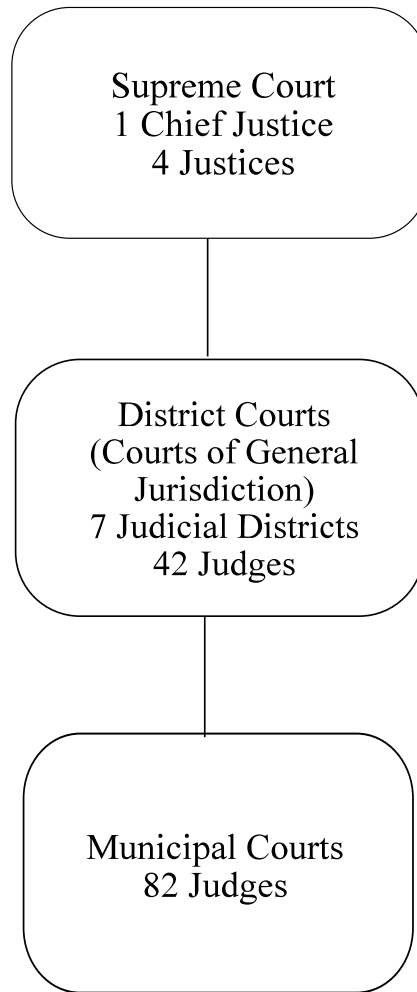


The Structure of the North Dakota Judicial System



Profile of the North Dakota Judicial System

Structure of the Court System

The original constitution of the state of North Dakota created a judicial system consisting of the Supreme Court, district courts, county courts, and such municipal courts as provided by the law. This judicial structure remained intact until 1959 when the Legislative Assembly abolished the justice of peace courts in the state.

The adoption of a new judicial article to the state constitution in 1976 significantly modified the constitutional structure of the judicial system. The new judicial article vested the judicial powers of the state in a unified judicial system consisting of a Supreme Court, district courts, and such other courts as provided by law. Thus, under the new judicial article, only the Supreme Court and the district courts retained their status as constitutional courts. All other courts in the state are statutory courts.

In 1981 the Legislative Assembly further altered the structure of the judicial system by enacting legislation that replaced the multi-level county court structure with a uniform system of county courts throughout the state. This new county court structure became effective on January 1, 1983.

With the county court system in place, the judicial system of the state consisted of the Supreme Court, district courts, county courts, and municipal courts.

This changed again as the county courts were abolished by 1991 House Bill 1 517, effective January 1, 1995. The Bill, with a final completion date of January 1, 2001, also transferred the jurisdictional workload to an expanded number of district judges. The 1991 total of 26 county judges and 27 district court judges had been reduced to 43 district court judges sitting as of the end of 2000 and further reduced to a total of 42 district court judges on January 1, 2001, as provided by statute.

Administrative Authority

The 1981 Legislative Assembly clarified the administrative responsibilities of the Supreme Court by designating the chief justice as the administrative head of the judicial system and by granting the chief justice the authority to assign judges for temporary duty in any non-federal or tribal court in the state. It also acknowledged the Supreme Court's rulemaking authority in such areas as court procedure and attorney supervision.

Selection and Removal of Judges

All judges in North Dakota are elected in nonpartisan elections. Justices of the Supreme Court are elected for ten-year terms; district court judges for six-year terms; and municipal court judges for four-year terms.

Vacancies in the Supreme Court and the district courts can be filled either by a special election called by the governor or by gubernatorial appointment. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominating Committee must first submit a list of nominees to the governor from which the governor makes an appointment. Whether the vacancy is filled by a special election or by appointment, the person filling the judicial vacancy serves for a minimum of two years and then until the next general election. The person elected to the office at the general election serves for the remainder of the unexpired term.

If a vacancy occurs in a municipal court, it is filled by the executive officer of the municipality with the consent of the governing body of the municipality.

Under the North Dakota Constitution only Supreme Court justices and district court judges can be removed from office by impeachment. All judges, however, are subject to removal, censure, suspension, retirement or other disciplinary action for misconduct by the Supreme Court upon the recommendation of the Judicial Conduct Commission. Other methods for the retirement, removal and discipline of judges can be established by the Legislative Assembly.

North Dakota Supreme Court



Left to right: (Sitting) Justice Dale V. Sandstrom; Chief Justice Gerald W. VandeWalle; Justice William A. Neumann; (Standing) Justice Carol Ronning Kapsner; Justice Mary Muehlen Maring

The North Dakota Supreme Court has five Justices. Each Justice is elected for a ten-year term in a nonpartisan election. The terms of the Justices are staggered so that only one judgeship is scheduled for election every two years. Each Justice must be a licensed attorney and a citizen of the United States and North Dakota.

One member of the Supreme Court is selected as Chief Justice by the Justices of the Supreme Court and the District Court Judges. The Chief Justice's term is for five years or until the Justice's elected term on the court expires. The Chief Justice's duties include presiding over Supreme Court conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: (1) adjudicative and (2) administrative.

In its adjudicative capacity, the Supreme Court is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. All appeals from these courts must be ripe for review by the Court. In addition, the Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary to exercise this authority.

The state constitution requires that a majority of the Justices is necessary before the Court can conduct its adjudicative business. In addition, the Court cannot declare a legislative enactment unconstitutional unless four of the Justices so decide. When the Court reverses, modifies, or affirms a trial court judgment or order, it is required to issue a written opinion stating the reasons for its decision. Any Justice disagreeing with the majority opinion may issue a dissenting opinion which explains the reasons for the disagreement with the majority.

In its administrative capacity, the Supreme Court has major responsibilities for ensuring the efficient and effective operation of all non-federal courts in the state, maintaining high standards of judicial conduct, supervising the legal

profession, and promulgating procedural rules which allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility the Court has general rulemaking authority.

The Court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises its authority to admit and license attorneys through the State Board of Law Examiners. Its supervision of legal ethics is exercised through the Disciplinary Board of the Supreme Court and its supervision of judicial conduct is exercised through the Judicial Conduct Commission. Continuing review and study of specific subject areas within its administrative jurisdiction is provided through five advisory committees - the Joint Procedure Committee, the Joint Committee on Attorney Standards, the Judiciary Standards Committee, the Court Services Administration Committee, and the Judicial Planning Committee. Other committees, such as, the Continuing Judicial Education Commission, Juvenile Policy Board, Personnel Policy Board, and the Legal Counsel for Indigents Commission, also provide valuable assistance to the Supreme Court in important administrative areas.

Administrative personnel of the Supreme Court also play a vital role in helping the court fulfill its administrative functions. The clerk of the Supreme Court supervises the calendaring and assignment of cases, oversees the distribution and publication of Supreme Court opinions, administrative rules and orders, decides certain procedural motions filed with the Court, and serves as an ex-officio member to the State Board of Law Examiners and the Disciplinary Board. The state court administrator is responsible for the budgetary oversight of the judicial system, ensures information technology needs are met, prepares statistical reports on the workload of the state's courts, provides judicial educational services, and performs such other administrative duties that are assigned by the Supreme Court. The state law librarian supervises the operation of the state law library.

North Dakota Supreme Court

The workload of the Supreme Court is varied and, at times, underappreciated possibly due to a misconception of the scope of the Court's responsibilities. Not only does the state's highest court decide appeals that are a matter of right, they consider petitions for the discretionary exercise of the court's original, supervisory and mandamus jurisdiction, reports recommending the public discipline of attorneys and judges, recommendations for the amendment, adoption or repeal of procedural and administrative rules, petitions regarding the disposition of judicial vacancies and the relocation of judgeships, and a variety of issues regarding the administration of the judicial system. Additionally, the Justices serve on state and national committees and boards established to assist in improving the judicial system. It is not surprising, therefore, that while there was a decrease in case filings in 2001, there was not much relief in the Justices' workload.

The Justices authored an average of 42 majority opinions, and an additional 49 opinions concurring and/or dissenting with the majority position were separately authored. Oral arguments were scheduled in 187 cases, and the Justices also continued the practice of having weekly motions and administrative conferences.

Appeals in tort, personal injury, contracts and family related cases decreased more than other civil case filings. Despite a decrease, family related cases accounted for over 28% of the civil caseload in 2001, up from 24% last year. Appeals of orders terminating parental rights experienced the largest decrease in the family related area.

Despite a decrease in the total case filings, appeals in criminal cases rose by 33%. Appeals of convictions involving theft and sexual offenses significantly increased, (110% and 90% respectively). Over 52% of the Supreme Court's criminal caseload involves convictions of theft, sexual, and drug offenses.

In approximately 16% of all cases, one or more parties elected to represent themselves on appeal. This is down slightly from 2001.

The most appeals originated from the South Central Judicial District, followed by the East Central, Northeast, Southeast, Northeast Central, Northwest and Southwest Districts.

CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 2000 AND 2001 CALENDAR YEARS

	2001	2000	Percent Difference
New Filings	307	350	-12.29
Civil	195	266	-26.69
Criminal	112	84	33.33
Transferred to Court of Appeals	0	2	-100.00
Civil	0	1	-100.00
Criminal	0	1	-100.00
New Filings Balance	307	348	-11.78
Civil	195	265	-26.42
Criminal	112	83	34.94
Filings Carried Over From Previous Calendar Year	185	189	-2.12
Total Cases Docketed	492	537	-8.38
Dispositions	340	352	-3.13
Civil	242	267	-8.99
Criminal	98	85	15.29
Cases Pending as of December 31	152	185	-18.38
Civil	99	147	-32.65
Criminal	53	38	39.47

Case Dispositions - 2001

	Civil	Criminal
BY OPINION:		
Affirmed	89	18
Affirmed & Modified	0	0
Reversed; Reversed & Remanded	26	7
Affirmed in Part & Reversed in Part	23	5
Affirmed by Summary Disposition	29	20
Dismissed	1	1
Discipline Imposed	7	
Original Jurisdiction--Denied	1	0
Original Jurisdiction--Granted	1	1
Certified Question Answered	2	0
Remanded	0	1
Order/Judgment Vacated/ Remanded	2	0
Dispositions by Opinion	181	53
BY ORDER:		
Dismissed	39	26
Dismissed After Conference	7	9
Original Jurisdiction--Denied	14	10
Original Jurisdiction--Granted	1	0
Dispositions by Order	61	45
Total Dispositions for 2001	242	98

Caseload Overview of North Dakota Courts for 2001 and 2000

Level of Court	Filings		Dispositions	
	2001	2000	2001	2000
Supreme Court	307	350	341	352
District Courts	145,942	144,687	157,784	157,571

North Dakota Court of Appeals

The Court of Appeals was established in 1987 to assist the Supreme Court in managing its workload. In calendar year 2001, the Supreme Court transferred no cases to the Court of Appeals. However, opinions were filed in the two cases which were pending at the end of 2000.

Since it was established, the Court of Appeals has written opinions disposing of 75 cases.

Cases assigned to the Court of Appeals under Administrative Rule 27 may include family law issues; appeals from administrative agency decisions; appeals from trial court orders on motions for summary judgment; appeals involving cases originating under the Uniform Juvenile Court Act; and appeals from misdemeanor convictions.

Authorization for the Court of Appeals extends to January 1, 2004.

Statistical summaries of the Court of Appeals cases assignments and dispositions follow.

CASELOAD SYNOPSIS OF THE COURT OF APPEALS FOR THE 2001 CALENDAR YEAR

	2001
2001 Cases Assigned	0
Civil	0
Criminal	0
Filings Carried Over From Previous Calendar Year	2
Civil	2
Criminal	0
Total Cases Docketed	2
Civil	2
Criminal	0
Dispositions	2
Civil	2
Criminal	0
Cases Pending as of December 31	0
Civil	0
Criminal	0

2001 DISPOSITIONS	Civil	Criminal
Affirmed	2	0
TOTAL 2001 DISPOSITIONS	2	0

District Courts

There are district court services in each of the state's fifty-three counties. The district courts are funded by the state of North Dakota. The district courts have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal cases and have general jurisdiction for civil cases.

The district courts also serve as the juvenile courts in the state and have exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. This jurisdiction includes cases in which a female minor is seeking judicial authorization to obtain an abortion without parental consent. Unlike a majority of other states, the responsibility for supervising and counseling juveniles who have been brought into court lies with the judicial branch of government in North Dakota. To meet these responsibilities, the presiding judge, in consultation with the district court judges of each judicial district, has the authority to employ appropriate juvenile court personnel. In addition to these personnel, the presiding judge, on behalf of the district court judges of the judicial district, may also appoint judicial referees to preside over juvenile proceedings, judgment enforcement proceedings, and domestic relations proceedings other than contested divorces.

The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, district courts do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding conducted by the administrative agency.

