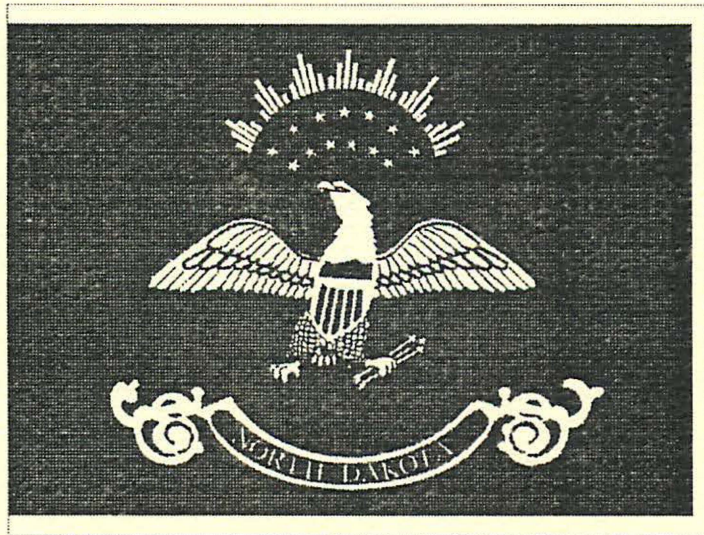


NORTH DAKOTA COURTS



**ANNUAL REPORT
1993**



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STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

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TO THE HONORABLE CHIEF JUSTICE
AND JUSTICES OF THE SUPREME COURT
OF THE STATE OF NORTH DAKOTA:

TO THE HONORABLE MEMBERS OF THE
NORTH DAKOTA JUDICIAL CONFERENCE:

I am pleased to submit to you the Annual Report of the North Dakota judicial system. This report highlights the activities of the North Dakota judicial system during calendar year 1993. It provides statistical information on our courts and reports on other developments and activities which are shaping our judicial system. It should prove valuable as a reference source for anyone wishing to learn about the operation of the judicial system in North Dakota.

I take this opportunity to publicly acknowledge the valuable assistance and cooperation extended to me by the judges and court personnel whose reports provided the information contained in the Annual Report. Particular thanks go to the staff of the State Court Administrator's office for their diligent work in compiling the statistics and designing the format for this work.

Respectfully submitted,

A handwritten signature in cursive script that reads "Keith E. Nelson".

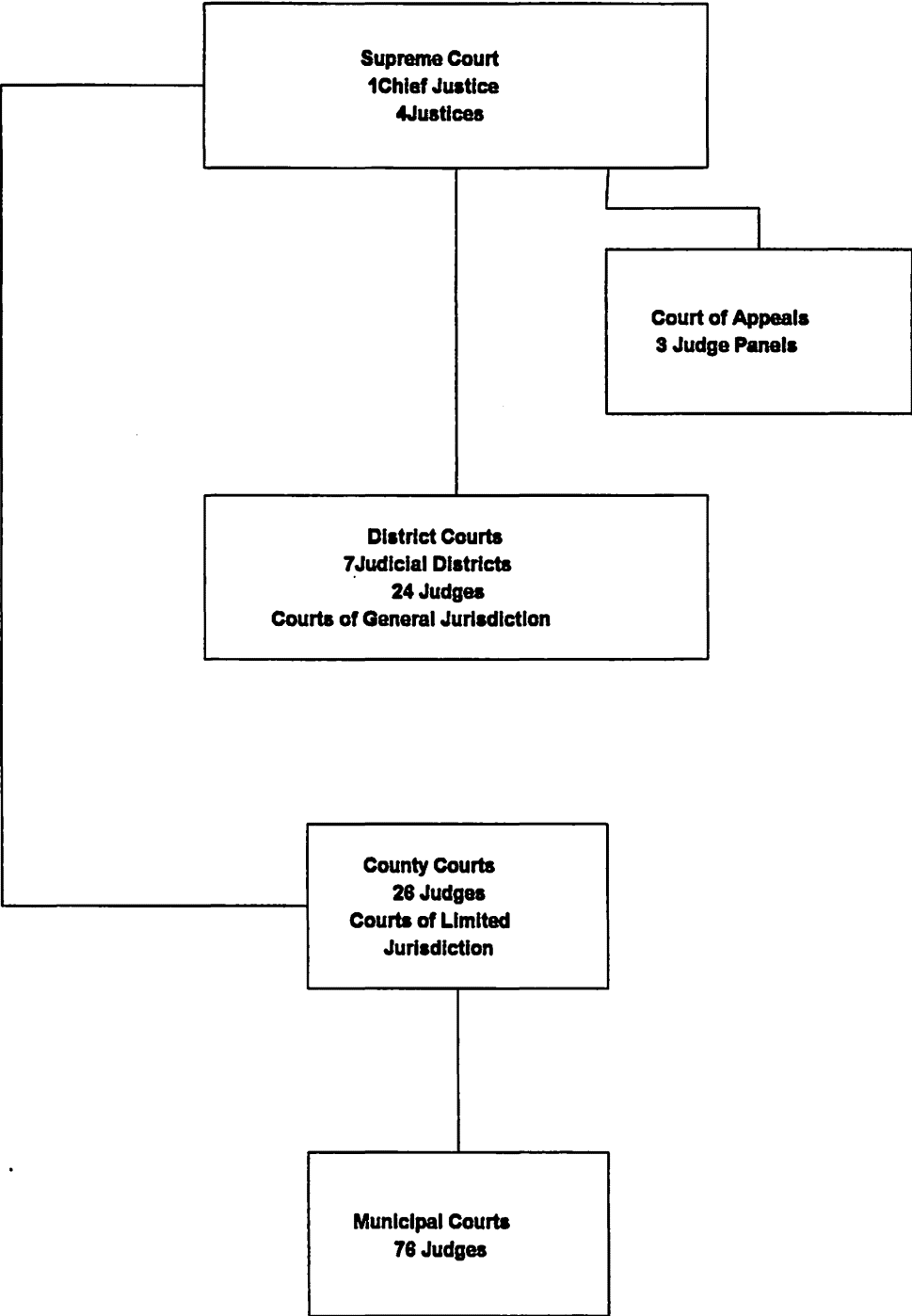
KEITHE E. NELSON
State Court Administrator and
Judicial Conference Executive
Secretary

KEN/cs

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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, justice of the peace 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 have 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 consists of the supreme court, district courts, county courts, and municipal courts.

This will change once again as 1991 House Bill No. 1517 is implemented between July 1, 1991, and final implementation on January 2, 2001. Briefly stated, this legislation will abolish county courts on January 1, 1995, with the jurisdictional workload transferring to an expanded number of district judges. The current number of 26 county judges and 24 district judges will, by the year 2001, be reduced to a total of 42 district judges with no county judges. Several advisory committees of the supreme court are studying implementation with the goal of providing recommendations to the Supreme Court.

Administrative Authority

The 1981 Legislative Assembly clarified the administrative responsibilities of the supreme court by designating the chief justice as the administrative head of the judicial system and by granting the chief justice the authority to assign judges for temporary duty in any non-federal 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 all other judges for four-year terms.

Vacancies in the supreme court and the district courts can be filled either by a special election called by the governor or by gubernatorial appointment. However, before a vacancy can be filled by gubernatorial appointment, the judicial nominating committee must first submit a list of nominees to the governor from which the governor makes an appointment. Whether the vacancy is filled by a special election or by appointment, the person filling the judicial vacancy serves only until the next general election. The person elected to the office at the general election serves for the remainder of the unexpired term.

Vacancies in the various county courts are filled by the board of county commissioners of the county where the vacancy occurs or by a special election called by the board of county commissioners. If the county commissioners choose to fill the vacancy by appointment, they must select from a list of nominees submitted by the judicial nominating committee.

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 Herbert L. Meschke; Chief Justice Gerald W. VandeWalle; Justice Beryl J. Levine; (Standing) Justice William A. Neumann; Justice Dale V. Sandstrom

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

One member of the supreme court is selected as chief justice by the justices of the supreme court and the district court judges. The chief justice's term is for five years or until the justice's elected term on the court expires. The chief justice's duties include presiding over supreme court conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

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

In its adjudicative capacity, the supreme court is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts and the county courts. All appeals from these courts must be accepted 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 quorum, composed of a majority of the justices, is necessary before the court can conduct its judicial business. It also stipulates that the court cannot declare a legislative enactment unconstitutional unless four of the justices so decide. When the court decides an appeal, it is required to issue a written opinion stating the rationale 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 nonfederal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession, and promulgating procedural rules which allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility the court has general rulemaking authority.

The court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises its authority to admit and license attorneys through the State Bar Board. 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 Attorney Standards Committee, the Judiciary Standards Committee, the Court Services Administration Committee, and the Judicial Planning Committee. Other committees, such as, the Continuing Judicial Education Commission, Personnel Advisory Boards, 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 and administrative rules and orders, and decides certain procedural motions filed with the court. The state court administrator prepares statistical reports on the workload of the state's courts, provides judicial educational services, and performs such other administrative duties that are assigned to him 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 started the year with a "new look". Chief Justice Gerald W. VandeWalle began his tenure as the administrative head of the judicial branch; and Justice William A. Neumann and Justice Dale V. Sandstrom joined Justice Herbert L. Meschke and Justice Beryl J. Levine to round out the court.

A proactive case management system evolved during the year and continues to develop. To ensure timely processing of cases, this case management system includes screening by the clerk of court's office for timeliness and appealability of a filed appeal. If a review of the record reveals an apparent timeliness problem with the filing of the appeal, the clerk's office notifies counsel and refers them to Rule 4 of the North Dakota Rules of Appellate Procedure for the appropriate corrective procedure. If the case appears not to be appealable, it is referred to the court for dismissal. This initial screening is not meant to take the place of appropriate motions made by counsel, but is becoming a necessary tool for the court.

While this proactive case management system adds to an already heavy administrative load, in the long run it benefits the court, litigants, and judicial system as a whole by disposing of cases not ripe for appeal before briefing and oral argument.

Weekly motions/administrative conferences were held every week to dispose of motions which were not disposed of by the chief justice or clerk of court. Over the past five years, the motions practice in the supreme court has steadily increased with the filing of 716 motions in 1993, an all time high.

The Court had 244 cases calendared for oral argument before it in 1993 and disposed of 382 cases by written opinion or order. A majority of these involved driving under the influence/suspension; administrative proceedings; divorce, child custody, and support issues; torts; contracts; personal injury; post-conviction relief; probate, wills and trusts; and drugs/contraband. The highest number of appeals came from the South Central Judicial District followed respectively by the East Central, Northwest, Northeast Central, Northeast, Southwest and Southeast Judicial Districts.

In 1993, new case filings once again increased after seeing a three year low in 1992. From all indications, this upswing will continue which will require the continuation of an efficient and effective case management system.

DISPOSITIONS - 1993

CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 1992 AND 1993 CALENDAR YEARS

	1993	1992	Percent Difference
New Filings	403	392	2.8
Civil	290	293	- 1.0
Criminal	113	99	14.1
Transferred to			
Court of Appeals	6	15	- 60.0
Civil	4	8	- 50.0
Criminal	2	7	- 71.4
New Filings Balance	397	377	5.3
Civil	286	285	0.4
Criminal	111	92	20.7
Filings Carried over from			
Previous Calendar Year	208	245	- 15.1
Civil	166	164	1.2
Criminal	42	81	- 48.2
Total Cases Docketed	605	622	- 2.7
Civil	452	449	0.7
Criminal	153	173	- 11.6
Dispositions	382	414	- 7.7
Civil	286	282	1.4
Criminal	96	132	- 27.3
Cases Pending as of			
December 31	223	208	7.2
Civil	166	167	- 0.6
Criminal	57	41	39.0

	Civil	Criminal
BY OPINION:		
Affirmed; Modified and Affirmed	104	35
Reversed; Reversed and Remanded;		
Reversed and Modified	48	20
Affirmed in Part and Reversed in Part	15	0
Judgment Vacated and Remanded	0	0
Remanded	0	1
Dismissed	8	2
Discipline Imposed	18	0
Original Jurisdiction—Granted	1	0
Original Jurisdiction—Denied	3	0
Original Jurisdiction—Denied		
in Part and Granted in Part	0	0
Certified Question Answered	0	0
Certified Question Not Answered	0	0
Dispositions by Opinion	<u>197</u>	<u>58</u>
BY ORDER:		
Dismissed	48	22
Dismissed After Conference	23	5
No Court Action Required	0	1
Discipline Inactive Status	0	0
Original Jurisdiction—Granted	1	1
Original Jurisdiction—Denied	17	8
Original Jurisdiction—Denied		
in Part and Granted in Part	0	1
Dispositions by Order	<u>89</u>	<u>38</u>
Total Dispositions for 1993	286	96

NORTH DAKOTA COURT OF APPEALS

Penny Miller
Clerk of the Court of Appeals

The court of appeals was established in 1987 to assist the supreme court in managing its workload.

Two panels of the court of appeals, hearing 6 cases, were called in 1993. Judges serving on the panels were:

Jan. 26, 1993

Surrogate Judge Ralph J. Erickstad, Chief Judge
Surrogate Judge Bert L. Wilson
Surrogate Judge Gordon O. Hoberg

Feb. 15, 1993

Surrogate Judge Ralph J. Erickstad, Chief Judge
Surrogate Judge Vernon R. Pederson
District Judge Donald L. Jorgensen

Cases assigned to the court of appeals pursuant to the provisions of Administrative Rule 27 included family law issues, appeals from administrative agency decisions, appeals from orders on motions for summary judgment, and misdemeanor convictions.

During 1993, one petition for rehearing was denied by the court of appeals and the supreme court denied a petition for review filed in the same case.

Statistical summaries of the court of appeals case assignments and dispositions follow.

CASELOAD SYNOPSIS OF THE COURT OF APPEALS FOR THE 1992 AND 1993 CALENDAR YEARS

	<u>1993</u>	<u>1992</u>
Cases transferred to Court of Appeals from Supreme Court . . .	6	14
Civil	4	7
Criminal	2	7
Filings Carried over from Previous Calendar Year	7	1
Civil	3	1
Criminal	4	0
Total Cases Docketed	13	15
Civil	7	8
Criminal	6	7
Dispositions	7	8
Civil	3	5
Criminal	4	3
Cases Pending as of December 31	6	7
Civil	4	3
Criminal	2	4

DISPOSITIONS - 1993 COURT OF APPEALS

	<u>Civil</u>	<u>Criminal</u>
Affirmed; Modified and Affirmed	3	3
Reversed; Reversed and Remanded; Reversed and Modified	0	1
Affirmed in Part and Reversed in Part	0	0
Judgment Vacated and Remanded	0	0
Remanded	0	0
Dismissed	0	0
Total Dispositions for 1993	3	4

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 felony 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.

