

NORTH DAKOTA COURTS



**ANNUAL REPORT
1997**



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June 15, 1998

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 1997. 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 black ink, appearing to read "Keith E. Nelson", written in a cursive style.

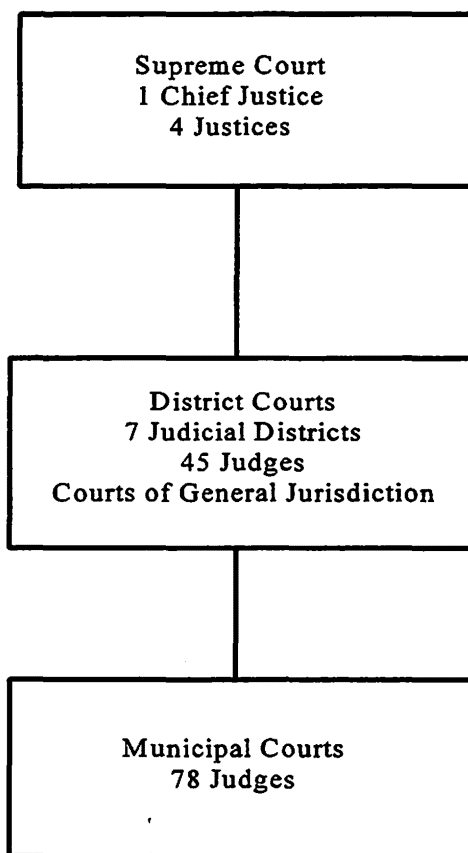
KEITHE E. NELSON
State Court Administrator and
Judicial Conference Executive Secretary

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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 45 district court judges sitting as of the end of 1997. This number is scheduled to be reduced to a total of 42 district court judges by the year 2001.

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. 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.

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 ripe for review by the Court. In addition, the Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary to exercise this authority.

The state constitution requires that a majority of the Justices is necessary before the Court can conduct its 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

A 25% increase in criminal filings in 1997 resulted in a 3% overall increase in the number of new cases filed in 1997. There were significant increases in appeals involving drug offenses, 266%, and misdemeanor offenses, 175%, over the previous year. Additionally, post-conviction relief filings, filed as civil matters, experienced a 150% increase in filings.

While the civil case filings decreased slightly, appeals from administrative proceedings of the Workers' Compensation Bureau increased 83%. Appeals of administrative agency decisions often require review of an extensive record. In 1997, the Supreme Court's workload remained constant and challenging.

This workload included the scheduling of oral arguments in 247 cases, an average of 47 majority opinions per Justice, with 57 separately authored concurrences or dissents, admission ceremonies, visits with students and others, and official appearances. Weekly motions and administrative conferences continued to be held and permit the Court and staff to respond to motions and administrative questions in a timely and effective manner. Besides general administrative and budgetary issues, in 1997 the Court considered 9 rule amendments or proposals. Two district court judgeship vacancies were also pending at the end of 1997. Over 600 motions relating to extensions of time, remands, voluntary dismissals, substantive issues in pending appeals, the supervisory or mandamus jurisdiction of the Court, and lawyer discipline were considered by the Court, Chief Justice or the Clerk of Court. Self-represented or pro se litigants added to the administrative challenge by appearing in 14% of the filings.

On April 23, 1997, the Court quickly responded to the devastating flood in the Red River Valley when Administrative Order 8 was entered changing the location of court in Grand Forks, and extending deadlines in cases that were venued in Grand Forks or had parties or attorneys residing in Grand Forks County or East Grand Forks, Minnesota. The statute of limitations was also stayed for 60 days for civil cases that would have had to be commenced between April 19 and June 18, 1997. This order alleviated uncertainty and hardship for the judges, attorneys, litigants and court personnel affected by the flood.

Appeals in family law cases, administrative agency appeals, and petitions to invoke the Court's supervisory, mandamus or original jurisdiction accounted for over 40% of the civil case filings in 1997. 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, Southwest Judicial District and the Northeast Central Judicial District.

A caseload synopsis follows.

CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 1997 AND 1996 CALENDAR YEARS

	1997	1996	Percent Difference
New Filings	391	378	3.4
Civil	271	282	-3.9
Criminal	120	96	25.0
Transferred to Court of Appeals			
Civil	0	0	0
Criminal	0	0	0
New Filings Balance	391	378	3.4
Civil	271	282	-3.9
Criminal	120	96	25.0
Filings Carried Over From Previous Calendar Year			
Civil	208	231	-10.0
Criminal	156	152	2.6
Criminal	52	79	-34.2
Total Cases Docketed	599	609	-1.6
Civil	427	434	-1.6
Criminal	172	175	-1.7
Dispositions	393	401	-2.0
Civil	293	275	6.5
Criminal	100	126	-20.6
Cases Pending as of December 31			
Civil	206	208	-1.0
Civil	134	159	-15.7
Criminal	72	49	46.9

DISPOSITIONS - 1997

	Civil	Criminal
BY OPINION:		
Affirmed	76	28
Reversed; Reversed & Remanded; Reversed w/ Instructions	55	13
Affirmed in Part & Reversed in Part; Affirmed in Part & Dismissed in Part	27	6
Affirmed by Summary Disposition	25	14
Dismissed; Remanded	12	3
Discipline Imposed; Reinstatement; Return to Active Status	35	0
Original Jurisdiction--Granted	2	0
Dispositions by Opinion	232	64
BY ORDER:		
Dismissed	34	20
Dismissed After Conference	14	8
Original Jurisdiction--Granted	0	1
Original Jurisdiction--Denied	11	5
No Action Required	2	2
Dispositions by Order	61	36
Total Dispositions for 1997	293	100

**CASELOAD OVERVIEW OF NORTH DAKOTA COURTS
FOR 1997 AND 1996**

Level of Court	Filings		Dispositions	
	1997	1996	1997	1996
Supreme Court	391	378	393	401
District Courts*	127,407	131,115	129,364	130,466
TOTAL	127,798	131,493	129,757	130,867

*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.

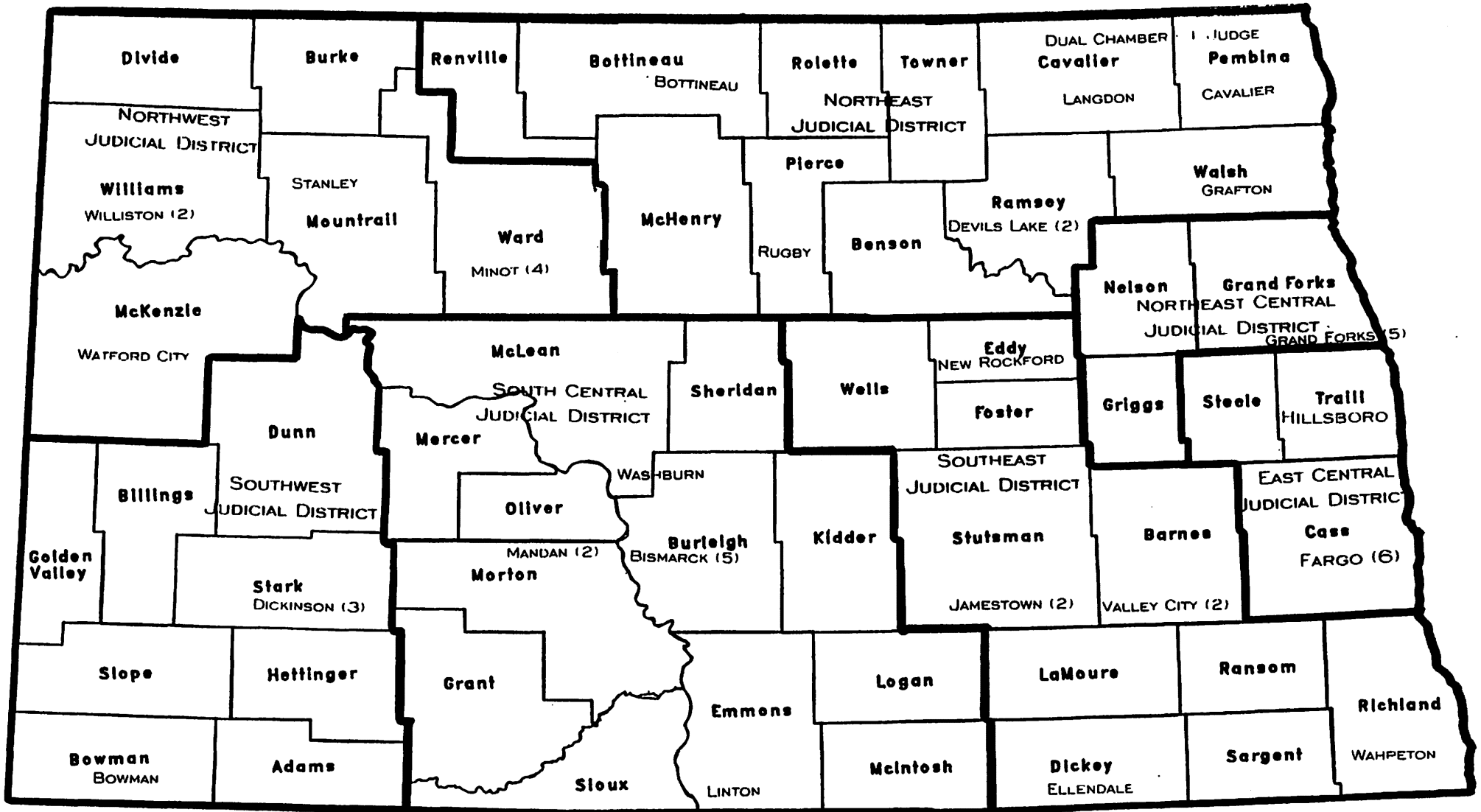
In 1979 the Supreme Court divided the state into seven judicial districts. In each judicial district there is a presiding judge who supervises all court services of courts in the geographical area of the judicial district. The duties of the presiding judge, as established by the Supreme Court, include 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, administrative assistant or office manager, 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 1997, forty-five 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. Six 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.

