

STATE OF NORTH DAKOTA
NORTH DAKOTA JUDICIAL COUNCIL

Annual Report



"Stacking Hay in the 1930's"

CALENDAR YEAR 1976

WILLIAM G. BOHN
Executive Secretary

ON THE COVER: *Drawing taken from a picture of the John N. Basaraba farm, 1930's, McLean County. Artist, Deborah Knuth.*

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State of North Dakota
JUDICIAL COUNCIL

WILLIAM G. BOHN
EXEC. SECY. AND TREAS.

STATE CAPITOL
BISMARCK, NORTH DAKOTA 58505
(701) 224-3134

TO THE HONORABLE CHIEF JUSTICE
AND ASSOCIATE JUSTICES OF THE
SUPREME COURT OF THE STATE OF
NORTH DAKOTA:

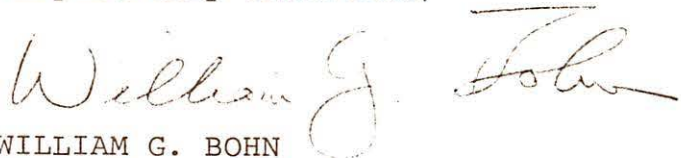
TO THE HONORABLE MEMBERS OF THE
NORTH DAKOTA JUDICIAL COUNCIL:

In compliance with provisions of Section 27-15-07 of the North Dakota Century Code (NDCC), I submit the Annual Report of the North Dakota Judicial Council for the period of January 1 through December 31, 1976.

This report is intended to serve as a reference source for statistical information on the operation of the North Dakota judicial system.

I take this opportunity to publicly acknowledge the valuable assistance and cooperation extended to me by the judges and court personnel whose reports provided the information contained in the Annual Report. Particular thanks goes to the staff of the Court Administrator's Office for their diligent work in compiling the statistics and designing the format for this report.

Respectfully submitted,



WILLIAM G. BOHN
State Court Administrator and
Judicial Council Executive Secretary

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A SHORT HISTORY OF THE NORTH DAKOTA COURTS

By
ROBERT VOGEL

*Associate Justice
North Dakota Supreme Court*

The courts of North Dakota had their origin in the courts of Dakota Territory, which was established in 1861. At that time the population of Dakota territory (which included areas now included in North Dakota and South Dakota, and for a time, Wyoming) was about 2,400, not including most Indians, who were somewhat difficult to locate and count in those days. The capitol of Dakota Territory was Yankton, now in South Dakota.



The courts consisted of a supreme court, district courts, probate courts, police magistrates, and justices of the peace.

The three members of the supreme court also acted as district judges. They went out on circuit and tried the cases and then, if there was an appeal, got together and decided the appeal. The number of judges was changed from time to time and there were as many as six for a period after 1884.

The Territorial judges were all appointed by the President, so our earliest judges were appointed by Presidents Lincoln, Johnson, and Grant. Many were political appointees and turnover was rapid. One chief justice was said to have had no experience as a judge or lawyer.

Most of the population was located in the southeast corner of what is now South Dakota, and in the northeast corner of what is now North Dakota, around Pembina. After gold was discovered in the Black Hills a third center of population grew up there. The first district court trial in what became North Dakota was held at Pembina in June, 1871. Not surprisingly, the defendant in the first criminal trial in Dakota Territory (held in what is now South Dakota) was charged with being a horse thief. He was convicted and served his three-year sentence in a jail in Iowa, since there were no jails in Dakota Territory at that time.

North Dakota became a state and adopted its own Constitution in 1889. The court system was not greatly changed by the new Constitution, except that the number of supreme court judges was fixed at three, and their jurisdiction was appellate only. The system has not been greatly changed since. We have changed the titles of police magistrates to municipal judges, and have added county courts of increased jurisdiction, and we have eliminated local justices of the peace, but other changes have been few. Supreme court terms were held in three cities, Bismarck, Fargo, and Grand Forks until 1909. Since then all have been held in Bismarck.

District judges are assigned to districts con-

sisting of several counties. We have had the same six judicial districts since 1919. It is said that the boundaries of the six judicial districts were fixed so that the judges could conveniently travel between county seats by rail. The result was that we have one judicial district running from the Red River to the Missouri River, another from Mohall to Minnesota, and other oddly shaped districts, even though judges now travel by automobile. Increases in workload have been met by legislative action in adding new judges to various districts. This had tended to equalize the workload to some degree, and the power of the supreme court to assign judges temporarily to districts other than their own has provided additional flexibility. However, these methods are not entirely satisfactory since no judge likes to spend extended periods of time outside his district, and the expense of such travel is heavy. We now have nineteen district judges.

The number of judges on the supreme court was increased from three to five in 1908, and has remained at five ever since. The workload of the supreme court is probably at the highest level ever, although there was a period in the early 1920's when it was almost as heavy. Although the work is heavier now than ever before, the supreme court, for the first time in the memory of any living lawyer, has been completely current in its work (that is, every submitted case has been decided) several times within the last two years. Most of the district courts are current — that is, any case ready for trial can be scheduled for trial within a reasonably short time.

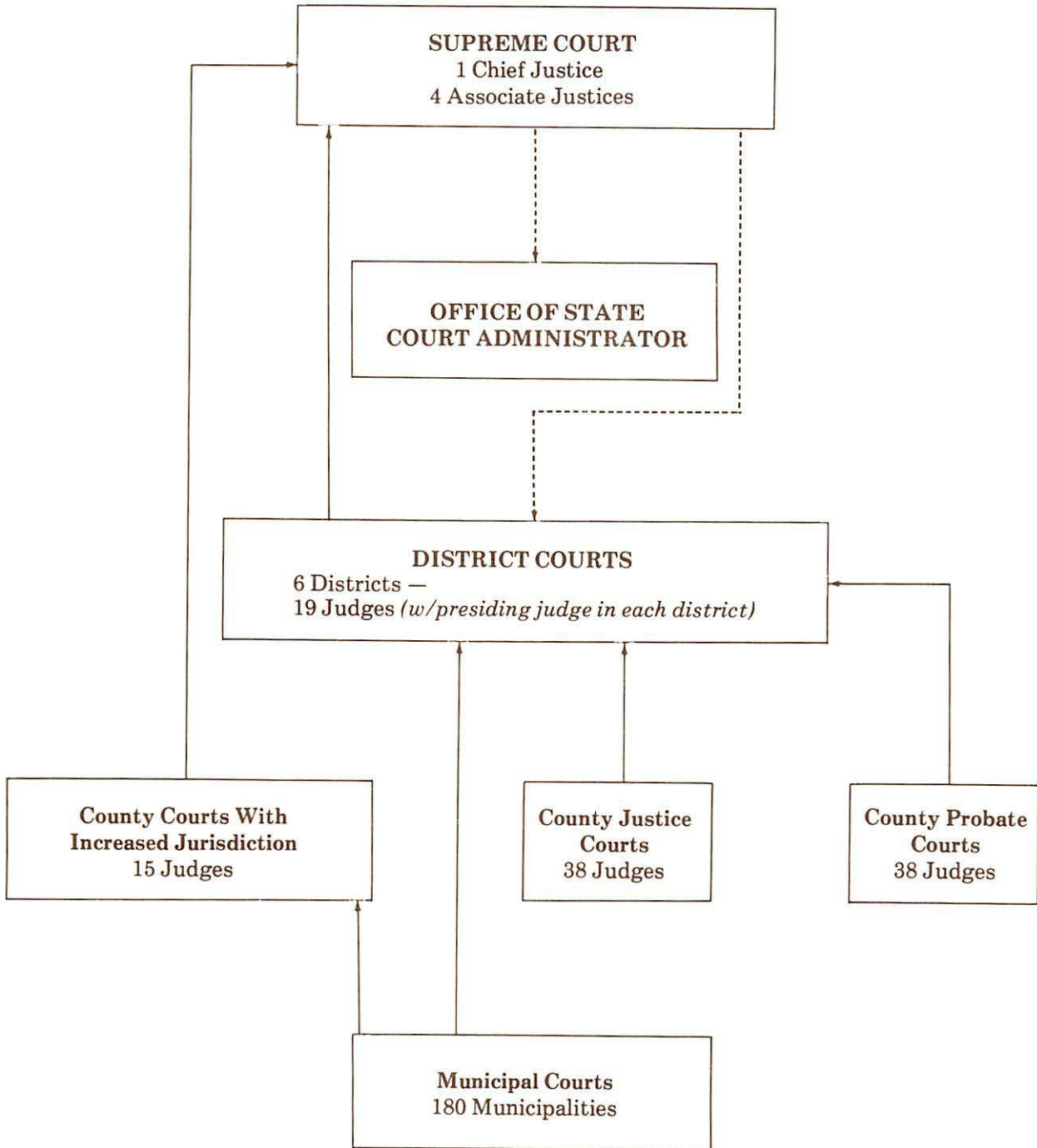
The courts of North Dakota at various times have been the center of great controversy, but have come through the crisis relatively unchanged. There were great controversies over the constitutionality and operation of the industrial program of the Nonpartisan League from 1916 onward, over the constitutionality of various measures adopted by the legislature during the Great Depression, and over the right to public office of Governor Langer and others after their convictions (later reversed and followed by acquittals) in 1934. Perhaps the next few years will bring similar challenges arising from our anticipated mining and industrial development.

A constitutional amendment adopted by the voters in 1976, will make possible substantial changes in the judicial system of North Dakota. It transfers the authority to modify judicial districts from the legislature to the supreme court; leaving only the supreme court and the district courts as constitutional courts, thereby permitting the legislature to create, abolish, or modify lower courts; and the Governor's power of appointment to fill vacancies is limited by a new provision for the submission of names of prospective appointees by an advisory committee to the Governor.

