



2013 NORTH DAKOTA COURT SYSTEM ANNUAL REPORT



MISSION STATEMENT

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



“Access to the courts and the ability to participate in one’s own case are key concepts in delivering justice.”

– Chief Justice Gerald Vandewalle



Message from Chief Justice Vandewalle

At the beginning of 2013 I appeared before the Sixty-third Legislative Assembly to present the State of the Judiciary message in which I requested funding, support, or both for a number of initiatives and needs within the North Dakota Court System. That list ranged from expanding the court’s mediation program, to creating a program to assist self-represented litigants, to eldercare issues, to realignment of judicial districts to help alleviate some of the stress placed upon our human resources. I am happy to report that significant progress has been made toward these and other projects.

The court’s mediation program was expanded, effective January 1, 2014, to include family law and probate cases on appeal. The goal of mediation at both the trial and appellate level is to minimize family conflict, encourage shared decision-making, and support healthy relationships and communication among family members. This Appellate Mediation Program offers litigants anticipating an appeal the opportunity to participate in mediation at no charge to them. It differs from the family law mediation program at the trial court level in three key aspects: First, it includes probate as well as family cases; second, it is available prior to the actual filing of an appeal; and third, parties can opt out of the program if certain conditions are met.

In striving to provide both effective and efficient service to the citizens of North Dakota, we accomplished several goals this past year. First, we implemented state-wide electronic filing of court documents in April – moving us further along the path to a paper-on-demand court system and keeping us in-step with technological changes. Second, the Legislature approved our request for three additional judgeships—two in the Northwest and one in the East Central districts—and additional employees to meet the needs in clerk and juvenile court offices. The new positions are all filled. Third, we realigned the judicial districts, creating an eighth district in the Northwest area of the state and moving counties between other districts. These moves helped alleviate some of the judge and staff shortages identified in our caseload studies. Finally, in December, we filled a newly created position—Citizen Access Coordinator—which will provide procedural advice and education to self-represented litigants.

We also moved into the implementation phase of our perception-of-bias study with the formation of the Minority Justice Implementation Committee. A court’s stock in trade is credibility. If litigants believe the deck is stacked against them, then even the

most lawful and just decisions by the court are greeted with distrust. The Court was presented with more than 70 recommendations for ways to improve our performance. We are concerned about bias and the perception of bias and we adopted Administrative Order 21 which establishes an implementation committee. This committee will develop a strategic plan to implement the recommendations of the task force and monitor progress in this area.

We also took steps to address the shortage of legal counsel in rural areas of the state. Partnering with the University of North Dakota School of Law, we have created the Rural Law Clerk Program and will establish up to three paid law clerk internships each year. These interns will be placed with rural judges serving communities of less than 15,000. The rural internship program is designed to encourage law school students to consider practicing in small communities. By inviting them into the community as young adults, to work in a professional capacity, we hope they will have a perspective on rural life and the many benefits that come with living in a close knit society and being a valued part of the local community, including the business community.

While we take pride in what we accomplished in 2013, we must continue to look introspectively and outwardly for ways to become more efficient and more relative to our role as a branch of government in a changing society. We will continue, as our resources allow, to examine new programs in order to determine whether they will enhance our system of justice and serve the citizens as well as the profession.

This annual report provides a statistical overview of the caseload and budget of the North Dakota Court System for the past year and gives a glimpse of what lies in store for 2014 and beyond as the Court works to adapt to our state’s growing population, economy, and diversity. I commend it to you.

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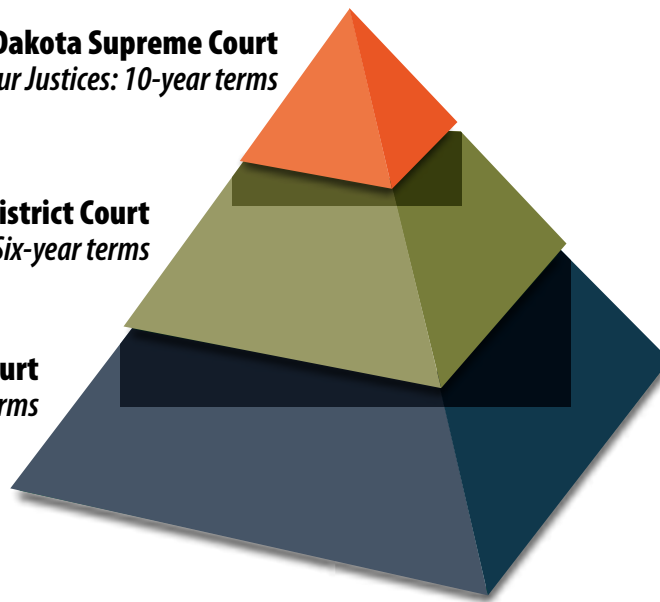


NORTH DAKOTA COURTS

North Dakota Supreme Court
One Chief Justice & Four Justices: 10-year terms

District Court
Seven Judicial Districts/47 Judges: Six-year terms

Municipal Court
73 Judges: Four-year terms



The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: 1) adjudicative and 2) administrative. It is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. The Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary. In its administrative capacity, the Court is responsible for ensuring the efficient and effective operation of all non-federal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession and promulgating procedural rules.

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

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

NORTH DAKOTA SUPREME COURT

The North Dakota Supreme Court has five Justices. Each Justice is elected for a ten-year term in a nonpartisan election. The terms of the Justices are staggered so that only one judgeship is scheduled for election every two years. However, in the case of the retirement or death of a Justice during the term of office, the Governor can appoint to fill the term for two years, when the person must then run for election.

Each Justice must be a licensed attorney and a citizen of the United States and North Dakota.

One member of the Supreme Court is selected as Chief

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

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



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



2013 CASELOAD HIGHLIGHTS

- Despite a decrease in the new cases filed in 2013, the Supreme Court's workload did not diminish. Not reflected in caseload numbers is the impact of the administrative workload on the Justices' time. A significant amount of the Court's time was spent considering amendments to various procedural rules, judicial redistricting proposals, whether to fill or relocate judicial vacancies, designation of chambers for new district judges, appointments to the Court's committees and boards, personnel policy amendments, serving on the Court's committees and boards appearing at legislative hearings, hosting the Justices' Teaching Institute for high school teachers, and speaking to students and the public about the Court and the judicial system.
- The 2013 new filings were still above the 5-year and 10-year averages for new filings in the Supreme Court. There were decreases in most of the case types, but no apparent trend. Appeals in family related cases accounted for 22% of the civil caseload and 16% of the overall caseload; and appeals involving administrative agencies accounted for 7% of the civil caseload.
- Appeals of drug related offenses and driving under the influence accounted for 40% of the criminal caseload, which is an increase over last year. Appeals of sexual offenses accounted for 13% of the criminal caseload. Appeals in post-conviction relief matters, which are by statute civil, decreased in 2013 and were 10% of the civil caseload. The criminal caseload and appeals from applications for post-conviction relief accounted for 33% of the Supreme Court's caseload, which is a decrease over last year.
- Not surprisingly, cases having oil and gas issues continue to impact the workload of the Supreme Court. These issues arise not only in oil and gas cases, but also in real property, family law, probate and other case types.
- In 20% of the cases filed in 2013, at least one party was self-represented.
- Oral arguments were scheduled in 224 cases, a decrease over last year. Approximately 31% of those arguments were waived, by either the parties or the Court, and submitted on the briefs and the record.
- The Justices each authored an average of 50 majority opinions, with another 66 separate concurrences and/or dissents written.
- The most appeals originated from the South Central Judicial District, followed by the East Central, Northwest, Northeast Central, Southeast, Northeast and Southwest Judicial Districts.
- Electronic filing in the Supreme Court has annually increased, and in 2013 increased by 10%. Of the 591 briefs filed in 2013, 71% were electronically filed; and 70% of the appendices were electronically filed under North Dakota Supreme Court Administrative Order 14.
- The year ended with Justice Mary Muehlen Maring retiring after almost 18 years with the Court. Governor Jack Dalrymple appointed District Judge Lisa Fair McEvers to replace Justice Maring. She began work in January 2014.

CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 2013 AND 2012 CALENDAR YEARS

	2013	2012	Percent Difference
New Filings	400	442	-9.5
Civil	297	302	-1.7
Criminal	103	140	-26.4
Dispositions	387	477	-18.9
Civil	281	323	-13.0
Criminal	106	154	-31.2
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0

CASE DISPOSITIONS 2013

	Civil	Criminal
BY OPINION:		
▪ Affirmed	80	21
▪ Affirmed in Part & Reversed in Part; Affirmed in Part & Dismissed in Part, Affirmed in Part & Remanded	15	2
▪ Affirmed by Summary Disp.	45	35
▪ Reversed	10	5
▪ Reversed & Remanded	34	7
▪ Oder/Judgment Vacated & Remanded	2	0
▪ Dismissed	1	0
▪ Certified Question Answered	1	0
▪ Discipline Imposed	21	-
▪ Transfer to Disability Inactive Status	1	-
▪ Original Jurisdiction--Denied	1	0
▪ Original Jurisdiction--Granted	0	0
Dispositions by Opinion	211	70
BY ORDER:		
▪ Dismissed	53	31
▪ Original Jurisdiction—Denied	14	4
▪ Original Jurisdiction—Granted	2	1
▪ No Court Action Required	1	0
Dispositions by Order	70	36
Total Dispositions for 2013	281	106

PUBLIC OUTREACH

The Supreme Court continued the “Taking the Court to Schools” program with visits to Dickinson Trinity High School and the University of North Dakota School of Law. The Court was involved in the “We The People” program sponsored by the State Bar Association of North Dakota. They also hosted the Fifth Justices Teaching Institute, providing education to North Dakota social studies and government teachers. Justices continued other community outreach by speaking to service and professional groups, as well as students, and participating in other law-related activities.



COMMITTEE SERVICE

The Supreme Court Justices also serve through their involvement on committees. In 2013, Justices chaired or co-chaired Administrative Council, the Commission to Study Racial and Ethnic Bias in the Courts, Cameras in the Courtroom Commission, Court Services Administration Committee, Court Technology Committee, Joint Procedure Committee, Judicial Branch Education Commission, Judicial Planning, and the Juvenile Drug Court Advisory Committee. In addition, the justices served as members on Personnel Policy Board, Judiciary Standards Committee, and the Committee on Tribal and State Court Affairs.



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 under the administrative authority of the Chief Justice and funded by the state of North Dakota.

The district courts have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal cases and have general

jurisdiction for civil cases. There are 47 district judges in the state.

Judges in the district courts also serve on statewide committees, boards, and commissions; participate in state and local bar association activities; and provide law-related public education to students and community members.

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

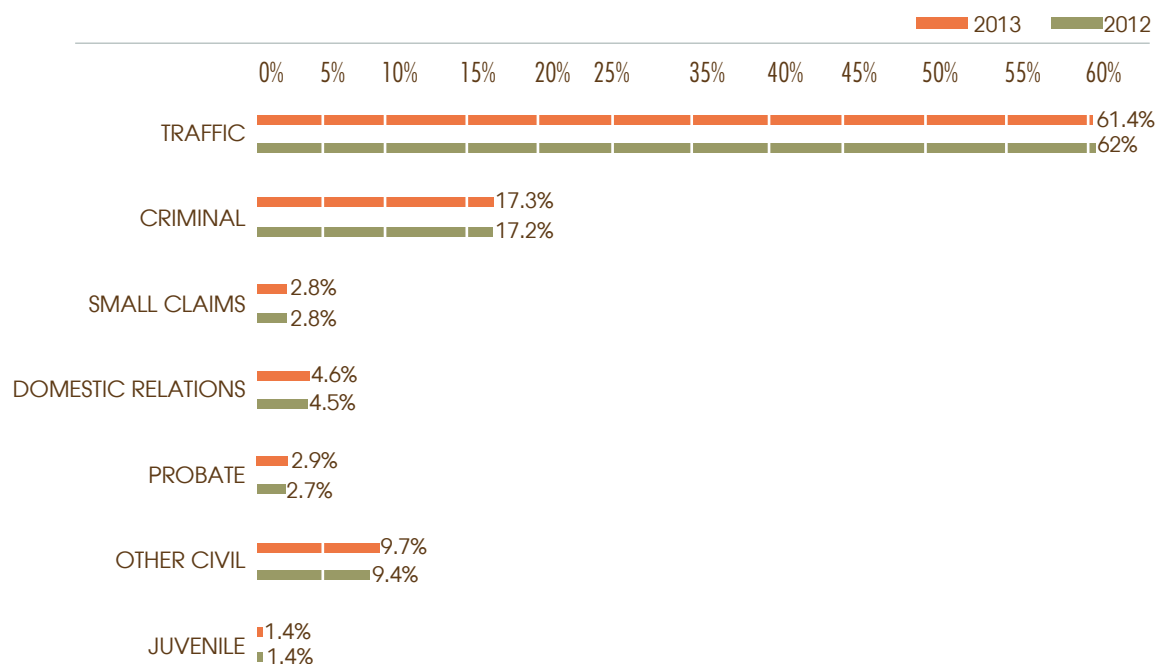


NORTH DAKOTA DISTRICT COURTS

TOTAL DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2012 & 2011

CASE FILINGS/ DISPOSITIONS	2013			2012			2013/2012	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	31,485	9,071	39,760	30,932	10,707	40,193	1.79%	-1.08%
Small Claims	5,122	290	5,159	5,123	231	5,404	-0.02%	-4.53%
Criminal	31,787	10,390	44,983	31,924	10,304	45,175	-0.43%	-0.43%
Traffic	112,736	199	115,125	115,387	188	115,879	-2.30%	-0.65%
Juvenile	2,518	1,368	3,508	2,616	1,288	3,510	-3.75%	-0.06%
Total	183,648	21,318	208,535	185,982	22,718	210,161	-1.25%	-0.77%

TYPES OF CASES FILED IN DISTRICT COURT - 2013 & 2012



JURY TRIALS BY JUDICIAL DISTRICT

District	2012	2013
East Central	29	30
Northeast	13	9
Northeast Central	20	30
Northwest	59	52
South Central	97	112
Southeast	37	29
Southwest	13	13
Total	268	275

Based on jury trials paid

CIVIL CASELOAD

Civil filings increased by 1.5 percent in 2013 compared to 2012 with total case filings of 36,607. There were 5,122 small claims cases in 2013, one fewer than 2012. Domestic relations cases increased by less than 1.0 percent, probate/guardianship cases increased by 6.4 percent, and other civil cases increased by 1.2 percent in 2013.

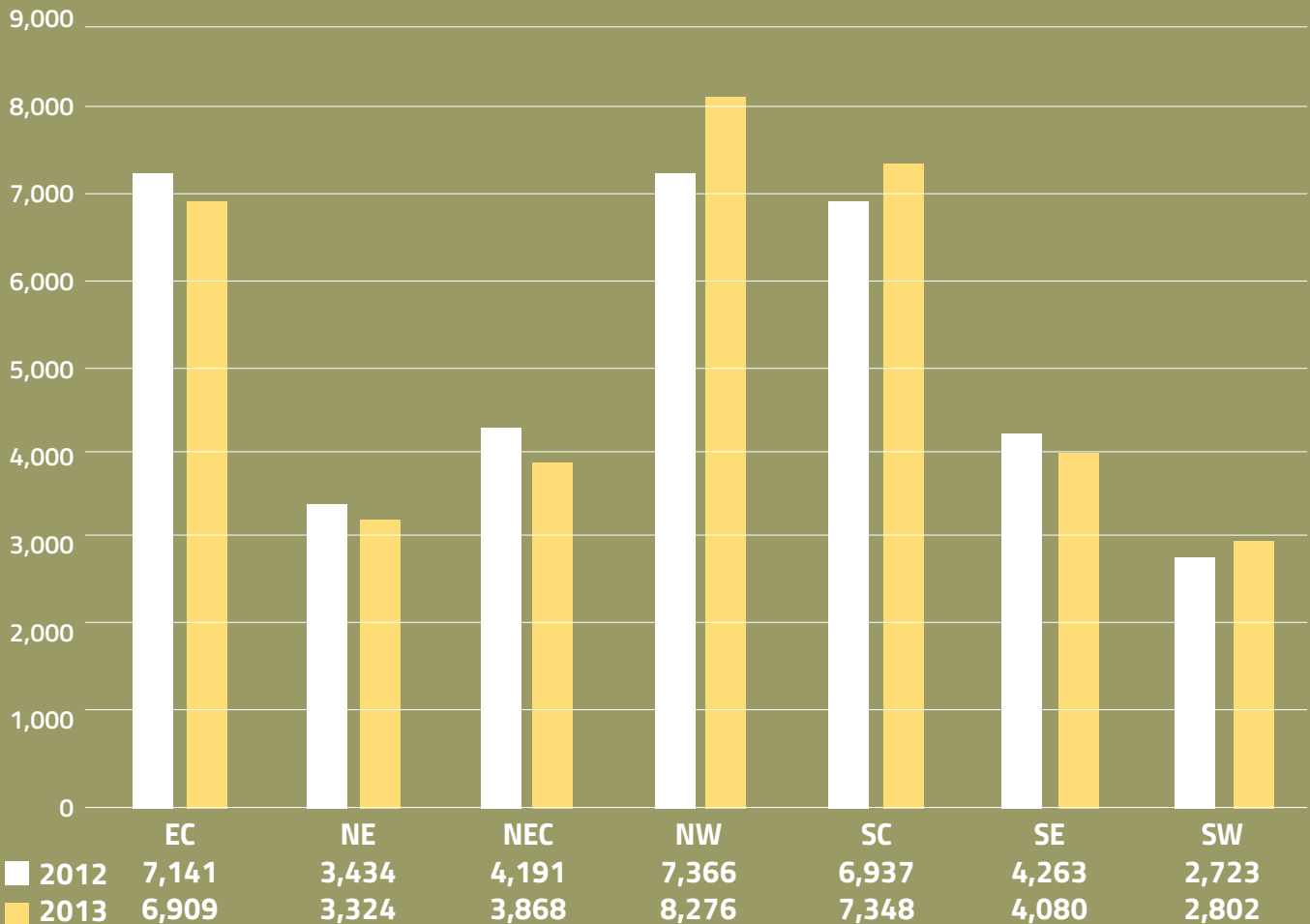
There were 8,375 domestic relations case filings in 2013, consisting of the following: support proceedings (35 percent); divorce (29 percent); protection/retraining orders (23 percent); paternity (6 percent); adoption (3 percent);

