

State of North Dakota
Chambers of
The District Court

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SUPREME COURT

SEP 5 '00 P.O. Box 32
New Rockford, ND 58356

JAMES M. BEKKEN
District Judge

PEGGY LARSON
Secretary II

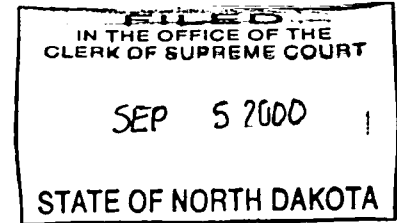
Southeast Judicial District
Eddy County Courthouse

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August 30, 2000

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Penny Miller, Clerk
North Dakota Supreme Court
600 East Boulevard Ave., Dept. 180
Bismarck, ND 58505-0530



Re: Amendment Relating to Rule 8.8 and 8.9

Dear Ms. Miller:

I am writing to comment on the proposed Rules 8.8 and 8.9, North Dakota Rules of Court.

In general, I favor the adoption of these Rules. In particular, as I have advocated in the past, I believe it is imperative for the judicial system as service providers resolving conflict to provide an Alternative Dispute Resolution system which is court sponsored. Accordingly, I definitely favor the idea of Rule 8.8 involving court-sponsored settlement conferences. I note that in ¶ B of the rule, it is indicated the primary form of ADR offered by the district court is mediation and court-sponsored settlement conferences held by judicial officers. I note that there is no definition of judicial officers. I realize this has been adopted from Rule 16.2 of the United States District Court, District of North Dakota. I realize that they use magistrates in the settlement conference process.

I believe there should be a definition for judicial officers. My position is that a judicial officer should be a district judge or surrogate judge or otherwise appointed by the Supreme Court.

Secondly, while I understand the Rule contemplates administration by having each district court designate by order of appointment a judicial officer for its district to serve as program administrator to implement, oversee, and evaluation the district's ADR program, I am wondering if it would not be better to have a statewide system developed with qualifications and training whereby district judges, surrogate judges are properly trained in acting as settlement judges and then designated as settlement judges for the state.

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Thank you for your consideration. I wholeheartedly endorse the concept as was noted at our Judicial Leadership meeting this spring where I brought up this very idea.

Very truly yours,



James M. Bekken, District Judge

JMB/pl