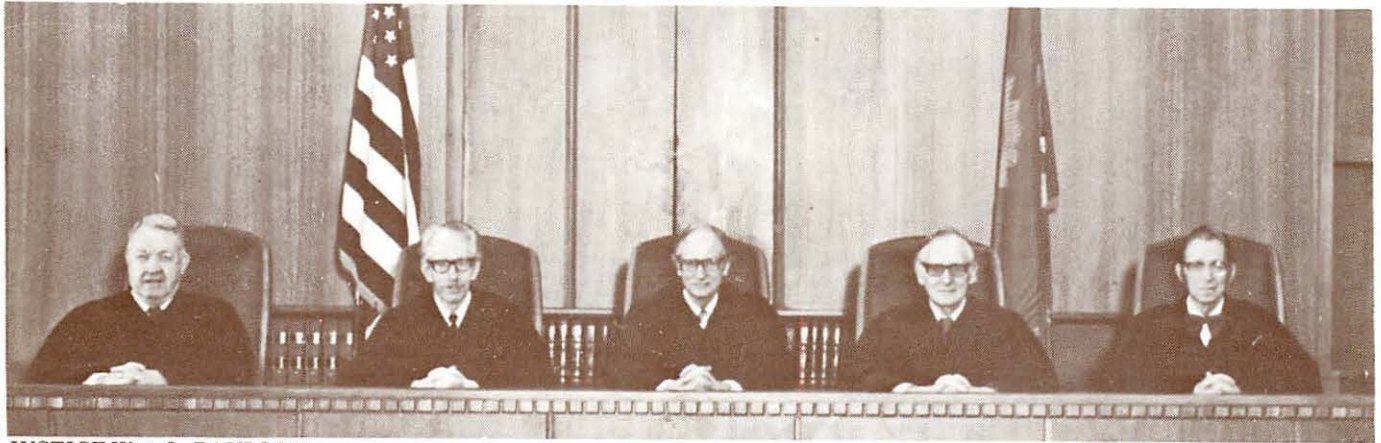
NORTH DAKOTA JUDICIAL SYSTEM

Administrative route

Appeals route



SUPREME COURT



JUSTICE Wm. L. PAULSON

JUSTICE VERNON R. PEDERSON

CHIEF JUSTICE RALPH J. ERICKSTAD

JUSTICE ROBERT VOGEL

JUSTICE PAUL M. SAND

The North Dakota Supreme Court is the highest court for the State of North Dakota. It is the "court of last resort" in the state for all disputes or legal controversies concerning state law under the North Dakota State Constitution.

Under constitutional provisions relative to the separation of powers and the court's supervisory responsibility over all inferior courts, the Supreme Court has administrative responsibility in respect to the judicial branch of government. With the caseload of the system increasing from the standpoint both of numbers and complexity, administrative problems of some considerable magnitude must be addressed. These functions are primarily performed by the State Court Administrator, who serves at the pleasure of the Court.

The Supreme Court is charged with the adoption of rules governing practice and procedure in all courts in the state. During 1976, the Court held hearings to consider a Code of Professional Responsibility, a Code of Judicial Ethics, Rules of Disciplinary Procedure, Rules of the Judicial Qualifications Commission, and Rules of Evidence. Amendments to the Rules of Civil Procedure were also considered by the Court. All rules considered by the Court were adopted except the Rules of Disciplinary Procedure. While the Rules of Disciplinary Procedure were not adopted, they will be reconsidered in the spring of 1977.

In the fall of 1974, the Supreme Court was current for the first time in years. That is, all cases submitted to the Court had been decided. The Supreme Court has been current a number of times since 1974.

Nationally, appellate courts are facing increased case filings. This has resulted in delay in the appellate process. The North Dakota Supreme Court has achieved an enviable record on timely processing of appellate cases.

The Court's appellate jurisdiction extends to all district court decisions and all decisions from county courts of increased jurisdiction. During 1976, 150 appeals were filed with the Supreme Court. This compared with 128 for 1975 and 96 cases filed in 1971. During the five year period from 1971 through 1976 there was a 56 percent increase in the number of appeals docketed. From 1975 through 1976 there was an increase of 17 percent.

The number of civil cases filed increased slightly, by 6 percent. The increase was from 105 cases in 1975 to 112 cases in 1976. Criminal cases filed increased from 23 in 1975 to 38 in 1976, or a 65 percent increase. This increase may be attributable, in part, to a greater number of appeals originating from inmates at the North Dakota State Penitentiary. The inmate census has grown substantially in the last eighteen months. Another factor may be the provision of public defense services by contract in Burleigh County. Burleigh County is the only county with any type of public defender program in the state.

The Supreme Court has original jurisdiction over cases of strictly public concern and deals with other cases such as discipline of attorneys, proceedings concerning the discipline, removal, or retirement of any justice or judge upon review of recommendations of the Bar Grievance Commission or Judicial Qualifications Commission.

The Supreme Court has original jurisdiction in proceedings seeking writs of mandamus and prohibition against all state officers, boards and commissions as well as in proceedings seeking other extraordinary writs. In 1976, 10 original proceedings were filed in the Supreme Court compared with 16 during the preceding year, a decrease of 37 percent.

Following is the report of the clerk of the Supreme Court. The report contains appellate case information for calendar year 1976.

TABLE I
SUMMARY OF SUPREME COURT BUSINESS
 [Calendar Year 1976]

CIVIL

In this civil category are included appeals, certified questions, original proceedings, applications to exercise original jurisdiction or supervisory powers.

- Submitted, but pending at beginning of reporting period 2
- Submitted during reporting period 112

TOTAL ACTIVE CIVIL CASES DURING PERIOD 114

Civil Cases Completed

- Opinion entered, and remittitur sent down during reporting period (APPEALS) 76
- Final decision during reporting period (ORIGINAL JURISDICTION) 12
- Opinion entered on motion argued 8
- Dismissal on motion argued 4
- Dismissed on stipulation 6
- Completed, but not so noted, during prior reporting period 0

TOTAL CIVIL CASES COMPLETED DURING PERIOD 106

Cases submitted and undisposed of at end of period 8

CRIMINAL

In this criminal category are included appeals, certified questions, original proceedings, applications to exercise original jurisdiction or supervisory powers.

- Submitted, but pending at beginning of reporting period 0
- Submitted during reporting period 38

TOTAL ACTIVE CASES DURING PERIOD 38

Criminal Cases Completed

- Opinion entered, and remittitur sent down during reporting period (APPEALS) 24
- Dismissed during reporting period 10
- Opinion on motion granted or denied (Not Dismissed) 4

TOTAL CRIMINAL CASES COMPLETED DURING PERIOD 38

Criminal cases submitted and undisposed of at end of reporting period 0

PETITIONS FOR REHEARING
 [Civil and Criminal]

- Pending at beginning of reporting period 3
- Filed during reporting period 31

TOTAL PETITIONS BEFORE SUPREME COURT 34

- Rehearing granted 0
- Rehearing denied 27

TOTAL 27

Petitions for rehearing pending at end of reporting period 7

Age of Pending Cases

Age of Cases	Civil	Criminal
• Under six months	8	0
• Six to twelve months	0	0
• Twelve to eighteen months	0	0
• Over eighteen months	0	0
TOTAL	8	0

DISPOSITIONS

Appeals

	Civil	Criminal
• Affirmed	46	14
• Modified	1	0
• Reversed	19	8
• Part Reversed, part affirmed, part modified	5	0
• Certified questions	3	0
• Dismissed	12	10
• Opinion on motion granted or denied (not dismissed)	8	3

Original Jurisdiction

• Final decision and order	3	0
• Writs (quashed, granted, denied)	6	3
• Attorney disciplinary decisions	3	0
TOTAL DISPOSITIONS	106	38

JUDICIAL OPINIONS*

JUSTICE	OPINIONS*	SPECIAL CONCUR.	DISSENT	ON REHEARING
Mr. Chief Justice Erickstad	23	0	0	0
Mr. Justice Paulson	27	1	1	0
Mr. Justice Vogel	24	6	11	0
Mr. Justice Pederson	25	7	5	0
Mr. Justice Sand	23	4	4	0
District Judge James O'Keefe	0	0	1	0
PER CURIAM (5 Judge Panel)	0	0	0	0
(Orders for Disposition)	24	0	0	0
Order of Adoption of Amend- ments to the Rules of Criminal Procedure	1	0	0	0
Order of Adoption to the Rules of Evidence	1	0	0	0
TOTAL	148	18	22	0

*Supreme Court opinions for the purposes of this report are regarded as issued when the opinion is signed and filed with the Clerk.

Justices Vogel, Pederson, and Sand each wrote an opinion on a motion in addition to writing the case decision.

•The above statistics reflect a separate opinion for each case decided.



OFFICE OF STATE COURT ADMINISTRATOR

1976 was a year of heightened activity in the area of court administration. From the standpoint of impact on the judiciary, the passage of the new judicial article, in September, will affect every citizen of the state. Passage of the article gave the supreme court superintending authority over all courts in the state, the power to realign judicial district boundaries and language establishing a "unified" court system for North Dakota.

Throughout 1976, a planning effort to address supreme court space needs was conducted. With the assistance of Dr. Michael Wong, President of Space Management Consultants, Inc., and a local Bismarck architectural firm, a preliminary building plan was drawn. The building plan will be included in the court's 1977 judicial budget request to the legislature.

A project to develop a judicial information system was an undertaking of the Office of State Court Administrator and the National Center for State Courts. The Judicial Information System Master Plan was completed in March, 1976. This plan provides the framework for development of information components to provide the supreme court with necessary management information. The components include case reporting, personnel, equipment, financial information, and jury management.

On January 1, 1976, the district court case reporting component was implemented statewide. This component provides for case by case reporting of all cases filed in district court. Major events that tend to delay the processing of civil, criminal, and juvenile cases are monitored.

On July 1, 1976, a county court case reporting component was implemented. The system functions similar to the district court component for civil and criminal cases. One departure from district court reporting is that less events are reported for county court cases turn over much more rapidly than do the cases in district court. Probate, small claims, guardianship, conservatorship and mental health proceedings are still monitored on an aggregate basis. That is, individual case reporting is not necessary.

Judicial training programs were conducted for every level of the judiciary, court reporters, juvenile supervisors and probation officers. This was the first year all judicial training activities were coordinated by the Office of State Court Administrator.

During the year, 32 judges and court officers attended out-of-state educational programs. The programs ranged from the four-week general trial judges' seminar, sponsored by the National College of the State Judiciary, to one-week programs on aspects of administration sponsored by the Institute for Court Management.

An analysis of records retention and disposition for district courts was conducted by the National Center for State Courts. The project addressed current records storage problems and recommended alternatives for processing the increase of court documents.

With a \$130,000 Discretionary Grant from the Law Enforcement Assistance Administration (LEAA), a planning unit was established within the North Dakota Supreme Court under the direction of the State Court Administrator. The federal program was set up to encourage court planning units within various state supreme courts. The North Dakota court planning unit will concentrate on planning for the transition to a unified judicial system. Through a broad base of citizen and judicial input, the new court structure can meet our state's needs into the 21st century.

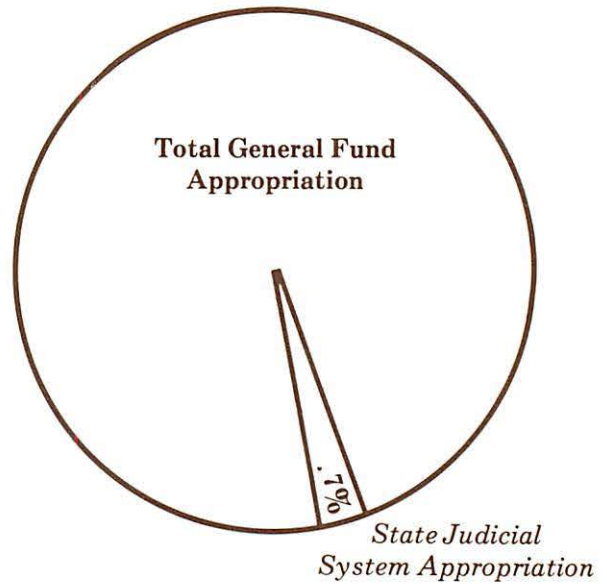
This list of activities engaged in during 1976 is not a comprehensive list of all the activities of the Office of State Court Administrator. It does, however, highlight many of the undertakings of staff of the office. Innovation is defined as the introduction of something new. North Dakota is recognized as a progressive state. The judiciary has seen the need and is supportive of innovative programs to speak to problems faced by the judiciary in a rural setting. With the support of the Supreme Court and Judicial Council, North Dakota can continue to establish trends in the field of court administration.

