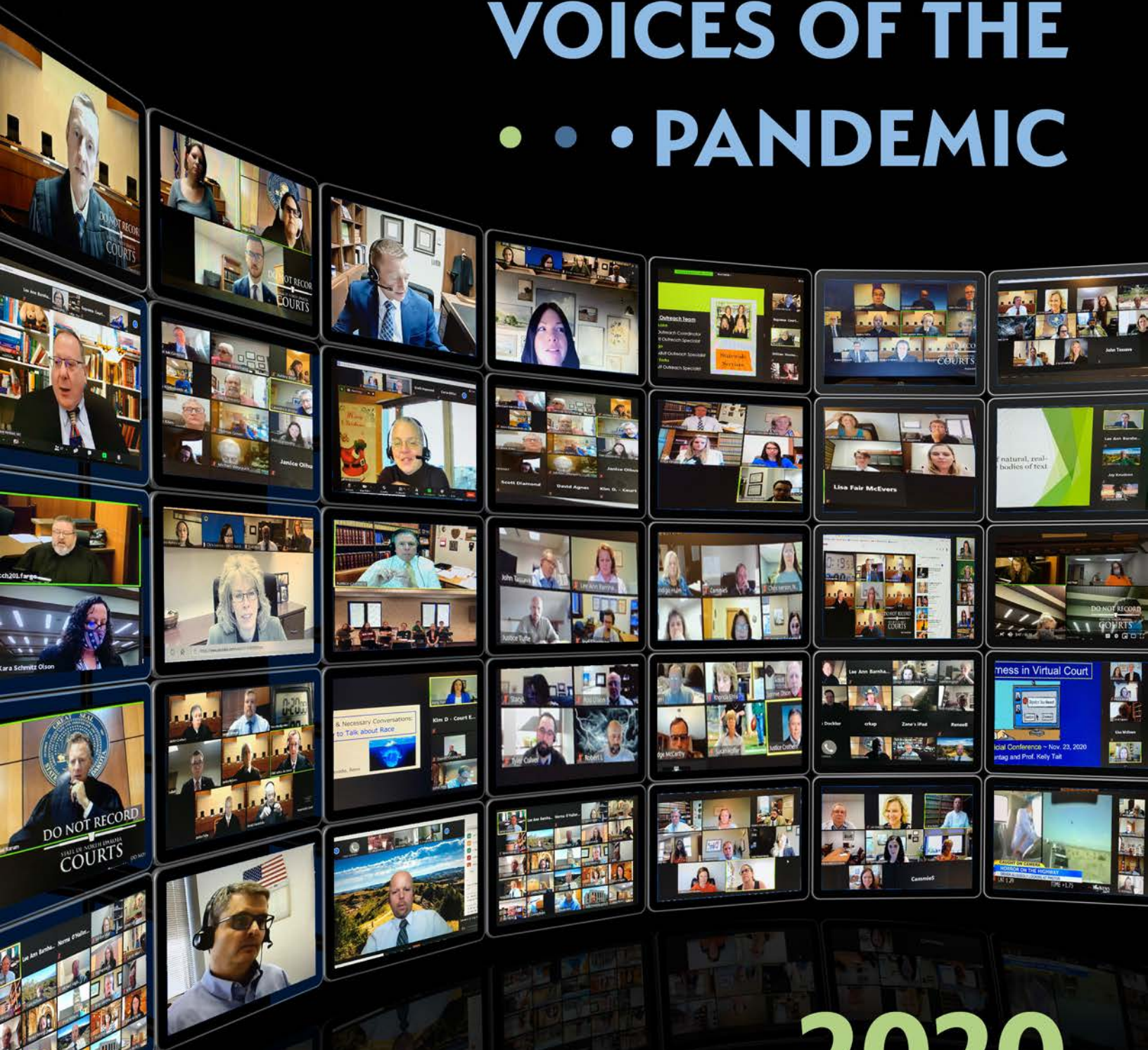


VOICES OF THE • • • PANDEMIC



2020 NORTH DAKOTA COURT SYSTEM ANNUAL REPORT



MISSION STATEMENT

TO PROVIDE THE PEOPLE, THROUGH AN INDEPENDENT JUDICIARY, EQUAL ACCESS TO FAIR AND TIMELY RESOLUTION OF DISPUTES UNDER LAW.

MESSAGE FROM THE CHIEF

HON. JON J. JENSEN



In January and February of 2020 we began what will be annual visits by the Chief Justice to each of the districts and clerk of court offices throughout the state. During those meetings the districts and clerks were, and will be in the future, encouraged to provide feedback regarding the needs of each district and changes the districts believe will improve the judicial system's service to the citizens of North Dakota. The information provided at those meetings was intended to be used to provide a thorough review of our operations, identify needs and gaps, and engage in strategic planning. Those meetings were informative and energizing. Those meetings confirmed that everyone working within our judicial system is dedicated to, and enthusiastic about, improving how we provide judicial services.

In March we were challenged with the impact of a global pandemic. We were forced to make immediate decisions about how we could continue our court operations. Like the other branches of government, the court system had to make changes quickly. We issued emergency orders, suspended jury trials, and asked the majority of judges and staff to work from home. At the same time, we asked them to follow our mission and to provide "equal access to fair and timely resolution of disputes under law."

IN MARCH WE WERE CHALLENGED WITH THE IMPACT OF A GLOBAL PANDEMIC. WE WERE FORCED TO MAKE IMMEDIATE DECISIONS ABOUT HOW WE COULD CONTINUE OUR COURT OPERATIONS. LIKE THE OTHER BRANCHES OF GOVERNMENT, THE COURT SYSTEM HAD TO MAKE CHANGES QUICKLY.

The response of the judicial system was incredible and each member of the system rose to the challenge of providing equal access and the timely resolution of disputes. Within days, the Supreme Court held its first virtual oral argument and has since held over 140 virtual arguments. The juvenile court staff immediately moved online to continue working with juveniles and their families. A working group was formed to make recommendations for Remote Electronic Means, ultimately recommending the Zoom platform which allowed hearings, bench trials, and drug courts to continue. Public access to court was assured through live streaming hearings on YouTube.

Administrative operations continued as well with education programs for judges and all employees moving online and the launching of a new learning management system that made on-demand learning possible. New employee orientation continued through an online series, finance made adjustments in operations and managed CARES Act funding, and an expedited mediation process was put in place to help families resolve disputes. A remodel of the existing law library continued and the completed project allows for the court's IT staff to move back to the Capitol from its leased offices downtown. IT was an integral part of all the changes, keeping computers and networks running and taking on larger issues like remote recordings of proceedings and integrating Zoom with courtroom audio/visual equipment. Many of the solutions developed to meet the challenges of the pandemic will be helpful going forward and have opened doors to better ways to serve the public. You will find details on these efforts as well as statistical data for 2020 throughout the annual report.

When jury trials resumed in July, we asked our trial court administrators to adapt facilities to meet Center for Disease Control guidelines for safety and social distancing. Jury boxes were moved, Plexiglas installed, and courtrooms and offices rearranged to keep people 6 feet apart. Administrators adapted jury selection processes, made arrangements for offsite locations for larger trials, and most importantly, supported their employees through challenging and unpredictable times.

Despite the challenges of the pandemic, the information gathered in our meetings in January and February was not forgotten and

we continued to consider our long term plans. We have added stability to the support provided to judges by providing districts with the opportunity to hire staff attorneys in place of temporary law clerks. We have made progress on requiring initial criminal filings to be made electronically which will significantly reduce the amount of work in every clerk of court office. We have made progress on eliminating the clerk's role in inputting data into the computer system maintained by child support services, an outdated computer system that is not integrated with our system and requires significant clerk time commitments. Pending legislation to return the child support duties to the executive branch, if enacted, will entirely eliminate the clerk of court's role in maintaining the child support data and further reduce the amount of work in every clerk of court office. Returning those duties to the executive branch protects the separation of powers between branches of government by removing the court from what has been an active role in litigation between parties and returns those functions to an agency created and better equipped to handle those duties. Those time saving measures will allow the clerk of court to provide increased support for judges and referees inside courtrooms.

During the upcoming district and clerk meetings we will discuss proposed operational changes intended to increase support for trial judges. Those changes will provide judges with increased access to assistance with research and administrative support. Within the near future transcripts will be available immediately following hearings to aid in the preparation of decisions. Despite the challenges we have faced during the pandemic, I remain confident and energized to increase support for our judicial officers.

On behalf of the entire Court, I extend our thankfulness to the members of the judicial system for their service to the citizens of North Dakota. Every member of the clerk of court staff, referees, juvenile court staff, court reporters and recorders, court administrative staff, law clerks, and judges rose to meet the challenges presented by the pandemic. They were creative, and they were problem solvers. Because of their commitment, justice continued to be served in North Dakota in 2020.



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2020 SNAPSHOT

2,977
Average of Cases filed
Per District Court Judge

141
Virtual Arguments Held
by the
ND Supreme Court

270
Supreme Court
Authored Majority
Opinions

329
Appellate Cases Filed

154,812
Total District Court Case Filings

38
Judicial Complaints
Opened

41
Guardianship Cases
Referred for Review

**LEGAL
SELF-HELP
CENTER 2020**

1,476
PHONE CALLS ANSWERED

1,784
CONTACTS WITH LITIGANTS

737
Mediation Program
Cases Accepted

116
Number of new lawyers
admitted to the ND Bar

105
Total attorney
complaints filed

8,877
TOTAL JUVENILE COURT REFERRALS

NORTH DAKOTA SUPREME COURT

ONE CHIEF JUSTICE & FOUR JUSTICES:

10-YEAR TERMS

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. It is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. The Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary. In its administrative capacity, the Court is responsible for ensuring the efficient and effective operation of all non-federal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession and promulgating procedural rules.

DISTRICT COURT

EIGHT JUDICIAL DISTRICTS/ 52 JUDGES:

SIX-YEAR TERMS

District Courts are the state trials courts of general jurisdiction. Among the types of cases they hear are civil, criminal, domestic relations, small claims, and probate. District Courts also serve as the Juvenile Courts in the state with original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. In some districts, judicial referees have been appointed to preside over juvenile, judgment enforcement, and domestic relations proceedings, other than contested divorces. District Courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies and for criminal convictions in Municipal Courts.

MUNICIPAL COURT

73 JUDGES:

FOUR-YEAR TERMS

Municipal Courts have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. In cities with a population of 5,000 or more, the municipal judge is required to be a licensed attorney. Trials in municipal court are before the judge without a jury. State law permits an individual to serve more than one city as a municipal judge.





SUPREME COURT GOES ONLINE WITH VIRTUAL ORAL ARGUMENTS

In what is likely a first, the North Dakota Supreme Court on March 23 heard oral arguments over the internet, meeting together in digital space through an online meeting application, which allowed the justices to participate as they normally would, asking lawyers questions and making comments.

“Most of the lights were out Monday at the North Dakota Supreme Court as part of social distancing caused by the COVID-19 pandemic,” the court said in a statement. “But the justices conducted business nevertheless -- simultaneously from locations all over the state.”

The decision to hold arguments virtually was due to concerns over COVID-19, state buildings being closed to the public, gatherings of 10 or more people being discouraged, and social distancing requirements.

Three cases were argued in the first virtual session, allowing the justices and attorneys, each physically in different locations, to appear together on the same computer screen and conduct business. Chief Justice Jon Jensen and Justice Gerald VandeWalle were in different places at the Capitol, Justice Dan Crothers, Justice Lisa Fair McEvers and Justice Jerod Tufte participated from their respective homes.

The audio of the cases was broadcast live over the internet, just as the Court does with arguments heard in the Bismarck courtroom. After the oral arguments, the Court then met using another secure videoconferencing application to discuss the cases among themselves.

“Virtual oral arguments were a great blessing this year,” said Justice Gerald VandeWalle, the longest serving justice on the court. “Without them, the only other alternatives would have been to delay oral arguments, waive oral arguments, or hear them by telephone. None of which would have been satisfactory.”

Since that time, all oral arguments have been online and will continue to be so through February 2021. In addition to the online arguments, the court also began livestreaming sessions in June over YouTube as part of its educational outreach programs.

Normally the students would travel to the Capitol building to see arguments in a case, but with the livestream, students were able to watch the arguments online and then visit with a justice virtually about the appellate process.

Justice Dan Crothers has used this approach with a couple of schools and says it is great alternative to traveling for both the students and the justices.

“Coming to the capitol is a great experience for schools who can travel, but this is a distance eliminator for those who are not able to get Bismarck,” he said.

Crothers added that watching a livestream or viewing a recordings allows students to see and hear the argument and visit with a justice, which can be a richer experience than a visit to court. He hopes the court will continue to offer this option in the future.

