5.2%, domestic relations - 17.8%, small claims - 9.6%, and other civil representing - 17.6%.

Criminal filings represent 46.1% and juvenile filings represent 3.7% of the 1999 caseload.

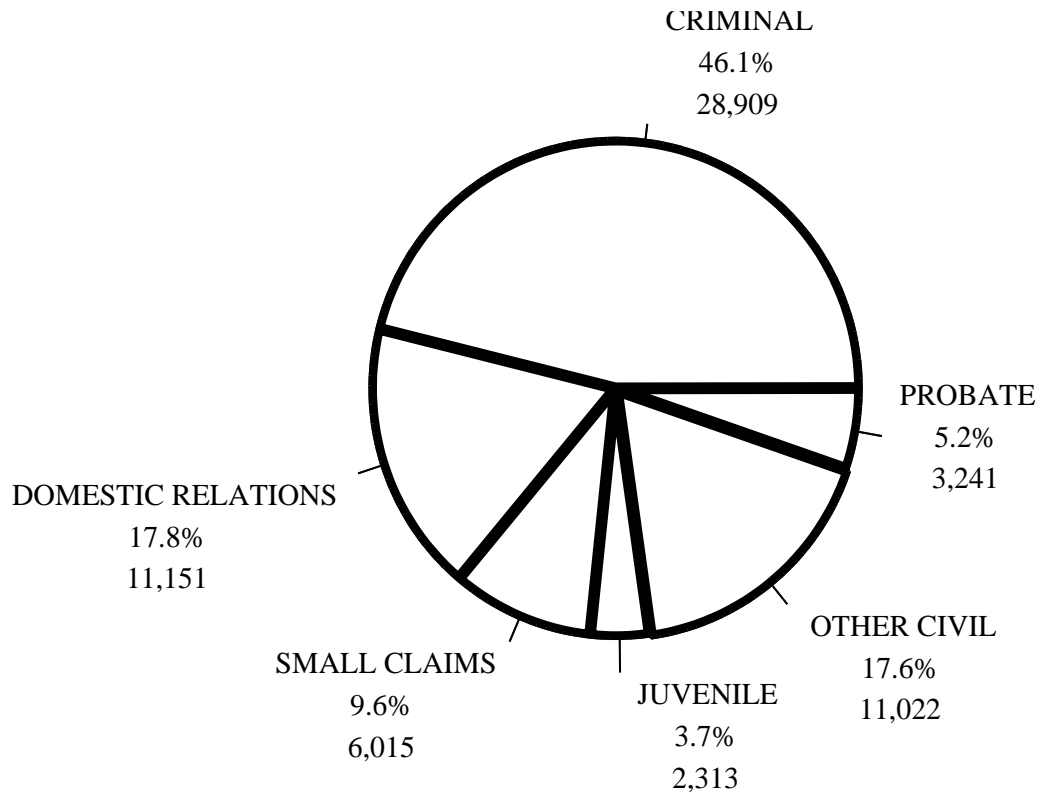
### DISTRICT COURT CASELOAD FOR CALENDAR YEAR 1999 AND 1998

Case Filings	1999	1998	Percent Difference
New Filings	62,651	66,644	-5.99
Civil	25,414	26,911	-5.56
Small Claims	6,015	6,781	-11.30
Criminal	28,909	30,131	-4.06
Juvenile	2,313	2,821	-18.01
<b>Case Dispositions</b>	<b>1999</b>	<b>1998</b>	
Dispositions	76,155	79,890	-4.68
Civil	33,222	34,625	-4.05
Small Claims	6,345	6,941	-8.59
Criminal	34,275	35,503	-3.46
Juvenile	2,313	2,821	-18.01

### DISTRICT COURT CASE TYPE FILING - 1999

CIVIL		CRIMINAL	
Case Type	Filings	Case Type	Filings
Property Damage	173	Felony	3,105
Personal Injury	380	Misdemeanor	20,385
Malpractice	37	Infraction	5,419
Divorce	2,774		
Adult Abuse	1,123	<b>State Total</b>	28,909
Custody	77		
Support Proceedings	5,953		
Adoption	305		
Paternity	891		
Termination of Parental Rights	28		
Administrative Appeal	206		
Appeal Other	4		
Contract/Collect	6,972		
Quiet Title	96		
Condemnation	10		
Forcible Detain	588		
Foreclosure	404		
Change of Name	163		
Special Proceedings	39		
Trust	128		
Foreign Judgment	283		
Other	723		
Conservator/Guardianship	399		
Protective Proceedings	119		
Probate	2,595		
Mental Health	944		
Small Claims	6,015		

<b>State Total</b>	31,429		
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The following is a chart that shows the number of jury trials held in each judicial district for 1999.

<b>District</b>	<b>1999</b>
East Central	72
Northeast Central	39
Northeast	29
Northwest	43
South Central	111
Southeast	31
Southwest	16
<b>Total</b>	<b>341</b>

## Civil Caseload

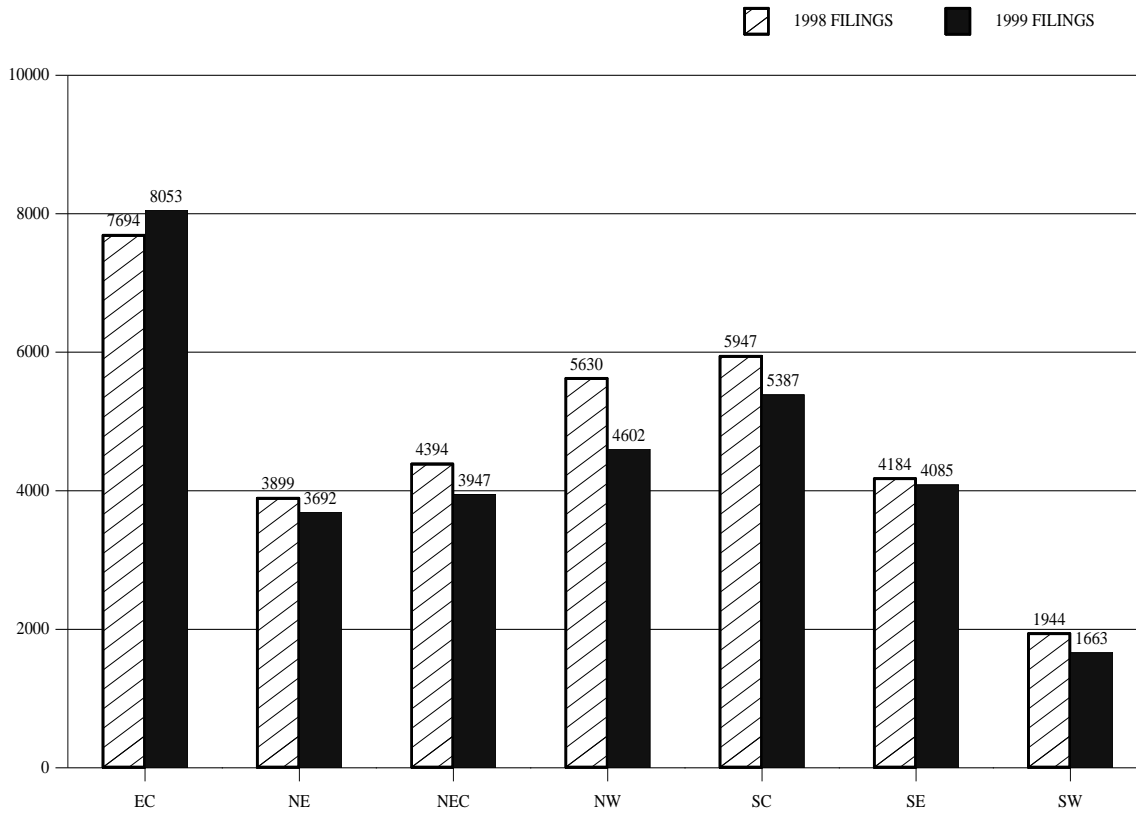
The data indicates a decrease of civil cases in 1999. When comparing 1999 filings with the 1998 district court filings, the civil (generally civil plus small claims) data indicates a 5.6% statewide decrease from 1998.

As percentages, most types of cases remain relatively stable. Notable changes include the number of support actions which decreased 10%. The extensive use of income withholding orders continues to positively reduce the number of child support hearings being scheduled.

Overall, domestic relations filings decreased 11.0%. Within the domestic relations category, child support actions make up 53.4% of the cases; divorce, 24.9%; paternity, 8.0%; adult abuse, 10.1%; and custody and adoption, 3.7%.

Adult abuse filings increased slightly to 1,123 cases in 1999; however, this case type still remains below 1997 levels. Divorce filings decreased 8.9% in 1999 to 2,774 cases. Child support actions, totaling 5,953, were down 12.3% from 6,788 cases in 1998.