STATE JUDICIAL SYSTEM APPROPRIATION

1975-1977 BIENNIUM

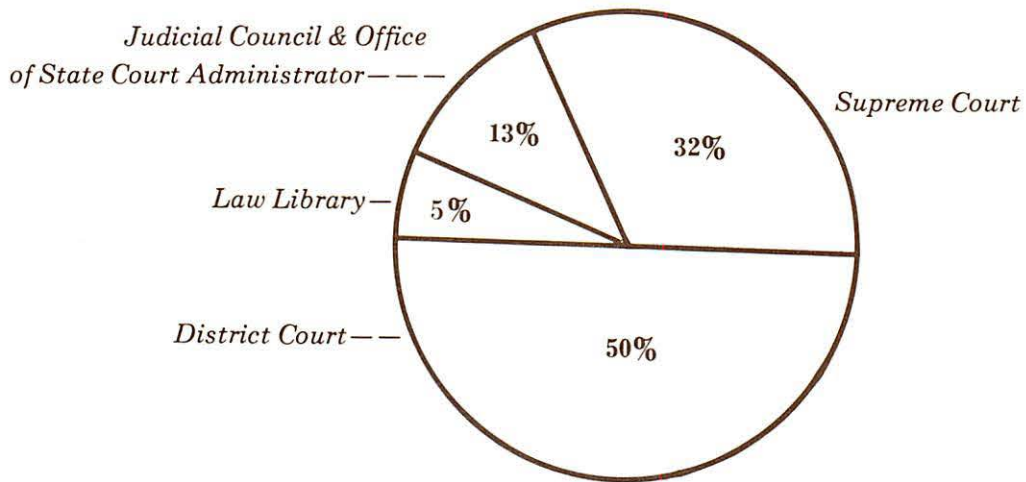
TOTAL GENERAL FUND
APPROPRIATION:
\$442,529,561

JUDICIAL SYSTEM
APPROPRIATION:
\$3,057,112



DISTRIBUTION OF JUDICIAL APPROPRIATION

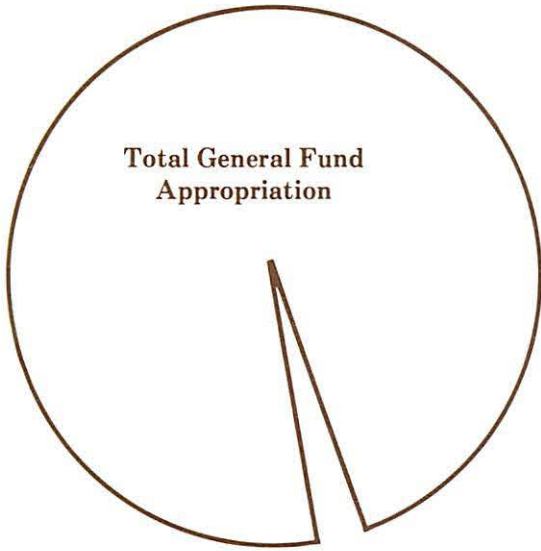
1975-1977 BIENNIUM



Supreme Court	\$ 989,177	32%
Judicial Council & Office of State Court Administrator	395,671	13%
Law Library	136,963	5%
District Court	1,535,300	50%
	<u>\$3,057,112</u>	<u>100%</u>

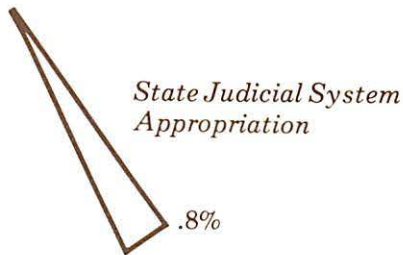
STATE JUDICIAL SYSTEM APPROPRIATION REQUEST

1977-1979 BIENNIUM



TOTAL GENERAL FUND APPROPRIATION
BUDGET REQUEST:
\$538,440,978

JUDICIAL SYSTEM APPROPRIATION
BUDGET REQUEST:
\$4,522,088



DISTRIBUTION OF JUDICIAL APPROPRIATION REQUEST

1977-1979 BIENNIUM

SUPREME COURT:

\$2,033,106

- Includes: Judicial Council
Office of State Court Administrator
Clerk of Court
Law Library

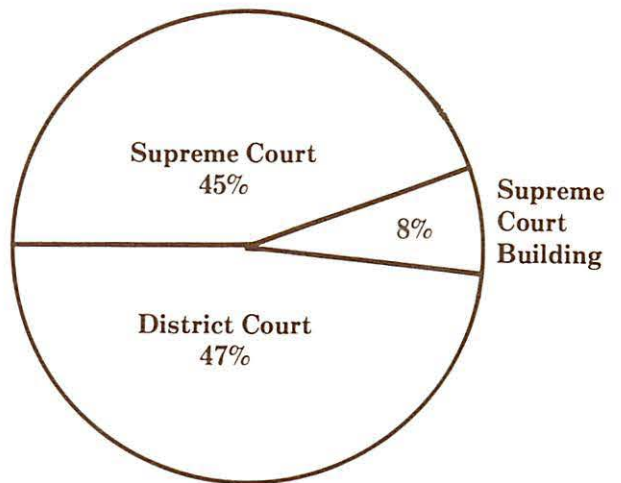
SUPREME COURT BUILDING:

\$350,000 (Passed by House)

DISTRICT COURT:

\$ 2,138,982

- Includes: Judges' Salaries
Retirement
Travel & Per Diem



FEDERAL GRANT ASSISTANCE TO THE COURTS

1976 was a very active year in our state's judicial system. A number of programs were initiated or continued with the assistance of federal grant funds. The North Dakota Combined Law Enforcement Council (SPA) and the division of Highway Safety Programs of the North Dakota Highway Department provided federal grant assistance to the North Dakota Supreme Court for projects to plan for the impact of court unification, upgrade the judiciary and address training and education needs of judges and courts officers. In addition to funds received by the supreme court, grant funds were provided directly to district, county, and municipal courts in the state. Equipment, personnel, judicial planning, special study projects, and training are a few of the categories for which grant funds are used.

CALENDAR YEAR 1976

Law Enforcement Administration and the North Dakota Combined Law Enforcement Council Grants

Judicial Education \$62,046

This was the first year that one grant was approved by the Law Enforcement Council to fund a comprehensive judicial education program for the judiciary. The program was administered by the State Court Administrator's Office. Three hundred (300) judges and courts officers were provided four thousand fifty (4,050) hours of training at seven (7) instate programs. A total of thirty-two (32) judges and courts officers attended out-of-state training programs.

Following the Municipal Judges seminar in November a contract was entered into with the Multi-Media Center at Minot State College to produce a thirty minute training tape for limited jurisdiction judges. The tape is on fundamental legal research. This tape represents the beginning of the development of a video training library.

Procedures Committee \$ 30,567

Second year funding was approved for the Procedures Committee. This joint committee of the State Bar Association and the judiciary is charged with a continual study and updating of North Dakota Rules of Procedure. During the year, the committee completed work on the Rules of Evidence and recommended amendments to the Rules of Criminal Procedure.

Court Planning \$130,000

A discretionary grant to establish an Office of Court Planning was awarded to the supreme court. Through this grant, a planner, an assistant planner, and a secretary were hired. The staff will be responsible for the preparation of an annual Judicial Plan. With passage of the new judicial article in September, 1976, a high priority for the judiciary will be analysis and recommendation for implementation of a unified court system. Input from

the citizenry of our state will be solicited by the Judicial Planning Advisory Committee during 1977 and 1978.

Microfilm Technical Assistance \$ 1,500

The National Center for State Courts conducted a feasibility study for the Office of State Court Administrator. The study explored the possibility of a statewide microfilm service for district courts to reduce the space problems of records storage.

District Court Executive \$ 31,293

Second year continuation funding for the 4th Judicial District Court Administrator was obtained. Through this program new jury selection procedures are being explored, a new case scheduling system has been developed, and progress has been made on consolidating budgeting procedures. The court administrator has had a positive impact on expediting and monitoring cases.

Legal Support for the 1st Judicial District \$ 32,293

Continuation funding for the second year of activity was received. The assistant is located in Grand Forks. He assists the two district judges chambered there with legal research and also serves as a hearing officer in certain domestic relations cases.

Division of Traffic Safety Programs Grants

Judicial Education \$ 16,500

The Division of Traffic Safety Programs has provided \$12,000 grant funds to conduct instate training programs for municipal judges. During 1977 both regional one-day sessions and a statewide one-day session will be conducted. Five municipal judges will have an opportunity to attend the traffic law program sponsored by the National College of the State Judiciary.

Uniform Records and Recording \$ 10,000

During 1976 a records study of the Fargo Municipal Court was conducted. The project evaluated present record-keeping procedures and recommended standards to improve their capability. An objective of the project was the development of statewide standards for records management for municipal courts.

Records Management \$ 5,500

This program is to provide funds for a parttime clerical person in the Office of State Court Administrator. This individual edits and codes data on traffic cases for computer input. This is part of the statewide judicial information system.

Judicial Article Implementation \$ 20,000

Funds have been provided to study the impact of passage of the new judicial article on the traffic court function in North Dakota. Studies and recommendations will be made to the 1979 Legislature regarding the traffic court structure in the state.