“VIRTUAL ORAL ARGUMENTS WERE A GREAT BLESSING THIS YEAR,” SAID JUSTICE GERALD VANDEWALLE, ...“WITHOUT THEM, THE ONLY OTHER ALTERNATIVES WOULD HAVE BEEN TO DELAY ORAL ARGUMENTS, WAIVE ORAL ARGUMENTS, OR HEAR THEM BY TELEPHONE. NONE OF WHICH WOULD HAVE BEEN SATISFACTORY.”

Going forward, Chief Justice Jensen said the court is scheduling a mix of in-person and virtual arguments for March, but intends to be flexible. “We will change the in-person arguments to virtual arguments depending on the availability of a vaccine and current risk level,” he said.

Jensen said the court has learned from its online experience.

“We learned to be patient with others and ourselves,” he said. “For many people who are participating, particularly those early on, there was and is a learning curve. We all struggle and we all have challenges.”

Since the first virtual session the court has heard more than 140 virtual oral arguments and issued almost 200 written decisions.

It remains to be seen exactly how courts will operate in the future, but many judges and other court officials are embracing video technology and believe it will be an important tool long after the pandemic ends because of its potential to save time and money and increase convenience for litigants.

However, VandeWalle cautioned about virtual arguments becoming the normal way of hearing arguments.

“There is something advantageous to be said about an attorney appearing at the podium before the full Court, for both the Court and the litigant,” he said. “That advantage includes the ability of the entire Court to observe the lawyer and the lawyer to observe the entire Court while making his or her argument, thus involving all the participants in the conversation.”

Jensen said the North Dakota Supreme Court plans to include a limited number of virtual argument sessions post pandemic. He said many, but not all, of the attorneys who have appeared virtually have indicated they would like to see the option available in the future.

VandeWalle said while virtual arguments do allow an appellant to appeal a case without the expense of coming to Bismarck, which may improve access to justice, he is concerned about a potential increase in less meritorious appeals being filed.

“Nevertheless, virtual arguments when circumstances do not allow a litigant or his counsel to appear in person are better than no arguments at all, submission on brief, or over the telephone,” he said.

S U P R E M E C O U R T



2020 NORTH DAKOTA SUPREME COURT

FROM LEFT, JUSTICE GERALD W. VANDEWALLE, JUSTICE LISA FAIR MCEVERS, CHIEF JUSTICE JON J. JENSEN, JUSTICE JEROD E. TUFTE, AND JUSTICE DANIEL J. CROTHERS.

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. However, in the case of the retirement or death of a justice during the term of office, the Governor can appoint to fill the term for two years, when the person must then run for election.

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 arguments and conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial branch.



2020

NORTH DAKOTA SUPREME COURT

Twenty-twenty was a year of change and challenges. Chief Justice Gerald W. VandeWalle announced he was stepping down as Chief Justice effective December 31, 2019, after 27 years as the Chief Justice. He continues to serve as a Justice. Justice Jon J. Jensen was elected as Chief Justice and began serving January 1, 2020. Longtime Clerk of the Court, Penny Miller, retired December 31, 2019, after serving the Court for more than 30 years. Petra H. Mandigo Hulm, Chief Deputy Clerk since September 2010, was appointed as Clerk. Meagen A. Powell was hired as Chief Deputy Clerk.

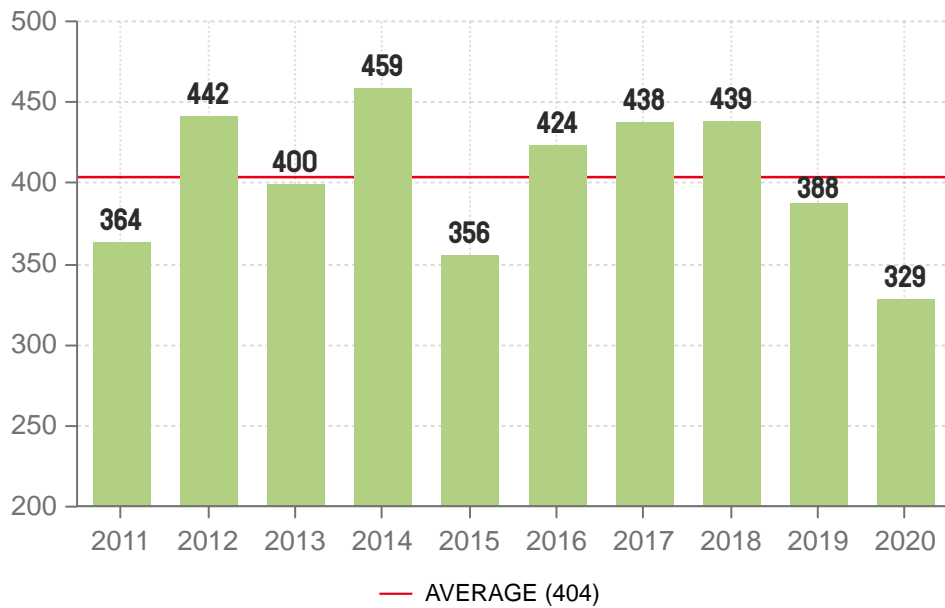
The coronavirus pandemic presented many challenges, including the Court issuing nine emergency orders.

Despite the changes and challenges of 2020, the Court was able to continue with its work essentially without pause. Oral arguments were held without continuances using online reliable electronic means and the Court continued to timely decided cases. The challenges also brought opportunity for change, including the Clerk's office becoming paperless and timelier processing of filings and other work.



NORTH DAKOTA SUPREME COURT 2020 CASELOAD HIGHLIGHTS

Compared to 2019, new case filings decreased 15% in 2020 from 388 to 329. This was the second year of decreased filings. Based on month-by-month filings, the decrease is likely correlated to the coronavirus pandemic. The number of cases on appeal for the past 10 years is reflected in the figure below.



NORTH DAKOTA SUPREME COURT 2020

ARGUMENTS/OPINIONS

CIVIL FILINGS

Civil matters accounted for 70% of the total caseload. The percent of all civil filing categories decreased 16% as compared to 2019.

- The overall number of family-related matters decreased 38% as compared to 2019. Family-related matters accounted for 12% of the overall caseload and 17% of the civil caseload.
- Juvenile appeals, including delinquent or unruly, deprivation and termination of parental rights, were consistent with 2019. Those matters accounted for 6% of the overall caseload and 9% of the civil caseload.
- Appeals in post-conviction relief matters, which are by statute civil, increased 30% as compared to 2019. Those matters accounted for 12% of the overall caseload and 17% of the civil caseload.
- The Court also decided seven election-related petitions for original writs.

CRIMINAL FILINGS

Criminal matters accounted for 30% of the total caseload. Criminal appeals decreased 12% as compared to 2019. The only case type to increase in 2020 was driving under the influence.

- Matters involving drugs, theft, and driving under the influence increased 11% as compared to 2019. Those matters accounted for 11% of the overall caseload and 37% of the criminal caseload.
- Matters involving assault, homicide, sexually related offenses, and felonies decreased 14% as compared to 2019. Those matters accounted for 15% of the overall caseload and 50% of the criminal caseload.

- The number of criminal DUI matters increased 15% as compared to 2019.
- Oral arguments were scheduled in 291 cases. Approximately 30% of those arguments were waived, in whole or in part by either the parties or the Court, and submitted on the briefs and the record.
- The Justices authored 270 majority opinions, which was a decrease of 12% as compared to 2019. An additional 60 separate concurrences and/or dissents were written.
- The most cases originated from the South Central Judicial District, followed by the North Central, Southeast, Northwest, East Central, Northeast Central, Northeast, and Southwest Judicial Districts.
- At the time of disposition in 2020, 22% of cases included at least one party who was self-represented.

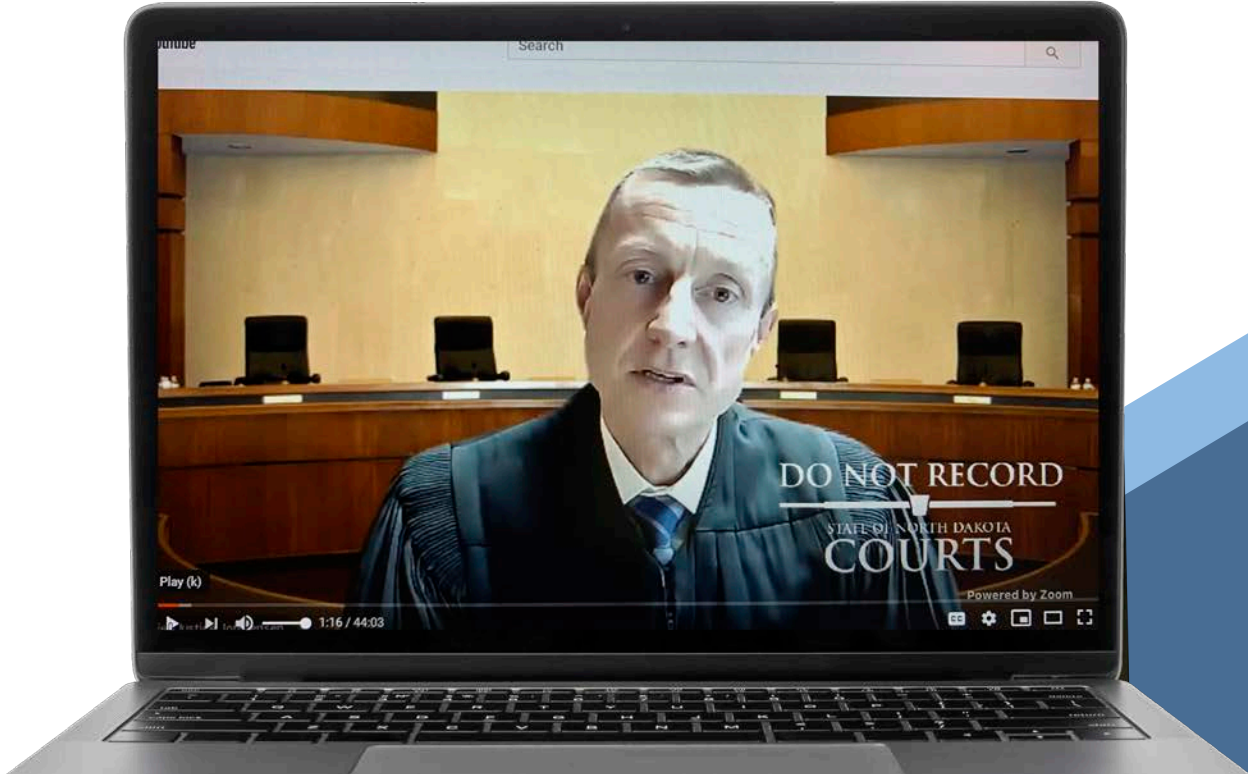
ADMINISTRATIVE FILINGS

The Court considered whether to fill, abolish or transfer two district judge vacancies. There were also 22 files opened for amendment of various procedural rules and policies. The Court continued regular weekly conferences to consider motions and other administrative matters impacting the Court's workload.

In-person school visits were postponed due to the pandemic, but Justices virtually visited classrooms. The Supreme Court completed a two-day virtual visit to the UND School of Law in October 2020.

NORTH DAKOTA SUPREME COURT 2020 CASELOAD SYNOPSIS

		2020	2019	PERCENT DIFFERENCE
NEW FILINGS	CIVIL	236	290	-19
	CRIMINAL	101	115	-12
	TOTAL	337	405	-17
DISPOSITIONS	CIVIL	207	296	-30
	CRIMINAL	79	127	-38
	TOTAL	286	423	-32
TRANSFERRED TO COURT OF APPEALS	CIVIL/ CRIMINAL	0	0	



NORTH DAKOTA SUPREME COURT 2020

DISPOSITIONS

BY OPINION			
	Civil	Criminal	Other
Affirmed; Affirmed & Modified	86	42	0
Affirmed in Part & Reversed in Part, Remanded in Part, or Vacated in Part	20	4	0
Affirmed in Part & Dismissed in Part	1	0	0
Affirmed by Summary Disposition	48	21	0
Remanded	2	0	0
Reversed	8	3	0
Reversed & Remanded	27	7	0
Reversed by Summary Disposition	0	0	0
Motion Denied by Opinion	1	0	0
Dismissed	4	2	0
Order/Judgment Vacated, Remanded	2	0	0
Certified Question Answered	0	0	0
Certified Question Not Answered	0	0	0
Original Jurisdiction – Granted	3	0	2
Original Jurisdiction – Denied	3	0	0
Original Jurisdiction – Granted in Part, Denied in Part	1	0	0
Discipline Imposed	1	0	0
TOTAL BY OPINION	207	79	2
BY ORDER			
	Civil	Criminal	Other
Dismissed	37	29	0
Original Jurisdiction – Granted	4	0	2
Original Jurisdiction – Denied	9	1	0
Original Jurisdiction Granted in Part, Denied in Part	0	0	0
Notice of Appeal Void - No Filing Fee	0	0	0
Rules - adopted or approved	0	0	24
No Court Action Required	0	0	1
TOTAL BY ORDER	57	30	27
	Civil	Criminal	Other
GRAND TOTAL DISPOSITIONS	264	109	29



PRESIDING JUDGES WEIGH FACTORS BEFORE SUSPENDING COURT

The North Dakota Supreme Court enacted several administrative orders beginning mid-March aimed at providing guidelines for court operations during the coronavirus pandemic. Jury trials were suspended statewide through July, with presiding judges given the authority to suspend hearings and trials at the district level for the remainder of the year.