ND CIVIL CASELOAD BY DISTRICT FOR 1998 AND 1999



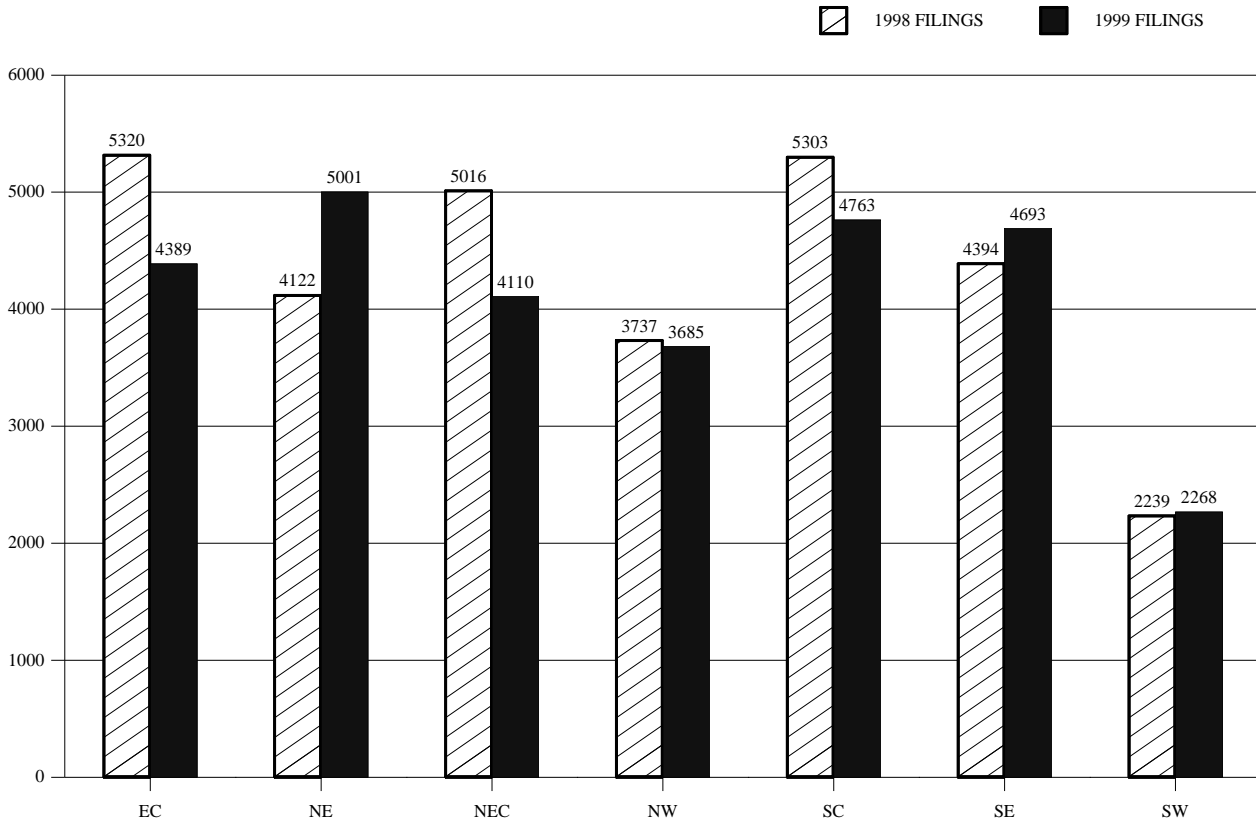
## Criminal Caseload

North Dakota continued its traditional low rate of crime. Criminal filings were down 4.06% in 1999, following a 2.98% decrease in 1998, and a .8% decrease in 1997.

Of the criminal cases filed in district court, 89% were misdemeanors and 11% were felonies.

As with civil cases, docket currency standards have been established for criminal cases. Standards call for these cases to be decided within 120 days of the filing of the information in the district court. The presiding judge of the district or chief justice of the Supreme Court can waive the standards for specific cases if good cause is demonstrated.

**ND CRIMINAL CASELOAD BY DISTRICT FOR 1998 AND 1999**



## Administrative Traffic Caseload

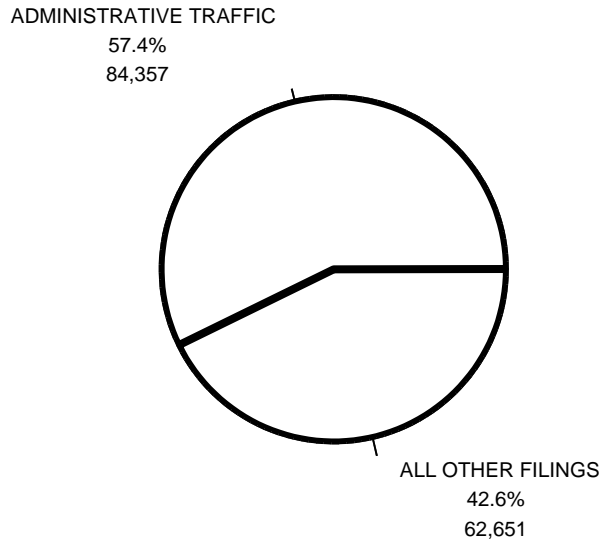
The administrative traffic caseload for 1999 includes all filings that are processed through the clerk of court offices. Previous caseloads reflected case disposition statistics obtained from the Department of Transportation. This data did not include all administrative traffic dispositions. The 48.12% increase in filings is due to this new method of counting cases filed. When the same case filings are counted for 1998 the increase is .5%.

While administrative traffic cases make up 57.4% of the overall filings, these cases require minimal judicial involvement. The processing time required impacts clerk personnel almost exclusively.

<b>Case Filings</b>	<b>1999</b>	<b>1998</b>	<b>Percent Difference</b>
Admin. Traffic	84,357	56,776	48.29
<b>Case Dispositions</b>	<b>1999</b>	<b>1998</b>	
Admin. Traffic	82,870	56,886	45.68

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

## Total Cases Filed in District Court Including Administrative Traffic





## Juvenile Caseload

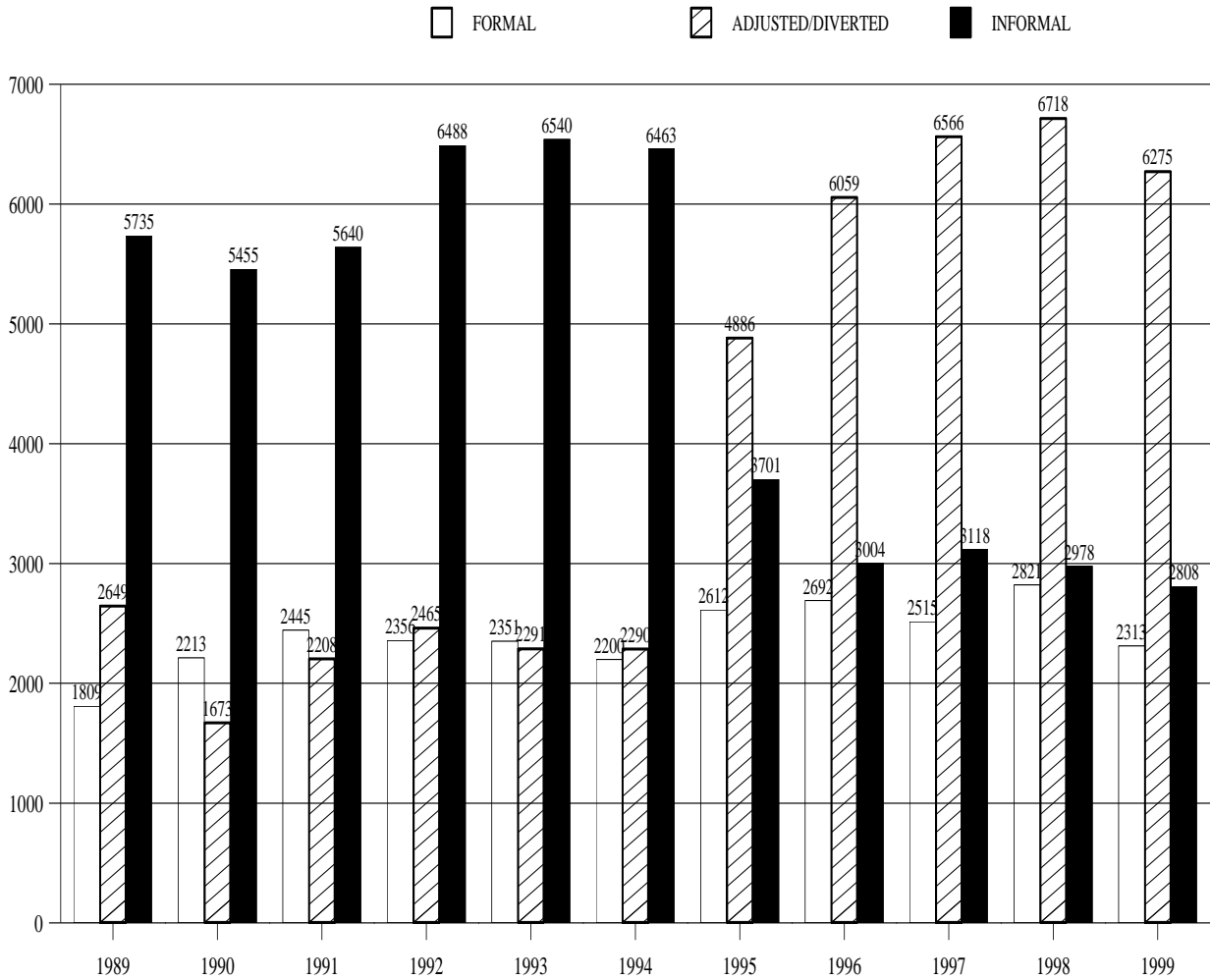
As with the criminal caseload, the low violent crime rate in North Dakota is reflected in its juvenile court statistics. Offenses against persons made up 4.6% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a minor child can commit) made up 18.2% of the caseload. Other major categories are property offenses, 22.6%; traffic offense, 3.9%; deprivation, 4.7%; and other filings, 46%.