TOTAL GRANT FUNDS RECEIVED . . . \$339,699

DISTRICT COURTS

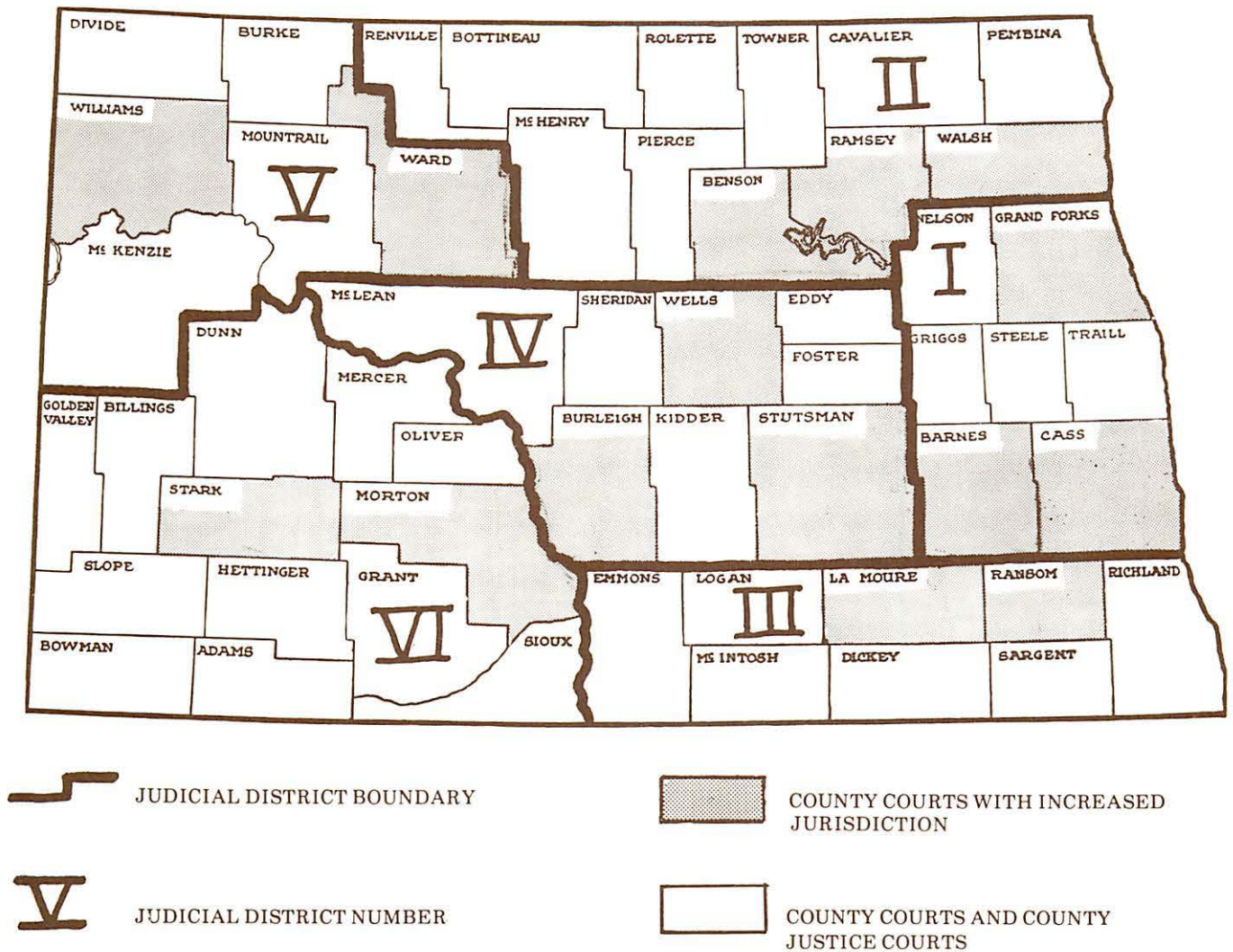
The district court of North Dakota has original jurisdiction of all cases, both civil and criminal, except as otherwise provided by law. The district court has original jurisdiction over all juvenile matters, as well as jurisdiction to hear and the power to issue original and remedial writs. All criminal felony cases are tried in the district court, and the district court has concurrent original jurisdiction with the county courts with increased jurisdiction concerning criminal misdemeanor cases and civil cases up to \$1,000.

Appeals from municipal courts, county courts, county justice courts, and, in some cases, administrative tribunals are heard by the district

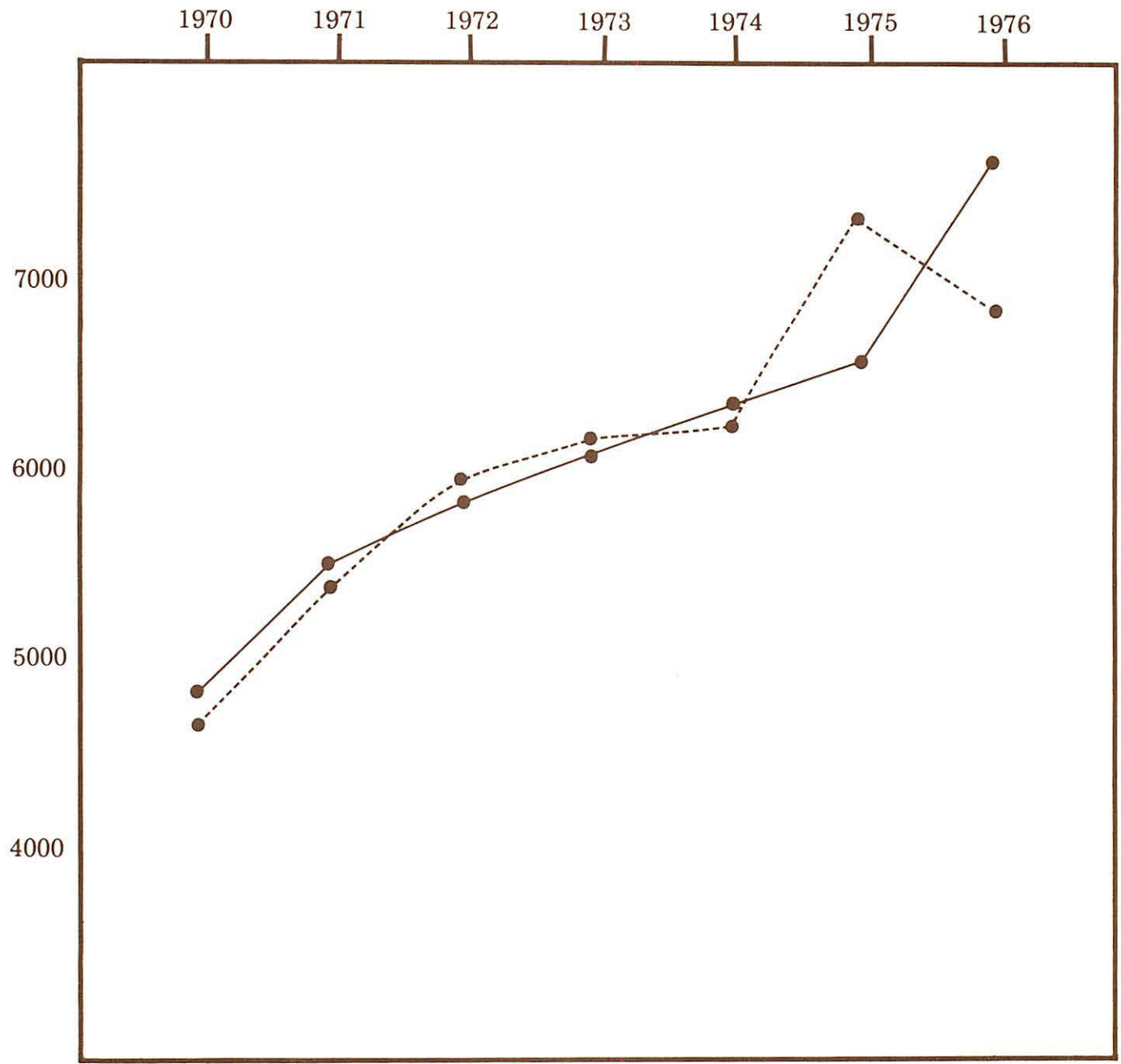
courts. Administrative appeals involve a review of the record, but an appeal from one of the lower courts involves a complete "retrial" (de novo) of the case as those courts are not "courts of record".

There are 19 district judges in the six judicial districts of North Dakota. Each district judge is elected to a six year term of office within their respective judicial district. The Supreme Court in Administrative Order No. 1, named a presiding judge in each judicial district. The presiding judge is responsible for the assignment of terms of court and the assignment of cases among the judges of the district.

MAP OF NORTH DAKOTA WITH JUDICIAL DISTRICTS



CIVIL
DISTRICT COURT CASELOAD COMPARISON



———— *Filed*
----- *Closed*

CIVIL CASELOADS

There has been a dramatic increase in the number of civil case filings in the district courts in North Dakota. The increases are resulting not only from some population increase and shift to more urban areas of the state, but also from the increased governmental and commercial activities which now pervade our everyday life.

In 1976 there were 9,685 cases filed in district court. This compares with 7,174 cases filed in 1971. During the five year period case filings increased 35 percent. The first judicial district had 2,731 civil cases filed in 1976. The first district continues to have the highest volume of civil case activity in the state.

During 1976, there were 6,784 civil cases disposed of. This compared with 7,351 civil cases disposed of in 1975. There was a reduction of 7 percent in the number of civil cases disposed of in 1976 over the previous year.

The number of civil cases pending provides some

insight into the change in caseload of the district courts. On December 31, 1976 there were 3,752 civil cases pending. This represents an average of 197 cases pending per judge. The highest per judge average was 271 cases pending in the first judicial district. The lowest number of cases pending per judge was 117 cases in the second judicial district. At the end of 1975, there were 2,908 cases pending. The change was an increase of 29 percent in the one year period of cases pending.

While the civil caseload has increased during 1976, there were only 160 cases still pending on December 31, 1976 that were over 18 months in age from date of filing. This total does not include the few trust cases that are currently open over 18 months from the date of filing. Six months prior, on June 30, 1976, there were 156 civil cases pending over 18 months. The backlog of cases did not increase during the year even though case filings increased.

TABLE II
DISTRICT COURT CIVIL FILINGS & DISPOSITIONS
Calendar Year 1976

	First Judicial District		Second Judicial District		Third Judicial District		Fourth Judicial District		Fifth Judicial District		Sixth Judicial District		Statewide	
	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)
Damages.	287	249	74	73	39	41	260	290	99	94	87	97	846	844
Action on Debt.	619	534	379	356	165	170	419	361	371	337	139	129	2092	1887
Real-Estate Matter . . .	112	102	67	74	74	59	93	81	81	68	69	66	496	450
Divorce.	1020	924	254	250	91	85	388	379	434	417	208	192	2395	2247
Reciprocal Support . . .	331	136	73	67	47	36	118	91	123	79	44	23	736	432
Adoption	177	158	63	58	31	28	74	72	98	100	44	43	487	459
Appeal-Admin. Hearing	12	8	2	0	3	3	49	34	5	3	4	5	75	53
Appeal-Other	13	15	7	2	2	3	19	6	12	9	12	11	65	46
Special Remedy	7	5	3	3	7	5	55	39	4	2	18	12	94	66
Trusts.	3	6	1	2	2	1	2	1	2	2	3	1	13	13
Other Civil	150	107	12	15	28	25	54	51	71	72	16	17	331	287
TOTAL	2731	2244	935	900	489	456	1531	1405	1300	1183	644	596	7630	6784

(F) — Filed (D) — Disposed

Source: District court case reporting system—Office of State Court Administrator.

In the time period from 1970 through 1976, the district courts experienced a 53% increase in civil

filings. These figures reflect the number of filings and final dispositions.

