

NORTH DAKOTA COURTS



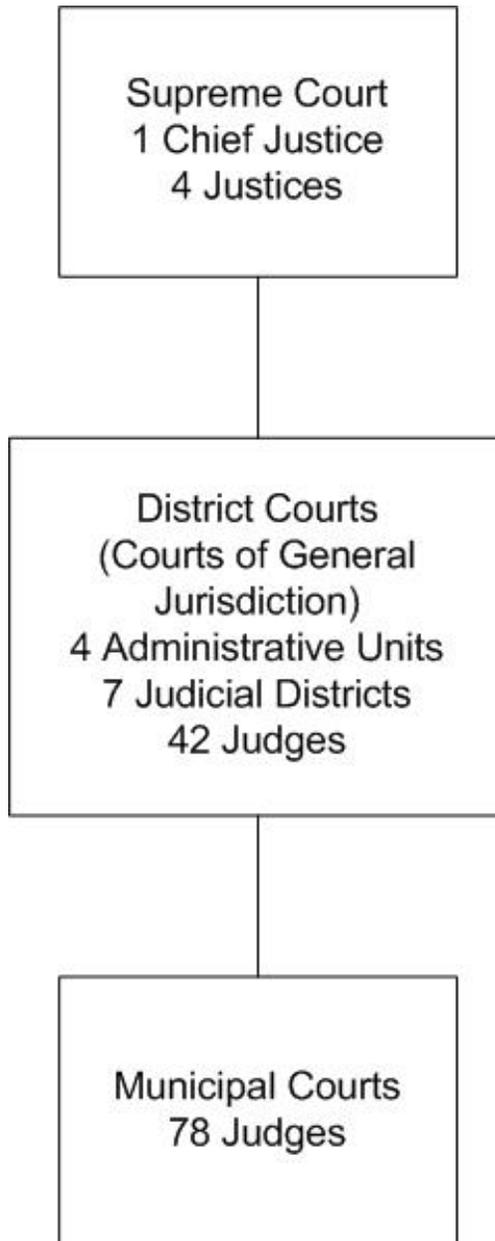
**ANNUAL REPORT
2004**

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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 1517, 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 42 district court judges on January 1, 2001, as provided by statute.

Administrative Authority

The 1976 constitutional judicial article 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 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.

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 and 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 rule-making 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 Juvenile Policy Board, Personnel Policy Board, Continuing Judicial Education Commission, 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, 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 North Dakota Supreme Court has traveled around the state on a continual basis since the spring of 2000. High schools in Linton, West Fargo, Des Lacs-Burlington, New Rockford, Rugby, Edgeley, Watford City, Crosby, Minot, Fessenden, Northern Cass, Bottineau, Grafton and Kenmare have been visited. The Turtle Mountain Community College, North Dakota State University, University of North Dakota School of Law and Minot State University have also been visited. The Justices spend time in individual classrooms answering questions about the court system and the Supreme Court, and then hear oral arguments in a pending case. The Court plans to continue its traveling in 2005. The cooperation of counsel traveling to these schools for arguments is very much appreciated.

Following two years of tremendous increases in appeals from drug offenses, appeals in these types of cases decreased by 62% in 2004. This contributed to the decrease in the number of new criminal filings.

The number of appeals in family related cases accounted for 26% of the civil caseload in 2004. This is slightly lower than last year. The number of administrative agency appeals increased, comprising 14% of the civil caseload. Appeals in personal injury, contracts, foreclosure, and mental health proceedings also increased more than other civil case filings.

The Justices each authored an average of 46 majority opinions, with 48 separate concurrences and/or dissents. Oral arguments were scheduled in 220 cases.

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

In addition to preparing for and attending oral arguments, and researching and writing decisions, the Justices attend weekly motions conferences to consider case related motions the Chief Justice or the Clerk of the Supreme Court do not act on. There were 728 motions filed in 2004, the Clerk acted on 44% of those under the authority of North Dakota Supreme Court Administrative Rule 5.

The Supreme Court website continues to add information and has become a necessary legal research tool. Briefs submitted to the Court for the past two to three years are posted, as well as all published opinions back to 1974. The Court plans to post all published opinions back to 1950 on the website.

The year ended with Chief Justice Gerald Vandewalle being elected to another 10-year term as a Justice. He has been serving on the Court since August 15, 1978. He was also elected to another 5-year term as Chief Justice by the Justices and District Judges. He has been Chief Justice since January 1, 1993.

**CASELOAD SYNOPSIS OF THE SUPREME COURT
FOR THE 2003 AND 2004 CALENDAR YEARS**

	2003	2004	Percent Difference
New Filings	361	357	-1.11
Civil	230	251	9.13
Criminal	131	106	-19.08
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0
New Filings Balance	361	357	-1.11
Civil	230	251	9.13
Criminal	131	106	-19.08
Filings Carried Over From Previous Calendar Year	172	*199	15.70
Total Cases Docketed	533	556	4.32
Dispositions	334	373	11.68
Civil	234	238	2.15
Criminal	100	135	35.00
Cases Pending as of December 31	*199	183	-8.04

*Correction from previous report.

CASE DISPOSITIONS - 2004

	Civil	Criminal
BY OPINION:		
Affirmed	93	48
Reversed; Reversed & Remanded; Reversed in Part & Remanded	31	5
Affirmed in Part & Reversed in Part; Affirmed in Part & Vacated in Part	15	0
Affirmed by Summary	17	34
Disposition	5	0
Dismissed	1	0
Order/Judgment Vacated	12	0
Remanded	2	0
Discipline Imposed	1	0
Disability Inactive Status	0	0
Original Jurisdiction--Denied	0	0
Original Jurisdiction--Granted	0	0
Certified Question Answered		
Reinstatement Ordered		
Dispositions by Opinion	177	87
BY ORDER:		
Dismissed	20	33
Dismissed After Conference	26	8
Original Jurisdiction--Denied	10	6
Original Jurisdiction--Granted	4	0
No Court Action Necessary	1	1
Dispositions by Order	61	48
Total Dispositions for 2004	238	135

**CASELOAD OVERVIEW OF NORTH DAKOTA COURTS
FOR 2003 AND 2004**

Level of Court	Filings		Dispositions	
	2003	2004	2003	2004
Supreme Court	361	357	334	373
District Court	155,176	157,318	175,114	183,074
TOTAL	155,537	157,675	175,448	183,447

North Dakota Court of Appeals

The Court of Appeals was established in 1987 to assist the Supreme Court in managing its workload.

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, 2008.

No cases were assigned or heard by the Court of Appeals in 2004.

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.

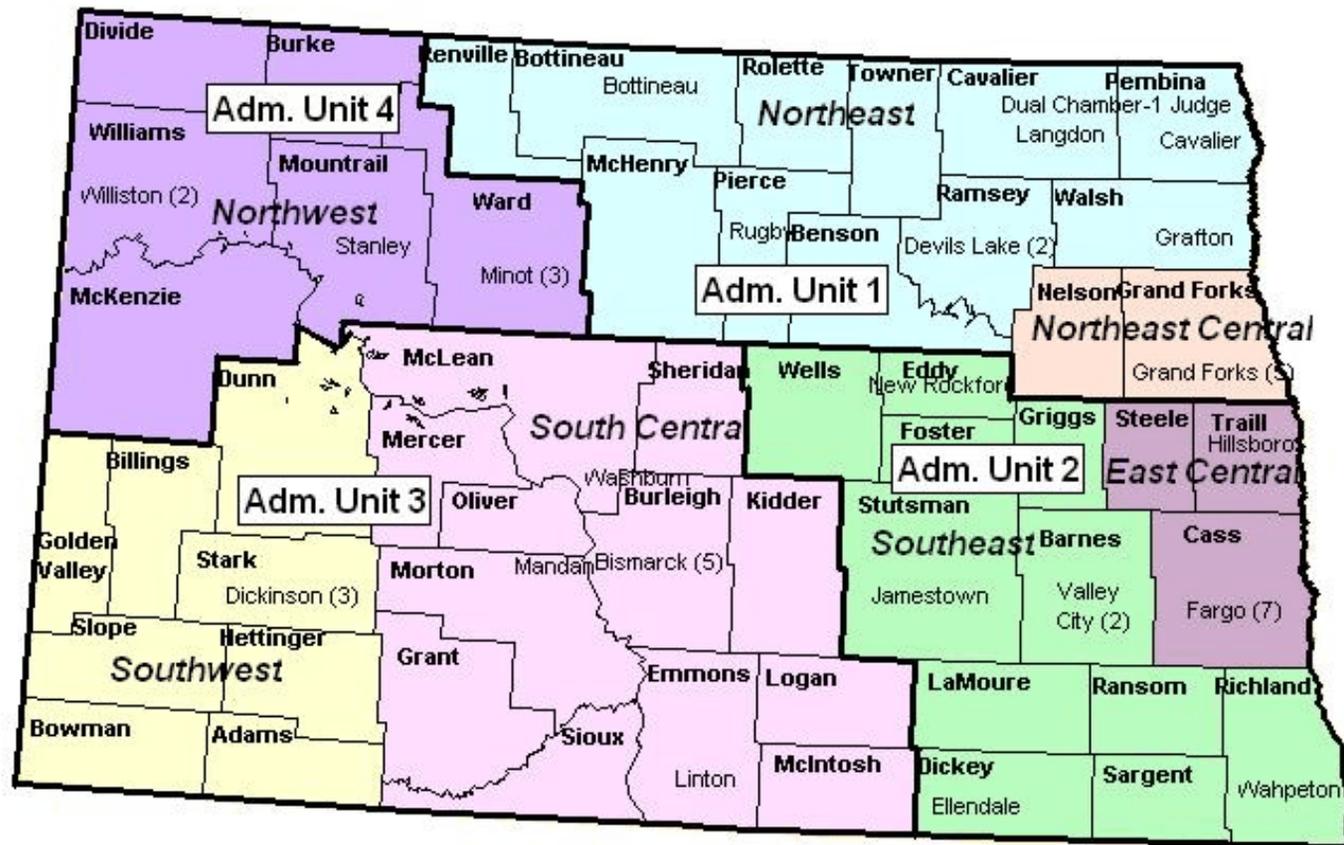
The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, district courts do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding 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 oversees judicial 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. In 2004, the Supreme Court consolidated the seven judicial districts into four administrative units. Each administrative unit is headed by a court administrator who is responsible for operational oversight of the clerks of district court, juvenile court personnel, as well as administrative personnel. The court administrator has the responsibility for liaison with governmental agencies, budget, facilities, records management, personnel, and contract administration.