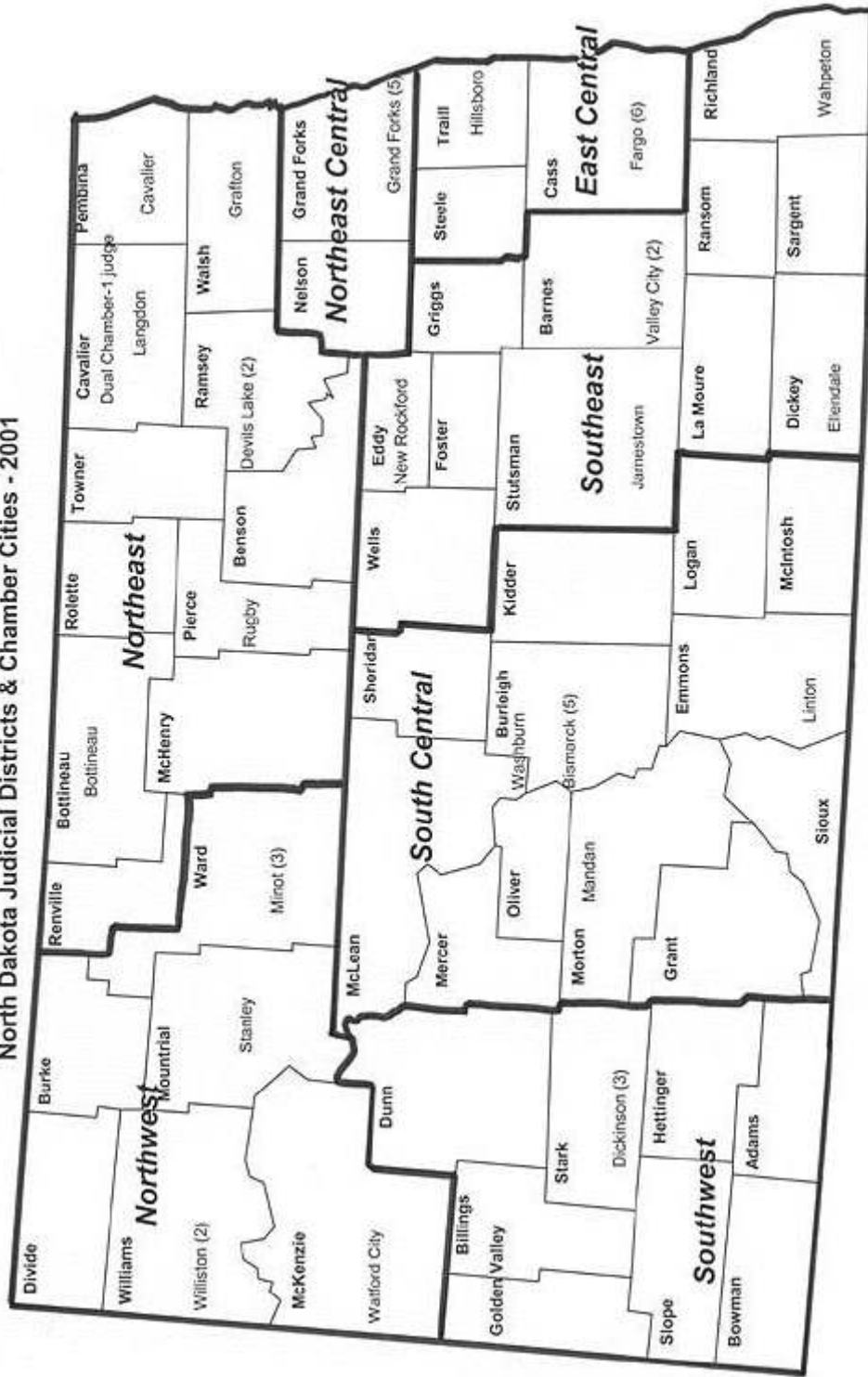
In 1979 the Supreme Court divided the state into seven judicial districts. In each judicial district there is a presiding judge who supervises all court services of courts in the geographical area of the judicial district. The duties of the presiding judge, as established by the Supreme Court, include convening regular meetings of the judges within the judicial district to discuss issues of common concern, assigning cases

among the judges of the district, and assigning judges within the judicial district in cases of demand for change of judge. All judicial districts are served by a court administrator or administrative assistant, who has the administrative responsibility for liaison with governmental agencies, budget, facilities, records management, personnel, and contract administration.

There are, as of the end of 2001, forty-two district judges in the state. Eight judges in four chamber city locations serve the South Central Judicial District, the largest geographically and most populous district in the state. There are seven judges in the Northwest Judicial District serving in four chamber city locations. Seven judges serve the East Central Judicial District in two chamber city locations, and five judges serve the Northeast Central Judicial District in one chamber city location. Six judges serve the Northeast Judicial District in five chamber city locations. Six judges serve the Southeast Judicial District in five chamber city locations. Three judges serve the Southwest Judicial District in one chamber city locations. All district court judges are required by the state constitution to be licensed North Dakota attorneys, citizens of the United States, and residents of North Dakota.

The office of district court judge is an elected position which is filled every six years in a nonpartisan election held in the district in which the judge will serve. If a vacancy in the office of district judge occurs, the Supreme Court must determine whether the vacancy should be filled or whether the vacant office should be abolished or transferred. If the vacancy is to be filled, the governor may either fill the vacancy by appointing a candidate from a list of nominees submitted by the Judicial Nominating Committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge serves for a minimum of two years and then until the next general election, at which time the office is filled by election for the remainder of the term.

North Dakota Judicial Districts & Chamber Cities - 2001



District Court Caseload

District court filings remained stable in 2001, showing a - 2.9% decrease over 2000 filings.

Civil filings were down 1.28% from 2000 while small claims filings increased 4.30%. Criminal filings reflect a slight decrease of 1.54% from 2000 levels. Formal juvenile filings show a 15.22% increase.

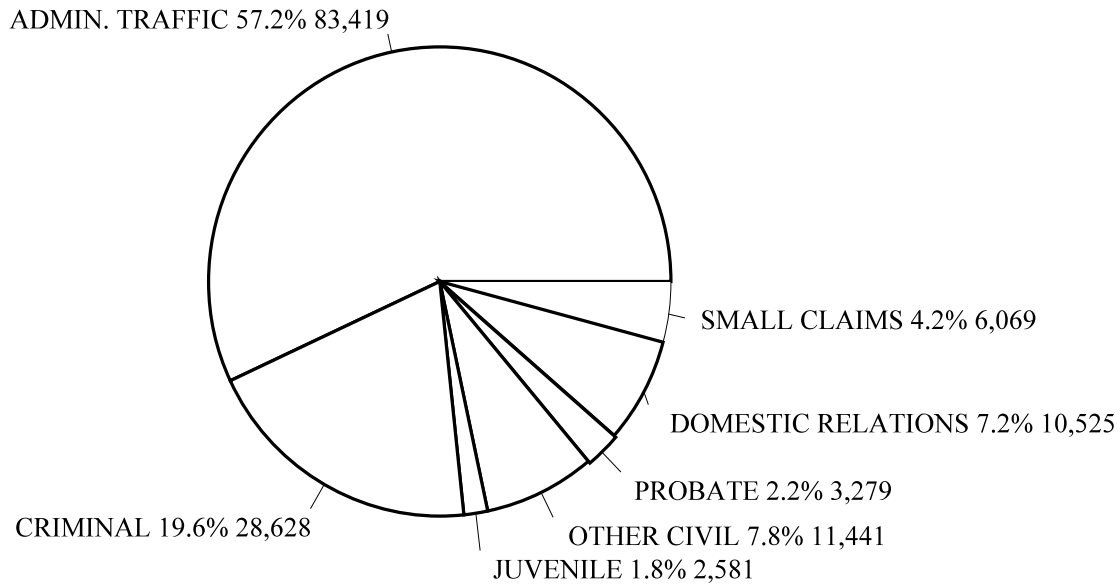
DISTRICT COURT CASELOAD FOR CALENDAR YEAR 2001 AND 2000

Case Filings	2001	2000	Change in Filings 2001/2000
New Filings Total	145,942	143,289	1.85%
Civil	25,245	25,572	-1.28%
Small Claims	6,069	5,819	4.30%
Criminal	28,628	29,075	-1.54%
Juvenile	2,581	2,240	15.22%
Admin. Traffic	83,419	80,583	3.52%
Case Dispositions	2001	2000	
Dispositions Total	157,785	156,173	1.03%
Civil	32,963	31,902	3.33%
Small Claims	6,122	5,841	4.81%
Criminal	34,921	34,277	1.88%
Juvenile	2,598	2,240	15.98%
Admin. Traffic	81,180	81,913	-0.89%

DISTRICT COURT CASE FILINGS BY TYPE - 2001

CIVIL		CRIMINAL	
Case Type	Filings	Case Type	Filings
Property Damage	136	Felony	3,571
Personal Injury	258	Misdemeanor	21,033
Malpractice	37	Infraction	4,024
Divorce	2,650		
Adult Abuse	1,177	State Total	28,628
Custody	104		
Support Proceedings	5,286		
Adoption	306		
Paternity	972		
Termination of Parental Rights	30		
Administrative Appeal	156		
Appeal Other	11		
Contract/Collect	7,234		
Quiet Title	80		
Condemnation	41		
Forcible Detain	659		
Foreclosure	544		
Change of Name	185		
Special Proceedings	53		
Trust	82		
Foreign Judgment	250		
Other	620		
Conservator/Guardianship	545		
Protective Proceedings	81		
Probate	2,571		
Mental Health	1,177		
Small Claims	6,069		
State Total	31,314		

TYPES OF CASES FILED IN DISTRICT COURT DURING 2001



The following is a chart that shows the number of jury trials held in each judicial district for 2001.

District	2001
East Central	61
Northeast Central	26
Northeast	37
Northwest	46
South Central	96
Southeast	39
Southwest	17
Total	322

Civil Caseload

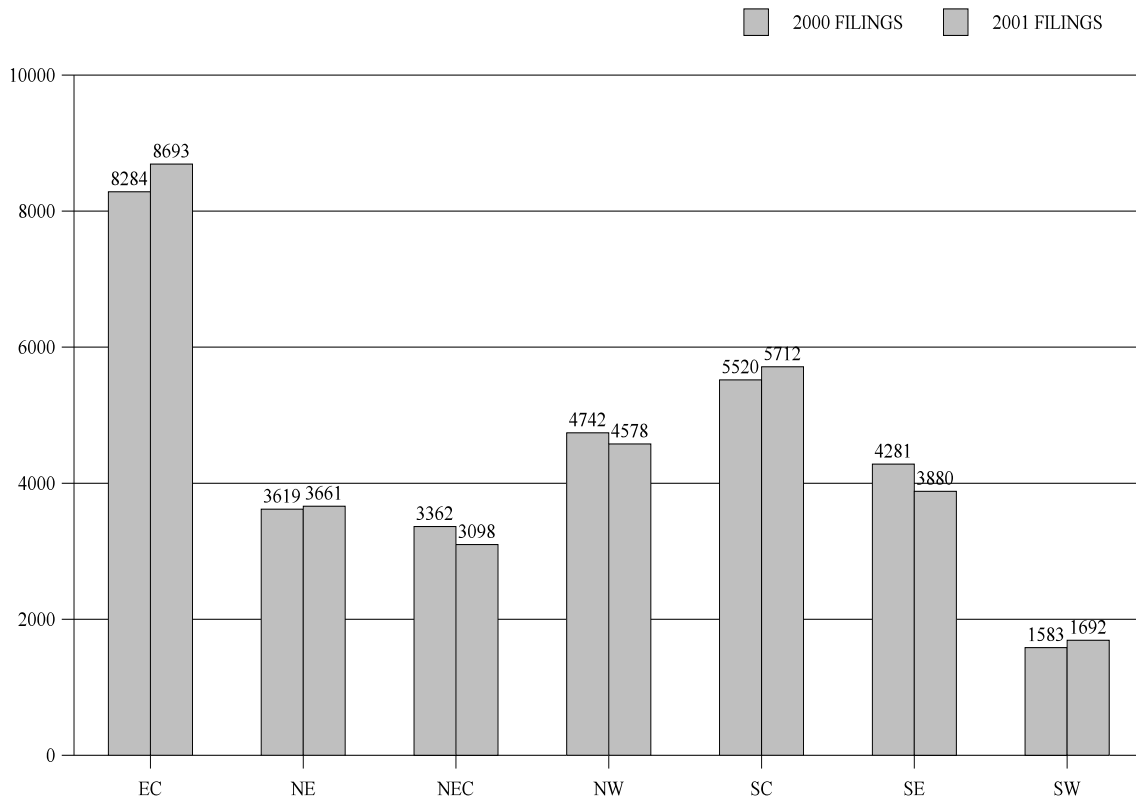
Civil filings decreased slightly during 2001. General civil plus small claims cases increased 3.02% from 2000 levels. The increase was in small claims filings.

Domestic relations case filings decreased 1%. Support proceedings make up 50% of all domestic relations case filings. Divorce filings account for 25%, adult abuse filings 11%, custody filings 3%, adoption 3%, paternity 9%, and termination

of parental rights account for .002% of the domestic caseload.

Divorce filings were down 12% to 2,650 cases in 2001. Adult abuse case filings decreased 2% to 1,177. Paternity case filings were down 16% with 972 cases filed, while support proceedings decreased 1% with 5,286 cases filed, compared to 5,354 cases in 2000.