parenting responsibility filings (3 percent) and termination of parental rights (less than 1 percent).

Total divorce filings in 2013 were 2,408 compared to 2,447 in 2012. Support proceedings increased by 6.2 percent with 2,895 cases filed, and protections/restraining order filings increased by less than 1 percent with 1,950 cases filed.

Contract/collection (69 percent) and civil commitment (9 percent) cases account for the majority of the 17,899 other civil case types. Contract/collection increased by 215 cases or 1.8 percent compared to 2012.

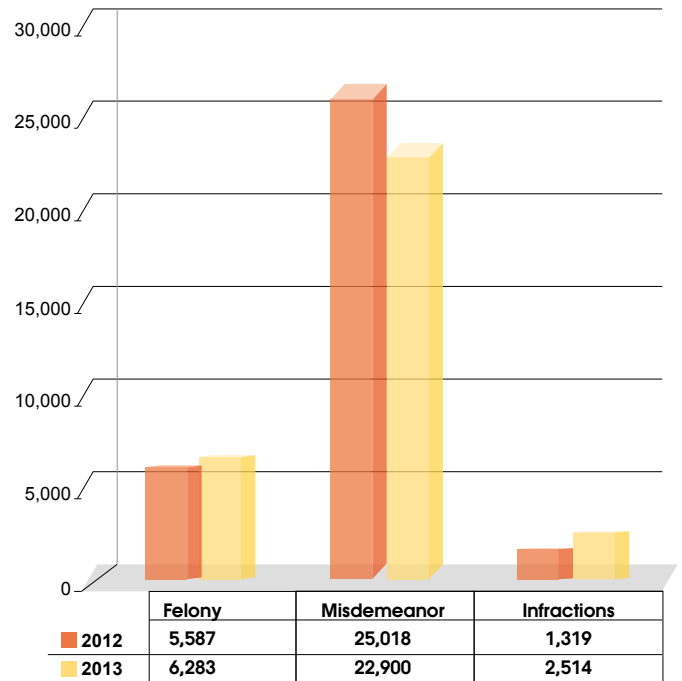
ND CIVIL CASELOAD FOR DISTRICT COURTS FOR 2012 AND 2013



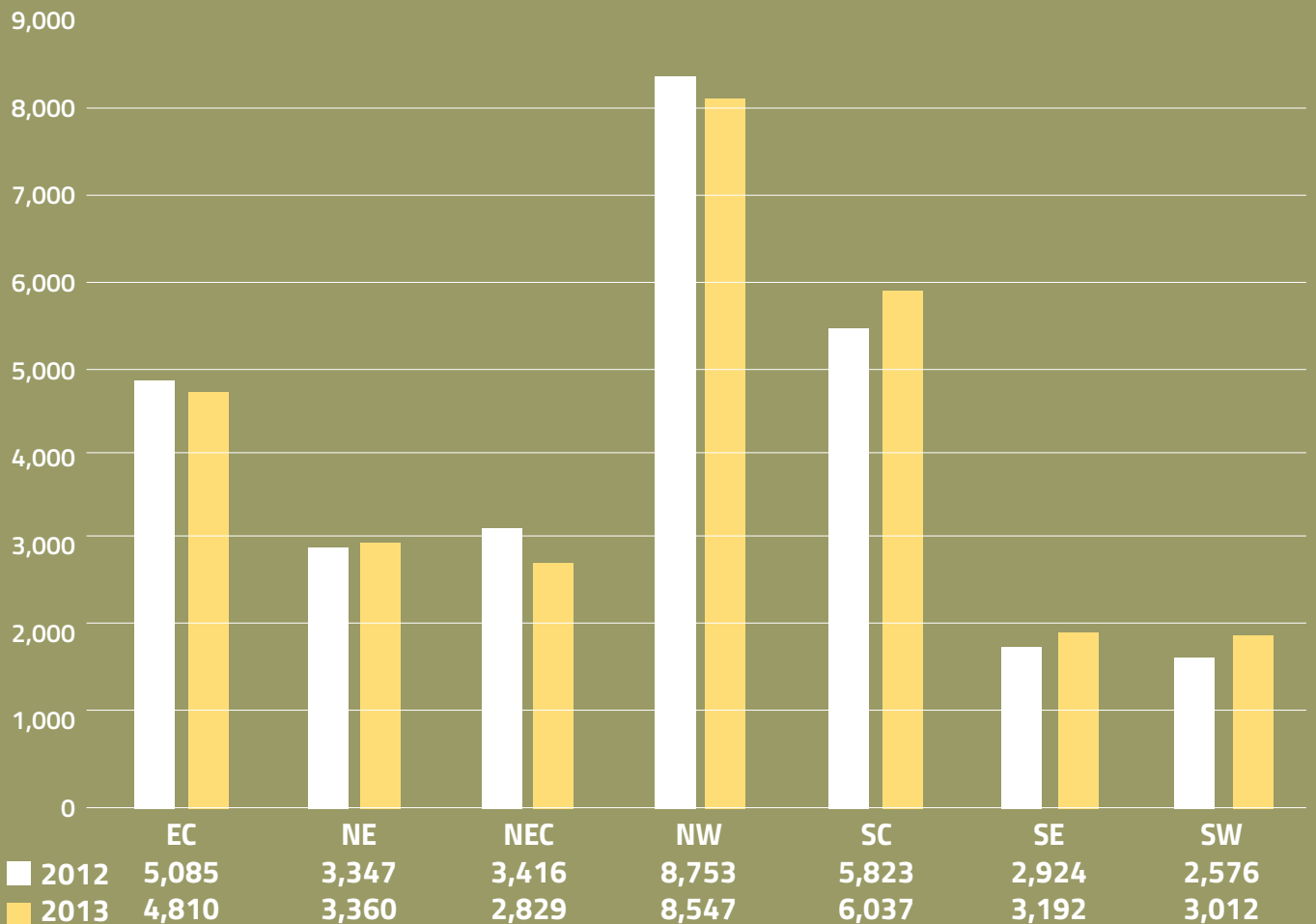
CRIMINAL CASELOAD

Total criminal filings decreased by less than 1 percent from 2012 to 2013 with 31,787 cases filed compared to 31,924. Felony filings increased by 12.5 percent; misdemeanors decreased by 8.1 percent; and infractions increased by 90.6 percent. The increase in infractions and corresponding decrease in misdemeanors is primarily due to a change in the law for driving without liability insurances. Misdemeanors made up 72 percent of total criminal filings; felony 20 percent; and infractions 8 percent.