The method by which cases were disposed shows a continued reliance on adjusted/diverted proceedings. Of the cases heard, 55% were disposed of through adjusted/diverted proceedings in 1999, compared to 54% in 1998 and 54% in 1997. The use of informal probation adjustments decreased again in 1999. Twenty-five percent of the cases were disposed of through this process in 1999; 24% in 1998 and 26% in 1997. The formal juvenile court caseload reflects an 18% decrease in filings. This report has historically included formal juvenile cases that were dismissed. These dismissals were not included in 1999 data and will not be reported in the future. When dismissals were included for 1999, the formal caseload was 2,855, a 1.2% increase over the 1998 caseload of 2,821. Tables comparing the types of dispositions and reasons for referral to the juvenile court in 1998 and 1999 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 1999 AND 1998

Judicial District	Formal		Informal/Probation		Adjusted/Diverted		Total Dispositions		Percent Diff.
	1999	1998	1999	1998	1999	1998	1999	1998	
East Central	580	897	483	600	544	585	1,607	2,082	-22.8
Northeast	354	428	101	215	1,170	1,073	1,625	1,716	-5.3
NE Central	379	395	306	298	704	879	1,389	1,572	-11.6
Northwest	258	310	782	745	989	962	2,029	2,017	0.6
South Central	359	376	617	586	1,664	2,074	2,640	3,036	-13.0
Southeast	253	271	391	428	809	779	1,453	1,478	-1.7
Southwest	130	144	128	106	395	366	653	616	6.0
<b>TOTAL</b>	<b>2,313</b>	<b>2,821</b>	<b>2,808</b>	<b>2,978</b>	<b>6,275</b>	<b>6,718</b>	<b>11,396</b>	<b>12,517</b>	<b>-9.0</b>

## COMPARISON OF JUVENILE DISPOSITIONS FOR 1989-1999





**REASONS FOR REFERRAL TO JUVENILE COURT SERVICES  
IN 1999 AND 1998**

		1999	1998	% Diff.
<b>FAMILY</b>		<b>2,173</b>	<b>2,331</b>	<b>-6.8</b>
	Runaway (instate resident)	602	780	-22.8
	Runaway (out-of-state resident)	9	9	0.0
	Truancy	312	317	-1.6
	Ungovernable Behavior	549	567	-3.2
	Conduct/Control Violations	67	42	59.5
	Curfew	456	350	30.3
	Other Unruly	178	266	-33.1
<b>DELINQUENCY</b>		<b>8,933</b>	<b>9,360</b>	<b>-4.6</b>
	Offenses Against Persons	555	688	-19.3
	Assault	372	465	-20.0
	Homicide (attempted)	1	2	-50.0
	Kidnapping	0	0	0.0
	Other Offenses Against Persons	125	139	-10.1
	Sex Offenses	57	82	-30.5
	Offenses Against Property	2,700	3,157	-14.5
	Arson	4	8	-50.0
	Burglary	182	183	-0.5
	Criminal Mischief/Vandalism	525	625	-16.0
	Criminal Trespass	202	302	-33.1
	Forgery	44	48	-8.3
	Other Property Offenses	124	116	6.9
	Robbery	10	9	11.1
	Shoplifting	739	897	-17.6
	Theft	870	969	-10.2
	Traffic Offenses	465	509	-8.6
	DUI/Physical Control	108	105	2.9
	Driving without License	223	251	-11.2
	Other Traffic	134	153	-12.4
	Other Offenses	5,213	5,006	4.1
	Disorderly Conduct	632	545	16.0
	Firearms	39	42	-7.1
	Game and Fish	86	85	1.2
	Obstruction	117	137	-14.6
	Other Public Order	308	374	-17.6
	Possession/Purchase Alcohol	3,079	2,781	10.7
	Controlled Substance Violations	504	517	-2.5
	Tobacco	448	525	-14.7
<b>DEPRIVATION</b>		<b>560</b>	<b>625</b>	<b>-10.4</b>
	Abandonment	7	4	75.0
	Abuse/Neglect	143	147	-2.7
	Deprived	410	474	-13.5
<b>SPECIAL PROCEEDING</b>		<b>272</b>	<b>201</b>	<b>35.3</b>
	Termination of Parental Rights (involuntary)	100	49	104.1
	Termination of Parental Rights (voluntary)	75	60	25.0
	Other Special Proceeding	97	92	5.4

		1999	1998	% Diff.
<b>TOTAL</b>		<b>11,938</b>	<b>12,517</b>	<b>-4.6</b>

# Judicial District Reports

## Northwest Judicial District

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

District Court Judges: Robert W. Holte, Presiding Judge; Glenn Dill III; Gary Holum; William W. McLees, Jr.; David Nelson; Everett Nels Olson, and Gerald Rustad.  
Judicial Referee: Connie S. Portscheller  
Number of Counties in District: 6  
District Court Chambers: Minot, Stanley, Watford City, and Williston.



The retirement of Hon. Wallace Berning at the end of 1998 left the district with only 7 judges and one judicial referee. However we were able to keep up with the caseload, completing as many cases as were newly opened during 1999. The district reduced the cases carried over by 95.

On the technological front, the district has continued efforts to modernize its office equipment. We bought a new copier, a facsimile machine, three modular office setups and a laptop computer for use in traveling and on the bench. Ward County Juvenile Court installed a more compact and safer filing system. The Williston Chambers received sophisticated telephone equipment which tied into the courtroom's audio system to facilitate teleconferencing court hearings. We continued upgrading our courtrooms for ADA compliance by adding a new infra-red system to another courtroom in Ward County to help the hearing impaired. A new CD tower in the Ward County courthouse has allowed users of that law library to easily access American Law Reports through their desktop computers. Toward year's end we started experimenting with real-time court reporting and courtroom digital video cameras.

In 1999 the Ward County Bar Association established a committee to plan for the long range courthouse needs of the justice system in Ward County. The committee will consider how to make better use of the current facility as well as the possibility of new facilities.

### Juvenile Court

The district's judicial referee handles formal juvenile hearings, child support hearings, and protection & restraining orders as well as small claims cases. Juvenile and support hearings are held in each of the four chambered cities, by the referee in Minot and by the chambered judges elsewhere in the district. New in 1999, juvenile indigent legal defense services are now being contracted to four of the district's attorneys.

The Juvenile Court staff provides many programs to area youths. Strategies such as the Youth Educational Shoplifting (YES) program, "Keys to Innervations," anger management and stop smoking classes help young offenders examine their own actions and consequences. Also the staff is using parenting classes to help juveniles and dysfunctional families modify their behaviors. Juvenile Court officers have also been trained in the "Balanced Approach," a statewide program which is more victim friendly and increases community safety. "Intensive Tracking" is being used to monitor "tougher" youths in the community. The juvenile officers are "brokers of services" not only to families, but also to the whole community.

The Minot Juvenile Court continues to divert smoking referrals with a total of 85 referred to the class and 67 completing a tobacco education class without a hearing. The Minot City Council, under a new ordinance, has now placed tobacco violations in Municipal Court. They have also entered into a new program with the North Central Human Services Children's Unit on runaway referrals. The program, called RAP (runaway alternative program), aims to get unruly kids and their parents into counseling. The Minot Juvenile Court is also in partnership with North Central on the "Keys to Innervations" Program, a cognitive restructuring program.

The Minot Juvenile Court was awarded a Children's Services Coordinating Committee Grant for \$5,000 to set up a program where youth can work for minimum wage to earn up to \$250 to pay back outstanding restitution. The court, through our refinance dollars, will match that amount. The Minot staff has worked hard to draft the mission statement and necessary forms to track the program. The next step is to find businesses, other than community service sites, willing to take these youth for approximately 50 hours of job training/work and to provide the supervision needed to succeed. Our hope is that if an employer would commit to a youth the employer might gain a prospective employee while providing the youth with job experience.

The Ward County Detention Center was opened this year but the county is still struggling with the center's costs and choice of an administrator. Agencies involved with the facility consider it long overdue and much needed. As elsewhere across the state, Juvenile Courts in the NWJD have also been challenged with implementation of a new computer program, the Juvenile Court Management System (JCMS). When JCMS is fully functional we will have the ability to more closely track kids as they move within the state.