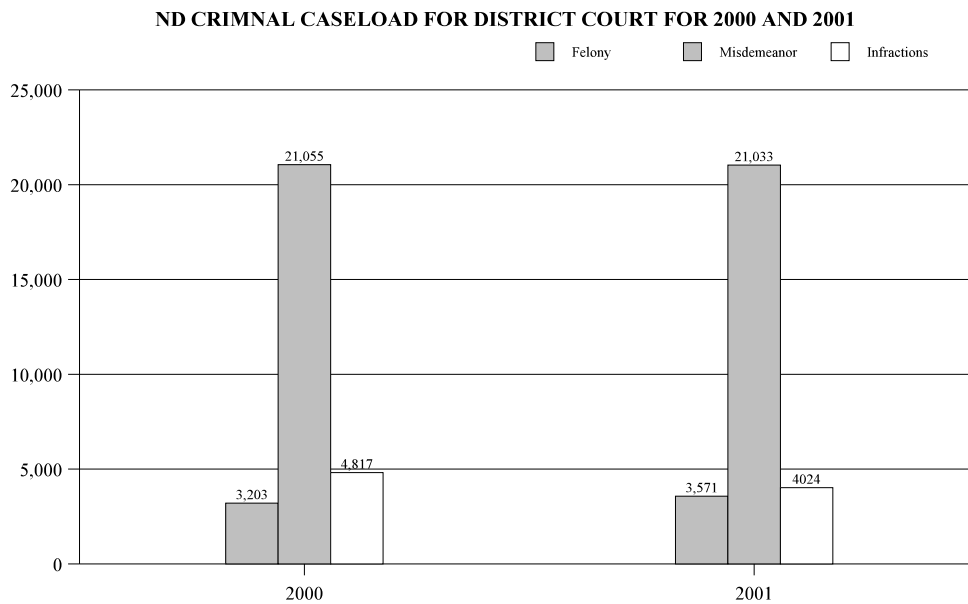
ND CIVIL CASELOAD FOR DISTRICT COURT FOR 2000 AND 2001



Criminal Caseload

Criminal case filing data for 2001 reflects a .015% decrease in filings from 2000. The 2001 felony filings increased by 368 cases, slightly over 1% over 2000. Misdemeanor filings remained constant.

Consistent with previous data, misdemeanors and infractions represent 88% of the criminal filings and felonies represent 12% of the overall criminal filings.

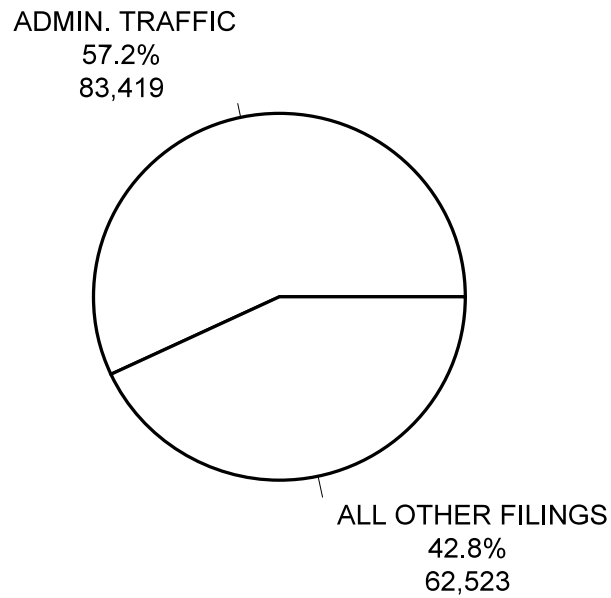


Administrative Traffic Case Processing

Administrative traffic filings during 2001 increased 3.5% from 2000 levels. These cases make up 57.2% of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Case Filings	2001	2000	Percent Difference
Admin. Traffic	83,419	80,583	3.52
Case Dispositions	2001	2000	Percent Difference
Admin. Traffic	81,180	81,913	-0.89

TOTAL CASES FILED IN DISTRICT COURT INCLUDING ADMINISTRATIVE TRAFFIC



Juvenile Caseload

This year's data shows a significant decline in juvenile offenses. However, because of relatively low numbers, comparing numbers for just two years may not reflect a true trend. For example, overall referrals showed a decline of 10% between 2000 and 2001. However, the same data showed an increase of 10% from 1999 to 2000.

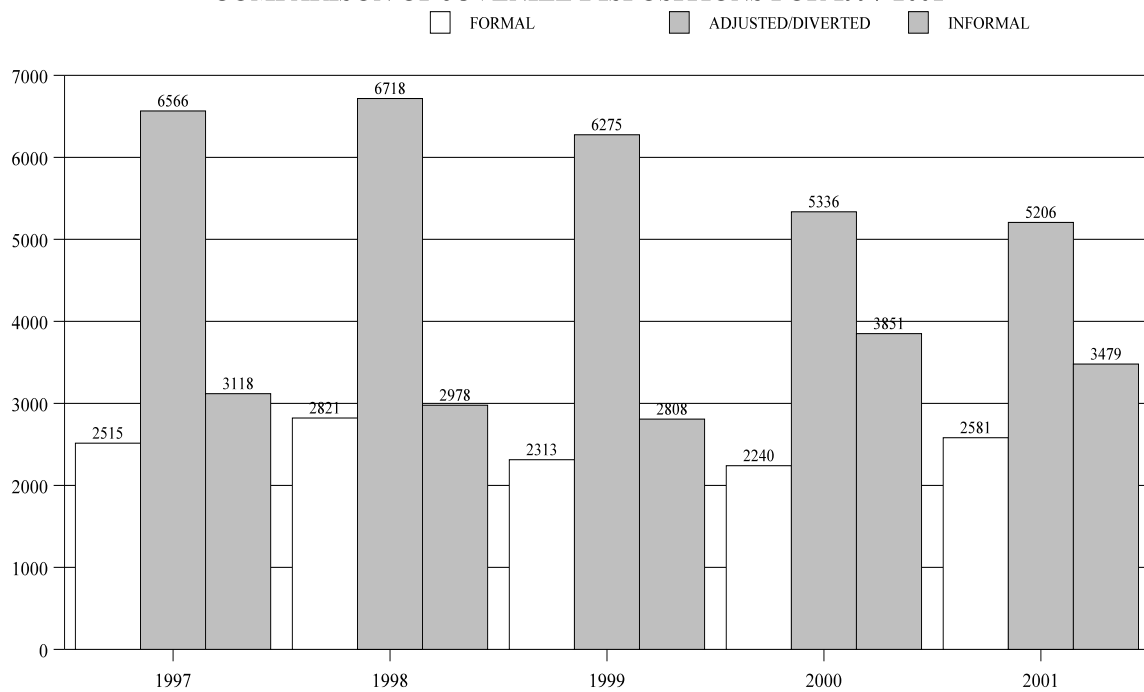
As with the criminal caseload, the low violent crime rate in North Dakota is reflected in its juvenile court statistics. Offenses against persons made up 5% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 20% of the caseload. Property offenses comprise 22%; traffic offense, 4%; deprivation, 2%; and other delinquency, 52% of the juvenile caseload.

The method by which cases were disposed shows a continued reliance on adjusted/diverted proceedings. Of the cases heard, 47% were disposed of through adjusted/diverted proceedings in 2001, compared to 46% in 2000 and 53% in 1999. The use of informal probation adjustments decreased in 2001. The formal juvenile court caseload reflects an increase over previous years. Tables comparing the types of dispositions and reasons for referral to the juvenile court in 2000 and 2001 follow. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral to the juvenile court.

TYPES OF JUVENILE COURT DISPOSITIONS FOR 2001 AND 2000

Judicial District	Formal		Informal/Probation		Adjusted/Diverted		Total Dispositions		Percent Diff.
	2001	2000	2001	2000	2001	2000	2001	2000	
East Central	552	600	769	557	662	719	1,983	1,876	5.7%
Northeast	301	375	210	533	954	681	1,465	1,589	-7.8%
NE Central	620	351	516	585	652	575	1,788	1,511	18.3%
Northwest	312	251	780	749	644	892	1,736	1,892	-8.2%
South Central	336	350	550	627	1,306	1,425	2,192	2,402	-8.7%
Southeast	317	217	539	506	665	791	1,521	1,514	0.5%
Southwest	143	96	115	294	323	253	581	643	-9.6%
TOTAL	2,581	2,240	3,479	3,851	5,206	5,336	11,266	11,427	-1.4%

COMPARISON OF JUVENILE DISPOSITIONS FOR 1997-2001



Reasons for Referral to Juvenile Court Services in 2001 and 2000

		2001	2000	% Diff.
FAMILY		2,135	2,738	-30.0
	Runaway (instate resident)	609	883	-31.0
	Runaway (out-of-state resident)	26	24	8.3
	Truancy	344	472	-27.1
	Ungovernable Behavior	703	759	-7.4
	Curfew	354	506	-30.0
	Other Unruly	99	94	5.3
DELINQUENCY		8,178	9,498	-13.9
	Offenses Against Persons	613	695	-11.8
	Assault	535	607	-11.9
	Homicide (attempted)	3	0	n/a
	Kidnapping	0	0	n/a
	Other Offenses Against Persons	5	17	-70.6
	Sex Offenses	70	71	-1.4
	Offenses Against Property	2,413	2,873	-16.0
	Arson	12	16	-25.0
	Burglary	267	200	33.5
	Criminal Mischief/Vandalism	439	526	-16.5
	Criminal Trespass	165	181	-8.8
	Forgery	42	39	7.7
	Other Property Offenses	48	136	-64.7
	Robbery	2	2	0.0
	Shoplifting	675	768	-12.1
	Theft	763	1,005	-24.1
	Traffic Offenses	457	560	-18.4
	DUI/Physical Control	102	78	30.8
	Driving without License	262	309	-15.2
	Other Traffic	93	173	-46.2
	Other Offenses	4,695	5,370	-12.6
	Check Offenses	24	95	-41.5

		2001	2000	% Diff.
	City Ordinances	53	95	-44.2
	Disorderly Conduct	682	735	-7.2
	Weapons	32	59	-45.8
	Game and Fish	69	76	-9.2
	Obstruction	29	228	-87.3
	Other Public Order	267	132	102.3
	Possession/Purchase Alcohol	2,482	2,863	-13.3
	Controlled Substance - Possession	617	596	3.5
	Controlled Substance - Delivery	33		New category
	Tobacco	407	554	-26.5
	DEPRIVATION	587	630	-6.8
	Abandonment	0	1	-100.0
	Abuse/Neglect	95	158	-39.9
	Deprived	492	471	4.5
	SPEC. PROCEEDING	127	282	-55.0
	Termination of Parental Rights (Involuntary)	37	68	-45.6
	Termination of Parental Rights (Voluntary)	33	45	-26.7
	Other Special Proceeding	57	169	-66.3
	TOTAL	11,027	13,148	-16.1

Report of the East Central Judicial District

The Honorable Michael O. McGuire, Presiding Judge
Eloise Haaland, Administrative Assistant

District Court Judges: Michael O. McGuire, Presiding Judge; Norman J. Backes, Georgia Dawson, Ralph R. Erickson, Lawrence A. Leclerc, Frank L. Racek, Cynthia A. Rothe-Seeger
 District Court Referees: John A. Dietz and Janice Benson Johnson.
 Number of Counties in District: 3
 District Court Chambers: Fargo, Hillsboro



District Court

In 2001, the criminal division tried 23 misdemeanors and 7 felony jury trials. In addition, 16 felony, 108 misdemeanor, and 130 traffic matters were tried as court trials. The civil division tried 15 jury and 61 court trials and, in addition, heard 2,773 motions.

The UCIS/PCSS Integration Committee has been meeting on a regular basis regarding the project to integrate Cass County into the State UCIS program. The expected completion date is December 31, 2002. Enterprise Solutions, Inc., was issued a contract in 2000 and meetings with Cass County personnel, district court personnel, and the state supreme court personnel are identifying program changes, data conversion processes, network accessibility needs, and other issues. This integration will allow this district to share information with the rest of the state.

An Interactive Television Committee, involving the state court administrator's office, county personnel, representatives from indigent defense attorneys for both municipal and district courts, interpreter representative, law enforcement, and municipal court personnel, as well as district court representatives, has been meeting in Cass County to explore the use of such technology upon completion of the new Cass County jail, which is located

some distance from the courthouse.

Juvenile Court

The number of referrals for delinquent and unruly juveniles totals 2,253 for the year 2001, compared to 2,622 referrals in the year 2000. This is a total of 369 fewer referrals. It is our belief that this decline in referrals is due to our proactive approach in the community. The East Central judicial district court employees are involved in various efforts districtwide to promote programming for our at-risk juveniles.

This programming includes Youth Court, Victim Offender Conferencing, Victim Empathy Seminar, Youthworks, the development of meaningful community service, and a restitution fund which can reimburse a victim immediately following adjudication. The fund is then reimbursed by the juvenile offender. Drug Court is an additional tool which has involved approximately 30 different juveniles since its implementation.

In May of 2001, a new scheduling system was implemented which has expedited case processing. Despite the demands placed on our scheduling due to the Adoption and Safe Families Act, we have been able to remain current with deprivation, as well as delinquent and unruly matters.

EAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 2000 AND 2001

Case Filings/ Dispositions	2000		2001	
	(F)	(D)	(F)	(D)
Civil	6,872	6,721	7,118	6,907
Small Claims	1,412	1,362	1,575	1,637
Admin Traffic	10,781	10,968	10,847	10,479
Criminal	4,454	4,008	4,688	4,021
Juvenile	533	533	552	552

Report of the Northeast Judicial District

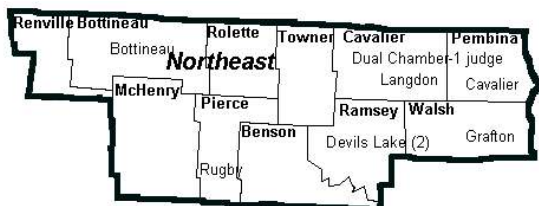
The Honorable M. Richard Geiger, Presiding Judge
Kimberly D. Nelsen, Administrative Assistant

District Court Judges: M. Richard Geiger, Presiding Judge; Lee A. Christofferson; Laurie A. Fontaine; Donovan Foughty; Lester S. Ketterling; and John C. McClintock, Jr.

Judicial Referee: Dale Thompson

Number of Counties: 11

Chambered Locations: Bottineau, Devils Lake, Grafton, Langdon/Cavalier, and Rugby.



District Court

The Northeast Judicial District has six chamber cities located within the district to serve its citizens effectively relative to population and geography. Two chambers in the east, Grafton and Cavalier/Langdon primarily service the eastern section of the district. The two-judge chamber in Devils Lake primarily serves the central section of the district. The chambers in Rugby and Bottineau primarily serve the western section of the district. In addition, the judges are regularly assigned to other cases throughout the district as the need arises. The district is also served by one judicial referee who travels throughout the counties of the district on a regular basis, handling the child support enforcement proceedings and some juvenile proceedings. The district maintains a budget of slightly over \$3.3 million. It has approximately 50 personnel, including all county clerk employees.

Administratively the district continues working toward maintaining a strong communication network among its personnel. In addition to the immediate communication available through its computer network, the district maintains regular meetings among the office divisions: the offices of the clerks of court personnel, juvenile personnel, and court judicial officers. Each of these groups separately meet or confer at least annually within the district. In addition, the Northeast Judicial District, in conjunction with the Southeast Judicial District, has an annual meeting for all personnel to promote a common sense of mission, share work experiences, and present a professional development program for all employees. This has been a positive experience for all involved.

In its efforts to better serve the public, the district continues those efforts on many fronts. During the year the district has continued to develop and move toward the implementation of uniform practices throughout the district. Significant time commitment has been made by court and juvenile personnel in training for the proper application of the Adoption and Safe Families Act. The district has also continued its efforts to maintain adequate computer support by adding and upgrading equipment on a continuing basis and placing them at appropriate locations throughout the district and its courthouses. As part of the process of improving courtroom facilities, the district has installed augmented sound systems in the courtrooms in each of the chamber cities. It has also continued to maintain and expand its court recording system throughout the district.

The Northeast Judicial District continues its commitment to recover monetary obligations from those convicted of criminal offenses. The district remains one of the higher ones for the recovery of monetary obligations, particularly, indigent defense fees. The district also remains in substantial compliance with the docket currency standards. The benefits

from the uniform case information system (UCIS) remains an important component in allowing the courts to regularly monitor management of its cases and maintain docket currency. Cross-training of court personnel remains an important priority.

The clerk of court offices have been successfully incorporated into the state system. Two counties, Walsh and Ramsey, are part of the state system in all respects including their employees. The remaining counties are under county employment, but still receive support, training and other assistance from both district and state judicial resources. A state management review team has recently provided a positive report for the management of the Walsh County clerk of court office. A similar review will be conducted in the Ramsey County clerk of court office in the near future. Recommendations from the report are now being implemented in Walsh County.

As in other judicial districts of the state, the courts of the Northeast Judicial District continue to see increased court activity relating to drug offenses, including the discovery of methamphetamine labs, and other crimes relating to this criminal activity.

Juvenile Court

The juvenile court for the Northeast Judicial District operates out of three sites; Bottineau, Devils Lake, and Grafton. The juvenile court officers of the district continue to utilize programs based upon the balanced and restorative justice model. These programs include referrals of juvenile offenders and crime victims to the juvenile accountability conference program, requiring juvenile offenders to participate in the Keys to Innervations Program, substance abuse classes, and when necessary, chemical dependency treatment, random drug testing, paying restitution, and involvement in community service projects. Court officers continue to work with the local communities' organizations and regional Children's Services Coordination Committees (CSCC) to implement various projects benefiting citizens.

The Juvenile Court Management System (JCMS) continues in use. Version 3 will be installed statewide effective January 1, 2002. To further case management, filed juvenile court cases are being entered into the UCIS system and will be subject to docket currency standards.

Community service hours for 2001 totaled 7936. Restitution collected for 2001 totaled \$33,194.63.

Phyllis Loftsgard, Juvenile Court Officer III retired in 2001. James Fish, a Juvenile Court Officer from Grand Forks has been selected to serve as the Juvenile Court Officer III and Director of Juvenile Services for the Grafton office, and will be an effective officer bringing several years of experience to that position.

NORTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 2000 AND 2001

Case Filings/ Dispositions	2000		2001	
	(F)	(D)	(F)	(D)
Civil	2,698	3,383	2,667	3,582
Small Claims	921	938	994	927
Admin Traffic	11,371	11,510	12,758	12,597
Criminal	5,037	5,719	4,762	5,781
Juvenile	459	459	300	300

Report of the Northeast Central Judicial District

The Honorable Debbie Kleven, Presiding Judge
Kathy Narlock, Administrative Assistant

District Court Judges: Debbie Kleven, Presiding Judge; Bruce E. Bohlman; Karen Braaten; Lawrence E. Jahnke; and Joel D. Medd
Judicial Referees: Harlan Dyrud and David Vigeland.
Number of Counties in District: 2
District Court Chambers: Grand Forks



District Court

The Northeast Central judicial district continues rotating the five judges on a two year civil/criminal rotation assignment. In 2001, Judges Medd and Braaten handled the criminal rotation while Judges Bohlman, Jahnke and Kleven were on the civil rotation.

Our district also implemented a new local pilot project in all contested custody cases, except those cases involving allegations of domestic violence. Shortly after the filing of a contested custody case, a scheduling conference is handled by the law clerk. At the scheduling conference, the law clerk sets the case for a settlement conference before Judge Bohlman and assigns one of the other two civil judges to the case. Judge Bohlman meets with the parties several times during the first few months after the action is filed with a goal of settling the case before trial. Although the pilot project has only been in existence since September 1, 2001, it appears to be successful. Judge Bohlman also continues to handle the Rule 8.5 domestic relations summary proceedings for our district. In 2001, 35 divorce cases were disposed of under Rule 8.5.

The number of criminal cases filed in 2001 appears to have stayed about the same as the number filed in 2000. Our district continues to use alternatives to incarceration such as electronic monitoring and community service. The Greater Grand Forks Community Service and Restitution Program oversees adult community service and reports 12,812 hours of court ordered community service were completed in 2001.

The lay guardian ad litem program has been implemented in the Northeast Central judicial district. We have used lay guardians ad litem in many deprivation proceedings throughout the year, and the referees, juvenile court staff and social service staff have all expressed satisfaction with the program.

With the assistance of the Community Violence Intervention Center (CVIC), all employees of the Grand Forks district court received at least four hours of training on the issue of understanding domestic violence. Comments received from

the staff indicated they found the training worthwhile and requested similar training be provided on an annual basis.

Juvenile Court

Juvenile Court has been busy learning UCIS and the entry of cases into that system for docket currency purposes. Also with Court recording being partly a responsibility of juvenile court we have been busy this year.

Our services continue with some traditional programming and some new. Keys, drug court, restitution, community service, tracking, electronic monitoring, drug testing, and offender mediation continue to be regular parts of our programming.

Our court officers continue to be involved in many organizations and activities in our community. Some of these include: Keys to Innervisions Core Committee, the Encore Advisory Board, the ACT Team, Drug Free Schools Advisory Board, Success Academy Criteria Team, the Answer, CVIC Domestic Violence Task Force, Nelson County Network Team, State Advisory Group and Diversified Occupations Advisory Committee. These activities help to establish a cooperative spirit with the other agencies and makes juvenile court more visible and accessible to the public.

The juvenile court participated in the planning of a new in-patient treatment center for adolescents, which recently opened across the street from the courthouse. We are excited about the prospect of helping kids with alcohol and drug problems from an in-patient perspective.

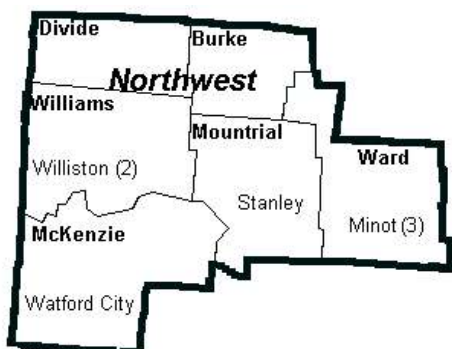
NORTHEAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 2000 AND 2001

Case Filings/ Dispositions	2000		2001	
	(F)	(D)	(F)	(D)
Civil	2,832	4,410	2,565	4,327
Small Claims	530	553	533	518
Admin Traffic	10,709	10,920	10,403	9,988
Criminal	4,122	5,730	4,089	5,700
Juvenile	849	849	620	620

Report of the Northwest Judicial District

The Honorable Robert W. Holte, Presiding Judge
Waldemar Kowitz, Administrative Assistant

District Court Judges: Robert W. Holte, Presiding Judge; Glenn Dill III (deceased 09/12/01); Gary Holum; William W. McLees, Jr.; David Nelson; Everett Nels Olson, and Gerald Rustad.
Judicial Referee: Connie S. Portscheller
Number of Counties in District: 6
District Court Chambers: Minot, Stanley, Watford City, and Williston.



District Court

Mission: Dispensing timely justice within the rule of law.

The district continued to consider how to make the best use of jurors with the least disruption to their lives. An in-depth review was started this year to determine the causes for last minute cancellation of jury trials. Out of about 120 trials for which notices were sent to jurors, only 46 actually started. The district also distributes questionnaires to jury members and makes improvements based on the responses. The number of jury trials increased to 46, up from 37 last year.

Technology improvements continued throughout the district. Secure CITRIX "thin client" workstations were put in place in the clerk's offices, courtrooms, and public use areas. The state phone system in Williams County was upgraded and expanded to include the state-managed clerk of court's office.

More progress was made in case management. Overall the district had a 104% clearance rate; i.e., for every 100 new cases filed this year, 104 cases were completed. A district case management committee was created to discuss and implement a better case assignment system.

The Case Management Committee was considering implementing a modified Fargo model when the death of the Honorable Judge Glenn Dill and the subsequent transfer of his chambers to the East Central judicial district reduced the judicial assets the NW district had available. At year end, the district was still struggling with the new scheduling and case assignment problems.

Juvenile Court

Mission: To provide and promote rehabilitation services to delinquent, unruly, or deprived children in the least restrictive manner consistent with the protection of the public interest.

The district's judicial referee handles formal juvenile

hearings, child support hearings, and protection & restraining orders as well as small claims cases. Juvenile and support hearings are held in each of the four chambered cities. Contracted attorneys provide juvenile indigent defense for juvenile cases, parental terminations, and guardian ad litem services.

During 2001 the Minot juvenile court reception area was upgraded with modular furniture to increase employee safety and better shield restricted information.

In 2001 the Minot juvenile court received 1,418 referrals, up from 1,132 in 2000. A large portion of our referrals continue to be for alcohol and drug violations. Referee Connie Portscheller heard a total of 245 formal cases in 2001, compared to 262 in 2000.

Due to the increased cost for community service, the Minot juvenile court staff began to supervise community service projects for the youth who cannot afford to pay the fee and also for those under age 14. The Minot juvenile court also became involved in the Crossroads skills building class provided by the ND Extension Office, with all costs paid for by grant money.

Clerk of District Court

In April of this year personnel in two of the six county clerk offices in the district (Ward and Williams Counties) were converted to state employees. The other four counties contracted with the state to provide clerk of court services in those counties.

The State Court Administrator's Office conducted a management review of three clerk's offices (Ward, Williams, and Mountrail Counties) and the district administration office. Many "best practices" were discussed and have been put into place.

After years of considering various proposals, the Ward County Board of Commissioners finally agreed to consolidate the clerk of court's office into one area on the second floor. Reduction in the number of clerks, the removal of an office wall, and efficient modular furniture made the move (scheduled for early next year) possible.

NORTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 2000 AND 2001

Case Filings/ Dispositions	2000		2001	
	(F)	(D)	(F)	(D)
Civil	4,026	5,553	3,905	5,642
Small Claims	716	700	673	696
Admin Traffic	9,104	9,308	10,222	9,978
Criminal	4,014	4,595	4,109	4,512
Juvenile	736	736	312	312

Report of the South Central Judicial District

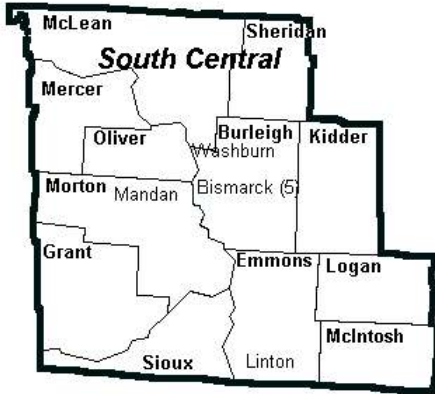
The Honorable Benny A. Graff, Presiding Judge
Douglas H. Johnson, Trial Court Administrator

District Court Judges: Benny A. Graff, Presiding Judge; Gail Hagerty; Bruce Haskell; Donald Jorgensen; Burt Riskedahl; Bruce Romanick; Thomas Schneider; and Robert O. Wefald.

Judicial Referees: James Purdy and Robert Freed.

Number of Counties in District: 12

District Court Chambers: Bismarck, Mandan, Linton and Washburn.



District Court:

The year 2001 welcomed Bruce Romanick to the bench as he won a contested race for the Washburn chamber. Judge Romanick previously worked as an Assistant States Attorney in Burleigh County. This was the first complete year the district had the misdemeanor and felony "date certain" scheduling of criminal cases filed in Burleigh and Morton County. This scheduling system provides each defendant with a trial date within six months of arrest.

Most notably, the South Central judicial district also completed its first full year of Drug Court. This is the first adult drug court in North Dakota and is being presided over by Judge Gail Hagerty and Judge Bruce Haskell. Approximately 20 defendants are going through this intensive program aimed at getting people free from a substance abuse lifestyle. The program only accepts cases from Burleigh and Morton County. The drug court came to being with cooperation with many agencies including the Department of Corrections Probation and Parole Division, local state's attorneys, and defense counsel, as well as many treatment and addiction facilities in the area.

The South Central judicial district had its first full year of use on the interactive video system which links courtrooms in Burleigh, Mercer, and McLean Counties together. It is also capable of allowing parties to appear from remote locations. The judges use the system primarily for bond hearings, misdemeanor sentencing, and for miscellaneous hearings.

The district's Caseflow Management Committee (made up of two judges, a clerk, a calendar control clerk, a court reporter and the district court administrator) continues to meet regularly and look at issues for improving service and makes recommendations to the entire bench. One offshoot from the Caseflow Management Committee was a Child Support Review Committee that looked into the processing of child support cases in the district. Many new procedures were implemented in late 2001 based on the work of this committee that was chaired by Judge Robert Wefald.

Juvenile Division and Judicial Referee Activities:

In 2001, 3,059 referrals were made to the juvenile court. 937 of the referrals were diverted to the Bismarck-Mandan Police Youth Bureau for disposition; primarily first time offenders, minor violations, or children of a very young age.

The juvenile court retained 2,122 children and their cases were handled either informally or formally through the petition process. There were 476 formal matters heard in juvenile court in 2001 which include detention/shelter care hearings on temporary custody orders issued by the court service officers. A total of 559 children were placed on probation through the informal or formal process.

Referees conducted 470 formal juvenile hearings and issued 152 detention and temporary custody orders for children who are placed in temporary alternative environments outside the parental home.

In addition to the formal juvenile proceedings, the judicial referees conducted 513 orders-to-show-cause hearings for non-payment of child support, 55 foster support matters, 27 involuntary termination cases, and 83 review/modifications of child support. Full-time Referee Freed heard 82 small claim cases and 33 civil traffic hearings in 2001.

ACT Program:

The Alternative Choice Training Program (ACT) completes its eleventh year of providing alternative sentencing programs for the court and community. In 2001, 373 people completed the minor-in-possession class while 52 people finished the adult misdemeanor class. The domestic violence class had 44 participants who completed this 24 hour class. The court added check writing classes in 2000 and continued this worthwhile program in 2001 to offer a check writing program (free of charge) for those who need help managing their bills and money.

Bismarck State College and the Adult Abuse Resource Center continue to manage the classes and are responsible for the success of these alternative sentencing programs.

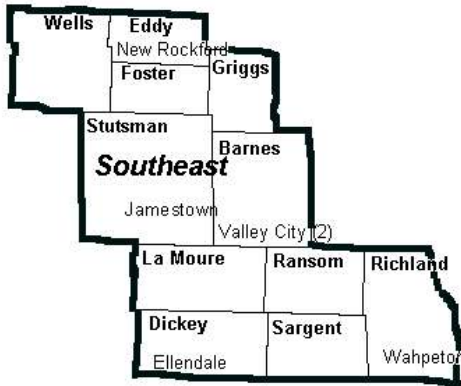
SOUTH CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 2000 AND 2001

Case Filings/ Dispositions	2000		2001	
	(F)	(D)	(F)	(D)
Civil	4,544	5,997	4,563	6,303
Small Claims	976	1,007	1,149	1,170
Admin. Traffic	16,534	16,759	16,351	15,948
Criminal	4,419	5,759	4,743	6,018
Juvenile	593	593	337	354

Report of the Southeast Judicial District

The Honorable John T. Paulson, Presiding Judge
Christine Iverson, Administrative Assistant

District Court Judge: John T. Paulson, Presiding Judge; James M. Bekken; Ronald E. Goodman; John E. Greenwood; Richard W. Grosz; and Mikal Simonson.
Number of Counties in District: 11
District Court Chambers: Valley City, Jamestown, New Rockford, Ellendale, and Wahpeton.



District Court

A master calendar system continues to be used in Stutsman County. Types of cases included on the master calendar are typically short matters. These cases are heard on a rotating 16-day cycle on the first through fourth Monday through Thursday of the month. The civil and criminal cases not resolved on master calendar are then distributed between four judges according to the percentage of master calendar they handle.

An interactive-television pilot project is also being developed for use during mental health hearings in Stutsman County. This ITV system allows patients and/or doctors to testify in court without leaving the State Hospital. The pilot project is intended for mental health proceedings and is designed to avoid the time, expense, and inconvenience imposed on mental health patients and other participants in the proceeding.

In April of this year, the clerk of court offices in both Richland and Stutsman Counties became state-funded offices. A clerk of court management review was held in Stutsman County and is being scheduled for Richland County. This process helps to insure more uniform procedures state-wide.

The unified court information system (UCIS) continues to be used as the case management tool throughout the district. There are now seven counties on-line. The remaining four counties in the district will be going on-line early next year. docket currency reports are distributed to judges each month and improvements have been made regarding case flow management.

Monthly meetings are held with the clerks of court to help

develop uniformity throughout the district. In addition, a training session is held regarding the proper use of the UCIS program. The meetings also serve to keep the county-employed clerks' offices aware of what is being implemented in the state-employed clerks' offices.

Juvenile Court

Juvenile court offices throughout the district continue to use the juvenile case management system (JCMS). The program continues to be evaluated and enhanced to better meet the needs of the users. By going to a uniform data entry system, the courts are better able to generate statistical reports and monitor trends within the juvenile court system.

Juvenile court offices also continue to use juvenile accountability incentive block grant (JAIBG) program funds as a tool to hold youth accountable for their actions. These funds allow juvenile offenders to work meaningful community service to pay off restitution owed to their victims and benefit the community in a visible and meaningful way. This guarantees the victims receive restitution as soon as possible and juvenile offenders are still held accountable for their actions.

Other programs used by the juvenile courts which have shown positive results are drug and alcohol testing, tracking, a victim/offender mediation program, Keys to Innervations, and a community accountability board.

Guardians Ad Litem

The Southeast judicial district continues to use lay people as guardians ad litem in juvenile court cases and as custody investigators in divorce and/or custody cases. Quarterly meetings or training are scheduled in order to keep everyone abreast of new developments in the program, as well as provide continuing education hours.

**SOUTHEAST
JUDICIAL DISTRICT CASELOAD
FOR CALENDAR YEARS 2000 AND 2001**

Case Filings/ Dispositions	2000		2001	
	(F)	(D)	(F)	(D)
Civil	3,322	3,971	3,001	4,192
Small Claims	959	968	879	894
Admin Traffic	15,537	15,873	15,258	14,744
Criminal	4,810	5,495	4,157	6,115
Juvenile	304	304	317	317

Report of the Southwest Judicial District

The Honorable Allan L. Schmalenberger, Presiding Judge
Ardean Ouellette, Trial Court Administrator

District Court Judges: Allan L. Schmalenberger, Presiding Judge; Ronald L. Hilden; and Zane Anderson.
Number of Counties in District: 8
District Court Chambers: Dickinson



We use lay guardians ad litem and now have a primary facilitator for the Keys to Innervisions program. This has helped to make the program more dependable and available.

We use the Victim/Offender Conferencing and tracking services provided by Lutheran Social Services.

SOUTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 2000 AND 2001

Case Filings/ Dispositions	2000		2001	
	(F)	(D)	(F)	(D)
Civil	1,278	1,968	1,426	2,010
Small Claims	305	313	266	280
Admin Traffic	6,547	6,575	7,580	7,446
Criminal	2,219	2,971	2,080	2,774
Juvenile	164	164	143	143

District Court

Case filings are shown in the chart on the right. The Southwest Judicial District continues to use a master and individual calendar assignment plan.

All the district judges are assigned throughout the district to assure an equitable distribution of the caseload and to promote a fair, expeditious disposition of all cases in compliance with the docket currency standards. During 2001, the district was in compliance with such standards.

Juvenile Court

The Southwest juvenile court continues its efforts to treat and rehabilitate young offenders while holding them accountable for their actions. We had an increase in criminal mischief offenses, with alcohol violations continuing to be the most common offense.

Municipal Courts

There are approximately 363 incorporated cities in North Dakota. Currently, there are 82 municipal judges. State law permits an individual to serve more than one city as a municipal judge.

Each municipality under 5,000 population has the option of deciding whether or not to have a municipal court. Municipalities may contract with the state to provide municipal ordinance violation court services so that district judges may hear municipal ordinance violations.

Municipal judges have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. Violations of state law are not within the jurisdiction of the municipal courts.

A municipal judge is elected for a four-year term. The judge must be a qualified elector of the city, except in cities with a population below 5,000. In cities with a population of 5,000 or more, the municipal judge is required to be a licensed attorney, unless an attorney is unavailable or not interested in serving. At present, there are approximately 22 legally-trained and 60 lay municipal judges in the state. Vacancies that occur between elections are filled by appointment by the municipality's governing body.

State law requires that each new municipal judge attend two educational seminars and all others attend one course conducted by the Supreme Court in each calendar year. If a municipal judge fails to meet this requirement without an excused absence from the Continuing Judicial Education Commission, the judge's name is referred to the Judicial Conduct Commission for disciplinary action.

Municipal courts have jurisdiction over municipal ordinance violations, which are either administrative traffic or criminal cases. Most of the traffic caseload of the municipal courts consists of noncriminal or administrative traffic cases. While these cases greatly outnumber the criminal traffic cases, they generally take much less time to process. There is a lesser burden of proof in noncriminal traffic cases than in criminal cases and most noncriminal traffic cases are disposed of by bond forfeitures. While judges are not needed to process bond forfeitures, support personnel in the clerk's office must account for every citation received by the court.

Municipal criminal ordinance violations that may be heard by a municipal court are either infractions or Class B misdemeanors; and are, in large part, similar or identical to many of the criminal cases heard in the district courts. A large share of the criminal violations are those involving traffic, but many are unique to each city and based on the particular ordinances. The North Dakota Rules of Criminal Procedure and the Rules of Evidence are applicable to municipal court criminal proceedings. Jury trials are available to persons charged in municipal court with Class B misdemeanors upon a request for transfer to district court; otherwise, trials in municipal court are to the judge without a jury. As in all criminal cases, the city must prove beyond a reasonable doubt that the defendant committed the alleged criminal offense. Appeal from a criminal conviction in municipal court is to the district court.