OVERALL ND CRIMINAL CASELOAD FOR 2012 AND 2013



ND CRIMINAL CASELOAD BY DISTRICT FOR 2012 AND 2013



ADMINISTRATIVE TRAFFIC CASES

Administrative traffic filings decreased by 2,651 (2.3 percent) from 2012. These cases make up 61 percent of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Case Filings	2012	2013
Admin. Traffic	115,387	112,736

Case Re-opens	2012	2013
Admin. Traffic	188	199

Case Dispositions	2012	2013
Admin. Traffic	115,879	115,125



DISTRICT COURT JUDGES SERVING IN 2013 & CHAMBERED CITIES

Norm Anderson- Fargo

Sonna M. Anderson - Bismarck

Zane Anderson - Dickinson

Karen K. Braaten – Grand Forks

Lee A. Christofferson – Devils Lake

Sonja Clapp – Grand Forks

Wickham Corwin - Fargo

Todd Cresap - Minot

Brad Cruff - Wahpeton

Cynthia Feland - Bismarck

Laurie A. Fontaine – Cavalier/Langdon

Donovan Foughty – Devils Lake

M. Richard Geiger - Grafton

Dann Greenwood - Dickinson

John E. Greenwood - Jamestown

Richard L. Hagar - Minot

Gail Hagerty - Bismarck

Bruce B. Haskell - Bismarck

William Herauf - Dickinson

Douglas R. Herman - Fargo

James D. Hovey – New Rockford

John C. Irby - Fargo

Paul Jacobson - Williston

Lawrence E. Jahnke – Grand Forks

Jon Jensen – Grand Forks

Donald L. Jorgensen - Linton

Debbie G. Kleven – Grand Forks

Gary H. Lee - Minot

Steven L. Marquart - Fargo

Douglas L. Mattson - Minot

John C. McClintock, Jr.- Rugby

Steven E. McCullough - Fargo

Lisa K. McEvers - Fargo

William McLees - Minot

Joel Medd – Grand Forks (Retired 2013)

Thomas E. Merrick - Jamestown

Daniel D. Narum - Ellendale

David W. Nelson - Williston

John T. Paulson – Valley City

Frank Racek - Fargo

David E. Reich - Bismarck

Bruce A. Romanick - Washburn

Robin Schmidt – Watford City

Joshua Rustad - Williston

Jay Schmitz – Valley City

Thomas J. Schneider - Mandan

Michael Sturdevant - Bottineau

Wade L. Webb -Hillsboro

Judicial Referees Serving in 2013

Wayne D. Goter - Bismarck

Scott Griffeth - Fargo

John Grinsteiner - Bismarck

Connie Portscheller - Minot

John Thelan – Grand Forks

Susan Solheim - Fargo

Dale A. Thompson - Bottineau

David H. Vigeland- Grand Forks

Presiding Judges

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

2013 PRESIDING JUDGES

Northeast Judicial District – Judge Laurie Fontaine

Northeast Central Judicial District – Judge Lawrence Jahnke

East Central Judicial District - Judge Frank Racek

Southeast Judicial District – Judge John Greenwood

South Central Judicial District - Judge Gail Hagerty

Southwest Judicial District - Judge William Herauf

Northwest Judicial District - Judge William McLees

FAMILY MEDIATION

The Family Mediation Program is a statewide program that began as a pilot program in two districts in 2008. In 2013, the Family Mediation Program accepted 529 cases into the Program. Four hundred twenty-three cases have been completed as of January 31, 2014. Data for those completed cases indicates 54 percent reached full agreement, while

an additional 23 percent reached partial agreements for a positive impact on 77 percent of cases.

As of January 1, 2014, the Family Mediation Program was expanded to the appellate level.

There are currently 27 mediators on the Family Mediation Roster.

FAMILY MEDIATION CASES JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

Total cases referred to the mediation program	867
Cases rejected or dropped out	338
Custody issues settled prior to mediation	91
Existence of domestic violence restraining order in case record or domestic violence issues identified	78
One party resides outside of North Dakota	52
Default divorce	29
One party incarcerated	10
Mediation attempted prior to filing divorce action	4
One or both parties did not comply with order	44
Parties reconciled	13
Dismissed	12
Miscellaneous	5
Cases accepted into the Family Mediation Program	529
Cases mediation completed as of January 31, 2014	413
Cases pending as of January 31, 2014	116

2013 JUDICIAL DISTRICTS AND UNITS

Northwest Judicial District

Number of Counties: 6

Northeast Judicial District

Number of Counties: 11

Northeast Central Judicial District

Southwest Judicial District

Number of Counties: 8

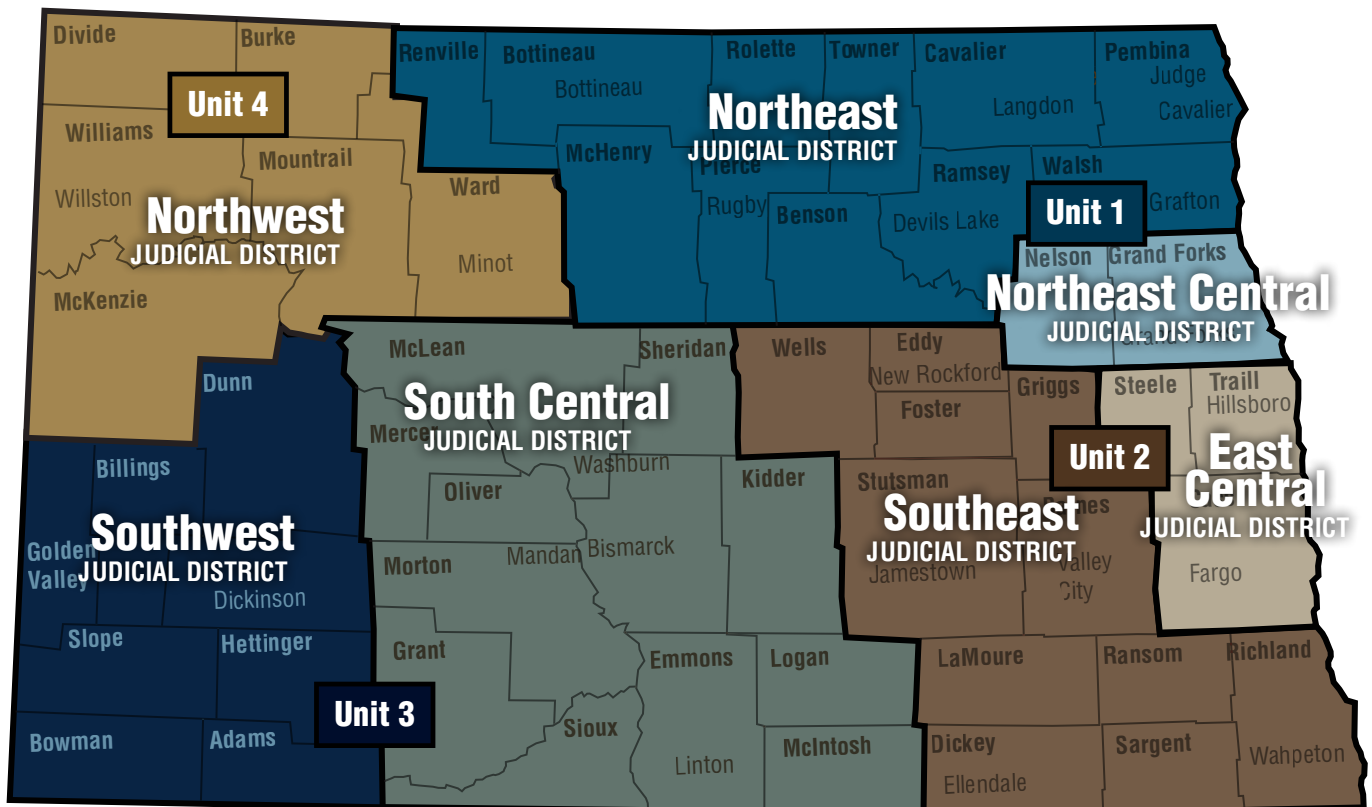
South Central Judicial District

Number of Counties: 12

Southeast Judicial District

Number of Counties: 11

East Central Judicial District



CASE FILINGS BY JUDICIAL DISTRICT 2013 & 2012

NE DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2013 & 2012

CASE FILINGS/ DISPOSITIONS	2013			2012			2013/2012	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,910	1,258	4,215	2,972	1,422	4,393	-2.09%	-4.05%
Small Claims	414	6	372	462	7	486	-10.39%	-23.46%
Criminal	3,360	1,141	5,147	3,347	1,565	5,319	0.39%	-3.23%
Traffic	12,086	25	12,571	14,159	32	14,131	-14.64%	-11.04%
Juvenile	282	187	406	306	153	378	-7.84%	7.41%
Total	19,052	2,617	22,711	21,246	3,179	24,707	-10.33%	-8.08%