Presiding judges consider several factors, such as the health and safety of participants, when deciding whether to suspend court hearings or trials. The Hon. Robin Schmidt, presiding judge of the Northwest Judicial District, said their court took measures to stay open and hear cases when necessary, whether live or by electronic means.

“Suspending trials is detrimental to the system. It erodes faith and trust in the judiciary. People depend on governmental functions to remain operational, especially during challenging times,” said Schmidt. “Precautions can be taken to alleviate unnecessary risk. However, Courts are pivotal to protecting citizens and their property and must remain open and accessible in the format that has been tested by time and experience.”

Schmidt added that a priority was moving forward with the trial process for individuals in custody. She said they did not want them languishing in jail indefinitely.

The Northeast Central Judicial District temporarily suspended criminal jury trials mid-October to mid-November when the number of COVID-19 cases rose suddenly in October. The sole factor used by Presiding Judge Donald Hager was the number of confirmed jurors available. He said the numbers dropped about 33% for their mid-December criminal jury trials, which means misdemeanor and lesser felony trials could continue. However, any GSI, murder, or similar high offense would not be held because there are not enough jurors.

“The number of available jurors drives whether we will suspend,” said

The Hon. Dan Narum, presiding judge of Southeast Judicial District, said when determining whether to suspend hearings he considers the type of case, the status of the courthouse being open or closed, the COVID-19 situation in the particular county, whether the hearing can be conducted via Remote Electronic Means (REM) and whether a defendant is in custody or not.

Narum said suspending cases causes a backlog and delays conclusion for the participants. “It causes cases that would have settled to remain because the pressure of an impending trial is removed,” he said.

According to Narum, REM has worked very well to move cases along. He said they have conducted all types of hearings and trials, with the exception of jury trials, via REM.

The East Central District uses public health recommendations as a guide: keeping jurors and others six feet apart, providing masks, and excusing anyone with COVID-19 -related issues. Presiding Judge Frank Racek said in Cass County, 2 out of 10 courtrooms met these requirements even for AA felonies. They have one courtroom adequate for 6 jurors and Cass County is remodeling to add a 9-person courtroom that would comply.



Hager. “That is directly related to the number of active COVID-19 cases. We have been able to maintain docket currency in our district, and have actually decreased our numbers. That is attributable to attorneys resolving matters short of trial.” The term “docket currency” refers to the time to disposition standards established by the Court under Administrative Rule 12.

As to suspending court hearings, Hager said the only reason to “continue” a hearing would be the unavailability of the judge, attorney or party. Most of the hearings, except mental health, termination of parental rights, and jury trials, are all done by Zoom. Therefore, even if COVID-19 -related, Hager said they can still hold the hearing if people are physically able to participate.

Hager said the impact of suspending trials is a backup in docket currency, because all of their civil jury trials since March are being doubled up now in 2021. Therefore, many more cases are scheduled as backups only. He said that not only causes uncertainty for trial planning (jury trials take precedence over bench trials), but it delays domestic conflict resolution.

Racek said the impact of suspending trials and hearings is an increase in overdue cases and people waiting longer to get their case resolved. He also said the clerk office work has increased because of the number of cases they need to schedule, reschedule, keep time standards for, and file. Racek added that the clerks have had to do this with even less staff than normal as people have been out with COVID-19 .

Although the district has used Zoom and other electronic means to keep up, Racek said REM hearings are much more difficult for sessions with large numbers of participants. “I would say we can struggle along at about 60% efficiency with electronic means for a portion of our business.”

Except for periods of time when all jury trials were suspended due to COVID-19 , jury trials in the North Central Judicial District proceeded as scheduled. Continuances are granted on a case by case basis when attorneys, parties, or material witnesses are unavailable for COVID-19 reasons. Individual jurors are excused for similar reasons. A “COVID-19” reason is broadly defined to mean close contact, quarantine, family contact, and the like. If a potential juror states a health concern regarding possible exposure, that juror is likewise excused.



Presiding Judge Gary Lee said the time period during which jury trials were suspended created a backlog of untried cases in excess of 250 cases in the district. He said many cases which could have been resolved by plea bargain, dismissal, or reduction of charges were not.

“The unresolved cases unnecessarily clogged the calendar, slowing resolution of more pressing cases,” said Lee. “The consequence of all of this was a need to stack cases for trial, often as deep as 10 cases on a given day.”

Lee said the NCJD has tried to maintain normal operations for time critical matters such as juvenile court proceedings, criminal appearances, mental health proceedings, restraining orders, and interim orders in divorce actions, especially in those cases involving children.

“We have further attempted to conduct business in person, in open court, and not by REM,” he said. “We have made accommodations for social distancing, masks, personal protective equipment, and the ready availability of sanitizer given limitations of space within the available courtrooms. We have worked with our local county commissioners and law enforcement agencies to keep the functions of the Court open and uninterrupted.”

With the exception of jury trials the Northeast Judicial District did not suspend court hearings. Presiding Judge Donovan Foughty said they hold bench trials and other types of hearings often by Zoom and in person. His latest December order suspending jury trials until after January 10, 2021, was based on the rise of positive COVID-19 tests in the state. Foughty said in rural counties there are a lot of tasks that clerks have to perform to set up for a jury trial. After consulting with the judges in the district it did not make much sense to have clerks exert all that energy when the trial judge would most likely postpone the trial.

While trials have been delayed, Foughty said past experience suggests that most cases will settle once the matter is put back on the calendar. He also said they are adjusting to Zoom court, finding it necessary in conducting business.

“I look forward to the day when we can all again appear in the courtroom,” said Foughty. “Although I think we will continue to use Zoom in many instances.”

“SUSPENDING TRIALS IS DETRIMENTAL TO THE SYSTEM. IT ERODES FAITH AND TRUST IN THE JUDICIARY. PEOPLE DEPEND ON GOVERNMENTAL FUNCTIONS TO REMAIN OPERATIONAL, ESPECIALLY DURING CHALLENGING TIMES,” SAID SCHMIDT. “PRECAUTIONS CAN BE TAKEN TO ALLEVIATE UNNECESSARY RISK. HOWEVER, COURTS ARE PIVOTAL TO PROTECTING CITIZENS AND THEIR PROPERTY AND MUST REMAIN OPEN AND ACCESSIBLE IN THE FORMAT THAT HAS BEEN TESTED BY TIME AND EXPERIENCE.”

DISTRICT COURT



There are district court services in each of the state's 53 counties. North Dakota is a fully unified and consolidated court system and all district courts are under the administrative authority of the Chief Justice and 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. There are 52 district judges in the state and five judicial referees.

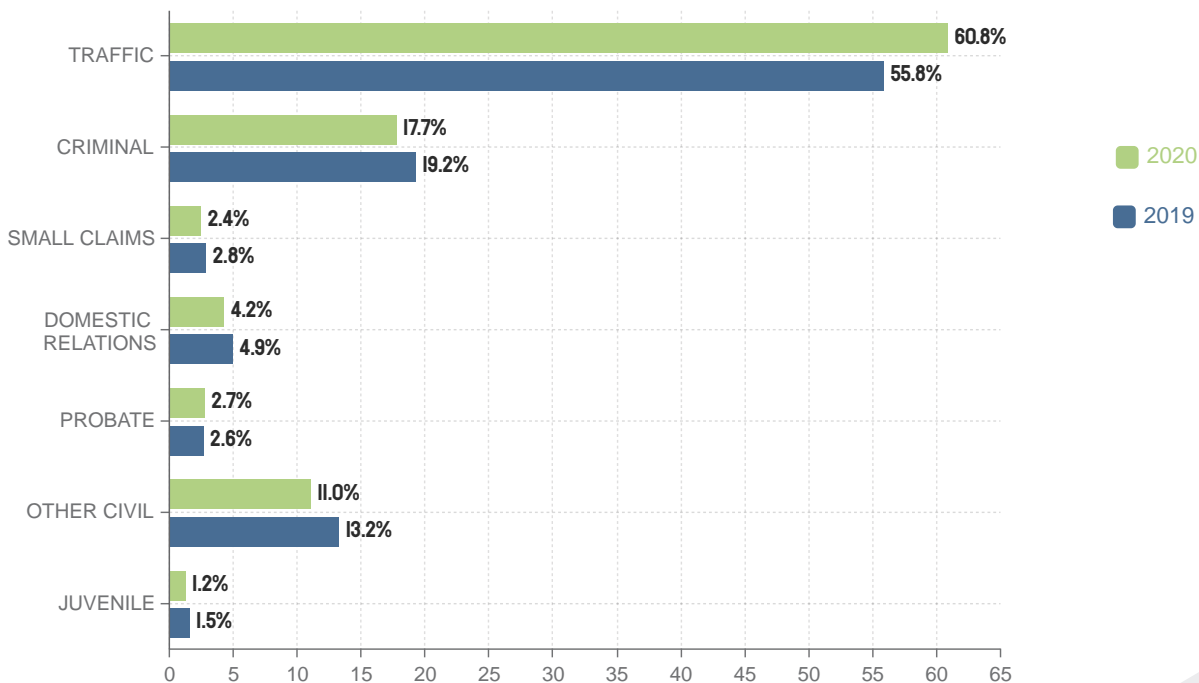
Judges in the district courts also serve on statewide committees, boards, and commissions; participate in state and local bar association activities; and provide law-related public education to students and community members.



NORTH DAKOTA DISTRICT COURT TOTAL DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2020 & 2019

CASE FILINGS/ DISPOSITIONS	2020			2019			2020/2019	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	27,776	6,460	34,080	30,837	7,719	37,825	-9.93%	-9.90%
Small Claims	3,748	109	3,958	4,245	85	4,145	-11.71%	-4.51%
Criminal	27,354	12,656	35,044	28,640	14,401	40,666	-4.49%	-13.82%
Traffic	94,081	323	96,654	83,148	330	85,901	13.15%	12.52%
Juvenile	1,853	1,731	3,040	2,208	1,862	3,364	-16.08%	-9.63%
Total	154,812	21,279	172,776	149,078	24,397	171,901	3.85%	0.51%

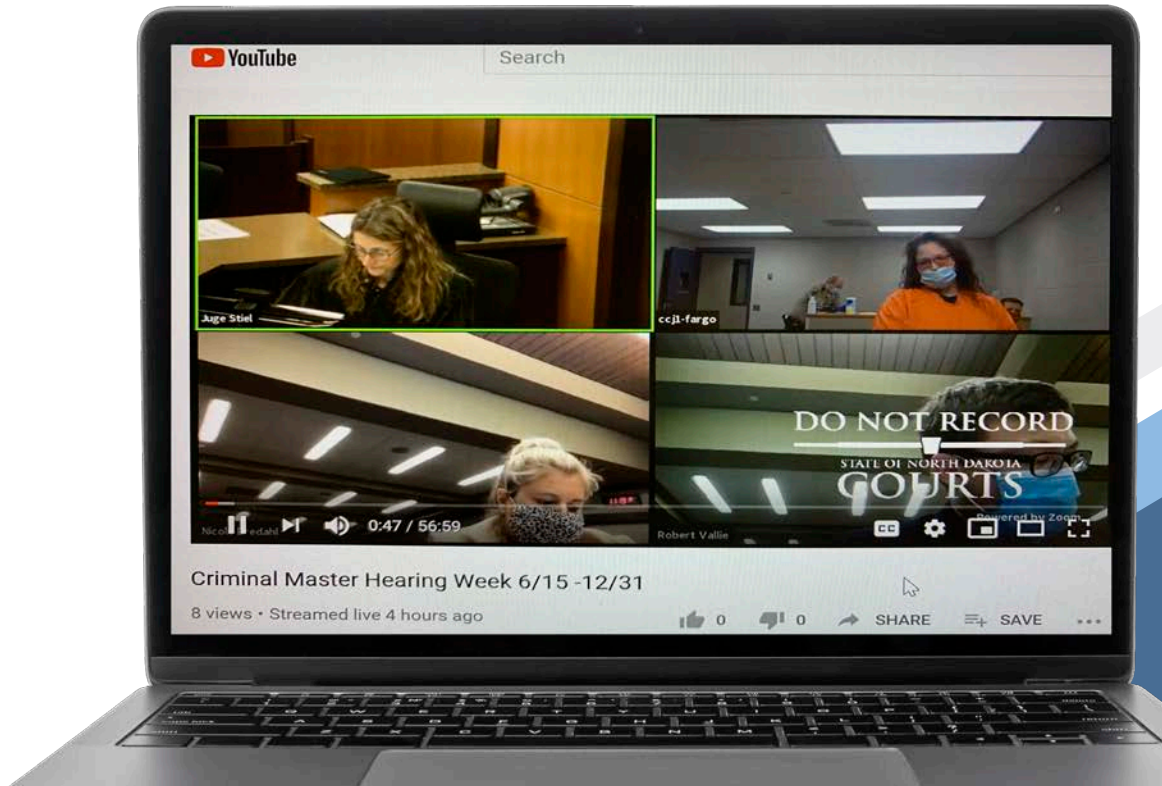
NORTH DAKOTA DISTRICT COURT TOTAL DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2020 & 2019