SELECTED MUNICIPAL COURT CASE DISPOSITIONS FOR CALENDAR YEAR 2001

Municipalities	Criminal	Noncriminal	Total
Bismarck	5,046	8,357	13,403
Devils Lake	976	1,103	2,079
Dickinson	653	3,863	4,516
Fargo	6,059	13,628	19,687
Grand Forks	2,495	4,465	6,960
Jamestown	807	3,167	3,974
Mandan	1,046	1,638	2,684
Minot	2,269	7,432	9,701
Valley City	471	968	1,439
West Fargo	909	2,100	3,009
Williston	740	2,048	2,788
TOTAL	21,471	48,769	70,240

Administration of the Judicial System

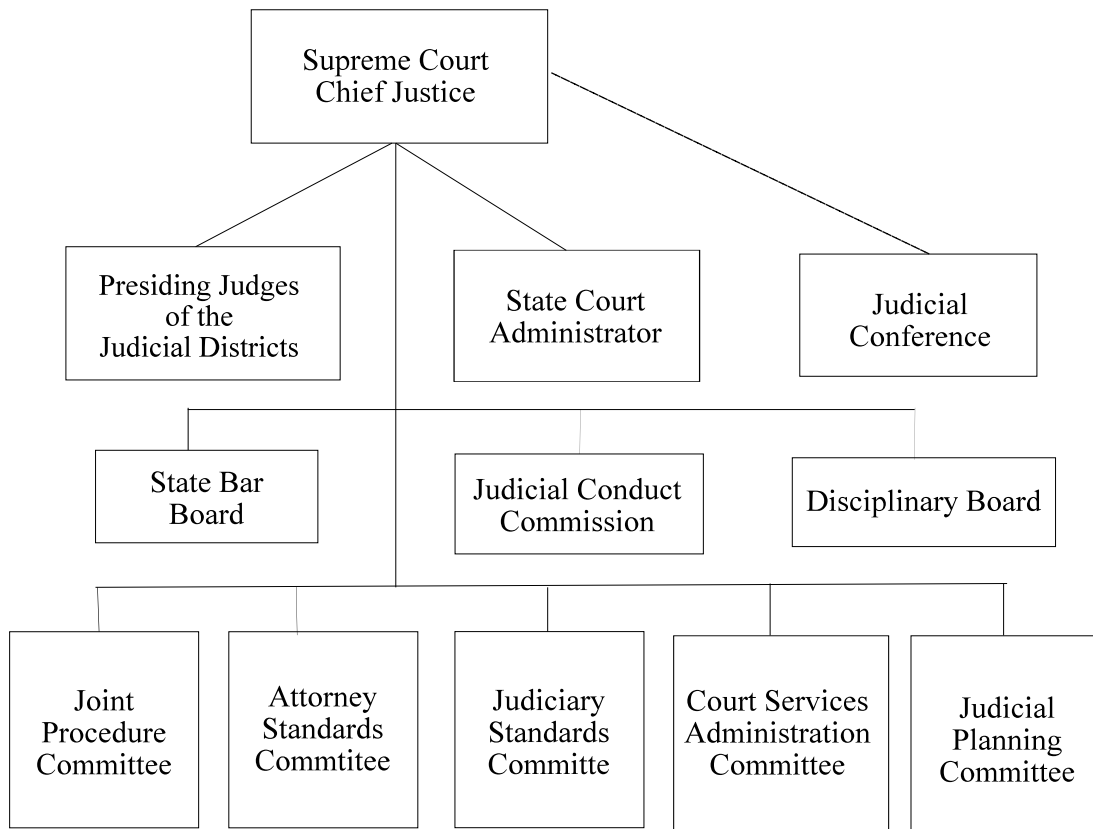
Ultimate responsibility for the efficient and effective operation of the judicial system resides with the Supreme Court. The Constitution establishes the Supreme Court's administrative responsibility for the judicial system by designating the chief justice as the administrative head of the judicial system. In addition, the state constitution also grants the Supreme Court supervisory authority over the legal profession. Article VI, Section 3, states that the Supreme Court shall have the authority, "unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining,

and disbarment of attorneys at law."

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, presiding judges, and various advisory committees, commissions and boards. The functions and activities of these various bodies during 2001 are described in the subsequent pages of this report.

A diagram of the administrative organization of the North Dakota judicial system is provided below.

ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM



Office of State Court Administrator

Article VI, Section 3, of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications, and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation and administration of the judicial budget, providing for judicial education services, coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system.

Judicial Education

The office of state court administrator, under the guidance of the Continuing Judicial Education Commission and through the director of human resources and development, develops and implements education programs for all judicial and non-judicial personnel. To supplement the education programs presently being offered, an audio and video library has been established and is housed in the Supreme Court Library. To complement this library, the University of North Dakota Law School provides additional materials upon request.

Further activities of the Commission are described in greater detail in the second part of this report which discusses the activities of the Commission.

Research and Planning

Staff services are provided to the Judicial Planning Committee and other advisory committees of the Supreme Court by staff in the office of state court administrator. The duties of these staff personnel include research, bill drafting, rule drafting, arrangement of committee meetings, and any other tasks assigned by various other committees. Specific activities and projects of the Supreme Court standing committees are provided in a latter section of this report.

Personnel Management

To ensure uniformity in personnel administration across districts, personnel policies and a pay and classification plan for district court employees were developed under the direction of the state court administrator. This program is administered by the director of human resources and development. The Personnel Policy Board provides oversight and guidance.

Fiscal Responsibilities

One of the primary functions of the office of state court administrator is to obtain adequate financial resources for judicial operations and to manage these resources. These functions are met with fiscal personnel consisting of a director

of finance, supervisor of accounting, and technical staff. With the assistance of fiscal staff, the various judicial budgets are developed for funding consideration by the Legislative Assembly. The Supreme Court budget request is developed with input from Supreme Court department heads. The Judicial Conduct Commission and Disciplinary Board budget request is developed by their staff. The district court budget is coordinated by fiscal staff and prepared by each of the seven judicial districts with a joint recommendation of approval from the Council of Presiding Judges.

A monitoring function is carried out on a monthly basis with an analysis of the budget and preparation of status reports after the monthly payroll and other expenditures have been processed. Guidance for approval of various expenditures is found in budgetary policies.

In viewing the judicial budget, it should be noted that the state funds the Supreme Court, the Judicial Conduct Commission, approximately one-half of the expenses of the Disciplinary Board, and district court expenses including 11 of the largest clerk of district court offices. The remaining clerk offices are funded by the state with a service contract, except for four counties which provide clerk of court services with county funds. Municipal courts are funded by the municipalities they serve.

Information Technology

The state court administrator's office is responsible for providing information technology services to the judicial branch. These services are provided through the Information Technology Department.

In addition to supporting the many standard off-the-shelf office productivity tools in use within the judicial branch, the Information Technology Department is responsible for development and support of the case management system for the district court, the unified court information system (UCIS), support of the juvenile court information system (JCMS), support of the jury management system, as well as development and support of the other various custom software systems in use within the judiciary.

The Information Technology Department provides email services to all judicial employees and contract employees, web site hosting for the state court web site (www.ndcourts.com), data server hosting for all judicial employees, and server operations and maintenance for the information system.

Through the judicial branch help desk, judicial employees can receive support, ask questions, and get problems resolved related to the information systems, software, and hardware they use.

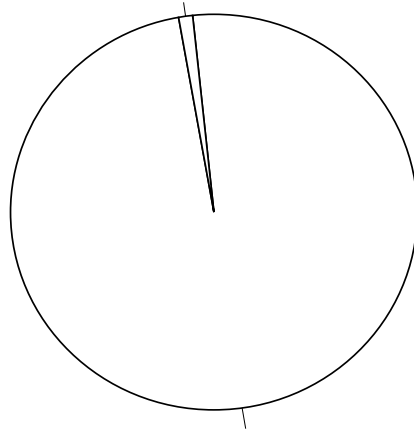
The Information Technology Department has recently begun offering standard and custom technology training to judicial branch employees.

JUDICIAL PORTION OF THE STATE'S BUDGET 2001-2003 BIENNIUM

Total State General and Special Funds Appropriation
\$4,773,230,696
Executive and Legislative Branch General and Special Funds Appropriation
\$4,716,909,366 (99%)
Judicial Branch General and Special Funds Appropriation
\$ 56,321,330 (1%)

STATE JUDICIAL SYSTEM

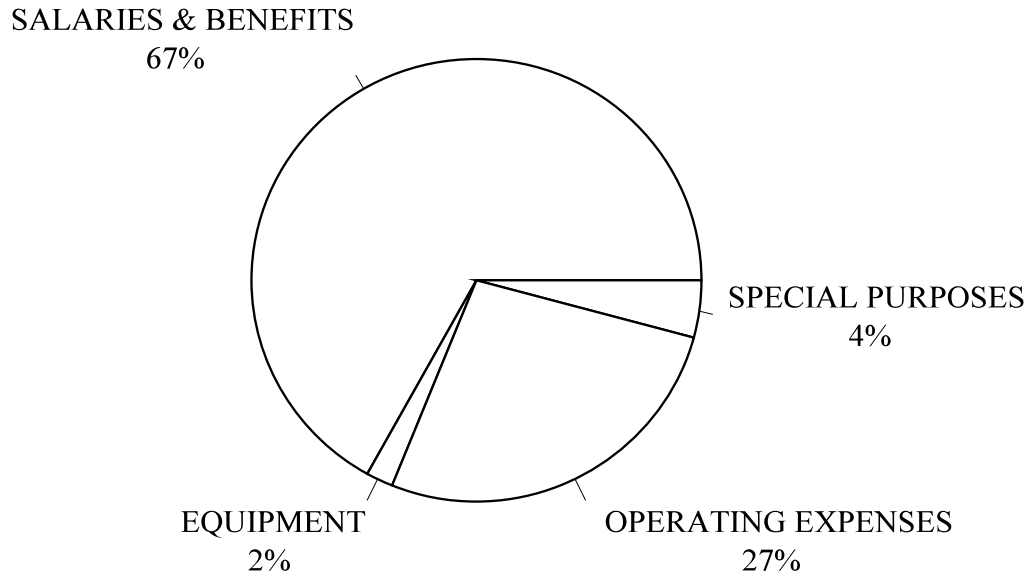
1%



NON-JUDICIAL GEN & SPEC FUNDS APPROP
99%

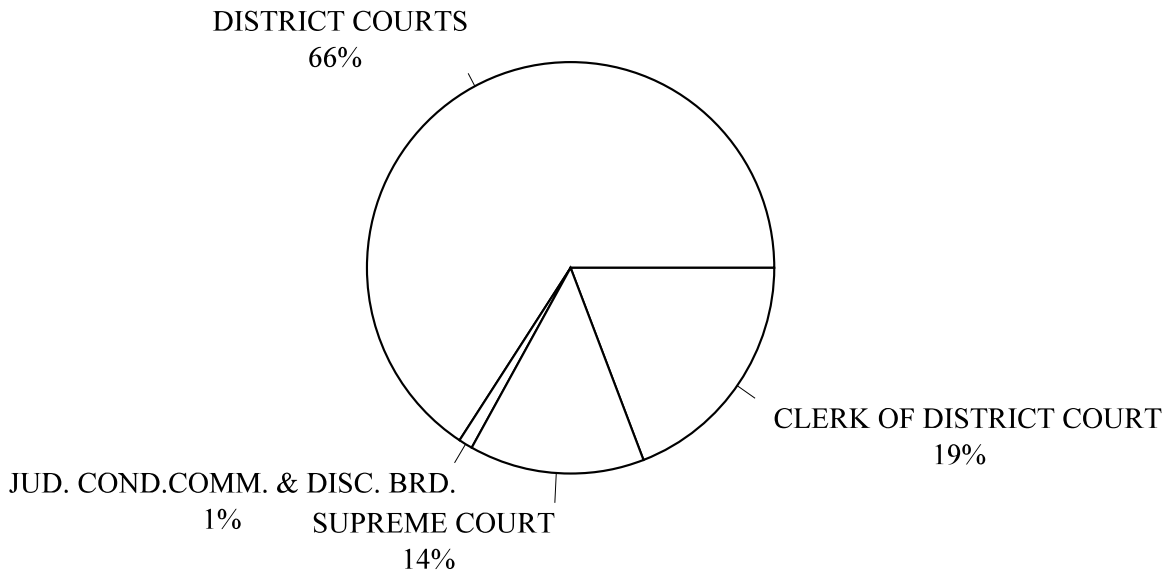
**State Judicial Branch Appropriation
by Appropriated Line Item
2001-2003 Biennium**

Total Judicial Branch General and Special		
Funds Appropriation	\$56,321,330	
Salaries and Benefits	\$37,847,484	(67%)
Operating Expenses	\$14,927,084	(27%)
Equipment	\$ 1,411,050	(2%)
Special Purposes	\$ 2,135,712	(4%)



State Judicial Branch Appropriation by Type of Activity 2001-2003 Biennium

Supreme Court			
General Fund	\$ 7,603,951		
Special Funds	<u>0</u>		
TOTAL	\$ 7,603,951	(14%)	
District Courts			
General Fund	\$36,090,693		
Federal Funds	827,851		
Special Funds	<u>366,220</u>		
TOTAL	\$37,284,764	(66%)	
Judicial Conduct Commission & Disciplinary Board			
General Fund	\$ 254,512		
Special Funds	<u>273,750</u>		
TOTAL	\$ 528,262	(1%)	
Clerk of District Court			
General Fund	\$10,154,353		
Special Funds	<u>750,000</u>		
TOTAL	\$10,904,353	(19%)	



Advisory Committees of the North Dakota Judicial System

In the North Dakota judicial system, a system of committees has been established to develop new ideas and evaluate proposals for improving public services. These advisory committees include citizen members, legislators, lawyers, and judges. The activities of these advisory committees are summarized here:

Committees Under the Rule on Procedural Rules, Administrative Rules, and Administrative Orders

Joint Procedure Committee

The Joint Procedure Committee is the standing committee of the Supreme Court responsible for proposing adoption, amendment, or repeal of rules of civil procedure, rules of criminal procedure, rules of appellate procedure, rules of evidence, rules of court, and specialized court procedure. Justice Dale V. Sandstrom chairs the committee. The committee membership of 10 judges and 10 attorneys is appointed by the Supreme Court, except for one liaison member appointed by the State Bar Association.