Still unsettled at year's end is the issue of radon levels in the basement of the Ward County Courthouse. According to state health department officials, radon levels in this building could be a problem. The management became routine throughout the department has also suggested ways for the county to lessen radon levels.

The Ward County community service program shows a completion of 2485 hours this past year, down from 3769 hours in 1998. However, there was an increase in the number of youth referred to the Minot Juvenile Court for consumption/ possession of alcohol: 331 were referred in 1999 in comparison to 277 in 1998. Of those referred, 154 first time alcohol offenders attended the Minot Youth Diversion Program. Juvenile restitution collected districtwide held steady at about \$31,850.

**NORTHWEST JUDICIAL DISTRICT CASELOAD  
FOR CALENDAR YEARS 1998 AND 1999**

Case Filings/ Dispositions	1998		1999	
	(F)	(D)	(F)	(D)
Civil	4,887	6,952	3,893	5,046
Small Claims	743	732	709	743
Admin Traffic	6,405	6,405	9,535	9,296
Criminal	3,737	3,817	3,685	4,133
Juvenile	310	310	258	258

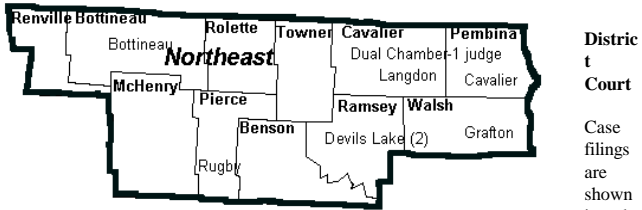
## Northeast Judicial District

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

District Court Judges: Lee A. Christofferson, Presiding Judge; Donovan Foughty, M. Richard Geiger, Lester S. Ketterling, John C. McClintock Jr., and Laurie A. Fontaine  
Judicial Referee: Dale Thompson

Number of Counties: 11

Chambered Locations: Bottineau, Devils Lake, Grafton, Langdon/Cavalier, and Rugby.



**NORTHEAST JUDICIAL DISTRICT CASELOAD  
FOR CALENDAR YEARS 1998 AND 1999**

Case Filings/ Dispositions	1998		1999	
	(F)	(D)	(F)	(D)
Civil	2,892	3,067	2,768	3,206
Small Claims	1,007	947	924	1,041
Admin Traffic	7,843	7,843	12,656	12,441
Criminal	4,122	4,934	5,001	5,309
Juvenile	428	428	354	354

on the right. The judicial referee continues to conduct juvenile and child support hearings in all eleven counties.

Administratively, the district court continues working towards implementing more uniform practices throughout the district. In addition to the chambered counties, UCIS (unified court information system) was added to two additional counties (McHenry and Rolette) this past year resulting in more current case information. UCIS continues to serve as a tool to all Northeast Judicial District personnel for managing cases.

### Juvenile Court

The juvenile court for the Northeast Judicial District operates out of three primary sites: Bottineau, Devils Lake, and Grafton.

Juvenile court officers are now quite familiar with the balanced and restorative justice model and with implementing its components regularly. Several juvenile offenders and crime victims are being referred to the juvenile accountability conference program. Initial reports indicate victim willingness to participate in the accountability conference and satisfaction with the process. Other programs, such as "Keys to Innervisions", intensive tracking, alcohol and tobacco classes, electronic monitoring, etc., continue to be utilized throughout the district.

Restitution and community service is already a major part of juvenile court accountability with a total of \$58,060.52 in restitution collected and 11,937.5 hours of community service completed in 1999.



## Northeast Central Judicial District

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

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



### District Court

Case filings are shown in the chart on the right.

In November 1998, we implemented, on a one year trial basis, a split criminal and civil calendar. Two judges were assigned to handle all criminal matters; three judges handled all civil matters. The trial proved to be an efficient way of handling our caseload, and it has now been adopted on a permanent basis. We have determined that an 18 month rotation between the calendars is best for our situation, with a staggered assignment of the criminal calendar judges.

During 1999 preliminary plans were made to establish a juvenile drug court program in Grand Forks County. Judge Debbie Kleven will be the judge assigned to this pilot program when it starts in 2000.

A strong caseload management system, implemented by our trial court administrative assistant, has resulted in a dramatic reduction in overage case processing in this district. In fact, during the last reporting period, not a single case was outside the time processing parameters without a valid explanation.

### Juvenile Court

Our juvenile court staff have had another busy year. Although the actual filings were down slightly (3%) from 1998, they remain well above the filings during 1997. We continue to have one of the highest volumes of in-custody (detention/shelter care) intakes in the state. Our juvenile court staff continues to work hard with the "Keys" program and continues to move closer toward implementation of certain elements of the balanced approach. Innovative approaches to effective juvenile probation services continues to be a top priority of the Northeast Central Judicial District juvenile court.

### NORTHEAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1998 AND 1999

Case Filings/ Dispositions	1998		1999	
	(F)	(D)	(F)	(D)
Civil	3,675	5,969	3,480	7,337
Small Claims	719	729	467	518
Admin Traffic	8,186	8,186	10,474	10,474
Criminal	5,016	7,650	4,110	6,608
Juvenile	395	395	377	377

## East Central Judicial District

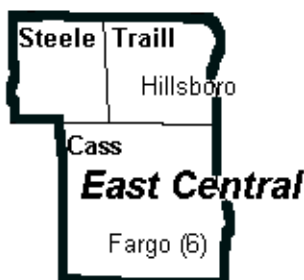
The Honorable Norman J. Backes, Presiding Judge  
Eloise M. Haaland, Administrative Assistant

District Court Judges: Norman J. Backes, Presiding Judge; Georgia Dawson; Ralph R. Erickson, Lawrence A. Leclerc, Michael O. McGuire; Frank L. Racek, Cynthia A. Rothe-Seeger

District Court Referees: John A. Dietz and Janice Benson Johnson.

Number of Counties in District: 3

District Court Chambers: Fargo, Hillsboro



Case Filings/ Dispositions	1998		1999	
	(F)	(D)	(F)	(D)
Civil	5,753	4,703	6,533	6,205
Small Claims	1,941	2,185	1,520	1,576
Admin Traffic	8,734	8,734	10,878	10,405
Criminal	5,320	5,507	4,389	4,291
Juvenile	897	897	580	580

### District Court

Case filings are shown in the chart on the right.

The clerk and department supervisors, the administrative assistant, and calendar control clerk meet weekly to discuss any issues needing attention. This has proven to be an excellent way to be aware of issues as well as solve problems in both offices through discussion. The clerk, director of juvenile services, and administrative assistant meet regularly regarding issues involving respective offices.

Interested parties met regarding the integration of PCSS and UCIS. Participation included legislators, Cass County commissioners, county coordinator, Cass County information services personnel, representatives from each affected office, as well as district judges, administrative assistant, calendar control clerk of our district, state court administrator, trial court administrator, director of technology and programmer analyst from the state court administrator's office in Bismarck. The next step is the formation of a committee to look at the functionality of PCSS and review options that meet goals of providing a single, statewide case management system.

### Juvenile Court

In 1999, a total of 2,706 delinquent, unruly, and deprivation referrals were received in juvenile court. Of those referrals, 1,592 were delinquent, 1,003 were unruly, and 111 were abuse and neglect reports. There were 580 petitions filed in juvenile court. Of those petitions 68 were deprived, 33 were terminations of parental rights, and the remainder were delinquent or unruly. The juvenile court referred 264 juveniles to other agencies.

We have successfully implemented the lay guardian ad litem program and now have our own pool of public defenders. With the advent of the lay guardian ad litem program we hope to significantly reduce the amount of time spent by the public defenders with deprivation proceedings.

The court officers continue to be involved in various community activities and have been instrumental in developing programming when necessary. A community forum was held during the month of May, 1999, entitled: "Restorative Justice and Alcohol Use by Minors." A panel of local agency personnel and juvenile court staff gave information regarding restorative justice and the increase in alcohol use. The community will take the leadership in addressing under-age drinking.

Juvenile court staff continue to be involved at Carl Ben Eielson Elementary School reading to a particular class on a weekly basis. It continues to be the highlight of many of our employees' workday.

Substantial progress has been made on the formation of a Juvenile Drug Court Pilot Project in our district. A proposal for the establishment of a juvenile drug court (hereafter "JDC") was studied by a task force under the direction of Justice Mary Muehlen Maring of the Supreme Court. At the conclusion of the study an implementation committee was selected and began writing programs and procedures relating to the establishment of a juvenile drug court in the East Central Judicial District. The current implementation date for the juvenile drug court is May 1, 2000. JDC is a post-petition/post-adjudication program designed to address the needs of youths between the ages of 14 and 18 who are afflicted with significant alcohol and/or drug problems. The aim of the program is to intervene in both the chemical dependency/abuse area and the area of delinquent behavior with a goal of providing the youth with the tools to be both drug free and offense free long term. JDC involves the establishment of a team treatment approach to both chemical dependency/abuse issues and delinquency issues. The drug court team will involve the cooperative and collaborative efforts of court personnel along with representatives of the Office of the State's Attorney, defense counsel, treatment providers, and other relevant community programming.