NORTH DAKOTA'S JUDICIAL DISTRICTS
AND 1997 CHAMBER CITIES



District Court Caseload

Statewide, district court caseloads have remained relatively steady over the last several years. Overall, 1997 case filings decreased .79% over 1996.

This decrease is largely due to a 3.25% decrease in administrative traffic filings. While administrative cases make up nearly 50% of the overall filings, these cases require minimal judicial involvement. The processing time required impacts clerk personnel, almost exclusively. Civil filings make up 26% of new filings, criminal 24%, and juvenile 2%.

While civil filings increased 4.2% overall, it should be noted that the largest increases are in the areas of small claims and probate.

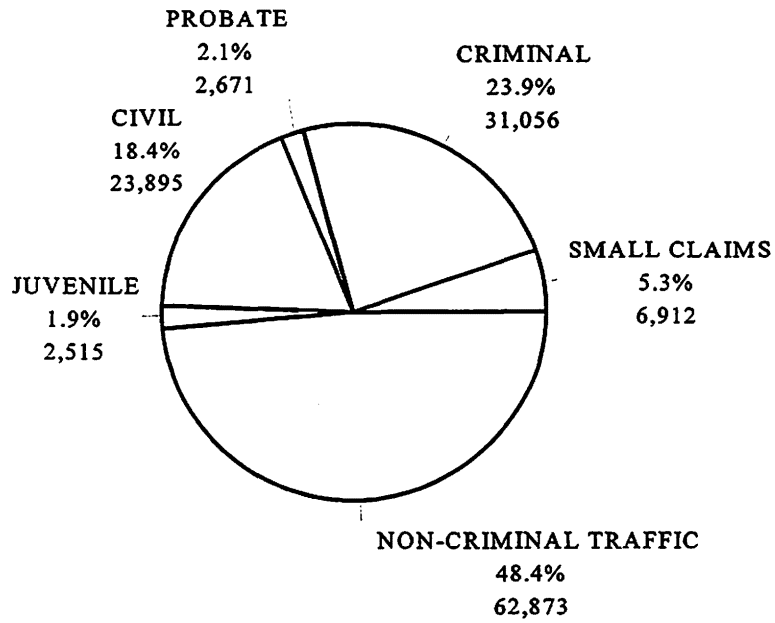
**DISTRICT COURT CASELOAD
FOR CALENDAR YEAR 1996 AND 1997**

Case Filings	1997	1996	Percent Difference
New Filings	127,407	128,423	-.79
Civil	26,566	25,605	3.75
Small Claims	6,912	6,525	5.93
Admin. Traffic	62,873	64,984	-3.25
Criminal	31,056	31,309	-0.81
Juvenile	2,515	2,692	-6.58
Case Dispositions	1997	1996	
Dispositions	129,364	127,774	1.24
Civil	29,072	25,037	18.63
Small Claims	6,616	6,233	6.14
Admin. Traffic	62,873	64,984	-3.25
Criminal	30,173	31,520	-4.27
Juvenile	2,515	2,692	-6.58

DISTRICT COURT CASE TYPE FILING - 1997

CIVIL		CRIMINAL	
Case Type	Filings	Case Type	Filings
Property Damage	180	Felony	3,223
Personal Injury	354	Misdemeanor	27,814
Malpractice	29	Special	19
Divorce	2,912	Other	0
Adult Abuse	1,160	State Total	31,056
Custody	89		
Support Proceedings	7,610		
Adoption	320		
Paternity	1,133		
Termination of Parental Rights	32		
Administrative Appeal	261		
Appeal Other	6		
Contract/Collect	5,819		
Quiet Title	104		
Condemnation	28		
Forcible Detain	563		
Foreclosure	286		
Change of Name	154		
Special Proceedings	64		
Trust	121		
Foreign Judgment	326		
Other	868		
Conservator/Guardianship	469		
Protective Proceedings	14		
Probate	2,671		
Mental Health	993		
Small Claims	6,912		
State Total	33,478		

TYPES OF CASES FILED IN DISTRICT COURT DURING 1997



The following is a chart that shows the number of jury trials held in each judicial district for 1997.

District	1997
East Central	55
Northeast Central	22
Northeast	21
Northwest	37
South Central	147
Southeast	24
Southwest	23
Total:	339

Civil Caseload

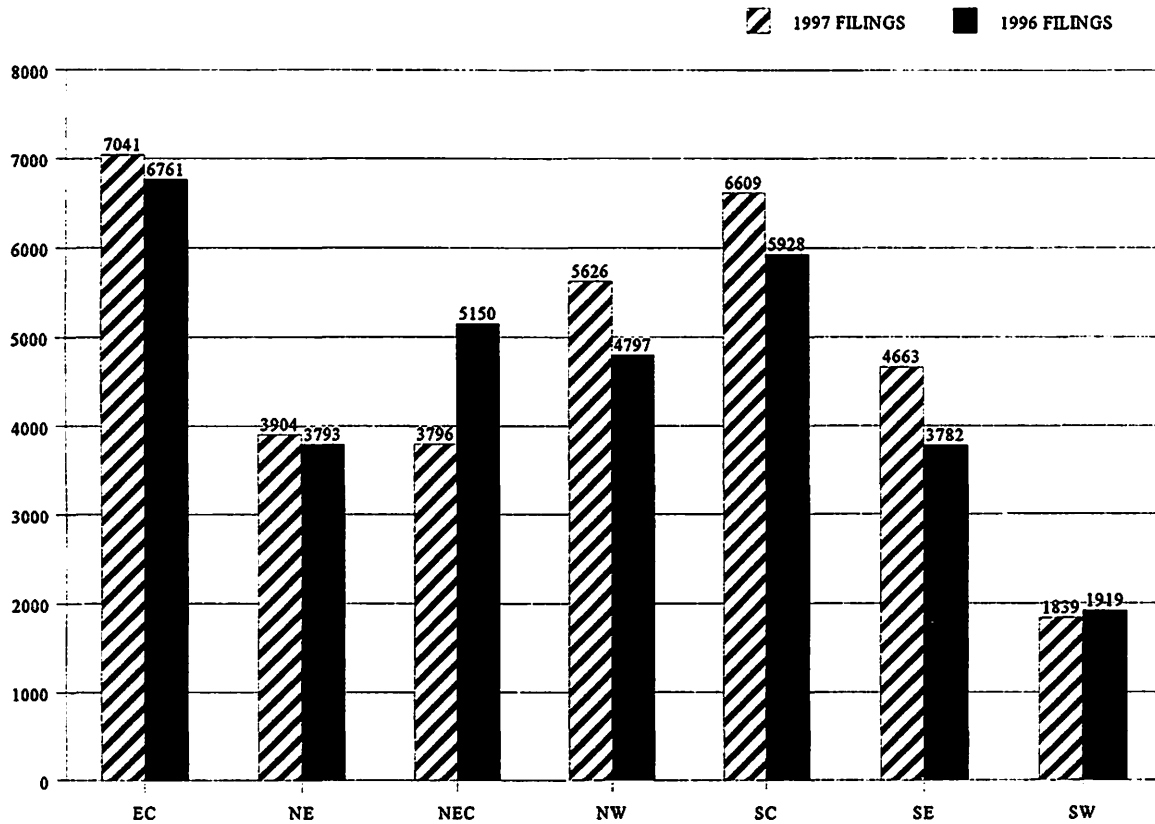
The data indicates a leveling of civil cases in 1997. When comparing 1997 filings with the 1996 district court filings, the civil (generally civil plus small claims) data indicates a 4.2% statewide increase from 1996 but still remains less than the 1995 filings. The 26% reduction in the Northeast Central Judicial District civil filings is believed to be caused by the April 1997 flood that closed the city of Grand Forks for several months.

As percentages, most types of cases remain relatively stable. The number of support actions increased by 3.2%.