NORTH DAKOTA DISTRICT COURT JURY TRIALS BY DISTRICT FOR 2020

District	2020	2019
Northeast	11	16
Northeast Central	19	35
East Central	25	38
Southeast	23	38
South Central	32	58
Southwest	11	14
Northwest	18	27
North Central	37	39
Total	176	265

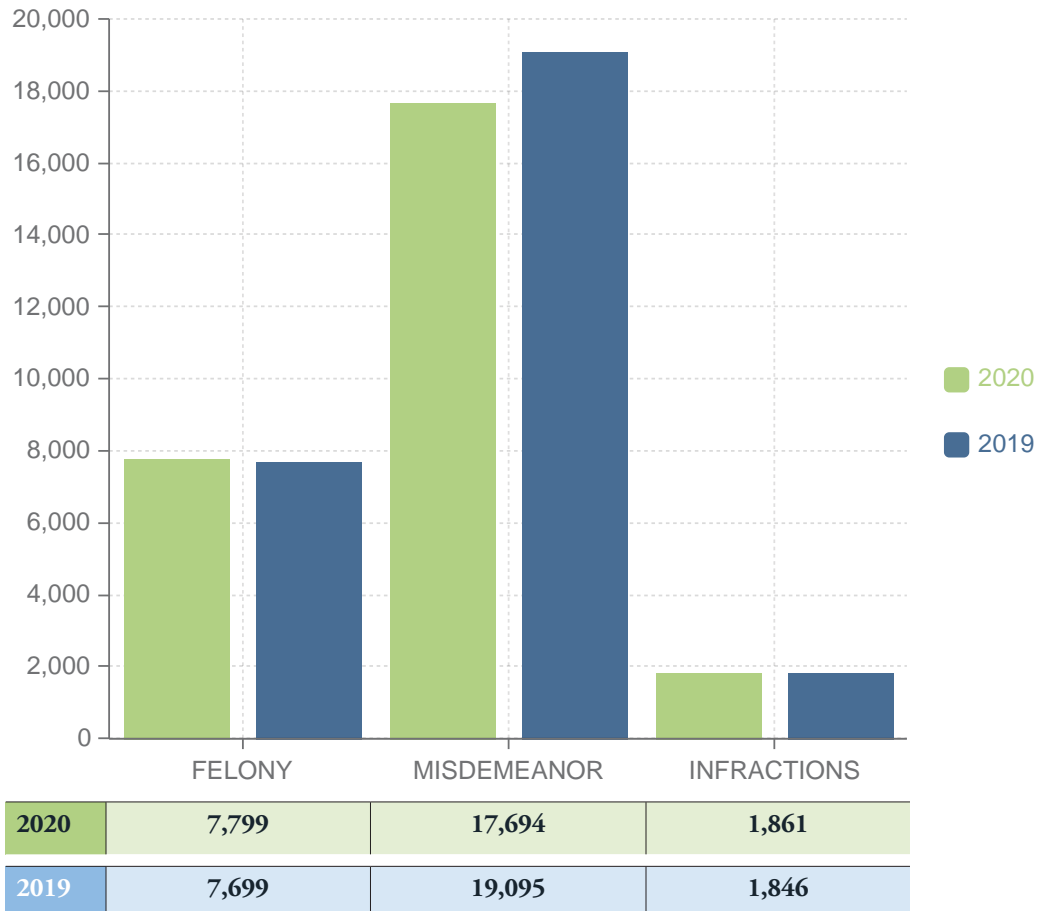
*Based on jury trials paid.



NORTH DAKOTA DISTRICT COURT CRIMINAL CASELOAD 2020

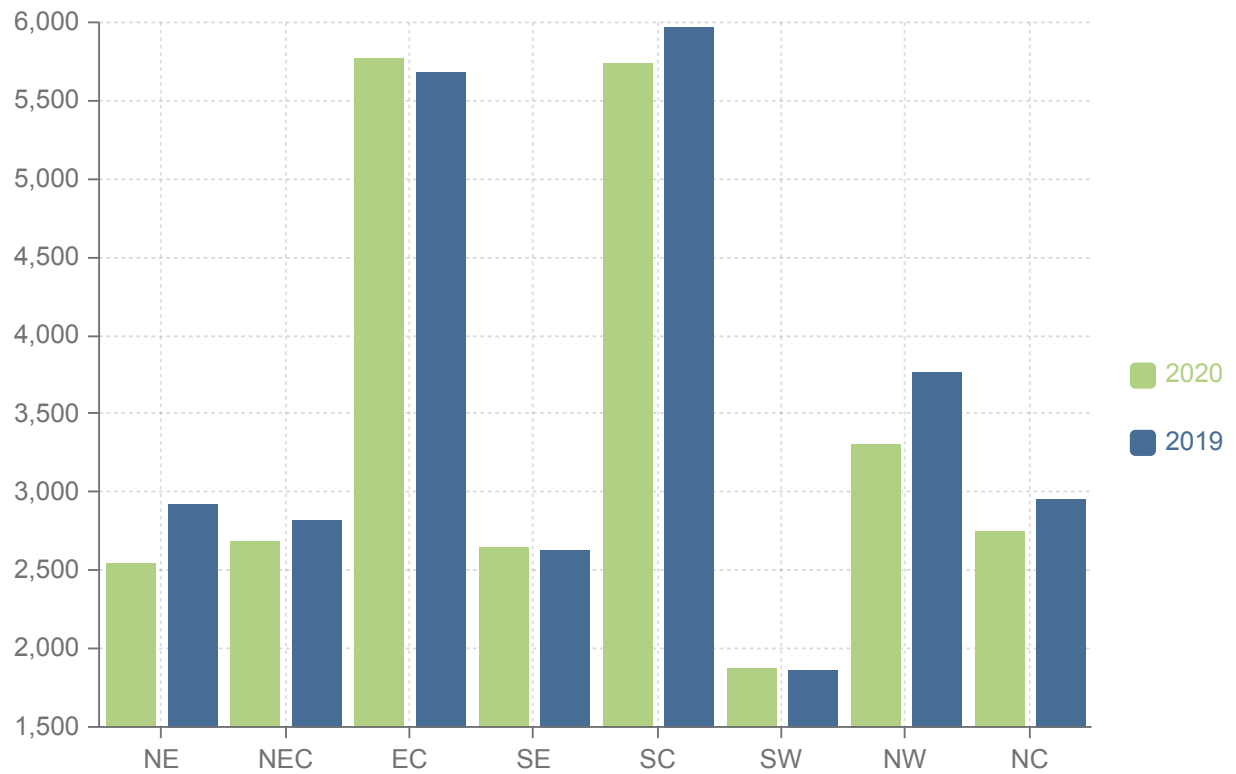
Total criminal filings decreased by 4.5% from 2019 to 2020 with 27,354 cases filed compared to 28,640. Felony filings increased by 1.3%; misdemeanors decreased by 7.3%; and infractions increased by 0.8%. Misdemeanors made up 65% of total criminal filings; felonies 28%; and infractions 7%.

ND DISTRICT COURTS CRIMINAL CASELOAD BY FOR 2020 AND 2019



NORTH DAKOTA DISTRICT COURT CRIMINAL CASELOAD 2020

ND CRIMINAL CASELOAD BY DISTRICT COURT FOR 2020 AND 2019



2020	2,550	2,690	5,775	2,654	5,742	1,878	3,311	2,754
2019	2,927	2,823	5,686	2,632	5,973	1,869	3,773	2,957

NORTH DAKOTA DISTRICT COURT CIVIL CASELOAD 2020

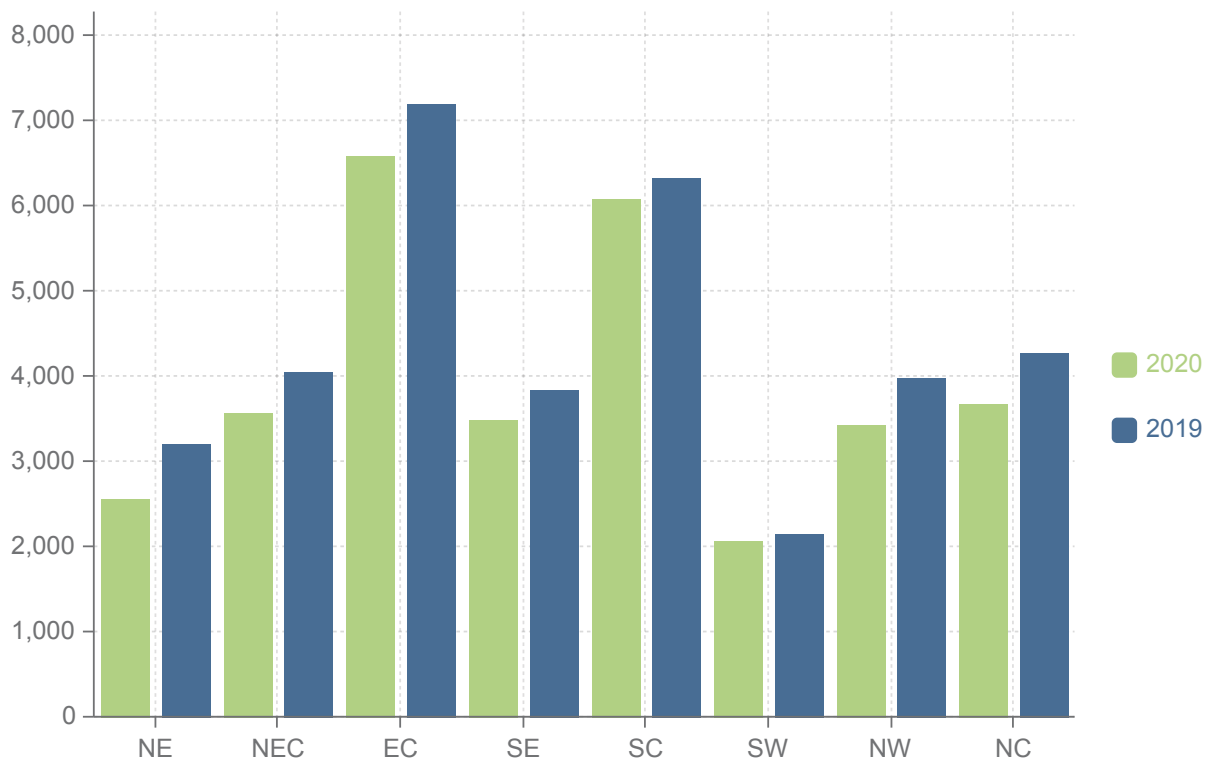
Civil filings decreased by 3,558 or 10.1% in 2020 with total case filings of 31,524. There were 3,748 small claims cases in 2020, which is a reduction of 497 as compared to 2019. Domestic relations cases decreased by 736 or 10.1%, probate/guardianship cases increased by 250 or 6.5%, and other civil cases decreased by 2,575 or 13.1% in 2020.

Contract/collection (65%), forcible detainer (15%) and civil commitment (7%) cases account for the majority of the 17,123 other civil case types. Contract/collection decreased by 1,473 cases or 11.7%, forcible detainer decreased by 425 cases or 14.4% and civil commitment decreased by 132 cases or 9.6% as compared to 2019.

There were 6,557 domestic relations case filings in 2020, consisting of the following: divorce (34%); protection/retraining orders (28%); support proceedings (24%); paternity (4%); adoption (5%); parenting responsibility filings (5%) and termination of parental rights (less than 1%).

Total divorce filings in 2020 were 2,241 compared to 2,302 in 2020. Support proceedings decreased by 19.3% with 1,542 cases filed, and protections/restraining order filings decreased by 10.5% with 1,834 cases filed.