CRIMINAL CASELOADS

In the area of criminal litigation, most defendants enter the district court system after a criminal information has been filed by the state's attorney. Only in rare circumstances is a grand jury empaneled. Criminal case statistics are kept by county clerks of district court on an individual case basis rather than by individual defendants. If two or more defendants are charged with a crime arising out of one incident, the matter is handled as one case unless a decision is made to sever the case and try the defendants separately.

Beginning in 1976, the district courts began to record statistics on all criminal offenses for which defendants were being charged within the judicial districts. These statistics, categorized as to Felonies

A, B, and C, and Misdemeanors A, B, and infraction have provided some data on the seriousness of crimes being charged in district court.

In the time period from 1970 through 1976, the district court experienced a 33 percent increase in criminal filings. These figures reflect the number of filings and final dispositions. While this is a substantial increase in the level of activity during the six year period, criminal filings decreased slightly from the previous year. There was a reduction of 2 percent in the filings. On June 30, 1976, there were 53 criminal cases pending over 120 days from date of filing. On December 31, 1976, there were 75 cases, an increase of 41 percent.

TABLE III
DISTRICT COURT CRIMINAL CASE FILINGS & DISPOSITIONS
Calendar Year 1976

	First Judicial District		Second Judicial District		Third Judicial District		Fourth Judicial District		Fifth Judicial District		Sixth Judicial District		Statewide	
	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)
Felony A	10	12	2	3	7	6	3	4	5	6	3	2	30	33
Felony B	50	40	14	12	9	8	33	28	45	33	16	12	167	133
Felony C	210	194	117	118	41	40	145	139	85	75	57	49	655	615
Misdemeanor A	7	23	3	2	4	6	2	3	15	14	9	12	40	60
Misdemeanor B	1	0	3	3	1	1	0	0	3	2	2	3	10	9
Infraction	0	0	0	0	0	1	0	0	0	1	3	3	3	5
Special Remedy	2	2	0	0	1	0	9	6	0	0	7	6	19	14
Appeal	12	13	9	10	10	7	32	20	18	7	16	16	97	73
Other Criminal	17	15	5	5	2	3	5	21	1	1	3	7	33	52
TOTAL	309	299	153	153	75	72	229	221	172	139	116	110	1054	994

(F) — Filed (D) — Disposed

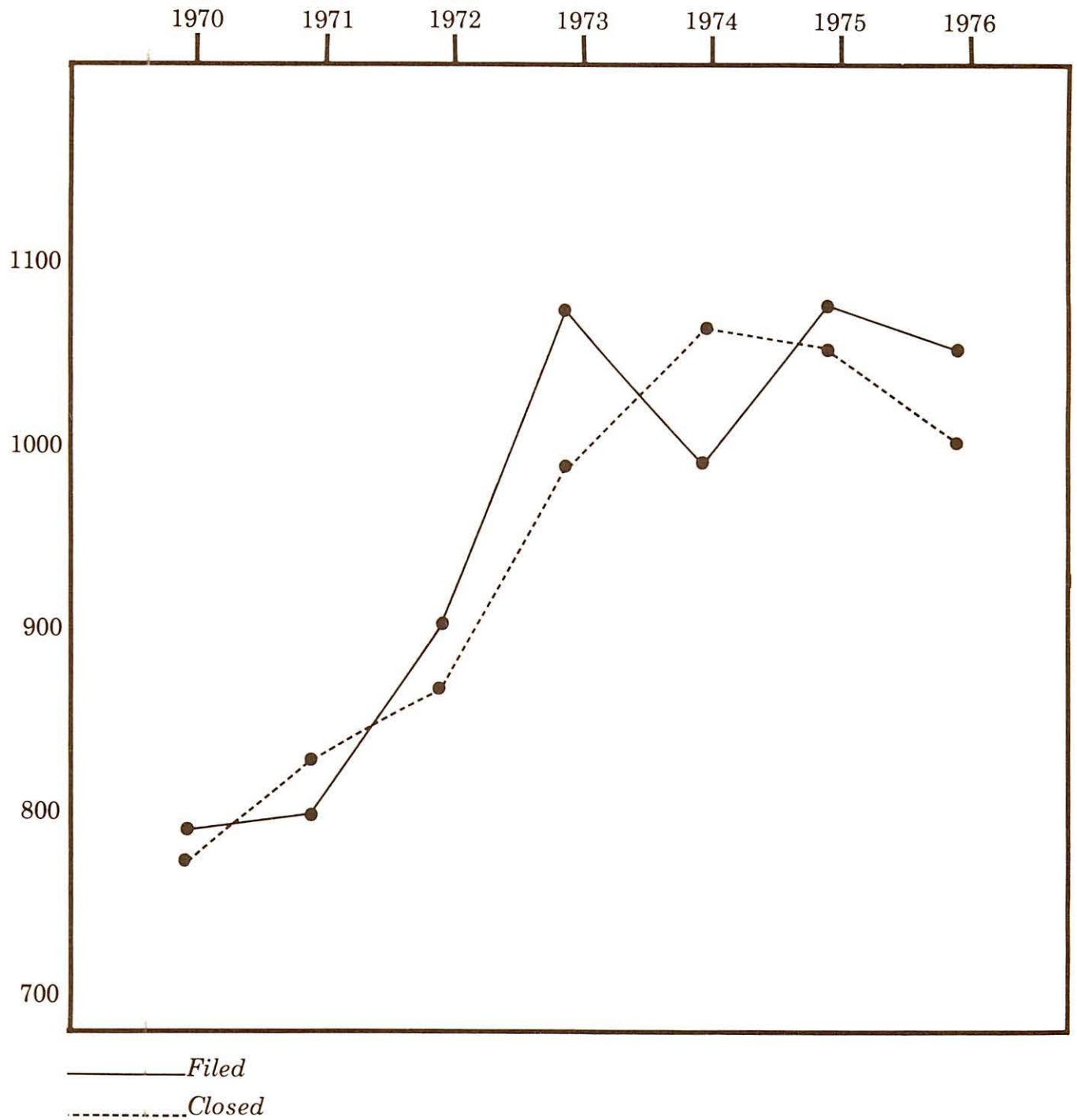
Source: District court case reporting system—Office of State Court Administrator.

METHOD OF DISPOSITION

Judgment on Guilty Plea	424
Judgment After Trial	
Court—Guilty	286
Court—Acquittal	11
Jury—Guilty	40
Jury—Acquittal	2
Dismissal	223
Uniform Post Conviction	
Procedures Act	2
Change of Venue	6
TOTAL CRIMINAL DISPOSITIONS	994

Few criminal trials are before a jury. In 1976, of the 994 criminal cases disposed of, only 42 were tried to a jury.

CRIMINAL
DISTRICT COURT CASELOAD COMPARISON



JUVENILE CASELOAD

One of the most significant activities performed by the district courts in terms of long range impact in the area of criminal recidivism is the courts role in the juvenile justice area. In North Dakota, the juvenile courts function under the Uniform Juvenile Court Act as provided in Chapter 27-20, NDCC. This Act, passed in 1969, creates a separate juvenile court system. The juvenile court has exclusive jurisdiction over any juvenile who is alleged to be either deprived, unruly, or delinquent. Since the juvenile court system is a division of the district court, the 19 district judges serve as juvenile court judges.

District judges may appoint one or more juvenile supervisors. The duties and responsibilities of juvenile supervisors are outlined in Section 27-20-06, NDCC. In addition to juvenile supervisors, district judges may appoint probation officers as provided in Section 27-20-07, NDCC.

Statistics contained in this annual report are of formal proceedings filed with the clerk of district court.

The Social Service Board of North Dakota has gathered statistics on juvenile court case activity since 1949. The Supreme Court began compiling statistics on formal proceedings, filed with the clerk of district court in 1962. As a result, there has

been a duplication of reporting formal juvenile actions since 1962. During 1977 the Office of State Court Administrator will design a new juvenile court reporting system and assume total responsibility for compilation of juvenile court statistics.

In the time period from 1970 through 1976, the district courts experienced a 2 percent increase in formal juvenile case filings. These figures reflect the amount of filings and final dispositions. The increase from 1970 through 1976 has not been too significant. It should be noted, however, that the caseload is on the increase, especially since 1972 when there were 802 formal juvenile filings.

On both June 30, 1976 and December 31, 1976 there were no formal juvenile proceedings 120 days old from the date of filing. Juvenile cases receive priority consideration so they are processed expeditiously.

Formal proceedings make up a small percentage of total juvenile case activity. According to statistics from the North Dakota Social Service Board, in 1975, 12 percent of all juvenile cases processed were formal actions with petition. In 1975 this represented 898 cases disposed of. In 1976 there were 922 cases disposed of through a formal petition, representing an increase of 2 percent over the preceding year.

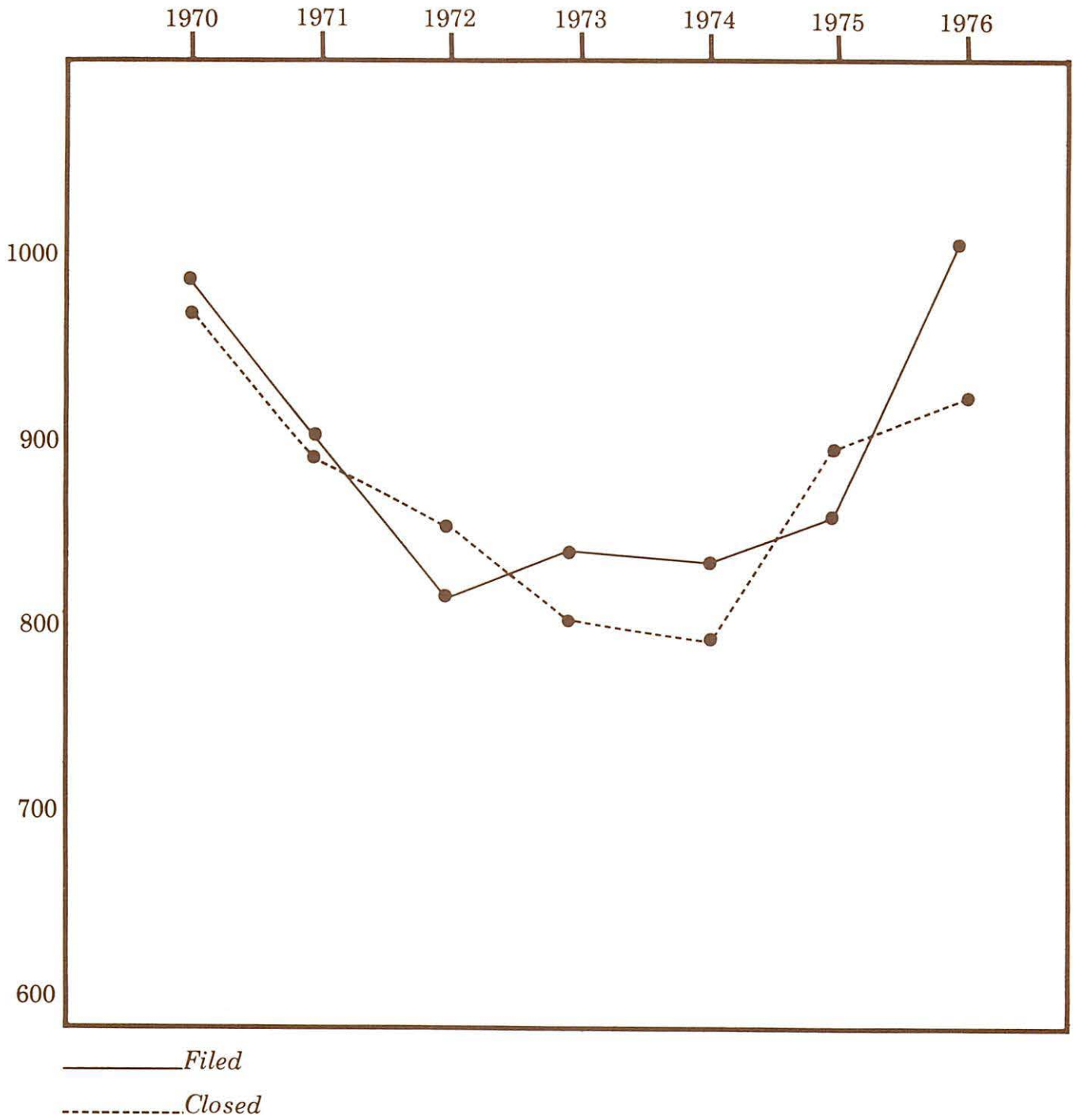
TABLE IV
JUVENILE CASE FILINGS AND DISPOSITIONS
Calendar Year 1976