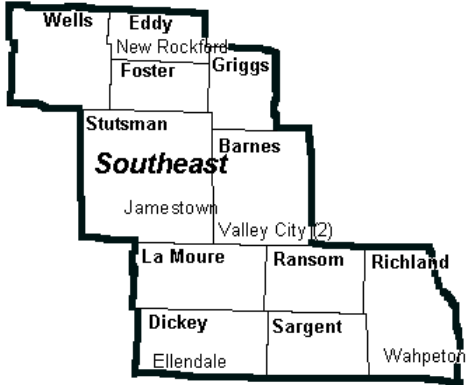
### EAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1998 AND 1999

Case Filings/ Dispositions	1998		1999	
	(F)	(D)	(F)	(D)

## Southeast Judicial District

The Honorable John T. Paulson, Presiding Judge  
Jodie Koch, Administrative Assistant

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



### Juvenile Court

The juvenile court management system (JCMS) was tested and is in the process of being fully implemented in our district. This program allows juvenile courts to enter information, track statistics, and monitor trends in juvenile justice. This program will also allow docket currency standards to be applied to juvenile court cases and, hence, manage this information more effectively.

### Guardians Ad Litem

New court rules regarding guardians ad litem and custody investigators mandated some modifications in the Southeast Judicial District's lay guardian ad litem program. The guardians ad litem in divorce/custody cases will now be licensed attorneys and the former lay guardian ad litem's role will be that of a custody investigator. The lay guardian ad litem will continue to serve in the same capacity in juvenile cases. New training requirements have been established and will be offered to lay guardians ad litem/custody investigators via the interactive video network.

### District Court

The Southeast Judicial District was bolstered by the North Dakota Supreme Court's decision to fill the judicial vacancy created by Randall Hoffman's resignation. John E. Greenwood was selected to fill this position and his investiture was held on August 27, 1999.

Gregg's County was transferred to the Southeast Judicial District effective September 1, 1999. Griggs County was previously part of the Northeast Central Judicial District. This increased the Southeast Judicial District's area to eleven counties.

Southeast District Bar Association President Laura Wick Loberg died unexpectedly in November, 1999. Ms. Loberg held the indigent defense contract for the counties of Barnes, Dickey, and LaMoure.

The unified court information system (UCIS) continues to be the backbone of information serving as the case management system. Ransom County was added as an on-line user in December, 1999. Plans to implement UCIS in Foster County are also underway. Regular training is offered to the clerks focusing on UCIS components. Plans are underway to implement this training as a regular offering to judges, court reporters, and court recorders.

The implementation of the mediation pilot project continues in the Southeast Judicial District. Judges also regularly recommend and order parties to participate in a parent education course (Children of Divorce). This course is taught by local facilitators and is offered through the NDSU extension service.

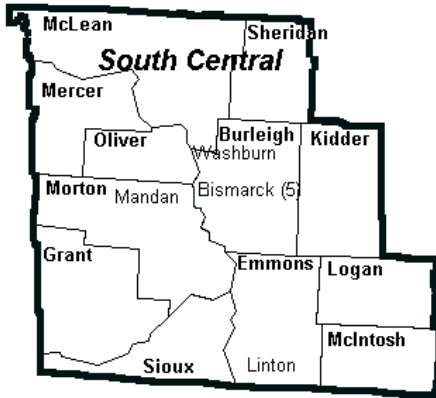
### SOUTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1998 AND 1999

Case Filings/ Dispositions	1998		1999	
	(F)	(D)	(F)	(D)
Civil	4,963	7,639	3,037	3,608
Small Claims	984	957	1,048	1,089
Admin Traffic	11,866	11,866	16,412	16,203
Criminal	5,303	5,832	4,693	4,785
Juvenile	376	376	255	255

## South Central Judicial District

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

District Court Judges: Benny A. Graff, Presiding Judge; Gail Hagerty; Bruce Haskell; Donald Jorgensen; Burt Riskedahl; Thomas Schneider; James Vukelic; and Robert O. Wefald.  
Judicial Referees: James Purdy and Robert Freed.  
Number of Counties in District: 12  
District Court Chambers: Bismarck, Mandan, Linton and Washburn.



Referees conducted 359 formal juvenile hearings and issued 240 detention and temporary custody orders for children who were placed in temporary alternative environments outside the parental home.

In addition to the formal juvenile proceedings, the judicial referees conducted 343 order to show cause hearings for non-payment of child support, 47 foster support matters, 19 involuntary termination cases, and 61 review/modifications of child support. Full-time referee Freed heard 132 small claims cases and 21 civil traffic hearings in 1999.

### ACT Program

The Alternative Choice Training Program (ACT) continued into its ninth year. In 1999, 298 people completed the minor in possession class, and 74 finished the adult misdemeanor class. The domestic violence class had 48 participants who completed the class. Bismarck State College and the Adult Abused Resource Center continue to manage the classes and are responsible for the success of this alternative sentencing program.

### SOUTH CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1998 AND 1999

Case Filings/ Dispositions	1998		1999	
	(F)	(D)	(F)	(D)
Civil	4,963	7,639	4,409	5,752
Small Claims	984	957	978	995
Admin. Traffic	11,866	11,866	17,531	17,234
Criminal	5,303	5,832	4,763	5,950
Juvenile	376	376	359	359

### District Court

The South Central Judicial District welcomed the Honorable Robert O. Wefald who won a contested race to fill the position previously held by Dennis Schneider.

There were two major case processing changes 1999. In January, the district incorporated a system where all district judges rotate throughout the district on master calendar and are assigned individual cases from all 12 counties. Beginning in May, a "date certain" scheduling system was implemented whereby all misdemeanor cases filed in Burleigh and Morton County were assigned to the judge conducting the dispositional conference. The objective is to give all defendants a trial date within six months of filing.

In June, the South Central Judicial District adopted local rule #2 which requires a mediation orientation for all contested family law cases. This orientation requirement is in association with a pilot project sponsored by the State Bar Association.

The district has in place a "case flow management committee" (made up of two judges, a clerk, a calendar control clerk, a court reporter and the district court administrator) that meets regularly to look at issues for improving service and make recommendations to the entire bench and judicial district.

### Juvenile Division and Judicial Referee Activities

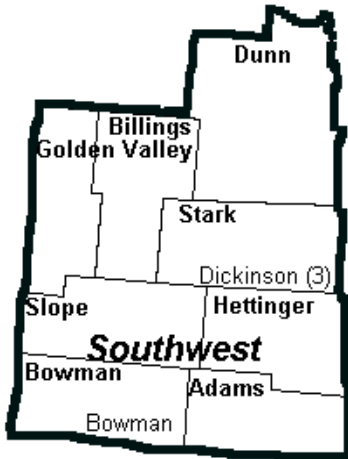
In 1999, 3566 referrals were made to the juvenile court. This was an increase of 530 children compared to 1998. Of these referrals, 897 primarily first time offenders, minor violations, or young age were diverted to the Bismarck-Mandan Police Youth Bureau for disposition.

The juvenile court retained 2669 children who were handled either informally or formally through the petition process. A total of 631 children were placed on probation through the informal or formal process.

## Southwest Judicial District

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

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



### District Court

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

On December 2, 1999, the North Dakota Supreme Court issued its order abolishing Judgeship No. 5, with chambers in Bowman, upon the expiration of the current term of Judge Zane Anderson on December 31, 2000. With the reduction from four judges to three judges in the Southwest Judicial District, the district has commenced a review of its assignment plan to best use its remaining resources to serve the eight counties in the district.

All the district judges are assigned throughout the district as necessary to assure an equitable distribution of the caseload and to promote a fair, expeditious disposition of all cases in compliance with the docket currency standards. During 1999, the district was in compliance with such standards.

### Juvenile Court

The Southwest district juvenile court has expanded on resources for tobacco education and alcohol education in the rural communities. We continue to use the Keys to Interventions program to increase the skills and self-sufficiency of juveniles. We have referred several cases for victim/offender conferencing and hope to use this service more in the future. We continue to broker with the Children's Services Coordinating Committee to address needs of children in our community.

### SOUTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1998 AND 1999

Case Filings/ Dispositions	1998		1999	
	(F)	(D)	(F)	(D)
Civil	1,561	2,370	1,294	2,068
Small Claims	383	388	369	383
Admin Traffic	3,502	3,502	6,871	6,817
Criminal	2,239	3,354	2,268	3,199
Juvenile	144	144	130	130

## MUNICIPAL COURTS

There are approximately 363 incorporated cities in North Dakota. Currently, there are 78 municipal judges. State law permits an individual to serve more than one city as a municipal judge.

Under state law, each municipality has the option of deciding whether or not to have a municipal judge.

State law permits district court judges to hear municipal ordinance violation cases and permits cities to contract with the state to provide municipal ordinance violation court services.

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 27 law-trained and 52 lay municipal judges in the state. Vacancies that occur between elections are filled by appointment by the municipality's governing body.