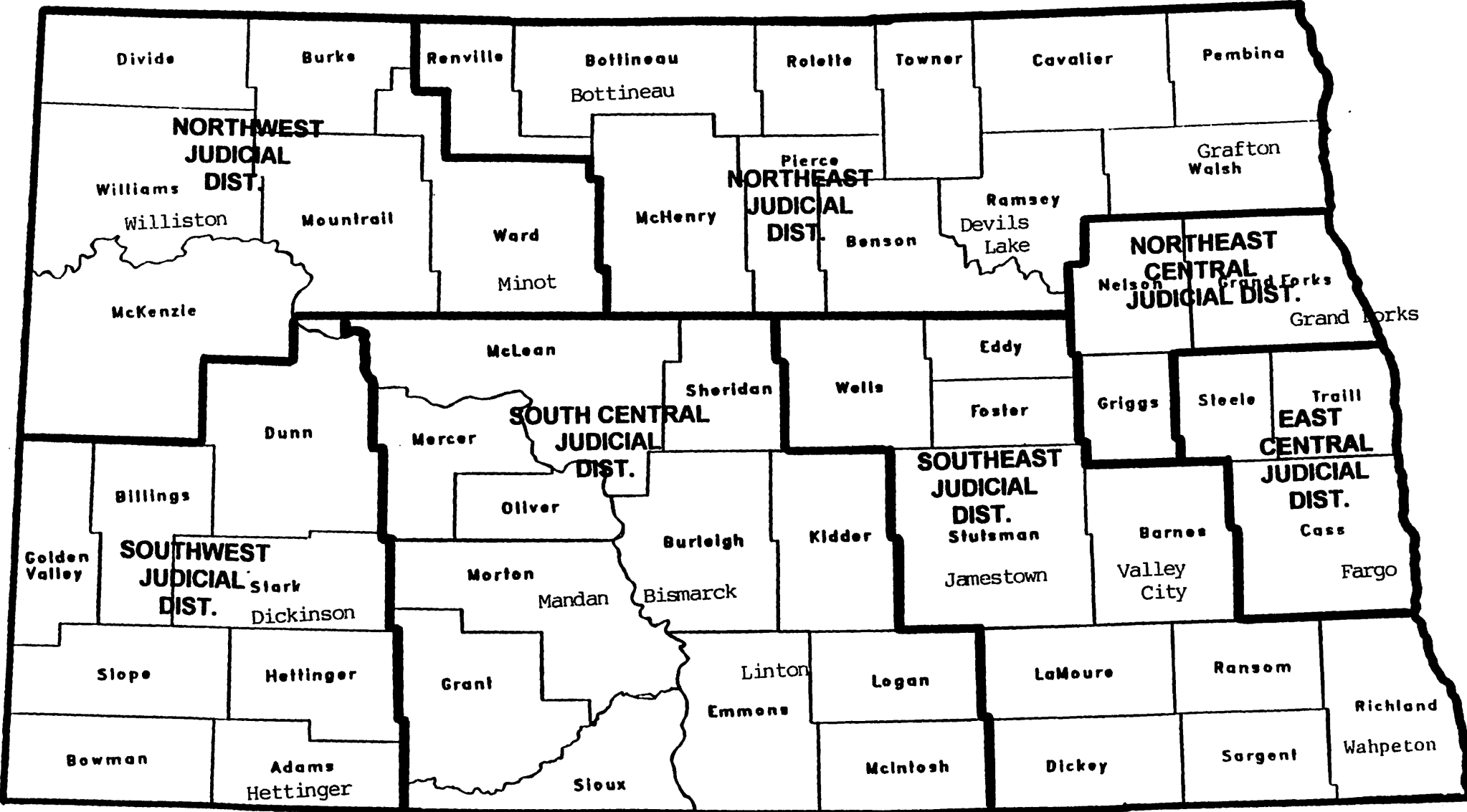
The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, district courts do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding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

In 1979 the supreme court divided the state into seven judicial districts. In each judicial district there is a presiding judge who supervises all court services of all 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. Six of the seven judicial districts are served by a court administrator or administrative assistant, who has the administrative responsibility for liaison with governmental agencies, budget, facilities, records management, personnel, and contract administration.

There are, as of the end of 1992, twenty-four district judges in the state. Four judges in two chamber city locations serve the South Central Judicial District, the largest geographically and most populous district in the state. There are also four judges in the Northwest Judicial District serving in two chamber locations. Four judges serve the East Central Judicial District in one chamber city location, and four judges serve the Northeast Central Judicial District in one chamber city location. Two judges serve the Northeast Judicial District serving in separate chamber cities. Three judges serve in each of the two remaining judicial districts, each in a different chamber city location, except in the Southwest Judicial District where two judges are chambered in one city. 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. Following the enactment in 1991 of House Bill 1517, 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 a 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 until the next general election, at which time the office is filled by election for the remainder of the term.

NORTH DAKOTA'S JUDICIAL DISTRICTS



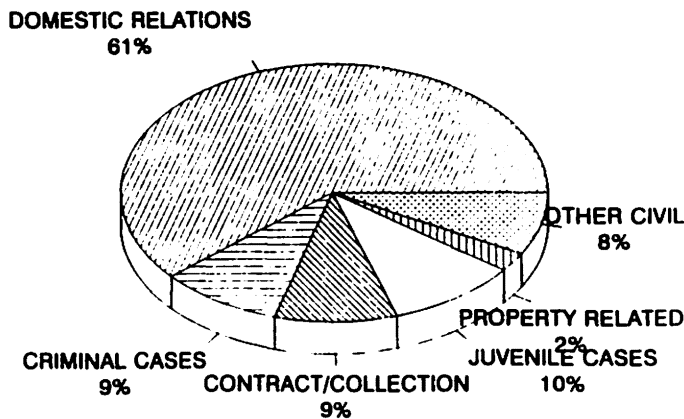
District Court Caseload

As indicated in the charts below, there was a slight decrease in the caseload of district courts in 1993. This decrease reverses the relatively steady increase in filings which has been evident since 1983.

The three major components of the district court caseload have remained fairly stable in comparison with previous years. The civil component continues to be the largest category of cases, making up 80% of the district court filings. Criminal and juvenile filings each contribute approximately 9% and 10% of the district court caseload respectively. Three judicial districts showed an increased workload while four districts showed a slight decrease in new filings.

The percentage of criminal filings within each district varies greatly from year to year, caused in part by the relatively small number of cases. Criminal cases showed an increase in filings in 1993 of 7.4%. At the end of 1993, there were 1,395 criminal cases pending compared with 1,163 cases pending at the end of 1992.

TYPES OF CASES FILED IN THE DISTRICT COURT DURING 1993



DISTRICT COURT CASELOAD FOR CALENDAR YEARS 1993 AND 1992

	1993	1992	Percent Difference
New Filings	23970	24169	-0.8
Civil	19380	19728	-1.8
Criminal	2239	2085	+7.4
Juvenile	2351	2356	-0.2
Cases Carried Over from Previous Year	10984	9924	+10.7
Civil	9821	8960	+9.4
Criminal	1163	944	+23.2
Juvenile	—	—	—
Total Cases Docketed	34954	34093	+2.5
Civil	29201	28708	+1.7
Criminal	3402	3029	+12.3
Juvenile	2351	2356	-0.2
Dispositions	23323	23109	+0.9
Civil	18965	18687	+0.4
Criminal	2007	1886	+7.6
Juvenile	2351	2356	-0.2
Cases Pending as of December 31	11631	10984	+5.9
Civil	10236	9821	+4.2
Criminal	1395	1163	+19.9
Juvenile	—	—	—

DISTRICT COURT CASE TYPE FILING - 1993

CIVIL		CRIMINAL	
Case Type	Filings	Case Type	Filings
Property Damage	107	Felony A	73
Personal Injury	381	Felony B	401
Malpractice	37	Felony C	1681
Divorce	3177	Misdemeanor A	78
Adult Abuse	620	Misdemeanor B	41
Custody	60	Infraction	3
Support Proceedings	9275	Special Remedy	8
Adoption	301	Appeal	4
Paternity	1231	Other	17
Administrative Appeal	33	State Total	2239
Appeal Other	410		
Contract/Collect	2239		
Quiet Title	68		
Condemnation	22		
Forcible Detain	8		
Foreclosure	347		
Change of Name	158		
Special Proceedings	79		
Trust	30		
Foreign Judgment	345		
Other	381		
State Total	19,380		

Civil Caseload

As indicated in the narrative dealing with the district court caseload in general, the civil caseload decreased in the past year.

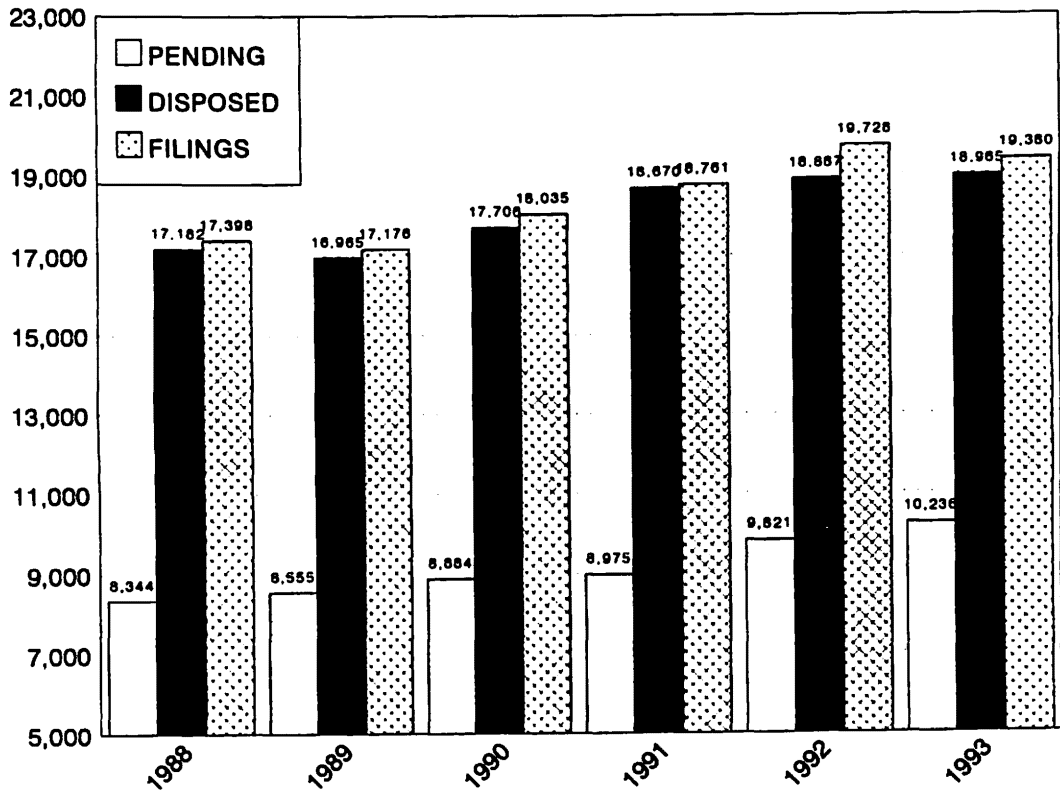
For the first time in four years, the number of child support related filings showed a slight decrease of about 1%. Filings in the non-domestic relations area continued the decrease started last year in contrast with average increases of 2% for each of the previous ten years. Domestic relations cases increased by approximately 1%, with the majority of that increase in paternity and adult abuse proceedings. Contract and collection filings increased by less than 1%, and other civil filings increased by less than 1%. Within the domestic

relations category, child support actions make up 64% of the cases, adoption - 2%, paternity - 8%, adult abuse - 4%, and custody less than 1%.

As previously noted, adult abuse filings increased significantly in 1993. In 1993 there were 620 adult abuse cases compared with 479 filings in 1992, and 503 filings in 1991. Divorce filings remained the same in 1993 with 3,177 cases filed in both 1992 and 1993.

The number of pending civil cases increased by approximately 4% over 1992.

ND CIVIL CASELOAD COMPARISONS FOR DISTRICT COURT FOR 1988 - 1993



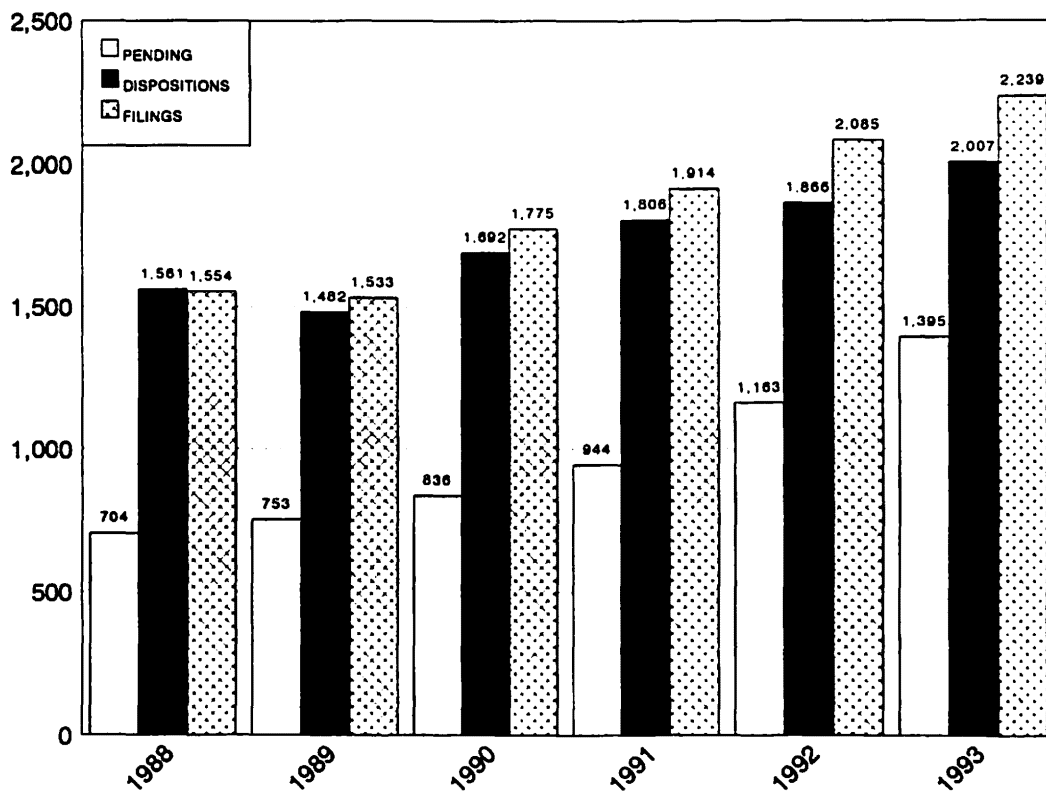
Criminal Caseload

North Dakota continued its traditional low rate of crime during 1993; although the number of criminal filings increased overall by 9%. The types of cases remained relatively stable.