Overall, domestic relations filings increased 1.7%. Within the domestic relations category, child support actions make up 57.4% of the cases; divorce, 22.0%; paternity, 8.5%; adult abuse, 8.7%; and custody and adoption, 3.4%.

Adult abuse filings increased slightly in 1997 to 1,160 cases, compared with 1,097 filings in 1996. Divorce filings increased in 1997 with 2,912 filings compared to 2,861 in 1996.

ND CIVIL CASELOAD FOR DISTRICT COURT FOR 1997 AND 1996



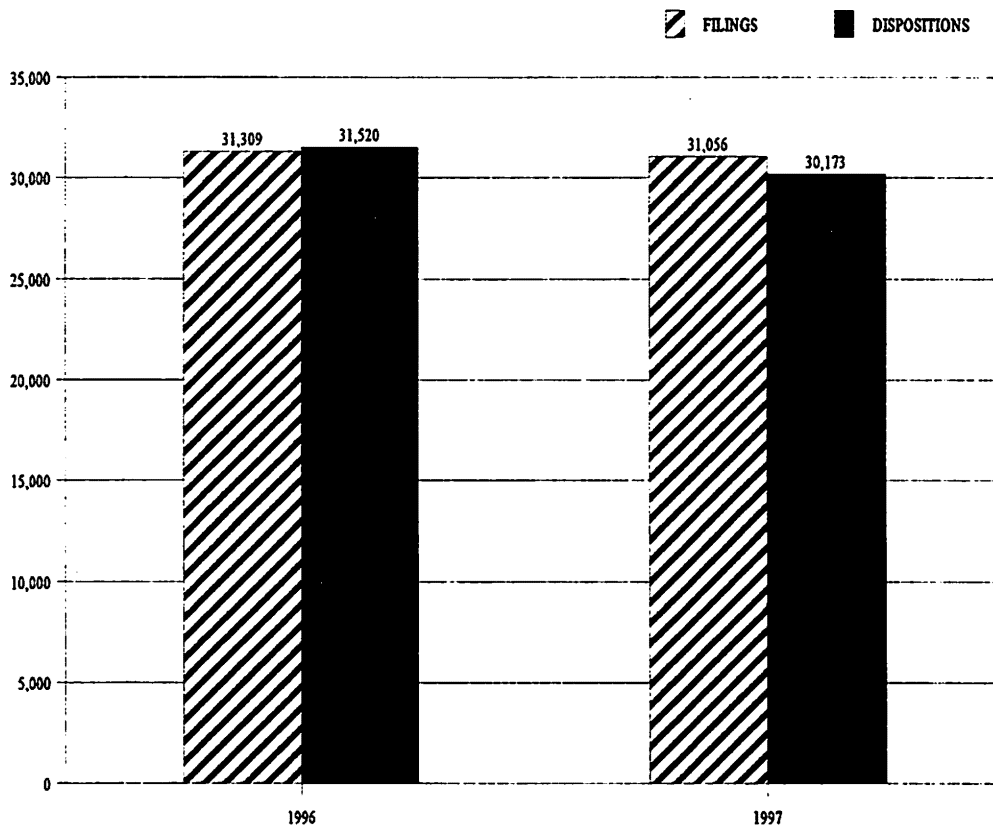
Criminal Caseload

North Dakota continued its traditional low rate of crime. Filings decreased by .8% after increasing by 9% in 1996. The criminal statistics appear to be leveling after increasing in 1995 and 1996.

Of the criminal cases filed in district court, 90% were misdemeanors and 10% 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 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 AND 1997



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 4.9% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 20.8% of the caseload. Property offenses, 27.5%; traffic offense, 4.4%; deprivation, 5%; and other filings, 36%.

The method by which cases were disposed shows an increased reliance on counsel/adjusted proceedings. Of the cases heard, 54% were disposed of through counsel/adjusted

proceedings in 1997, compared to 52% in 1996 and 44% in 1995.

The use of informal adjustments remained steady in 1997. Twenty-six percent of the cases were disposed of through their process in both 1996 and 1997, falling from 33% in 1995.

Overall, the formal juvenile court caseload was up 4% after increasing 5% in 1995 and 1996. The table on the adjacent page compares the reason for referral for the juvenile court in 1996 and 1997. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral to the juvenile court.

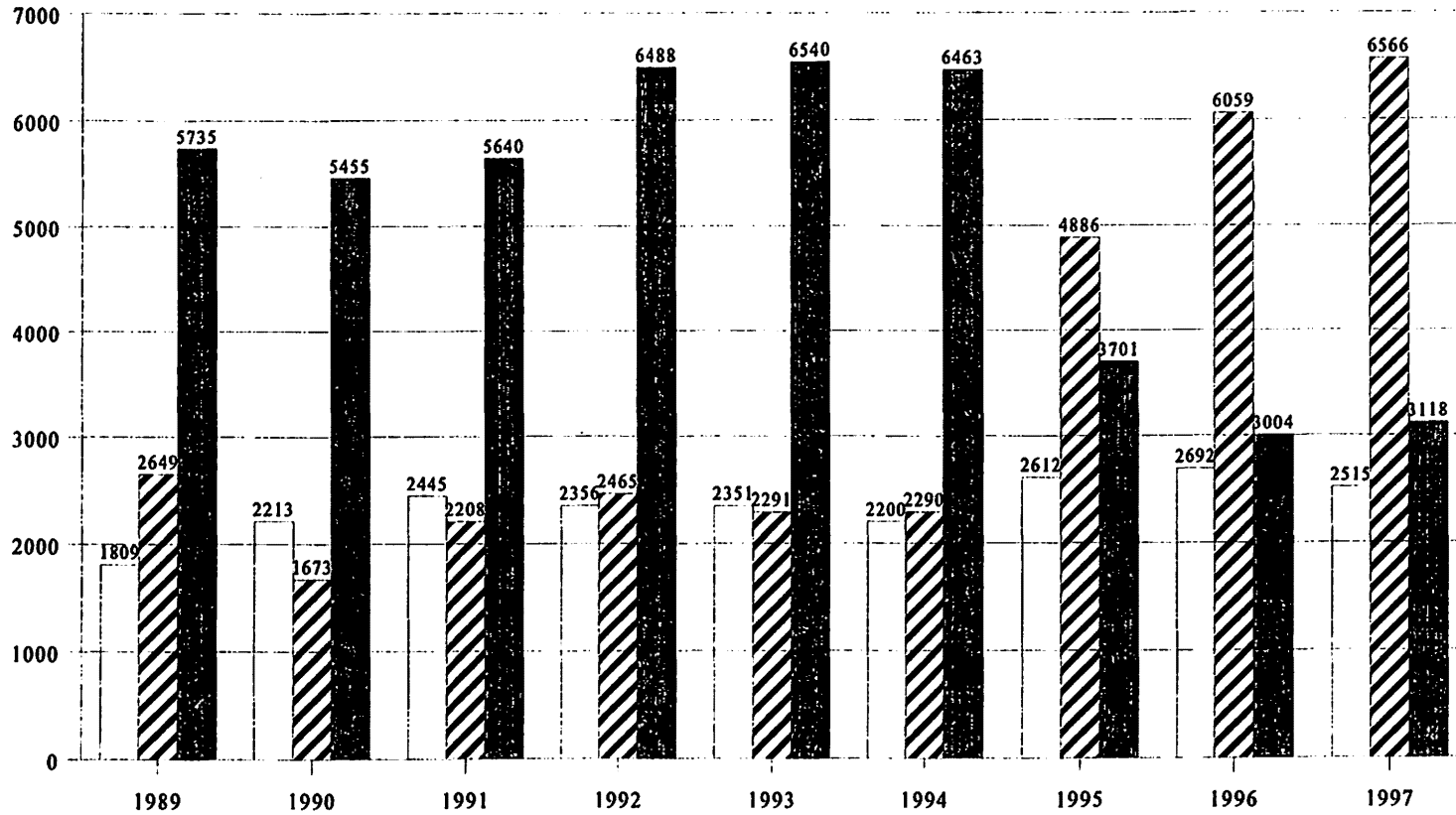
**TYPES OF JUVENILE COURT DISPOSITIONS
FOR 1997 AND 1996**

Judicial District	Formal		Informal/Probation		Counsel/Adjusted		Total Dispositions		Percent Diff.
	1997	1996	1997	1996	1997	1996	1997	1996	
Northwest	393	334	755	855	1,163	957	2,311	2,146	7.7
Northeast	462	465	286	302	795	880	1,543	1,641	-6.3
NE Central	231	307	244	389	854	715	1,329	1,411	-5.8
East Central	527	585	501	326	713	724	1,741	1,635	6.5
Southeast	213	273	416	439	662	721	1,291	1,433	-9.9
South Central	572	617	806	576	1,932	1,610	3,310	2,803	18.1
Southwest	117	111	110	117	447	452	674	680	-0.9
TOTAL	2,515	2,692	3,118	3,004	6,566	6,059	12,199	11,755	3.8