ND CIVIL CASELOAD BY DISTRICT COURTS FOR 2020 AND 2019

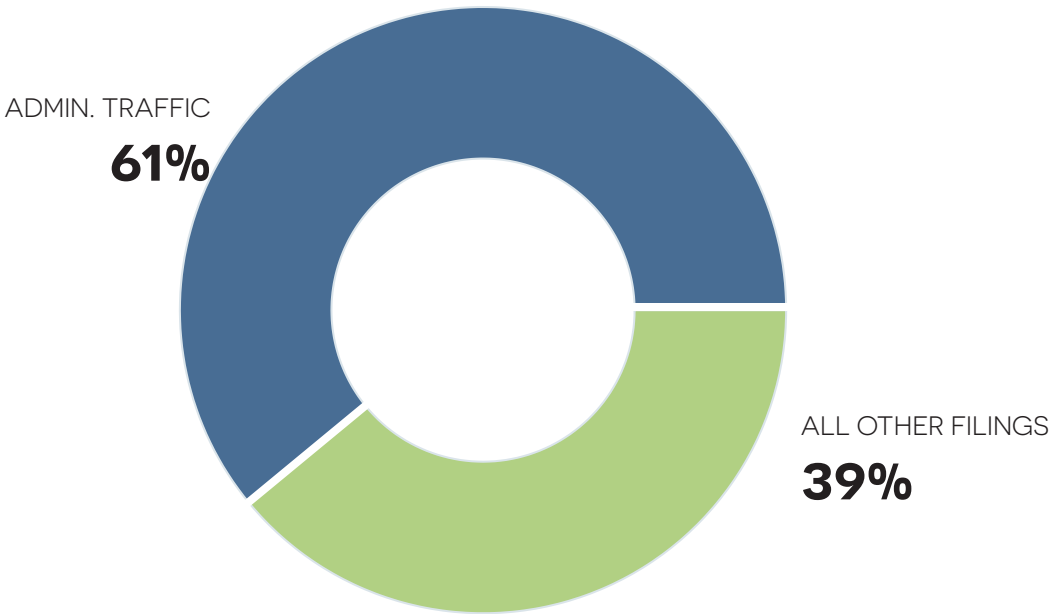


2020	2,571	3,582	6,598	3,497	6,086	2,072	3,433	3,685
2019	3,212	4,063	7,202	3,846	6,334	2,156	3,990	4,279

NORTH DAKOTA DISTRICT COURT ADMINISTRATIVE TRAFFIC CASES 2020

Administrative traffic filings increased by 10,933 (13.1%) from 2019. These cases make up 61 percent of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personal almost exclusively.

TOTAL CASES FILED IN DISTRICT COURTS INCLUDING ADMINISTRATIVE TRAFFIC - 2020



ADMIN. TRAFFIC	2020	2019
CASE FILINGS	94,081	83,148
CASE RE-OPENS	323	330
CASE DISPOSITIONS	96,654	85,901



ADULT DRUG COURTS CONTINUE PROGRAMS VIRTUALLY

Adult drug courts in the East Central and Southeast Judicial Districts have been able to keep going during the pandemic thanks in part to remote means hearings.

Southeast Judicial District Judge Cherie L. Clark said the district was very familiar with using interactive television (ITV) for court hearings. When the pandemic shut down in-person proceedings, the SEJD drug court team decided to use Microsoft Teams to conduct court. Later, drug court moved to Zoom.

“We had several participants who were struggling and as a team we knew we had to continue court,” Judge Clark said. “Our court only missed one session.”

The East Central Judicial District also used Zoom for adult drug court and their treatment provider, Prairie St. Johns, used Zoom for group treatment of drug court participants.

“THE FORMALITY OF COURT MAY BE LOST, BUT ESPECIALLY IN A DRUG COURT SETTING, THE COURT IS MEETING THE PARTICIPANTS WHERE THEY ARE AND ADJUSTING TO STRESSFUL AND COMPLICATED SITUATIONS,”

“Court itself, for me, has been entirely by Zoom,” said East Central Judicial District Judge John C. Irby.

Judge Thomas R. Olson, however, conducted some summer drug court sessions outdoors.

“This allowed for proper social distancing and participants to have some contact with each other and the team,” said Judge Irby. “I thought that was pretty innovative.”

Judge Irby said that using remote means for treatment and drug court has some drawbacks.

“Participants are, at times, too casual and some tend to pay less attention when they are not giving their report although some appear to be giving it their best effort,” he said.

Judge Irby said participants sometimes join Zoom sessions from “inappropriate locations like the cab of a work truck.” He said also that participation by remote means is never flawless.

“Participants report that they have run out of minutes, run out of data, or their phone needed charging but they couldn’t find or get to a charger,” he said.

Judge Clark said that being able to use remote means technology creates ease of access and flexibility.

“The formality of court may be lost, but especially in a drug court setting, the court is meeting the participants where they are and adjusting to stressful and complicated situations,” she said.

Judge Clark said that the SEJD drug court recently had its first graduations, which were held via Zoom and in person.

“My husband had tested positive, and I would not have been able to be ‘present’ but for Zoom,” she said.

Judge Irby said that without in-person contact treatment has lost some of its benefits.

“Over the years, participants have seen each other three times a week in treatment, once in drug court and often at 12 step meetings,” he said. “They form a bond and can be very helpful to each other.”

Judge Irby said treatment by remote means “is not the same, obviously, as in person and the bonding that has been so beneficial has not been as strong.”

Judge Clark said the SEJD does not currently have group treatment specifically for the drug court participants, but it does have access to inpatient treatment facilities and has a sober men’s house manager as a member of the treatment team. She said participants have been able to obtain treatment through secure sessions by remote means.

“For the first month, we did not have access to regular testing, we did not have the ability to sanction, and the probation officer could not have direct contact with participants,” she said. “We used our court time more as a ‘cheer leading’ session.”

Judge Clark said that, even with the obstacles drug court has faced in the pandemic, it has been able to provide significant help for participants.

“A difficult case was struggling and ordered to serve two days in Barnes County jail as a sanction. Barnes County and Stutsman County refused to take the client based on COVID protocols. The client was ultimately transported to Grand Forks County jail to serve the jail time,” she said. “We believe the extreme action of her completing her jail time was necessary to get the client back on track.”

Judge Clark said that because accountability was enforced, the client stabilized and is doing much better in the program.

“This participant turned a corner,” she said. “She has subsequently retained custody of her three special needs children from a deprivation proceeding. The ability to attend treatment, meetings, and court via Zoom has enabled her to have positive outcomes.”

Judge Clark said this particular client attends court from her home with her children present because one of her obstacles has been adequate child care.

“Although the children may be noisy during the court hearing, I personally am very glad to hear the kids in this participant’s home” she said.

NORTH DAKOTA DISTRICT COURT DISTRICT COURT JUDGES SERVING IN 2020 AND CHAMBERED CITIES

Douglas A. Bahr - Bismarck
 Susan L. Bailey - Fargo
 Anthony Swain Benson - Bottineau
 Mark T. Blumer - Valley City
 Daniel J. Borgen - Bismarck
 Cherie L. Clark - Jamestown
 Todd Cresap - Minot
 Bradley A. Cruff - Wahpeton
 Rhonda R. Ehlis - Dickinson
 Daniel El-Dweek - Watford City
 Cynthia M. Feland - Bismarck
 Laurie A. Fontaine - Cavalier/Langdon
 Donovan Foughty - Devils Lake
 James D. Gion - Dickinson
 Dann E. Greenwood - Dickinson
 John W. Grinsteiner - Mandan
 Richard L. Hagar - Minot
 Donald Hager - Grand Forks
 Gail Hagerty - Bismarck
 William A. Herauf - Dickinson
 James S. Hill - Mandan
 James D. Hovey - New Rockford
 Michael P. Hurly - Rugby
 John C. Irby - Fargo
 Jay Knudson - Grand Forks
 Paul W. Jacobson - Williston
 Benjamin J. Johnson - Williston
 Gary H. Lee - Minot
 Troy J. LeFevre - Jamestown
 Stacy J. Louser - Minot

Steven L. Marquart - Fargo
 Douglas L. Mattson - Minot
 Jason McCarthy - Grand Forks
 Steven E. McCullough - Fargo
 Daniel D. Narum - Ellendale
 Pamela A. Nesvig - Bismarck
 Lonnie Olson - Devils Lake
 Thomas R. Olson - Fargo
 Frank Racek - Fargo
 David E. Reich - Bismarck
 Bruce A. Romanick - Washburn
 Lolita Romanick - Grand Forks
 Joshua B. Rustad - Williston
 Robin Schmidt - Watford City
 Jay A. Schmitz - Valley City
 Thomas J. Schneider - Mandan
 Kirsten M. Sjue - Williston
 Stephannie N. Stiel - Fargo
 John A. Thelen - Grand Forks
 Tristan J. Van de Streek - Fargo
 Wade L. Webb - Hillsboro
 Bobbi Weiler - Bismarck
 Barbara L. Whelan - Grafton

JUDICIAL REFEREES SERVING IN 2020

Scott Griffeth - Fargo
 Jason Hammes - Bismarck
 Stephanie Hayden - Fargo
 Lindsey Nieuwsma - Bismarck
 Connie Portscheller - Minot





Northwest Judicial District
Number of Counties: 3

North Central Judicial District
Number of Counties: 3

Northeast Judicial District
Number of Counties: 11

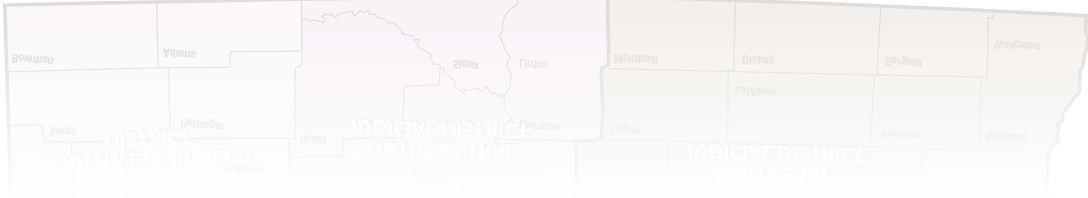
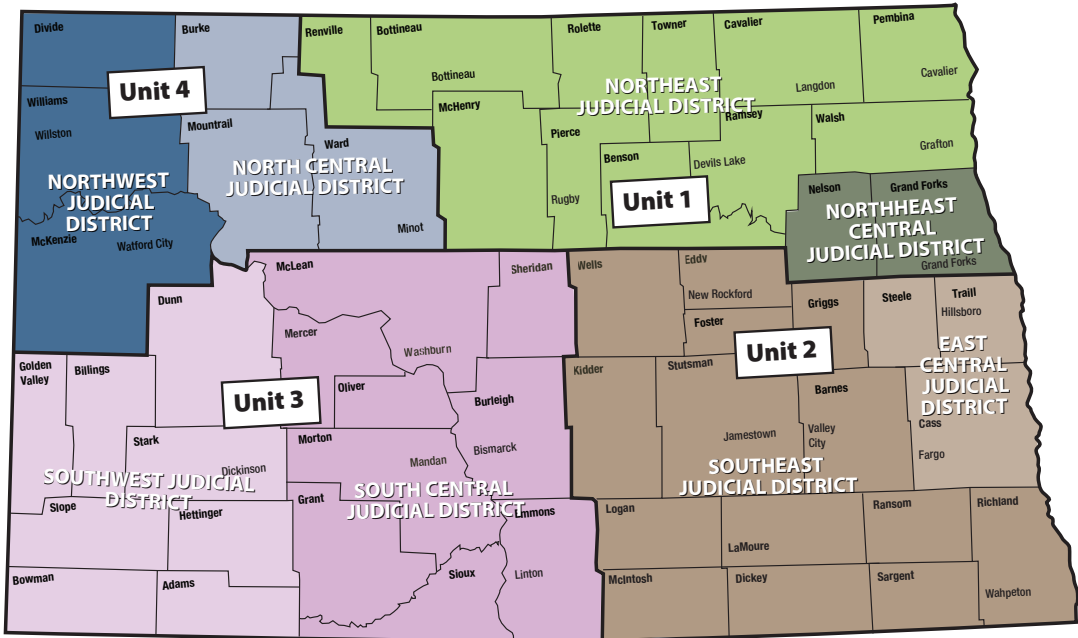
Northeast Central Judicial District
Number of Counties: 2

Southwest Judicial District
Number of Counties: 8

South Central Judicial District
Number of Counties: 9

Southeast Judicial District
Number of Counties: 14

East Central Judicial District
Number of Counties: 3



NORTH DAKOTA DISTRICT COURT CASE FILINGS BY JUDICIAL DISTRICT 2020 AND 2019

NORTHEAST DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2020 & 2019

CASE FILINGS/ DISPOSITIONS	2020			2019			2020/2019	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,272	642	3,069	2,797	806	3,638	-18.77%	-15.64%
Small Claims	299	10	324	415	5	413	-27.95%	-21.55%
Criminal	2,550	1,336	4,173	2,927	1,378	4,174	-12.88%	-0.02%
Traffic	8,983	29	9,330	9,215	26	9,443	-2.52%	-1.20%
Juvenile	195	189	321	228	176	365	-14.47%	-12.05%
Total	14,299	2,206	17,217	15,582	2,391	18,033	-8.23%	-4.53%

NORTHEAST CENTRAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2020 & 2019

CASE FILINGS/ DISPOSITIONS	2020			2019			2020/2019	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,047	516	3,585	3,420	599	3,978	-10.91%	-9.88%
Small Claims	535	4	564	643	4	632	-16.80%	-10.76%
Criminal	2,690	1,262	3,426	2,823	1,387	3,961	-4.71%	-13.51%
Traffic	8,791	35	9,043	8,201	31	8,402	7.19%	7.63%
Juvenile	311	291	544	440	462	638	-29.32%	-14.73%
Total	15,374	2,108	17,162	15,527	2,483	17,611	-0.99%	-2.55%

NORTH DAKOTA DISTRICT COURT CASE FILINGS BY JUDICIAL DISTRICT 2020 AND 2019

EAST CENTRAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2020 & 2019

CASE FILINGS/ DISPOSITIONS	2020			2019			2020/2019	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,434	1,126	6,462	6,093	1,344	7,161	-10.82%	-9.76%
Small Claims	1,164	28	1,259	1,109	35	1,034	4.96%	21.76%
Criminal	5,775	1,863	6,621	5,686	1,752	6,806	1.57%	-2.72%
Traffic	14,526	44	14,898	9,412	38	9,798	54.33%	52.05%
Juvenile	482	256	668	555	270	771	-13.15%	-13.36%
Total	27,381	3,317	29,908	22,855	3,439	25,570	19.80%	16.97%

SOUTHEAST DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2020 & 2019

CASE FILINGS/ DISPOSITIONS	2020			2019			2020/2019	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,014	959	3,983	3,297	1,116	4,324	-8.58%	-7.89%
Small Claims	483	14	486	549	7	559	-12.02%	-13.06%
Criminal	2,654	977	3,435	2,632	1,306	3,719	0.84%	-7.64%
Traffic	13,608	64	13,880	11,122	37	11,421	22.35%	21.53%
Juvenile	136	144	245	187	134	287	-27.27%	-14.63%
Total	19,895	2,158	22,029	17,787	2,600	20,310	11.85%	8.46%

NORTH DAKOTA DISTRICT COURT

CASE FILINGS BY JUDICIAL DISTRICT

2020 AND 2019

SOUTH CENTRAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2020 & 2019

CASE FILINGS/ DISPOSITIONS	2020			2019			2020/2019	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,522	1,302	6,770	5,616	1,663	7,147	-1.67%	-5.27%
Small Claims	564	20	585	718	16	699	-21.45%	-16.31%
Criminal	5,742	2,184	6,472	5,973	3,104	9,419	-3.87%	-31.29%
Traffic	16,415	33	16,954	16,377	68	16,973	0.23%	-0.11%
Juvenile	299	295	499	348	301	543	-14.08%	-8.10%
Total	28,542	3,834	31,280	29,032	5,152	34,781	-1.69%	-10.07%

SOUTHWEST DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2020 & 2019

CASE FILINGS/ DISPOSITIONS	2020			2019			2020/2019	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	1,952	422	2,335	2,029	425	2,380	-3.79%	-1.89%
Small Claims	120	4	114	127	4	137	-5.51%	-16.79%
Criminal	1,878	1,141	2,433	1,869	1,257	2,710	0.48%	-10.22%
Traffic	8,883	43	8,961	7,497	27	7,739	18.49%	15.79%
Juvenile	93	97	171	114	85	172	-18.42%	-0.58%
Total	12,926	1,707	14,014	11,636	1,798	13,138	11.09%	6.67%

NORTH DAKOTA DISTRICT COURT

CASE FILINGS BY JUDICIAL DISTRICT

2020 AND 2019

NORTHWEST DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2020 & 2019

CASE FILINGS/ DISPOSITIONS	2020			2019			2020/2019	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,176	645	3,791	3,760	881	4,544	-15.53%	-16.57%
Small Claims	257	20	262	230	9	232	11.74%	12.93%
Criminal	3,311	1,365	3,899	3,773	1,846	4,824	-12.24%	-19.17%
Traffic	11,728	40	12,050	11,186	69	11,767	4.85%	2.41%
Juvenile	131	172	242	146	202	282	-10.27%	-14.18%
Total	18,603	2,242	20,244	19,095	3,007	21,649	-2.58%	-6.49%

NORTH CENTRAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2020 & 2019

CASE FILINGS/ DISPOSITIONS	2020			2019			2020/2019	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,359	848	4,085	3,825	885	4,653	-12.18%	-12.21%
Small Claims	326	9	364	454	5	439	-28.19%	-17.08%
Criminal	2,754	2,528	4,585	2,957	2,371	5,053	-6.87%	-9.26%
Traffic	11,147	35	11,538	10,138	34	10,358	9.95%	11.39%
Juvenile	206	287	350	190	232	306	8.42%	14.38%
Total	17,792	3,707	20,922	17,564	3,527	20,809	1.30%	0.54%

NORTH DAKOTA DISTRICT COURT PRESIDING JUDGES

Each of the judicial districts has a presiding judge. Each presiding judge is elected by the judges within their district. The presiding judge is the chief administrative officer of all courts in the district and is responsible for all court services within the geographical area of the judicial district. The presiding judge provides leadership within his or her judicial district.

2020 PRESIDING JUDGES

Northeast Judicial District

Judge Donovan Foughty

Northeast Central Judicial District

Judge Donald Hager

East Central Judicial District

Judge Frank Racek

Southeast Judicial District

Judge Dan Narum

South Central Judicial District

Judge Gail Hagerty/Judge Bruce Romanick

Southwest Judicial District

Judge William Herauf

Northwest Judicial District

Judge Robin A. Schmidt

Northwest Central Judicial District

Judge Gary Lee





SECURE ZOOM ACCOUNTS ALLOW CONFIDENTIAL JUVENILE HEARINGS

The juvenile court system is relying heavily on remote means proceedings during the pandemic, using secure Zoom accounts that allowed for confidential meetings.

Carrie Hjellming, Director of Juvenile Court Services for Unit 3, worked with Marilyn Moe of state court administration to set up secure Zoom accounts for Juvenile Court Staff.

Scott Hopwood, Director of Juvenile Court Services for Unit 4, said that having secure accounts was essential in part because the Health Insurance Portability and Accountability Act (HIPAA), severely restricts public access to medical information.

“We were able to conduct juvenile drug court exclusively by electronic means -- from staffing to court appearances – as a result of the HIPAA agreement with Zoom,” he said.

Hjellming said with secure accounts, juvenile court staff working from home were able remain in contact with children and families even though in person meetings and hearings were halted.

“SUPERVISION OF JUVENILES BY ZOOM TURNED OUT TO BE A GOOD OPPORTUNITY TO KEEP IN TOUCH. IT ALLOWS US TO MAINTAIN A VISUAL ON THEM.”

“We developed our practice around making remote contact with juveniles and families,” said Hopwood. “This included conducting probation meetings and informal adjustment conference exclusively by Zoom.” Informal adjustment refers to the process that allows juvenile court officers to work with a child and their family, and if appropriate, the alleged victim of a delinquent act, to resolve the case before it is formally filed as a court case. After diversion, this is the most common method of resolving cases that are referred to juvenile court.

“Necessity forces rapid, and sometimes uncomfortable, change,” said State Court Administrator Sally Holewa. She credits the success of the juvenile courts pandemic measures to the leadership of Ms. Hjellming, Ms. Moe, and Mr. Hopwood. “Between the three of them they were able to have everything in place, including setting up accounts and training juvenile staff statewide, within two weeks of in-person hearings being suspended and staff being reassigned to work from home,” she said. “It was truly a remarkable accomplishment by a team of people who are always thinking about how to improve the lives of children.”

One of the challenges the juvenile courts faced during the pandemic was building relationships with youth and families without in person contacts, said Hjellming.

“Supervision of juveniles by Zoom turned out to be a good opportunity to keep in touch,” she said. “It allowed us to maintain a visual on them and to do mental health checks and it increased our ability to provide services to our rural counties.”

Hopwood said that group sessions that were once conducted in specific cities could now be offered remotely to ensure services to all youth and families in the district.

“Most youth and families have adapted well to conducting visits and court via Zoom,” he said. “In court, we have seen more parental participation in hearing attendance due to the convenience. Parents can take a 15-minute break at work to attend a hearing as opposed to taking the entire morning off and missing work.”

Karen Kringlie, Director of Juvenile Court Services for Unit 2, said that being able to see kids and their families in their homes and jobs has given the juvenile court staff a new perspective on the kids’ situations.

Hopwood said drug testing is a challenge during the pandemic. He said juvenile court now does more oral testing with the juvenile court officer or case aide doing home visits and meeting them at the front door or doing in person meetings at the courthouse on a case-by-case basis.

Hjellming said staff worked with the judicial branch information technology department to establish electronic storage of juvenile court working files so that staff working remotely could access necessary information.

“This allowed for statewide access to all records and helped us better keep track of files for kids and families who move throughout the state,” said Hjellming.

Hopwood said the juvenile courts also increased their use of electronic documents and forms, using email to finalize informal adjustment agreements and to get signatures on forms.

“Often agreements are emailed or mailed out to families for completion,” he said. “We then obtain email acknowledgements of receipt and understanding or electronic signatures on the informal agreement form.”

Hjellming said that many staff worked remotely at the start of the pandemic and the majority of staff supervision and staff meetings were conducted by Zoom to keep everyone in touch.

“Supervisors increased individual staff supervision to accommodate for the new work environment,” she said “They also helped employees with the transition and the rapid changes that took place.”

JUVENILE COURT



MISSION STATEMENT

The Juvenile Court protects the best interests of children and addresses the unique characteristics and needs of children that come before the court as deprived, unruly and delinquent matters. Following the principles of Balanced and Restorative Justice, the mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. The courts empower victims, encourage community participation, and support parental responsibility.



NORTH DAKOTA JUVENILE COURT JUVENILE COURT CASE DATA 2020

Below is the Data for 2020 Referrals to Juvenile Court:

DELINQUENT AND UNRULY CASE REFERRALS:

In North Dakota, the Juvenile Court has exclusive jurisdiction over youth age 10 to 18 who are alleged to have committed a delinquent or an unruly act. A delinquent act would be a crime if committed by an adult, while an unruly act is behavior such as truancy from school, runaway, ungovernable behavior, or minor consuming alcohol, all of which are based on age.

DEPRIVED CASE REFERRALS:

In North Dakota, the Juvenile Court also has exclusive jurisdiction over children until age eighteen who are alleged to be deprived of proper care or control by their parent, guardian, or other custodian. More commonly known as child abuse and neglect, these cases are referred to the courts by the county social service agencies after a child abuse and neglect investigation.

Juvenile Court Recidivism Rate

Over the past year, the North Dakota Juvenile Court has monitored the recidivism rates of youth under informal and formal supervision (similar to probation for adults) for a delinquent offense. Youth who entered the juvenile court system in 2019 and were placed on community supervision had a recidivism rate of 16% in the first year.

Juvenile Statutory Duties

The juvenile court is responsible for reviewing petitions to establish, modify or terminate a guardianship of a minor child filed under N.D.C.C. 27-20.1 and for the review of child placements in residential treatment under N.D.C.C 27-20-06(1)(k). In 2020 the juvenile court received and reviewed the following:

Guardianship of Minor Cases - 209

Qualified Residential Treatment Placement Reviews - 341

TOTAL REFERRALS TREND 2015-2020

	Unruly	Delinquent	Deprivation	Totals
2020	2613	3727	2537	8877
2019	2645	4597	2858	10100
2018	2408	4332	3349	10089
2017	2603	4744	3273	10620
2016	2467	4461	2839	9767
2015	2492	4586	2714	9792

In 2020, unruly offenses (offenses that only a child can commit) made up 29% of juvenile court referrals, deprivation referrals made up 29%, and delinquent referrals were 42%.

TOTAL REFERRALS BY CASE TYPE 2015-2020

	2020	2019	2018	2017	2016	2015
Against Person Offenses	871	1048	1047	907	834	750
Property Offenses	1035	1341	1010	1449	1327	1441
Public Order	749	1149	992	1051	980	1029
Unruly	2613	2645	2408	2603	2467	2492
Deprivation	2537	2858	3349	3273	2839	2714
Traffic	216	201	243	239	261	355
Drug Related Offenses	856	858	1040	1098	1059	1011
TOTAL	8877	10100	10089	10620	9767	9792



JUVENILE DRUG COURTS CONTINUED TO MEET WITH PARTICIPANTS ON ZOOM

With courthouses closing and schools moving online, the North Dakota Juvenile Court moved quickly to ensure that the state's six juvenile drug courts would continue running and provide structure for the participants during anxious times.

Sean Anderson, a juvenile court officer for the Minot drug court said court was only suspended in March for a brief time while they switched to Zoom.

"We held team meetings and court by Zoom for a couple months, and then resumed in-person court appearances in June when our staff came back full-time in the Courthouse," Anderson said.

Because court was already remote, Anderson said they were able to start up the Williston Drug Court.

"This worked out in our favor, since we were already holding court by Zoom, there was less learning curve," he said. "This has been very successful and we currently have four participants appearing out of the Williston Drug Court."

Fargo's drug court had a similar experience. Court Officer Nicole Burkhartsmeier said team meetings are held on Zoom with some members in the courtroom and some on Zoom. Initially all participants and parents were also on Zoom, but they have transitioned to in person hearings. She said if a parent and juvenile have to quarantine, has a pending test, or has tested positive, they appear for their court session via Zoom.

TESTING

An important feature of the drug court program is drug testing and participant tracking. Anderson said they tried drug patches for a while but due to the delay in getting results they went back to mouth swab testing, with some additional safety protocols in place. He said the drug court team has tried to be creative and adapt to issues as they arise.

Fargo also switched to mouth swab tests instead of the traditional urine test. Burkhartsmeier said case aides do not have to enter the home to conduct a mouth swab so it reduces contact time with the participant. She said normal urine testing required them to enter the home and be there for up to 30 minutes. Oral tests take less than 15 minutes and can be done in the home's entryway.

INCENTIVES

Another key program component is incentives and sanctions. Burkhartsmeier said they have tried to stick to their normal routine, but Anderson said they had to get creative with community service options because most of their partner sites shut down or stopped taking volunteers.

"We have focused more on giving credit for positive activities, family activities, and treatment journals to accommodate the lack of volunteer sites," said Anderson. "We held additional team meetings to update our program to include incentives that will encourage more treatment participation and sobriety, as sobriety seems to be more of a challenge for most participants during this time."

TREATMENT

Treatment for participants also went online. Anderson said in Minot treatment was held virtually, with some groups starting in-person in July. He said individual sessions have been held virtually and they are attempting to get back to full in-person services. Also, Eckert Youth Homes has continued to take clients for residential treatment, although there have been some obstacles related to Covid.

In Fargo, one treatment provider conducts sessions on Microsoft Teams. Another provider is doing some sessions in person and other sessions on Zoom depending on the level of care needed for each individual.

Despite the pandemic, there were participants who successfully completed the program. Both Minot and Fargo each had one virtual graduation in 2020. Instead of the traditional cake after the hearing, Burkhartsmeier said they ordered a pizza delivered to the family so they could hold their own graduation celebration.

Anderson said even with a move back to in-person court sessions, he thinks virtual hearings will continue.

"Zoom has become an integral part of our Drug Court program," he said. "It allows team members, family members, and others to attend that otherwise would not have been able to attend."

He said they plan to reward participants and families that are doing well by allowing them to appear by Zoom versus coming to court every week.

Marilyn Moe, state program manager, said that with COVID-19 precautions, all six juvenile drug courts have had many ups and downs. HIPPA-approved Zoom had to be purchased for confidentiality reasons before the courts could start using the platform. They also had to make sure that the participants had access to a phone or other internet-capable device to attend through Zoom.

Moe said the dynamics in the virtual sessions were sometimes difficult, as new participants who had never been through a live drug court session in the court room struggled with showing their faces on camera and remaining attentive while other participants took their turn before the judge. On the positive side, she said, that parents are required to appear for court with their child on a weekly basis, and Zoom has allowed parents who work to attend sessions more easily.

"What I see from attending court through Zoom is that human interaction is missing," said Moe. "Some participants, and even team members, need that engagement. Most of the therapy is done through TeleMed and so for most, the only face-to-face contact they are receiving is the contact with the case aides who come to do a drug test or curfew check."

Moe said the one thing that has not waived through COVID-19 is the continued passion that these team members have to do their best, to keep the kids engaged, and to think outside the box and get creative with incentives and sanctions.

"These difficult times did not stop for our participants because of COVID-19. It was just one more thing added on to their struggles," she said. "The teams have never stopped admitting juveniles into the program despite the changes that they have had to deal with. I could not be prouder of the work that our drug court teams have done."

NORTH DAKOTA JUVENILE COURT JUVENILE DRUG COURT REACHES THE 20 YEAR MARK!

On May 1, 2000, the Northeast Central Judicial District and the East Central Judicial District took in their first participants. Justice Mary Muehlen Maring, Ret., led the drive for juvenile drug court back in 1998. A final report in 1999, concluded that North Dakota had all the resources and the needs to implement a Juvenile Drug Court Program. The Juvenile Policy Board approved the recommendation and submitted it to the Supreme Court where it was approved.

The first two courts were established in Fargo and Grand Forks. Grand Forks Juvenile Drug Courts began, post-adjudication, court-ordering juveniles into the program as a condition of their probation and Fargo's Juvenile Drug Court began, post-adjudication but on a volunteer basis. Within a year they both became mandatory post-adjudication and the juveniles were court ordered into the program.

Many changes have taken place over the last 20 years but one thing has stayed consistent. Juvenile drug courts make a difference in the lives of our substance using juveniles and their families. Drug free babies have been born while mothers participated in the program. Graduates have left the program and enlisted in the military, attended college, married and are raising families.

Since May 2000, there have been four other juvenile drug courts established in Bismarck, Minot, Devils Lake, and Jamestown/Valley City. Jamestown/Valley City is one of the first juvenile drug courts in the country to operate through video conferencing. Williston has now joined the Minot Juvenile Drug Court through video conferencing. The Devils Lake Juvenile Drug Court has established a Memorandum of Understanding with the Spirit Lake Tribal Court which now gives the youth from the Spirit Lake Tribe the opportunity to participate in the Juvenile Drug Court Program.

Between May 2000 and December 31, 2020, 855 juveniles participated in the juvenile drug court program with 29 currently in the program.

Over the past 20 years many changes have taken place. Team members have come and gone and juveniles' choices of drugs are forever changing. But the compassion of the team members for the participants and their families to succeed has never changed. It is a program that we should all be proud of and will continue to provide an evidenced-based program to juveniles and their families in need.



NORTH DAKOTA JUVENILE COURT JUVENILE DRUG COURT PROGRAM 2020 STATISTICS

STATISTICS BY INDIVIDUAL COURTS FOR 2020

Court	Current	Graduations	Terminations	Suspended	Transfers	Totals
Grand Forks	6	6	2	0	0	14
Fargo	11	5	12	3	0	31
Bismarck	0	2	10	0	0	12
Minot	7	1	4	1	0	13
Devils Lake	2	0	5	1	0	8
Stutsman/Barnes	3	6	0	0	0	9
Totals	29	20	33	5	0	87

RACE AND GENDER FOR INDIVIDUAL COURTS

Court	Caucasian	Native American	Hispanic	African American	Other Race	Male	Female
Grand Forks	6	6	0	2	0	10	4
Fargo	24	2	1	2	2	15	16
Bismarck	12	0	0	0	0	5	7
Minot	11	1	0	0	1	8	5
Devils Lake	1	7	0	0	0	5	3
Stutsman/Barnes	7	1	0	0	1	5	4
Totals	61	17	1	4	4	48	39

OVERALL STATISTICS FROM START DATE

Started	Court	Graduations	Terminations	Deceased	Total
May – 2000	Grand Forks	102	111	0	213
May – 2000	Fargo	108	160	1	269
Oct – 2003	Bismarck	77	100	0	177
Jan – 2007	Minot	29	46	0	75
Jan – 2009	Devils Lake	14	36	0	50
Jan – 2013	Stutsman/Barnes	21	21	0	42
Totals		351	474	1	826

NORTH DAKOTA JUVENILE COURT DUAL STATUS INITIATIVE 2020

The North Dakota Dual Status Youth Initiative (DSYI) was implemented because the life prospects for North Dakota youth are significantly impaired if they are simultaneously involved in the state's child welfare and juvenile justice systems. Youth in this situation are referred to as dual status youth. The Initiative is a collective effort of the North Dakota Department of Human Services child welfare division, the North Dakota Division of Juvenile Services, the North Dakota Court System juvenile court division and the North Dakota Association of Counties.

Between January 1, 2020, and December 31, 2020, there were 1,052 Dual Status Youth (DSY) in North Dakota. Youth simultaneously involved in both the judicial and child welfare systems are considered "involved" youth. "Identified" youth consist of youth with an open case in one system with a case history in the other. Of the 1,052 DSY between those dates, 458 (44%) were involved, and 594 (56%) were identified.

Once a child has been identified as a dual status youth, child welfare and juvenile court work together to share information between agencies and engage with the family to coordinate and participate in Family Centered Engagement meetings (FCEs). FCEs are provided by the Village Family Service

Center. The meetings consist of a facilitated team process that includes participation from parents, extended family, children, service providers, child welfare staff, and juvenile court staff to make critical decisions regarding the safety and well-being of the child to achieve the safest and least restrictive outcomes that are in the best interest of the dual status youth.

A one-year evaluation of the Initiative's programmatic outcomes was completed in July. The evaluation stated that the DSYI successfully prevented dual status youth from going deeper into the juvenile justice and social services systems. More specifically, compared to baseline data from 2015, North Dakota dual status youth are less likely to be placed in foster care, more likely to have their cases diverted, and less likely to be in the custody of juvenile corrections or the social service system.

Though the analysis shows some promising outcomes, there were challenges and obstacles that were reported as well. The North Dakota Court Improvement Program continues to work with a dual status workgroup to update the field protocol and to address issues noted in the evaluation. An updated protocol and practice guide will be provided to the field in early 2021.

"BETWEEN JANUARY 1, 2020 AND
DECEMBER 31, 2020, THERE WERE 1,052
DUAL STATUS YOUTH IN NORTH DAKOTA."



NORTH DAKOTA JUVENILE COURT COURT IMPROVEMENT PROGRAM ADDRESSES CHILD WELFARE ISSUES

The Court Improvement Program (CIP) is used to assess the court system's response to issues of child abuse and neglect. It is funded by three separate federal grants provided by the Administration of Children and Families Children's Bureau.

A major project that CIP is funding and directing is the North Dakota's Dual Status Youth Initiative (DSYI) to address issues related to those youth who are involved in both the child welfare and juvenile justice systems in North Dakota. Between January 1, 2020, and December 31, 2020, the DSYI served 1,052 youth.

In light of the COVID-19 public health emergency, the CIP collaborated with the Juvenile Policy Board on how to best balance statutory requirements for child safety with public health mandates. Guidance was provided to the district courts regarding flexible means of convening required hearings and for managing juvenile cases.

Over the past year, the CIP continued to work with the American Bar Association's Center for Children and the Law (ABA). The ABA provided technical assistance and expertise in developing a legal representation plan for children and parents involved in the child welfare system whose children are at risk of being placed in foster care. Through collaboration with Legal Services of North Dakota and North Dakota Children and Family Services, the CIP has drafted a

plan to develop and implement a model pre-petition legal representation program. By providing representation before a court case is filed, the program aims to prevent removals related to conditions caused by poverty and to combat the disproportionately high number of American Indian children in the child welfare system.

In the summer of 2020, the CIP provided funding for thirty stakeholders including state's attorneys, indigent defense attorneys, Guardians ad litem, and judicial officers to complete a course in the National Association of Counsel for Children (NACC) Child Welfare Law and Practice Red Book training. This training provides an in-depth analysis of child welfare topics including constitutional basics of child abuse and neglect law, permanency planning, appellate practice, and techniques to address secondary trauma.

In December, the CIP also provided an opportunity for judicial officers and attorneys to receive training on assessing child safety. The child safety training provided an overview of the North Dakota Department of Human Services new safety practice model for child welfare cases. The training also included information on legal advocacy strategies and on effective judicial decision-making to keep children safe in cases where removal from the home or family reunification are being considered.





EXPEDITED MEDIATION PART OF PANDEMIC RESPONSE

One of the first steps the court system took to respond to limitations on in-person court time caused by the pandemic was to launch an expedited parenting time mediation program.

In March, the chief justice and the state court administrator approached mediation coordinator Cathy Ferderer about developing a new mediation program to quickly address parenting time issues.

“After they shared their thoughts with me, I put together an outline for the program based on the existing family mediation program,” Ferderer said. “The outline included the purpose, process, and data collection.”

Ferderer also spoke to current mediators to gauge their willingness to provide the program’s services.

“In one month, we had the program move from an idea to operating,” she said. “I have never seen something come together so quickly.”

On April 1, the expedited parenting time mediation program commenced with a goal of helping parties to resolve parenting time issues informally and inexpensively. To qualify for the program, parties only needed to have a current North Dakota parenting time order, parenting plan or court-ordered visitation schedule in place.

“The expedited mediation program is free and voluntary,” said Ferderer. “It is designed so that mediation is completed within seven days from the date it is requested.”

