



Wheeler Wolf

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February 18, 2009

PENNY MILLER, CLERK
ND SUPREME COURT

RE: AR 41, N.D.R.Ct. 3.4

20090049

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

FEB 18 2009

STATE OF NORTH DAKOTA

Dear Penny:

On behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association I am objecting to and asking the ND Supreme Court to reconsider some of the amendments to Administrative Rule 41 and North Dakota Rules of Court 3.4 due to become effective March 1, 2009.

We particularly object to the amendment to AR 41(5)(b)(8) that prohibits the disclosure of the birth date in all cases and the home addresses in criminal cases, and N.D.R.Ct. 3.4(a)(2) & (5) that also prohibit the disclosure of the birth date in all cases, and in criminal cases the city and state of the home address.

This will severely hamper news coverage of the courts, particularly for North Dakota's 80 weekly newspapers where local court coverage is a very important part of the news. With the information listed above becoming confidential, it will hurt the media's ability to verify the identities of the individuals named and will likely cause confusion for the public over persons with similar names. One has only to look to Fargo where there are many instances of confusion between attorney Mike Williams and city commissioner Mike Williams to know this is a concern.

Attached is a copy of Tuesday's Nubs of the News from The Bismarck Tribune that shows how ages and home addresses play a part in this type of coverage.

The confidentiality of home addresses seems puzzling since this information is readily available from other sources. My name and address is in the phone book my address is on my checks I give every day to store clerks, my YMCA membership card that I show at the Y desk every day, my North Dakota drivers license I need to show for identification countless times, and so on.

We respectfully request that you reconsider making the information listed above confidential.

Best regards,

WHEELER WOLF LAW FIRM

/s/Jack McDonald

Jack McDonald

jackmcdonald@wheelerwolf.com

C: NDNA
Steve Andrist

NUBS OF THE NEWS

Bismarck
Tribune 2/17/09

BIRTHS

St. Alexius Medical Center
Daughter, Chris and Nicole Weigel, Kintyre, 1:22 p.m., Feb. 13.

Son, Justin Jochim and Lora Johnson, Linton, 1:55 p.m., Feb. 13.

Son, Steve and Donna Hintz, Mandan, 4:17 p.m., Feb. 13.

IMPOUNDED ANIMALS

If you are missing a pet or are interested in adopting a pet, go to www.bismarck.org/city_departments, click on police department then click on impounded animals. For more information, call 223-1212 or 222-6734.

CRIME STOPPERS

Call Bismarck Area Crime Stoppers at 224-TIPS (224-8477) to report information about any crime in Bismarck, Mandan, Burleigh County or Morton County. Information can be given anonymously and you may be eligible for cash rewards if the informa-

tion leads to an arrest.

COURT POLICY

Nubs of the news information comes from district and municipal courts in Burleigh and Morton counties. In nubs of the news, the Tribune publishes all felony sentences; and misdemeanor sentences with fines of \$500 or more and/or a jail term, including suspended sentences.

COURTS

Burleigh County

Judge David Reich

Drove or in actual physical control: Tanya R. Williams, 39, 3241 E. Capitol Ave., \$500, \$250 and 10 days suspended for one year, Autumn D. Zeeb, 23, Parrshall, \$250, 10 days suspended for one year.

Driving under the influence: Joseph M. Decoteau, 23, 1226 W. Ave. A, \$250, 10 days suspended for one year. Judge Sonna Anderson

Possession of drug paraphernalia: Cody L. Gawry-

luk, 19, 2920 Ontario Lane No. 10, 365 days, 351 days suspended.

Fleeing or attempting to elude in motor vehicle: Jesse R. Valgren, 24, 413 N. Griffin St., one year, 345 days suspended for one year.

Hindering law enforcement: Linda L. Goodhouse, no age listed, 636 S. Washington St. No. 40, 30 days suspended for one year.

Judge Thomas Schneider

Possession of drug paraphernalia: Brad L. Gourneau, 23, 1800 Ninth Ave. S.E., Mandan, one year, 185 days suspended for two years.

Failure to transfer motor vehicle title: Travis R. Ell, 25, 106 Albatross Drive, 10 days suspended for one year.

Reckless driving: Scott A. Preisler, 49, Fargo, \$250, 10 days suspended for one year.

Leaving the scene of accident with a fixed object: Matthew C. Beck, 45, 1727 N. Grandview Lane No. 209, 10 days suspended for one year.

Insufficient funds: Kyle J.

Tonneson, 21, 1040 Chambly Ave., 10 days suspended for one year, restitution.

No liability insurance: Martin D. White Tail, 49, Fort Totten, \$150, 10 days suspended for one year.

Driving under suspension: Samuel A. Elias, 33, Steele, 10 days suspended for one year.

Minor in possession or consumption: Jared C. Winters, 19, Fargo, \$150, 10 days suspended for one year.

Driving under the influence: Damiana Markel, 30, 4500 40th Ave. N.W., Mandan, \$350, \$100 and 10 days suspended for one year.

Judge Bruce Haskell

Drove or in actual physical control: Eric L. Hoffman, 23, 3127 N. 19th St., \$250, 10 days suspended for one year.

Reckless driving: Blake D. Lukach, 20, Jamestown, \$500 and five days.

Judge Donald Jorgensen

Reckless driving: Chad E. Akovenko, 24, 3269 E. Capitol Ave., \$500, 10 days suspended for one year.

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