COMPARISON OF JUVENILE DISPOSITIONS FOR 1989-1997

□ FORMAL ▨ COUNSEL/ADJUSTED ■ INFORMAL

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**REASONS FOR REFERRAL TO JUVENILE COURT SERVICES
IN 1997 AND 1996**

		1997	1996	%Diff
UNRULY		2542	2442	4.1%
	Run-a-way -- (instate Resident)	854	784	8.9%
	Run-a-way -- (out of state Resident)	14	14	0.0%
	Truancy	308	332	-7.2%
	Ungovernable Behavior	595	572	4.0%
	Conduct/Control Violations	53	64	-17.2%
	Curfew	486	443	9.7%
	Other Unruly	232	233	-0.4%
DELINQUENCY		8872	8375	5.9%
	Offenses Against Persons	595	600	-0.8%
	Assault	413	413	0.0%
	Homicide	0	0	0.0%
	Kidnapping	0	1	-100.0%
	Other Offenses Against Persons	130	126	3.2%
	Sex Offenses	52	60	-13.3%
	Offenses Against Property	3358	3271	2.7%
	Arson	7	7	0.0%
	Burglary	229	172	33.1%
	Criminal Mischief/Vandalism	579	524	10.5%
	Criminal Trespass	255	199	28.1%
	Forgery	43	45	-4.4%
	Other Property Offenses	149	116	28.4%
	Robbery	13	9	44.4%
	Shoplifting	1127	1,255	-10.2%
	Theft	956	944	1.3%
	Traffic Offenses	530	452	17.3%
	DUI/Physical Control	89	56	58.9%
	Driving Without License	234	233	0.4%
	Other Traffic	207	163	27.0%
	Other Offenses	4389	4052	8.3%
	Disorderly Conduct	553	474	16.7%
	Firearms	47	54	-13.0%
	Game and Fish	56	58	-3.4%
	Obstruction	122	107	14.0%
	Other Public Order	304	421	-27.8%
	Possession /Purchase Alcohol	2378	2,220	7.1%
	Controlled Substance Violations	435	348	25.0%
	Tobacco	494	370	33.5%
DEPRIVATION		614	1136	-46.0%
	Abandonment	16	14	14.3%
	Abuse/Neglect	162	273	-40.7%
	Deprived	436	849	-48.6%
SPECIAL PROCEEDING		171	183	-6.6%
	Termination Of Parental Rights (Involuntary)	23	22	4.5%
	Termination Of Parental Rights (Voluntary)	49	44	11.4%
	Other Special Proceeding	99	117	-15.4%
	TOTAL	12,199	12,136	0.5%

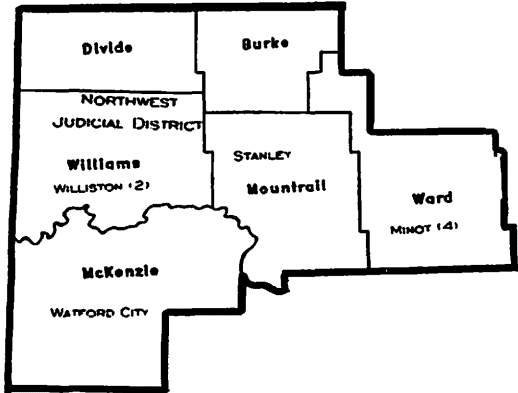
Report of the Northwest Judicial District

The Honorable Everett Nels Olson, Presiding Judge
Waldemar Kowitz, Administrative Assistant

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

Many technical, office equipment improvements were made in the district in 1997. Three quarters of the computer workstations were either replaced with up-to-date computers or upgraded in speed. A CD-ROM tower with seven CDs was setup in Williston as a pilot project to improve judicial access to legal research materials. Judge Nelson has started a review of the paper library to reduce subscriptions and cost. Two of the older computers have been given new life as CD access terminals for the public and for visiting judges.

Other equipment purchases included a 4-channel tape duplicator and a 4-channel tape to cassette reformatter. Both allow us more flexibility with transcripts. Williston Juvenile Court received a new, more efficient copier. Many in the district received new chairs and other items based on an ergonomic workplace assessment from the ND Workers Compensation Bureau.

1997 was also a year for training. District personnel were trained in using several new and updated programs. Reporters learned Case Catalyst for their transcripts. We all learned the magic of e-mail. The clerk's personnel in Mountrail and Williams Counties were given their initial UCIS training.

UCIS (Unified Court Information System) was started in Burke and Divide counties in 1997. All six district counties will be using UCIS for case management by January 1998.

Williams County remodeling was completed. The Clerk of Court's office was consolidated into one office area. Part of the old area was converted into a modern courtroom with a visiting judge's chamber and secured access to the jail. The judge's chamber and the library have computers with tie-in to the CD tower and the Internet for research.

For 1998 we plan greater use of UCIS to better manage the district's case load. Equipment purchase will slow down but training will continue to be important. In Ward County, remodeling or a shuffling of offices is expected toward the end of 1998.

Juvenile Court

Over \$27,500 was recovered in juvenile restitution payments and 8,700 hours of community service were completed. 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 75 referrals in Ward County. Electronic monitoring finished its first full year showing a savings of time and money. 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, child support hearings, and protection and restraining orders, as well as, small claims cases. The juvenile and support hearings are held in Williams and Ward County courthouses.

Child support collections in 1997 totaled \$10.5 million; holding steady compared to 1996. Restitution, however, increased from \$150,000 in 1996 to almost \$190,000 in 1997.

NORTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1997

Case Filings/ Dispositions	1996		1997	
	(F)	(D)	(F)	(D)
Civil	4,321	4,239	5,019	5,530
Small Claims	476	469	607	571
Admin. Traffic	7,928	7,928	7,518	7,518
Criminal	4,179	4,184	4,007	4,036
Juvenile	334	334	393	393

Report of the Northeast Judicial District

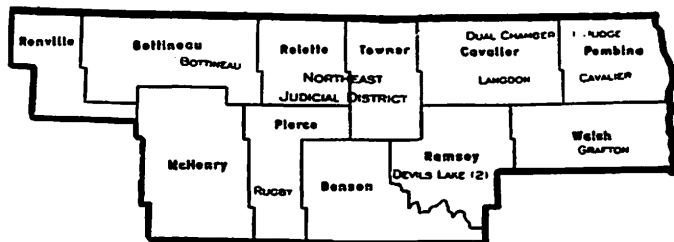
The Honorable Lee A. Christofferson, Presiding Judge
Kimberly D. Nelsen, Administrative Assistant

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

Judicial Referee: Dale Thompson

Number of Counties: 11

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



throughout the district. Bottineau Juvenile Court covers five counties: Bottineau, McHenry, Pierce, Renville, and Rolette; Devils Lake Juvenile Court covers three counties: Ramsey, Benson and Towner; and Grafton Juvenile Court covers three counties: Walsh, Cavalier and Pembina.

The number of referrals to the Juvenile Court has slightly increased in 1997. The Juvenile Court is expanding the "Balanced Approach" model of juvenile justice through a number of programs that continue to be utilized to monitor and to hold youth accountable for their behavior. Examples of such programs include drug testing, electronic monitoring, restitution and community service. The Juvenile Court continues to emphasize involvement of parents and youth in rehabilitation services such as family counseling, parent education, drug/alcohol treatment or education, and the Keys to Innervations Program. The Devils Lake Juvenile Court has implemented the Keys Program through an intensive weekend format and include parents for a portion of the time.

The addition in October of a Probation Officer has been well-received. The position is shared among the Devils Lake, Grafton and Grand Forks offices.

Restitution collected from juveniles in 1997 totaled \$54,710.12. Community service hours completed by juveniles in 1997 totaled 11,079 hours.

District Court

The recent Weighted Caseload Study conducted by the National Center for State Courts indicates that the Northeast Judicial District has about the appropriate number of judicial officers (judges and referee) to serve the district.

A few challenges facing the district include the always changing technology, understanding the newly implemented UCIS (unified court information system) and the Employee Risk Management Program enacted by legislature.

Effective November 1, 1997, all chambered locations began entering cases on the UCIS system. The implementation of the UCIS system suggests a greater degree of uniformity in court practices and will continue to be a challenge as the employees in the district gain thorough knowledge of the system.

In July, a statewide employee Risk Management Program was implemented. The purpose of the Employee Risk Management is to ensure the safety and well being of employees in the workplace. Employees will be trained and educated on an ongoing basis. One of the first steps of the program was to perform ergonomic assessments. Each individual workstation for all 23 NEJD employees was assessed and recommendations were made based upon the assessment.

Technology

Many technological changes took place in the NEJD during 1997. All court personnel in the NEJD have been connected to the state backbone allowing information to be shared statewide. The NEJD personnel have been trained on and are increasingly utilizing the e-mail program. In conjunction with the Help Desk implemented by the State Court Administrator's Office, the concept of a Site Expert at each chambered site and one District Expert was adopted. The three areas will work together to solve various computer problems. The Site and District experts have been trained to answer inevitable questions on various computer related challenges.

Juvenile Court

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

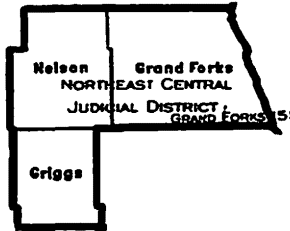
**NORTHEAST JUDICIAL DISTRICT CASELOAD
FOR CALENDAR YEARS 1996 AND 1997**

Case Filings/ Dispositions	1996		1997	
	(F)	(D)	(F)	(D)
Civil	2,673	2,478	2,685	3,242
Small Claims	1,120	1,019	1,219	1,076
Admin Traffic	10,246	10,246	10,514	10,514
Criminal	4,347	4,173	4,959	4,481
Juvenile	465	465	462	462

Report of the Northeast Central Judicial District

The Honorable Lawrence E. Jahnke, Presiding Judge
Dan Belcher, Office Manager

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



dedication and professionalism of the juvenile court staff, despite their tremendous personal losses at home, was demonstrated to all.

NORTHEAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1997

Case Filings/ Dispositions	1996		1997	
	(F)	(D)	(F)	(D)
Civil	4,338	4,194	3,346	3,429
Small Claims	812	761	453	480
Admin. Traffic	7,588	7,588	7,545	7,545
Criminal	4,142	3,853	4,510	3,923
Juvenile	307	307	231	231

District Court

The April 1997 flood in Grand Forks presented a plethora of unforeseen problems within the Northeast Central Judicial District. The Grand Forks County Courthouse flooded on April 21st and remained closed until August 27th. Less than a week after the city-wide evacuation from Grand Forks, however, chambers were reopened. Judge Smith was chambered in Nelson County (Lakota), Judge Medd was chambered at the law school on the University of North Dakota campus and assumed responsibility for cases in Griggs County (Cooperstown), and Judges Bohlman, Jahnke and Kleven were chambered in Larimore. Although conditions and facilities were far less than optimum, court services continued to be provided throughout the judicial district. Although most judicial district staff suffered tremendous personal loss due to the flood and its aftermath, their untiring dedication and willingness to help under the most trying of conditions simply cannot be explained to those who did not experience the situation. Despite the devastation of the flood and its disruption, despite the relocation of the judges and administrative staff into three different locations, and despite the loss of many files in the courthouse basement, the responsibility to provide judicial service in a timely manner throughout this district was met.

Since returning to the Grand Forks Courthouse in late August, the juvenile court referee was moved into the courthouse from another county office building, a move long overdue.

Our 1996 Judicial Report indicated Grand Forks County was involved with a pilot project under Rule 8.5, North Dakota Rules of Court, which authorizes summary dispositional proceedings in certain domestic relations cases. Judge Bohlman assumed responsibility for this program, and during 1997 handled 24 such cases. The pilot program is to continue until April 1998 and Judge Bohlman will be submitting his report and evaluation of the program to the Supreme Court shortly thereafter.

Juvenile Court

In late April, the juvenile court function was also relocated. It moved to the third floor of The United Hospital in Grand Forks, and continued to operate from there until mid-September. Again, as with the civil and criminal caseload of the district court, services continued to be provided in a timely manner despite the flood. And again, the

Report of the East Central Judicial District

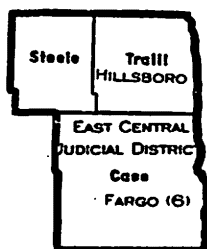
The Honorable Norman J. Backes, Presiding Judge
Eloise M. Haaland, Administrative Assistant

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



EAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1997

Case Filings/ Dispositions	1996		1997	
	(F)	(D)	(F)	(D)
Civil	6,241	8,543	5,240	5,471
Small Claims	1,883	2,087	1,801	1,580
Admin. Traffic	8,042	8,199	6,813	6,813
Criminal	5,957	5,871	5,940	5,096
Juvenile	597	597	549	549

District Court

The criminal division tried 29 misdemeanor and nine felony jury trials; 24 misdemeanor and three felony, and 40 traffic court trials in 1997.

The civil division tried six jury and 83 court trials. Judges of the civil division heard 2,353 oral motions. New civil filings increased three percent and criminal filings increased fifteen percent. Juvenile formals and small claims filings were stable.

Fifty certificates of readiness for jury trial and 40 certificates of readiness for court trials were filed.

Juvenile Court

The 1997 statistics remain consistent in comparison with the last five-year period of time. Juvenile Court received 2,678 delinquent and unruly referrals in 1997. A total of \$16,946 was collected as monetary restitution.

A total of 3,665 hours of community service was performed as a result of probation requirements. Approximately 200 juveniles who were placed on probation participated in the Keys to Innervations curriculum, which was facilitated by East Central Judicial District Court Officer.

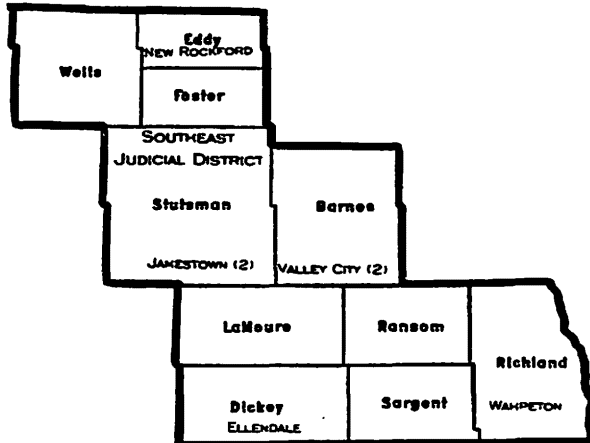
Report of the Southeast Judicial District

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

District Court Judge: John T. Paulson, Presiding Judge; James 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.



Everyone has enjoyed learning how to send information and entire documents via email. Site experts have played a vital role in helping employees adapt to technological changes and challenges.

Guardians ad Litem

The SEJD has joined with the Region VI Children Services Coordinating Committee to establish a pilot project utilizing lay Guardians ad Litem. Sandy Bendwald, C.S.C.C. Director, and Tara Mulhauser, Children and Family Services Director, UND, have helped to guide this pilot project. A Guardian ad Litem Task Force has been established by the C.S.C.C. which works in conjunction with the SEJD staff in developing guidelines and policies for lay Guardians ad Litem. Job descriptions, classification levels, reporting, billing procedures, education and training, and form use are some of the issues being addressed in this project. This has been a very exciting and useful venture which will ultimately benefit the children and parents involved in court.

On November 4, 1997, Judge James A. Wright was killed and Court Reporter Arnold Strand was seriously injured in an automobile accident which occurred as they were returning from a trial in Fargo to which Judge Wright had been assigned. Judge Wright left a wife, Jan, and a daughter, Courtney, 10. James A. Wright was a top flight judge, a respected colleague, and a dear friend. The North Dakota Judiciary, the citizens of the Southeast Judicial District, his family and friends will deeply miss Judge Wright. He was an inspiration to many. Judge Wright's court reporter, Arnie Strand, is recovering from the injuries he sustained in that tragic accident.

The accident tended to diminish the significance of other events which took place during 1997. With that in mind, the following are the highlights of an otherwise traumatically ending year.

Unified Court Information System

At 1997's end, all chambered counties are utilizing the UCIS system. A partnering system was developed so that all ten counties' case information is being inputted into the UCIS system. The Clerks of the Southeast Judicial District meet approximately every six weeks. Case management is a high priority issue. The goal for early 1998 is to have all Clerks using UCIS to be fully implementing all features of the system including the tickler and report generating components. Extensive training has been done in each of the chambered counties to achieve this goal. Policies regarding intent to dismiss and aggressive caseload management practices have been adopted by the SEJD. The District Clerks are a unique strength and everyone is proud of the way they have risen to the tasks and challenges presented. Each of the SEJD employees, with exception of two individuals in Juvenile Court, Wahpeton, are connected to the networking system which centers from the server in Barnes County. It is the goal of the SEJD to have all employees on-line in early 1998. All employees use Microsoft Word as the word processing standard. Computer classes have been offered in Word, Excel, Access, Scheduling Plus and Exchange. There has been excellent cooperation in switching to these programs.

Juvenile Court

The Juvenile Court staff has been very committed to the implementation and follow up of the KEYS program. All court officers have received training and assist in the instruction of this program. Valley City was chosen as a site to pilot the new juvenile software package. A lot of time and effort has been given to this program, offering suggestions for improvement and implementing it fully into the juvenile system.

District and Juvenile Court personnel across the SEJD meet together at least two times a year to exchange information, offer ideas, and develop policies for the betterment of the SEJD's court system. Group discussions occur between Judges, recorders and reporters, juvenile staff and clerks. As requested, presenters are invited to share insights and information on topics relevant to the Districts improved functioning.

We dedicate the progress, laughter and fellowship of 1997 in the SEJD to James A. Wright.