State law requires that each new municipal judge attend two educational seminars and all others attend one course conducted by the Supreme Court in each calendar year. If a municipal judge fails to meet this requirement without an excused absence from the Continuing Judicial Education Commission, the judge's name is referred to the Judicial Conduct Commission for disciplinary action.

Municipal courts have jurisdiction over municipal crimes and traffic 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.

Although criminal traffic cases compose only a small percent of the caseload in municipal courts, they require more time and resources for their disposition than noncriminal traffic cases. Litigants are more likely to demand a trial in criminal traffic cases since the penalties for violation of criminal traffic laws are more severe than penalties for violation of noncriminal traffic laws. Moreover, the prosecutor also has a greater burden of proof in criminal traffic cases than in noncriminal traffic cases. In noncriminal traffic cases, the prosecutor must only prove each element of the offense by a preponderance of the evidence for conviction. In criminal traffic cases, the prosecutor must prove each element of the offense beyond a reasonable doubt.

### MUNICIPAL COURT CASE DISPOSITIONS FOR CALENDAR YEAR 1999

Municipalities	Criminal	Noncriminal	Total
Bismarck	4725	8490	13215
Devils Lake	1152	1604	2756
Dickinson	663	2346	3009
Fargo	4547	7838	12385
Grand Forks	2747	5349	8096
Harvey	16	173	189
Jamestown	1420	3936	5356
Mandan	1049	2029	3078
Minot	1887	7035	8922
Riverdale	0	75	75
West Fargo	718	1256	1974
Williston	953	2031	2984
TOTAL	19877	42162	62039

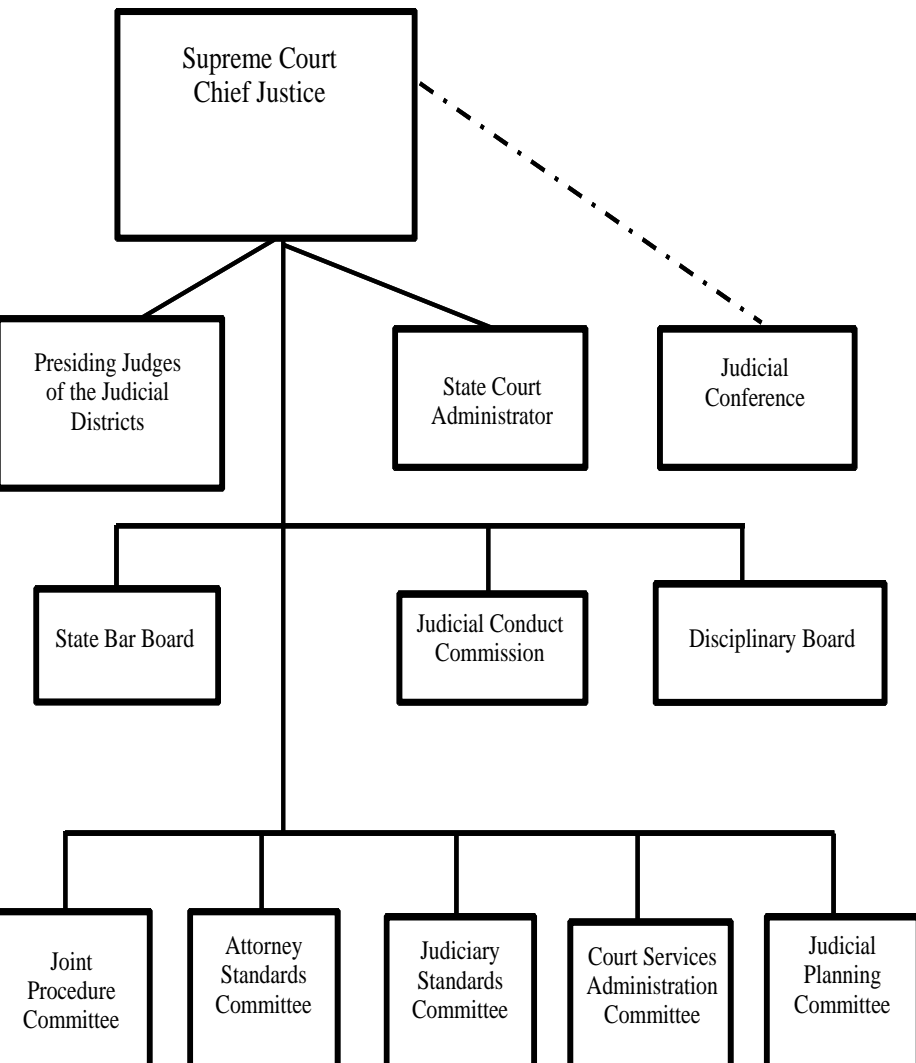
## Administration of the Judicial System

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

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, presiding judges, and various advisory committees, commissions and boards. The functions and activities of these various bodies during 1999 are described in the subsequent pages of this report.

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

### ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM



# Office of State Court Administrator

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

## **Judicial Education**

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

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

## **Research and Planning**

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

## **Personnel Management**

To ensure uniformity in personnel administration, personnel policies and a pay and classification plan were developed under the direction of the state court administrator. These programs are administered by the director of human resources and development.

## **Fiscal Responsibilities**

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

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

In viewing the judicial budget, it should be noted that the state funds the Supreme Court, the Judicial Conduct Commission, approximately one-half of the expenses of the Disciplinary Board, and district court expenses with the exception of expenses for the office of district court clerks. The clerks' offices are funded by the counties. Municipal courts are funded by the municipalities they serve.

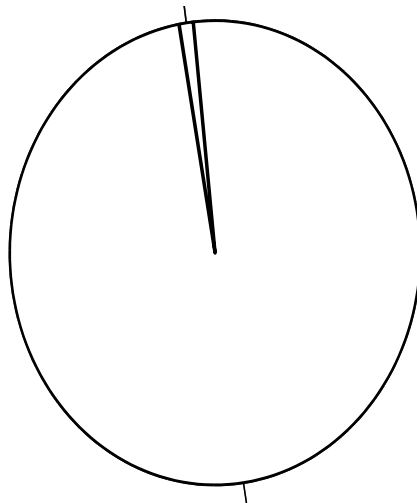


**JUDICIAL PORTION OF THE STATE'S BUDGET  
1999-2001 BIENNIUM**

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

STATE JUDICIAL SYSTEM

1%

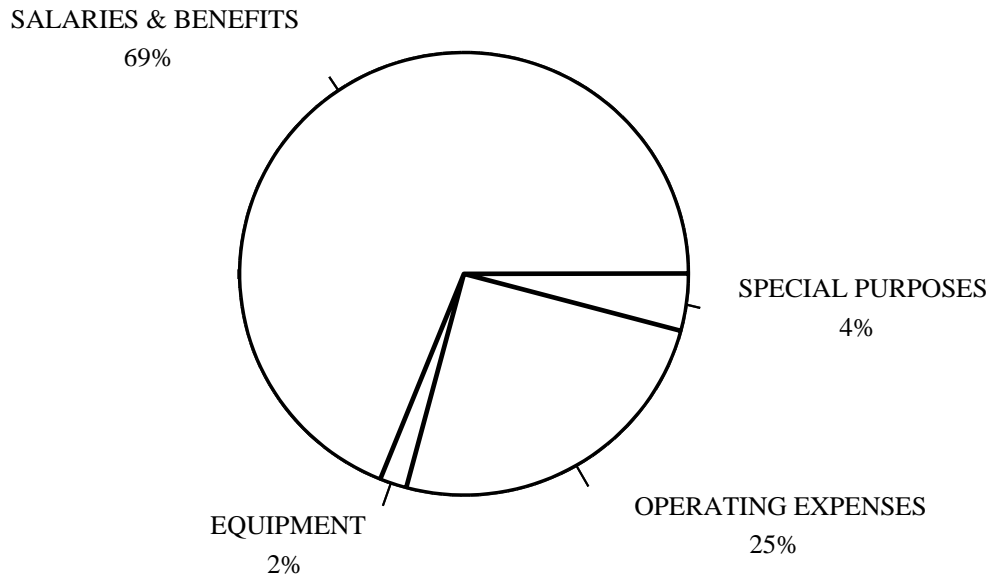


NON-JUDICIAL GEN & SPEC FUNDS APPROP

99%

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

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



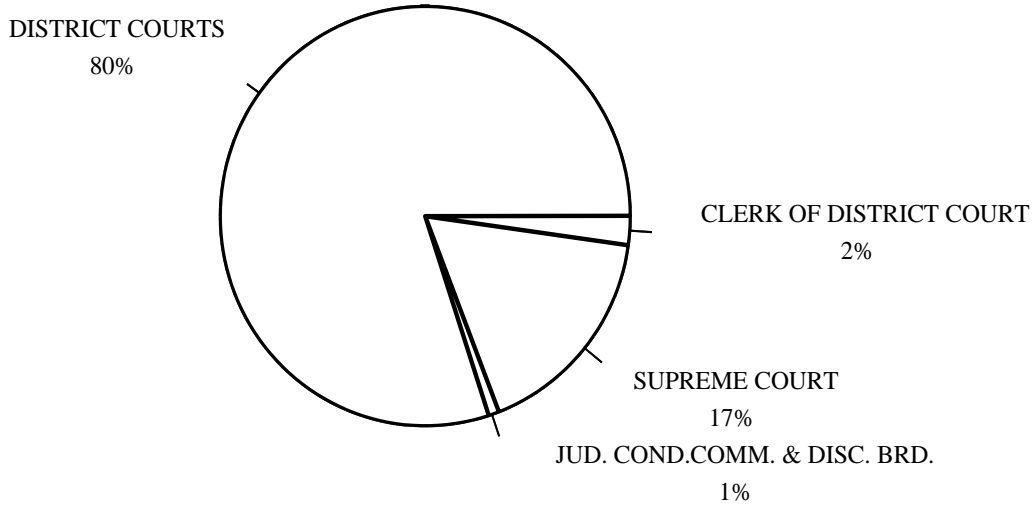
**STATE JUDICIAL BRANCH APPROPRIATION  
BY TYPE OF ACTIVITY  
1999-2001 BIENNIUM**