Of the criminal cases filed in district court, 3% were Class A felonies, 18% were Class B felonies, 75% were Class C felonies, while 6% were misdemeanors or other criminal filings. In 1992 the breakdown was 3% for Class A felonies, 18.5% for Class B felonies, and 72% for Class C felonies.

As with civil cases, docket currency standards have been established for criminal cases. Standards call for these cases to be decided within 120 days of the filing of the information or indictment in the district court. The presiding judge of the district or chief justice of the supreme court can waive the standards for specific cases if good cause is demonstrated.

CRIMINAL CASELOAD COMPARISON FOR DISTRICT COURT FOR 1988 - 1993



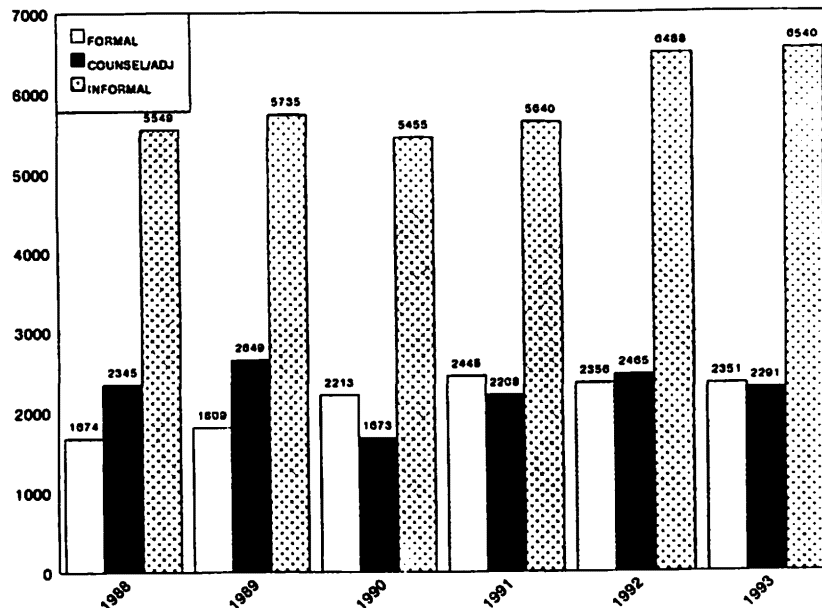
Juvenile Caseload

As with the criminal caseload, the low violent crime rate in North Dakota is reflected in its juvenile court statistics. Offenses against persons made up 5% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 18% of the caseload. Offenses against property - 30%, traffic offense - 4%, deprivation - 17%, and other filings 23%.

The method by which cases were disposed showed an increase in the use of informal supervision. Of the cases heard, 58% were disposed of through informal adjustments in 1993, compared with 57% in 1992 and 55% in 1991. Additionally, 20% of the cases were counsel adjusted, and 21% were handled formally. This compares with 22% counsel adjusted and 21% handled formally in 1992.

Overall, the juvenile court caseload was basically identical with 1992 leveling the generally upward trend that has been present for the last several years. The table on the adjacent page compares the reason for referral for the juvenile court in 1992 and 1993. 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. Deprivation ranks second, while misdemeanor theft ranks third.

COMPARISON OF JUVENILE DISPOSITIONS FOR 1988 - 1993



TYPES OF JUVENILE COURT DISPOSITIONS FOR 1993 AND 1992

Judicial District	Formal		Informal		Counsel/Adjusted		Total Dispositions		Percent Diff.
	1993	1992	1993	1992	1993	1992	1993	1992	
Northwest	266	240	1392	1256	147	165	1805	1661	+8.7
Northeast	289	277	490	478	730	840	1509	1595	-5.4
NE Central	291	310	1024	898	290	301	1605	1509	+6.4
East Central	682	728	918	875	278	316	1878	1919	-2.1
Southeast	201	238	726	791	414	317	1341	1346	-.4
South Central	565	480	1689	1953	217	306	2471	2739	+9.8
Southwest	57	83	301	237	215	220	573	540	+6.1
TOTAL	2351	2356	6540	6488	2291	2465	11,182	11,309	-1.1

REASONS FOR REFERRAL TO JUVENILE COURT SERVICES IN 1993 AND 1992

	1993	1992	Percent Difference
UNRULY	2083	2248	-7.3
Runaway-Instate	649	653	-.6
Runaway-Out-of-State	119	168	-29.2
Truancy	272	235	+15.8
Ungovernable Behavior	405	435	-5.6
Conduct/Control Violation	84	73	+15.1
Curfew Violation	318	356	-10.7
Other	243	328	+25.9
DELINQUENCY	6311	7349	-14.1
Offense Against Person	554	554	—
Assault	359	327	+9.8
Homicide	1	2	-50.0
Kidnapping	1	3	-66.7
Sex Offense	54	64	-15.7
Other	139	158	-12.0
Offense Against Property	3340	3481	-4.1
Arson	15	27	-44.4
Burglary	228	219	+4.1
Criminal Mischief	612	685	-10.7
Criminal Trespass	154	160	-3.8
Forgery	63	83	-24.1
Robbery	13	4	+225.0
Theft-Misdemeanor	1249	1263	-1.1
Theft-Felony	635	643	-1.2
Unauthorized Use of Vehicle	135	154	-12.3
Other	236	243	-2.9
Traffic Offenses	434	560	-22.5
Driving w/o License	311	402	-22.6
Negligent Homicide	1	0	+100.0
Other	122	158	-22.8

	1993	1992	Percent Difference
Other Offenses	2537	2754	-7.9
Disorderly Conduct	372	321	+15.9
Firearms	78	61	+27.9
Game & Fish Violation	47	32	+46.9
Obstruction of Law	34	53	-35.9
Possession or Purchase of Alcohol Beverage	1695	2028	-16.4
Controlled Substance Violation	96	45	+113.3
Other	215	214	+5
DEPRIVATION	1946	1493	+30.3
Abandoned	5	0	+500.0
Abuse/Neglect	1367	661	+106.8
Deprived	498	726	-31.4
Other	76	106	-28.3
SPECIAL PROCEEDINGS	61	93	-34.4
Involuntary Termination of Parental Rights	12	19	-36.8
Voluntary Termination of Parental Rights	49	74	-33.8
Other	0	0	---
TOTAL	11,182	11,183	-0.009

Report of the Northwest Judicial District

The Honorable Everett Nels Olson, Presiding Judge
William Blore, Court Administrator

District Court Judges: Everett Nels Olson, Presiding Judge; Wallace D. Berning; Gary Holum; and Gerald Rustad..
County Court Judges: Glenn Dill III; Gordon C. Thompson; Robert W. Holte; and William W. McLees, Jr.
Number of Counties in District: 6
District Court Chambers: Minot and Williston

Unification Planning Begins

The fall of 1993 witnessed the beginning of serious planning efforts for court unification in the northwest judicial district. Two separate planning committees were formed, one in Minot and one in Williston, which began meeting on a regular basis to identify issues related to the merger.

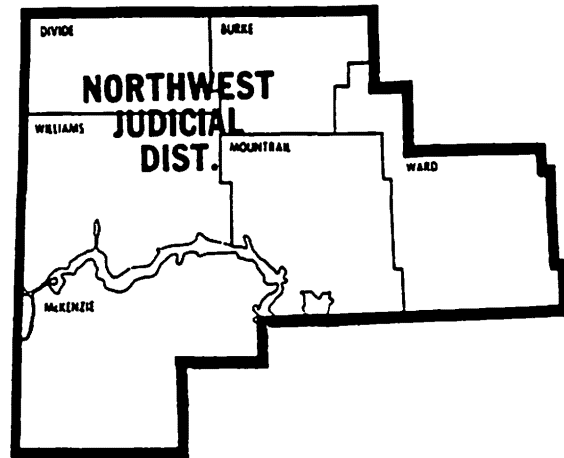
The summer months witnessed the installation of computer equipment for the juvenile divisions in both Minot and Williston. The training of staff and development of software programs have continued for the remainder of the year. The clerks of court offices throughout the district depend upon county revenue for their technology. Sporadic and fragmented access to computer hardware have often left the court clerks "out of the loop" as the technology transition unfolds.

Guardian Ad Litem Training

The use of attorneys as guardians ad litem has increased to the point that budget constraints were encountered. To address the issue, a guardian ad litem training session was provided with over thirty lay persons participating. Local attorneys, human service professionals, and court staff provided the instruction, as well as a comprehensive training manual. At the conclusion of the training experience, twenty-eight people volunteered to accept assignments throughout the district. Participation by representatives of the tribal courts added an even greater potential for expanding services.

Security Equipment Installed

After receiving a report from the state security consultant, a walk-through metal detector was obtained which has provided enhanced security for the judicial wing when required. In Ward county, that equipment, along with a change in door locks and a security fence to seal off one stairwell, has been applied when high risk activities are on the calendar. Staff training and cooperation from the sheriff's departments throughout the district has greatly expanded the capability to assure protection to all who are required to participate in the judicial process.



Handicapped Accessibility

The district embarked upon a concerted effort to accommodate those with disabilities who access district facilities and services. Telephone equipment to accommodate the deaf, signs which include braille to accommodate the sight impaired, as well as a new elevator in Mountrail county to assist those physically handicapped, all conform to portions of the Americans With Disabilities Act.

Case Assignment Rotation Plan Adopted

The planning for unification has opened a window of opportunity to expose county judges to greater participation in district court matters. A case assignment rotation plan was put into effect to balance the workload across the district. Cooperation on the part of judges and court staff provided the initial success. It was not long, however, before the challenges of keeping adequate court reporters and court recorders in the scheduled courtrooms began to test the resolve of the support staff. Nevertheless, unification has fostered cooperation between county and state employees and enabled cross-training with one another as well as performing each others duties.

Child Support and Restitution Collection

The collection of child support and restitution once again saw an increase as each category received emphasis districtwide. In child support collections, \$8,456,871 was recovered (an increase of over \$700,000), while restitution collections increased to \$45,172. The sheer volume of payments has required planning efforts to centralize the collections process. Personnel issues as well as facility use were emphasized by the judicial advisory committees, as well as court merger committees.

NORTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1993 AND 1992

	1993	1992	Percent Difference
New Filings	3727	3986	-6.5
Civil	3189	3487	-8.5
Criminal	272	259	+5.0
Juvenile	266	240	+10.8
Cases Carried Over from Previous Year	1401	1255	+11.7
Civil	1281	1171	+9.3
Criminal	120	84	+42.8
Juvenile	—	—	—
Total Cases Docketed	5128	5241	-2.2
Civil	4470	4658	-4.0
Criminal	392	343	+14.3
Juvenile	266	240	+10.8
Dispositions	3640	3840	-5.2
Civil	3110	3377	-7.9
Criminal	264	223	+18.4
Juvenile	266	240	+10.8
Cases Pending as of December 31	1488	1401	+6.2
Civil	991	1281	-22.7
Criminal	107	120	-10.9
Juvenile	—	—	—

Report of the Northeast Judicial District

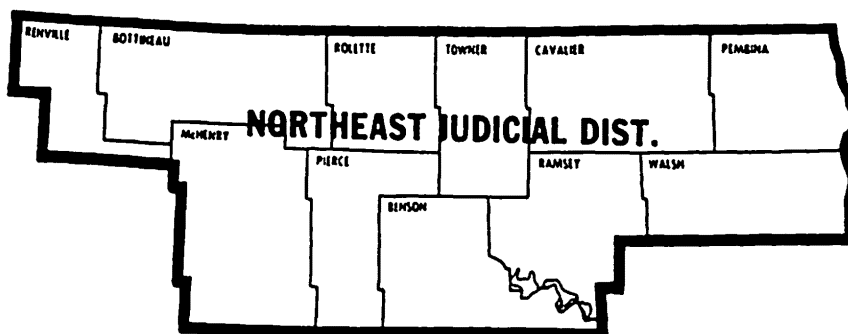
The Honorable James H. O'Keefe, Presiding Judge
 Lisa Anderson, Administrative Assistant

District Judges: James H. O'Keefe, Presiding Judge; and Lee A. Christofferson.

County Court Judges: James M. Bekken, Donovan Foughty, M. Richard Geiger, Lester S. Ketterling, John C. McClintock, and Thomas K. Metelmann.

Number of Counties in District: 11

District Court Chambers: Devils Lake, and Grafton.



Caseload:

The caseload in the northeast judicial district has increased slightly, with civil cases increasing by almost 1% and criminal cases decreasing by almost 1%. This follows a year that had a strong increase in new cases, so the caseload is stabilizing. The number of contested cases has increased, with approximately one in four cases going to trial. Paternity, support proceedings, divorces, and contract collections make up the bulk of the civil caseload.

Case Assignments:

The district continues to be subdivided into three areas, with judges primarily serving their own geographic area. In general, Judge James O'Keefe serves Walsh, Pembina, and Cavalier counties; Judge Lee Christofferson serves Benson, Ramsey, Towner, and Rolette counties; Judge John McClintock serves Pierce and McHenry counties; and Judge Lester Ketterling serves Bottineau and Renville counties. County Judges McClintock and Ketterling have been assigned the bulk of the district court caseload since the abolishment of the district judgeship in Bottineau. Dale Thompson serves as judicial referee in the western eight counties of the district. County Judges Geiger and Metelmann continue to serve as referees in the eastern three counties of the district, handling mostly juvenile cases and domestic matters. All of the county judges in the district have been hearing cases filed in district court. The district court judges have also seen limited duty in county court in an effort to facilitate the

arrival of court unification.

Technology Implementation:

The district is continuing its efforts in computerization, adding one new microcomputer in Grafton, as well as an AS/400 mini-computer in Devils Lake. The mini-computer and an upgrade of a computer located in Grafton will allow the district to go on-line using UCIS, the Unified Court Information System, which will benefit the judges, administrative staff, clerks of court, and state's attorneys of the district.

NORTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1993 AND 1992

	1993	1992	Percent Difference
New Filings	2208	2185	+1.1
Civil	1893	1880	+0.8
Criminal	228	228	-0.9
Juvenile	289	277	+4.3
Cases Carried Over from Previous Year	933	898	+3.9
Civil	757	748	+1.2
Criminal	178	150	+17.3
Juvenile	—	—	—
Total Cases Docketed	3141	3083	+1.9
Civil	2450	2428	+0.9
Criminal	402	378	+6.3
Juvenile	289	277	+4.3
Dispositions	2117	2150	-1.5
Civil	1882	1871	-0.5
Criminal	188	202	+17.8
Juvenile	289	277	+4.3
Cases Pending as of December 31	1024	933	-18.6
Civil	569	757	-24.8
Criminal	190	178	+8.0
Juvenile	—	—	—

Report of the Northeast Central Judicial District

The Honorable Joel D. Medd, Presiding Judge
Patricia Thompson, Court Administrator

District Court Judges: Joel D. Medd, Presiding Judge; Kirk Smith; Bruce E. Bohlman; and Lawrence E. Jahnke
County Court Judges: Debbie Kleven and Jonal H. Uglen
Number of Counties in District: 3
District Court Chambers: Grand Forks

District Court

The judges continue to work together with staff to effectively handle cases. Because of an overload of cases in county court the district judges and court reporters assist there as time permits.

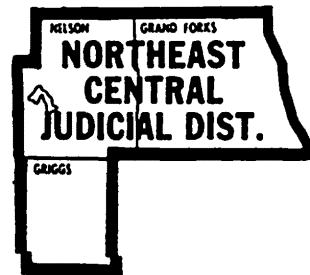
The court administrator, clerks of court, calendar control clerk and, occasionally, the presiding judge, continue to meet to prepare for the transition to the single tier system in 1995. With the impending loss of Judge Uglen and her position, timely disposition of cases will be more difficult, especially in the rural areas. Judge Uglen has been assigned all the cases in the outlining counties of Griggs and Nelson. This has helped to more promptly administer cases, especially child support cases.

Judge Kirk Smith was chosen by the United States Information Agency to represent the American judicial system at a series of presentations on the subjects of due process of law, jury trials, and court administration in Kathmandu, Nepal, December 6-13, 1993.

The law student clerk program continues to benefit the law school, judges, and the clerks. However, the lack of funding for this program and the rate of turnover makes it of limited help. The district is exploring the possibility of at least one full-time attorney law clerk.

County Court

Grand Forks county court has worked together with the North Dakota parole and probation department to establish a community service and restitution program. The program is staffed by a VISTA volunteer as well as several University of North Dakota students. The program accepts referrals from all North Dakota courts and the parole and probation department. Grand Forks county court uses community service in place of a jail sentence in some instances and also as a means to work off unpaid fines and fees. All participants that are referred from Grand Forks county court must pay a \$25.00 per month supervision fee. Defendant unpaid fines and fees are credited at a rate of \$5.00 per hour for every hour of



community service they complete. Although the program only started in August of 1993, it has been very successful.

Juvenile Court

Juvenile court continues to implement a number of programs developed in 1992. The community adolescent network is implementing the third stage of its program, anger management, in 1993. Anger management, along with drug and alcohol testing and treatment, were the components of the adolescent network grant. This community based effort, in which the juvenile court has played a significant role, has been very successful. Drug and alcohol testing has become an important tool for court services.

Juvenile court restitution collections amounted to \$13,458.54 in 1993. This constitutes approximately 10% of uncollected funds to date.

Juvenile court continues to work with the Grand Forks urban development in an effort to provide community service for juveniles placed on probation. This is a joint effort project that has been very successful.

Efforts are underway and greatly supported by the juvenile court to approach problem solving from a community approach as opposed to a single entity approach. Correctly, juvenile court is one of several agencies participating in a group that staffs cases for the severely emotionally disturbed. Juvenile court is pursuing efforts to have this approach used with delinquent and unruly juveniles as well. The emphasis on community, as opposed to individual agency, is the goal.

Juvenile court has put in place a computer network which is beneficial to help manage cases. However, it still needs software to assist in the management of information and much of the computer equipment is outdated.

Finally, juvenile court is attempting to make the initial entry of probation a time of great input from the court service officer. Young people when placed on probation will receive an initial high level of contact from the probation officer. The goal is to have the probationer and family see and feel a higher impact from the process we call probation. It is hoped this will put more strength in probation. As the case continues an overall determination of supervision will be developed.

Facilities and Security:

The Grand Forks county commissioners at the request of the judiciary has retained an architect to look at the space needs for the county offices and the courts. In Grand Forks the judiciary continues to suffer from being in a 1913 building which was designed for one district judge and will soon have five district judges plus support staff.

The Grand Forks county courthouse security plan was implemented in the spring of 1993. This took much planning and discussions with the parties involved including the county commissioners. The security plan involves a metal detector at the main entrance and everyone except staff must pass through the detector. The sheriff's office, under Sheriff Dan Hill, has been extremely cooperative in making the system work. Overall the system functions well and the security consultant indicates that it is the best in the state.

NORTHEAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1993 AND 1992

	1993	1992	Percent Difference
New Filings	4042	3865	+4.6
Civil	3372	3191	+9.8
Criminal	379	384	-4.2
Juvenile	291	310	-8.1
Cases Carried Over from Previous Year	1787	1601	+11.8
Civil	1571	1438	+9.4
Criminal	228	165	+45.1
Juvenile	—	—	—
Total Cases Docketed	5839	5466	+8.8
Civil	4943	4627	+8.8
Criminal	605	529	+14.4
Juvenile	291	310	-8.1
Dispositions	4010	3679	+9.0
Civil	3379	3056	+9.4
Criminal	340	313	+8.7
Juvenile	291	310	-8.1
Cases Pending as of December 31	1829	1787	+2.4
Civil	1584	1571	-0.4
Criminal	265	226	+17.2
Juvenile	—	—	—

Report of the East Central Judicial District

The Honorable Norman J. Backes, Presiding Judge
Eloise M. Haaland, Administrative Assistant

District Court Judges: Norman J. Backes, Presiding Judge; Lawrence A. Leclerc; Michael O. McGuire; and Cynthia A. Rothe

District Court Referees: John A. Dietz and Janice Benson Johnson

County Court Judges: Georgia Dawson, Frank Racek, Jonal Uglem, and Magistrate Ralph Erickson

Number of Counties in District: 3

District Court Chambers: Fargo

District Court:

New civil filings increased almost 4% over last year and criminal filings increased 16% while the motion practice stayed relatively the same.

Sixty-four certificates of readiness for jury trials were filed with disposal of 43 jury cases through trial or settlement in 1993. One hundred fifty-one certificates of readiness were filed for bench trials with disposal of 140 cases through trial or settlement.

The judicial referees heard 2,648 matters which included formal juvenile proceedings, child support, and pre and post divorce motions. This is an increase of 1% over the previous year.

Juvenile Court:

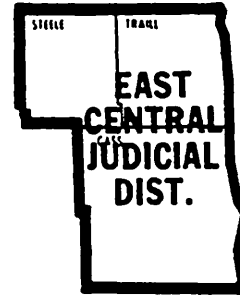
Approximately 2,500 cases were referred to the east central judicial district.

Delinquent and unruly offenses are dealt with in the least restrictive manner available, with first time misdemeanor charges being processed by a diversion conference. The decision as to whether or not to petition is based upon the age of the juvenile, the offense, past juvenile court files, and past performance during previous probation period. All abuse and neglect reports are petitioned as are most felony matters.

The area of focus in 1993 was in dealing with gross sexual imposition cases and the appropriate response from the time of the investigation to the disposition.

The truancy program has continued to be successful. The information learned from this project has provided the incentive to pursue the truancy program in the grade school setting prior to a referral to juvenile court. Approximately 65% of the parents involved in the program have followed up with additional services available in the community.

Community service and monetary restitution continue to be an integral part of probation.



Child Support:

The southeast regional child support unit, which is responsible for the establishment and enforcement of child support obligations in the six counties of Cass, Ransom, Richland, Sargent, Steele, and Traill, currently handles 6,400 open files. IV-D collections in the southeast region during the calendar year of 1993 totaled \$5,645,097.94.

The new child support enforcement computer system is scheduled for implementation in 1995. This system will enhance the programs efficiency and effectiveness by streamlining practices and procedures involved in the collection of child support.

County Court:

Cass county had over 18,000 new case filings in 1993. Thirty-five percent of these filings were traffic cases. There were over 4,100 criminal cases filed in the last year.

**EAST CENTRAL
JUDICIAL DISTRICT CASELOAD
FOR CALENDAR YEARS 1993 AND 1992**

	1993	1992	Percent Difference
New Filings	5472	5268	+3.9
Civil	4157	3995	+4.1
Criminal	633	545	+16.2
Juvenile	682	728	-6.3
Cases Carried Over from Previous Year	3679	3340	+10.1
Civil	3414	3121	+9.4
Criminal	265	219	+21.0
Juvenile	—	—	—
Total Cases Docketed	9151	8608	+6.3
Civil	7571	7116	+6.4
Criminal	898	764	+17.5
Juvenile	682	728	+6.3
Dispositions	5109	4929	+3.7
Civil	3873	3702	+4.6
Criminal	554	499	+11.0
Juvenile	682	728	-6.3
Cases Pending as of December 31	4042	3679	+9.8
Civil	3689	3414	+8.1
Criminal	276	265	+4.2
Juvenile	—	—	—

Report of the Southeast Judicial District

The Honorable Robert L. Eckert, Presiding Judge
Margaret Smith, Administrative Assistant

District Court Judge: Robert L. Eckert, Presiding Judge; James A. Wright; and John T. Paulson

County Court Judges: James M. Bekken, Mikal Simonson, Harold B. Herseth, Ronald E. Goodman, and Lowell O. Tjon

Number of Counties in District: 9

District Court Chambers: Wahpeton, Jamestown, and Valley City

District Court Caseload:

The total district court caseload in the southeast judicial district decreased 5.2% from 2,310 cases in 1992 to 2,191 cases in 1993. Civil filings decreased by 3.7%, criminal filings decreased by 6.7%, civil dispositions decreased by 7.6%, and criminal dispositions decreased by .5%. The number of cases pending at the end of 1993 increased slightly from 722 at the end of 1992 to 753 at the end of 1993, a 4.3% increase.

The disposition rate per judge was 639 and the average caseload per judge was approximately 899.

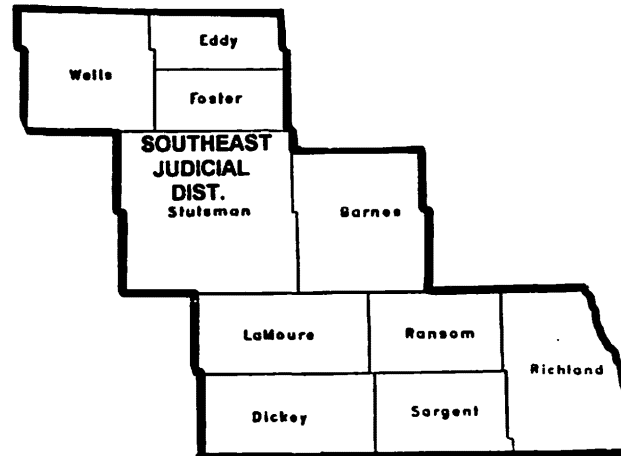
County Court Caseload:

Despite a 27.1% increase in civil filings in county courts, the total caseload in the southeast judicial district increased by only five cases from 1992 to 1993. Criminal filings decreased by 5.5%, civil dispositions increased by 30.7%, and criminal dispositions decreased by 4.6%. The number of cases pending at the end of 1993 increased 4.4% from 594 at the end of 1992 to 620 at the end of 1993.

The disposition rate per judge was 745 and the average caseload per judge was approximately 827.

Addition of Wells County

Effective July 1, 1993, Wells county was transferred from the south central to the southeast judicial district. The transfer was made to allow for more efficient judicial services as provided for in Administrative Rule 6. Juvenile matters will be referred to the Jamestown juvenile office and Judge Bekken will be automatically assigned to all cases, in keeping with the current practice of assigning district court cases to county court judges, as provided for in southeast judicial district Local Court Rule 91.1. Indigent defense counsel services are provided to the county by William MacKenzie of Jamestown.



SOUTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1993 AND 1992

	1993	1992	Percent Difference
New Filings	2191	2310	-5.2
Civil	1800	1869	-3.7
Criminal	190	203	-6.4
Juvenile	201	238	-15.5
Cases Carried Over from Previous Year	722	749	-3.6
Civil	608	637	-4.6
Criminal	114	112	+1.8
Juvenile	—	—	—
Total Cases Docketed	2913	3059	-4.8
Civil	2408	2508	-3.9
Criminal	304	315	-3.5
Juvenile	201	238	-15.5
Dispositions	2180	2337	-7.6
Civil	1757	1898	-7.4
Criminal	202	201	+0.5
Juvenile	201	238	-15.5
Cases Pending as of December 31	753	722	+4.3
Civil	380	608	-37.5
Criminal	47	114	-58.8
Juvenile	—	—	—

Report of the South Central Judicial District

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

District Court Judges: Benny A. Graff, Presiding Judge; Gerald G. Glaser, William F. Hodny, and Dennis A. Schneider
County Court Judges: Donavin L. Grenz; Gail Hagerty; Burt L. Riskedahl; Thomas J. Schneider, and O.A. Schulz
Number of Counties in District: 12
District Court Chambers: Bismarck and Mandan

District Court

The most notable change to the south central judicial district was the reassigning of Wells county to the southeast judicial district effective July 1, 1993. Even after losing Wells county, the south central judicial district remains the largest district both geographically and by population.