	First Judicial District (F) (D)		Second Judicial District (F) (D)		Third Judicial District (F) (D)		Fourth Judicial District (F) (D)		Fifth Judicial District (F) (D)		Sixth Judicial District (F) (D)		Statewide (F) (D)	
Delinquency	244	232	73	66	35	31	80	71	45	40	22	20	499	460
Unruly	81	77	35	32	6	6	27	25	8	8	16	15	173	163
Deprived Child	55	43	19	18	8	6	11	12	25	19	18	12	136	110
Special Proceedings	14	13	0	0	3	3	1	0	0	0	0	0	18	16
Termination of														
Parental Rights	75	81	8	10	3	2	30	29	30	27	7	7	153	156
Other Juvenile	3	3	2	1	2	2	10	8	3	1	2	2	22	17
TOTAL	472	449	137	127	57	50	159	145	111	95	65	56	1001	922

(F) — Filed (D) — Disposed

Source: District court case reporting system — Office of State Court Administrator.

FORMAL JUVENILE PROCEEDINGS
DISTRICT COURT CASELOAD COMPARISON



TOTAL DISTRICT COURT CASELOAD

In the time period from 1970 through 1976, the district courts experienced a 43 percent increase in total filings. This substantial increase in case filings and dispositions has been accomplished without any increase in the number of district judges.

With passage of the new judicial article occurring in September, 1976, the Supreme Court has the direct authority to redistrict. It may be possible to balance the present caseload through some form of

redistricting.

The above statistics must be viewed with caution as the figures presented do not take into consideration travel time of judges, length of trials conducted, administrative matters that must be addressed, and certain other considerations. They do, however, give some benchmark of problems that relate to present judicial boundaries.

TABLE V
DISTRICT COURT Calendar Year 1976 WORKLOAD STATISTICS

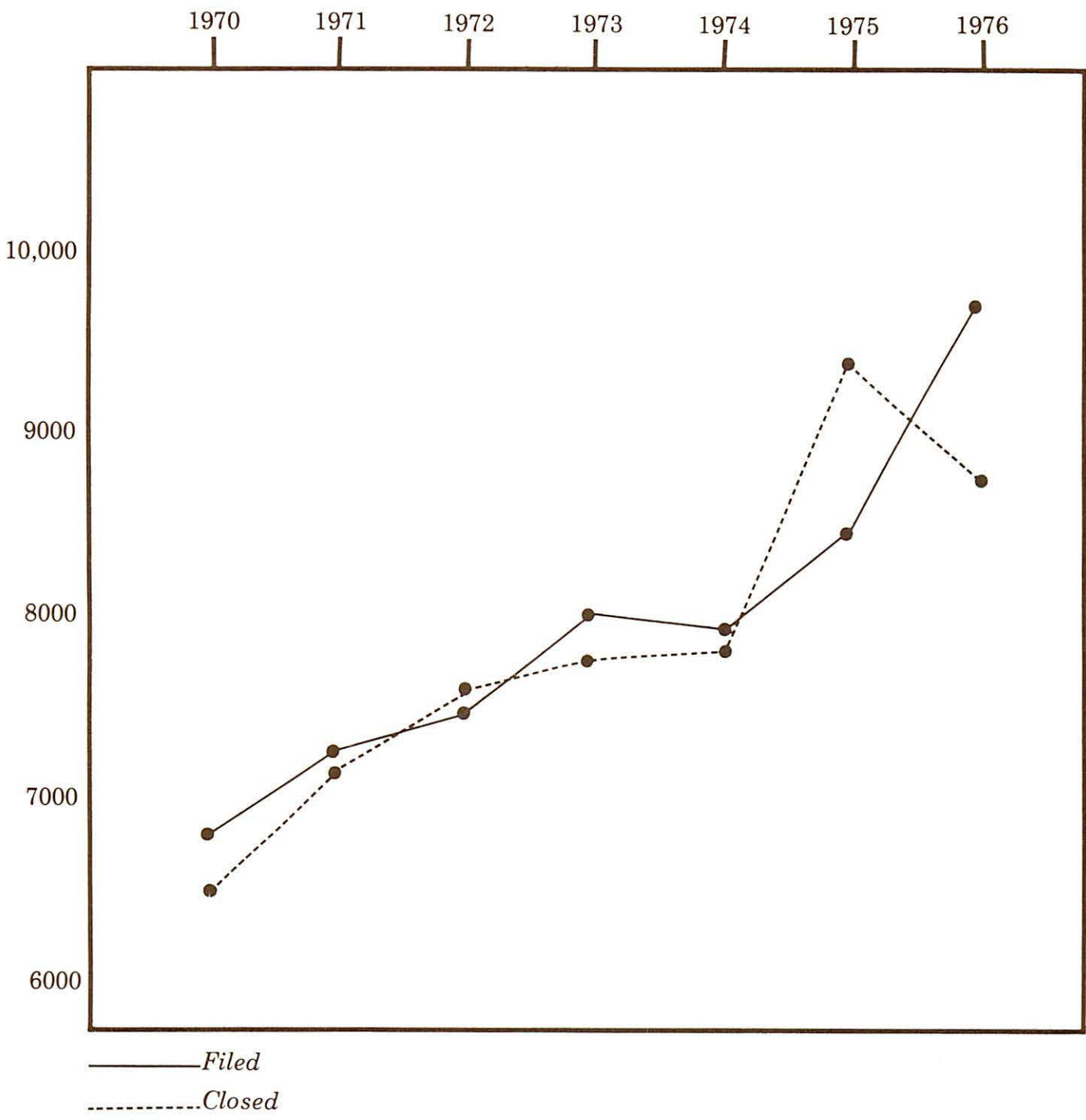
Jud. Dist.	No. of Counties	Population*	No. of Judges	Average No. of Cases Disposed of Per Judge in 1976	No. Cases Pending Per Judge on Dec. 31, 1976
1st	7	182,300	5	598	306
2nd	11	108,377	3	393	135
3rd	8	54,900	2	289	288
4th	8	102,600	3	590	235
5th	6	103,900	3	472	164
6th	13	81,100	3	254	224
STATEWIDE AVERAGE				457	

*July 1973 estimate of North Dakota population prepared by the United States Bureau of the Census.

Source: District court case reporting system — Office of State Court Administrator.



TOTAL DISTRICT COURT CASELOAD
COMPARISONS
Civil, Criminal, and Juvenile Proceedings



COUNTY COURTS WITH INCREASED JURISDICTION

Chapter 27-08, NDCC, provides for the establishment and operation of the county courts with increased jurisdiction. A special election to establish or abolish a county court with increased jurisdiction must be held if a petition requesting that election and containing the names of at least ten percent of the county's total vote cast for governor in the last election is presented to the board of county commissioners.

The majority vote in this election determines whether such a court is to be established or abolished. Fifteen (15) of North Dakota's fifty-three (53) counties have established county courts with increased jurisdiction. If a majority of the county voters agree to grant increased jurisdiction to the county court, the offices of county judge and county justice are merged into one court referred to as the county court with increased jurisdiction. This court has original concurrent jurisdiction with the district court in all civil cases where the amount in controversy does not exceed \$1,000 and in all criminal misdemeanor cases. The county court with increased jurisdiction has exclusive original jurisdiction in probate, testamentary and guardianship matters. This court has concurrent appellate jurisdiction with the district court in municipal court appeals.

The judge of the county court with increased jurisdiction has the authority to issue warrants and complaints, to determine whether an individual accused of a felony should be held for trial, and, perform other standard judicial functions.

The county courts with increased jurisdiction have authority as small claims courts. The jurisdiction of the small claims court is limited to cases for recovery of not more than \$500.

The number of preliminary hearings conducted in felony matters decreased 14 percent. The decrease was from 963 in 1975 to 821 in 1976. This may be due, in part, to the implementation of the new criminal code that became effective July 1, 1975.

During 1976, 8,616 criminal misdemeanor cases were disposed of in county courts with increased jurisdiction. This was an increase of 10 percent from the 7,816 criminal misdemeanor cases disposed of in 1975.

In 1976, 30,826 administrative traffic cases were disposed of. This compared to 18,946 administrative traffic cases disposed of in 1975. While many traffic cases are disposed of with a bond forfeiture, the volume still represents a 62 percent increase which impacts on the administration of the courts.

There were 2,647 civil cases disposed of in 1976. This compared to 2,214 civil cases disposed of in 1975, or an increase of 19 percent. It is important to note that over 50 percent of all civil cases processed in North Dakota during 1975 and 1976 were handled in Burleigh County. The major reason for this occurring is that three collection agencies maintain offices in Bismarck. The following data on county courts with increased jurisdiction case activity during 1976 include statistics on small claims activity for the period July 1 - December 31, 1976. Prior to that time information on small claims activity was not collected.

As a result of the increase in case activity in Grand Forks and Burleigh Counties, hearing officers have been employed. Grand Forks has a fulltime hearing officer for preliminary hearings and small claims courts. Burleigh County has a parttime hearing officer for small claims court.

