

Council of Presiding Judges
Minutes
July 15, 2002
Lecture Room A, Heritage Center
Bismarck

Present: Chief Justice Gerald W. VandeWalle
Judge M. Richard Geiger
Judge Benny A. Graff
Judge Richard W. Grosz representing Judge John T. Paulson
Judge Robert W. Holte
Judge Debbie Kleven
Judge Michael O. McGuire
Judge Allan L. Schmalenberger

Staff:
Ted Gladden
Greg Wallace

Others: Chris Ryan, National Center for State Courts

The meeting was opened with an introduction of Chris Ryan from the National Center for State Courts. He will have the primary responsibility for conducting the weighted caseload study that will be completed in the months ahead. Council reviewed the study from 1997 and discussed the issues that need to be factored into the 2002 weighted caseload study. Items to be considered include:

1. The impact of adult and juvenile drug courts on judicial time;
2. Travel time including a consideration into the necessities and efficiencies of scheduling that occur within the various districts. Travel dates from September and October 2001 and March and April 2002 will be reviewed as well as capturing travel time during the study, itself.
3. Case categories will remain essentially the same as in the 1997 study.
4. Other considerations included how reopened cases will be classified and counted. This is primarily an issue in the domestic relations case area, as well as counting of criminal cases as it relates to cases versus counts. There was discussion that misdemeanor cases should be counted by disposition date with all cases, or charges disposed of on the same date counted as one case. There was agreement that the data gathering will occur from mid-August through the end of September.

Business Meeting

The minutes of the June 12, 2002 meeting were approved as distributed.

Proposed Revisions to Game and Fish Fee Schedule

Council reviewed the proposed amendments to the Game and Fish fee schedule. **After discussion, it was moved by Judge Holte, seconded by Judge Kleven, to distribute the reviewed fee schedule to Game and Fish officials, sheriffs, judges, and others. Motion carried.**

Action on Policy 505

Discussion then followed on the addition of Section 9 to Policy 505. **After discussion, it was moved by Judge Geiger, seconded by Judge Holte, to adopt Policy 505 with the addition of Section 9. Motion carried.** This policy will be circulated to all judges and court personnel.

Draft Trial Court Employee Personnel Files Policy

Discussion then focused on a proposed policy having to do with the handling of trial court employee personnel files. Carla Kolling explained that personnel files may contain sensitive information which should not be made accessible to other employees or the public. She said the policy provides that, in an effort to restrict access to sensitive information, no personnel files should be kept in the district. The supervisor may maintain a working file for performance management purposes but that all other information should be forwarded to the State Court Administrator's Office. The proposed policy mirrors the open records law and the policy which governs access to teacher's personnel files. After discussion, it was concluded that the policy should be amended to insert the words "copies of" following the word "containing" in Section A so that the sentence would read as follows:

"However, a separate working file containing copies of the following information may be maintained:"

There was a suggestion that on the last page, last paragraph, the word "destroyed" should be deleted and instead the following language inserted: "forwarded to the Supreme Court Administrator's Office." The sentence will read:

"When an employee terminates, the employee's file in possession of the supervisor must be forwarded to the State Court Administrator's Office."

With these revisions, it was moved by Judge Geiger, seconded by Judge Kleven, to circulate the policy draft for comment. Motion carried.

For the Good of the Order

Ted Gladden will survey the judges to determine whether October 14 or 15 will work better for the next meeting of the Presiding Judges on the weighted caseload study. He indicated that, if possible, they may cancel the September 26 meeting.

Meeting adjourned.