NEC DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2013 & 2012

CASE FILINGS/ DISPOSITIONS	2013			2012			2013/2012	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,745	772	3,843	2,802	1,177	3,987	-2.03%	-3.61%
Small Claims	1,123	11	1,079	1,389	23	1,454	-19.15%	-25.79%
Criminal	2,829	1,438	4,414	3,416	1,872	5,283	-17.18%	-16.45%
Traffic	7,697	13	7,997	10,621	20	10,781	-27.53%	-25.82%
Juvenile	391	234	508	364	235	523	7.42%	-2.87%
Total	14,785	2,468	17,841	18,592	3,327	22,028	-20.48%	-19.01%

EC DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2013 & 2012

CASE FILINGS/ DISPOSITIONS	2013			2012			2013/2012	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,670	2,052	7,541	5,920	2,321	8,128	-4.22%	-7.22%
Small Claims	1,239	159	1,365	1,221	134	1,380	1.47%	-1.09%
Criminal	4,810	1,087	6,897	5,085	1,026	7,212	-5.41%	-4.37%
Traffic	14,251	21	14,701	15,143	13	15,276	-5.89%	-3.76%
Juvenile	730	232	976	768	217	957	-4.95%	1.99%
Total	26,700	3,551	31,480	28,137	3,711	32,953	-5.11%	-4.47%

SE DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2013 & 2012

CASE FILINGS/ DISPOSITIONS	2013			2012			2013/2012	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,416	971	4,199	3,564	1,235	4,608	-4.15%	-8.88%
Small Claims	664	34	686	699	20	710	-5.01%	-3.38%
Criminal	3,192	1,213	4,845	2,924	1,015	4,372	9.17%	10.82%
Traffic	13,726	31	14,001	14,349	35	14,471	-4.34%	-3.25%
Juvenile	175	109	248	220	116	300	-20.45%	-17.33%
Total	21,173	2,358	23,979	21,756	2,421	24,461	-2.68%	-1.97%

SC DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2013 & 2012

CASE FILINGS/ DISPOSITIONS	2013			2012			2013/2012	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	6,535	1,682	8,157	6,264	2,173	8,133	4.33%	0.30%
Small Claims	813	47	821	673	17	700	20.80%	17.29%
Criminal	6,037	2,388	8,698	5,823	2,278	8,358	3.68%	4.07%
Traffic	21,447	33	21,912	21,250	10	21,466	0.93%	2.08%
Juvenile	470	304	737	487	300	722	-3.49%	2.08%
Total	35,302	4,454	40,325	34,497	4,778	39,379	2.33%	2.40%

SW DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2013 & 2012

CASE FILINGS/ DISPOSITIONS	2013			2012			2013/2012	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,621	617	3,164	2,537	722	3,019	3.31%	4.80%
Small Claims	181	3	169	186	8	189	-2.69%	-10.58%
Criminal	3,012	801	3,895	2,576	787	3,501	16.93%	11.25%
Traffic	16,175	34	16,274	14,008	36	14,134	15.47%	15.14%
Juvenile	114	64	174	126	52	159	-9.52%	9.43%
Total	22,103	1,519	23,676	19,433	1,605	21,002	13.74%	12.73%

NW DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2013 & 2012

CASE FILINGS/ DISPOSITIONS	2013			2012			2013/2012	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	7,588	1,719	8,641	6,873	1,657	7,925	10.40%	9.03%
Small Claims	688	30	667	493	22	485	39.55%	37.53%
Criminal	8,547	2,322	11,087	8,753	1,761	11,130	-2.35%	-0.39%
Traffic	27,354	42	27,669	25,857	42	25,620	5.79%	8.00%
Juvenile	356	238	459	345	215	471	3.19%	-2.55%
Total	44,533	4,351	48,523	42,321	3,697	45,631	5.23%	6.34%



Juvenile Court Mission Statement

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

JUVENILE COURT OVERVIEW

Juvenile courts in North Dakota are a division of the District Court and have exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. The responsibility for supervising and counseling juveniles who have been brought into court lies within this division of the District Court. Juvenile cases may be heard by District Court judges or by judicial referees assigned by the presiding judge in their district.

Virtually every case has contact with a juvenile court officer at some point. Juvenile court officers screen referrals from law enforcement, schools, and other agencies, determine how they should be processed, make detention or emergency shelter care decisions on some of them, prepare court recommendations on those that proceed to the formal courts, and process the vast majority of the cases via an informal adjustment conference. Informal adjustment offers

an opportunity to admit to the charge and accept conditions of probation with no formal charges or conviction being entered.

Juvenile probation is one of the most widely used tools to ensure court requirements are met. Court goals often include repairing the harm to the victim, compliance with programming geared at reducing risk factors for the offender while increasing the overall competency of the offender to contribute to society.

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

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

JUVENILE CASELOAD DATA

The 2013 data shows a continued decrease in juvenile referrals statewide. Overall referrals show a decrease of 1 percent in 2013, following a 1 percent decrease from 2011-2012 and a 9 percent decrease from 2010 to 2011.

Offenses against persons made up 8 percent of the juvenile court referrals, while status offenses (offenses which only a child can commit) made up 37 percent. Property offenses comprised 20 percent; traffic offenses 4 percent; deprivation 11 percent; and other delinquency 35

percent of the juvenile caseload.

Based on primary charges, the largest percentage (29%) of juvenile charges were disposed of through the informal adjustment process; 23 percent of the cases were diverted out of the court to a private agency or program; and only 15 percent of juvenile charges were formally processed through the court system. Thirty-three percent of referrals were dismissed due to the lack of jurisdiction or because the state's attorney declined to prosecute them.



JUVENILE CASELOAD BY PRIMARY CHARGE 2013 & 2012

Judicial District	Diversion	Informal Adjustment	Formal Petition	Lack of Jurisdiction	Declined Prosecution	2013 Total
East Central	460	310	335	4	233	1,342
Northeast	48	272	91	8	296	715
NE Central	109	237	159	1	192	698
Northwest	185	315	89	8	565	1,162
South Central	576	452	206	17	556	1,807
Southeast	73	295	44	2	149	563
Southwest	94	59	46	2	150	351
Total	1,545	1,940	970	42	2,141	6,638
Percent of total	23%	29%	15%	1%	32%	

Judicial District	Diversion	Informal Adjustment	Formal Petition	Lack of Jurisdiction	Declined Prosecution	2012 Total
East Central	470	362	334	12	267	1,445
Northeast	71	302	106	1	198	678
NE Central	127	356	149	5	171	808
Northwest	206	381	76	21	407	1,091
South Central	747	425	268	9	552	2,001
Southeast	77	437	72	2	183	771
Southwest	114	87	30	2	196	429
Total	1,812	2,350	1,035	52	1,974	7,223
Percent of total	25%	33%	14%	1%	27%	

Cases that are referred to the juvenile court are processed in one of five 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.
4. Lack of jurisdiction - due to either a lack of statutory authority over the person or the subject matter context of the case, not actio is taken on the referral.
5. Declined prosecution - the State's Attorney's office declines to file charges after receiving a referral.