Judiciary Standards Committee

The Judiciary Standards Committee, chaired by Brian Neugebauer of West Fargo, studies and reviews all rules relating to the supervision of the judiciary, including judicial discipline, judicial ethics, and the judicial nominating process. During 2001, the Committee began a study of several issues related to the selection of judges and possible methods of establishing a judicial improvement program.

Court Services Administration Committee

The Court Services Administration Committee, chaired by William A. Strutz of Bismarck, is responsible for the study and review of all rules and orders relating to the administrative supervision of the judicial system. During 2001, the Committee continued its study of issues related to *pro se* litigation in the courts.

Committees of the North Dakota Judicial Conference

Judicial Ethics Advisory Committee

The Judicial Ethics Advisory Committee, chaired by Judge Lee A. Christofferson of Devils Lake, provides advisory services for judges relating to judicial ethics issues. The Committee has provided all judges with an ethics manual and responds to inquiries by judges on ethics questions. The Committee also documents responses for use by all members of the judiciary.

Jury Standards Committee

The Jury Standards Committee, chaired by Judge Robert Holte of Stanley, studies and oversees the operation of North Dakota's jury system.

Committees Established by Administrative Rule

Judicial Planning Committee

The Judicial Planning Committee is chaired by Justice William A. Neumann. The Committee, recently restructured with new membership, began an evaluation of the judiciary with the objective of making recommendations about how the courts can more effectively provide judicial services in light

of many changes affecting the courts. In its initial work in 2001, the Committee focused on elements for mission and vision statements for the judiciary. In 2002, the Committee will continue its study with an assessment of the judiciary's organization.

North Dakota Legal Counsel for Indigents Commission

The Legal Counsel for Indigents Commission, chaired by Judge Debbie Kleven, Grand Forks, identifies and reviews issues concerning the operation of the indigent defense contract system. The Commission continues its review and revision of the Commission's Indigent Defense Procedures and Guidelines. During 2001, the Commission developed and distributed a revised application for appointed counsel services. The Commission also offered its assistance to an interim legislative committee studying possible alternatives to the indigent defense contract system.

Council of Presiding Judges

The Council of Presiding Judges is a policy making body charged with the responsibility to provide uniform and efficient delivery of administrative support to the trial courts. The council consists of the presiding judge of each judicial district and the chief justice of the supreme court as the presiding officer of the council. Duties of the council include the responsibility to develop administrative policies for the trial courts and provide the mechanism to ensure implementation. The Council of Presiding Judges meets at the call of the chair.

Juvenile Policy Board

The Juvenile Policy Board, chaired by Judge Norman Backes of Fargo, continues to oversee the implementation of Balanced and Restorative Justice.

Under this system, juvenile courts address public safety, accountability of the offender to the victim and society, and the competency development of juveniles who come in contact with the court. Research indicates that courts that "balance" these approaches with juveniles are most effective in reducing juvenile recidivism.

Accountability means holding the offender accountable to their victim and to the community. Accountability to the victim has traditionally meant collecting restitution for the victim. Annually, the juvenile courts collect about \$100,000. The ability to collect restitution, enhanced in recent years by the legislature, includes such options as reducing the restitution amount to a judgment when the child turns 18. This keeps the obligation to pay for damages in place for at least ten years. Under Balanced and Restorative Justice, however, the courts attempt to involve the victim more fully.

The courts have contracted with a private provider to hold "juvenile accountability conference". Through these conferences, victims are given the opportunity to face offenders and explain to the offender the true consequences of their actions and to have input on the consequences of their actions. This program has been shown to be very beneficial to victims and to have a serious impact on offenders.

In several communities, the courts, through local funding, have established restitution funds. Under this program, victims are paid damages immediately and the offender pays the restitution back, or completes community service hours equivalent to the damages paid out.

Accountability to the community means repaying the community for harm caused. A principle of restorative justice is that any crime hurts the peace and security of the community and that offenders have an obligation to rectify that harm. In response, all of the courts are involved in community service projects. Statewide, the courts are attempting to establish community service projects which are meaningful to both the community and to the juvenile. For example, the Williston juvenile court established a community garden where offenders plant, weed, and maintain a community garden. The produce is sold with profits going to the local victim restitution fund. The Valley City juvenile court undertook a project to have offenders plant trees and shrubs in the local parks. Much of the value of these programs involves the mentoring relationship of the supervisor.

The Balanced and Restorative Justice model also emphasizes the importance of building on the competency of the offender. That is, most, if not all, offenders need to improve in such skills as decision making and anger management.

The courts have emphasized a program known as "Keys to Innervisions". This program emphasizes that the juvenile accept responsibility for their behavior, understand that they have the power to change their behavior, and provide skills towards changing their behavior.

Community safety also involves controlling the whereabouts of certain offenders while they are in the community. This may mean electronic monitoring, drug and alcohol screening, and face-to-face intensive tracking. At times, it involves removal from the community to a correctional and residential setting.

The North Dakota Supreme Court, through the Juvenile Policy Board, established a Juvenile Drug Court Program. Two pilot courts were established, one in the Northeast judicial district and one in the East Central judicial district. They have been operational since May 1, 2000. Since that time there have been 56 participants and 20 successful graduations.

This is a post petition/post adjudication program with the option of dismissing the petition after the participant successfully completes the program. The program is aimed at intervening in alcohol and/or drug abuse and criminal behavior through intense supervision and participation in recovery services. Each court has a team which consists of a judge, prosecutor, public defender, treatment provider, juvenile court personnel, school representative, and a coordinator. This program is a 9 to 12 month agreement between the juvenile, parents, and drug court. This agreement means that the parents and child will appear weekly, if ordered, in front of the judge. At that time, the judge reviews the progress or lack of progress of the youth. The participants of this program are held accountable for school attendance and grades, employment, drug or alcohol usage, and community and family involvement.

Commission on Judicial Education

The Continuing Judicial Education Commission was established following adoption of Administrative Rule 36 by the Supreme Court. The commission is chaired by Judge Donald L. Jorgensen of Bismarck and is comprised of the chief justice, state and municipal court judges, a representative from the law school, juvenile court and court support staff for the courts of record. The commission develops policies and procedures concerning the

implementation of a statewide continuing judicial education program for judges and personnel of the unified judicial system.

The commission was instrumental in the Supreme Court's decision to mandate that all supreme, district and municipal judges, judicial referees and magistrates, and juvenile court directors and court officers receive an identified number of hours of continuing education each biennium.

In 2001, the Commission began implementation of the strategic plan for judicial education. In part, this plan identifies specific long and short-term training needs for all judges and employees of the North Dakota judiciary. The plan will allow the Commission to focus on providing quality education that meets the direct needs of the judiciary and its employees. The plan will be revisited once each biennium to ensure it remains current with the educational needs of the judiciary.

Committee on Tribal and State Court Affairs

The Committee on Tribal and State Court Affairs was established following adoption of Administrative Rule 37 by the Supreme Court. The Committee was chaired, until his untimely passing, by former Chief Justice Ralph J. Erickstad. District Judge Donovan Foughty has been appointed to succeed Justice Erickstad as chair. The Committee is comprised of tribal and state court judges, tribal and state court support services representatives, and public members. It is intended to provide a vehicle for expanding awareness about the operation of tribal and state court systems; identifying and discussing issues regarding court practices, procedures, and administration which are of common concern to members of the two court systems; and for cultivating mutual respect for, and cooperation between, tribal and state courts.

Joint Committee on Attorney Standards

The Joint Committee on Attorney Standards was established following adoption of Administrative Rule 38 by the Supreme Court. The Committee, chaired by Alice Senechal, Grand Forks, is comprised of members appointed by the Chief Justice and the Board of Governors of the State Bar Association. During 2001, the Committee received reports concerning the review of multi-disciplinary practice issues by the American Bar Association, submitted amendments to Rule 3.1D of the Rules for Lawyer Discipline regarding service of a complainant's reply, and began a study of lawyer diversion and lawyer assistance programs.

Committees Established by Administrative Order

Gender Fairness Implementation Committee

The Gender Fairness Implementation Committee, chaired by Justice Mary Muehlen Maring, was established by Supreme Court Administrative Order 7 to oversee implementation of the recommendations of the Supreme Court's Commission on Gender Fairness in the Courts. It is further charged with monitoring the progress of the judicial branch in eliminating gender bias in the courts. During 2001, the Committee began review of law firm self-audit programs related to gender issues and studied a successful program instituted in Minnesota. The Committee also discussed pursuing grant funding to develop a desk book for judges which addresses a variety of issues in the area of domestic violence.

Court Technology Committee

The Court Technology Committee, chaired by Judge Allan Schmalenberger, is comprised of people representing the supreme court, district courts, clerks of court and state court administrator's office. The Committee is responsible for general oversight and direction of technology within the judicial branch.

In 2001, the unified court information systems (UCIS) continued to evolve and grow. Examples of this evolution and growth include:

- Efforts were started to integrate the case management system in Cass County with the judicial branch's case management system. This project is expected to conclude at the end of 2002.
- The Committee approved the expansion of UCIS to include 10 additional counties by September, 2002. With this addition and the integration of Cass County, UCIS will include 40 of the state's 53 counties by the end of 2002.
- The Court Technology Committee approved a project which will provide full text of protection orders to law enforcement. This is a joint venture between the judicial branch, the Bureau of Criminal Investigation, and State Radio Communications.
- In early 2001, the court began automatically sending divorce information to the Health Department, eliminating the need for redundant data entry.
- With the state assumption of costs for clerk services, clerks of court in 11 counties became state employees. This meant that the financial processes previously completed by county offices now needed to be completed by state employed clerks. This required many substantial changes to the financial component of UCIS to accommodate the financial processes.
- A web-based interface for several of the more common UCIS reports was added through the development of a state court data warehouse.
- The data sharing capabilities that exist between the state's attorney management system and UCIS are being extended so data may still be shared when the two systems reside on physically separate computers.

The Committee approved involvement with the state's criminal justice information system. The criminal justice information system is a joint venture of executive branch agencies, the judicial branch, and other government entities. The goal of this project is to facilitate information sharing throughout the criminal justice community by developing methods for information systems to share and transfer data between those systems. It will also establish a single location from which criminal justice information can be retrieved.

The Court Technology Committee approved extending the use of interactive television to include its use for mental health proceedings in the Southeast judicial district. Other districts are currently considering appropriate applications of the use of interactive television.

Public Trust and Confidence Implementation Committee

The Public Trust and Confidence Implementation Committee, chaired by Justice William A. Neumann, was established by Supreme Court Administrative Order 12 to oversee implementation of recommendations set out in the Final Report of the Committee on Public Trust and Confidence. The Final Report identified numerous strategies for addressing a broad range of issues and perceptions affecting public trust and confidence in North Dakota's

courts. In 2001, the Implementation Committee continued its assessment of the various recommended strategies and how implementation of the strategies could best be achieved. The Implementation Committee forwarded several strategies and recommendations to other advisory committees for review and submitted recommendations to the Supreme Court regarding public information programs and judicial performance evaluation.

Committees Established by Administrative Policy

Personnel Policy Board

The Personnel Policy Board was established following adoption of Administrative Policy 106 by the Supreme Court. The board is chaired by Penny Miller, Clerk of the Supreme Court, and is comprised of a supreme court justice and district court judges, supreme court department heads, and employees of the supreme and district courts. The board is tasked with the responsibility of reviewing and implementing the personnel system and developing a salary administration plan for the judiciary. In 2001 the board's primary focus centered around a review of the current pay and classification system. The review will continue through June of 2002.

Trial Court Legal Research Assistance Committee

The Trial Court Legal Research Assistance Committee, chaired by Judge David Nelson, was established under Policy 508 in 1999. The committee provides technical assistance and management assistance to trial courts in the state. During 2001, the committee completed its evaluation of computer-assisted legal research (CALR) providers and recommended the Court put the CALR contract up for bids. Subsequently, a new CALR service provider was chosen, at a cost savings of about 50%.

Committee on Caseflow Management

The Committee on Caseflow Management, chaired by Judge Allan Schmalenberger, Dickinson, has been established to review district case management plans and practices; to ensure early court intervention and continuous court control over case progress; develop strategies for differentiated case management; creation of realistic and credible trial dates; and the development of strategies to ensure oversight of all court related case events. The Committee of 16 is made up of judges from each judicial district, two bar representatives; court administrative personnel, public defenders, and state's attorneys representatives.

The Committee meets at the call of the chair, but usually quarterly.

Trial Court Operations Committee

A newly created trial court operations committee, chaired by Judge David Nelson, Williston, is to develop and maintain a current clerk of court procedures manual; review the operations of various clerk of court operations for consistent application of statutes, rules, and policies; develop and maintain forms for use statewide; and review matters assigned by the Council of Presiding Judges.

This seven member committee, appointed by the chief justice, includes two district judges, two trial court administrative representatives, and three clerks of district court.

Disciplinary Board

The Disciplinary Board was established to provide a procedure for investigating, evaluating and acting upon complaints alleging unethical conduct by attorneys licensed in North Dakota. The Rules of Professional Conduct are the primary guide for lawyer conduct and the North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints. The Joint Attorney Standards Committee studies and reviews issues concerning attorney discipline.