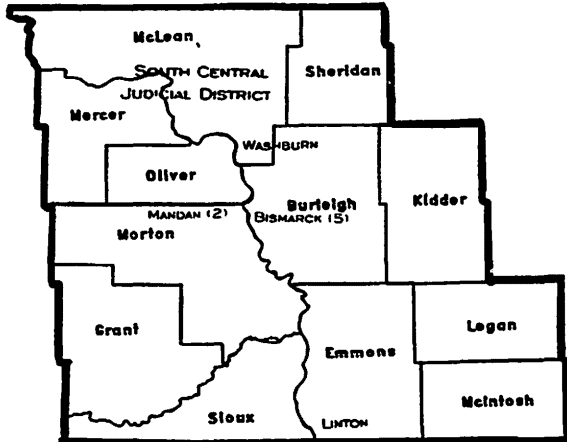
SOUTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1997

Case Filings/ Dispositions	1996		1997	
	(F)	(D)	(F)	(D)
Civil	2,899	2,390	3,190	3,423
Small Claims	883	850	1,473	1,489
Admin. Traffic	11,488	11,488	10,358	10,358
Criminal	4,843	4,545	4,123	4,277
Juvenile	273	273	213	213

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.



custody orders for children who were placed in temporary alternative environments outside the parental home.
In addition to the formal juvenile proceedings, the judicial referees conducted 337 orders to show cause hearings for nonpayment of child support; 57 foster support matters; and 134 review/modification of child support.

ACT Program

The Alternative Choice Training Program continued into its seventh year. Program Director Larry Otterson is credited for the success and perpetuation of this excellent sentencing alternative program. In 1997, 170 people completed the minor in possession class and 45 completed the adult misdemeanor class. The domestic violence class had 22 participants who finished the class. Bismarck State College and the Adult Abused Resource Center continue to be major players in the success and management of these programs.

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 Emmens, McIntosh, Logan, and Kidder Counties.

The moratorium placed on scheduling civil cases continued into 1997. Presiding Judge Graff's directive which began in 1996 worked very well in brining the criminal caseload in compliance with North Dakota Supreme Court Rule 12 relating to Docket Currency Standards. By early spring, all civil cases were once again being placed on the docket.

Juvenile Division and Judicial Referee Activities

In 1997, 3,638 referrals were made to the juvenile court. This was a decrease of about 70 children when compared to 1996. Of those referrals, 989 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 2,649 children retained in the juvenile court and handled either informally or formally through the petition process. There were 611 formal matters heard in juvenile court in 1997, which include detention/shelter care hearings on temporary custody orders issued by the court service officers. A total of 636 children were placed on probation through the informal or formal process. Referees conducted 418 formal juvenile hearings and issued 250 detention and temporary

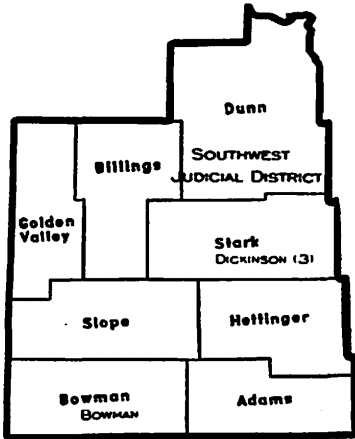
**SOUTH CENTRAL
JUDICIAL DISTRICT CASELOAD
FOR CALENDAR YEARS 1996 AND 1997**

Case Filings/ Dispositions	1996		1997	
	(F)	(D)	(F)	(D)
Civil	4,909	5,205	5,603	6,808
Small Claims	1,019	980	1,006	1,054
Admin. Traffic	15,669	15,669	14,622	14,622
Criminal	5,892	6,682	5,138	5,567
Juvenile	617	626	572	572

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



SOUTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1996 AND 1997

Case Filings/ Dispositions	1996		1997	
	(F)	(D)	(F)	(D)
Civil	1,571	1,877	1,486	1,799
Small Claims	348	345	353	366
Admin. Traffic	5,486	5,486	5,503	5,503
Criminal	2,383	2,843	2,379	2,766
Juvenile	111	104	117	117

District Court

The Southwest Judicial District utilizes a master and individual calendar assignment plan. The type of hearing determines if it is placed on the master or individual calendar. For the master calendar, the decision must be quick, the parties available, and a particular decision maker is unimportant, and a single decision maker is important to the quality of the decision.

A master calendar schedule is set for all eight counties in the district and the Clerks of the District routinely do the scheduling for the master calendar. All the judges in the district equally share the master calendar work and during the time on master calendar, they also are the duty judge for the district. As duty judge, they are responsible for an emergency that may arise in the district requiring the services of a district judge, and they are on call 24 hours a day, seven days a week.

All the district judges are assigned throughout the district as necessary to assure an equitable distribution of the caseload and to promote a fair, expeditious disposition of all cases in compliance with the docket currency standards. During 1997, the district was in compliance with such standards.

Juvenile

The Juvenile Court served as a test site for the Juvenile Case Management Computer Program. We look forward to the perfection of this program so that we will have access to an accurate and efficient recording and reporting system.

Juvenile Court staff are using the Balanced Approach to Probation with the unruly and delinquent youth referred to us. We completed seven "Keys to Innervations" classes reaching approximately 60 children through the group process, as well as working with clients individually to promote the "Keys" philosophy. Several community agencies provide co-facilitators who assist us in providing this program. "Keys" provides the competency development component of the Balanced Approach. We continue to use community service and restitution to make the offender accountable to the victim and the community.

Alcohol violations continue to be the most common offenses committed by youth in the Southwest District. Violators attend community alcohol education programs.

MUNICIPAL COURTS

There are approximately 363 incorporated cities in North Dakota. Of the total municipalities, approximately 80 cities have municipal courts. There are approximately 78 judges serving in these 80 municipalities. State law permits an individual to serve more than one city as a municipal judge.

Under state law, each municipality has the option of deciding whether or not to have a municipal judge.

State law permits district court judges to hear municipal ordinance violation cases and permits 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 10 legally-trained and 68 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.

Comprehensive caseload data for selected municipalities was provided for the first time in 1997. For the first time, in addition to traffic related cases, all other ordinance violation dispositions are being reported. As a result, a comparison with previous years has not been included.

MUNICIPAL COURT CASES DISPOSITIONS FOR CALENDAR YEAR 1997

Ten Municipalities With Highest Case Volume	Criminal Cases Filed	Noncriminal Cases Filed	Total Cases Filed
Bismarck	1,581	7,960	9,541
Dickinson	648	2,624	3,272
Fargo	4,078	6,132	10,210
Grand Forks	1,162	3,042	*4,204
Jamestown	1,036	2,329	3,365
Mandan	818	2,024	2,842
Minot	2,027	8,485	10,512
Wahpeton	453	683	1,136
West Fargo	831	988	1,819
Williston	1,308	2,085	3,393
TOTAL	13,942	36,352	50,294

*Includes only last half of 1997

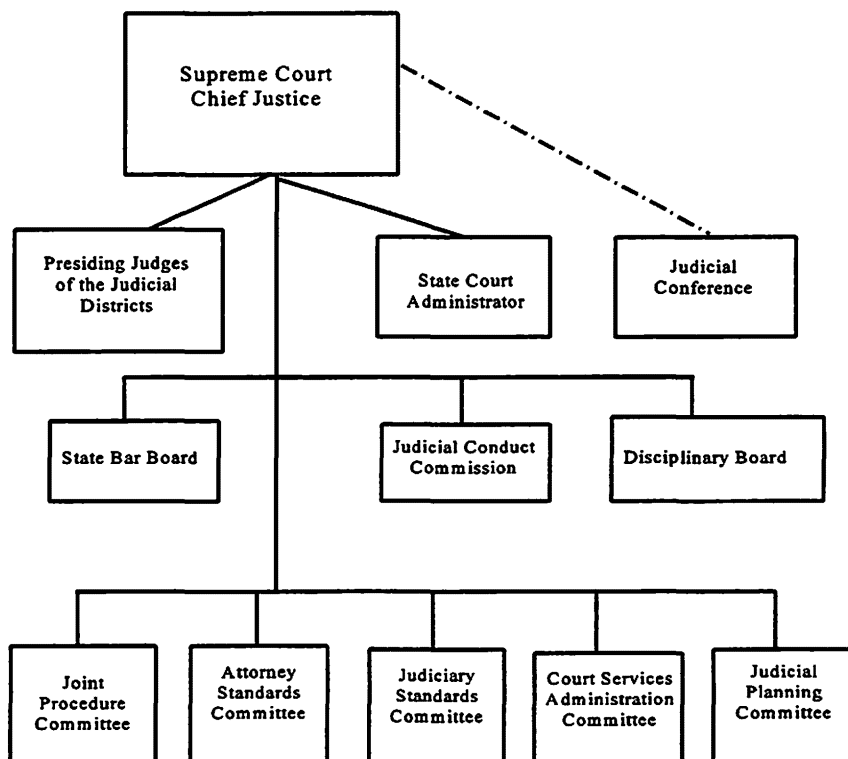
Administration of the Judicial System

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 1997 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 Supreme Court Library. To complement this library, the University of North Dakota Law School provides additional materials upon request.