REASONS FOR REFERRAL TO JUVENILE COURT SERVICES - 2012 AND 2013

		2013	2012	% Change	% of Total
FAMILY	Runaway (instate resident)	389	428		
	Runaway (out-of-state resident)	6	6		
	Truancy	255	256		
	Ungovernable Behavior	519	587		
	Curfew	127	149		
	Other Unruly	55	31		
	Total Family	1,351	1,457	-7%	22%
DELINQUENCY	Offenses Against Persons:				
	Assault	350	373		
	Terrorizing-Stalking-Menacing	58	59		
	Homicide (negligent)	1	-		
	Kidnapping	-	1		
	Other Offenses Against Persons	37	34		
	Sex Offenses	51	65		
	Subtotal-Persons Crime	497	532	-7%	
	Offenses Against Property:				
	Arson/Fire Related	3	5		
	Burglary	45	48		
	Criminal Mischief/Vandalism	198	229		
	Criminal Trespass	80	133		
	Forgery	2	3		
	Other Property Offenses	42	62		
	Possession of Stolen Property	26	28		
	Robbery	3	13		
	Shoplifting	243	335		
	Theft	435	509		
	Subtotal-Property Crimes	1,077	1,365	-21%	
	Traffic Offenses:				
	DUI/Physical Control	30	57		
	Driving without License	94	88		
	Other Traffic	117	101		
	Subtotal-Traffic	241	246	-2%	
	Other Offenses:				
	Check Offenses	-	2		
	City Ordinances	7	7		
	Disorderly Conduct	514	565		
	Weapons	24	33		
	Game and Fish	24	23		
Obstruction	7	2			
Other Public Order	140	167			
Possession/Purchase Alcohol	710	1,011			
Controlled Substance - Possession	574	539			
Controlled Substance - Delivery	6	19			
Tobacco	29	35			
Subtotal-Other	2,035	2,403	-15%		
Total Delinquency	3,850	4,546	-15%	62%	
DEPRIVATION	Abandonment	-	-		
	Abuse/Neglect	-	-		
	Deprived	892	737		
	Subtotal - Deprived	892	737	21%	14%
SPEC. PROCEEDING	Termination of Parental Rights (Involuntary)	49	47		
	Termination of Parental Rights (Voluntary)	33	38		
	Other Special Proceeding	-	-		
	Subtotal-Special Proceeding	82	85	-4%	1%
TOTAL		6,175	6,825	-10%	

JUVENILE DRUG COURT PROGRAM 2013 HIGHLIGHTS

In 2013, the North Dakota Juvenile Drug Court Program added its sixth operational court. The Stutsman – Barnes County Juvenile Drug Court began operation in October using interactive video conferencing to provide the program in both counties.

Participants and team members from Barnes County are joined by video conferencing with participants and team members in Stutsman County. This approach is new for drug courts in North Dakota and hopefully will open the door for more substance abusing offenders who live in smaller communities to enter a drug court.

Team members from the Adult Drug Courts, Juvenile Drug Courts, Healing to Wellness Tribal Courts, DWI Courts, Back on Trac College Courts, and legislators attended the Upper Midwest Drug Court Conference in Bismarck in October 2013. National and local speakers presented on issues and challenges involved in operating drug courts.

Carolyn Hardin, Executive Director of the National Drug Court Institute, and the Hon. Henry Weber (Ret.) from

Kentucky provided training on the Juvenile Drug Court 16 Strategies to a juvenile drug court training team consisting of a judge, prosecutor, defense counsel, juvenile court officer, juvenile court director, school representative, law enforcement officer, and a coordinator. This team will provide training for new and existing juvenile drug court teams and individual role training for existing team members.

Justice Mary Muehlen Maring, the director of juvenile drug court, retired from the bench in December. Justice Maring's vision for starting juvenile drug courts in the state began in 1998, when a committee began to study juvenile drug courts and determine whether to recommend the implementation of a juvenile drug court pilot program. From the findings of this study, juvenile drug courts were established in Grand Forks and Fargo in May 2000. Juvenile drug courts have now been established in Bismarck, Minot, Williston, Devils Lake, and Jamestown/Valley City.

The Williston court has been inactive since October 2010.

2013 STATISTICS

Court	Current	Graduations	Terminations	Suspended	Totals	Court Sessions
Grand Forks	5	5	2	2	14	42
Fargo	9	4	10	4	27	39
Bismarck	6	1	6	0	13	44
Minot	2	3	1	1	7	43
Devils Lake	5	1	3	1	10	41
Stutsman/ Barnes	2	0	1		3	13
Totals	29	13	23	8	74	

RACE AND GENDER STATISTICS BY INDIVIDUAL COURTS FOR 2013

Court	Caucasian	Native American	Hispanic	African American	Other	Male	Female	Totals
Grand Forks	11	1	1	1		9	5	14
Fargo	22	0	3	1	1	19	8	27
Bismarck	8	3			2	9	4	13
Minot	6				1	5	2	7
Devils Lake	9	1				7	3	10
Stutsman/ Barnes	3					2	1	3
Totals	48	5	4	2	3	51	23	

OVERALL STATISTICS FROM START DATE

Started	Court	Current	Graduations	Terminations	Suspended	Deceased	Total Participants
May - 2000	Grand Forks	5	70	77	4		156
May - 2000	Fargo	9	70	93	5	1	178
Oct - 2003	Bismarck	6	50	54			110
Jan - 2007	Minot	2	16	19	1		38
Jan - 2008	Williston		2	8		1	11
Jan - 2009	Devils Lake	5	10	9	1		25
Jan - 2013	Stutsman/ Barnes	2	0	1			3
	Totals	29	218	261	11	2	710

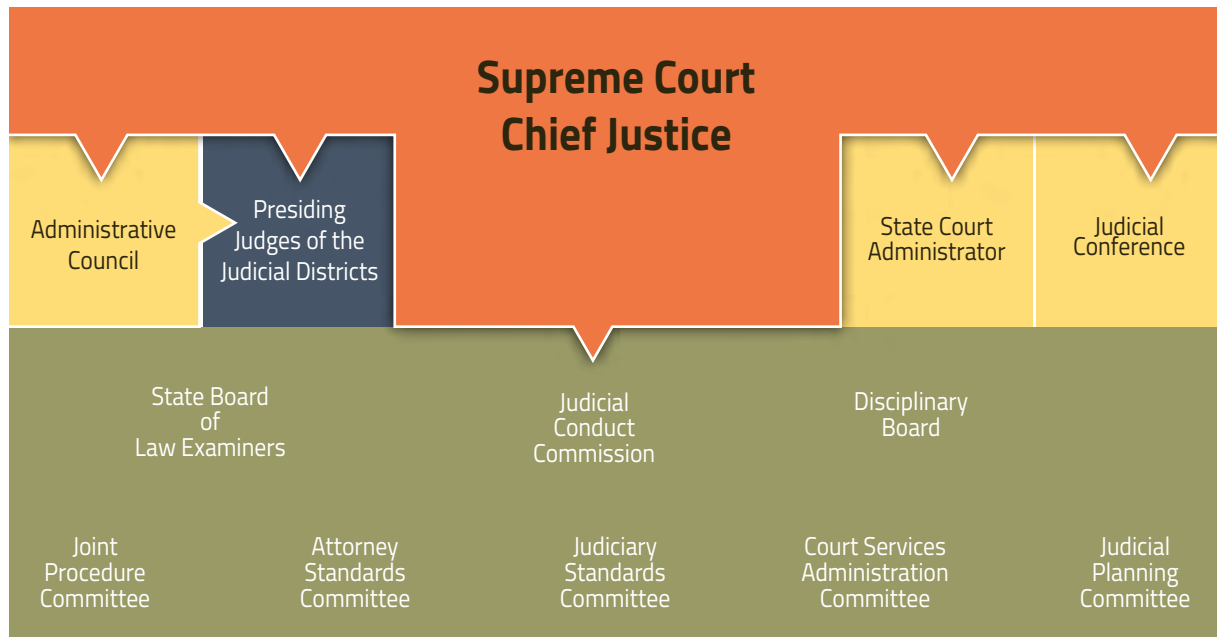
ADMINISTRATION OF THE COURT SYSTEM

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



Sally Holewa
State Court Administrator

ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA COURT SYSTEM.