There are, as of the end of 2004, 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 six judges in the Northwest Judicial District serving in three chamber city locations. Eight 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 Administrative Units, Judicial Districts & Chamber Cities - 2004



District Court Caseload

District court filings increased slightly in 2004, showing a 1.38% increase over 2003 filings.

Civil filings were up 4.67% from 2003 and small claims filings decreased 7.02%. Criminal filings reflect a slight increase of 2.65% from 2003 levels. Formal juvenile filings show a 2.05% increase.

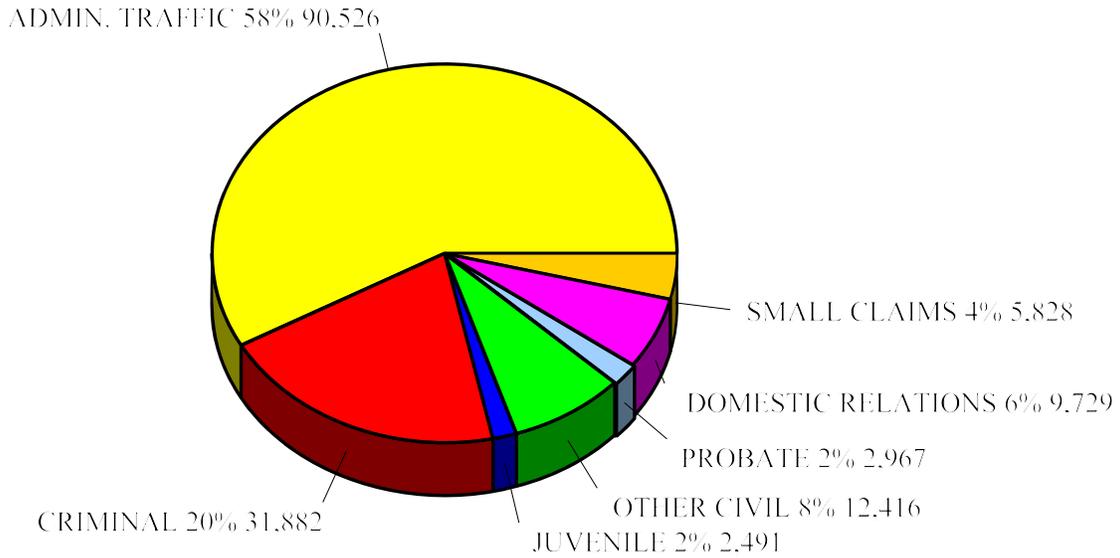
**District Court Caseload
for Calendar Year 2003 and 2004**

Case Filings	2003	2004	Change in Filings 2003/2004
New Filings Total	155,176	157,318	1.38
Civil	25,405	26,591	4.67
Small Claims	6,268	5,828	-7.02
Criminal	31,058	31,882	2.65
Juvenile	2,441	2,491	2.05
Admin. Traffic	90,004	90,526	.58
Case Dispositions	2003	2004	
Dispositions Total	174,786	183,074	4.55
Civil	35,564	38,460	8.14
Small Claims	6,597	6,125	-7.15
Criminal	39,342	42,488	8.01
Juvenile	3,971	4,098	3.20
Admin. Traffic	89,312	91,903	2.52

District Court Case Filings by Type - 2004

CIVIL		CRIMINAL	
Case Type	Filings	Case Type	Filings
Property Damage	162	Felony	4,650
Personal Injury	247	Misdemeanor	23,792
Malpractice	42	Infraction	3,440
Divorce	2,349		
Adult Prot. Order	860		
Custody	114		
Support Proceedings	4,750		
Adoption	299		
Paternity	659		
Termination of Parental Rights	19		
Disord. Cond. Restr. Order	679		
Administrative Appeal	203		
Appeal Other	22		
Contract/Collect	9,312		
Quiet Title	89		
Condemnation	13		
Forcible Detain	744		
Foreclosure	541		
Change of Name	218		
Special Proceedings	44		
Trust	78		
Foreign Judgment	260		
Other	722		
Conservator/Guardianship	384		
Protective Proceedings	29		
Probate	2,476		
Mental Health	1,276		
Small Claims	5,828		
State Total	32,419	State Total	31,882

TYPES OF CASES FILED IN DISTRICT COURT DURING 2004



The following is a chart that shows the number of jury trials held in each judicial district for 2004.

District	2004
East Central	42
Northeast	17
Northeast Central	23
Northwest	52
South Central	77
Southeast	27
Southwest	33
Total	271

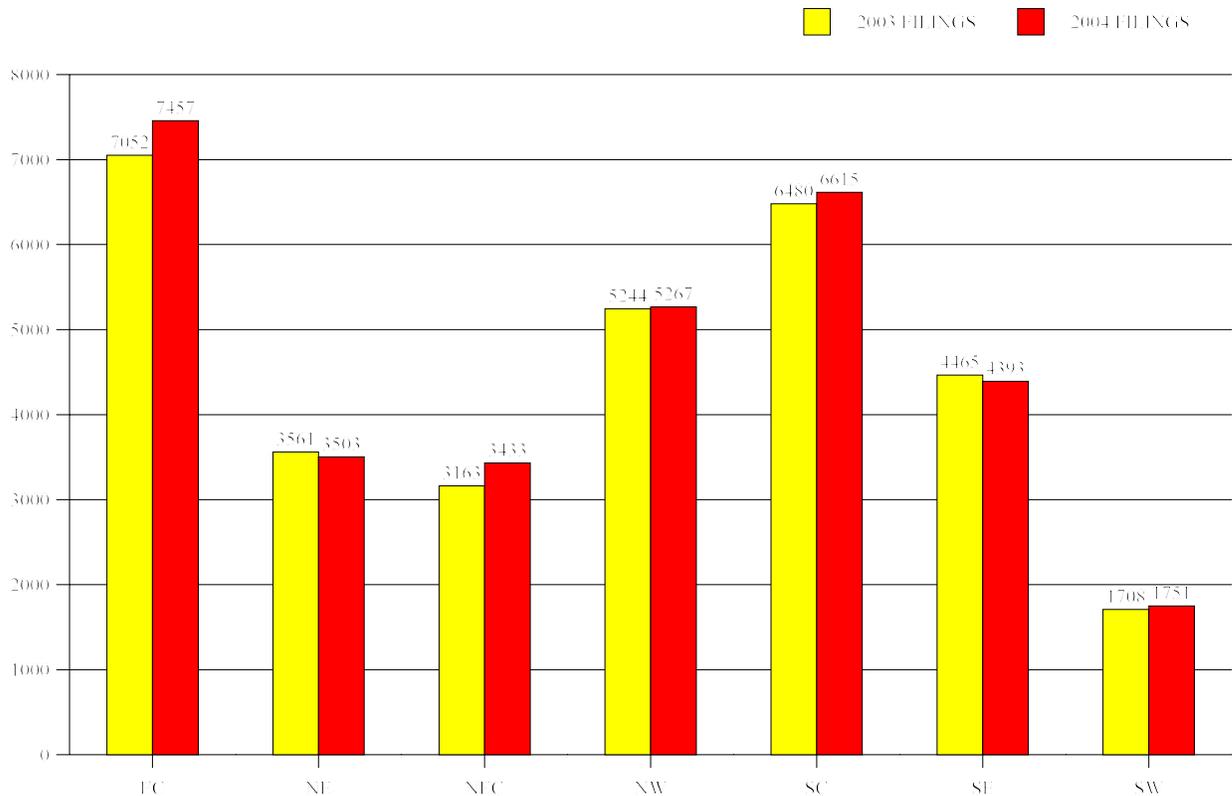
Civil Caseload

Civil filings increased during 2004. General civil plus small claims cases increased 2.9% from 2003 levels. Small claims cases decreased while domestic relations, probate, and other civil increased.

Domestic relations case filings increased 4.3%. Support proceedings make up 48.8% of all domestic relations case filings. Divorce filings account for 24.1%, protection/restraining orders 15.8%, custody filings 1.2%, adoption 3.1%, paternity 6.8%, and termination of parental rights account for .2% of the domestic caseload.

Divorce filings were up 2% to 2,349 cases in 2004. Protection/restraining order filings increased 9.5% to 1,406. Paternity case filings were down 6% with 659 cases filed, while support proceedings increased 5.4% with 4,750 cases filed, compared to 4,506 cases in 2003.

