

# **Council of Presiding Judges**

## **Minutes**

November 19, 2001

Radisson Inn, Bismarck

### In Attendance

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

### Staff

Ted Gladden  
Greg Wallace

The meeting was called to order at 6:30 p.m. by Chief Justice Gerald W. VandeWalle. Chief Justice VandeWalle welcomed everyone. The minutes of the September 7, 2001, meeting were approved as distributed.

Chief Justice VandeWalle then provided an update on Keithe Nelson.

### **Presiding Judge Representative on the Personnel Policy Board**

Ted Gladden indicated that the Council of Presiding Judges needed to designate a representative to the Personnel Policy Board, to replace the position vacated by The Honorable Lawrence Jahnke.

**After discussion, it was moved by Judge Paulson, seconded by Judge Kleven, to appoint M. Richard Geiger to represent the Council of Presiding Judges. The motion carried.**

### **Policy 113 Revisions**

Ted Gladden discussed the proposed amendments to Policy 113, to provide a delineation as to work breaks and meal breaks for all personnel. After substantial discussion, it was agreed that Greg Wallace would redraft the proposed amendments for consideration at the next presiding judges meeting.

### **Criminal Judgment Forms**

Judge Kleven reviewed the proposed misdemeanor criminal judgment form and Rule 43 form. The forms have been revised by a working group of district judges. Judges William McLees, Richard Grosz, and Debbie Kleven have been working with Ted Gladden and Andrea Schmidt to improve and simplify the forms. The objective is to provide enhanced forms that will be available on UCIS for use by all judges. She indicated that while the sample form only had a number of selected conditions listed, the form would include the ability to list a multitude of conditions. She indicated the one remaining form that is being worked on is for deferred imposition of sentences.

**It was moved by Judge Geiger and seconded by Judge Paulson that the two forms, plus the deferred imposition of sentence form should be approved and circulated for comment prior to the next presiding judges meeting.**

### **Jury Management Statistics**

Ted Gladden briefly reviewed the jury management statistics, indicating the amendments to the jury management report to provide the size of the jury, plus peremptory challenges allowed, plus two jurors for cause, will be the standard used in determining jury usage. It was brought to attention that two districts had met the 10% guideline for efficient jury utilization. The Southwest judicial district and South Central judicial district had both met the standard.

### **Assistant State Court Administrators for Trial Courts Report**

Greg Wallace indicated he has circulated a proposed administrative rule and policy for the administration of juvenile cases for comment. There was a sense that the 60-day time period for can be provided to judges and judicial referees. Greg then reviewed key aspects to the East Central judicial district juvenile management system that has been implemented. Judge Schmalenberger indicated the Southwest district has adopted many of the recommendations as proposed for the East Central judicial district and finds that using these timeframes there is adequate time for scheduling juvenile cases within the timeframes provided in the docket currency rule and in compliance with federal requirements.

Ted Gladden reported on the status of the data warehouse. He indicated that using the data warehouse external agencies, such as state probation and parole, state's attorneys' offices, and law enforcement agencies will have access approaching real-time. Using the data warehouse will not place any strain on the UCIS response time for current users.

He then reviewed the minutes of the ADR Coordinators meeting that was held on November 13. He indicated he has asked each of the coordinators to provide a response by November 30 outlining steps the respective districts are taking to implement Rule 8.8, N.D.R.Ct.

### **Good of the Order**

Chief Justice VandeWalle provided a report of the status of the State Justice Institute appropriation. He indicated there is a problem and that the amount is in conference committee at a reduced level of \$3 million dollars. This is a substantial reduction from the amounts proposed in both the House and Senate. He indicated staff of the National Center for State Courts are trying to determine the reason for the cuts.

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

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Ted Gladden  
Acting State Court Administrator