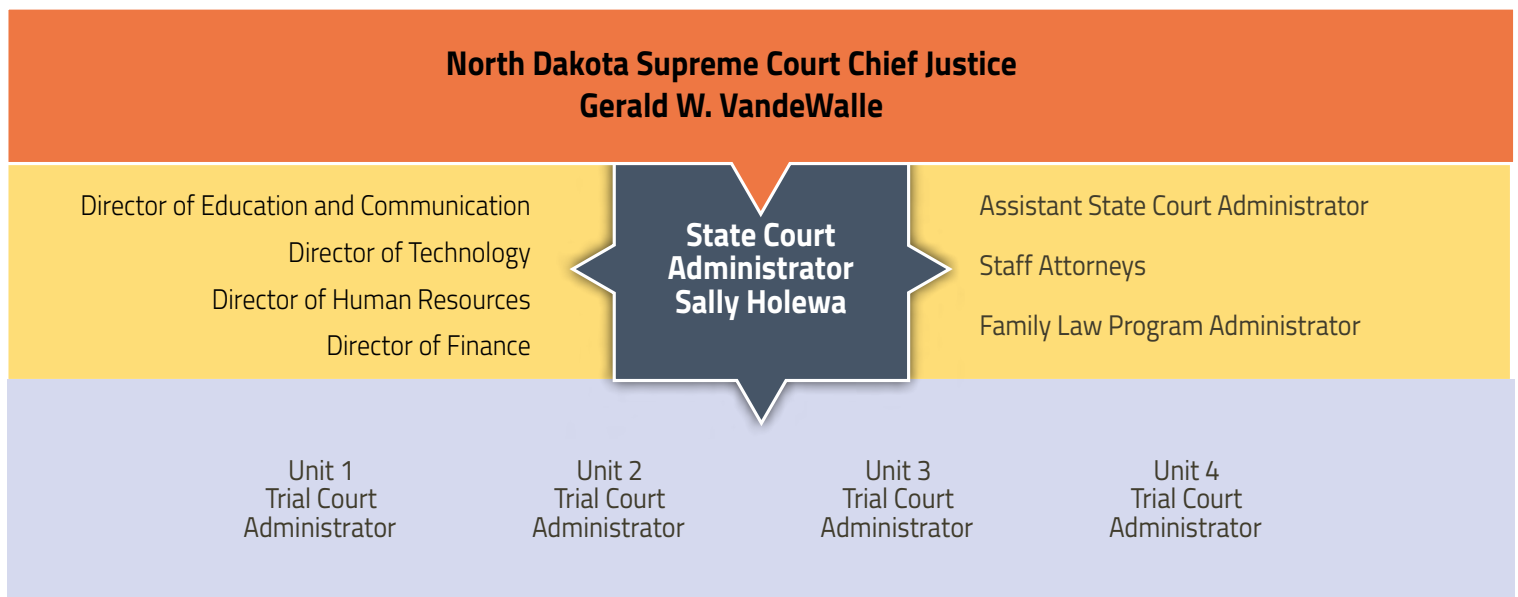
OFFICE OF STATE COURT ADMINISTRATOR

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

coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system. The Assistant State Court Administrator for Trial Courts and trial court administrators in each unit assist the state court administrator. Also assisting are directors and personnel who work in finance, general counsel, human resources, technology, and judicial education.

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

NORTH DAKOTA ADMINISTRATIVE OFFICE OF THE COURT



TRIAL COURT ADMINISTRATION

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.

Assistant Trial Court Administrators

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

Director of Juvenile Court Services

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

2013 TRIAL COURT ADMINISTRATION

Administrative Unit 1

Trial Court Administrator – Merylee Castellanos
Assistant Trial Court Administrator – Kimberly D. Nelsen
Director of Juvenile Court – Shawn Peterson

Administrative Unit 2

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

Administrative Unit 3

Trial Court Administrator – Donna Wunderlich
Assistant Trial Court Administrator – Ross Munns
Director of Juvenile Court – Cory Pedersen

Administrative Unit 4

Trial Court Administrator – Carolyn Probst
Director of Juvenile Court – Scott Hopwood

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

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

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

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



Method of Attaining Office

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

State Employed Clerk of Court Offices

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

Total 12

Eligible for Transfer to State

Barnes
Bottineau
Divide
Dunn
McHenry
McKenzie
McLean
Mercer
Mountrail
Pembina
Ransom
Traill

Total 12

Totals

County-Contract	41
State-Employed	12
Total Clerks	53

Combined Offices	25
Separate Offices	16
Total	41

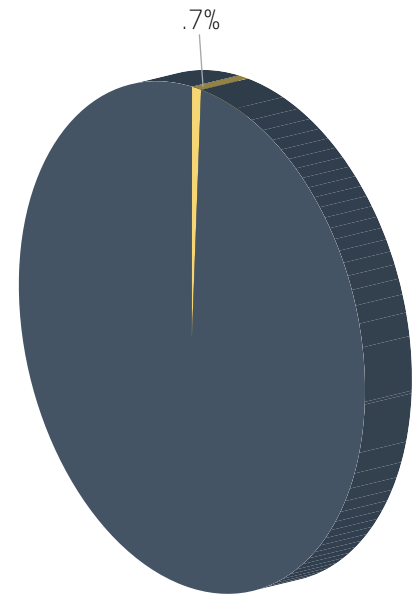
Appointed	28
Elected	13
Total	41

JUDICIAL PORTION OF THE STATE'S BUDGET 2013-2015 BIENNIUM

July 1, 2013 - June 30, 2015

Total State General and Special Funds Appropriation
\$13,744,262,310

- Executive And Legislative Branch General
 And Special Funds Appropriation
\$13,643,780,728 (99.3%)
- Judicial Branch General and
 Special Funds Appropriation
\$100,481,582 (.7%)

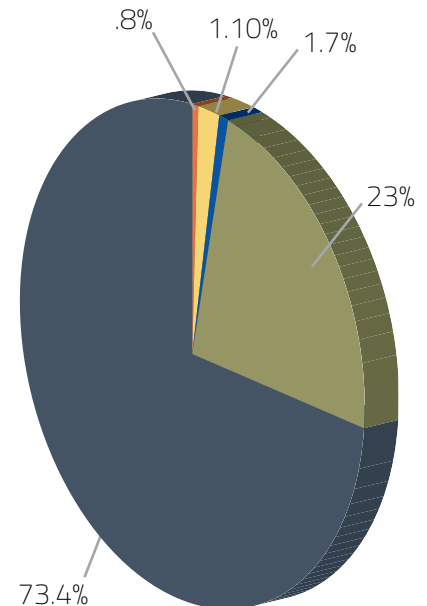


STATE JUDICIAL BRANCH APPROPRIATION BY APPROPRIATED LINE ITEM

2013-2015 BIENNIUM

Total State General and Special Funds Appropriation
\$100,481,582

- Salaries and Benefits
\$73,752,019 (73.4%)
- Operating Expenses
\$23,102,095 (23.0%)
- Mediation
\$ 1,102,615 (1.10%)
- Capital Assets
\$ 848,026 (.8%)
- Special Purposes
\$ 1,676,827 (1.7%)



STATE JUDICIAL BRANCH APPROPRIATION BY TYPE OF ACTIVITY 2013-2015 BIENNIUM

Supreme Court

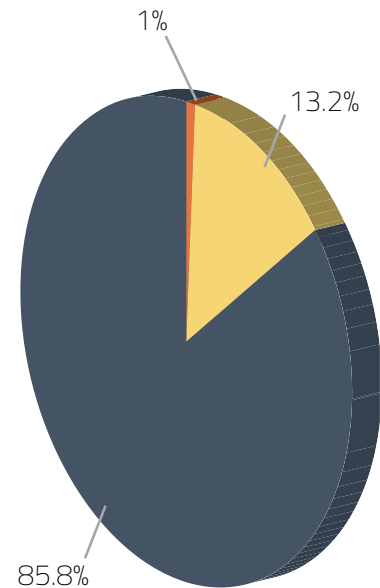
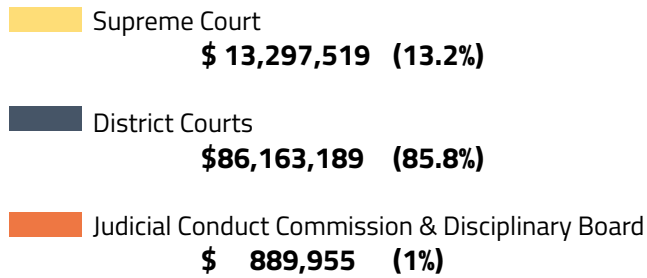
General Fund	\$ 13,297,519
Special Funds	-
TOTAL	\$ 13,297,519 (13.2%)

District Courts

General Fund	\$84,355,099
Federal Funds	1,808,090
TOTAL	\$86,163,189 (85.8%)

Judicial Conduct Commission & Disciplinary Board

General Fund	\$ 653,375
Special Funds	325,499
TOTAL	\$ 889,955 (1%)





Committees, Commissions & Boards

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

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

NORTH DAKOTA JUDICIAL SYSTEM COMMITTEES, COUNCILS, COMMISSIONS AND BOARDS

Administrative Council

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

Judicial Planning Committee

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

Joint Procedure Committee

The Joint Procedure Committee is the standing committee

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

Informal Complaint Panel

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

Joint Committee on Attorney Standards

The Joint Committee on Attorney Standards, established by Supreme Court rule, is comprised of members appointed

by the Chief Justice and the Board of Governors of the State Bar Association. The Committee is responsible for the study and review of all rules and proposals concerning attorney supervision, including admission to the bar, attorney discipline, rules of professional conduct, and law student practice.