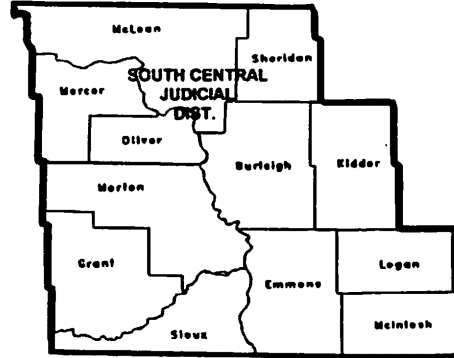
In July, the district court procured an AS/400 mainframe computer which enabled the court to become self-sufficient in providing its computer processing needs. Previously, the courts were provided service by the city of Bismarck data processing center. Mainframe ownership will allow future enhancements, including connection to the North Dakota Information Network (NDIN). The Burleigh county district clerk's office also transferred its data to the district's system and entered into an inter-governmental agreement with the state to provide its computer processing needs.

1993 was the first complete year of maintaining the individual calendaring system. The south central judicial district became the venue for most of the state's asbestos litigation which requires special case management due to their complexity. Judge William Hodny was assigned the asbestos cases and continues to act as the "asbestos judge".

The following chart compares the number of jury trials versus the number of bench trials which have a certificate of readiness filed as of the first of the year.

CASES READY FOR TRIAL

Date	Total Ready for Trial	Civil		Jury Trials	Percent
		Criminal Trials	Jury Bench Trials		
02/01/94	161	50	31	72	55%
01/01/93	106	31	42	33	69%
01/01/92	100	20	39	41	59%
01/01/91	62	13	21	28	55%
01/01/90	48	9	19	20	58%
01/01/89	91	26	22	43	52%



As of January 1, 1994, jury trials comprised 55% of the total cases ready for trial in the district. This was a decrease in the percentage of jury trials. However, 1993 saw a substantial increase in the total number of cases ready for trial from 106 to 161 with a monthly average of 120 cases having a certificate of readiness filed.

Juvenile Division and Judicial Referee Activities:

In 1993, 3,306 youth were referred to juvenile court. This was an increase from 3,190 referrals in 1992. Of that total, 708 were referred back to the Bismarck/Mandan police youth bureau for informal disposition. Of the 3,306 youth in juvenile court, 565 were disposed of formally. This number includes detention and shelter care hearings and temporary custody orders. Burleigh and Morton counties provide 2,801 referrals or nearly 85% of the district total.

In addition to the formal juvenile proceedings, the judicial referees heard 327 order to show cause and 49 foster support matters.

County Court:

The Alternative Choice Training (ACT) completed its second year of existence. The program continues to be fully funded by those referred to it. In 1993 a total of 157 people were referred to the minor in possession of alcohol class and 104 were referred to the adult misdemeanor class. The domestic violence class had 55 referrals which equates to a yearly enrollment of 316 participants.

The ACT program is affiliated with Bismarck State College and the National Corrective Training Institute.

**SOUTH CENTRAL
JUDICIAL DISTRICT CASELOAD
FOR CALENDAR YEARS 1993 AND 1992**

	1993	1992	Percent Difference
New Filings	4819	4970	-3.0
Civil	3808	4104	-7.1
Criminal	446	386	+15.5
Juvenile	565	480	+17.7
Cases Carried Over from Previous Year	1927	1532	+25.8
Civil	1702	1381	+23.3
Criminal	225	151	+49.0
Juvenile	—	—	—
Total Cases Docketed	6746	6502	+3.8
Civil	5510	5485	+0.5
Criminal	671	537	+25.0
Juvenile	565	480	+17.7
Dispositions	4783	4575	+4.5
Civil	3834	3783	+1.3
Criminal	384	312	+23.1
Juvenile	565	480	+17.7
Cases Pending as of December 31	1963	1927	+1.9
Civil	1676	1702	-1.5
Criminal	287	225	+27.6
Juvenile	—	—	—

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; Maurice R. Hunke; and Donald L. Jorgensen

County Court Judges: William McLees; Ronald L. Hilden; and Zane Anderson

Number of Counties in District: 8

District Court Chambers: Dickinson and Hettinger

Caseload:

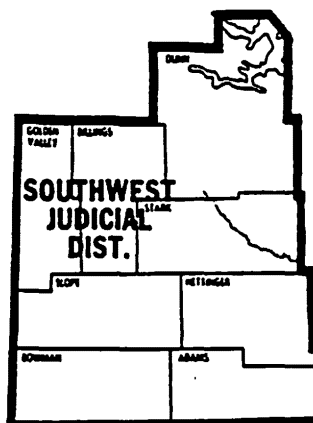
Previous reports have noted the stability of the caseload in the Southwest Judicial District in both county and district courts. Although the accompanying statistics reveal a reduction in new filings, all other indicators point to a continuation of the past stability.

Docket Currency:

Past reports noted a pride in the district for bringing cases to trial in a reasonable, prompt fashion. This has continued through 1993, and again, this is attributable to an adequate number of judges and the efforts of staff.

Trial Court Consolidation:

With the passage of House Bill 1517 and the impending unification of the district and county courts, the district has been busy getting ready for it. A review of facilities and staff to determine the best method to unify the clerks of court offices. The judges have been meeting and working on the best way to handle the unified court cases. A smooth transition is expected.



SOUTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1993 AND 1992

	1993	1992	Percent Difference
New Filings	1493	1585	-5.8
Civil	1361	1402	-2.9
Criminal	93	100	-7.0
Juvenile	57	83	-31.0
Cases Carried Over from Previous Year	535	549	-2.5
Civil	488	486	+0.4
Criminal	47	63	-25.4
Juvenile	—	—	—
Total Cases Docketed	2028	2134	-4.9
Civil	1849	1888	-2.1
Criminal	140	163	-14.1
Juvenile	57	83	-31.3
Dispositions	1504	1599	-5.9
Civil	1350	1400	-3.7
Criminal	97	116	-16.3
Juvenile	57	83	-26.0
Cases Pending as of December 31	524	535	-2.1
Civil	499	488	+2.2
Criminal	43	47	-8.5
Juvenile	—	—	—

COUNTY COURTS

County courts in North Dakota are funded by the counties. They are courts of record, served by full-time county judges who must be legally trained.

There are twenty-six county judges in North Dakota. Most of these judges serve more than one county. Counties are authorized to enter into multi-county agreements with one another for the services of one or more county judges. These agreements are negotiated every four years among the counties. Most of these multi-county courts operate within the boundaries of a single judicial district.

Many counties are also served by magistrates. Because many county judges serve more than one county, they cannot always be in each county when they are needed. To assure continuity of judicial services in the judge's absence, the judge may appoint a magistrate to handle preliminary matters in the county until the judge returns. Through an administrative rule, the supreme court has established the qualifications, authority, mandatory training, and procedures governing magistrates. The county judge may delegate authority to magistrates to issue search warrants, preside at initial appearances in criminal cases, and other duties. In several counties, the county judge has appointed the clerk of the district court as the magistrate for that county.

The county courts are limited jurisdiction courts. They have original and exclusive jurisdiction in probate, testamentary, guardianship, and mental health commitment cases. They have concurrent jurisdiction with municipal courts in traffic cases and concurrent jurisdiction with the district courts in trust and civil cases where the amount in controversy does not exceed \$10,000. County judges also preside at preliminary hearings in criminal felony cases before the case is turned over to the district court. The presiding judge of each judicial district may also assign a county judge to hear any district court case filed in the district.

County courts act as small claims courts in North Dakota. The jurisdictional limit for a small claims case is \$3,000. There is no appeal from a decision of the county court when it is acting in its capacity as a small claims court. All decisions of the county courts in such instances are final.

County court judges have the same general power and authority as district court judges. Moreover, the rules of practice and procedure governing district court proceedings also apply to county court proceedings.

In addition to its trial court duties, county courts also serve as the appellate courts for appeals from municipal courts. All appeals from municipal courts to

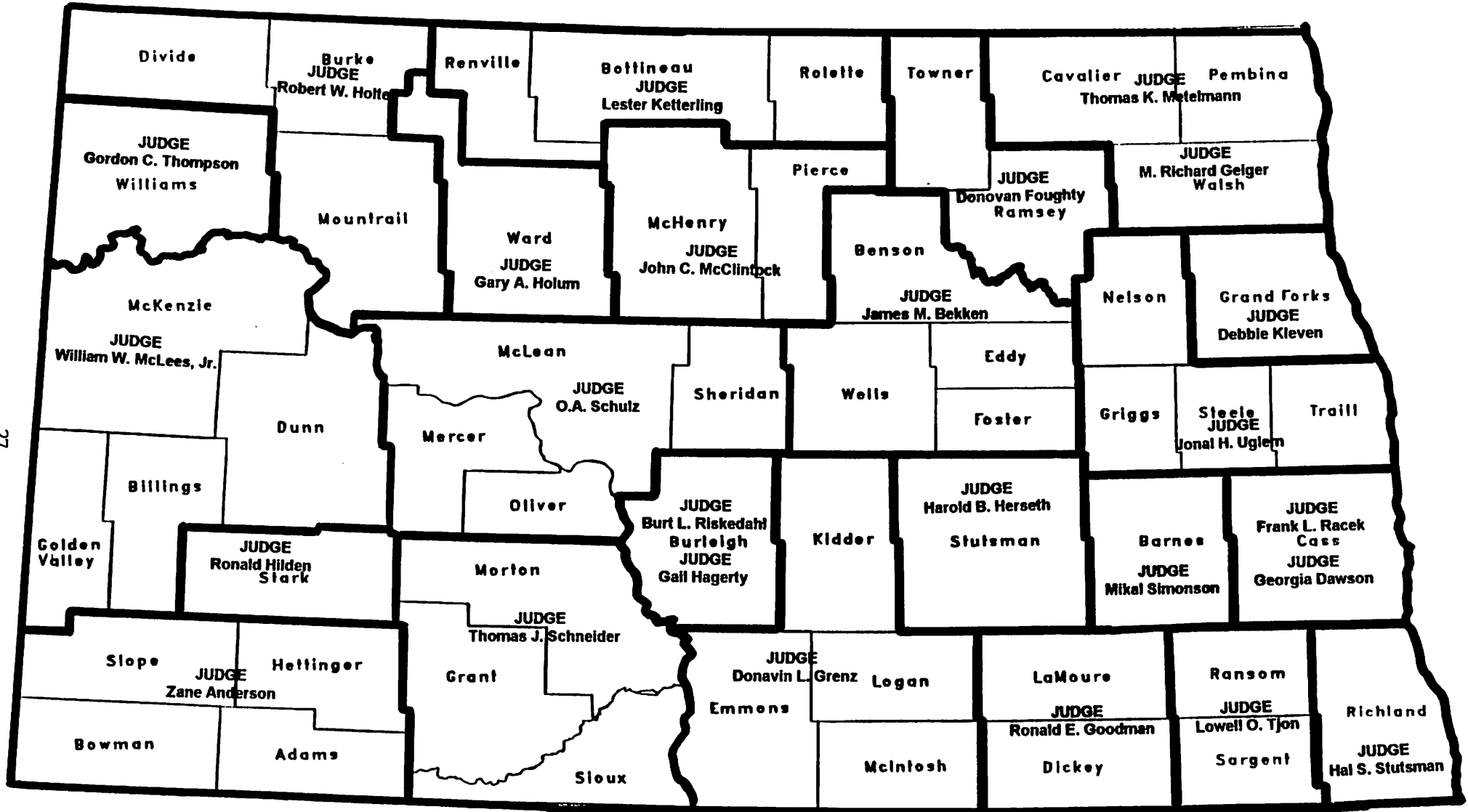
county courts are trial de novo appeals. In other words, when a municipal court case is appealed to the county court, a new trial is held in the county court. New trials are required in county courts because municipal courts do not maintain an official record of their proceedings. Appeals from the county court go directly to the supreme court.

In counties with a population over 25,000, the county judge has the authority to appoint a clerk of county court. In counties with a population less than 25,000, the clerk of district court also serves as the clerk of the county court.

In 1987, the legislative assembly provided that cities and counties could agree that the county court would hear all municipal ordinance violation cases of the city and that all municipal court cases in which the defendant fails to waive the right to a jury trial shall be heard in county court.

The office of county judge is an elected position, filled every four years in a nonpartisan election. Following the enactment in 1991 of HB 1517, if a vacancy occurs in the office of county judge, the supreme court is required to determine whether the vacant office is to be filled or abolished. If the office is to be abolished, the affected boards of county commissioners may either enter into an agreement with the supreme court for the provision of judicial services by the state judicial system or enter into an agreement with another county that has an office of county court judge for the provision of county court services until January 1, 1995. After that date, the offices of county court judge are abolished pursuant to HB 1517. If a vacancy is to be filled, the county commissioners can either fill the vacancy by selecting a candidate from a list of nominees submitted by a 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 only serves until the next general election, at which time the office is filled by election for the remainder of the term. As an alternative to this traditional method of filling a vacancy, the affected county may enter into an agreement with another county that has an office of county court judge for the provision of county court services or may enter into an agreement with the supreme court for provision of judicial services by the state judicial system. In those counties which share the services of a county judge, the judge is elected by the eligible voters of the participating counties. The appointment of a county judge to serve a multi-county area must be approved by a majority vote of each board of county commissioners of the counties involved.

**COUNTY JUDGES AND COUNTY COURT MULTI-COUNTY AGREEMENT AREAS
1993**



County Court Caseload

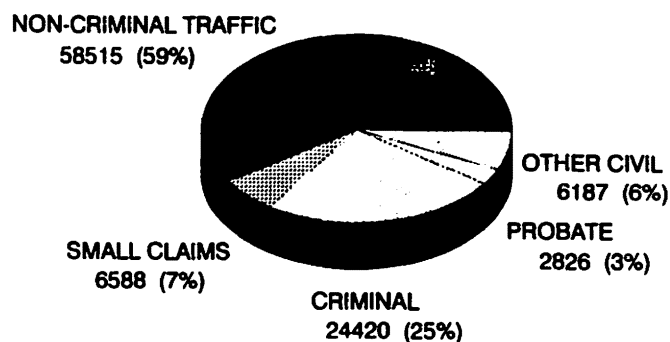
The breakdown of the county court caseload indicates a moderate decrease (2%) in the filing of cases in county court. The caseload continues to be predominantly noncriminal traffic followed by criminal, small claims, and other civil and probate. Civil filings increased almost 12% and criminal cases increased 7.3%. A 6.2%

reduction in the large volume of noncriminal traffic cases caused the overall 2.1% county court caseload reduction. Filings in small claims court remained approximately the same in 1993 following a slight decrease in each of the preceding three years.

COUNTY COURT CASELOAD FOR 1993 AND 1992

	1993	1992	Percent Difference
New Filings	98,075	100,146	-2.1
Civil	16,793	15,012	+11.9
Criminal	24,420	22,787	+7.3
Noncriminal traffic	58,515	62,367	-6.2
Cases Carried Over from Previous Year	28,004	29,504	-5.1
Civil	24,322	23,696	+2.7
Criminal	3,682	5,818	-36.7
Noncriminal traffic	—	—	—
Total Cases Docketed	126,079	129,650	-2.8
Civil	41,115	38,696	+6.2
Criminal	28,102	28,585	-1.7
Noncriminal traffic	58,515	62,367	-6.2
Dispositions	97,696	101,646	-3.9
Civil	14,680	14,376	+2.1
Criminal	24,501	24,903	-1.6
Noncriminal traffic	58,515	62,367	-6.2
Cases Pending as of December 31	28,383	28,004	+1.4
Civil	26,436	24,322	+8.7
Criminal	3,601	3,682	-2.2
Noncriminal traffic	—	—	—

TYPES OF CASES FILED IN COUNTY COURT DURING 1993



County Court Filings and Dispositions for 1993

	Felony		Misdemeanor		Total Non- Crim. Traf.	Small Claims		Probate		Guard/ Conserv.		Other Civil		Mental Health & Emerg. Committ.
	(F)	(D)	(F)	(D)		(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	
Adams	6	6	121	106	261	26	21	36	30	3	1	35	45	8
Barnes	34	38	47	471	1865	133	138	61	12	3	0	87	84	21
Benson	14	13	150	144	790	23	26	33	19	1	0	36	34	1
Billings	1	1	54	59	263	5	4	6	4	0	0	6	5	0
Bottineau	13	20	243	259	516	62	62	62	30	0	0	48	42	7
Bowman	2	0	90	77	215	23	25	18	220	0	0	21	22	0
Burke	6	5	85	89	184	13	15	29	76	2	1	35	35	3
Burlingame	236	240	2060	2173	5135	435	421	163	159	11	10	1276	1341	64
Cass	456	455	3648	3820	4727	1776	0	245	569	11	19	1097	1079	183
Cavallier	25	24	157	120	667	33	0	43	36	3	1	46	44	4
Dickey	5	9	155	160	634	87	0	40	176	1	11	56	50	3
Divide	6	6	75	72	234	12	13	38	32	7	3	11	11	0
Dunn	20	20	172	204	1092	16	15	30	26	0	1	18	18	2
Eddy	8	10	83	87	156	15	15	15	62	0	0	20	20	5
Emmons	7	7	147	163	540	32	25	28	66	7	2	36	36	3
Foster	13	13	186	191	485	38	43	20	15	1	0	33	33	4
Golden Valley	1	3	49	85	171	7	14	23	12	0	2	8	7	2
Grand Forks	379	379	3791	3354	5712	532	490	240	169	1	0	1051	1026	67
Grant	7	7	58	53	280	25	25	17	11	0	0	18	17	1
Griggs	7	10	196	187	549	31	33	21	3	3	0	13	13	0
Hettinger	2	2	41	40	302	22	22	25	7	1	0	24	26	0
Kidder	12	4	92	89	576	21	19	14	17	0	0	26	24	2
LaMoure	8	3	105	107	548	36	36	22	16	0	0	26	28	0
Logan	2	2	42	50	210	12	12	19	14	1	0	14	14	3
McHenry	7	8	151	124	1032	49	46	43	56	2	3	37	40	7
McIntosh	8	8	55	49	239	15	15	36	7	0	0	14	17	1
McKenzie	13	14	188	199	816	28	28	55	65	3	5	29	27	3
McLean	18	18	316	399	2456	46	47	83	34	13	0	70	76	12
Mercer	19	15	213	221	1080	81	76	45	19	1	0	76	76	8
Morton	88	73	809	744	2991	204	194	81	13	1	0	347	314	57
Mountrail	6	4	210	158	707	63	69	54	36	7	1	35	36	11
Nelson	8	7	148	145	906	44	35	34	20	0	0	21	25	0
Oliver	0	0	28	38	326	7	6	13	4	0	0	9	8	0

	Felony		Misdemeanor		Total Non-Crim. Traf.	Small Claims		Probate		Guard/ Conserv.		Other Civil		Mental Health & Emerg. Commit.
Pembina	31	31	384	357	957	87	90	72	33	4	0	78	80	6
Pierce	17	14	196	205	334	81	82	47	33	11	6	30	25	7
Ramsey	80	68	624	620	3076	216	214	78	41	4	23	122	110	18
Ransom	16	19	170	173	523	75	75	39	8	3	0	22	23	7
Renville	2	1	3	5	326	26	28	28	17	0	0	12	11	3
Richland	61	58	754	788	2335	290	293	86	73	3	5	155	158	33
Rolette	13	14	233	257	302	76	63	44	21	6	2	37	39	4
Sargent	21	37	88	84	371	47	51	23	19	2	2	21	19	3
Sheridan	4	3	12	9	40	5	5	15	7	1	0	10	9	0
Sioux	0	1	22	17	71	2	2	5	11	0	0	10	10	1
Slope	0	0	22	32	167	0	0	4	4	0	0	3	4	0
Stark	61	57	1120	1108	1719	230	215	78	50	23	7	230	212	37
Steele	0	0	0	0	1	1	1	15	17	1	0	13	13	0
Stutsman	68	78	1322	1328	3056	130	132	89	41	4	2	166	163	197
Towner	13	6	164	161	298	61	67	29	14	0	2	32	32	2
Traill	38	39	307	337	602	81	84	59	26	0	0	50	48	4
Walsh	49	52	653	591	1696	136	135	85	71	5	1	240	243	17
Ward	118	109	1753	1690	3625	445	475	170	67	9	2	372	359	149
Wells	17	21	86	89	542	47	50	40	43	0	0	26	25	1
Williams	84	89	789	812	1773	190	388	128	139	11	2	280	267	65
TOTAL	2231	2221	22189	22280	58515	6178	4440	2826	2572	170	114	6588	6523	1031

MUNICIPAL COURTS

There are approximately 363 incorporated cities in North Dakota. Of the total municipalities, approximately 85 cities have municipal courts. There are approximately 76 judges serving in these 85 municipalities. State law permits an individual to serve more than one city as a municipal judge.

In 1981, the legislative assembly amended the state law pertaining to municipalities to allow each municipality the option of deciding whether or not to have a municipal judge. Before this amendment, all incorporated municipalities were required to establish a municipal court.

In 1987, state law was amended to permit county court judges to hear municipal ordinance violation cases and to permit cities to contract with counties to provide municipal ordinance violation court services.

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 18 legally-trained and 58 lay municipal judges in the state. Vacancies that occur between elections are filled by appointment by the municipality's governing body.

State law requires that each municipal judge attend at least two educational seminars conducted by the supreme court in each calendar year. If a municipal judge fails to meet this requirement without an excused absence from the supreme court, the judge's name is referred to the judicial conduct commission for disciplinary action.

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.

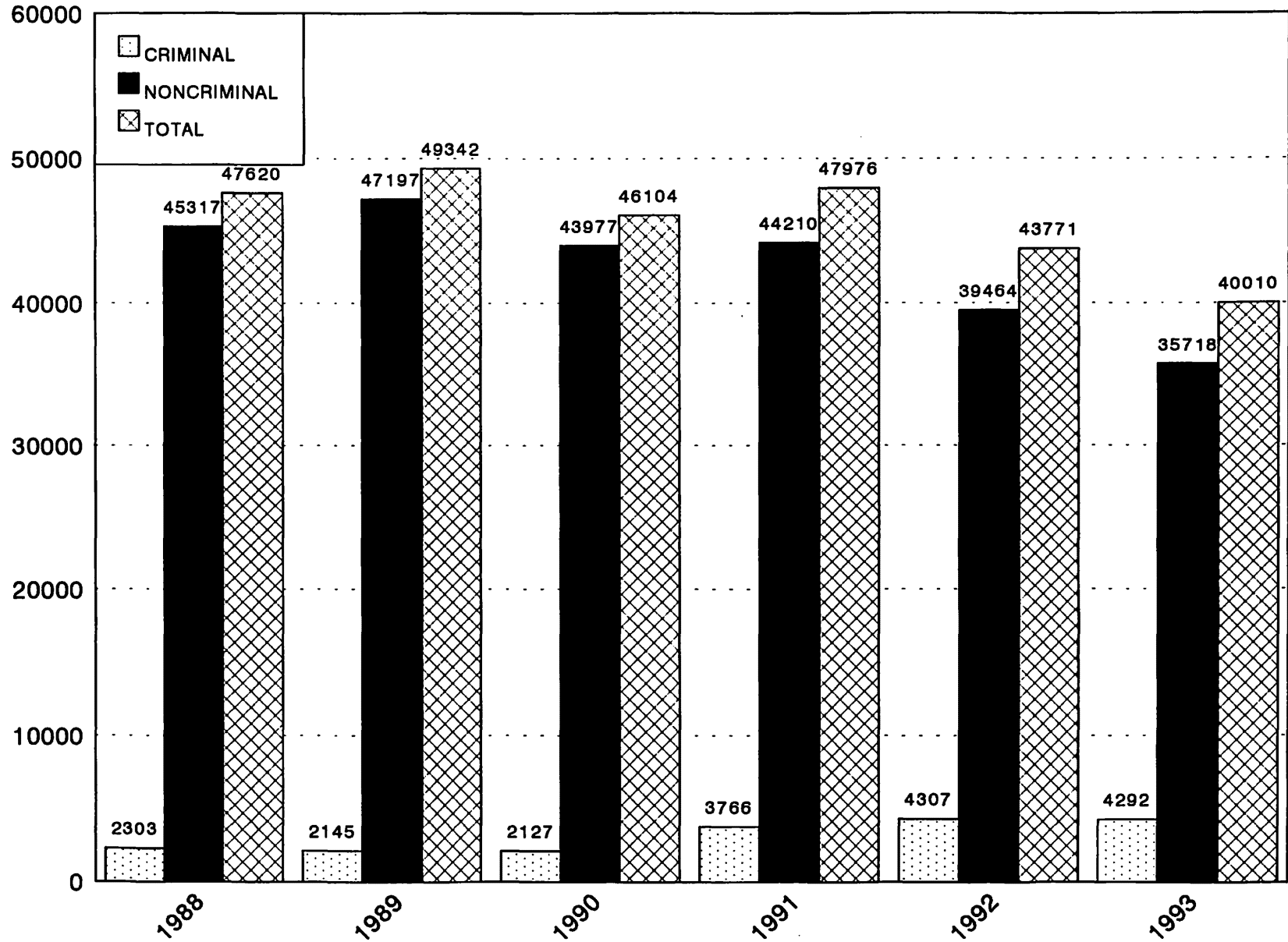
Although criminal traffic cases compose only a small percent of the caseload in municipal courts, they require more time and resources for their disposition than noncriminal traffic cases. Litigants are more likely to

demand a trial in criminal traffic cases since the penalties for violation of criminal traffic laws are more severe than penalties for violation of noncriminal traffic laws. Moreover, the prosecutor also has a greater burden of proof in criminal traffic cases than in noncriminal traffic cases. In noncriminal traffic cases, the prosecutor must only prove each element of the offense by a preponderance of the evidence for conviction. In criminal traffic cases, the prosecutor must prove each element of the offense beyond a reasonable doubt.

COMPARISON OF MUNICIPAL COURT TRAFFIC DISPOSITIONS FOR CALENDAR YEARS 1993 AND 1992

Ten Municipalities With Highest Case Volume	Criminal Traffic Dispositions		Noncriminal Traffic Dispositions		Total Traffic Dispositions		Percent Difference
	1993	1992	1993	1992	1993	1992	
Bismarck	645	641	8276	7807	8921	8448	+5.6
Dickinson	124	133	1454	1547	1578	1608	-1.9
Fargo	759	773	4161	4911	4920	5684	-13.4
Grand Forks	618	660	2194	3090	2812	3750	-25.0
Jamestown	211	236	2088	3397	2299	3633	-36.7
Mandan	454	332	2582	2766	3036	3098	-2.0
Minot	505	475	5991	6197	6496	6672	-5.2
West Fargo	136	137	701	721	837	1075	-22.1
Williston	215	199	1824	1954	2039	2153	-5.3
TOTAL	3673	3603	29281	32391	32954	35994	-8.4

COMPARISON OF MUNICIPAL COURT DISPOSITIONS FOR 1988 - 1993



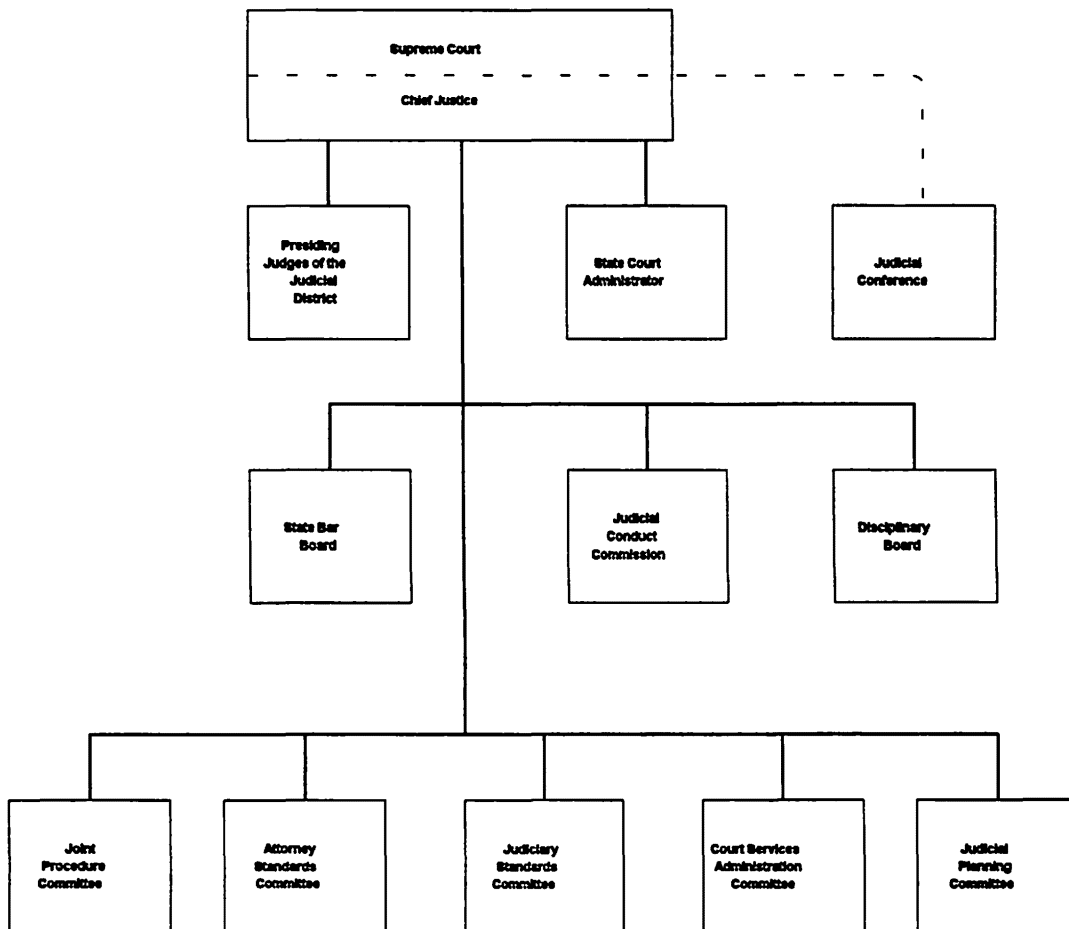
Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the supreme court. The constitution has emphasized 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 1993 are described in the subsequent pages of this report.

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

ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM



Office of State Court Administrator

Article VI, Section 3, of the North Dakota Constitution authorizes the chief justice of the supreme court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the supreme court has outlined the powers, duties, qualifications, and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the supreme court in the preparation 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 and supervision of the continuing judicial education commission and through the director of judicial education, develops and coordinates training programs for all levels of judicial and court support personnel. In addition, a number of other professional development and information activities are coordinated and conducted under the auspices of the office of state court Administrator. These activities are described in greater detail in the section of this report which discusses the activities of the commission.

Research and Planning:

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

Personnel Management:

The state funding of most district court employees in 1981 significantly increased the personnel management responsibilities of the state court administrator. 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.

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 legislature. 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.

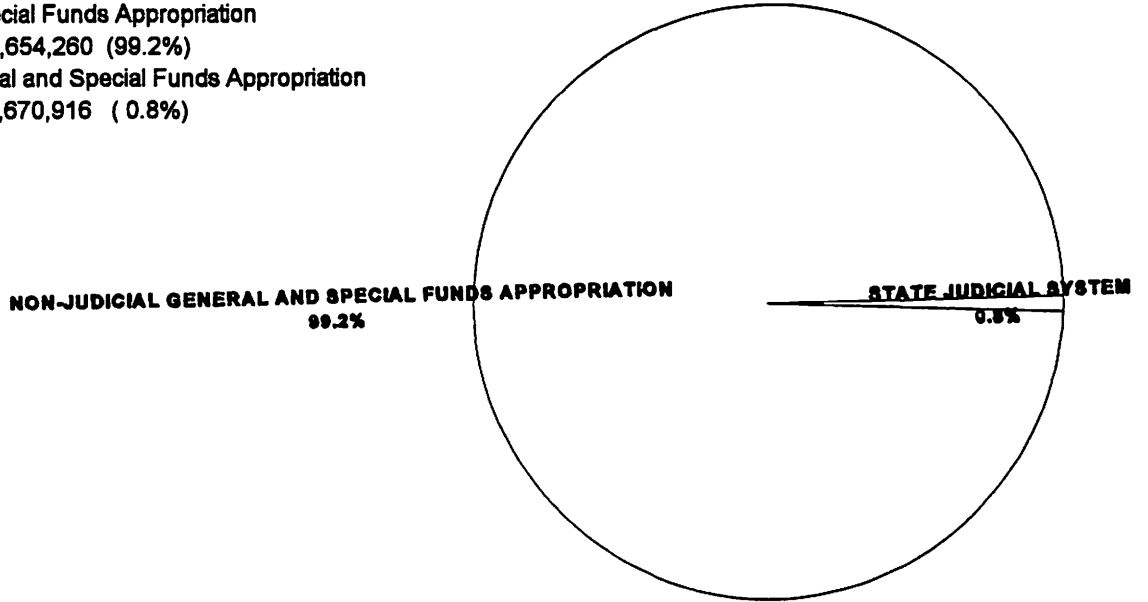
With the assumption by the state of expenses of the office of county judges in January, 1995, a special committee was appointed by the council of presiding judges to develop the first budget for these expenses. The proposed budget was widely distributed to various interested groups for their input. The legislature approved the state assumption of the cost of county judges offices. This change in funding increased the district court budget by 11% and the total state funded judicial budget by 9% for the 1993-95 biennium. Because the cost of the judgeships will not be a state expense until the last six months of the 1993-95 biennium, the full budgetary impact will not be known until the 1995-97 biennium budgets are developed.

The 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 as of January, 1995, the state will be funding supreme court, judicial conduct commission and disciplinary board, and district court expenses with the exception of expenses for the office of district court clerks. The clerks offices are funded by the counties. municipal courts are funded by the municipalities they serve.

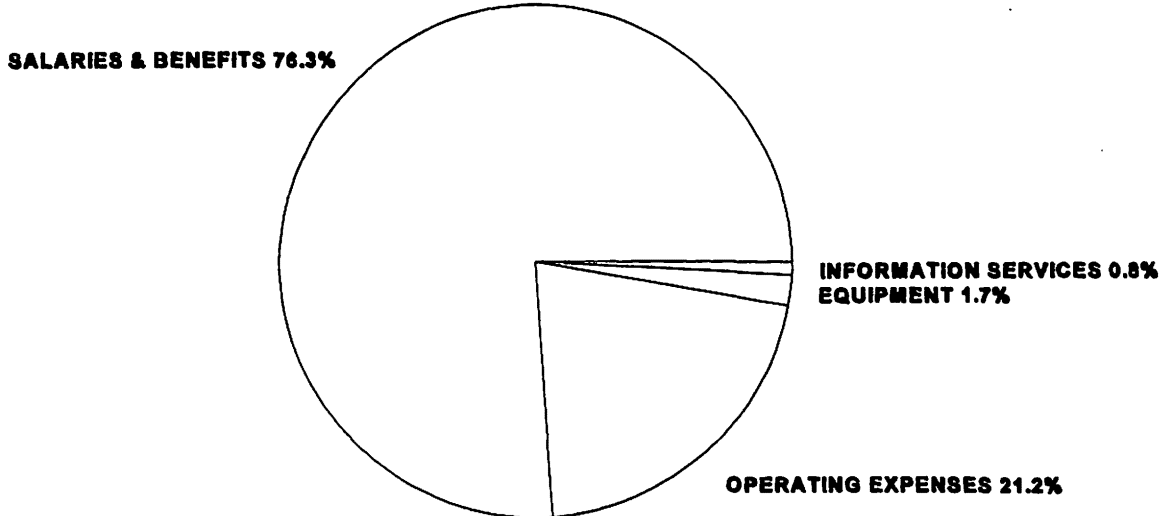
**JUDICIAL PORTION OF THE STATE'S BUDGET
1993-95 BIENNIUM**

Total General and Special Funds Appropriation
\$3,411,654,260 (99.2%)
Judicial System General and Special Funds Appropriation
\$ 26,670,916 (0.8%)



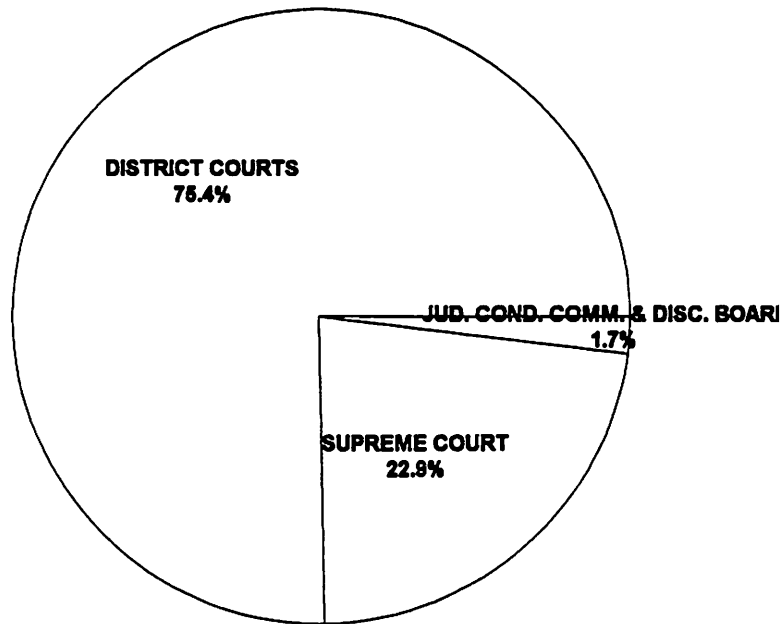
**STATE JUDICIAL SYSTEM APPROPRIATION
BY APPROPRIATED LINE ITEM
1993-95 BIENNIUM**

Total Judicial System General and Special
Funds Appropriation \$26,670,916
Salaries and Benefits \$20,348,964 (76.3%)
Operating Expenses \$ 5,646,115 (21.2%)
Information Services \$ 226,750 (.8%)
Equipment \$ 449,087 (1.7%)



**STATE JUDICIAL SYSTEM APPROPRIATION
BY TYPE OF ACTIVITY
1993-95 BIENNIUM**

Supreme Court			
General Fund	\$ 6,058,648		
Special Funds	<u>46,639</u>		
TOTAL	\$ 6,105,287	(22.9%)	
District Courts			
General Fund	\$19,912,703		
Special Funds	<u>185,258</u>		
TOTAL	\$20,097,961	(75.4%)	
Judicial Conduct Commission & Disciplinary Board			
General Fund	\$ 395,668		
Special Funds	<u>72,000</u>		
TOTAL	\$ 467,668	(1.7%)	



Advisory Committees of the North Dakota Judicial System

In the North Dakota judicial system, a system of committees has been established to develop creative 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:

Judicial Planning Committee

The judicial planning committee chaired by Justice Herbert L. Meschke identifies, describes, and clarifies problem areas that are then referred to judicial leaders and other standing committees for resolution.

Joint Procedure Committee

The joint procedure committee is responsible for continued study, review, and improvement of North Dakota's rules of pleading, practice, and procedure, including rules of civil procedure, rules of criminal procedure, rules of appellate procedure, rules of evidence, and rules of court. The joint procedure committee is chaired by Justice Beryl Levine and is composed of ten judges and ten attorneys who are appointed by the supreme court.

Attorney Standards Committee

The attorney standards committee is chaired by Christine Hogan of Bismarck. The committee is responsible for study and review of all rules for attorney supervision including admission to the bar, attorney discipline, the code of professional responsibility, student practice, and other matters of attorney supervision requested by the supreme court. During 1993, the committee was on hiatus as, through a subcommittee, it joined the SBAND attorney standards in a thorough review of rules and procedures governing lawyer discipline and admissions.

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. There were no substantive proposals under review by the committee during 1993.

Court Services Administration Committee

The court services administration committee, chaired by William A. Strutz of Bismarck, continues its study of the implementation of H. B. No. 1517. During 1993, the committee recommended to the supreme court amendments to administrative rule 7 which established initial terms and chambers for the new district judges to be elected in 1994. The committee also began a review, in concert with the legislative council's interim court services committee, of North Dakota's venue statutes and the impact that court unification may have on present venue requirements. The committee also reviewed several initiatives designed to enable more efficient use of judge time and provision of judicial services.

Commission on Judicial Education

The continuing judicial education commission is chaired by the Honorable Bruce E. Bohman of Grand Forks. The primary responsibilities of the commission are to develop judicial education programs for individuals required to have judicial training, develop and recommend a biennial budget for mandatory judicial training, seek and apply for grant requests to fund other judicial training, develop a resource library of materials on judicial education, draft and review legislation and rules of court relating to judicial education, and perform other related functions necessary to improve the delivery of judicial training and education to the unified judicial system of the state.

Personnel Advisory Boards

Effective January 1, 1991, the supreme court approved the creation of a new classification plan for judicial employees and the creation of a district court personnel advisory board, chaired by Judge Norman Backes, and a supreme court personnel advisory board, chaired by L. David Gunkel. Together the boards have developed a biennial pay plan designed to promote pay consistency among employees and reviewed and updated several personnel policies in light of federal and state requirements.

North Dakota Legal Counsel for Indigents Commission

The legal counsel for indigents commission, established by supreme court administrative rule 18, identifies and reviews areas of concern regarding indigent defense. The commission, chaired by Michael Hoffman of Bismarck, develops and revises procedures and guidelines concerning the provision of appointed and contract counsel services for indigent persons in criminal, mental health, and juvenile proceedings. During 1993, the commission began an extended review and discussion of alternatives to the present method of administering the indigent defense contract system.

Juvenile Policy Board

As a result of a study on the location of probation services, the supreme court established a juvenile policy board pursuant to its administrative rulemaking process. That board, consisting of five judges, a judicial referee, and a representative of the juvenile court association, is charged with developing a five-year plan for the delivery of juvenile court services, recommending policies concerning juvenile court services to the supreme court, and adopting procedures to implement those policies.

Council of Presiding Judges

The council of presiding judges consists of the presiding judge of each of the seven judicial districts with the chairman being named by the chief justice.

The council of presiding judges works primarily with budgets and caseloads. Its charter is to ensure that the business of the courts is handled with dispatch and efficiency. The council meets at the call of the chairman.

Major issues to come before the presiding judges were a new personnel program providing for step increases and the unified court information system (UCIS), providing for a statewide state of the art, case tracking system.

Questions concerning the functions of any of these committees may be directed to the office of the state court administrator.

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. The North Dakota procedural rules for lawyer disability and discipline provide the procedural framework for the handling and disposition of complaints.