When a written complaint alleging attorney misconduct is received, it is filed with the Board's secretary and referred to the District Inquiry Committee East, West, or Northeast of the State Bar Association. The chair of the respective committee reviews the complaint and, if appropriate, assigns the complaint for investigation to a member of the committee or staff counsel. If the complaint, on its face, does not indicate misconduct, an investigation will not be initiated and the matter will be referred to the committee for summary dismissal. Actions available to district inquiry committees are dismissal, issuing an admonition, probation with the consent of the respondent attorney, or directing that formal proceedings be instituted.

Formal proceedings are instituted when a petition for discipline is filed which outlines the charges against the attorney. A hearing panel is appointed by the chair of the Disciplinary Board to consider the petition and other evidence regarding it, make findings and a recommendation, and enter appropriate orders. Present and past members of the Board may serve as hearing panel members. Recommendations of the hearing panel which do not result in dismissal, consent probation, or reprimand are filed directly with the Supreme Court. The Court's standard of review in these instances is de novo on the record. The hearing panel may enter orders of dismissal, consent probation or reprimand; however, they are subject to a petition for review that is filed with the Court. This petition must show that the panel acted arbitrary, capricious or unreasonable.

Non-lawyer citizens are members of the District Inquiry Committees and the Disciplinary Board. All members of the Board and the Inquiry Committees are volunteers and are asked to review what, at times, can be very time-consuming matters. While many complaints are dismissed as groundless, the amount of volunteer time needed to run the system is significant.

Following is a summary of complaint files under consideration in 2001.

New Complaint Files Opened in 2001	167
General Nature of Complaints:	
Client Funds & Property	25
Conflict of Interest	9
Criminal Convictions	0
Disability/Incapacity to Practice Law	1
Excessive Fees	6
Failure to Communicate/Cooperate with Client	6
Improper Conduct	74
Incompetent Representation	33
Misappropriation/Fraud	1
Neglect/Delay	9
Petition for Reinstatement	1
Unauthorized Practice of Law	2
TOTAL	167
Formal Proceedings Pending From Prior Years	22
Other Complaint Files Pending From Prior Years	59*
Appeals Filed with Disciplinary Board in 2001	17
Appeals Filed with Supreme Court in 2001	1
Total Files for Consideration in 2001	266
Disposition of Complaint Files:	
Dismissed by Inquiry Committees	96
Summary Dismissals by Inquiry Committees	50
Admonitions Issued by Inquiry Committees	18
Consent Probation by Inquiry Committees	2
Disciplinary Board Approves IC Dismissal	16
Disciplinary Board Disapproves IC Disposition	1
Disciplinary Board Approves IC Admonition	3
Disciplinary Board Approves Consent Probation	1
Dismissal by Hearing Panel	6
Reprimand by Hearing Panel	3
Reprimand by Supreme Court	1
Suspensions by Supreme Court	5
Formal Proceedings Pending 12/31/00	23
Other Complaint Files Pending 12/31/00	42
TOTAL	267**

*Incorrectly reported on last year's report due to technical difficulty.

**Number reflects multiple dispositions in review and appeal processes.

Judicial Conduct Commission

The Judicial Conduct Commission was established in 1975 to receive, investigate, and evaluate complaints against any judges or officer of the judicial system in this state and, when necessary, conduct hearings concerning the discipline, removal, or retirement of any judge.

The procedures of the Commission are set forth in the North Dakota Rules of the Judicial Conduct Commission. Significant procedural changes effective August 1, 1997, include evaluation of the complaint and summary dismissal by Disciplinary Counsel, after providing an opportunity for Commission members to request further consideration. An admonition (formerly a private censure) now requires the consent of the judge. Complaints are now filed with Disciplinary Counsel for the Commission, with the Clerk of the Supreme Court relieved of all ex officio administrative duties for the Commission. As before, the Supreme Court must take final action on public censure, removal, suspension, retirement, or other public discipline against a judge.

The number of complaints against judges in 2001 was the same as those filed in 2000, although the total number of dispositions decreased. The plurality were dismissed as being without merit because complainants frequently believe the Commission has the authority to change a judge's decision or influence trial proceedings in some way.

The table, which follows, includes a summary of the nature and the disposition of complaints filed with the Judicial Conduct Commission in 2001.

New Complaints Opened in 2001	48
General Nature of Complaints:	
Abuse of authority/prestige	1
Bias, discrimination/partiality	8
Conflict of interest	1
Criminal behavior	4
Delay court business	2
Improper decision/ruling	31
Intemperance, alcohol, drugs	1
TOTAL	48
Complaint Files Carried Over from 2000	13
Total Files Pending Consideration in 2001	61
Disposition of Complaints:	
Summarily Dismissed	41
Dismissed	5
Admonition by the Judicial Conduct Commission	2
Censure by the Supreme Court	0
Suspension	0
Total 2001 Dispositions	48
Complaint Files Pending as of 12/31/01	13

Of the new complaints filed in 2001:

37 were against 23 District Court Judges
 4 were against 4 Municipal Court Judges
 1 was against a Referee
 5 were against 5 Supreme Court Justices
 1 was against a Tribal Judge

State Board of Law Examiners

The State Board of Law Examiners was created by statute to assist the Supreme Court in its constitutional responsibility to regulate the admission to practice. At the request of the Board, the 2001 legislature changed the name of the Board from State Bar Board to State Board of Law Examiners. The requested change was to help clear up the confusion between the Board and the State Bar Association, and to more accurately reflect the primary purpose of the Board.

In 2001, Board members were Rebecca S. Thiem of the Bismarck firm of Zuger, Kirmis & Smith; Mark L. Stenehjem of the Williston firm of Winkjer, McKennett, Stenehjem, Reiersen & Forsberg; and Paul F. Richard of MeritCare Health System in Fargo.

On July 24 and 25, the Board administered a two-day bar examination. The examination consisted of the Multistate Performance Test (MPT), a written three-hour examination consisting of two ninety-minute tasks that examine fundamental lawyering skills, including, problem solving, legal analysis and reasoning, factual analysis, communication, organization and management of a legal task, and recognizing and resolving ethical dilemmas; the Multistate Essay Examination (MEE), a written three-hour examination consisting of six questions from pre-selected topic areas; and the Multistate Bar Examination (MBE), an objective six-hour multiple choice exam.

Due to the low number of applicants over the past few years, and, because administration of the state bar exam in February is becoming increasingly impractical economically and for grading purposes, the Board discontinued the February bar exam.

Passage rates for the 2001 examination:

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
7/01	34	31/91%	31	28/90%

Admission to practice in North Dakota can be based on the results of the written bar examination; five years of admission and at least four years of practice in another jurisdiction; or, within two years of application, achieving a score of 150 on the Multistate Bar Examination (MBE) and admission in another jurisdiction. Additionally, every applicant for admission must be at least 18 years old, of good moral character, fit to practice law, and been awarded a juris doctor or equivalent degree from a law school, approved or provisionally approved, for accreditation by the ABA.

The Character and Fitness Committee assists the Board in investigating applicants' character, fitness, and moral qualifications. In 2001, members of the Committee were: Charles S. Miller, Malcolm H. Brown, Luella Dunn, Reverend Robert Nordvall, and Dr. Al Samuelson, all of Bismarck.

Of those 47 individuals admitted in 2001, 30 were by bar examination; 8 by achieving the 150 MBE score and admission in another state; and 9 by having the requisite years of practice in another state.

In 2001, the Board, in its licensing capacity, issued licenses to 1,842 lawyers and judges, 380, or 21%, of whom were women.

As a part of its licensing and admission responsibilities, the Board monitors the pro hac vice admission of attorneys who are not licensed in North Dakota. During 2001, the Board received 168 motions under N.D.R.Ct. 11.1 regarding nonresident attorneys, and collected \$12,000 in fees. The fees were forwarded to the State Bar Association of North Dakota to help fund the attorney disciplinary system.

As the year ends, the multijurisdictional practice of law is under study. The Board has representatives on the Task Force created by the State Bar Association, and is monitoring how other states handle the various issues raised as a result of the mobility of our society, and the questions regarding the portability of legal skills and abilities across state lines.

North Dakota Judicial Conference

The North Dakota Judicial Conference was originally established as an arm of the judicial branch of state government in 1927. At that time, the organization was known as the North Dakota Judicial Council. Present statutory language covering the Judicial Conference is found in Chapter 27-15, N.D.C.C.

There are currently sixty-four members of the Judicial Conference. The conference consists of all Supreme Court justices and district court judges. Other members are the attorney general; the dean of the University of North Dakota School of Law; the clerk of the Supreme Court; two judges of the municipal courts, as appointed by the Municipal Judges Association; and five members of the North Dakota Bar Association who are appointed by the Bar Association. All surrogate judges, as appointed by the Supreme Court under section 27-17-03, N.D.C.C., are also conference members.

The members of the conference serve during the time they occupy their respective official positions. The term of office of the two municipal judges is two years. The term of office for the five members of the bar is five years. Vacancies on the Judicial Conference are filled by the authority originally selecting the members.

The state court administrator serves as the executive secretary of the Judicial Conference.

The officers of the Judicial Conference consist of the chair and chair-elect, who are selected for a term of two years by the members of the conference. In addition, there is an executive committee consisting of the chair, chair-elect, a justice of the Supreme Court elected by the Supreme Court, and two district judges elected by the Association of District Judges.

Under North Dakota law, the Judicial Conference is required to meet twice each year. These meetings are usually held in June and November. Special meetings, however, may be called by the chair. While members of the Judicial Conference are not compensated for their services, they are reimbursed for their expenses while discharging their conference duties.

The Judicial Conference has four major duties:

1. Solicit, receive, and evaluate suggestions relating to the improvement of the administration of justice.
2. Consider and make recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system.
3. Coordinate continuing judicial education efforts for judges and support staff.
4. Establish methods for review of proposed legislation which may affect the operation of the judicial branch.

Several committees have been established to support the activities of the full conference. The committees and respective committee chairs during 2001 were as follows:

1. Program Planning Committee, vacant.
2. Committee on Legislation, Judge Gail Hagerty, Chair.
3. Committee on Judicial Compensation, co-chairs Justice William Neumann and Judge Ralph R. Erickson.
4. Jury Standards Committee, Judge Robert Holte, Chair.

Committee membership results from appointment by the chair after consultation with the Executive Committee of the Judicial Conference. The bylaws provide that non-conference members can serve on either standing or special committees.

The officers and Executive Committee of the Judicial Conference during 2001 were as follows:

Judge, James M. Bekken, Chair
Judge, John T. Paulson, Chair-Elect
Justice Dale V. Sandstrom, Past Chair
Judge Ronald E. Goodman., Executive Committee
Justice Mary Muehlen Maring, Executive Committee
Judge Robert O. Wefald, Executive Committee
Judge Kirk Smith, Executive Committee

NORTH DAKOTA JUDICIAL CONFERENCE

JUDGES OF THE SUPREME COURT

Gerald W. VandeWalle
William A. Neumann

Dale V. Sandstrom

Mary Muehlen Maring
Carol Ronning Kapsner

JUDGES OF THE DISTRICT COURT

East Central District

*Michael O. McGuire
Norman J. Backes
Georgia Dawson
Ralph R. Erickson
Lawrence A. Leclerc
Frank L. Racek
Cynthia Rothe-Seeger

Northeast District

*M. Richard Geiger
Lee A. Christofferson
Laurie A. Fontaine
Donovan Foughty
Lester Ketterling
John C. McClintock, Jr.

Northeast Central District

*Debbie Kleven
Bruce E. Bohlman
Karen K. Braaten
Lawrence E. Jahnke
Joel D. Medd

Northwest District

*Robert W. Holte
Glenn Dill III (deceased 09/12/02)
Gary A. Holum
William W. McLees
David W. Nelson
Everett Nels Olson
Gerald H. Rustad

South Central District

*Benny A. Graff
Gail Hagerty
Bruce B. Haskell
Donald L. Jorgensen
Burt L. Riskedahl
Bruce Romanick
Thomas J. Schneider
Robert O. Wefald

Southeast District

*John T. Paulson
James M. Bekken
Ronald E. Goodman
John E. Greenwood
Richard W. Grosz
Mikal Simonson

Southwest District

*Allan L. Schmalenberger
Zane Anderson
Ronald L. Hilden

JUDGES OF THE MUNICIPAL COURTS

Robert A. Keogh
Julie Evans

SURROGATE JUDGES OF THE SUPREME AND DISTRICT COURTS

William M. Beede
Gerald G. Glaser
William F. Hodny

Gordon O. Hoberg
Maurice R. Hunke

Jon R. Kerian
James H. O'Keefe
Kirk Smith

Attorney General Wayne K. Stenehjem
Clerk of the Supreme Court Penny Miller
Dean of the UND School of Law Jeremy Davis

MEMBERS OF THE BAR

Steven J. Lies
Sherry Mills Moore

Michael D. Sturdevant

James S. Hill
Michael F. Daley

Executive Secretary Keith E. Nelson

64 Members