Judiciary Standards Committee

The Judiciary Standards Committee, established by Supreme Court rule, studies and reviews all rules relating to the supervision of the judiciary, including judicial discipline, judicial ethics, and the judicial nominating process.

Court Services Administration Committee

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

Committee on Tribal and State Court Affairs

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

Personnel Policy Board

The Personnel Policy Board is established by Supreme Court rule. The Board is comprised of a Supreme Court justice, district court judges, Supreme Court department heads, and employees of the supreme and district courts. The Board is tasked with the responsibility of reviewing and implementing the personnel system and developing a salary administration plan for the judiciary.

Court Technology Committee

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

Jury Standards Committee

The Jury Standards Committee, established by Supreme Court

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

North Dakota Judicial Conference

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

Committee on Legislation

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

Advisory Commission on Cameras in the Courtroom

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

Pattern Jury Instruction Commission

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

Commission on Judicial Branch Education

The Judicial Branch Education Commission was established by Supreme Court rule in 1993. The responsibilities of the Commission are to establish policies that effect the

implementation of the mandatory education provision of the rule; develop judicial education programs for judges and court support personnel; develop and recommend a biennial budget for judicial education activities to the North Dakota Supreme Court; and develop a library of resource materials for judges and court support personnel.

Juvenile Policy Board

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

Court Improvement Program Committee

The Court Improvement Program Committee became a committee of the Administrative Council with the approval of Policy 520. The committee oversees three grants related to Court Improvement in the area of child abuse and neglect.

Four permanent subcommittees carry out the work of the committee: Lay Guardian Ad Litem; Indian Child Welfare; Education and Training; and Data Collection and Analysis.

Parenting Investigator Review Board

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

Caseflow Management Committee

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

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.

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

Of the new complaints filed in 2013:

- 47 were against 26 District Court Judges
- 27 were against 5 Supreme Court Justices
- 4 were against 4 Municipal Judges
- 5 were against 3 Judicial Referees

New Complaints Opened in 2013	84
General Nature of Complaints:	
Bias, discrimination/partiality	12
Delay Court Business	16
Failure to follow the law/procedure	1
Failure to perform duties	3
Improper conduct on bench	2
Improper decision/ruling	38
No specific allegations	3
Other	9

Complaint Files Carried Over from 2012	19
Total Files Pending Consideration in 2013	103

Disposition of Complaints:	
Admonition	1
Formal Proceedings	2
Summarily Dismissed	91

Total 2013 Dispositions	94
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Complaint Files Pending as of 12/31/2013	9
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STATE BOARD OF LAW EXAMINERS

BY PENNY MILLER, SECRETARY-TREASURER

The State Board of Law Examiners assists the Supreme Court in its constitutional responsibility to regulate the admission to practice, and administers the licensing process.

In 2013, Board members were Alice Senechal of the Robert Vogel Law Office in Grand Forks; Lawrence King of Zuger Kirmis and Smith in Bismarck; and Jane Dynes of the Serkland Law Firm in Fargo. Senechal serves as President of the Board.

North Dakota's thriving economy has once again impacted the work of the Board, but some stabilization may have begun in certain areas. The 2013 statistics are below.

- 2,731 licenses were issued, an 8.8% increase from 2012, and a 37% increase from 2008.
- 272 new attorneys were admitted to the Bar, a 4% decrease from 2012, but a 156.6% increase from 2008.
- 179 motions for admission based on practice or test score were filed, a 5.9% decrease from 2012, but a 250% increase from 2008.
 - 99 motions for admission based on practice were filed, an 18% increase from 2011, and a 241% increase from 2008.
 - 80 motions for admission on test score were filed, an 8% increase from 2012, and a 263% increase from 2008. The Uniform Bar Examination (UBE), was first given as the North Dakota Bar Examination in February 2011 and accounted for 19 motions in 2013, compared to 2 last year.
- 282 nonresident attorneys appeared in North Dakota courts under Rule 3, Admission to Practice Rules, an 18% increase from 2012, and an 82% increase from 2008. In 2013, \$107,160 was collected in pro hac vice fees.
- 31 temporary licenses were approved, while applicants licensed in another jurisdiction awaited the review and approval of their North Dakota application.

Passage rates for the February and July 2013 North Dakota bar examinations:

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/% Pass
2/13	52	63%	30	53% (1st time 77%)
7/13	93	76%	64	67% (1st time 76%)

The Board added a three-quarter time staff person in 2013 to assist Director of Admissions, Laurie Guenther. In addition, the Character and Fitness Committee, other resources, and technology were used more frequently to assist the Board with its heavy workload. The 2013 Character and Fitness Committee members were Jerome Kettleon, Bismarck attorney; Sherry Mills Moore, Bismarck attorney; Dr. Robert Olson, Fargo psychiatrist; Daniel Ulmer, Bismarck; and Michael Williams, Fargo attorney.

DISCIPLINARY BOARD

BY PENNY MILLER, SECRETARY OF THE DISCIPLINARY BOARD

The lawyer disciplinary process, with the Disciplinary Board at the center, provides a procedure for investigating, evaluating and acting upon complaints alleging unethical conduct by 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.

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

The Disciplinary Board has ten members—three non-lawyer members and seven lawyers. Due to judicial redistricting, effective Jan. 1, 2014, the Board's membership increased to eleven, with eight 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 State Judges Association. One lawyer member is appointed by the Supreme Court from each of the seven judicial districts. All members are unpaid volunteers. Daniel Traynor of Devils Lake served as Chair of the Board in 2013.

In 2013, the Board continued its streamlining efforts in formal hearing proceedings, and resolved a number of open complaint files from previous years involving currently suspended or disbarred lawyers. The Board hired a contract lawyer to assist the Board with research, drafting reports, and administrative projects which includes compiling a training manual.

A summary of the workload under consideration in the lawyer discipline system in 2013 appears on this page. Due to the checks and balances in the system, one file could be considered by the Inquiry Committee, Disciplinary Board and the Supreme Court.

Workload Summary of Attorney Discipline System

General Nature of Complaints:	
Client Funds & Property	10
Conflict of Interest	9
Criminal Convictions	0
Disability/Incapacity to Practice Law	0
Excessive Fees	5
Failure to Communicate/Cooperate with Client	7
Improper Conduct	95
Incompetent Representation	51
Misappropriation/Fraud	2
Neglect/Delay	9
Petition for Reinstatement	0
Unauthorized Practice of Law	12
Reciprocal Discipline	4
TOTAL- New Complaints Opened in 2013	204
Formal Proceedings Pending From Prior Years	47
Other Complaint Files Pending From Prior Years	122
Appeals Filed with Disciplinary Board in 2013	24
Total Files Available for Consideration in 2013	397

Inquiry Committees' Actions

Dismissal	149
Summary Dismissal	75
Admonition	6
Referral to Lawyer Assistance Program	1
Consent Probation	4
Dismissal Without Prejudice	5
No Action – Referred to Another State	2

Disciplinary Board Actions

Approve Inquiry Committee Dismissal	19
Approve Inquiry Committee Admonition	1
Disapprove Inquiry Committee Disposition	2
Dismissal by Hearing Panel of the Board	6
Reprimand by Hearing Panel of the Board	8
Consent Probation by Hearing Panel of the Board	3

Supreme Court Actions

Private Reprimand	0
Reprimand	*6
Suspension	*6
Disbarment	*8
Interim Suspension	0
Reinstatement Denied	1
Restitution Ordered	1
Court Rejects Hearing Panel Recommendation	3
Transfer to Disability Inactive Status (No DB File)	1

Formal Proceedings Pending 12/31/13 **36**

Other Complaint Files Pending 12/31/13 **58**

*6 files resulted in the reprimand of 5 attorneys; 6 files resulted in the suspension of 5 attorneys; and 8 files resulted in the disbarment of 2 attorneys.

LOOKING AHEAD



There is a new justice on the North Dakota Supreme Court. Justice Lisa Fair McEvers became the fourth female justice in North Dakota in January, replacing Justice Mary Maring who retired in December, 2013. Justice McEvers previously served as a trial court judge in the East Central Judicial District in Fargo.

A new judicial district was created, effective Jan. 1, 2014. The counties of Divide, Williams, and McKenzie are now the Northwest Judicial District. Burke, Montrail, and Ward Counties make up the Northwest Central Judicial District. Judge David Nelson is the presiding judge of the new Northwest District. Also, the counties of Kidder, Logan and McIntosh were transferred from the South Central Judicial District to the Southeast Judicial District.