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

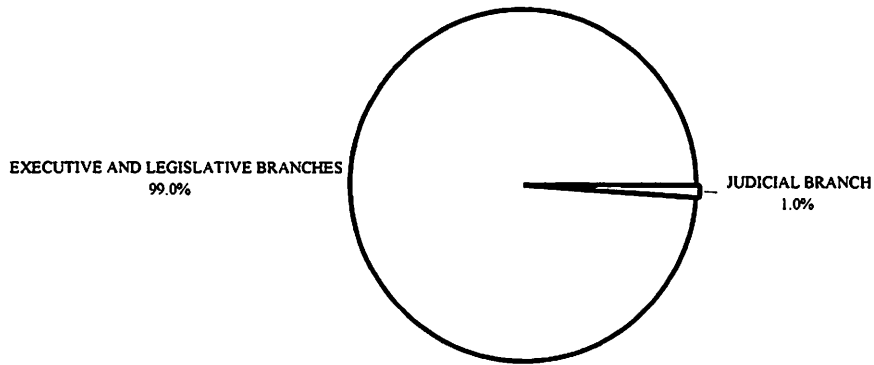
One of the primary functions of the office of state court administrator is to obtain adequate financial resources for judicial operations and to manage these resources. These functions are met with fiscal personnel consisting of a director of finance, supervisor of accounting, and technical staff. With 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.

In viewing the judicial budget, it should be noted that the state funds the Supreme Court, the Judicial Conduct Commission, approximately one-half of the expenses of the Disciplinary Board, and district court expenses 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.

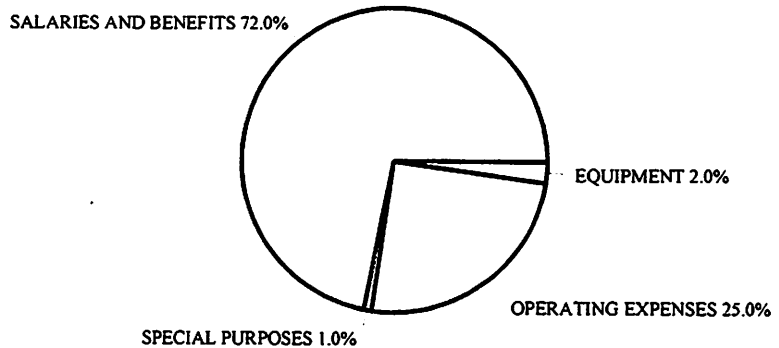
JUDICIAL PORTION OF THE STATE'S BUDGET 1997-99 BIENNIUM

Total State General and Special Funds Appropriation
\$3,974,607,404
Executive and Legislative Branch General and Special Funds Appropriation
\$3,936,383,801 (99%)
Judicial Branch General and Special Funds Appropriation
\$ 38,223,603 (1%)



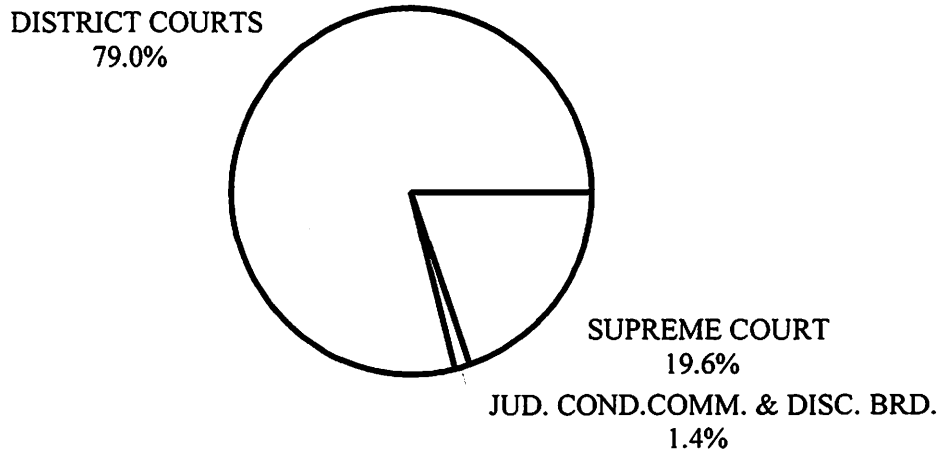
STATE JUDICIAL BRANCH APPROPRIATION BY APPROPRIATED LINE ITEM 1997-99 BIENNIUM

Total Judicial Branch General and Special
Funds Appropriation \$38,223,603
Salaries and Benefits \$27,458,860 (72%)
Operating Expenses \$ 9,397,089 (25%)
Equipment \$ 787,654 (2%)
Special Purposes \$ 580,000 (1%)



**STATE JUDICIAL BRANCH APPROPRIATION
BY TYPE OF ACTIVITY
1997-99 BIENNIUM**

Supreme Court			
	General Fund	\$ 6,616,019	
	Special Funds	<u>8,963</u>	
	TOTAL	\$ 6,624,982	(17%)
District Courts			
	General Fund	\$30,754,532	
	Special Funds	<u>384,089</u>	
	TOTAL	\$31,138,621	(82%)
Judicial Conduct Commission & Disciplinary Board			
	General Fund	\$ 235,000	
	Special Funds	<u>225,000</u>	
	TOTAL	\$ 460,000	(1%)



Advisory Committees of the North Dakota Judicial System

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

Judicial Planning Committee

The Judicial Planning Committee chaired by Justice Herbert L. Meschke provides planning guidance for the short term (two years) intermediate term (10 years) and the future (20 years). Actions that can improve the judiciary and the service provided are identified, planned and then referred to judicial leaders and other standing committees for resolution.

Joint Procedure Committee

The Joint Procedure Committee is responsible for continued study and improvement of the North Dakota Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Court, Rules of Evidence, Rules of Appellate Procedure and specialized court proceeding procedures. The Committee is chaired by Justice Dale V. Sandstrom and staffed by Gerhard Raedeke. The Committee membership of 10 judges and 10 attorneys is appointed by the Supreme Court, except for one liaison member appointed by the Board of Governors of the State Bar Association.

Joint Committee on Attorney Standards

The Joint Committee on Attorney Standards, chaired during 1997 by Dan Crothers of Fargo, is comprised of members appointed by the chief justice and the Board of Governors of the State Bar Association. As a result of 1997 law changes concerning the funding of the lawyer discipline system, the committee intensified its on-going review of rules governing lawyer discipline.

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.

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 1997, the committee completed review of a rule governing access to court records.

Committee on Tribal and State Court Affairs

The Committee on Tribal and State Court Affairs, chaired by former Chief Justice Ralph J. Erickstad, 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 1997, the committee met on reservations

around the state to discuss 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 was established following adoption of Administrative Rule 36 by the Supreme Court. The commission is chaired by Judge Bruce E. Bohlman of Grand Forks and is comprised of the Chief Justice, state and municipal court judges, a representative from the law school, juvenile court and court support staff for the courts of record. 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 an orientation program for new trial and municipal court judges, clerks of court, juvenile court officers and employees, 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", "The North Dakota Judicial System," "The North Dakota Clerk of Court and Bailiff's Handbook."

Personnel Advisory Boards

The District Court and Supreme Court Personnel Advisory Boards, chaired by Judge Allan Schmalenberger and L. David Gunkel respectively, continue the process of reviewing and implementing the personnel system and salary administration plans for the judiciary.

A classification review of secretaries, secretaries who act as recorders, and court reporters was completed along with a market review of the classifications and pay ranges for the entire system. The review will be used in the boards deliberations for future pay plans.

The district court board also experimented with outsourcing a review of reclassifications request. That is, paying for an outside consultant to review the request and make recommendations to the board rather than having the review done by the director of personnel. The results of that review will be available in 1998.

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. During 1997, the commission began development of a survey to be distributed to contract counsel for purposes of developing more detailed information about operation of the contract system.

Juvenile Policy Board

The Juvenile Policy Board, chaired by Judge Norman Backes, continues to oversee the implementation of the "Balanced Approach to Probation".

This operating philosophy suggests that effective probation departments must implement programs that address public safety, accountability to the victim and society and the competency development of juveniles who came in contact with the court. Research indicates that action which "balances" these approaches with juveniles are able to reduce recidivism.

The board, working with the directors of juvenile courts, is developing systems for electronic monitoring, intensive supervision, and involving the victim in the process. Additionally, in-state training programs have been developed to teach the philosophy and means of implementing the Balanced Approach.

As part of the competency development portion of this approach, the board continued implementing the "Keys to Innervisions" program. This program is designed to instill in juveniles that they are responsible for their own actions, that they can change their behavior and to teach them how to change their behavior. In addition to training all juvenile court officers in this approach, the courts have cooperated with schools, tribal governments, social services, law enforcement, and private providers to train another three hundred individuals in this approach; the start of a "community empowerment team". This should help in sending clear and consistent messages to juveniles from the many systems they come in contact with.

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 all chambered counties throughout the state. The East Central Judicial District has a similar, county funded system. The 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, continues 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 has been able to take advantage of point-to-point capabilities. In other words, e-mail and the ability of a judge to check on the status of a case from a remote site is now available statewide.

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. By Supreme Court Administrative Rule, the Joint Attorney Standards Committee provides the vehicle for the coordinated, complementary, and continuing study and review of the range of issues concerning attorney standards and supervision.

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 goes 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.

During the 1997 Legislative Session, state funding of the disciplinary system was substantially reduced requiring funding from the attorneys themselves through the State Bar Association. Attorney license fees were increased to offset the reduced funding, however, the Joint Attorney Standards Committee is reviewing the disciplinary system for funding and streamlining purposes.

Following is a summary of complaint files under consideration in 1997.

New Complaint Files Opened in 1997	185
General Nature of Complaints:	
Client Funds & Property	10
Conflict of Interest	6
Criminal Convictions	2
Excessive Fees	13
Failure to Communicate/Cooperate with Client	10
Improper Conduct	103
Incompetent Representation	26
Misappropriation/Fraud	3
Neglect/Delay	7
Unauthorized Practice of Law	6
TOTAL	185
Formal Proceedings Pending From Prior Years	27
Other Complaint Files Pending From Prior Years	67
Appeals Under Consideration in 1997	21
Total Files for Consideration in 1997	300
Disposition of Complaint Files:	
Complaints Withdrawn by Complainant; No Action by Inquiry Committees (IC)	4
Dismissed by Inquiry Committees	126
Summary Dismissals by Inquiry Committees	42
Dismissed by Disciplinary Board	1
Admonitions Issued by Inquiry Committee	23
Probation by Consent by Inquiry Committees	1
Admonition With Consent Probation Issued by IC	1
Reprimand (Private) Issued by Disciplinary Board	*1
Reprimands (Public) Issued by Disciplinary Board	2
Disciplinary Board Approves IC Dismissal	12
Disciplinary Board Approves Consent Probation	1
Disciplinary Board Approves IC Admonition or Private Reprimand	4
Reinstatement/Return to Active to Active Status by Supreme Court	2
Dismissed by Supreme Court	*1
Public Reprimands Issued by Supreme Court	1
Suspensions by Supreme Court	*9
Disbarments by Supreme Court	*19
Formal Proceedings Pending 12/31/97	19
Other Complaint Files Pending 12/31/97	31
TOTAL	301

* The Supreme Court directed Board to enter reciprocal discipline, which was an admonition.

One complaint file shown as an admonition in 1997 was dismissed by the Supreme Court.

Nine complaint files resulted in the suspension of 5 attorneys.

Nineteen complaint files resulted in the disbarment of 3 attorneys.

NOTE: At the end of 1997, two attorneys are on interim suspension pending final disposition of disciplinary proceedings.

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.

The procedures of the Commission are set forth in the North Dakota Rules of the Judicial Conduct Commission. Significant procedural changes effective August 1, 1997, include evaluation of the complaint and summary dismissal by Disciplinary Counsel, after providing an opportunity for Commission members to request further consideration. An admonition (formerly a private censure) now requires the consent of the judge. Complaints are now filed with Disciplinary Counsel for the Commission, with the Clerk of the Supreme Court relieved of all ex officio administrative duties for the Commission. As before, the Supreme Court must take final action on public censure, removal, suspension, retirement, or other public discipline against a judge.

Complaints against judges in 1997 decreased over those filed in 1996. The majority were dismissed as being without merit because complainants frequently believe the Commission has the authority to change a judge's decision or influence trial proceedings in some way.

The table, which follows, includes a summary of the nature and the disposition of complaints filed with the Judicial Conduct Commission 1997.

Judicial Conduct Commission - Summary of 1997

New Complaint Files Opened in 1997	36
General Nature of Complaints:	
Abuse of authority/prestige	1
Bias, discrimination/partiality	4
Delay court business	1
Ex parte communications	6
Failure to follow law/procedure	5
Failure to perform duties	1
General demeanor/decorum	2
Improper decision/ruling	15
Willful misconduct in office	1
TOTAL	36
Complaint Files Carried Over from 1996	12
Total Files Pending Consideration in 1997	48
Disposition of Complaints:	
Dismissed	26
Private Censure	1
Public Censure	0
Commission Took No Action	10
Total 1996 Dispositions	37
Complaint Files Pending as of 12/31/97	11

Of the New Complaints Filed in 1997:

- 32 were against District Court Judges
- 3 were against Referees
- 1 was against a Municipal Judge

State Bar Board Annual Report - 1997

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 1997, Board members were Rebecca S. Thiem of the Bismarck firm of Zuger, Kirmis & Smith; Mark L. Stenehjelm of the Williston firm of Winkjer, McKennett, Stenehjelm, Reiersen & Forsberg; and Paul F. Richard of the Fargo firm of Serkland, Lundberg, Erickson, Marcil & McLean, Ltd.

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 75 individuals admitted in 1997, 48 were by bar examination; 12 by achieving the 150 MBE score and admission in another state; and 15 by having the requisite years of practice in another state. The Bar Board administered a two-day bar examination in July 1997.

Passage rates for the 1997 examinations were:

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
07/97	57	48/84%	47	39/83%

The Bar Board continuously reviews the bar examination to maintain the fairness and integrity of the exam and the competence of the Bar. Beginning in July 1999, the North Dakota State Bar Examination will have a different look. The examination will consist of the Multistate Bar Examination (MBE), an objective multiple choice exam, the Multistate Essay Examination (MEE), and the Multistate Performance Test (MPT). The MPT, which is developed by the National Conference of Bar Examiners, is a skills test that requires applicants to sort detailed factual materials and separate relevant from irrelevant facts; analyze statutory, case, and administrative materials for principles of law; apply the law to the relevant facts in a manner likely to resolve a client's problem; identify and resolve ethical dilemmas, when present; communicate effectively in writing; and complete a lawyering task within time constraints.

This change in the structure of the bar examination will no longer permit applicants to simultaneously test in Minnesota and North Dakota. However, the Bar Board began discussions with Minnesota's Board regarding a reciprocity agreement or similar accommodation for those applicants who, provided they had the opportunity, would have sat for both exams. One accommodation the Bar Board has agreed to provide is a February 2000 bar examination. Whether further February examinations will be offered is an issue for the Board's future discussions.

Character and fitness issues also continue to be reviewed and addressed. The Bar Board has submitted proposed rule amendments regarding conditional admission to the Supreme Court, which were then referred to the Joint Attorney Standards

Committee. These proposed amendments provide a necessary tool to assist the Bar Board and the Court in the admission process, and provides a monitoring program when concerns of protecting the public are raised during the application process. Questions of fitness may arise because of an applicant's physical or mental disability, present or past use or abuse of drugs or alcohol, neglect of financial responsibilities, or other behavior or problems.

The Character and Fitness Committee assists the Bar Board in investigating applicants' character, fitness and moral qualifications. In 1997, members of the Committee were: Charles S. Miller, Malcolm H. Brown, Luella Dunn, Reverend Keith Odney, and Dr. Al Samuelson, all of Bismarck.

A professionalism seminar, jointly sponsored by the Bar Board and the State Bar Association, was held the morning of the October admission ceremony for all new admittees. First began in 1996, this seminar focused on the basics of professionalism, key ethical problems encountered by practicing attorneys and balancing one's personal and professional lives. After the seminar, the admittees were invited to a luncheon where Chief Justice Gerald VandeWalle was a featured speaker, and the North Dakota Young Lawyers Section informed the admittees on the section's activities. Following the luncheon, the admission ceremony was held in the House Chambers of the State Capitol in Bismarck.

The Bar Board is also responsible for licensing attorneys. By statute the Board collected the license fees and remitted 80% to the State Bar Association. In 1997, 1,853 lawyers and judges, 369, or 20%, 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-one 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 1995 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, co-chairs Justice William Neumann and Judge Gary Holum.

Special committees are as follows:

1. Judicial Immunity Committee, Judge Kirk Smith, Chair.
2. 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 1997 were as follows:

- Judge, Kirk Smith, Chair
Justice, Dale V. Sandstrom, Chair-Elect
Justice Mary Muehlen Maring, Executive Committee
Judge John C. McClintock, Jr., Executive Committee
Judge Donald L. Jorgensen, Executive Committee
Judge Gail Hagerty, Past Chair

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
Donald L. Jorgensen
Burt L. Riskedahl
Dennis A. Schneider
Thomas J. Schneider
James M. Vukelic
William F. Hodny

Northeast District

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

East Central District

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

Northwest District

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

Northeast Central District

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

Southeast District

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

Southwest District

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

JUDGES OF THE MUNICIPAL COURTS

Robert A. Keogh
William C. Severin

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
Gerald G. Glaser

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

Sherry Moore
James S. Hill

Steven Lies

Mike Sturdevant
Paul G. Kloster

*Presiding Judge

Executive Secretary Keith E. Nelson

71 Members