IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2021 ND 227

In the Matter of the Vacancy in Judgeship No. 4, with Chambers in Fargo, East Central Judicial District

No. 20210311

Per Curiam.

[¶1] On November 1, 2021, the Honorable Steven L. Marquart, Judge of the District Court, East Central Judicial District, informed this Court he does not intend to seek reelection when his term expires. Judge Marquart is chambered in Fargo and his term expires December 31, 2022. Under N.D.C.C. § 27-05-02.1(2), a vacancy in the office of district judge occurs if a judge declares the intention not to seek reelection.

[¶2] Under N.D.C.C. § 27-05-02.1, within 90 days of receiving notice of a vacancy, this Court is required to determine whether the office is necessary for effective judicial administration. This Court may, consistent with that determination, order the vacancy filled, order the vacant office transferred to another judicial district in which an additional judge is necessary, or abolish the vacant judicial office, with or without a transfer.

[¶3] Under N.D. Sup. Ct. Admin. R. 7.2, notice of a written consultation with attorneys and judges and other interested persons in the East Central Judicial District was posted November 16, 2021 on the website of the Supreme Court. Notice was also electronically provided to all presiding judges of the state. Written comments on the vacancy were permitted through December 16, 2021. This procedure is sufficient for purposes of the consultation required under N.D.C.C. § 27-05-02.1(2).

[¶4] The Cass County Board of Commissioners submitted a comment in favor of retaining the judgeship at its current location. No comments or petitions were received to relocate or abolish this judgeship. On November 17, 2021, the State Court Administrator filed weighted caseload statistics for 2020 and 2021. On December 6, 2021, the East Central Judicial District filed a report containing population and caseload trends, and other criteria identified in N.D. Sup. Ct. Admin. R. 7.2, Section 4.

[¶5] The weighted caseload statistics show that the two-year average need for judicial officers in the East Central Judicial District increased from 13.38 to 13.78 from 2020 to 2021. The report reflects a district shortage of 2.58 judicial officers based on the 2020-2021 average. The State Court Administrator anticipates a 1,262 decrease of total filings in the judicial district primarily due to a decrease in administrative traffic matters. The shortage of judicial officers increased due to the greater weight assigned to felony and personal injury matters, which are expected to increase.

[¶6] The East Central Judicial District is comprised of Cass, Steele and Traill Counties, with nine judges chambered in Fargo and one judge chambered in Hillsboro. The judicial district has two judicial referees. According to the district's report, Judgeship No. 4 is responsible for a share of caseload in this district. The population in Cass County increased 23.2% from 2010 to 2020. The population in Steele and Traill counties decreased during the same time period.

[¶7] Under the criteria of Section 4 of N.D. Sup. Ct. Admin. R. 7.2, the Court has considered all submissions received by the Court and its own administrative records on state-wide weighted caseload data.

[¶8] Based on the record before us, this Court determines this office is necessary for effective judicial administration in its present location.

[¶9] IT IS HEREBY ORDERED, that Judgeship No. 4, with chambers in Fargo, in the East Central Judicial District be filled by election.

[¶10] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte