

NORTH DAKOTA COURTS



**ANNUAL REPORT
1996**



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State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

October 15, 1997

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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 1996. 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

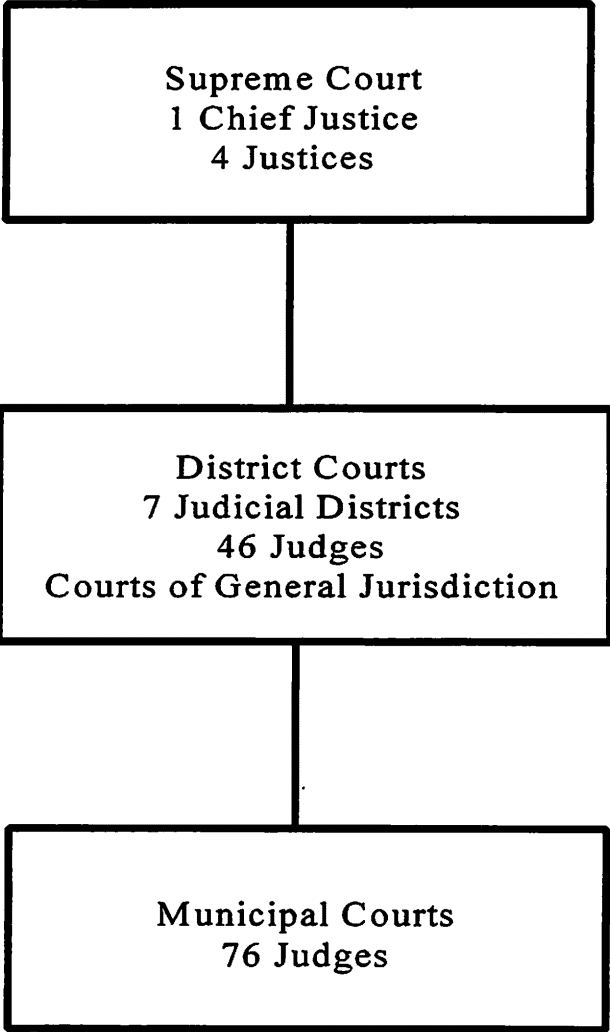
State Court Administrator and
Judicial Conference Executive Secretary

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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 retained their status as constitutional courts. All other courts in the state are statutory courts.

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

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

This changed once again as 1991 House Bill 1517 began implementation on July 1, 1991, with a completion date scheduled on January 1, 2001. Briefly stated, this legislation abolished county courts on January 1, 1995, with the jurisdictional workload transferring to an expanded number of district judges. The 1991 total of 26 county judges and 27 district court judges has been reduced to 46 district court judges currently sitting. This number is scheduled to be reduced to a total of 42 district court judges by the year 2001. Several advisory committees of the Supreme Court continue 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

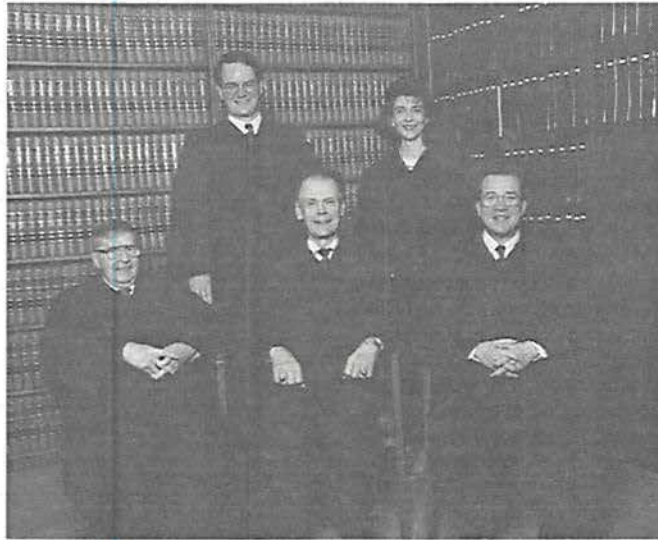
All judges in North Dakota are elected in nonpartisan elections. Justices of the Supreme Court are elected for ten-year terms; district court judges for six-year terms; and municipal court judges for four-year terms.

Vacancies in the Supreme Court and the district courts can be filled either by a special election called by the governor or by gubernatorial appointment. 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.

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 William A. Neumann;
(Standing) Justice Dale V. Sandstrom; Justice Mary Muehlen Maring

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

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

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

In its adjudicative capacity, the Supreme Court is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. All appeals from these courts must be 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 majority of the justices is necessary before the court can conduct its judicial business. In addition, the court cannot declare a legislative enactment unconstitutional unless four of the justices so decide. When the court reverses, modifies, or affirms a trial court judgment or order, it is required to issue a written opinion stating the reasons for its decision. Any justice disagreeing with the majority opinion may issue a dissenting opinion which explains the reasons for the disagreement with the majority.

In its administrative capacity, the Supreme Court has major responsibilities for ensuring the efficient and effective

operation of all 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 Joint Committee on Attorney Standards, the Judiciary Standards Committee, the Court Services Administration Committee, and the Judicial Planning Committee. Other committees, such as, the Continuing Judicial Education Commission, 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 by the Supreme Court. The state law librarian supervises the operation of the state law library.

North Dakota Supreme Court

The year of 1996 saw changes to the North Dakota Supreme Court. After serving 10 years on the bench, Justice Beryl J. Levine retired March 1. Upon receiving the Judicial Nominating Committee's list of qualified candidates, Governor Ed Schafer appointed Fargo attorney, Mary Muehlen Maring to the Court. Justice Maring started March 25 and immediately faced a contested June primary and November general elections. In November, Justice Maring was elected to fill out the remaining two years of Justice Levine's term. Justice Dale V. Sandstrom was also reelected to a 10-year term in November.

While the total number of new cases filed decreased in 1996, the Court's workload remains heavy, constant and challenging. This workload included the scheduling of oral arguments in 251 cases, an average of 51 majority opinions per Justice, an increase over last year, concurrences or dissents, admission ceremonies, visits with students and others, and their official appearances. Weekly motions and administrative conferences significantly impacted the Justice's schedules as well, but are necessary to the overall administrative efficiency of the Supreme Court and the judicial system. Besides general administrative and budgetary issues, in 1996 the Court considered 17 rule amendments or proposals; over 300 motions or requests on substantive issues in pending appeals, and requests for the supervisory or mandamus jurisdiction of the Court; and requests for lawyer discipline. Over 200 additional motions were considered by the Chief Justice and/or Clerk of Court. Self-represented or pro se litigants added to the administrative challenge by appearing in 21% of the filings.

Appeals in family law cases, administrative agency appeals, and petitions to invoke the Court's supervisory, mandamus or original jurisdiction accounted for 40% of the civil case filings in 1996. The highest number of appeals originated in the South Central Judicial District, followed by the East Central Judicial District, Northwest Judicial District, Southeast Judicial District, Northeast Judicial District, Northeast Central Judicial District, and the Southwest Judicial District.

A caseload synopsis follows.

**CASELOAD SYNOPSIS OF THE SUPREME COURT
FOR THE 1996 AND 1995 CALENDAR YEARS**

	1996	1995	Percent Difference
New Filings	378	417	-9.4
Civil	282	276	+2.2
Criminal	96	141	-31.9
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0
New Filings Balance	378	417	-9.4
Civil	282	276	+2.2
Criminal	96	141	-31.9
Filings Carried Over From Previous Calendar Year	231	200	+15.5
Civil	152	156	-2.6
Criminal	79	44	+79.5
Total Cases Docketed	609	617	-1.3
Civil	434	432	+5
Criminal	175	185	-5.4
Dispositions	401	386	+3.6
Civil	275	280	-1.8
Criminal	126	106	+18.8
Cases Pending as of December 31	208	231	-9.5
Civil	159	152	+4.6
Criminal	49	79	-38.0

DISPOSITIONS - 1996

	Civil	Criminal
BY OPINION:		
Affirmed; Modified & Affirmed	97	50
Reversed; Reversed & Remanded;	9	19
Affirmed in Part & Reversed in Part:		
Reversed in Part and Remanded	14	3
Affirmed by Summary Disposition	21	16
Dismissed: Remanded	5	0
Discipline Imposed	12	0
Original Jurisdiction--Granted	6	0
Original Jurisdiction--Denied	1	0
Certified Question Answered	2	0
Certified Question Not Answered	1	0
Dispositions by Opinion	208	88
BY ORDER:		
Dismissed	34	23
Dismissed After Conference	14	8
Original Jurisdiction--Granted	0	0
Original Jurisdiction--Denied	14	4
Original Jurisdiction--Denied and Granted in Part	2	0
Granted in Part	3	3
No Action Required		
Dispositions by Order	67	38
Total Dispositions for 1996	275	126

**CASELOAD OVERVIEW OF NORTH DAKOTA COURTS
FOR 1996 AND 1995**

Level of Court	Filings		Dispositions		Pending at Year's End	
	1996	1995	1996	1995	1996	1995
Supreme Court	378	417	401	386	208	231
District Courts*	131,115	130,163	130,466	132,113	17,810	17,212
TOTAL	131,493	130,580	130,867	132,499	18,018	17,443

*Including Administrative Traffic and Formal Juvenile.

DISTRICT COURTS

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

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

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

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

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

There are, as of the end of 1996, forty-six district judges in the state. Nine judges in four chamber city locations serve the South Central Judicial District, the largest geographically and most populous district in the state. There are eight judges in the Northwest Judicial District serving in four chamber city locations. Seven judges serve the East Central Judicial District in two chamber city locations, and five judges serve the Northeast Central Judicial District in one chamber city location. Six judges serve the Northeast Judicial District in five chamber city locations. Seven judges serve the Southeast Judicial District in five chamber city locations. Four judges serve the Southwest Judicial District in two chamber city locations. All district court judges are required by the state constitution to be licensed North Dakota attorneys, citizens of the United States, and residents of North Dakota.

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

District Court Caseload

As indicated in the charts below, there was a .74% increase in district court filings in 1996. This increase reflects the steady growth of court cases over the last several years, with the exception of 1993, when there was a slight (.08%) decrease.

The relative breakdown of types of cases and distribution within categories remain steady from year to year. In terms of numbers, administrative traffic is the largest single category of cases representing 50% of all new filings, followed by criminal at 24%, civil at 19.5%, and juvenile making up about 2% of the caseload.

Juvenile, small claims, administrative traffic, and criminal cases showed increases in 1996.

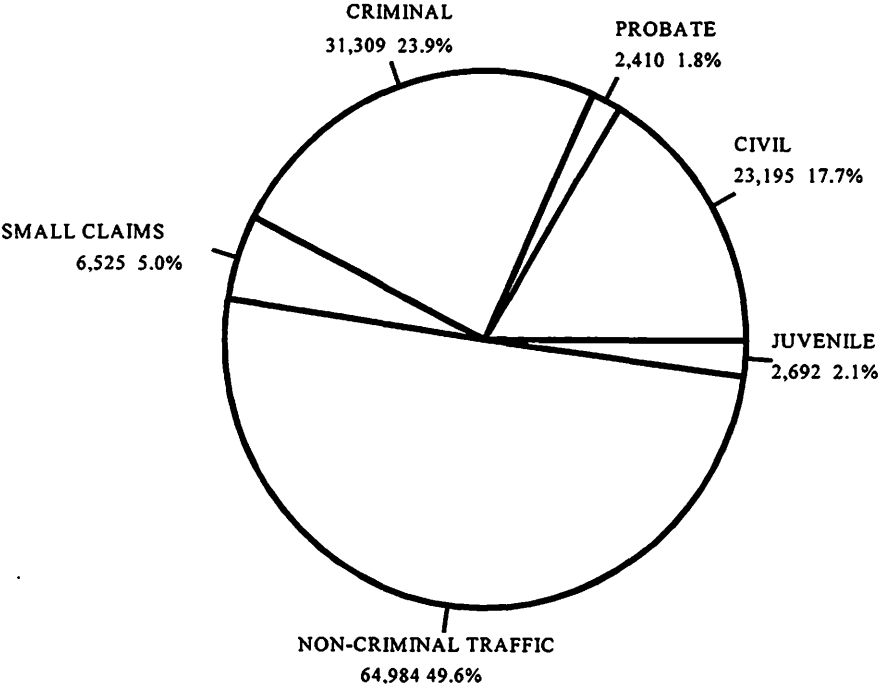
DISTRICT COURT CASELOAD FOR CALENDAR YEAR 1996 AND 1995

Case Filings	1996	1995	Percent Difference
New Filings	131,115	130,163	+.74
Civil	25,605	27,920	-8.29
Small Claims	6,525	6,300	+3.57
Admin. Traffic	64,984	64,776	+.32
Criminal	31,309	28,555	+9.64
Juvenile	2,692	2,612	+3.06
Case Dispositions	1996	1995	
Dispositions	130,466	132,113	-1.20
Civil	25,037	27,506	-8.97
Small Claims	6,233	6,268	-.56
Admin. Traffic	64,984	64,776	+.32
Criminal	31,520	30,951	+1.84
Juvenile	2,692	2,612	+3.06

DISTRICT COURT CASE TYPE FILING - 1996

CIVIL		CRIMINAL	
Case Type	Filings	Case Type	Filings
Property Damage	148	Felony	3,614
Personal Injury	347	Misdemeanor	27,535
Malpractice	36	Special	20
Divorce	2,861	Other	0
Adult Abuse	1,097	State Total	31,309
Custody	92		31,169
Support Proceedings	7,376		
Adoption	277		
Paternity	1,303		
Termination of Parental Rights	17		
Administrative Appeal	309		
Appeal Other	13		
Contract/Collect	5,581		
Quiet Title	89		
Condemnation	17		
Forcible Detain	469		
Foreclosure	250		
Change of Name	156		
Special Proceedings	119		
Trust	156		
Foreign Judgment	319		
Other	808		
Conservator/Guardianship	408		
Protective Proceedings	3		
Probate	2,410		
Mental Health	944		
Small Claims	6,525		
State Total	32,130		

TYPES OF CASES FILED IN DISTRICT COURT DURING 1996



Civil Caseload

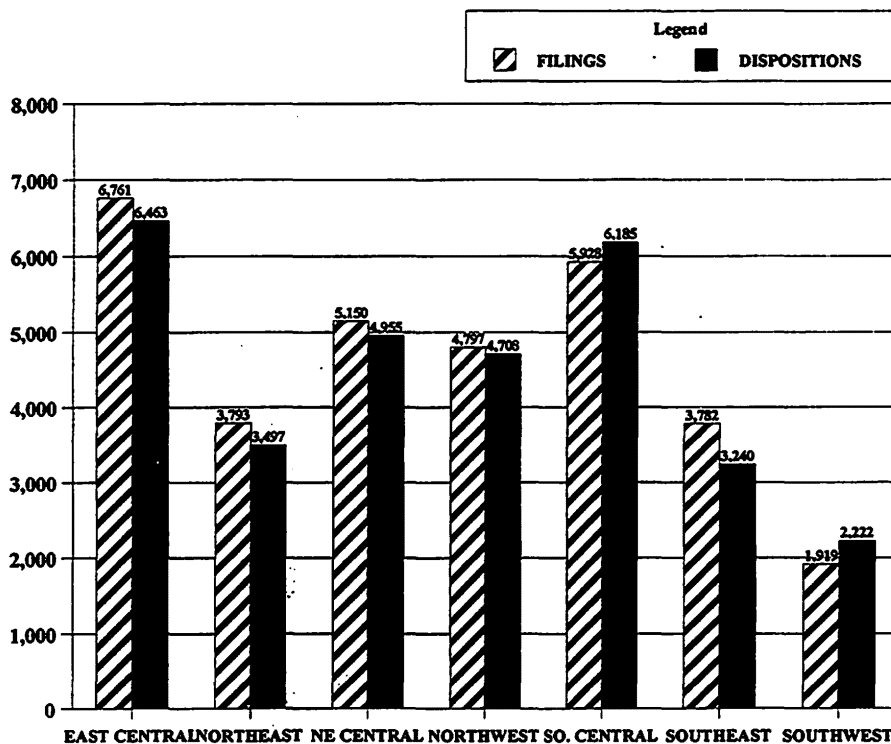
The data indicates a leveling of civil cases in 1996. When comparing 1996 filings with the 1995 district court filings, the civil (generally civil plus small claims) data indicates an .74% increase in new filings.

As percentages, most types of cases remain relatively stable. The number of support actions decreased by nearly 3%. This is the fourth consecutive year that this type of filing decreased and may reflect the more common use of administrative actions, such as income withholding of child support payments automatically at the time of divorce.

Overall, domestic relations filings decreased by 16.12%. Within the domestic relations category, child support actions make up 49% of the cases; divorce, 26%; paternity, 12%; adult abuse, 10%; and custody and adoption, 3%.

Adult abuse filings increased again in 1996 to 1,097 cases, compared with 1,030 filings in 1995. Divorce filings decreased in 1996 with 2,861 filings compared to 3,035 in 1995.

ND CIVIL CASELOAD FOR DISTRICT COURT FOR 1996

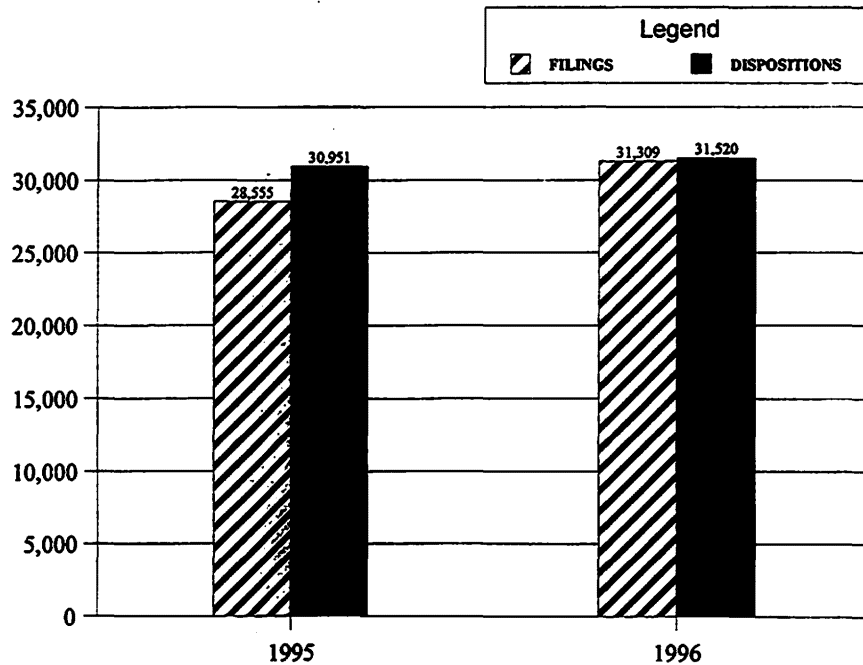


Criminal Caseload

North Dakota continued its traditional low rate of crime. However, filings increased by 9% after increasing by 6% in 1995. This should not be viewed as a significant trend. The low numbers result in large percentage variations in any one year. Overall, criminal cases have shown a continued upward trend. Of the criminal cases filed in district court, 88% were misdemeanors and 12% were 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.

ND CRIMINAL CASELOAD FOR DISTRICT COURT FOR 1996



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 20% of the caseload. Property offenses, 27%; traffic offense, 4%; deprivation, 9%; and other filings, 33%.

The method by which cases were disposed shows an increased reliance on counsel/adjusted proceedings. Of the cases heard, 52% were disposed of through counsel/adjusted proceedings in 1996, compared to 44% in 1995.

Informal adjustment dispositions have continued to decrease. In 1996, 26% were disposed of through informal

adjustments, compared with 33% in 1995 and 59% in 1994.

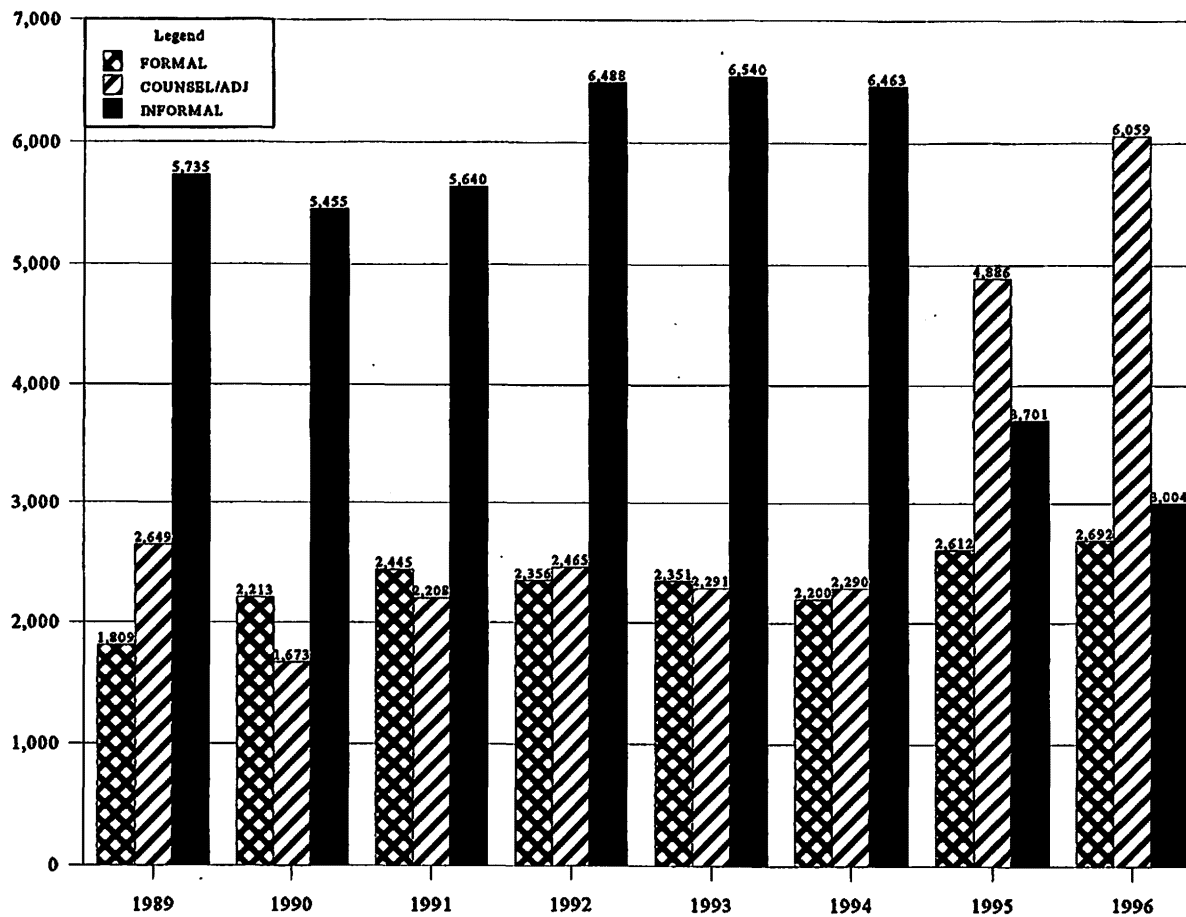
However, formal disposition increased by 80 cases. This may reflect legislation which ties transfer to adult court with formal adjustments.

Overall, the juvenile court caseload was up slightly after increasing in 1995. The table on the adjacent page compares the reason for referral for the juvenile court in 1995 and 1996. 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 shoplifting ranks third.

**TYPES OF JUVENILE COURT DISPOSITIONS
FOR 1996 AND 1995**

Judicial District	Formal		Informal/Probation		Counsel/Adjusted		Total Dispositions		Percent Diff.
	1996	1995	1996	1995	1996	1995	1996	1995	
Northwest	334	316	855	1,060	957	456	2,146	1,832	+17.1
Northeast	465	589	302	231	880	674	1,647	1,494	+10.2
NE Central	307	341	389	824	715	436	1,411	1,601	-11.9
East Central	585	600	326	575	724	688	1,635	1,863	-12.2
Southeast	273	279	439	468	721	560	1,433	1,307	+9.6
South Central	617	405	576	394	1,610	1,664	2,803	2,463	+13.8
Southwest	111	82	117	149	452	408	680	639	+6.4
TOTAL	2,692	2,612	3,004	3,701	6,059	4,886	11,755	11,199	+5.0

COMPARISON OF JUVENILE DISPOSITIONS FOR 1989-1996



**REASONS FOR REFERRAL TO JUVENILE COURT SERVICES
IN 1996 AND 1995**

	1996	1995	Percent Difference
UNRULY	2,446	1,889	+29.3
Runaway-Instate	784	674	+16.3
Runaway-Out-of-State	14	9	+55.6
Truancy	332	293	+13.3
Ungovernable Behavior	572	515	+11.1
Conduct/Control Violation	64	45	+42.2
Curfew Violation	443	250	+77.2
Other	233	103	+126.2
DELINQUENCY	600	596	+0.7
Offense Against Person	126	129	-2.3
Assault	413	390	+5.9
Homicide	0	4	0
Kidnapping	1	0	0
Sex Offense	60	73	-17.8
Offense Against Property	3,271	2,929	+11.7
Arson	7	10	-30.0
Burglary	172	196	-12.2
Criminal Mischief	524	459	+14.2
Criminal Trespass	199	142	+40.1
Forgery	45	60	-25.0
Robbery	9	12	-25.0
Theft	944	971	-2.8
Shoplifting	1,255	943	+33.1
Other	116	136	-14.7
Traffic Offenses	452	418	+8.1
Driving w/o License	233	149	+56.4
DUI/Physical Control	56	77	-27.3
Other	163	192	-15.1
Other Offenses	4,052	3,223	+25.7
Disorderly Conduct	474	409	+15.9
Firearms	54	70	-22.9
Game & Fish Violation	58	53	+9.4
Obstruction of Law	107	110	-2.7
Possession or Purchase of Alcohol Beverage	2,220	1,808	+22.8
Controlled Substance Violation	348	221	+57.5
Tobacco	370	187	+97.9
Other	421	365	+15.3
DEPRIVATION	1,136	1,129	+0.6
Abandoned	14	26	-46.2
Abuse/Neglect	273	270	+1.1
Deprived	849	833	+1.9
SPECIAL PROCEEDINGS	183	118	+55.1
Involuntary Termination of Parental Rights	22	17	+29.4
Voluntary Termination of Parental Rights	44	21	+109.5
Other	117	80	+46.3
TOTAL	12,136	10,302	+17.8

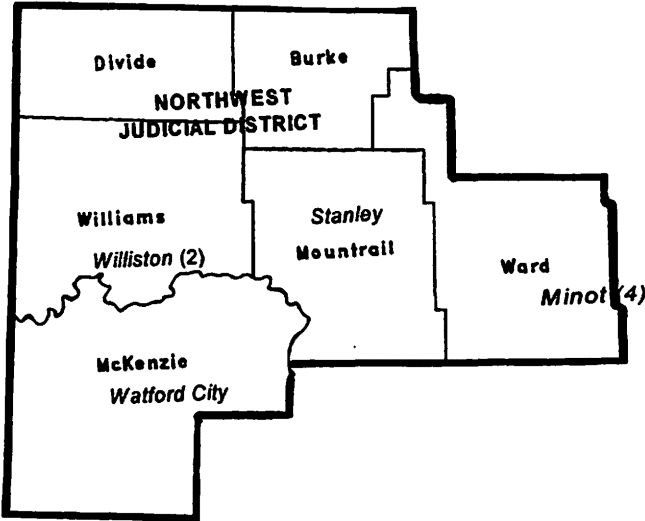
Report of the Northwest Judicial District

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

District Court Judges: Everett Nels Olson, Presiding Judge: Wallace D. Berning; Glenn Dill III; Gary Holum; Robert W. Holte; William W. McLees, Jr.; David Nelson; and Gerald Rustad.

Number of Counties in District: 6

District Court Chambers: Minot, Stanley, Watford City, and Williston.



District Court

All of the district's reporters received their CAT (computer aided transcription) equipment, along with a dedicated laser printer, reducing the time needed to produce transcripts. A district computer assets survey was done to lay groundwork for modernization in 1997. The Watford City chambers were updated with modern, networked computers replacing older county equipment. Capabilities for recording telephone testimony and recording jury selection were improved.

For 1997, the Ward, Mountrail, and Williams County courthouses will be getting infra-red systems for use by hearing impaired participants. Also planned are districtwide E-mail connections and conversion to the unified court information system (UCIS). The Williams County clerk of court offices will soon be combined on one floor. In Ward County remodeling discussions were still ongoing at year end.

New management reports for the district judges were developed from the UCIS database. Shorter reports of pending cases now show the caseload status without an overwhelming amount of printouts. A renewed emphasis on the bimonthly district judges' meeting has also improved caseflow and court management. In September, Waldemar Kowitz was hired as an administrative assistant to replace William Blore who retired.

Juvenile Court

Over \$29,700 was recovered in juvenile restitution payments while over 8,200 hours of community service were completed; both increased over the prior year. Regular referrals in the district also went up from 2,387 referrals in 1995 to over 3,000 in 1996. The juvenile court staff continues to provide existing and new programs to help offenders examine their own actions and consequences. The Youth Educational Shoplifting

(YES) program had 139 referrals with only eight repeat offenders. Other area programs, such as "Keys to Innervations", anger management, stop smoking classes, LAMN for teenage girls, and parenting classes are being used by staff to help juveniles and dysfunctional families modify their behaviors.

The district's judicial referee handles formal juvenile hearings (which increased from 205 in 1994 to 280 in 1995), child support hearings (increasing from 502 to 575), and protection and restraining orders (from 141 to 186). The juvenile and support hearings are held in Williams and Ward County courthouses.

Child support collections totaled \$10,634,604, an increase of over \$675,000. Restitution, however, decreased from \$154,439 in 1994 to \$150,425 in 1995.

Legislator Ride-Along Program

Area legislators were invited to join in this program to "shadow" one of the Ward County courthouse judges through a day and to learn more about how the system works. As a follow-up to this program, all of the state representatives and senators in the district were invited to call any of the district judges to discuss legislative issues.

NORTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1995

Case Filings/ Dispositions	1996		1995	
	(F)	(D)	(F)	(D)
Civil	4,321	4,239	4,964	4,584
Small Claims	476	469	724	785
Admin. Traffic	7,928	7,928	6,934	6,934
Criminal	4,179	4,184	4,106	4,182
Juvenile	334	334	316	316

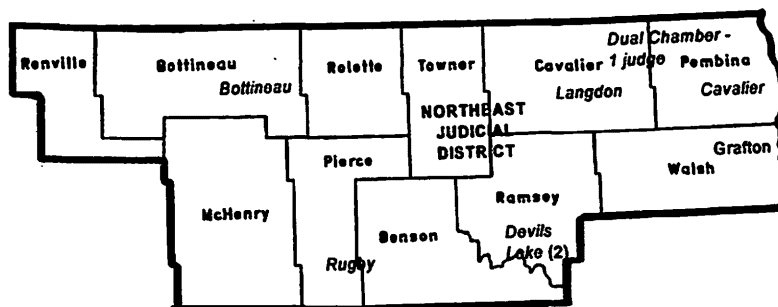
Report of the Northeast Judicial District

The Honorable Lee A. Christofferson, Presiding Judge
 Scott K. Johnson, Administrative Assistant

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

Number of Counties: 11

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



District Court

While the Northeast Judicial District covers about 20% of the state's geographical area, it represents about 15% of the statewide district court cases. Trial court unification has been fully implemented. The six judges which serve the district seems like the appropriate number of judges to serve the citizens.

New challenges in our district court during 1996 included site preparation for a districtwide computer network (UCIS), integrated calendars in chamber cities, and continued efforts to unify the forms and procedures used by the judges throughout the district. Regional community service and restitution programs are regularly used.

Juvenile Court

The juvenile court operates from three primary sites: Bottineau, Devils Lake, and Grafton, with one referee hearing cases throughout the district.

The number of referrals is up in every region. Ongoing efforts to make a wide range of programs available has been accomplished. The Keys to Innervations, a cognitive restructuring program is conducted during after school hours at all regional sites. Drug screening and alcohol education programs are utilized by all juvenile court staff. Juvenile court staff are also involved in day treatment and ART projects, as well as many other community based programs for children and youth.

Districtwide, \$42,671.33 in restitution was collected from juveniles. In addition, 9,417 hours of community service hours were completed by juveniles. As these figures reflect, a high priority is given to the use and successful completion of these two requirements.

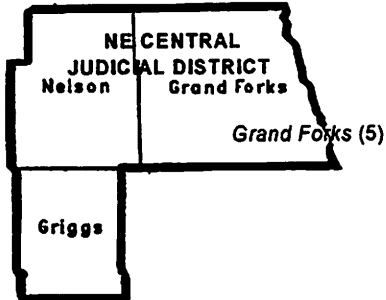
NORTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1995 AND 1994

Case Filings/ Dispositions	1996		1995	
	(F)	(D)	(F)	(D)
Civil	2,673	2,478	2,953	2,775
Small Claims	1,120	1,019	885	852
Admin. Traffic	10,246	10,246	9,554	9,554
Criminal	4,347	4,173	3,994	3,953
Juvenile	465	465	589	589

Report of the Northeast Central Judicial District

The Honorable Bruce E. Bohlman, Presiding Judge
Dan Belcher, Office Manager

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



NORTHEAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1995

Case Filings/ Dispositions	1996		1995	
	(F)	(D)	(F)	(D)
Civil	4,338	4,194	4,225	5,637
Small Claims	812	761	643	870
Admin. Traffic	7,588	7,588	6,793	6,793
Criminal	4,142	3,853	4,463	4,388
Juvenile	307	307	341	341

District Court

This past year has included many changes in the operation of the district court, including personnel changes in the administration area. Grand Forks County is also involved with a pilot project under recently enacted Rule 8.5 of the North Dakota Rules of Court dealing with summary proceedings in domestic relations law.

Plans are to get the district's "non-chambered" counties on board with the UCIS program, which would enable them to do their own data input. Many changes and enhancements of the UCIS software package have made the program more "user friendly".

In December, the court administration office moved into new offices on the second floor of the courthouse. In January, 1997, Judge Bohlman's courtroom and chamber will be moved to the second floor. After third floor renovations are completed, the juvenile court referee and magistrate will be moved into their new courtrooms and offices. This will complete the goal of having all judicial functions located in the courthouse.

Juvenile Court

Keys to Innervisions has been the focus of the juvenile court in 1996. To date, juvenile court services have reached over 200 juveniles and their parents with the Keys to Innervisions curriculum. Keys to Innervisions is a cognitive restructuring curriculum that has been adopted by juvenile court services throughout the state. The Northeast Central district is extremely pleased with the program. Court services personnel are making inroads with troubled youth and have found a greater sense of purpose by using the program. New and innovative programming, high staff morale, and community collaboration have been the focus in juvenile court this year. With increasing referral numbers and referrals prone to violence, it will be necessary to have a solid base of programming to reduce this trend.

Report of the East Central Judicial District

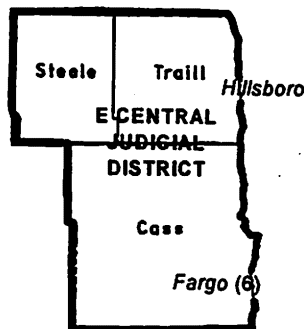
The Honorable Norman J. Backes, Presiding Judge
Eloise M. Haaland, Administrative Assistant

District Court Judges: Lawrence A. Leclerc, Presiding Judge; Norman J. Backes; Michael O. McGuire; Cynthia A. Rothe-Seeger; Georgia Dawson; Frank Racek; and Ralph Erickson

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

Number of Counties in District: 3

District Court Chambers: Fargo, Hillsboro



Youthworks have also participated in the training and co-facilitated Keys classes. Combined resources from two school districts and the judiciary will bring Keys training to four middle school and three high school principals, teachers, and counselors within the East Central Judicial District.

EAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1995

Case Filings/ Dispositions	1996		1995	
	(F)	(D)	(F)	(D)
Civil	6,241	8,543	5,130	4,334
Small Claims	1,883	2,087	1,872	1,721
Admin. Traffic	8,042	8,199	7,613	7,613
Criminal	5,957	5,871	5,413	5,624
Juvenile	597	597	600	600

District Court

A new rotation system was implemented in the criminal division June 1, 1996, wherein a public defender is assigned to a judge for a 12-week stretch. Each judge works a 3-week rotation, i.e., arraignment/hearing week, misdemeanor trial week, and felony trial week. Cases are assigned to the arraignment judge.

Criminal cases are processed within 12 weeks of filing. A scheduling order is issued at the initial appearance setting dates for preliminary hearing, motion deadline and hearing, a disposition conference and trial date. Parties are provided with a copy of this order before leaving the courthouse. Disposition conferences on felonies are Wednesday p.m. and misdemeanors on Thursday p.m. By this time, a majority of cases have been disposed of by plea and any remaining are firmed up as to whether it will be a court or jury case. Court trials are set on Mondays of the judge's trial week with Tuesday through Friday available for jury trials.

The criminal division tried 32 misdemeanor and 19 felony jury trials in 1996.

Fifty-one certificates of readiness for jury trial and 159 certificates of readiness for court trials were filed. Judicial referees heard 3,324 matters which included formal juvenile proceedings, pre and post divorce motions, as well as child support, showing an increase of 33% over last year.

Juvenile Court

The East Central Judicial District juvenile court had approximately 2,400 referrals in 1996. Six hundred and seventy-five referrals were handled as diversions and informal adjustments. Over \$15,500 in monetary restitution was collected in 1996 to compensate victims of juvenile offenses. Juvenile offenders have been involved with numerous community service hours now being managed by the Restore program. Five hundred and seventy-seven petitions were filed.

During the year, the juvenile court staff was trained in the Keys to Innervisions program and implemented the program in June. Thirteen Keys classes were held involving 80 juveniles. Presently, an NDSU professor is gathering information and assessing the data on the Keys participants. We are actively pursuing community involvement with the Keys program. Staff from social services, service agencies, schools, and

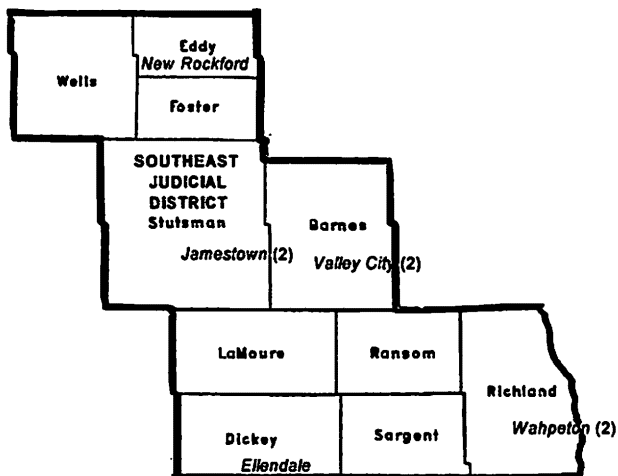
Report of the Southeast Judicial District

The Honorable John T. Paulson, Presiding Judge
Jodie Koch, Administrative Assistant

District Court Judge: John T. Paulson, Presiding Judge; James A. Wright; James M. Bekken; Ronald E. Goodman; Richard W. Grosz; Randall L. Hoffman; and Mikal Simonson.

Number of Counties in District: 10

District Court Chambers: Valley City, Jamestown, New Rockford, Ellendale, and Wahpeton.



Automation

Each of the five district court chambers in the Southeast district will be connected to the state backbone by the end of the 1995-97 biennium. The major thrust for this project began in 1996. Computer equipment and necessary wiring will be installed in each of the district court offices. Each of the 24 district court personnel obtained training in Windows95, word processing, scheduling, and electronic mail transmittal via computers. Site experts were chosen as resource persons to aid in the automation transition. Also involved in this automation project and training were most of the district court clerks.

Several of the district judges use laptop computers because they travel frequently. Since the Southeast district is mainly rural, automation provides the much needed links required to communicate effectively, obtain and transmit information quickly and efficiently, and to ensure the high standard of court services the public deserves. Through the automation process, each person working in the system has the resources at hand necessary to fulfill his or her duties to the greatest extent possible. Also, it creates a cooperative, team environment where each person, whether a judge, juvenile officer, secretary, reporter/recorder, law clerk, or administrator can pull together to contribute to the overall goal of providing the public with the best court services available.

Information is accessible through the Internet, on-line legal resources, and now with CD-ROM capabilities, volumes of legal information once stored in hard-bound books are presently available on single discs. This frees valuable space and storage areas once needed to accommodate immense law libraries.

Unified Court Information System

Managing caseflow is of utmost importance in a court service system. Through the state backbone, court personnel have access to a statewide program developed to manage case information, schedule court time, and record court events and documents. This program is the unified court information system (UCIS).

Each of the five district chambers, as well as the clerk of court counterparts, will have access to UCIS. Training is necessary so each person using the program is knowledgeable

about its applications. Moving onto a computerized system is a very big step and many adjustments will be made. Using this system will enable the clerks of court to file events instantly, to print out receipts for all case transactions and ledger these amounts via the computer, and eventually to print out judgments right from the courtroom.

District Court Caseload

Although automation has been a major topic in the Southeast Judicial District, many other events have been occurring as well. For example, court reporters have started using computer aided transcription (CAT), which enables them to provide "real time" reporting and transcription. Electronic recording is also advancing with digital technology playing a significant role.

Caseflow management has taken a high priority. All court personnel have been concentrating on getting old cases cleaned out of the system so that backlog is diminished and current cases can be dealt with more efficiently. Recoupment of indigent defense expenditures is a constant mission in the Southeast district. This backs the philosophy that "no one gets a free lunch" and that taxpayers' dollars are not being abused.

Juvenile Court

This has also been an exciting year for the juvenile offices. The Keys to Innervisions program has been successfully implemented. Parents and juveniles are enjoying the program and it is hoped to see results in fewer reoffenders. Facilitators for this program have received extensive training and include a broad cross-section of personnel who work with juveniles, including juvenile officers, counselors, social workers, and educators.

A "Ride-Along" program was recently established by the highway patrol. Juveniles referred for minor in possession, fleeing, reckless driving, and other similar offenses may be referred to this program. The juvenile offender rides along with a patrol officer and is able to see first hand the effects of their offenses.

Electronic and home monitoring are being more widely used, resulting in close supervision with a cost reduction. Referrals to juvenile court remain steady. Informal hearings for juveniles are on the rise, reducing the need for formal adjustments.

SOUTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1995

Case Filings/ Dispositions	1996		1995	
	(F)	(D)	(F)	(D)
Civil	2,899	2,390	3,243	2,771
Small Claims	883	850	927	894
Admin. Traffic	11,488	11,488	10,694	10,694
Criminal	4,843	4,545	2,404	2,295
Juvenile	273	273	279	270

Report of the South Central Judicial District

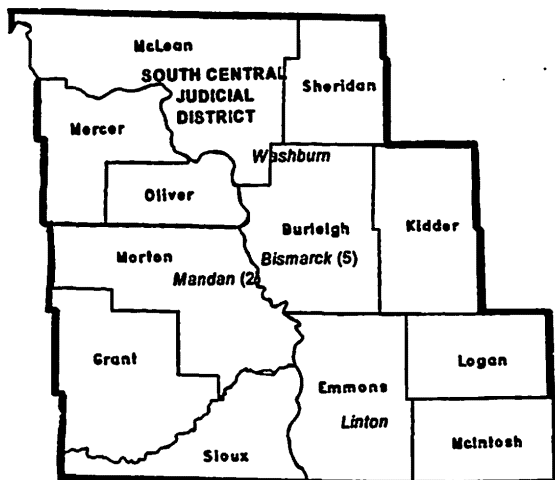
The Honorable Benny A. Graff, Presiding Judge
Douglas H. Johnson, Trial Court Administrator

District Court Judges: Benny A. Graff, Presiding Judge; William F. Hodny; Donald Jorgensen; Dennis A. Schneider; Gail Hagerty; Burt L. Riskedahl; Thomas J. Schneider; Bruce Haskell; and James Vukelic.

Judicial Referees: James Purdy and Robert Freed.

Number of Counties in District: 12

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



District Court

The South Central Judicial District continues to use the case assignment system originally implemented under the unified court system as of January, 1995. The district is "subdivided" into three geographic regions whereby the judges chambered in Bismarck and Mandan take rotations on the master calendar in Burleigh and Morton counties. These seven judges also cover the master calendar in Grant and Sioux counties and are assigned all other case filings originating from these four counties. The two rural chambered judges handle all master and individual case work in their geographic area plus a share of the individual case assignments from filings in Burleigh, Morton, Grant, and Sioux counties. The Washburn chambered judge covers McLean, Mercer, Oliver, and Sheridan counties, while the Linton chambered judge handles Emmons, McIntosh, Logan, and Kidder Counties.

Early in 1996, Presiding Judge Graff placed a moratorium on the scheduling of civil cases filed in the district court and prioritized criminal cases. This mandate continued into 1997 and has worked very well in bringing the criminal caseload into compliance with North Dakota Supreme Court Administrative Rule 12 relating to docket currency standards.

Juvenile Division and Judicial Referee Activities

In 1996, 3,568 referrals were made to the juvenile court. This was a decrease of about 300 children when compared to 1995. Of those referrals, 937 were diverted to the Bismarck-Mandan Police Youth Bureau for disposition which primarily consists of first time offenders, minor violations, or children of a very young age.

There were 2,870 children retained in the juvenile court and handled either informally or formally through the petition process. There were 617 formal matters heard in juvenile court in 1996, which include detention/shelter care hearings on temporary custody orders issued by the court service officers. Referees conducted 391 formal hearings.

There were 270 detention and temporary custody orders issued for children who were placed in temporary alternative environments outside the parental home.

In addition to the formal juvenile proceedings, the judicial referees conducted 341 orders to show cause hearings for nonpayment of child support; 58 foster support matters; and 101 review/modification of child support hearings.

ACT Program

The Alternative Choice Training Program continued to remain self-sufficient for the sixth straight year thanks to program coordinator Larry Otterson. In 1996, 169 people completed the minor in possession class and 56 completed the adult misdemeanor class. The domestic violence class had 30 participants who completed the course. Starting in 1996, the Adult Abuse Resource Center began performing administrative intake functions for domestic violence referrals. Bismarck State College's Community Services Division continues to play a key role in the success and management of this program.

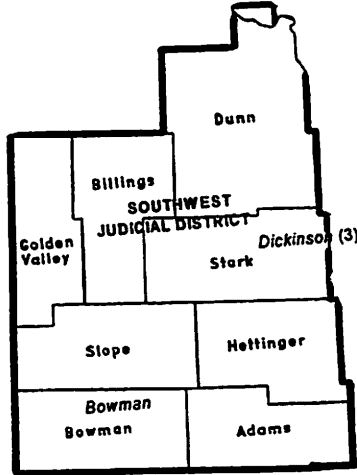
SOUTH CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1995

Case Filings/ Dispositions	1996		1995	
	(F)	(D)	(F)	(D)
Civil	4,909	5,205	5,636	5,256
Small Claims	1,019	980	882	803
Admin. Traffic	15,669	15,669	18,275	18,275
Criminal	5,892	6,682	6,004	7,971
Juvenile	617	626	405	405

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; Ronald L. Hilden; and Zane Anderson.
Number of Counties in District: 8
District Court Chambers: Dickinson and Bowman



District Court

There was an increase in caseload resulting from the loss of a judge position. A master calendar and individual calendar were used to handle the cases. The type of case and hearing determines its placement on the master or individual calendar. If the decision must be quick, the parties available, and a particular decision maker is unimportant to the quality of the decision, the court schedules the case on the master calendar. If the case is complex or contested, the court assigns a judge to that case and schedules it on the judge's individual calendar.

Although the Southwest Judicial District has some of the most rural counties in North Dakota, it also has the fifth largest city with a growing economy. It also has seen a substantial increase in oil development in 1996 with more than 117 wells drilled, and more oil development is expected in 1997. The lesson learned from the last oil boom and bust is that good times and bad times produce litigation and oil-related litigation is complex.

The district relies on technology to stay current. The unified court information system (UCIS) is used to track and schedule cases. A Windows NT server networks the judges and staff. This allows all the judges in the Southwest Judicial District

to check the case docket, their calendar, receive and send e-mail, and do automated legal research. With the use of this technology, cases in the Southwest Judicial district are brought to trial promptly.

Juvenile

The juvenile court for the Southwest Judicial District consists of a court officer III, court officer II, and a secretary II. In 1996, the juvenile court kept busy. It used community resources to provide education and consequences for youth offenders.

Heart River Alcohol and Drug Services, Professional Consultation Services, and Eastern Montana Community Health provided educational classes for minors in possession or consumption. Community Action provided a smoking cessation class for tobacco offenders. Also, the community service program has been an extremely valuable resource for juvenile court in theft and vandalism cases. The juvenile court requires juvenile shoplifters to attend classes.

The Keys to Innervations Program was implemented in the Southwest Judicial District. The juvenile court, Stark County Social Services, and Community Action facilitate this program. For this program, the Children's Services Coordinating Committee awarded a grant to juvenile court and Community Action.

SOUTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1995

Case Filings/ Dispositions	1996		1995	
	(F)	(D)	(F)	(D)
Civil	1,571	1,877	1,762	2,149
Small Claims	348	345	367	348
Admin. Traffic	5,486	5,486	4,913	4,913
Criminal	2,383	2,843	2,171	2,538
Juvenile	111	104	82	82

MUNICIPAL COURTS

There are approximately 363 incorporated cities in North Dakota. Of the total municipalities, approximately 80 cities have municipal courts. There are approximately 76 judges serving in these 80 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.

State law was amended to permit district court judges to hear municipal ordinance violation cases and to permit cities to contract with the state 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 new municipal judge attend two educational seminars and all others attend one course conducted by the Supreme Court in each calendar year. If a municipal judge fails to meet this requirement without an excused absence from the Continuing Judicial Education Commission, the judge's name is referred to the Judicial Conduct Commission for disciplinary action.

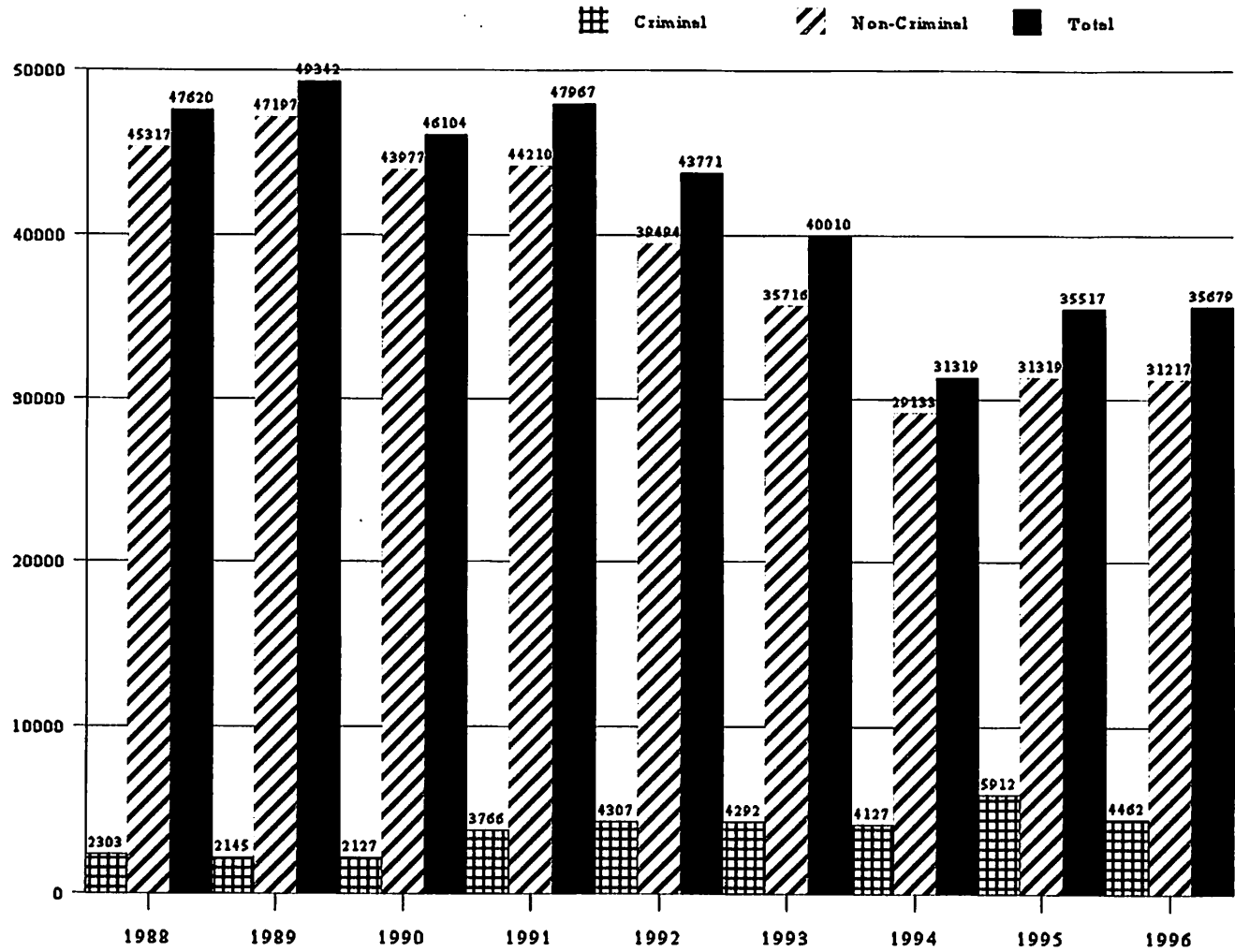
Municipal courts have jurisdiction over municipal crimes and traffic cases. Most of the traffic caseload of the municipal courts consists of noncriminal or administrative traffic cases. While these cases greatly outnumber the criminal traffic cases, they generally take much less time to process. There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

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 1996 AND 1995

Ten Municipalities With Highest Case Volume	Criminal Traffic Dispositions		Noncriminal Traffic Dispositions		Total Traffic Dispositions		% Diff.
	1996	1995	1996	1995	1996	1995	
Bismarck	867	939	6,939	9,050	7,806	9,989	-21.85
Dickinson	124	133	2,184	2,334	2,308	2,467	-6.45
Fargo	956	899	5,379	4,333	6,335	5,232	+21.08
Grand Forks	555	586	2,839	2,641	3,394	3,227	+5.18
Jamestown	209	225	2,016	2,766	2,225	2,991	-25.61
Mandan	475	418	2,226	2,106	2,701	2,524	+7.01
Minot	571	500	6,281	5,417	6,852	5,917	+15.80
Wahpeton	100	70	659	491	759	561	+35.29
West Fargo	331	186	852	585	1,183	771	+53.44
Williston	274	242	1,842	1,596	2,116	1,838	+15.13
TOTAL	4,462	4,198	31,217	31,319	35,679	35,517	+46

COMPARISON OF MUNICIPAL COURT DISPOSITIONS FOR 1988-1996



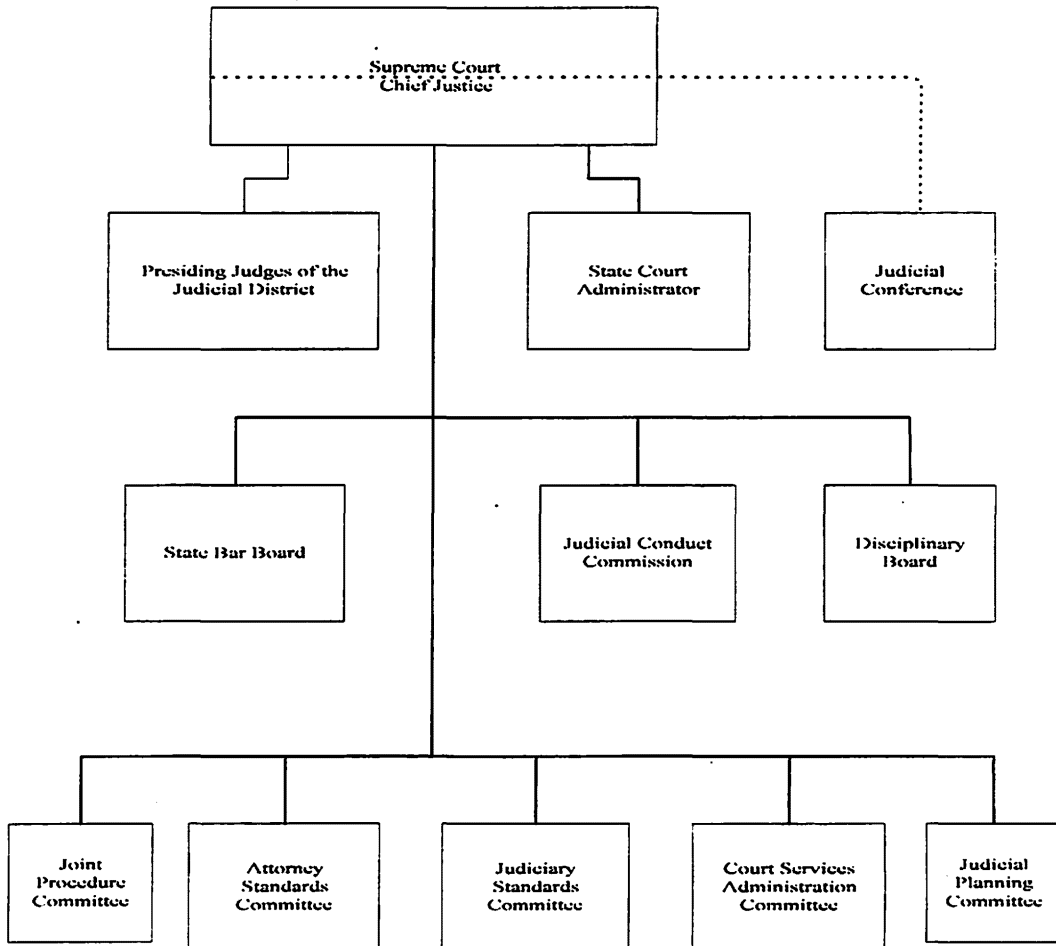
Administration of the Judicial System

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

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, presiding judges, and various advisory committees, commissions and boards. The functions and activities of these various bodies during 1996 are described in the subsequent pages of this report.

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

ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM



Office of State Court Administrator

Article VI, Section 3. of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications, and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation 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 implements education programs for all judicial and non-judicial personnel. To supplement the education programs presently being offered, an audio and video library has been established and is housed in the office of the state court administrator. To complement this library, the University of North Dakota Law School provides additional materials upon request. The library has access to a large selection of legal and professional audio and video tapes.

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

Research and Planning

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

Personnel Management

To ensure uniformity in personnel administration across districts, personnel policies and a pay and classification plan for district court employees were developed under the direction of the state court administrator. This program is administered by the director of personnel.

Fiscal Responsibilities

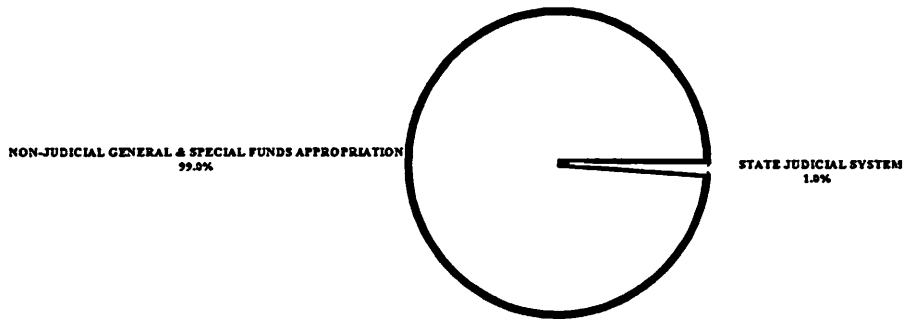
One of the primary functions of the office of state court administrator is to obtain adequate financial resources for judicial operations and to manage these resources. These functions are met with fiscal personnel consisting of a director of finance, supervisor of accounting, and technical staff. With the assistance of fiscal staff, the various judicial budgets are developed for funding consideration by the Legislative Assembly. The Supreme Court budget request is developed with input from Supreme Court department heads. The Judicial Conduct Commission and Disciplinary Board budget request is developed by their staff. The district court budget is coordinated by fiscal staff and prepared by each of the seven judicial districts with a joint recommendation of approval from the Council of Presiding Judges.

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

The state funds the 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.

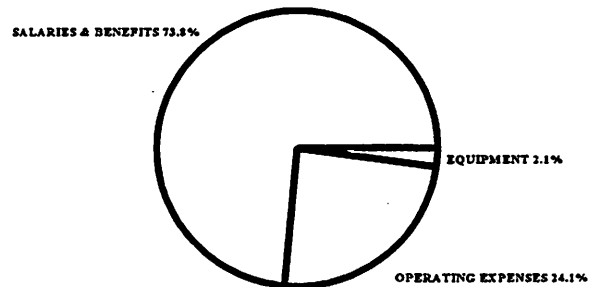
**JUDICIAL PORTION OF THE STATE'S BUDGET
1995-97 BIENNIUM**

Total State General and Special Funds Appropriation
\$3,591,160.154 (99%)
Judicial System General and Special Funds Appropriation
\$ 35,143.031 (1%)



**STATE JUDICIAL SYSTEM APPROPRIATION
BY APPROPRIATED LINE ITEM
1995-97 BIENNIUM**

Total Judicial System General and Special
Funds Appropriation \$35,143,031
Salaries and Benefits \$25,942,877
(73.8%)
Operating Expenses \$ 8,468,047
(24.1%)
Equipment \$ 732,107
(2.1%)

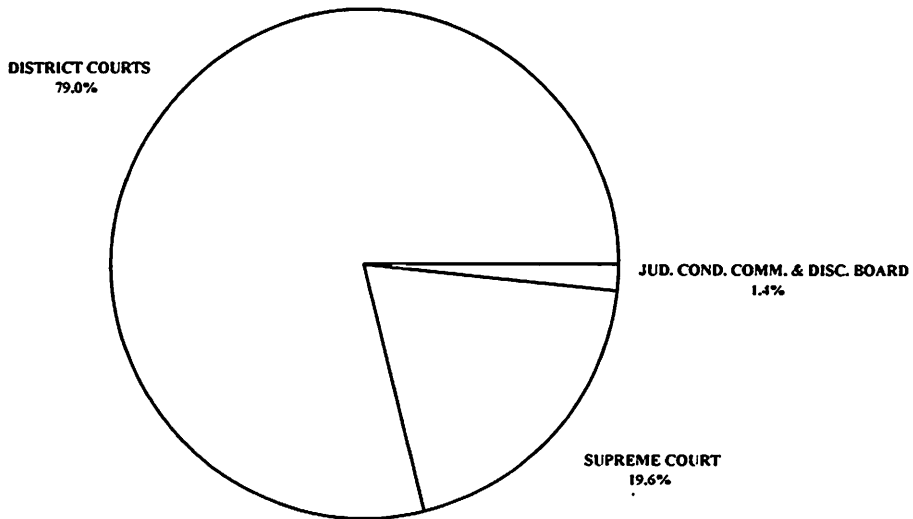


**STATE JUDICIAL SYSTEM APPROPRIATION
BY TYPE OF ACTIVITY
1995-97 BIENNIUM**

Supreme Court
 General Fund \$ 6,830,676
 Special Funds 55,672
 TOTAL \$ 6,886,348 (19.6%)

District Courts
 General Fund \$27,521,855
 Special Funds 259,541
 TOTAL \$27,781,396 (79.1%)

Judicial Conduct Commission & Disciplinary Board
 General Fund \$ 403,287
 Special Funds 72,000
 TOTAL \$ 475,287 (1.4%)



Advisory Committees of the North Dakota Judicial System

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

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 committee is chaired by Justice Dale V. Sandstrom, staffed by Gerhard Raedeke and comprised of 10 judges and 10 attorneys appointed by the Supreme Court.

Joint Attorney Standards Committee

The Joint Attorney Standards Committee was established following adoption of Administrative Rule 38 by the Supreme Court. The committee, chaired during 1996 by Christine Hogan of Bismarck, is comprised of members appointed by the chief justice and the Board of Governors of the State Bar Association. During 1996, the joint committee reviewed and recommended to the supreme court several amendments concerning the Rules of Professional Conduct which originated with the American Bar Association. The amendments addressed a variety of subjects including ancillary business, sale of a law practice and the status and supervision of legal assistants. The joint committee recently started a preliminary review of possible changes to the rules governing the lawyer discipline system.

Judiciary Standards Committee

The Judiciary Standards Committee, chaired by Brian Neugebauer of West Fargo, studies and reviews all rules relating to the supervision of the judiciary, including judicial discipline, judicial ethics, and the judicial nominating process. During 1996, the committee, through a subcommittee, joined representatives of the Judicial Conduct Commission in reviewing potential amendments to rules governing operation of the commission. The committee, thereafter, submitted to the supreme court several proposed rule amendments along with related legislation.

Court Services Administration Committee

The Court Services Administration Committee, chaired by William A. Strutz of Bismarck, continues its study of the implementation of court unification legislation. During 1996, the committee continued review of a rule governing access to court records.

Committee on Tribal and State Court Affairs

The Committee on Tribal and State Court Affairs was established following adoption of Administrative Rule 37 by the Supreme Court. The Committee is chaired by former Chief Justice Ralph J. Erickstad and is comprised of tribal and state court judges, tribal and state court support services representatives, and public members. It is intended to provide a vehicle for expanding awareness about the operation of tribal and state court systems; identifying and discussing issues regarding court practices, procedures, and administration which are of common concern to members of the two court systems; and for cultivating mutual respect for and cooperation between tribal and state courts. During 1996, the committee met on each of the state's four reservations and discussed issues relating to child support enforcement, juror selection, enforcement of warrants, and compliance with Indian Child Welfare Act requirements.

Commission on Judicial Education

The Continuing Judicial Education Commission established by Supreme Court Administrative Rule 36, is chaired by Judge Bruce E. Bohlman of Grand Forks. The Commission develops policies and procedures concerning the implementation of a statewide continuing judicial education program for judges and personnel of the unified judicial system.

The commission was instrumental in developing and institutionalizing the Judicial Institute, an annual 4-day education program for supreme, federal, district, tribal court judges, and magistrates. Other projects of the commission include the development and implementation of the new judge orientation program for trial and municipal court judges, orientation program for new clerks of court, the drafting and publication of trial and municipal court benchbooks, and various educational brochures on the judicial system, such as "The Family Circus Visits the Courts" and "The North Dakota Judicial System".

Personnel Advisory Boards

The District Court and Supreme Court Personnel Advisory Boards are chaired by Judge Allan Schmalenberger and L. David Gunkel respectively.

The boards continue the implementation of the judicial system salary administration plan, refining components as budgets allow.

The district court board has been faced with a number of issues resulting from unification and assumption of former county judges, as well as federal laws and regulations relating to court reporters. The board has undertaken a classification review of court reporters and secretaries, as well as a market review of the overall pay system. That report is due in mid-1997.

North Dakota Legal Counsel for Indigents Commission

The Legal Counsel for Indigents Commission, chaired by Constance L. Triplett, Grand Forks, identifies and reviews issues concerning the operation of the indigent defense contract system. The commission recently completed a thorough review and revision of the system's Indigent Defense Procedures and Guidelines and submitted a proposed policy on contract administration to the Council of Presiding Judges. The commission is developing a position paper on issues related to recoupment of indigent defense costs and expenses.

Juvenile Policy Board

The Juvenile Policy Board, chaired by Judge Norman Backes, continues to develop policies and procedures designed to implement consistent services on a statewide basis.

The board adopted "The Balanced Approach to Probation" as an operating philosophy for the juvenile courts. Based on research, this philosophy suggests that effective probation departments must implement programs to ensure public safety, accountability to the victim and society, and competency development of juveniles who appear in the courts.

Working with the directors of juvenile courts, programs such as testing certain offenders for drug and alcohol use, assignment to community service programs and monetary restitution programs have been implemented on a statewide basis. Additionally, a competency development program, known as "Keys to Innervations", has been implemented statewide. Through these programs and policies, the juvenile courts continue to work toward delivering consistent quality services.

Council of Presiding Judges

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

Court Technology Committee

The Court Technology Committee, chaired by Judge Allan Schmalenberger, dealt with numerous issues over the last year, ranging from video recording of trials to installation of a distributed computerized case management system.

The committee oversaw major revisions to the current unified court information system (UCIS), which is installed in Burleigh, Grand Forks, Morton, Mountrail, Stark, and Ward Counties. That software was modified from a single county system to a district system allowing access to cases in a district on "real time" status. This eliminates the need to send case information on paper to the state court administrator's office.

At the same time, the committee, recognizing advancements in computer technology, has undertaken a rewrite of UCIS to allow it to be run on a client-server platform. This step will allow best utilization of equipment advances and will enhance user friendliness through Window-type screens.

With improvements in statewide communications by the executive branch's information services division, the judiciary should be able to take advantage of point-to-point capabilities in the near future. In other words, e-mail and the ability of a judge to check on the status of a case from a remote site is not far off.

A subcommittee, chaired by Judge Everett Nels Olson, also made its first report on issues faced in moving to a statewide computer aided transcript system. That subcommittee is charged with establishing hardware and software standards to implement such a system.

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 Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints. The Joint Attorney Standards Committee reviews the procedural rules to make the system more effective and efficient.

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

Formal proceedings are instituted when there is probable cause to believe that misconduct has occurred. When a matter becomes formal, a petition for discipline is filed and a hearing body is appointed by the chair of the Board to make findings and a recommendation to the Disciplinary Board. Present and past members of the Board may serve as hearing body members. The Board may dismiss the petition, issue a reprimand, impose probation or recommend other appropriate sanctions, with the exception of an admonition. If suspension or disbarment is recommended, a report is forwarded to the Supreme Court for review and action.

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

Following is a summary of complaint files under consideration in 1996.

Disciplinary Board Summary - 1996

New Complaint Files Opened in 1996	192
General Nature of Complaints:	
Client Funds & Property	13
Conflict of Interest	2
Criminal Convictions	1
Excessive Fees	7
Failure to Communicate/Cooperate with Client	9
Improper Conduct	93
Incompetent Representation	49
Misappropriation/Fraud	3
Neglect/Delay	11
Petition for Reinstatement	2
Unauthorized Practice of Law	2
TOTAL	192
Formal Proceedings Pending From Prior Years	40
Other Complaint Files Pending From Prior Years	65
Appeals Under Consideration in 1996	27
Total Files for Consideration in 1996	324
Disposition of Complaint Files:	
Complaints Withdrawn by Complainant	2
Dismissed by Inquiry Committees (IC)	108
Summary Dismissals by Inquiry Committees	43
Dismissed by Disciplinary Board	5
Admonitions Issued by Inquiry Committee	20
Probation by Consent by Inquiry Committees	3
Reprimands (Public) Issued by Disciplinary Board	7
Disciplinary Board Approves IC Dismissal	22
Disciplinary Board Disapproves IC Dismissal	2
Disciplinary Board Approves IC Admonition	4
Disciplinary Board Disapproves IC Admonition	2
Public Reprimands Issued by Supreme Court	1
Suspensions by Supreme Court	*8
Disbarments by Supreme Court	**3
Formal Proceedings Pending 12/31/96	27
Other Complaint Files Pending 12/31/96	67
TOTAL	324

* 8 complaint files resulted in suspension of 3 attorneys
 **3 complaint files resulted in disbarment of 1 attorney

Judicial Conduct Commission

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

Written complaints alleging judicial misconduct are received and filed with the secretary of the Commission and referred to staff counsel for investigation. The Code of Judicial Conduct, which defines the standard of conduct for judges, is 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 must take final action on public censure, removal, suspension, retirement, or other public discipline against a judge.

Complaints against judges decreased in 1996. The majority were dismissed by the Commission as being without merit because complainants frequently believe the Commission has the authority to change a judge's decision or influence trial proceedings in some way.

The table, which follows, includes a summary of the nature and the disposition of complaints filed with the Judicial Conduct Commission 1996.

Judicial Conduct Commission - Summary of 1996

New Complaint Files Opened in 1996	42
General Nature of Complaints:	
Biased Decision	11
Conflict of Interest	1
Delay in Decision	0
Failure to Comply with Law	2
Failure to Afford Complainant Due Process	12
Improper Judicial Conduct	16
TOTAL	42
Complaint Files Carried Over from 1995	10
Total Files Pending Consideration in 1996	52
Disposition of Complaints:	
Dismissed	37
Private Censure	2
Public Censure	0
Commission Took No Action	0
Total 1996 Dispositions	39
Complaint Files Pending as of 12/31/96	13

Of the New Complaints Filed in 1996:

- 36 were against District Court Judges
- 4 were against Supreme Court Justices
- 1 was against a County Judge
- 1 was against a Municipal Judge

State Bar Board Annual Report - 1996

The State Bar Board was created by statute to assist the Supreme Court in its constitutional responsibility to regulate the admission to practice. The Bar Board's three members must all be licensed members of the North Dakota bar. In 1996, Board members were Rebecca S. Thiem of the Bismarck firm of Zuger, Kirmis, and Smith; Mark L. Stenehjem of the Williston firm of Winkjer, McKennett, Stenehjem, Reiersen, and Forsberg; and Paul F. Richard of the Fargo firm of Serkland, Lundberg, Erickson, Marcil & McLean, Ltd.

As indicated in last year's report, a February bar examination was not offered in 1996, due, in part, to a decreasing number of applicants. In 1996, applicant numbers were down in all categories.

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

Of those 72 individuals admitted in 1996, 53 were by bar examination: 11 by achieving the 150 MBE score and admission in another state; and 8 by having the requisite years of practice in another state.

Over the past year, the Bar Board has continued to review examination and character and fitness issues for continued fairness in the application and examination process and to maintain the integrity and competence of the Bar. As a part of this review and to educate law students, the Board annually travels to the University of North Dakota School of Law to meet with first and third-year law students. The Board members explain the purpose and function of the Board, and answer questions regarding the character and fitness investigation and bar examination. During this visit, the Board also meets with the law school faculty to discuss mutual issues of concern.

The law student registration process is one of the major issues discussed with the law students. This provides for the character and fitness investigation to begin during a student's second year of law school. This early application process permits the Board, with the help of its Character and Fitness Committee, to review issues of concerns regarding various applicants. This review might allow an applicant to take corrective measures or review whether the practice of law is the appropriate career choice.

The Board continues to explore ways to improve the exam process and respond to the demands of the various elements of the legal profession. The Board is exploring the possibility of using the Multistate Performance Examination developed by the National Conference of Bar Examiners. This exam will test skills not currently tested on the state bar exam such as research and drafting documents. The Board is also exploring the possibility of using the Conference's Multistate Essay Examination. Conditional admission is also an area the Board is exploring and will be petitioning the Supreme Court for a rule change.

The Bar Board administered a two-day bar examination in July in 1996.

Passage rates for the 1996 examinations were:

Exam	#Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
07/96	59	51/86%	52	45/87%

The morning of September 27, 1996, the State Bar Board and the State Bar Association jointly sponsored a professionalism seminar for those individuals who were to be admitted to the practice of law later in the day. North Dakota attorneys shared their general experiences in the practice of law as well as discussed the necessity of civility and professionalism. It was an enjoyable and important day for all.

The State Bar Board is also responsible for collecting annual license fees. In 1996, 1,829 lawyers and judges, 360 of whom were women, were licensed.

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

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

The Judicial Conference has four major duties:

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

Several committees have been established to support the activities of the full conference. The committees and respective committee chairs during 1996 were as follows:

1. Program Planning Committee, Judge Bruce E. Bohlman, Chair.
2. Committee on Legislation, Justice Herbert L. Meschke, Chair.
3. Committee on Judicial Compensation, Justice William A. Neumann and Judge Gary Holum, Co-Chairs.

Special committee:

Jury Standards Committee, Judge Robert Holte, Chair.

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

The officers and executive committee of the Judicial Conference during 1996 were as follows:

Judge Gail Hagerty, Chair

Judge Kirk Smith, Chair-Elect

Justice Dale V. Sandstrom, Executive Committee

Judge John C. McClintock, Jr., Executive Committee

Judge Donald L. Jorgensen, Executive Committee

NORTH DAKOTA JUDICIAL CONFERENCE

JUDGES OF THE SUPREME COURT

Gerald W. VandeWalle
Herbert L. Meschke

William A. Neumann

Dale V. Sandstrom
Mary Muehlen Maring

JUDGES OF THE DISTRICT COURT

South Central District

*Benny A. Graff
Gail Hagerty
Bruce B. Haskell
William F. Hodny
Donald L. Jorgensen
Burt L. Riskedahl
Dennis A. Schneider
Thomas J. Schneider
James M. Vukelic

Northwest District

*Everett Nels Olson
Wallace D. Berning
Glenn Dill III
Robert W. Holte
Gary A. Holum
William W. McLees
David Nelson
Gerald H. Rustad

Northeast District

*Lee A. Christofferson
Donovan Foughty
M. Richard Geiger
Lester Ketterling
John C. McClintock, Jr.
Thomas K. Metelmann

Northeast Central District

*Bruce E. Bohlman
Lawrence E. Jahnke
Debbie Kleven
Joel D. Medd
Kirk Smith

Southwest District

*Allan L. Schmalenberger
Zane Anderson
Ronald L. Hilden
Maurice R. Hunke

East Central District

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

Southeast District

*John T. Paulson
James M. Bekken
Ronald E. Goodman
Richard W. Grosz
Randall L. Hoffman
Mikal Simonson
James A. Wright

JUDGES OF THE MUNICIPAL COURTS

Kathleen Cunningham
David L. Petersen

SURROGATE JUDGES OF THE SUPREME AND DISTRICT COURTS

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

Gordon O. Hoberg
Jon R. Kerian
Ralph B. Maxwell

James H. O'Keefe
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

*Presiding Judge

Executive Secretary Keith E. Nelson

72 Members