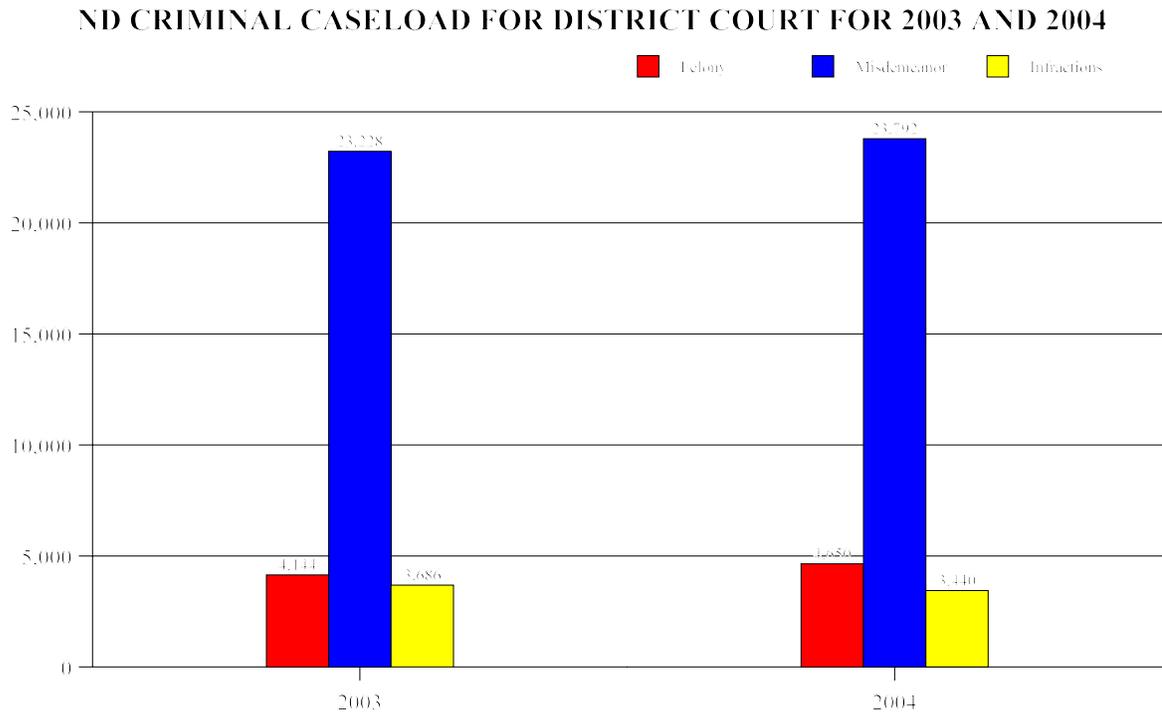
ND CIVIL CASELOAD FOR DISTRICT COURTS FOR 2003 AND 2004



Criminal Caseload

Criminal case filing data for 2004 reflects an increase in filings from 2003. The 2004 felony filings increased by 506 cases over 2003. Misdemeanor filings increased 564 cases to 23,792.

Consistent with previous years, misdemeanors and infractions represent 85% of the criminal filings and felonies represent 15% of the overall criminal filings.

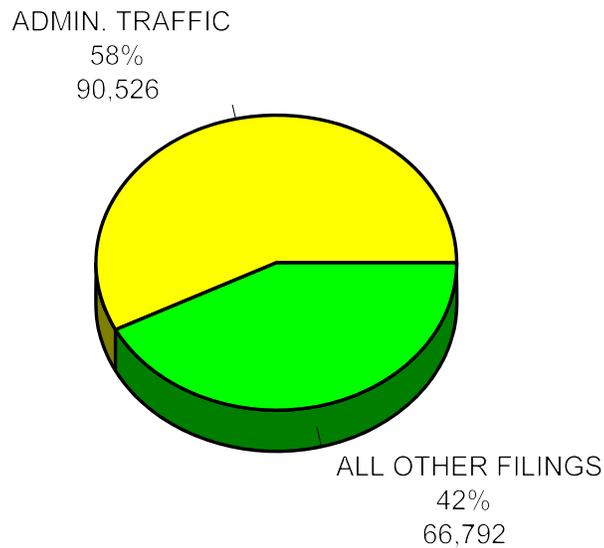


Administrative Traffic Case Processing

Administrative traffic filings during 2004 increased .58% from 2003 levels. These cases make up 58% of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Case Filings	2003	2004	Percent Difference
Admin. Traffic	90,004	90,526	.58
Case Dispositions	2003	2004	Percent Difference
Admin. Traffic	89,645	91,903	2.52

TOTAL CASES FILED IN DISTRICT COURT INCLUDING ADMIN TRAFFIC 2004



Juvenile Caseload

This year's data shows a decline in juvenile offenses. Overall referrals showed a decline of 1% between 2002 and 2003 and a decrease of 7% from 2003 to 2004.

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 7% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 19% of the caseload. Property offenses comprise 20%; traffic offenses, 4%; deprivation, 11%; and other delinquency, 39% of the juvenile caseload.

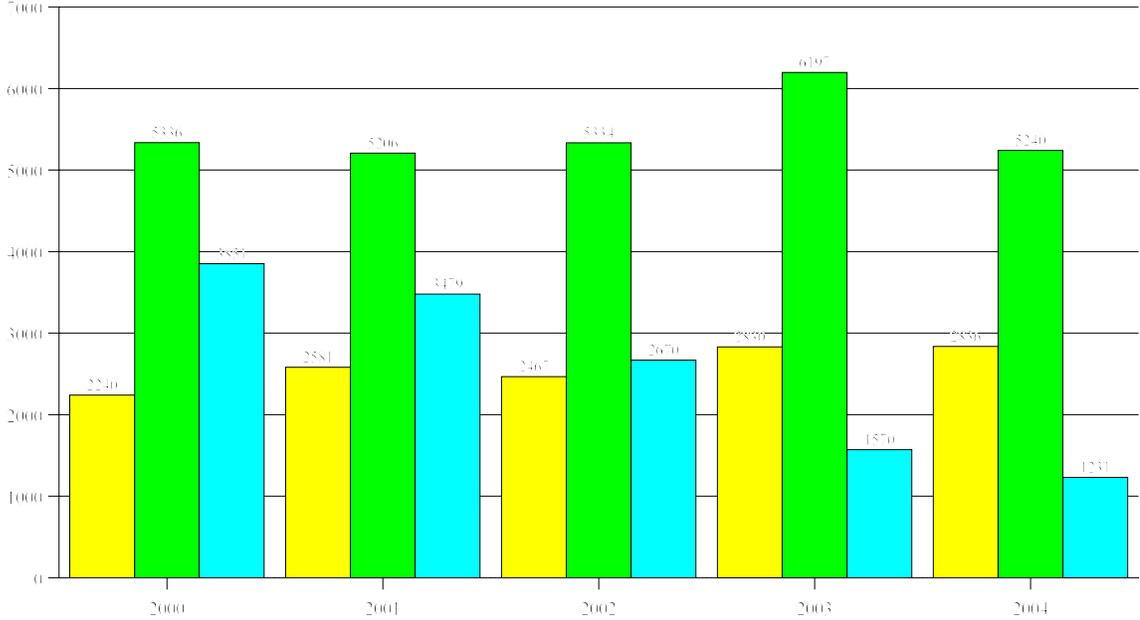
The method by which cases were disposed shows a continued reliance on adjusted/diverted proceedings. Of the cases heard, 56% were disposed of through adjusted/diverted proceedings in 2004, compared to 57% in 2003 and 50% in 2002. The use of informal probation adjustments decreased again in 2004. The formal juvenile court caseload also reflects a decrease over previous years. Tables comparing the types of dispositions and reasons for referral to the juvenile court in 2003 and 2004 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 2003 and 2004

Judicial District	Formal		Informal/Probation		Adjusted/Diverted		Total Dispositions		Percent Diff.
	2003	2004	2003	2004	2003	2004	2003	2004	
East Central	845	600	550	275	1,042	851	2,437	1,726	-29.2
Northeast	283	433	81	68	974	778	1,338	1,279	-4.4
NE Central	466	269	300	261	522	428	1,288	958	-25.6
Northwest	379	573	208	234	1,033	746	1,620	1,553	-4.1
South Central	371	410	157	118	1,398	1,373	1,926	1,901	-1.3
Southeast	321	378	229	209	880	782	1,430	1,369	-4.3
Southwest	165	173	45	66	348	282	558	521	-6.6
TOTAL	2,830	2,836	1,570	1,231	6,197	5,240	10,597	9,307	-12.2

COMPARISON OF JUVENILE DISPOSITIONS FOR 2000-2004

FORMAL ADJUSTED/DIVERTED INFORMAL



**Reasons for Referral to Juvenile Court Services
in 2003 and 2004**

		2003	2004	% Diff.
FAMILY		2,023	1,881	-7.0
	Runaway (instate resident)	589	554	-5.9
	Runaway (out-of-state resident)	12	13	8.3
	Truancy	266	292	9.8
	Ungovernable Behavior	701	639	-8.8
	Curfew	393	324	-17.6
	Other Unruly	62	59	-4.8
DELINQUENCY		7,403	6,738	-9.0
	Offenses Against Persons	626	646	3.2
	Assault	406	436	7.4
	Terrorizing-Stalking-Menacing	120	138	15.0
	Homicide (negligent)	4	0	-100.0
	Kidnapping	N/A	0	
	Other Offenses Against Persons	20	14	-30.0
	Sex Offenses	76	58	-23.7
	Offenses Against Property	2,179	1,963	-9.9
	Arson/Fire Related	21	21	0.0
	Burglary	191	180	-5.8
	Criminal Mischief/Vandalism	408	467	14.5
	Criminal Trespass	139	126	-9.4
	Forgery	20	20	0.0
	Other Property Offenses	49	50	2.0
	Possession of Stolen Property	85	57	-32.9
	Robbery	7	6	-14.3
	Shoplifting	594	526	-11.4
	Theft	665	510	-23.3
	Traffic Offenses	487	410	-15.8
	DUI/Physical Control	87	112	28.7
	Driving without License	313	242	-22.7
	Other Traffic	87	56	-35.6
	Other Offenses	4,111	3,719	-9.5
	Check Offenses	27	19	-29.6
	City Ordinances	50	25	-50.0
	Disorderly Conduct	748	698	-6.7
	Weapons	20	55	175.0
	Game and Fish	77	68	-11.7
	Obstruction	0	2	100.0
	Other Public Order	280	200	-28.6
	Possession/Purchase Alcohol	2,342	2,086	-10.9
	Controlled Substance - Possession	506	483	-4.5
	Controlled Substance - Delivery	21	35	66.7
	Tobacco	40	48	20.0

		2003	2004	% Diff.
DEPRIVATION		923	931	0.9
	Abandonment	3	6	100.00
	Abuse/Neglect	156	138	-11.5
	Deprived	764	787	3.0
SPEC. PROCEEDING		91	118	29.7
	Termination of Parental Rights (Involuntary)	35	93	165.7
	Termination of Parental Rights (Voluntary)	45	21	-53.3
	Other Special Proceeding	11	4	-63.6
TOTAL		10,440	9,668	-7.4

Administrative Unit 1

Report of the Northeast Judicial District

The Honorable M. Richard Geiger, Presiding Judge
Kimberly D. Nelsen, Trial Court Manager

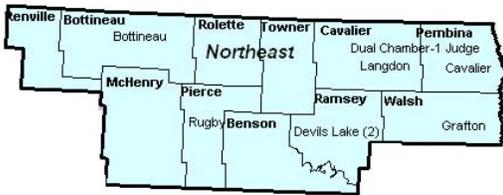
District Court Judges: M. Richard Geiger, Presiding Judge; Lee A. Christofferson; Laurie A. Fontaine; Donovan Foughty; Lester S. Ketterling; and John C. McClintock, Jr.