The members serving on the board in 1993 were: Michel W. Stefanowicz, a Crosby attorney, Chairman; Karen K. Braaten, a Grand Forks attorney, Vice Chair; Robert C. Heinley, a Carrington attorney; Robert L. Hoss, a citizen member from Fargo; Duane H. Ivedson, a Fargo attorney; Bishop Robert Lynne, a citizen member from Bismarck; Mary E. Nordsven, a Dickinson attorney; Rauleigh D. Robinson, a Bismarck attorney; Roger Schell, a Bottineau attorney; and Louise Sherman, a citizen member from Dickinson. The clerk of the supreme court serves as secretary to the board. Vivian E. Berg, Bismarck, serves as staff counsel.

Paul Jacobson, formerly of Williston, was hired in October as assistant staff counsel. His addition to the professional staff will aid in the efficient and timely processing of cases.

Written complaints are received and filed by the board's secretary and referred to either the inquiry committee east or west of the state bar association. The chairman of the respective committee assigns a file for investigation to either a member of the committee or staff counsel. However, 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. Inquiry committees may dismiss a complaint file, issue a private reprimand, impose probation with the consent of the respondent attorney, or a combination of both, or direct that formal proceedings be instituted.

When formal proceedings are instituted, a petition for discipline is filed and a hearing body is appointed by the chair of the Board to make findings and a recommendation on the imposition of discipline to the board. Members of the disciplinary board serve as hearing body members. If the board elects to impose a public reprimand, suspension or disbarment, a report and recommendation is forwarded to the supreme court. Formal proceedings are instituted when there is probable cause to believe that misconduct has occurred. These proceedings are time consuming and costly, as they most often lead to hearings involving witnesses and the presentation of other evidence. Formal proceedings involving alleged mishandling of client trust accounts and other money matters are often very complex and likewise costly to pursue.

The volunteer time of the disciplinary board members and the inquiry committee members is an important component in the disciplinary process.

Members of the inquiry committee east as of December 31, 1993 are: Daniel Crothers, Chairman; Ronald Fischer, Joanne Ottmar, Howard Swanson, Thomas Rutten, and David Walker, attorney members; and Joan Flynn, Curt Cornelius and Randy Schwartz, citizen members. Members of the Inquiry Committee West as of December 31, 1993, are: Ronald Reichert, Chairman; Mariyn Foss, William Schmidt, Jan Sebbly, and Robert Udland, attorney members; and Walter Meyer, Ken Twist, and Gerald Willer, citizen members.

At the request of the state bar association, the supreme court established a joint commission on lawyer discipline and admissions to review the disciplinary and admissions procedures and evaluate the need for, and implementation of, any changes necessary to ensure the continuation of the high standards of professionalism applicable to the practice of law in North Dakota.

Following is a summary of complaint files under consideration in 1993.

Disciplinary Board Summary - 1993

New Complaint Files Opened in 1993	160
General Nature of Complaints:	
Criminal Conviction	1
Client Funds & Property	11
Conflict of Interes	16
Excessive Fees	12
Failure to Communicate/ Cooperate with Client	3
Improper Conduct	62
Incompetent Representation	35
Misappropriation/Fraud	5
Neglect/Delay	9
Solicitation	1
Unauthorized Practice of Law	<u>5</u>
Total	160
Formal Proceedings Pending	
From Prior Years	38
Other Complaint Files Pending	
From Prior Years	55
Appeals Under Consideration in 1993	<u>23</u>
Total Complaint Files For Consideration in 1993	276

Disposition of Complaint Files:

Dismissed by Inquiry Committee (IC)	99
Summary Dismissals by Inquiry Committees	28
Dismissed by Disciplinary Board	6
Private Reprimands Issued By Inquiry Committee	12
Private Reprimands Issued by Disciplinary Bd	3
Probation by Consent	1
Disciplinary Board Approves IC Dismissal	19
Private Reprimand Issued by Supreme Court	1
Public Reprimands Issued by Supreme Court	4
Suspensions by Supreme Court	*6
Disbarments by Supreme Court	**2
Continued Disbarments by Supreme Court	***4
Resignation Accepted by Supreme Court	1
Formal Proceedings Pending 12/31/93	38
Other Complaint Files Pending 12/31/93	<u>52</u>
Total	276

* 6 complaint files resulted in the suspension
of 5 attorneys

** 2 complaint files resulted in the disbarment
of 1 attorney

*** 4 complaint files resulted in the continued
disbarment of 1 attorney

NOTE: Not reflected in the above statistics are two petitions filed in the supreme court for interim suspensions. The interim suspensions are in effect while the disciplinary board proceeds with an investigation and formal proceedings which concludes with a recommendation for final disposition to the supreme court.

Judicial Conduct Commission

Established by statute in 1975, the judicial conduct commission receives, investigates and evaluates complaints against any judge in the state and, when necessary, conducts hearings concerning the discipline, removal or retirement of any judge.

Members serving on the commission until July 1, 1993, were: Janet Maxson, a citizen member from Minot, Chair; District Judge William F. Hodny of Mandan, Vice Chair; Robert C. Heinley, a Carrington attorney; Dorreen Yellow Bird, a citizen member from New Town; Rick Maixner, a citizen member from East Grand Forks; Clifton Odegard, a citizen member from Grand Forks; and County Judge James M. Bekken of New Rockford. Due to expiration of terms and ineligibility for reappointment, Karen Bjella of Bismarck replaced Ms. Maxson as a citizen member, and District Judge Lawrence A. Leclerc of Fargo replaced Judge Hodny as of July 1, 1993. Citizen member, Rick Maixner, was named commission chair to replace outgoing member Janet Maxson. Vivian E. Berg and Paul Jacobson, Bismarck, serve as staff counsel. The clerk of the supreme court serves as secretary to the commission.

Written complaints are received and filed with the secretary of the commission and referred to staff counsel for investigation. The rules of judicial conduct which define the standard of conduct which should be observed by judges are reviewed when the commission considers allegations of judicial misconduct. In responding to a complaint, judges are given the opportunity to present any information the judge may choose. If there is substantial misconduct, formal proceedings will be instituted and a hearing will be held. The procedures of the commission are set forth in the North Dakota rules of judicial conduct commission. The supreme court takes the final action on public censure, removal, suspension, retirement or other public discipline against a judge.

The number of complaints received in 1993 slightly increased from last year. A majority of the files considered by the commission were dismissed as being without merit.

The table which follows this narrative includes a summary of the nature and the disposition of complaints filed with the judicial conduct commission in 1993.

Judicial Conduct Commission - Summary of 1993

New Complaint Files Opened in 1992	27
General Nature of Complaints:	
Biased Decision	1
Conflict of Interest	2
Failure to Comply with Law	7
Failure to Afford Complainant Due Process	7
Improper Judicial Conduct	<u>10</u>
Total	27
Complaint Files Carried Over From 1992	<u>4</u>
Total Files Pending Consideration in 1992	31
Disposition of Complaints:	
Dismissed	20
Private Censure	1
Formal Proceedings Instituted	<u>0</u>
Total 1993 Dispositions	<u>21</u>
Complaint Files Pending as of 12/31/93	10
Of the 27 New Complaints Filed in 1993:	
11 were against County Court Judges	
14 were against District Court Judges	
1 was against a Municipal Judge	
1 was against a Supreme Court Justice	

State Bar Board Annual Report - 1993

As the authority responsible for attorney admission and licensing, the state bar board (board), investigates the moral character and fitness to practice law of individuals applying to enter the legal profession in North Dakota. The board also collects the annual licensure fees and, by statute, remits 80% of those fees to the state bar association of North Dakota.

Gerald D. Galloway of the Dickinson firm of Howe, Hardy, Galloway and Maus; Rebecca S. Thiem of the Bismarck firm of Zuger Kirmis and Smith; and Mark L. Stenehjem of the Williston firm of Winkjer, McKennett, Stenehjem, Reiersen and Forsberg served as Board members in 1993.

In order to assist the board with questions and concerns that arise when investigating applicants' moral character and fitness, the character and fitness committee, (committee), was established in 1993. Members of this committee, who were nominated by the state bar association of North Dakota, are: Malcolm Brown, Mandan attorney; Luella Dunn, Bismarck; Chuck Miller, Bismarck attorney; Reverend Keith Odney, Bismarck; and Dr. Al Samuelson, Bismarck.

Files are referred to the committee by the board on an individual basis. The committee then reviews the application and investigatory information and meets with the applicant in order to determine whether, considering all information, the applicant possesses the requisite character, fitness and moral qualifications for admission to the bar. A report containing the committee's findings and recommendations concerning the applicant is submitted to the Board for a final decision on whether or not an applicant should be favorably recommended for admission to the supreme court.

Factors which are considered when deciding whether an applicant possesses the good moral character and fitness necessary to practice law include, but are not limited to: unlawful conduct; acts involving dishonesty, fraud, deceit or misrepresentation; abuse of legal process; neglect of financial responsibilities; evidence of mental or emotional instability; evidence of drug or alcohol dependency; denial of admission to the bar in another jurisdiction; disciplinary action in another jurisdiction; academic misconduct; and making false statements. Substantial time is spent by the board, committee and staff reviewing the moral character and fitness of applicants.

In 1993, the state bar board administered a two-day bar examination in February and July. The multistate bar examination, (MBE), administered the first day, was a six-hour multiple-choice exam consisting of 200 questions

covering constitutional law, contracts, criminal law, evidence, torts, and real property. The essay exam, administered the second day, was a six-hour written exam which covered six of the following subject areas: Administrative law; business associations; commercial transactions; creditor/debtor relationships; equity; family law; practice and procedure; real property; and wills, estates and trusts.

Passage rates for the 1993 examinations were:

<u>Exam</u>	<u>#Apps.</u>	<u>#Pass %Pass</u>	<u>#UND Grads.</u>	<u>#Pass %Pass</u>
2/93	10	8/80%	6	4/66%
7/93	66	54/81%	55	47/85%

Written examination is only one procedure for admission to the bar of North Dakota. Attorneys admitted in another jurisdiction may be eligible for admission based on five years' admission and the practice of law for four of the last five years in another jurisdiction, or if they have achieved a scaled score of 150 or more on the MBE and they are in good standing in the jurisdiction where they wrote the exam. An application based on a MBE scaled score of 150 or more must be filed within two years from the date the applicant wrote the exam in the jurisdiction where he/she is admitted.

Every applicant for admission must be 18 years old, of good moral character, fit to practice law, and have been awarded a juris doctor or equivalent degree from a law school approved, or provisionally approved for accreditation, by the american bar association. A sufficient score on the multistate professional responsibility examination (MPRE), a national exam on legal ethics administered at the law schools, is also required for applicants seeking admission by written examination or based on a MBE scaled score of 150 or more.

In 1993, the state bar board licensed 1,740 lawyers and judges, 309 of whom were women.

North Dakota Judicial Conference

The North Dakota judicial conference was originally established as an arm of the judicial branch of state government in 1927. At that time, the organization was known as the North Dakota judicial council. Present statutory language covering the judicial conference is found in Chapter 27-15, NDCC.

There are currently seventy-five members of the judicial conference. The conference consists of all supreme court justices, district court judges, and county court judges. Other members are the attorney general; the dean of the university of north dakota school of law; the clerk of the supreme court; two judges of the municipal courts, as appointed by the municipal judges association; and five members of the north dakota bar association who are appointed by the bar association. All surrogate judges, as appointed by the supreme court under section 27-17-03, NDCC, 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, a district judge elected by the association of district judges, and a county judge elected by the association of county 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.

To support the activities of the full conference, there has been created by conference bylaws several standing committees. The committees and respective committee chairs during 1993 are as follows:

1. program planning committee, Judge Bruce E. Bohiman, Chair.
2. committee on legislation, Justice Herbert L. Meschke, Chair.
3. committee on judicial compensation, Judge Lawrence A. Leclerc.
4. committee on courts with limited jurisdiction, Judge William McLees, Chair.

Special committees are as follows:

1. judicial immunity committee, Judge Kirk Smith, Chair.
2. jury management committee, Judge Jon Kerian, 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 1993 were as follows:

Judge Bruce E. Bohiman, Chair
Judge Gail Hagerty, Chair-elect
Justice Herbert L. Meschke, Executive Committee
Judge John T. Paulson, Executive Committee
Judge Mikal Simonson, Executive Committee
Judge Jonal Uglem, Executive Committee

NORTH DAKOTA JUDICIAL CONFERENCE

Justices of the Supreme Court

Gerald W. VandeWalle
Beryl J. Levine
Herbert L. Meschke

Dale V. Sandstrom
William A. Neumann

Judges of the District Court

South Central District
*Benny A. Graff
Gerald G. Glaser
Dennis A. Schneider
Wm. F. Hodny

Northeast District
*James H. O'Keefe
Lee A. Christofferson

Southwest District
*Allan L. Schmalenberger
Maurice R. Hunke
Donald L. Jorgensen

Northeast Central District
*Joel D. Medd
Bruce E. Bohlman
Lawrence E. Jahnke
Kirk Smith

Northwest District
*Everett Nels Olson
Wallace D. Berning
Gary A. Holum
Gerald H. Rustad

East Central District
*Norman J. Backes
Lawrence A. Leclerc
Michael O. McGuire
Cynthia A. Rothe

Southeast District
*Robert L. Eckert
John T. Paulson
James A. Wright

Judges of the County Court

Zane Anderson
James M. Bekken
Georgia Dawson
Glenn Dill, III
Donovan Foughty
M. Richard Geiger
Ronald E. Goodman
Donavin L. Grenz
Gail Hagerty
Harold B. Herseth

Ronald L. Hilden
Robert W. Holte
Lester Ketterling
Debbie Kieven
John C. McClintock
William W. McLees
Thomas K. Metelmann
Frank L. Racek
Burt L. Riskedah
Thomas J. Schneider

O.A. Schulz
Mikal Simonson
Hal S. Stutsman
Gordon C. Thompson
Lowell O. Tjon
Jonal Uglen

Judges of the Municipal Court

Kathleen Cunningham

Robert Keogh

Surrogate Judges of the Supreme Court

Wm. M. Beede
Eugene A. Burdick
Ralph J. Erickstad

John O. Garaas
Gordon O. Hoberg
Jon R. Kerian

Wm. L. Paulson
Vernon R. Pederson
Bert L. Wilson

Attorney General Heidi Heitkamp
Clerk of the Supreme Court Penny Miller
Dean of the UND School of Law Jeremy Davis

Members of the Bar

Kermit Edward Bye
James S. Hill
Carol Ronning Kapsner

Dwight C.H. Kautzmann
Paul G. Kloster

Executive Secretary
Keith E. Nelson

74 Members

*Denotes Presiding Judge