TABLE VI
COUNTY COURTS WITH INCREASED JURISDICTION
CASE FILINGS & DISPOSITIONS
Calendar Year 1976

	Felony		Misdemeanor		Non-Criminal Traffic			Civil		Small Claims	
	(F)	(D)	(F)	(D)	Convictions	Acquittals	Dismissals	(F)	(D)	(F)	(D)
Barnes.....	48	35	494	421	1104	25	-	7	7	127	108
Benson.....	8	4	204	176	727	15	-	6	3	22	15
Burleigh.....	142	124	767	709	2998	102	2	1578	1541	196	193
Cass.....	137	126	1294	1000	4324	84	1	175	159	289	234
Grand Forks.....	189	165	1316	982	3736	99	-	267	260	-	-
LaMoure.....	1	1	46	46	399	2	-	3	3	22	24
Morton.....	62	62	322	322	2665	3	-	22	22	97	97
Ramsey.....	39	39	1195	1078	1485	76	9	17	17	63	62
Ransom.....	8	5	267	236	1154	13	1	15	18	10	11
Stark.....	31*	16*	429*	296*	1982	92	1	104*	91*	74	69
Stutsman.....	99	91	700	642	2260	2	-	34	35	47	41
Walsh.....	32	28	708	684	1580	94	1	22	22	92	89
Ward.....	121	94	1250	1107	3908	146	4	357	345	139	127
Wells.....	1	1	300	300	339	3	-	10	10	6	4
Williams.....	43	30	647	617	1370	20	-	119	114	6	6
TOTAL.....	961	821	9939	8616	30,031	776	19	2736	2647	1190	1080

(F) — Filed (D) — Disposed

*Six month period only.

Source: County court case reporting system—Office of State Court Administrator

TABLE VII
COUNTY COURTS WITH INCREASED JURISDICTION
CASE FILINGS & DISPOSITIONS
Calendar Year 1976

	F	Probate		Guardianship/Conservatorship		Mental Health Hearings Held
		F	D	F	D	
Barnes.....	63		104	3	4	29
Benson.....	51		36	6	1	11
Burleigh.....	128		63	12	8	65
Cass.....	263		246	32	47	115
Grand Forks.....	145		71	29	27	99
LaMoure.....	41		30	0	0	12
Morton.....	41*		15*	3*	7*	31*
Ramsey.....	85		66	10	12	28
Ransom.....	43		24	7	0	16
Stark.....	80		29	4	7	20
Stutsman.....	99		31	9	8	105
Walsh.....	111		61	9	2	44
Ward.....	170		109	12	13	135
Wells.....	74		23	5	2	6
Williams.....	136		31	6	6	41
TOTAL.....	1530		939	147	144	747

(F) — Filed (D) — Disposed

*Six month period only.

Source: County court case reporting system—Office of State Court Administrator.

COUNTY JUSTICE COURTS

County justices have jurisdiction to hear misdemeanor and civil money claims not exceeding \$200 in value. They also act as committing magistrates in determining whether a person accused of a felony should be held for trial. The criminal jurisdiction of a county justice court is the same as that of a county court with increased jurisdiction. The civil jurisdiction of a county justice court is limited not only by the amount of the claim, but by its nature. A mechanic's lien, for example, could not be foreclosed in county justice court even though the claim was less than \$200.

A county justice court is not a court of record. An appeal means that the entire proceeding is tried anew. Appeals are taken to the district court.

County justice court also serves as the small claims court. The jurisdiction of the small claims court is confined to the cases for the recovery of money, or the cancellation of any agreement involving fraud, deception, misrepresentation, or false

promise. The jurisdictional limitation in county justice court is \$200.

During 1976, the thirty-eight county justice courts in the state held 228 preliminary hearings. This compared with 220 in 1975 for an increase of 3 percent. In the same period, misdemeanor case dispositions increased from 3585 in 1975 to 4028 in 1976. This represents a 12 percent increase.

Administrative, non-criminal traffic cases provide the highest volume of cases. The increase was from 8,225 in 1975 to 15,605 in 1976. This substantial increase of 89 percent appears to be as a result of more stringent enforcement using moving radar units to enforce the 55 m.p.h. speed limit.

County justice courts disposed of 167 civil cases during 1976. In 1975 there were 321 civil cases disposed of. With only a \$200 maximum limit on civil cases, there is not much activity in this area in county justice courts.



TABLE VIII
COUNTY JUSTICE COURT
CASE FILINGS & DISPOSITIONS
Calendar Year 1976

	Felony		Misdemeanor		Non-Criminal Traffic			Civil		Small Claims	
	F	D	F	D	Convictions	Acquittals	Dismissals	F	D	F	D
Adams	3	3	50	49	269	12	1	3	3	0	0
Billings	0	0	13	9	234	5	1	0	0	0	0
Bottineau	3*	3*	74*	46*	411	19	3	0	0	0	0
Bowman	3	2	60	56	170	9	-	0	0	0	0
Burke	4	4	267	267	279	16	-	4	4	0	0
Cavalier	7	7	96	93	675	33	-	5	5	4	4
Dickey	8	7	66	66	365	6	1	0	0	18	11
Divide	1	1	29	30	180	21	1	0	0	0	0
Dunn	0	0	29	30	104	12	-	0	0	5	5
Eddy	4	4	51	48	228	6	3	0	0	5	5
Emmons	9	8	75	75	332	19	1	13	13	7	8
Foster	11	11	85	80	261	-	-	4	4	6	7
Golden Valley	0	0	7*	7*	551	4	1	1*	1*	-	-
Grant	0	0	89	88	159	11	-	11	9	1	1
Griggs	13	6	230	182	413	3	-	0	0	6	6
Hettinger	2	0	108	97	145	21	-	6	8	5	5
Kidder	6	6	44	44	319	3	1	0	0	5	5
Logan	4	4	37	33	178	3	-	5	5	1	1
McHenry	42	29	171	146	516	7	-	19	17	26	26
McIntosh	5	4	87	72	418	2	-	0	0	1	1
McKenzie	12*	5*	152*	91*	660	5	-	6*	6*	9	7
McLean	10	8	373	368	1132	45	3	11	11	17	18
Mercer	18	17	255	220	360	37	1	9	7	9	10
Mountrail	2	0	122	117	432	14	-	1	1	3	0
Nelson	2	2	177	172	386	6	1	0	0	17	17
Oliver	0	0	101	81	205	5	-	5	5	8	6
Pembina	23	14	96	75	467	27	1	9	9	12	12
Pierce	13	9	288	229	239	5	-	31	38	37	34
Renville	1*	0*	60*	54*	236	8	-	0	0	0	0
Richland	13	13	43	43	2416	18	4	0	0	13	13
Rolette	39	32	444	392	525	30	4	19	20	20	21
Sargent	6	6	312	279	339	2	-	0	0	10	10
Sheridan	7	7	38	38	69	2	-	1	1	0	0
Sioux	0	0	19	17	6	-	-	0	0	0	0
Slope	0	0	26	27	57	-	-	0	0	0	0
Steele	0	0	32	31	283	1	-	0	0	7	2
Towner	2	2	89	89	356	2	2	0	0	0	0
Traill	16	14	203	187	772	10	-	0	0	18	13
TOTAL	289	228	4498	4028	15,147	429	29	163	167	270	248

(F) — Filed (D) — Disposed

*Six months period only.

Source: County court case reporting system—Office of State Court Administrator.

COUNTY COURTS

County courts have exclusive original jurisdiction in probate and testamentary matters, including the appointment of administrators and guardians. Thirty-eight (38) counties have county courts. Mercer County voters elected to increase their courts jurisdiction effective January 1, 1979.

The jurisdiction of the county court is limited strictly by statute and case law. Matters which are closely related to probate and testamentary issues and may arise in a probate case, cannot be tried in a county court.

By statutes, appeals are taken from the county court to the district court. North Dakota statutes appear to require the probate proceedings in the

county court to be on the record, the current practice is to the contrary. Verbatim transcripts or records of the proceedings are not compiled. The usual method of appeal is a trial de novo in district court and not a trial on the record or transcript of testimony.

There is no requirement that the judge of county court be trained in the law and the office is usually filled by lay judges. At the present time there is one law-trained county judge.

Following are statistics on caseloads of the county probate courts for 1976. The number of probate cases filed in county court have declined since passage of the Uniform Probate Code (UPC). The UPC became effective July 1, 1975.

**TABLE IX
COUNTY COURT
CASE FILINGS & DISPOSITIONS
Calendar Year 1976**

	Probate		Guardianship/Conservatorship		Mental Health Hearings Held
	F	D	F	D	
Adams	23	7	6	2	4
Billings	2*	1*	0*	0*	0*
Bottineau	83	60	6	1	26
Bowman	21*	40*	2*	6*	4*
Burke	55	20	1	2	6
Cavalier	39*	37*	3*	0*	7*
Dickey	39	34	6	5	8
Divide	53	22	1	8	4
Dunn	34	24	4	3	0
Eddy	25	8	2	0	3
Emmons	33	25	6	4	5
Foster	10*	5*	0*	0*	2*
Golden Valley	13*	45*	3*	2*	1*
Grant	34	14	0	0	1
Griggs	36	24	4	6	2
Hettinger	40	103	4	22	5
Kidder	29	29	3	2	2
Logan	19	20	0	2	8
McHenry	63	49	2	3	8
McIntosh	26	10	0	0	3
McKenzie	53	51	7	6	11
McLean	78	59	9	15	12
Mercer	40	24	1	2	12
Mountrail	65	52	15	13	12
Nelson	63	22	2	1	7
Oliver	10	6	9	4	3
Pembina	92	66	0	2	10
Pierce	96	98	11	2	8
Renville	19*	4*	0*	0*	2*
Richland	*	*	*	*	*
Rolette	39	9	3	2	3

(F) — Filed (D) — Disposed

*Six months period only.

— No report received.

Source: County court case reporting system — Office of State Court Administrator.

MUNICIPAL COURTS

The municipal courts have exclusive original jurisdiction to hear all cases involving violations of municipal ordinances, except certain violations by juveniles. Ordinance violations are punishable by up to 30 days imprisonment and \$500 fine or both. The accused has the right to counsel if incarceration is contemplated. If a defendant is indigent, the court can appoint counsel. Municipal courts are not courts of record, which means that no formal record of the testimony is kept. An appeal from a municipal court decision requires a new trial to be conducted in either the district court or the county court with increased jurisdiction.

At the present time there are 359 incorporated cities in North Dakota. Of this number, 180 have municipal courts. There are 158 judges serving the municipalities. Seventeen of the municipal judges are attorneys. Section 40-18-01, NDCC, requires the municipal judge in a city having a population of 3,000 or more to be an attorney, unless a licensed attorney is not available. The section also permits an individual to serve more than one city as municipal judge.

1976 was the first year all traffic related cases have been reported to the Drivers License Division of the State Highway Department. Prior to 1976 only convictions were reported to a state agency. Ordinance violations that are not traffic related are not reported to the Office of State Court Administrator at this time. A program to gather non-traffic related ordinance statistics will be initiated by the State Court Administrator in 1977.