Judicial Referee: Dale Thompson

Number of Counties: 11

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

**Northeast Judicial District Caseload
for Calendar Years 2003 and 2004**



Case Filings/ Dispositions	2003		2004	
	(F)	(D)	(F)	(D)
Civil	2,784	3,955	2,846	4,074
Small Claims	777	797	657	689
Admin Traffic	14,273	13,944	14,339	14,686
Criminal	4,949	5,919	4,854	6,013
Juvenile	358	598	431	587

District Court

The Northeast Judicial District is served by six judges and one referee located in six chamber cities within the district to serve its citizens effectively relative to population and geography. Two chambers in the east, Grafton and Cavalier/Langdon, serve the eastern section of the district. The two-judge chamber in Devils Lake serves the central section of the district. The chambers in Rugby and Bottineau 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 all child support enforcement proceedings and some juvenile proceedings. The district maintains a budget of approximately \$5.6 million for the biennium. Including county clerk employees, it has approximately 50 personnel.

Because of its rural character, the district puts special effort towards maintaining a strong communication network among its personnel and to structure its administration of cases among the judges and referee in a manner that best serves the citizens of the judicial district.

With the implementation of administrative reorganization in August of 2004, the Northeast Judicial District combined with the Northeast Central Judicial District to form Administrative Unit 1. Our new trial court administrator is Chris Bleuenstein. Kim Nelsen serves as the administrative unit's trial court manager. The two districts have established a committee which had been meeting regularly, even before formal administrative restructuring occurred, to develop uniform procedures where appropriate for its court personnel and judicial officers. This is an ongoing process designed to improve the ability of the Northeast Judicial District and the Northeast Central Judicial District to provide efficient and quality services to the citizens of the two districts.

The district continues to adopt and/or maintain programs that make the court system more user friendly to the citizens. In addition to small claims court, more citizens are making more use of Administrative Rule 8.5

summary divorce proceedings. During the past year the district has also worked to assure a more equitable distribution of the caseload among the judges in the district.

The total caseload filings for the district have remained relatively unchanged. Civil and juvenile proceedings saw a slight increase in case filings while small claims and criminal proceedings saw a slight decrease. The district continues its commitment to recovering monetary obligations from those convicted of criminal offenses. The continued abuse of controlled substances, particularly methamphetamine, has together with the rural character of the district continued to create challenges in maintaining an effective indigent defense program within the district as well as to establish better solutions that meet the challenges presented by this great danger to our citizens.

Juvenile Court

The juvenile court for the Northeast Judicial District operates out of three sites: Bottineau, Devils Lake, and Grafton. On August 1, 2004, these offices began the administrative process of merging with the Northeast Central Judicial District and its juvenile court at Grand Forks. The two judicial districts are designated as Administrative Unit 1. Juvenile court site managers have been regularly meeting with the Unit 1 Director of Juvenile Court Services and Trial Court Administrator regarding the implementation of uniform policies and procedures as well as developing a budget for the juvenile court sites.

Balanced and Restorative Justice programs continue to be provided in the Bottineau, Devils Lake, and Grafton regions. Juvenile Accountability Conferencing, Keys to Innervations, Victim Empathy Seminars, alcohol and drug testing/services and community service are meeting the needs of juvenile offenders, victims and communities. The Youth Assessment Screening Instrument (YASI) is being utilized by juvenile court officers to determine risk and protective factors on offenders who are placed on probation.

In 2004, community service hours totaled 8299 and restitution collected totaled \$43,236.01.

Report of the Northeast Central Judicial District

The Honorable Karen Braaten, Presiding Judge
Chris Bleuenstein, Trial Court Administrator

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

Northeast Central Judicial District Caseload for Calendar Years 2003 and 2004



Case Filings/ Dispositions	2003		2004	
	(F)	(D)	(F)	(D)
Civil	2,517	4,417	2,796	4,630
Small Claims	646	635	637	727
Admin Traffic	8,856	8,813	7,768	7,770
Criminal	3,748	6,149	4,056	5,865
Juvenile	278	523	273	483

District Court

2004 was a year of changes for the Northeast Central Judicial District. Judge Bruce E. Bohlman retired at the end of the year and Judge Sonja Clapp joined our four remaining judges. Our judge assignment practice has changed somewhat in that we now rotate the five judges on a three year civil/two year criminal rotation with two judges rotating each year. Currently, judges Joel D. Medd, Debbie G. Kleven, and Sonja Clapp are hearing civil cases and judges Lawrence E. Jahnke and Karen K. Braaten are hearing criminal cases.

The Grand Forks County Courthouse remodeling project was completed and in August the district court staff were able to return to the beautifully refurbished and remodeled courthouse which now includes two new larger courtrooms, new clerk of court and court administration offices, new public restrooms, and other refurbished areas. The project successfully maintains the 1913 historical look and character of the courthouse and yet contains state of the art heating and cooling systems and allows for the appropriate wiring and cabling required to meet the technology needs of a modern courthouse facility.

Like the other districts in North Dakota, we are working on combining with the Northeast Judicial District as Unit One. We welcomed Christopher Bleuenstein as Unit One's Trial Court Administrator. Chris' office is located at the Grand Forks County Courthouse and his assistant, Kim Nelsen, offices in Devils Lake.

Our Family Court Pilot Project continues under the new leadership of Judge Medd. There were 18 Family Court case files opened in 2004. Funding for this pilot project is through a VAWA STOP grant with funding in place until July, 2005. Currently, we are looking at the possibility of completing an evaluation of the Family Court Project to determine the project's effectiveness at meeting the needs of the families involved and the needs of our community and the judiciary.

The NEC Juvenile Drug Court will be celebrating its 5th anniversary in May, 2005. A study completed by Dr. Kevin M. Thompson, NDSU, in November 2004 supports that the NEC Juvenile Drug Court has been effective in reducing the probability that graduates from its court will re-offend as adults. The study reflected that

the NEC court had 24 graduates of which 17 were male and 7 were female, 18 Caucasian and 6 minority, and who spent an average of 11.1 months in drug court prior to graduation.

Juvenile Court

The Northeast Central Judicial District juvenile court has been busy working on the continuation of programs and new Administrative Units consistency.

One of our programs is the Grand Forks Drug Court. We are now in the 5th year of operation. We currently have eleven participants, with several others ready to be staffed into drug court. The statistical data regarding Juvenile Drug Court participants has been very encouraging. With careful statistical analysis being done on an ongoing basis by Dr. Kevin Thompson of North Dakota State University, the data reveals that our drug court graduates are not only doing better currently as far as recidivism, but are doing well and adjusting better in adult life as well. This study is the only one of its kind in the country-tracking participants into adulthood. We are very pleased with our program, and proud of the dedication of the team and the participants. We are also thankful for the energy and support for this program by Justice Mary Maring.

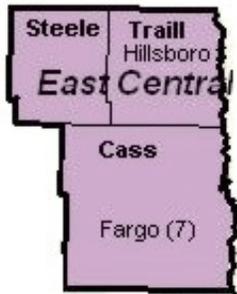
The Northeast Central and Northeast Judicial District Juvenile Courts have been meeting on a regular basis since November in an effort to provide consistency for those who come in contact with our court system. We have learned a great deal from each other and have been making good strides in our efforts. We have come to support each other with knowledge and services and look forward to a continuation of this process.

Administrative Unit 2

Report of the East Central Judicial District

The Honorable Norman J. Backes, Presiding Judge

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



**East Central
Judicial District Caseload
for Calendar Years 2003 and 2004**

Case Filings/ Dispositions	2003		2004	
	(F)	(D)	(F)	(D)
Civil	5,471	7,276	5,993	8,631
Small Claims	1,581	1,826	1,464	1,541
Admin Traffic	14,750	14,813	15,445	15,589
Criminal	5,020	5,688	5,567	6,136
Juvenile	753	1,048	848	1,299

District Court

The East Central Judicial District is served by eight judges and two judicial referees. The judges are divided into criminal and civil divisions with four judges assigned to each. The judicial referees continue to hear most juvenile cases, certain categories of domestic relations cases such as child support enforcement, paternity, and small claims cases. In addition to Cass County, a judge routinely travels to Traill County one day per week and to Steele County one day every five weeks to handle the business of the court in those counties.

The district has begun the use of digital recording in some court proceedings, storing the data on a server rather than the former method of cassette tapes. This allows various staff immediate access to the audio record and affords the ability to listen to proceedings without retrieving the tapes. In addition, the system reduces the amount of physical space needed to store the taped record.

The district has also installed an interactive television system. Its initial use was to conduct mental health hearings where patients and/or doctors could testify in court without leaving the State Hospital. This results in a savings of taxpayer dollars by eliminating the cost of transporting patients as well as freeing up additional time for doctors to spend with their patients. The system also allows parties such as attorneys from other areas of the state or expert witnesses from other areas of the country to participate from other ITV locations.

In addition, Cass County has installed an ITV system in its jail and the court now regularly holds arraignments via this system. This provides a clear tax savings as well as increased security by reducing the number of inmates being transported from the jail to the courthouse each day.

In mid-2004, the East Central Judicial District and its sister district, the Southeast Judicial District, were administratively combined to form Administrative Unit 2. Since that time, transitional meetings have been held regularly to address issues of concern as well as define common procedures throughout the unit. Clerk of court transitional meetings have involved the three state-funded clerks, as well as a representative from the county-funded clerks. This group has worked on flowcharting the procedures for different case types as a method to identify and develop common procedures.

In an effort to promote the proper use of the UCIS system, the unit continues to hold clerks meetings on a regular basis. They include hands-on training, discussion of issues relative to case processing and the sharing of information between state-funded clerks and county-funded clerks. The meetings are held in various locations throughout the unit providing clerks an opportunity to observe other work environments and procedures first-hand.

The district strives to meet docket currency standards with the computerized case management system (UCIS) being an important tool in this process. In an effort to promote the proper use of the UCIS system, the clerks of court attend unit-wide meetings on a regular basis. These meetings include hands-on training, discussion of issues relative to case processing and the sharing of information between state-funded clerks and county-funded clerks within the unit.

Juvenile Court

Juvenile court staff located in Cass County meets the needs of the entire district. They continue to operate a juvenile drug court program. In 2004, nineteen youth participated in drug court; three successfully graduated and nine were terminated for non-compliance.

The juvenile court staff have also begun having unit-wide meetings. Topics addressed at these meetings have included the development of common case processing procedures as well as policies related to the use of state-wide tools such as the Youth Assessment Scoring Instrument (YASI). YASI, a survey completed with juvenile offenders on probation, assists staff in implementing Balanced and Restorative Justice (BARJ).

Strength-based programming continues to be actively pursuing the addition of Life Management which is designed to assist youth in making intelligent decisions. Programs which have shown positive results are being expanded into the more rural areas where possible, including the Southeast Judicial District, in an effort to provide more uniform services throughout the unit.

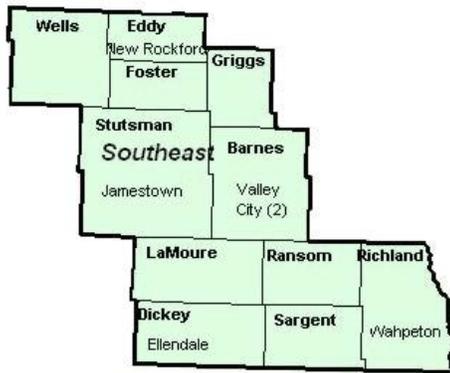
Report of the Southeast Judicial District

The Honorable John T. Paulson, Presiding Judge
Christine Iverson, Trial Court Manager

District Court Judges: 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.



**Southeast
Judicial District Caseload
for Calendar Years 2003 and 2004**

Case Filings/ Dispositions	2003		2004	
	(F)	(D)	(F)	(D)
Civil	3,534	4,566	3,598	2,099
Small Claims	931	970	795	331
Admin Traffic	15,900	15,892	17,067	6,303
Criminal	4,777	5,569	4,985	2,868
Juvenile	234	331	236	196

District Court

The Southeast Judicial District is served by six judges who are located throughout the eleven county district. There are five chamber cities which serve the citizens based on geography and population. The New Rockford chamber serves the northern portion of the district. The Ellendale and Wahpeton chambers serve the southern portion of the district. The center portion of the district is served by the Jamestown chamber and the two-judge chamber in Valley City. Judges are assigned to cover other cases outside their area of concentration as the need arises. The district has approximately 50 personnel, including county clerks.

The district has continued the use of interactive television for mental health hearings in Stutsman County. The system allows patients and/or doctors to testify in court without leaving the State Hospital, saving taxpayer dollars by eliminating the cost of transporting patients as well as freeing up additional time for doctors to spend with their patients. The system also allows parties such as attorneys from other areas of the state or expert witnesses from other areas of the country to participate from other ITV locations.

The Southeast Judicial District has maintained its commitment to collecting fines and fees in criminal cases. In addition, the district strives to meet docket currency standards with the computerized case management system (UCIS) being an important tool in this process.

In mid-2004, the Southeast Judicial District and its sister district, the East Central Judicial District, were administratively combined to form Administrative Unit 2. Since that time, transitional meetings have been held regularly to address issues of concern as well as define common procedures throughout the unit. Clerk of court transitional meetings have involved the three state-funded clerks as well as a representative from the county-funded clerks. This group has worked on flowcharting the procedures for different case types as a method to identify and develop common procedures.

In an effort to promote the proper use of the UCIS system, the unit continues to hold clerks meetings on a regular basis. They include hands-on training, discussion of issues relative to case processing and the sharing of information between state-funded clerks and county-funded clerks. The meetings are held in various locations throughout the unit providing clerks an opportunity to observe other work environments and procedures first-hand.

Juvenile Court

Juvenile court offices in the Southeast Judicial District are located in Wahpeton, Valley City, and Jamestown. Each office consists of a juvenile court officer III who conducts informal adjustment hearings, a juvenile court officer II who oversees youth on probation, and a secretary.

The juvenile court has also begun having unit-wide meetings. Topics addressed at these meetings have included the development of common case processing procedures as well as policies related to the use of state-wide tools such as the Youth Assessment Scoring Instrument (YASI). YASI, a survey completed with juvenile offenders on probation, assists staff in implementing Balanced and Restorative Justice (BARJ).

Other programs being used in the Southeast district include HALT (for alcohol offenders); Community Service; Youthworks, an early intervention/diversion program for unruly juveniles; Keys to Innervations and Life Management, programs to develop better cognitive thinking skills; and Day Reporting.

The juvenile court continues to use CMS, an electronic records management program.

Administrative Unit 3

Report of the South Central Judicial District

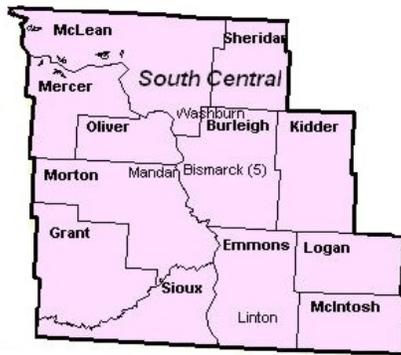
The Honorable Gail Hagerty, Presiding Judge
Sally Holewa, Trial Court Administrator

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

Judicial Referees: Robert Freed and John Grinsteiner.

Number of Counties in District: 12

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



**South Central
Judicial District Caseload
for Calendar Years 2003 and 2004**

Case Filings/ Dispositions	2003		2004	
	(F)	(D)	(F)	(D)
Civil	5,323	6,932	5,478	7,601
Small Claims	1,157	1,161	1,137	1,194
Admin. Traffic	18,679	18,710	18,571	19,012
Criminal	5,486	7,334	5,339	7,445
Juvenile	388	603	324	564

Activities and Initiatives

Under the leadership of Judge Gail Hagerty, the South Central Judicial District has actively engaged in a year of renewed growth and commitment to service.

The Adult Drug Court celebrated a milestone anniversary as it reached its fifth year of operation during 2004. Along with Governor Hoeven, several graduates of the program were on hand to mark the occasion. The drug court continues its mission of holding offenders accountable for their choices and in educating them in making substantive changes in their lives in order to live drug-free, productive and healthy lives. The juvenile drug court entered its second year of operation and continues to reach out to troubled youth.

Drug courts differ from traditional court functions by actively engaging offenders in the process of their rehabilitation. Offenders are required to make frequent, often weekly, appearances at the court to report directly to the judge on the status of their recovery and to discuss any obstacles, challenges, or triumphs they are encountering. Participants in drug court may be referred to community agencies for assistance with financial planning, parenting skills, job skills, and health-related issues. At a recent hearing, one participant remarked, "For the first time in my life, I'm paying my bills on time." Another, in thanking the court for the program, said, "I never knew life could be this good."

The juvenile court continues to follow the restorative justice philosophy of using diversion and sentencing sanctions that impress upon young people how unlawful activity effects the lives of others and to teach them how to make better choices in the future. The juvenile court has made a concerted effort to find meaningful community service opportunities for youth that provide them with a sense of pride and satisfaction in the projects

they participate in. The court is also working with other agencies to identify children with mental health issues and create alternative sanctions and treatment for them.

The district court continues to explore ways to use technology to increase access to the courts. Interactive video has become a standard format for hearings and is being increasingly used to decrease the number of days litigants must wait before appearing before a judge. The use of interactive video reduces travel costs for county employees and private citizens who would otherwise have to drive to Bismarck for hearings.

The South Central Judicial District continues its real-time court reporting pilot project. Real-time court reporting allows the reporter to create transcripts faster and easier than traditional court stenography or tape recording can. Real-time reporting allows the judge to view the transcript in a rough draft as it is being taken and is especially useful for the judge when he or she is writing their decision. In addition to the real-time reporting project, Morton and Burleigh Counties are slated to upgrade from analog tape recording to digital recording during the upcoming biennium.

In August, the South Central Judicial District and the Southwest Judicial District were placed under the administrative organization of Judicial Administrative Unit 3. Under the new structure, the district judicial assignments and jurisdictions remain intact, however, the administration of the non-judicial functions of the court were consolidated under a single trial court administrator. The trial court administrator is charged with improving the efficiency and effectiveness of court processes and procedures. To that end, the court has undertaken the study of financial management, jury management, indigent defense contract management, caseload management, clerk of court practices, and management of the juvenile courts. It is the goal of these studies to identify and eliminate conflicting, duplicative, inefficient, or costly practices while providing for better access to the courts.

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



**Southwest Judicial District Caseload
for Calendar Years 2003 and 2004**

Case Filings/ Dispositions	2003		2004	
	(F)	(D)	(F)	(D)
Civil	1,437	2,169	1,438	2,099
Small Claims	271	291	313	331
Admin Traffic	6,882	6,630	6,282	6,303
Criminal	2,475	2,912	2,351	2,868
Juvenile	120	213	106	196

District Court

Case filings are shown in the chart above. 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 current standards. During 2004, the district was in compliance with the docket currency standards.

Juvenile Court

The Southwest District Juvenile Court uses the philosophy of balanced and restorative justice. We continue to use dispositions that hold juveniles accountable for their actions. The use of drug testing, tracking and victim accountability conferencing are effective in both informal and formal cases. We target high risk juveniles for intensive supervision and treatment. We refer to numerous programs to increase competency development in youth. Our court officers are serious advocates for education and assist in helping clients be successful, whether it be at a traditional school setting or alternative school program. Our relationship with schools and treatment oriented agencies is strong.

The number of seriously emotionally ill and chemically dependent individuals entering the system continues to increase. There has been an increase in foster care placements for children whose parents are chemically addicted, particularly concerning methamphetamine use.

We are taking steps to make the merger with the South Central District effective. We have had several joint staff meetings and anticipate additional joint meetings until the process is completed.

Administrative Unit 4

Report of the Northwest Judicial District

The Honorable William W. McLees, Presiding Judge
Dixie Knoebel, Trial Court Administrator

District Court Judges: William S. McLees, Presiding Judge; Robert W. Holte; Gary Holum; Douglas L. Mattson; David W. Nelson; and Gerald Rustad.

Judicial Referee: Connie S. Portscheller

Number of Counties in District: 6

District Court Chambers: Minot, Stanley, and Williston.



**Northwest Judicial District Caseload
for Calendar Years 2003 and 2004**

Case Filings/ Dispositions	2003		2004	
	(F)	(D)	(F)	(D)
Civil	4,339	6,249	4,442	6,434
Small Claims	905	917	825	826
Admin Traffic	10,724	10,510	11,054	11,385
Criminal	4,603	5,771	4,730	8,282
Juvenile	310	655	273	603

District Court

The most significant change for the Northwest Judicial District, effective August 1, 2004, was the designation of this area as "Unit 4", comprised of the counties of Ward, Williams, Mountrail, Burke, Divide, and McKenzie. With this change came the creation of the new position, including more managerial responsibilities and duties, of the Court Administrator (see Administrative Rule 6.1, Section 3). We were pleased to welcome on board Ms. Dixie K. Knoebel, who joined us in October 2004. Ms. Knoebel brings with her a wealth of experience, having worked in the court management field for the past 25 years; her education includes a Master of Science degree in Judicial Administration from American University.

With the state's administrative reorganization came new responsibilities and issues to address within Unit 4. For example, the method for service of process in Unit 4 was examined, to both streamline and reduce the cost of that service. Effective in late 2004, following initial service by summons and complaint, subsequent service of process is now by first class mail.

Effective October 2004, only two law firms serving Ward, Mountrail, and Burke Counties (with two primary attorneys) remained on the adult criminal indigent defense contract, assuming 80% of all indigent defense assignments. Williams, McKenzie, and Divide Counties continued to operate without an indigent defense contract.

Courthouse facility concerns were at the forefront. In October 2004, flooding of the Williams County Courthouse, due to an inmate's actions, resulted in the juvenile court physical transfer to another location. Steps are being taken to bring the juvenile court back into the courthouse following extensive remodeling and renovation.

In Ward County, coordination with the Ward County Commission resulted in a facilities grant application to relocate the Office of Court Administration from the 3rd to 2nd floor, allowing for individual offices and the inclusion of the calendar control clerk. The vacated 3rd floor space will allow for reconstruction to accommodate

a 4th judge's chamber, secretarial space, and conference area/meeting room for attorneys and their clients, victims, and witnesses.

The Ward County Commission remodeled the courthouse basement area and purchased a movable shelving system for the clerk of court's use. That area will house all files of older, disposed cases, and with another storage area nearby, all clerk of court records will be accessible in just two areas on the same floor.

Court administration began developing workplans in the areas of records retention, jury management, and indigent defense. Caseflow management will be addressed in the new year.

At the end of 2004, The Northwest judicial district said goodbye to long-time Judge Gary A. Holum and welcomed on board Gary H. Lee as his successor.

Case clearance rates for 2004 approached 98%.

Case filings in the following categories showed an increase from 2003 to 2004: civil, 2%; criminal, 3%; and traffic, 4%.

Notable increases include mental health cases in Ward County (up 33% from 2003 to 2004) and criminal cases in Williams County (up 14% from 2003 to 2004).

Jury trials increased in 2004 to 56, up 10% from 2003, when there were 51 jury trials.

The Williams County Juvenile Court collected \$6,281.29 in restitution in 2004, and \$9,805.09 was collected in the Ward County Juvenile Court.

Municipal Courts

There are approximately 363 incorporated cities in North Dakota. Currently, there are 78 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 27 legally-trained and 51 lay municipal judges in the state. Vacancies that occur between elections are filled by the executive officer of the municipality with the consent of the governing body of the municipality.

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 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 2004**

Municipalities	Criminal	Noncriminal	Total
Bismarck	4,137	14,101	18,238
Devils Lake	1,331	1,073	2,404
Dickinson	839	3,569	4,408
Fargo	6,138	14,959	21,097
Grand Forks	2,836	4,607	7,443
Jamestown	946	3,080	4,026
Mandan	937	1,405	2,342
Minot	3,807	4,562	8,369
West Fargo	932	1,638	2,570
Williston	1,076	1,889	2,965
TOTAL	22,979	50,883	73,862

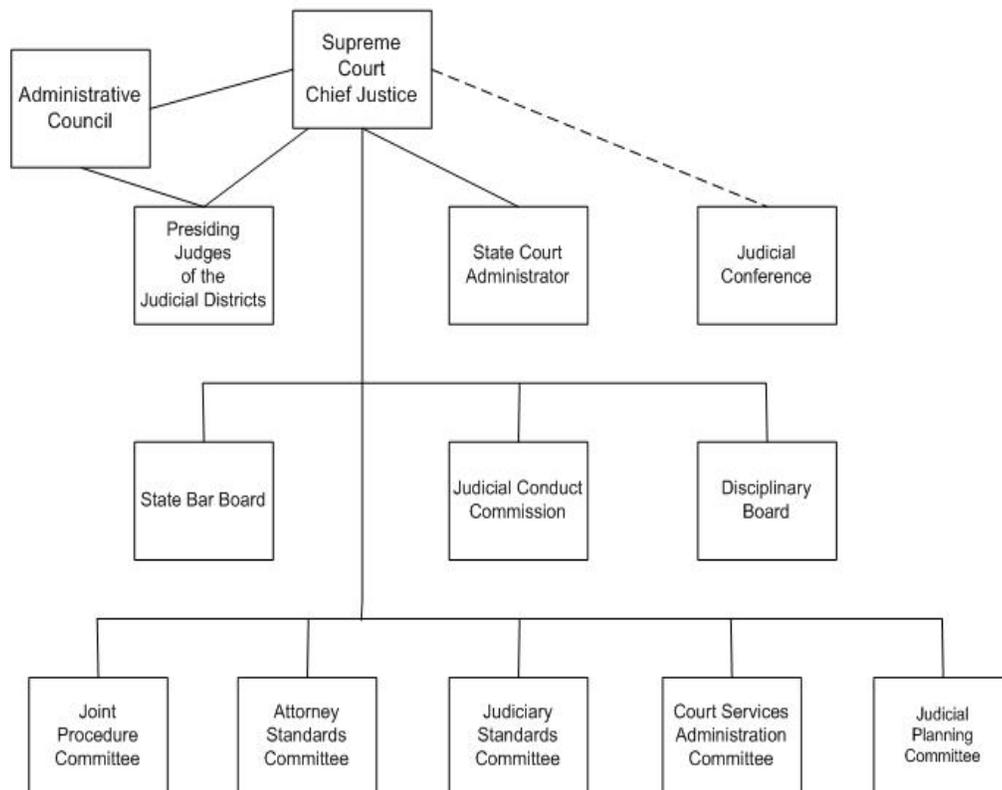
Administration of the Judicial System

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 2003 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 Administrative Rule 1. 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.

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 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 judicial branch 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, 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 and anti-spam filter 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.

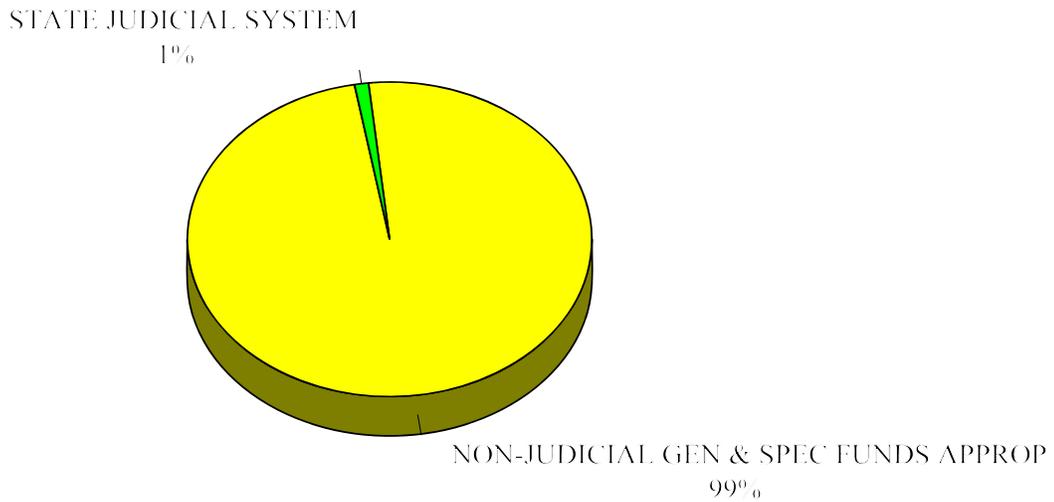
Through the judicial branch help desk, judicial employees can receive support, ask questions, and get problems resolved related to the information systems, software, and hardware they use.

The Information Technology Department offers standard and custom technology training to judicial branch employees.

Through the unified court information system and the Data Warehouse, the Information Technology Department provides access to district court case information to over 725 court and non-judicial personnel.