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

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

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

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



# Advisory Committees of the North Dakota Judicial System

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

## Judicial Planning Committee

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

## Joint Procedure Committee

The Joint Procedure Committee is responsible for continued study and improvement of the North Dakota Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Court, Rules of Evidence, Rules of Appellate Procedure, and specialized court proceeding procedures. The Committee is chaired by Justice Dale V. Sandstrom and staffed by Gerhard Raedeke. The Committee membership of 10 judges and 10 attorneys is appointed by the Supreme Court, except for one liaison member appointed by the State Bar Association. Recent projects include new rules and amendments governing custody investigators, guardians ad litem, predeliberation discussion by jurors, appearances by attorneys not licensed in North Dakota, and ex parte applications by indigent defendants for funding. The Committee has also been working on alternative dispute resolution and is revising the North Dakota Rules of Appellate Procedure in response to the 1998 revision of the federal rules.

## Joint Committee on Attorney Standards

The Joint Committee on Attorney Standards, chaired during 1999 by District Judge Ralph Erickson of Fargo, is comprised of members appointed by the Chief Justice and the Board of Governors of the State Bar Association. During 1999, the Committee submitted to the Supreme Court proposed amendments to Rule 8.4, Rules of Professional Conduct, which identified manifestation of bias as a form of misconduct, and undertook a review of issues related to client access to files, lawyer advertising, and multi-disciplinary practice.

## Judiciary Standards Committee

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

## Court Services Administration Committee

The Court Services Administration Committee, chaired by William A. Strutz of Bismarck, is responsible for the study and review of all rules and orders relating to the administrative supervision of the judicial system. During 1999, the Committee reviewed the system's administrative structure and the effectiveness and efficiency of the administrative operation of the trial courts. The Committee also began a study concerning implementation of 1999 legislation providing for state funding of clerk of district court services. As part of that study, the Committee submitted to the Supreme Court a proposed rule on clerk duties and appointment.

## Committee on Tribal and State Court Affairs

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

## Commission on Judicial Education

The Continuing Judicial Education Commission was established following adoption of Administrative Rule 36 by the Supreme Court. The commission is chaired by Judge Donald L. Jorgensen of Bismarck and is comprised of three district court judges, a justice or judge appointed by the chief justice, a supreme court department head, a district court employee, and a supreme court employee. The commission develops policies and procedures concerning the implementation of a statewide continuing judicial education program for judges and personnel of the unified judicial system.

The commission was instrumental in the Supreme Court's decision to mandate that all supreme, district and municipal judges, judicial referees and

magistrates, and juvenile court directors and court officers receive an identified number of hours of continuing education each biennium.

In 1999, the Commission authorized the development of, with the assistance of the Juvenile Court Education Committee, a promotional video on the juvenile court and a set of videotapes which will be used to orient new court officers and respective members of the community on juvenile court laws and procedures. The orientation videos have been completed and are being used statewide for training purposes. The completion date for the promotional video is April, 2000.

## Personnel Policy Board

The Personnel Policy Board was established following adoption of Administrative Policy 106 by the Supreme Court. The board is chaired by Penny Miller, Clerk of the Supreme Court, and is comprised of three district court judges, a justice or judge appointed by the chief justice, a supreme court department head, a district court employee, and a supreme court employee. The board is tasked with the responsibility of reviewing and implementing the personnel system and developing a salary administration plan for the judiciary. In 1999 the board's primary focus centered around the policy issues related to the transition of county to state funded clerks of district court and their employees.

## North Dakota Legal Counsel for Indigents Commission

The Legal Counsel for Indigents Commission, chaired during 1999 by Constance L. Triplett, Grand Forks, identifies and reviews issues concerning the operation of the indigent defense contract system. During 1999, the commission reviewed the prospects for a pilot public defender system, considered issues regarding the equitable allocation of indigent defense funds, and monitored 1999 legislation affecting indigent defense services.

## Juvenile Policy Board

The Juvenile Policy Board, chaired by Judge Norman Backes, continues to oversee the implementation of balanced and restorative justice.

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

The board, working with the directors of juvenile courts and the division of juvenile services, has implemented a statewide system for electronic monitoring and intensive tracking of certain juvenile offenders. A system of fully involving victims in the juvenile court process, including offender accountability conferences involving the victim, was initiated in the past year. This approach emphasizes community service, payment of restitution to victims, and taking responsibility for one's behavior.

As part of the competency development portion of this approach, the board continued implementing the "Keys to Innervisions" program. This program is designed to instill responsibility in juveniles for their own actions, that they can change their behavior and to teach them how to change their behavior. In addition to training all juvenile court officers in this approach, the courts have cooperated with schools, tribal governments, social services, law enforcement, and private providers to train other key individuals in this approach; the start of a "community empowerment team". This should help in sending clear and consistent messages to juveniles from the many systems they come in contact with.

## Council of Presiding Judges

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

## Court Technology Committee

The Court Technology Committee, chaired by Judge Allan Schmalenberger, is comprised of 11 people representing the supreme court, district courts, clerks of court, and state court administrator's office.

During 1999, the unified court information systems (UCIS) continued to evolve and grow. The Committee approved the expansion of UCIS to include a total of 30 counties. In March, the Southeast judicial district was migrated from the Barnes County AS/400 and began using UCIS on the judicial AS/400 in Bismarck. This brought the number of districts using a single, integrated UCIS database to five. The Northeast Central judicial district continues to use a UCIS installation that resides on the Grand Forks County AS/400. The East Central judicial district continues to use an

alternate system, PCSS. The Committee also approved policies that made it possible for law enforcement and state's attorneys to access selected UCIS data.

The Court Technology Committee also oversaw the purchase and implementation of a statewide juvenile court system and a digital recording system that is being tested in the Southwest judicial district.

A comprehensive integration and migration analysis was performed in 1999. The result of this analysis is a technology plan which will provide general guidelines for the next five to seven years.

The Committee will continue to work towards integrated systems within the judicial branch and with other government entities in the coming years.

#### **Gender Fairness Implementation Committee**

The Gender Fairness Implementation Committee, chaired by Justice Mary Muehlen Maring, is charged by Administrative Order 7 with implementing the recommendations of the Final Report of the Commission on Gender Fairness in the Courts. During 1999, the Committee assisted in coordinating several education programs concerning bias in the courts and provided articles concerning Committee activities for publication in the Gavel, a publication of the State Bar Association. The Committee also reviewed methods in other jurisdictions of addressing bias related complaints and began an assessment of an informal complaint procedure for responding to such complaints.

#### **Committee on Public Trust and Confidence**

The Committee on Public Trust and Confidence, chaired by Justice William A. Neumann, was established to study numerous factors that have been cited as contributing to a decline in the public's trust and confidence in the courts. During 1999, the Committee, comprised of members representing a broad spectrum of interests and experience, analyzed issues and perceptions affecting public trust and confidence and developed possible methods for addressing those factors that may influence the public's understanding of and support for the courts and the judicial process. The Committee also reviewed results from a survey of North Dakota citizens conducted in October 1999 which sought to gauge public perception of the courts. At the close of the year, the Committee was preparing a report on its findings and recommendations for submission to the Supreme Court.

#### **Trial Court Legal Research Assistance Committee**

The Trial Court Legal Research Assistance Committee, chaired by Judge David Nelson, was created in 1999. The purpose of the committee is to provide technical assistance and management assistance to trial courts in the state. The committee is currently formulating minimum library standards for trial courts, has started group purchases of widely held publications, and is creating a resource book for judges.

## Disciplinary Board

The Disciplinary Board was established to provide a procedure for investigating, evaluating and acting upon complaints alleging unethical conduct by attorneys licensed in North Dakota. The Rules of Professional Conduct are the primary guide for lawyer conduct. The North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints. By Supreme Court Administrative Rule, the Joint Committee on Attorney Standards provides the vehicle for the coordinated, complementary, and continuing study and review of the range of issues concerning attorney standards and supervision.

