

**Executive Committee  
North Dakota Judicial Conference**

May 19, 2015  
Alerus Center  
Grand Forks, North Dakota

Present: Judge Steven McCullough, Chair  
Justice Carol Ronning Kapsner  
Judge Gary Lee  
Judge Bruce Romanick

Staff: Sally Holewa

The Executive Committee of the Judicial Conference met on May 19, 2015. Chair McCullough called the meeting to order at 8:02 a.m.

**Justice Kapsner moved to approve the minutes from the March 5, 2015 meeting. Seconded by Judge Romanick. Motion carried.**

Chair McCullough informed the committee that there will be two vacancies on the Pattern Jury Instruction Commission as of June 30, 2015. Judge Geiger and Judge Hagerty are both eligible for reappointment and both have indicated an interest in continuing to serve. **Judge Romanick moved that Judge Geiger and Judge Hagerty be reappointed to the Pattern Jury Instruction Commission. Seconded by Judge Lee. Motion carried.**

Chair McCullough then asked if there was any further business for the good of the order. Sally Holewa said there was a need for the committee to re-address the education portion of the June Judicial Conference. The committee had previously approved a tentative agenda for training on either asset valuation or the judge's role in jury selection. The Director of Education, Lee Ann Barnhardt, has been unable to find an available presenter on either of those topics. As a substitute, she would like to have Dr. Mark Doerner offer a presentation on psychological evaluations and how judges can use them. Dr. Doerner is the Clinical Director of Behavioral Services for the North Dakota Department of Human Services. After discussion, **Judge Romanick moved to modify the committee's earlier directive to the Director of Judicial Education and to allow the substitution of the psychology evaluation presentation. Seconded by Judge Lee. Motion carried.** Lee Ann Barnhardt joined the committee meeting at this point.

Ms. Barnhardt said that she has been approached by a district court judge who suggested that Judicial Institute be changed to an annual day-long event that runs as a judge tract alongside the annual State Bar Association meeting. Ms. Barnhardt said that this was an idea for the committee to consider in the future and was not presented as an action item today. She said that the current mixture of judges in the state is not as homogenous as in the past, and there is a wider

range of age and experience among them. She said that this is making it more difficult to work within the number of CJE hours available to encompass all the training needed to meet their differing needs. She said that if the committee considers making a change, it needs to work in conjunction with the supreme court's goal of closer collaboration and support for the State Bar Association's annual meeting.

Judge Lee said that when he chaired SBAND, he was a strong advocate of having the SBAND annual meeting in Grand Forks on a regular basis so there can be more collaboration with the Law School. SBAND annual meetings continue to rotate into Grand Forks every 4 years, but the law school involvement has been minimal. Justice Kapsner said that the idea of the Judicial Institute being a retreat at the law school with close involvement with the school hasn't evolved as envisioned. She said that a primary purpose of the Judicial Conference is education, and this is being eroded in the June Judicial Conferences. As the length of the SBAND annual meeting is becoming more compressed, the time available for the Judicial Conference is shrinking. Judge McCullough said his perception was that having the Judicial Institute in May and the Judicial Conference/SBAND annual meeting in June results in a drop off in attendance in both of the events. It was generally agreed that this was a discussion that should continue at a future meeting with additional input from the Judicial Education Commission and the State Bar Association.

There being no further business to come before the committee, **Judge Romanick moved for adjournment. Seconded by Judge Lee. The motion carried and the meeting was adjourned at 8:17 a.m.**

Respectfully submitted,

Sally Holewa  
Executive Secretary to the Judicial Conference