In 1976 the traffic related caseload varied from one case in very small municipalities to 6,128 cases in Grand Forks. As can be seen from the data, non-criminal administrative traffic cases, make up the majority of judicial volume. Bond forfeitures account for the largest part of the cases processed.

Following is a breakdown of the traffic cases processed in the four largest municipalities. These municipalities process 42 percent of the entire criminal traffic caseload. They also process 49 percent of the entire non-criminal traffic caseload in the state.

TABLE X
SELECTED MUNICIPAL COURT STATISTICS
TRAFFIC CASE DISPOSITIONS
Calendar Year 1976

Four Municipalities With Highest Case Volume	CRIMINAL DISPOSITIONS				NON-CRIMINAL DISPOSITIONS			
	Convictions	Acquittals	Dismissals	Total	Convictions	Acquittals	Dismissals	Total
Bismarck	231	19	0	250	4005	43	1	4049
Fargo	254	3	0	257	4782	5	1	4788
Grand Forks	456	26	7	489	5401	225	13	5639
Minot	247	54	13	314	4516	488	22	5026
TOTAL	1188	102	20	1310	18704	761	37	19502

TABLE XI
TOTAL NUMBER OF TRAFFIC RELATED CASES PROCESSED STATEWIDE
Calendar Year 1976

Criminal Traffic Cases		Non-Criminal Traffic Cases	
Convictions	2,881	Convictions	34,976
Acquittals	154	Acquittals	1,018
Dismissals	32	Dismissals	61
TOTAL	3,067	TOTAL	39,122

Source: Municipal court case reporting system — Office of State Court Administrator.

JUDICIAL COUNCIL

The North Dakota Judicial Council was established as an arm of the judicial branch of state government in 1927. Present statutory language governing the Judicial Council is found in Chapter 27-15, NDCC.

The Council is composed of the following members:

1. All judges of the supreme court, district courts, and county courts with increased jurisdiction of the state;
2. The attorney general;
3. The dean of the school of law of the university;
4. Five members of the bar who are engaged in the practice of law who shall be chosen by the executive committee of the state bar association;
5. All retired judges of the supreme and district courts of the state; and
6. Two judges of the county court without increased jurisdiction; two county justices, and two municipal judges, selected by the North Dakota Supreme Court.

In general, the Judicial Council is given the duty

to make a continuous study of the judicial system of the state to the end that procedure may be simplified, business expedited and justice better administered. The sixty (60) members of the Council serve without compensation, but are allowed necessary expenses which are incurred in the discharge of their duties. The Chief Justice of the North Dakota Supreme Court serves as Chairman of the Judicial Council.

There are two regular meetings of the Judicial Council held each year and the chairman may call special meetings from time to time.

The Judicial Council employs an executive secretary to assist in its duties. Through the Council, the executive secretary is empowered to gather and publish statistical data concerning the courts, judges and officers thereof; to make recommendations to the Council for improvement of the judicial system; hold public hearings on behalf of the Council; and in general to lend any assistance to the Council in its efforts to improve the state's judicial system.



MEMBERS OF THE NORTH DAKOTA JUDICIAL COUNCIL

Supreme Court

Ralph J. Erickstad, Chief Justice, Bismarck, Chairman
Wm. L. Paulson, Associate Justice, Bismarck
Robert Vogel, Associate Justice, Mandan
Vernon R. Pederson, Associate Justice, Bismarck
Paul M. Sand, Associate Justice, Bismarck

District Court

Roy K. Redetzke, Fargo	Martin C. Fredricks, Jamestown
Hamilton E. Englert, Valley City	Benny A. Graff, Bismarck
Ralph B. Maxwell, Fargo	Alfred A. Thompson, Bismarck
A. C. Bakken, Grand Forks	Eugene A. Burdick, Williston
Harold Hager, Grand Forks	Roy A. Ilvedson, Minot
Douglas B. Heen, Devils Lake	Wm. M. Beede, Minot
Ray R. Friederich, Rugby	Norbert J. Muggli, Dickinson
James H. O'Keefe, Grafton	Wm. F. Hodny, Mandan
Larry M. Hatch, Linton	Emil A. Giese, Hettinger
Robert L. Eckert	

County Courts with Increased Jurisdiction

C. James Cieminski, Valley City	Samuel D. Krause, Fessenden
Ronald M. Dosch, Devils Lake	George Margulies, Lisbon
George E. Duis, Fargo	Joel Medd, Minnewaukan
Wm. G. Engelter, Mandan	Thomas W. Nielsen, LaMoure
Thomas D. Ewing, Dickinson	Lawrence O'Connell, Williston
Halvor L. Halvorson, Minot	Gerald G. Glaser, Bismarck
Harold B. Herseth, Jamestown	Theodore Weisenburger, Grafton
Kirk Smith, Grand Forks	

County Justice Court

R. C. Heinley, Carrington	Dale McMichael, Wahpeton
---------------------------	--------------------------

County Court Without Increased Jurisdiction

R. M. Lundberg, Washburn	Ross McNea, Bottineau
--------------------------	-----------------------

Municipal Court

Robert Brown, Mayville	Thomas Davies, Fargo
------------------------	----------------------

Retired Judges of the Supreme and District Courts

Clifford Jansonius, Bismarck	Harvey J. Miller, Glendive, Montana
Harvey B. Knudson, Bismarck	James Morris, Bismarck
C. F. Kelsch, Mandan	Obert C. Teigen, Bismarck
Wallace E. Warner, Wahpeton	

Attorney General

Allen I. Olson, Bismarck

U.N.D. School of Law

Dean Robert Rushing, Grand Forks

Members of the Bar

Harold Anderson, Bismarck	Clinton Ottmar, Jamestown
John C. McClintock, Rugby	Alan B. Warcup, Grand Forks
Hugh McCutcheon, Minot	

William G. Bohn
Executive Secretary

SUPREME COURT LAW LIBRARY

The North Dakota Supreme Court Law Library was created through the constitutional process in 1889, which stated that the supreme court reporter should also act as the state law librarian. In 1894 a report regarding the library was made to the governor by C. M. Dahl, Librarian. This report is on file in the library and states that in 1894 the library had a total of 9,198 books acquired through purchase and exchange of North Dakota material with other states. The amount spent on books was \$2,180.63 and \$1,190.01 was spent on the care and custody of the books.

The budget approved by the legislature for the 1975-1977 biennium was \$63,356.00 for books and supplies and \$69,173.00 for care and custody of the books.

As of January 1, 1977, the hard-cover book count in the library was 56,644 and the paperback count was 25,979. The library purchased 599 books in 1976 and 305 books were added to the library through exchange with other states. The library is a federal depository library and received 169 books from the U. S. Government in 1976.

Books can be checked out of the library by licensed attorneys only for four hours. The public may use the law books in the library, but they do not have the privilege of checking the books out. A photocopy machine is available for people using the library.

Due to the size of the library staff, limited research or photocopy work is done primarily for district judges and state's attorneys.

The library has two cassette players which can be used in the library or the cassette tapes can be checked out. Microfiche material has been added to the federal depository section of the library; however, the library does not have the equipment to read or reproduce the material. At this time, the library is accepting bids for microfiche equipment and it should be available in the near future.

On September 15, 1976, the State Penitentiary closed their bookbinding plant. Up until that time the penitentiary bound periodicals for the Supreme Court Library. As a result, a velo bookbinder was purchased for library use. The plans are for the library staff to bind law review articles in the future.

The library is growing very fast and shelf space is becoming quite limited. This means that books must be stored in a vault in the basement of the Capitol. There is a need to expand in order to house and shelve the law books needed by the court, state agencies, attorneys, and the general public.

Presently State Codes for eighty percent of the fifty states are in the library. It is hoped that Codes from the other states can be added in the near future. The addition of these Codes will cause a greater shortage of shelf space in the library, but these Codes are needed for legal research. It is becoming more and more difficult to allocate which areas the remaining shelf space should go to — state holdings, treatise, federal government, or the national reporter system, which is growing at a rapid pace.



JUDICIAL QUALIFICATIONS COMMISSION

The 1975 Legislature by Chapter 27-23, NDCC, created the Judicial Qualifications Commission.

The purpose of this Commission is to investigate complaints against any judge in the state and to conduct hearings concerning the discipline, removal or retirement of any judge.

The law provides the membership of this Commission shall consist of one lawyer, one district judge, one county judge and four lay members. As provided, the lawyer and judges were selected by their respective associations and the Governor appointed the four citizen members. The Commission held its first meeting on October 6, 1975.

During 1975 the complaints were investigated by the Attorney General as provided in the law. Subsequent thereto the Judicial Qualifications Commission employed parttime staff counsel. By statute the Clerk of the Supreme Court serves as ex officio secretary.

The Rules of the Judicial Qualifications Com-

mission were adopted on January 26, 1976. By December 31, 1975, six complaints had been filed. During the calendar year 1976 seventeen additional complaints were filed.

Following are the Commission's activities for the year.

COMPLAINTS FILED:

Failure to comply with the law	4
Lack of communication	3
Questionable judicial campaign practices	1
Delay	4
Conflict of interest	2
Advertising by a judge	1
Failure to inform defendant of his rights	1
Lack of judicial temperament	1
TOTAL	<u>17</u>
DISPOSITION OF COMPLAINTS	
Dismissed	17
Dismissed with admonition	3
Pending decision	3
TOTAL	<u>23</u>



GRIEVANCE COMMISSION OF THE SUPREME COURT

The Grievance Commission of the Supreme Court was established in August 1965 by a rule adopted by the Supreme Court. This Commission is authorized to investigate the professional conduct of lawyers in this state.

Six lawyer members, one from each judicial district, serve for a period of three years as members of the Grievance Commission. The Clerk of the Supreme Court serves as ex officio secretary.

During calendar year 1975, 45 complaints were filed against lawyers in the state. In 1976, the number of complaints filed increased to 62. This represents a 38 percent increase over the previous year. By comparison, there were 37 complaints filed in 1971. For the 5 year period this represents a 67 percent increase.

In 1976 an attorney and secretary were employed to provide staff assistance for the Grievance Commission and Judicial Qualifications Commission. The staff activities for the Grievance Commission are funded by the State Bar Board and the State Bar Association of North Dakota. A state appropriation to the Judicial Qualifications Com-

mission is provided to cover one-half of the staff expenses.

Following is a review of the Grievance Commission complaints filed, disposed of, and pending for 1976.

COMPLAINTS FILED:

Neglect, delay or incompetent representation . . .	20
Alleged criminal conduct, fraud, use of trust funds	5
Excessive fees or failure to account for expenses . .	7
Failure to communicate	4
Probate problems	7
Conflict of interest, multiple clients	6
Advertising, solicitation	2
Practicing without a license	1
Threats, improper conduct	8
Withdrawal as attorney without explanation	2
TOTAL	<u>62</u>

COMPLAINTS DISPOSED OF:

Dismissed	40
Dismissed with admonition	5
TOTAL	<u>45</u>

COMPLAINTS PENDING:

Pending	17
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