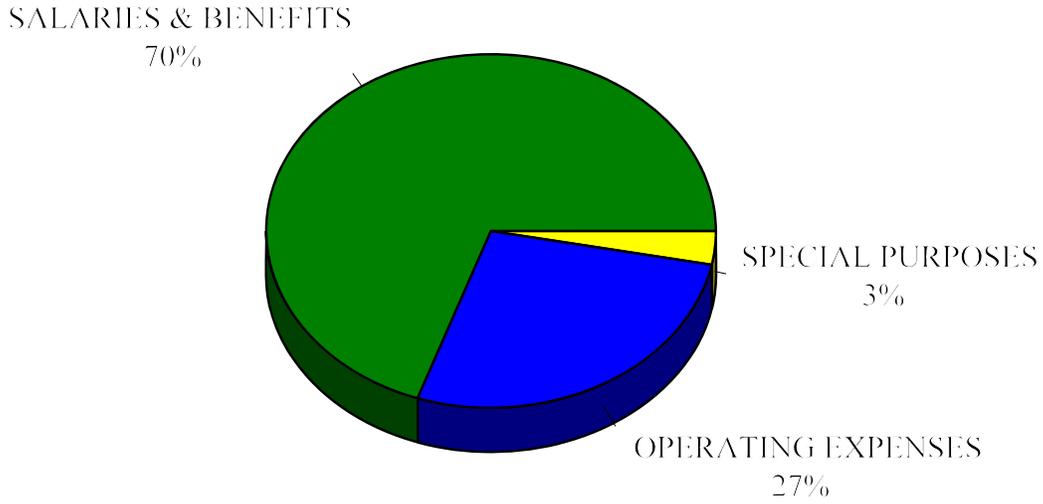
JUDICIAL PORTION OF THE STATE'S BUDGET
2003-2005 BIENNIUM
July 1, 2003 - June 30, 2005

Total State General and Special Funds Appropriation
\$5,059,439,396
Executive and Legislative Branch General and Special Funds Appropriation
\$5,002,308,491 (99%)
Judicial Branch General and Special Funds Appropriation
\$ 57,130,905 (1%)



**STATE JUDICIAL BRANCH APPROPRIATION
BY APPROPRIATED LINE ITEM
2003-2005 BIENNIUM**

Total Judicial Branch General and Special	
Funds Appropriation	\$57,130,905
Salaries and Benefits	\$39,760,772 (70%)
Operating Expenses	\$15,697,758 (27%)
Capital Assets	\$ 74,500 (0%)
Special Purposes	\$ 1,597,875 (3%)

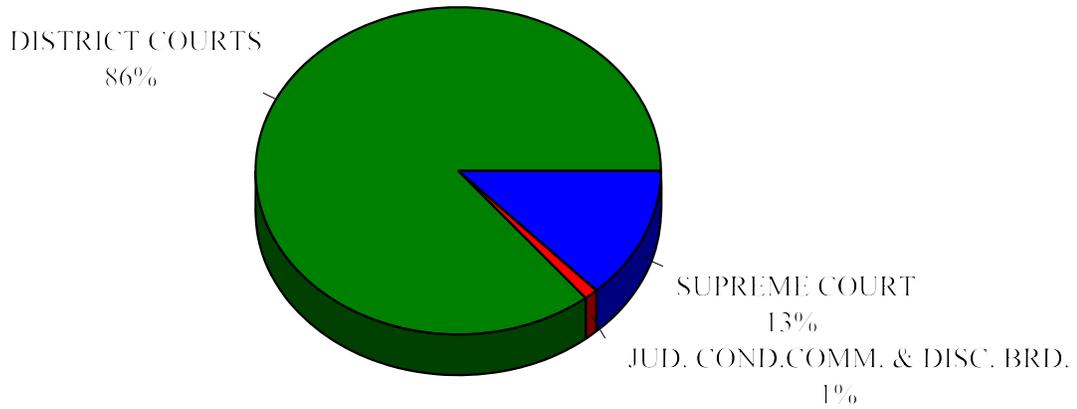


**STATE JUDICIAL BRANCH APPROPRIATION
BY TYPE OF ACTIVITY
2003-2005 BIENNIUM**

Supreme Court		
General Fund	\$ 7,645,262	
Special Funds	<u>0</u>	
TOTAL	\$ 7,645,262	(13%)

District Courts		
General Fund	\$47,184,265	
Federal Funds	1,451,721	
Special Funds	<u>311,014</u>	
TOTAL	\$48,947,000	(86%)

Judicial Conduct Commission & Disciplinary Board		
General Fund	\$ 257,842	
Special Funds	<u>280,801</u>	
TOTAL	\$ 538,643	(1%)



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, criminal procedure, appellate procedure, evidence, and specialized court procedure.

Justice Dale V. Sandstrom chairs the Committee. The Committee membership of ten judges and ten attorneys is appointed by the Supreme Court, except for one liaison member appointed by the State Bar Association.

In 2004, the Committee continued work on a project to update and revise the North Dakota Rules of Criminal Procedure. Recent projects also include development of new rules to protect personal information in court files, including social security numbers. The Committee is also working on rules to govern electronic filing and service of documents.

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 2004, the Committee reviewed issues concerning sexual harassment as a form of ethical misconduct by judges and recommended related amendments to the Code of Judicial Conduct to the Supreme Court. The Committee also recommended amendments to the administrative rule governing the judicial improvement program to include judicial referees in the program. The Committee, in late 2004, began consideration of a possible mechanism for responding to complaints concerning campaign conduct during elections for judicial office.

Court Services Administration Committee

The Court Services Administration Committee, chaired by Justice Carol Ronning Kapsner, is responsible for the study and review of all rules and orders relating to the administrative supervision of the judicial system. During 2004, the Committee completed work on a proposed rule establishing qualifications for court interpreters and procedures to be followed in proceedings in which interpreter services are needed. The proposed rule is under consideration by the Supreme Court.

Committees of the North Dakota Judicial Conference

Judicial Ethics Advisory Committee

The Judicial Ethics Advisory Committee, chaired by District Judge Ronald E. Goodman of Ellendale, 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 District Judge Joel D. Medd of Grand Forks, studies and oversees the operation of North Dakota's jury system. During 2004, the Committee developed and recommended to the Judicial Conference legislation amending the statute governing the selection of jurors from outside the county of venue and in situations in which a natural disaster affects the ability to summon a sufficient number of persons for jury duty.

Committees Established by Administrative Rule

Judicial Planning Committee

The Judicial Planning Committee is chaired by Justice William A. Neumann. The Committee studies the judicial system and makes recommendations concerning long-range and strategic planning and future improvements for the system.

North Dakota Legal Counsel for Indigents Commission

The North Dakota Legal Counsel for Indigents Commission, chaired by District Judge Laurie Fontaine, Cavalier, identifies and reviews issues concerning the operation of the indigent defense contract system. During 2004, members of the Commission participated in the work of the State Bar Association's Indigent Defense Task Force, the result of which was proposed legislation establishing a new mechanism for providing indigent defense services in the state. The Commission will monitor the progress of the legislation during the 2005 legislative session.

Administrative Council

The Administrative Council convened their first meeting in August replacing the Council of Presiding Judges as the 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, three elected judges from administrative units made up of two judicial districts, and one bar representative selected by the State Bar Association's Board of Governors. The Chief Justice of the Supreme Court serves as 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 Administrative Council meets at the call of the chair.

Juvenile Policy Board

At the request of the Chief Justice, the Juvenile Policy Board has undertaken a review of N.D.C.C. Ch. 27-20, the Uniform Juvenile Court Act. The Chief Justice felt it was time to take a more comprehensive review of the entire Act to determine whether it adequately meets the needs of an effective juvenile justice system.

Related to this issue is whether a system of rules should be developed to address the juvenile court and its operation. Applying civil and criminal procedural rules to juvenile matters is a topic of discussion.

In light of these two important issues, the Chief Justice has asked representatives of other agencies and departments to join in on the discussions. Representatives from the Department of Human Services, County Welfare Directors Association, State's Attorneys Association, public defenders, and the Department of Juvenile Services have been invited to participate and meetings have begun.

The Juvenile Policy Board has also begun the study of a Best Practices policy to assist in developing some consistencies across the state in our juvenile court offices.

Commission on Judicial Education

The Judicial Education Commission was established following the adoption of Administrative Rule 36 by the Supreme Court in April 1994. The rule has been amended over the years with the most recent amendment effective March 1, 2005. The membership of the Commission is made up of five judges of courts of record of this state, one member each from the juvenile court personnel, support staff of courts of record, faculty of the University of North Dakota Law School, and one judge from a court not of record. The current chair of the Commission is Justice Mary

Muehlen Maring.

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 officers receive an identified number of hours of continuing education.

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 is chaired by District Judge Donovan Foughty, Devils Lake, and is comprised of tribal and state court judges, tribal and state court support services representatives, and public members. It provides 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 in 2004 by Mike Williams, Fargo, is comprised of members appointed by the Chief Justice and the Board of Governors of the State Bar Association. During 2004, the Joint Committee continued its review of North Dakota's Rules of Professional Conduct in light of amendments to the Model Rules of Professional Conduct recently adopted by the American Bar Association. The Joint Committee also concluded a review of rule amendments regarding multijurisdictional practice recommended by the State Bar Association's Multi-jurisdictional Practice Task Force. The Joint Committee recommended the rule amendments, with modifications, to the Supreme Court and the amendments were recently adopted effective March 1, 2005.

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 2004, the Committee completed work on a handbook for employees which provides guidance concerning appropriate employ conduct and resources to employees to assist in resolving questions concerning appropriate conduct. The handbook was recently distributed to all employees and will be used in employee education programs. The Committee also began work on planning a focus group process to take place in 2005 and 2006 which will aid in assessing the judicial system's progress in addressing bias-related issues in the courts.

Court Technology Committee

The Court Technology Committee, chaired by Judge Allan Schmalenberger, is comprised of representatives from 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 for the judicial branch.

The unified court information systems (UCIS) continued its growth in 2004 by being installed in West Fargo Municipal Court. UCIS is used in the district courts in all 53 counties and in municipal courts in 8 cities. There are currently nearly 600 enrolled users in the UCIS system.

Throughout 2004, the judicial branch continued its cooperative electronic citation effort with the Highway Patrol. During 2004, nearly 65,000 citations were received from the Highway Patrol. Of that total, 78 percent were received electronically. Additionally, dispositions for all traffic citations were reported electronically to the Department of Transportation. These electronic workflows result in significant efficiencies through reduced data entry and reduction of data entry errors.

We continue to provide access to district court case information to other criminal justice related personnel. Currently, web-based access is provided to over 300 non-judicial personnel, and UCIS access is provided to over 125 non-judicial personnel.

The district court in Cass County began using interactive television for appearances of in-custody participants from the newly constructed jail in Cass County. Future plans include increasing the use of interactive television throughout the state.