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

Formal proceedings are instituted when there is probable cause to believe that misconduct has occurred. When a matter goes formal, a petition for discipline is filed and a hearing panel is appointed by the chair of the Disciplinary Board to make findings and a recommendation. Present and past members of the Board may serve as hearing panel members. Under rule amendments which became effective July 1, 1999, the recommendations of the hearing panel for each matter heard that does not result in dismissal, consent probation, or reprimand are filed directly with the Court. The hearing panel may enter orders of dismissal, consent probation or reprimand; however, they are subject to a petition for review that is filed with the Court.

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

Following is a summary of complaint files under consideration in 1999.

New Complaint Files Opened in 1999	211
General Nature of Complaints:	
Client Funds & Property	7
Conflict of Interest	8
Criminal Convictions	3
Excessive Fees	5
Failure to Communicate/Cooperate with Client	1
Improper Conduct	149
Incompetent Representation	27
Neglect/Delay	8
Unauthorized Practice of Law	3
TOTAL	211
Formal Proceedings Pending From Prior Years	17
Other Complaint Files Pending From Prior Years	72
Appeals Filed with Disciplinary Board in 1999	24
Total Files for Consideration in 1999	324
Disposition of Complaint Files:	
No Action by Inquiry Committees (IC)	2
Dismissed by Inquiry Committees	**129
Dismissed without Prejudice by Inquiry Committee	1
Summary Dismissals by Inquiry Committees	47
Admonitions Issued by Inquiry Committees	13
Admonition with Consent Probation by Inquiry Committee	1
Consent Probation by Inquiry Committees	7
Dismissals Issued by Disciplinary Board	3
Reprimands (Public) Issued by Disciplinary Board	3
Disciplinary Board Approves IC Dismissal	24
Disciplinary Board Disapproves IC Disposition	2
Disciplinary Board Approves IC Admonition	1
Suspensions by Supreme Court	*5
Public Reprimand by Supreme Court	4
Formal Proceedings Pending 12/31/99	16
Other Complaint Files Pending 12/31/99	70
TOTAL	**328

\*5 complaint files resulted in suspension of 3 attorneys.

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

## Judicial Conduct Commission

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

The procedures of the Commission are set forth in the North Dakota Rules of the Judicial Conduct Commission. Significant procedural changes effective August 1, 1997, include evaluation of the complaint and summary dismissal by Disciplinary Counsel, after providing an opportunity for Commission members to request further consideration. An admonition (formerly a private censure) now requires the consent of the judge. Complaints are now filed with Disciplinary Counsel for the Commission, with the Clerk of the Supreme Court relieved of all ex officio administrative duties for the Commission. As before, the Supreme Court must take final action on public censure, removal, suspension, retirement, or other public discipline against a judge.

Complaints against judges in 1999 increased over those filed in 1998. The majority were dismissed as being without merit because complainants frequently believe the Commission has the authority to change a judge's decision or influence trial proceedings in some way.

The following table provides a summary of the nature and the disposition of complaints filed with the Judicial Conduct Commission in 1999.

**Judicial Conduct Commission - Summary of 1999**

New Complaint Files Opened in 1999	92
<b>General Nature of Complaints:</b>	
Abuse of authority/prestige	6
Administration irregularity	1
Bias, discrimination/partiality	10
Criminal behavior	1
Delay court business	3
Ex parte communications	3
Failure to disqualify	3
Failure to follow law/procedure	7
Failure to perform duties	3
Health physical/mental	2
Improper conduct on bench	3
Improper decision/ruling	32
Incompetence as judge	1
No specific allegations	10
Willful misconduct in office	1
<b>TOTAL</b>	<b>92</b>
Complaint Files Carried Over from 1998	10
<b>Total Files Pending Consideration in 1999</b>	<b>102</b>
<b>Disposition of Complaints:</b>	
Summary Dismissed	57
Dismissed	5
Admonition by Judicial Conduct Commission	0
Censure by the Supreme Court	0
Suspension	*5
<b>Total 1999 Dispositions</b>	<b>67</b>
Complaint Files Pending as of 12/31/99	35

**Of the New Complaints Filed in 1999:**

- 1 was against a person not subject to the North Dakota Code of Judicial Conduct
- 76 were against 32 district court judges
- 3 were against 2 referees
- 6 were against 6 municipal judges
- 6 were against supreme court judges

\*Five complaints against a district court judge led to a resignation and subsequent suspension as an attorney

## State Bar Board

The State Bar Board was created by statute to assist the Supreme Court in its constitutional responsibility to regulate the admission to practice. In 1999, Board members were Rebecca S. Thiem of the Bismarck firm of Zuger, Kirmis & Smith; Mark L. Stenehjem of the Williston firm of Winkjer, McKennett, Stenehjem, Reiersen & Forsberg; and Paul F. Richard of MeritCare Health System in Fargo.

On March 1, 1999, a rule became effective which authorizes the Bar Board to recommend the conditional admission or licensure of an applicant who has a record of misconduct, dependencies, instabilities, inappropriate behavior or other problems/circumstances and the Bar Board believes the protection of the public is warranted. While the Board did not use this rule in 1999, it permits the Board to recommend that an applicant be admitted to the practice of law with specific conditions including, requiring drug or alcohol treatment, medical care, psychological or psychiatric care, professional office practice or management counseling, practice supervision, and/or professional audits or reports.

The Character and Fitness Committee assists the Board in investigating applicants' character, fitness and moral qualifications. In 1999, members of the Committee were: Charles S. Miller, Malcolm H. Brown, Luella Dunn, Reverend Keith Odney, and Dr. Al Samuelson, all of Bismarck.

The Bar Board administered a two-day bar examination in July 1999 using two new testing products. The Multistate Performance Test (MPT), a written three-hour examination consisting of two ninety-minute tasks that examine fundamental lawyering skills, including problem solving, legal analysis and reasoning, factual analysis, communication, organization and management of a legal task, and recognizing and resolving ethical dilemmas; and the Multistate Essay Examination (MEE), a written three-hour examination consisting of six questions from preselected topic areas were given on Tuesday. The Multistate Bar

Examination (MBE), an objective six-hour multiple choice exam, was given on Wednesday. In light of the format change in the days the examination is given, the Bar Board announced a February 2000 bar examination will be administered.

Passage rates for the 1999 examination were:

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
07/99	41	35/85%	34	28/82%

Admission to practice in North Dakota can be based on the results of the written bar examination; five years of admission and at least four years of practice in another jurisdiction; and, within two years of application, achieving a score of 150 on the Multistate Bar Examination (MBE) and admission in another jurisdiction. Additionally, every applicant for admission must be at least 18 years old, of good moral character, fit to practice law, and been awarded a juris doctor or equivalent degree from a law school, approved or provisionally approved for accreditation by the ABA. Of those 58 individuals admitted in 1999, 32 were by bar examination; 9 by achieving the 150 MBE score and admission in another state; and 17 by having the requisite years of practice in another state.

The State Bar Board is also responsible for licensing attorneys. By statute the Board collects the license fees and remits 80% to the State Bar Association. In 1999, 1,856 lawyers and judges, 373, or 20%, of whom were women, were licensed.



## North Dakota Judicial Conference

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

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

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

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

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

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

The Judicial Conference has four major duties:

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

Several committees have been established to support the activities of the full conference. The committees and respective committee chairs during 1999 were as follows:

1. Program Planning Committee, Judge Bruce E. Bohlman, Chair.
2. Committee on Legislation, Judge Burt L. Riskedahl, Chair.
3. Committee on Judicial Compensation, co-chairs Justice William Neumann and Judge Gary Holum.

Special committees are as follows:

1. Judicial Immunity Committee, Judge Kirk Smith, Chair.
2. Jury Standards Committee, Judge Robert Holte, Chair.

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

The officers and executive committee of the Judicial Conference during 1999 were as follows:

Judge, Kirk Smith, Chair  
Justice, Dale V. Sandstrom, Chair-Elect  
Justice Mary Muehlen Maring, Executive Committee  
Judge John C. McClintock, Jr., Executive Committee  
Judge Donald L. Jorgensen, Executive Committee  
Judge Gail Hagerty, Past Chair

***NORTH DAKOTA JUDICIAL CONFERENCE***

**JUDGES OF THE SUPREME COURT**

Gerald W. VandeWalle  
William A. Neumann

Dale V. Sandstrom

Mary Muehlen Maring  
Carol Ronning Kapsner

**JUDGES OF THE DISTRICT COURT**

South Central District

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

Northwest District

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

Northeast District

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

Northeast Central District

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

Southwest District

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

East Central District

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

Southeast District

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

**JUDGES OF THE MUNICIPAL COURTS**

Robert A. Keogh  
Lamar K. Wells

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

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

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

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

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

**MEMBERS OF THE BAR**

Sherry Moore  
James S. Hill

Paul G. Kloster  
Steven Lies

Mike Sturdevant

\*Presiding Judge

Executive Secretary Keith E. Nelson  
68 Members