Digital recording, the practice of taking the court record digitally and storing it to a computer server, was expanded to include district court in Grand Forks County. This involved placing a digital recording server in the courthouse for audio storage and placing a computer in each courtroom for digital encoding of the audio tracks. Future plans include adding additional digital recording systems to other courthouses.

The North Dakota judicial branch continues its work with the state's criminal justice information system (CJIS) initiative. This initiative is a joint, multi-branch of government effort to facilitate sharing of criminal justice information.

The judicial branch's Help Desk provides technical support to all judicial branch employees, judges, clerk of court personnel and others using and accessing our information systems. Over 5,100 calls for assistance were placed to the help desk in 2004.

The judicial branch IT Department continues to provide email and anti-spam services for judicial personnel. In 2004, the anti-spam server received 4,240,157 email messages and blocked 88.2% of those as spam.

In 2004, we continued our technology training efforts by having our technology coordinator provide on-site computer training for various topics, including email usage, word processor training, UCIS training, and jury system training.

The Court Technology Committee, with assistance from several temporary members, created a draft rule that would allow electronic access to court records. The results of the months-long project are included in a new, draft version of Administrative Rule 41, which was then sent to the Supreme Court for approval.

Throughout 2004 planning efforts continued on an enhanced records management system (ERMS). Such a system provides a method of capturing all court case related documents electronically and storing them within an imaging system. Implementation of a pilot phase is set to begin in 2005 with statewide implementation beginning in 2006.

The biennial judicial branch IT plan was approved by the Court Technology Committee in 2004 and submitted as required by statute.

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 Judge M. Richard Geiger and is comprised of a supreme court justice, 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 2004 the board's primary focus centered around finalizing the review of the current pay and classification system. In October 2004, the proposed revisions to the plan were finalized by the Supreme Court.

Trial Court Legal Research Assistance Committee

The Trial Court Legal Research Assistance Committee, chaired by Judge David Nelson, was created in 1999. The committee provides technical assistance and management assistance to trial courts in the state. The contract for computer assisted legal research (CALR) was again awarded to Lexis after a thorough review and bidding process. The Committee continues to look at library holdings between districts and encourages group purchasing when appropriate.

Committee on Caseflow Management

The Committee on Caseflow Management, chaired by Judge Allan Schmalenberger, has been established to review district and administrative unit case management plans and practices as prescribed by the Administrative Council. Ensuring early court monitoring and continuous control over case progress is essential in caseflow management. Caseflow management also includes developing 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 is made up of judges from each judicial district, bar association representatives, court administrative personnel, public defenders and state's attorney representatives. The Committee meets at the call of the chair, but usually quarterly.

Committee on Trial Court Operations

The Committee on Trial Court Operations, chaired by Judge David Nelson, develops and maintains a current clerk of court procedures manual; reviews various clerk of court operations for consistent application of statutes, rules, and policies; develops and maintains forms for use statewide; and reviews matters assigned by the Administrative Council. During 2004, the Committee completed a lengthy review and revision of the Clerk of Court Manual and submitted revisions to the Administrative Council for consideration.

The 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. By Supreme Court rule, the Joint Committee on Attorney Standards provides the vehicle for the coordinated, complementary, and continuing study and review of the range of issues concerning attorney conduct and 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 Northeast, Southeast or West 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 include 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 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 arbitrarily, capriciously or unreasonably.

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.

Ronald F. Fischer, Grand Forks, served as chair of the Disciplinary Board in 2004. Paul Jacobson, Bismarck, serves as Disciplinary Counsel, and Brent Edison, Bismarck, serves as Assistant Disciplinary Counsel.

Following is a summary of complaint files under consideration in 2004.

New Complaint Files Opened in 2004	247
General Nature of Complaints:	
Client Funds & Property	19
Conflict of Interest	24
Criminal Convictions	1
Disability/Incapacity to Practice Law	2
Excessive Fees	9
Failure to Communicate/Cooperate with Client	9
Improper Conduct	110
Incompetent Representation	53
Misappropriation/Fraud	3
Neglect/Delay	9
Petition for Reinstatement	1
Unauthorized Practice of Law	4
Reciprocal Discipline	3
TOTAL	247
Formal Proceedings Pending From Prior Years	23
Other Complaint Files Pending From Prior Years	73
Appeals Filed with Disciplinary Board in 2004	27
Appeals Filed with Supreme Court in 2004	0
Total Files for Consideration in 2004	370
Disposition of Complaint Files:	
Dismissed by Inquiry Committees	110
Dismissed Without Prejudice by Inquiry Committees	1
Summary Dismissals by Inquiry Committees	80
Admonitions Issued by Inquiry Committees	21
Consent Probation by Inquiry Committees	3
Disciplinary Board Approves IC Dismissal	20
Disciplinary Board Disapproves IC Disposition	1
Disciplinary Board Approves IC Admonition	5
Disciplinary Board Approves Consent Probation	0
Dismissal by Hearing Panel	1
Reprimand by Hearing Panel	8
Reprimand by Supreme Court	2
Reinstatement by Supreme Court	0
Suspensions by Supreme Court	2
Disbarments by Supreme Court	4*
Transfer to Disability Status by Supreme Court	2**
Interim Suspensions by Supreme Court	2
Formal Proceedings Pending 12/31/04	31
Other Complaint Files Pending 12/31/04	81
TOTAL	374***

*4 files resulted in the disbarment of 2 attorneys.

**Includes 1 referral directly to the Court and 1 referred to the Court by the Disciplinary Board.

***Number includes multiple dispositions in 1 filed, 2 interim suspensions and one transfer to disability status by the Supreme Court.

Judicial Conduct Commission

The Judicial Conduct Commission was established in 1975 to receive, investigate, and evaluate complaints against any judges or officers 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, included 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 2004 was up by sixteen from those filed in 2003. The majority 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 2004.

New Complaints Opened in 2004	60
General Nature of Complaints:	
Bias, discrimination/partiality	7
Corruption/bribery	1
Criminal behavior	1
Election violations	1
<i>Ex parte</i> communications	2
Failure to disqualify	2
General demeanor/decorum	1
Improper conduct on bench	4
Improper decision/ruling	39
Other	1
Loss of temper	1
TOTAL	60
Complaint Files Carried Over from 2003	*10
Total Files Pending Consideration in 2004	70
Disposition of Complaints:	
Summarily Dismissed	48
Order of Censure by the Supreme Court	1
Order of Suspension by the Supreme Court	1
Total 2004 Dispositions	50
Complaint Files Pending as of 12/31/04	20

Of the new complaints filed in 2004:

- 5 were against 5 Supreme Court Judges
- 41 were against 26 District Court Judges
- 3 were against 3 Municipal Court Judges
- 1 was against a Tribal Judge
- 8 were against 7 Referees
- 1 was against an Administrative Law Judge
- 1 was against a Judicial Candidate

*Includes two files categorized under "Formal Charges" in 2003.

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.

In 2004, 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. Thiem has served on the Board since January 1, 1991; Stenehjem since January 1, 1993; and Richard since January 1, 1996.

Rebecca Thiem was elected to the Board of Trustees of the National Conference of Bar Examiners in August 2004. The National Conference develops and provides bar examinations and services to bar examining boards and state supreme courts across the nation.

On July 27 and 28, 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.

No February bar exam was offered in 2004.

Passage rates for the 2004 examination:

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
7/04	55	41/75%	42	32/76.5 %

Admission to the practice of law in North Dakota can be based not only on the results of the written bar examination, but on five years of admission with at least four years of practice in another jurisdiction, or, upon achieving a score of 150 on the Multistate Bar Examination (MBE) and admission in another jurisdiction within two years of application. Every applicant for admission must also 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 2004, members of the Committee were: Charles S. Miller, Malcolm H. Brown, Luella Dunn, Reverend Robert Nordvall, and Dr. Al Samuelson, all of Bismarck.

Of the 66 attorneys admitted in 2004, 44 were by bar examination; 9 by achieving the 150 MBE score and admission in another state; and 13 by having the requisite years of practice in another state.

In 2004, the Board, in its licensing capacity, issued licenses to 1,841 lawyers and judges, 417, or 23%, 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 2004, 174 nonresident attorneys filed motions under N.D.R.Ct. 11.1, with \$11,700 in fees collected. The fees were forwarded to the State Bar Association of North Dakota to help fund the attorney disciplinary system.

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 N.D.C.C. Ch. 27-15.

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 N.D.C.C. §27-17-03, 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 2004 were as follows:

1. Judicial Ethics Advisory Committee, Judge Ronald Goodman, Chair.
2. Committee on Legislation, Judge Robert O. Wefald, Chair.
3. Committee on Judicial Compensation, co-chairs Justice William Neumann and Judge Douglas Mattson.
4. Jury Standards Committee, Judge Joel D. Medd, 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 2004 were as follows:

Judge John T. Paulson, Chair
Justice Mary Muehlen Maring, Chair-Elect
Justice James Bekken, Past Chair
Justice Carol Ronning Kapsner, Executive Committee
Judge Gail Hagerty, Executive Committee
Judge Bruce Romanick, 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

*Indicates Presiding Judge

East Central District

*Georgia Dawson
Douglas R. Herman
John C. Irby
Lawrence A. Leclerc
Frank L. Racek
Cynthia Rothe-Seeger
Wade Webb

Northeast District

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

Northeast Central District

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

Northwest District

*William W. McLees
Robert W. Holte
Gary A. Holum
Douglas Mattson
David W. Nelson
Gerald H. Rustad

South Central District

*Gail Hagerty
Sonna M. Anderson
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

Norman J. Backes
Benny A. Graff

Gordon O. Hoberg
William F. Hodny
Jon R. Kerian

Everett Nels Olson
Kirk Smith

Attorney General Wayne K. Stenehjem
Clerk of the Supreme Court Penny Miller
Dean of the UND School of Law Paul A. LeBel

Members of the Bar

Michael F. Daley
Dennis E. Johnson

Steven J. Lies

Sherry Mills Moore
Michael D. Sturdevant

Executive Secretary Ted Gladden

64 Members