In the first two months that the program was available, there were 81 requests for expedited mediation. In 18 cases, the other side declined to participate in the mediation process. For those individuals who chose to go through the process, the parties were able to reach agreement in 71 percent of the cases.

“When parties come to a voluntary agreement, children are given some certainty about what will happen with them while the parents are able to save the expense of a court process and to avoid the anxiety of having to wait for a court decision,” said Ferderer.

If the parenting time or visitation issue cannot be resolved through mediation, parties are still able to file a motion or request an order to show cause and proceed through the normal court process to resolve the issue or enforce compliance with a court order.

Based on the successful settlement rate of the expedited mediation program, the Court has decided to make it an on-going option for parties.

The core family mediation program has continued to function during the pandemic with the help of proceedings conducted by remote means such as Zoom, said Ferderer.

“We had concerns about the effectiveness of using Zoom initially, but it has proven to be a successful way to offer mediation services,” she said.

Based on the success of mediation by remote means, the Joint Alternative Dispute Resolution Committee recommended that remote means be used to provide mediation services to out-to-state parties who were not automatically brought into the family mediation program. The Supreme Court approved this change effective October 2020.

“Over the last couple of years, we excluded an average of 67 cases annually due to one party residing out of state,” said Ferderer. “Those cases will no longer be excluded.”

The family mediation program has operated since 2008, providing up to six hours of mediation, at no cost to the parties, for resolution of parenting responsibility and parenting time issues.

“An average of 50 percent of cases in the program reach full settlement with another 25 percent reaching partial settlement,” said Ferderer. “In the years the program has been in effect, the participation satisfaction rate has remained 86 percent or higher.”



NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

PANDEMIC PROMPTS EXPEDITED PARENTING TIME MEDIATION



Cathy Ferderer
Program Administrator

Amid the rapidly evolving coronavirus pandemic, parents who share primary residential responsibility of their children continue to face new challenges. In a time where stay-at-home orders, social distancing, working from home, and travel restrictions have become

the new norm, parents are looking for guidance on how to handle issues relating to parenting time agreements. New issues continue to emerge for parents trying to navigate the effects of the pandemic.

The North Dakota Court System launched an expedited parenting time mediation program on April 1, 2020, to assist parties with these issues. The program supports parties to resolve parenting time issues informally and inexpensively. The expedited mediation program is free, voluntary, and designed to be completed within seven days from the date mediation was requested. A current North Dakota parenting time order, parenting plan, or court-ordered visitation schedule must be in place to qualify for the program.

Since its inception, there have been 137 requests for expedited mediation. In 50 cases, the other side declined to participate in the mediation process. For those individuals who chose to go through the process, the parties were able to reach agreement in 71 percent of the cases. By coming to a voluntary agreement, children are given some certainty about what will happen with them, while the parents are able to save the expense of a court process and to avoid the anxiety of having to wait for a court decision.

If the parenting time or visitation issue cannot be resolved through mediation, parties are still able to file a motion or request an Order to Show Cause and proceed through the normal court process to resolve the issue or enforce compliance with a court order.

The Court has had a Family Mediation Program since 2008 that provides up to 6 hours of mediation, at no cost to the parties, for resolution of parenting responsibility (custody) and parenting time (visitation) issues. On average 50 percent of cases in the program reach full settlement with another 25 percent reaching a partial settlement. Throughout the more than 10 years the program has been in effect, the participation satisfaction rate has remained at 86 percent or higher.

EXPEDITED PARENTING TIME MEDIATION PROGRAM MAY 1, 2020, THROUGH DECEMBER 31, 2020

Total cases referred to the program	137
Cases where one party declined to participate	50
Cases rejected	2
Other cases removed	2
Cases that entered the Program	83
As of December 31, 2020 - Cases mediation completed	78
As of December 31, 2020 - Cases pending	5

NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

MEDIATION PROGRAM HAS POSITIVE IMPACT

The Family Mediation Program is a statewide program that provides an impartial and efficient forum for resolving disputed parental rights and responsibilities, as well as grandparent visitation matters through mediation. In 2020, the Family Mediation Program accepted 737 cases into the Program. Data for completed cases indicates 44% reached full agreement, while an additional 28% reached partial agreements for a positive impact on 72% of cases.

They are currently 32 mediators on the Family Mediation Roster.

FAMILY MEDIATION CASES

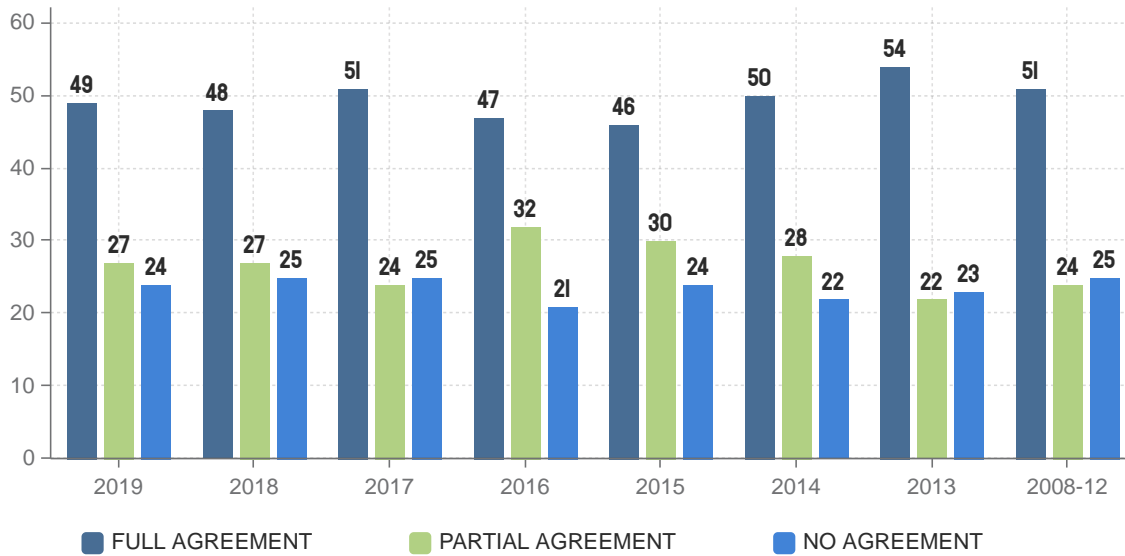
JANUARY 1, 2020 THROUGH DECEMBER 31, 2020

Total cases referred to the mediation program		1341
Cases rejected or dropped out		604
Custody issues settled prior to mediation	325	
Existence of domestic violence restraining order in case record or domestic violence issues identified	73	
One party resides outside of North Dakota	19	
Default divorce	37	
One party incarcerated	12	
Mediation attempted prior to filing divorce action	1	
One or both parties did not comply with order	69	
Parties reconciled	5	
Dismissed	52	
Miscellaneous	11	
Cases accepted into the Family Mediation Program		737
As of December 31, 2020 - Cases mediation completed		447
As of December 31, 2020 - Cases pending		290

Since its inception, the Program has received over 10,359 case referrals and accepted over 6,311 cases into the Program. Reasons cases are not accepted into the program include the parties residing out of state, domestic violence concerns, and case settling prior to the scheduled mediation.

The settlement rates have remained steady.

FAMILY MEDIATION PROGRAM YEARLY SETTLEMENT RATE



Through the Family Mediation Program, the parties are empowered and encouraged to present their concerns to each other face-to-face and come to their own mutual agreements. The parties reduce the expenses and stress of court proceedings, and reduce the emotional toll of conflict. The participants can benefit greatly by preserving the possibility of ongoing relationships in the future, by avoiding lengthy court proceedings.

More information on the Family Law Mediation Program can be found at:

<http://www.ndcourts.gov/court/rules/NDROC/rule8.1.htm>

NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

GUARDIANSHIP MONITORING PROGRAM

ANNUAL REPORT FOR THE PERIOD SEPTEMBER 2019 – DECEMBER 2020



Rose Nichols
Guardianship Program
Manager

REVIEWS AND OUTCOMES

The district courts referred 41 cases to the monitoring program during this period. Judges can request a financial review, a wellbeing (visitor) review or both. The most common reasons for referrals continue to be guardians not completing their duties,

guardians asking to be discharged, and problems with annual reports.

The pandemic stalled the case referrals for a few months. Referrals began again in mid-summer, and some of the monitoring visitors had to meet with the wards online instead of in person. Fortunately, in spite of the pandemic, the program was able to locate willing visitors for all of the cases referred from the courts. In several instances, cases that were referred involved a ward at risk, and these are reported to Vulnerable Adult Protective Services.

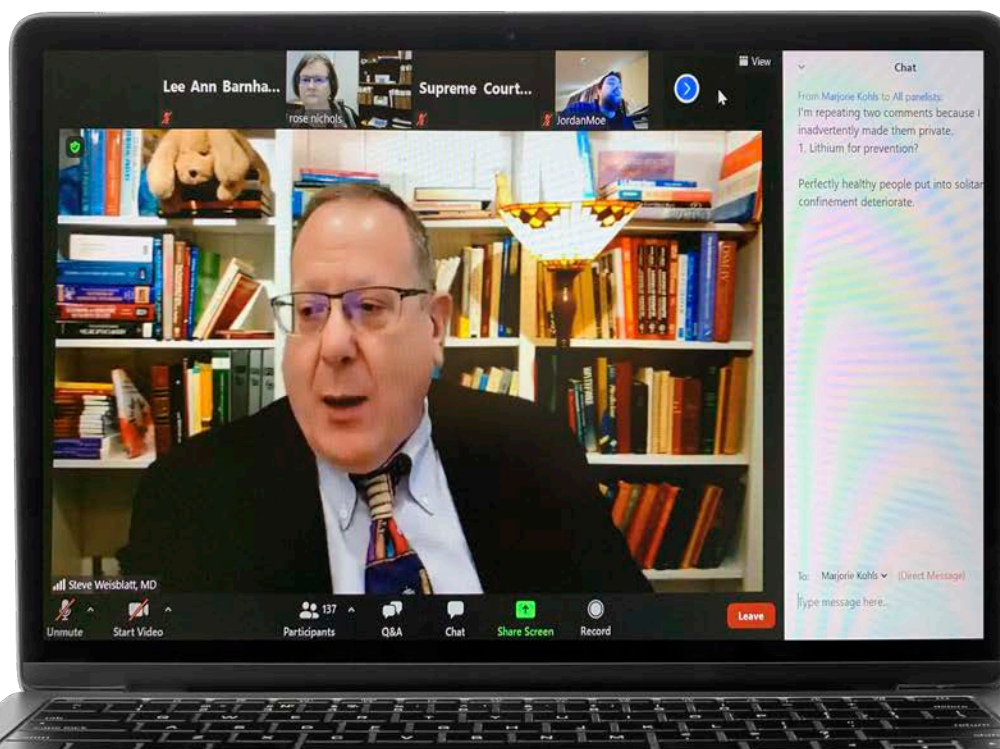
Due to the pandemic, only six cases were randomly selected for review by the program. Reviews were challenging with

both visitors and long-term care residences wary of meetings. The cases were selected from professional guardianship appointments. As of year-end, there are nine professional guardians/guardianship agencies around the state.

EDUCATION AND OUTREACH

The program hosted four educational sessions that provided training to 532 individuals. The session topics included managing another person's money, mental health in the elderly, and dealing with difficult assets. The sessions provided eight continuing education credits at no cost to the attendees. Professional guardians may use these credits to meet their requirements for continued certification.

North Dakota Courts hosts informational videos on its website on a variety of guardianship issues. This year the program assisted with an updated video for guardians of adults, and new videos for guardians of minors and alternatives to guardianship. Another new video in the works is a guide for guardians on making mental health treatment decisions. In 2020, 666 individuals viewed the new adult guardianship course, and 148 people viewed the minor guardianship video.



NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

SELF-HELP CENTER ADDS NEW FORMS/ GUIDES IN 2020



Catie Palsgraaf
Citizen Access Coordinator

The North Dakota Legal Self Help Center is a neutral resource to assist self-represented litigants with access to the North Dakota State Court System. The purpose of the Center is to provide civil process information to the thousands of people in the state who are involved in a civil legal issue but not represented by a lawyer.

Forms, informational guides, and research guides are key resources provided by the Center. The Center provides a variety of online forms, informational guides, and research guides for many civil legal issues, such as family law, guardianship, small claims, name change, informal probate, protection and restraining orders, and eviction.

When a resource is added to the webpage, individual requests for information about that topic decrease significantly. The number of forms, informational guides, and research guides available on the ND Legal Self Help Center webpage at the end of 2020:

- Individual forms (including instructions): 461
- Informational guides: 33
- Research guides: 13

In 2020, new forms were created by the Citizen Access Coordinator and added to the webpage, including:

- A new webpage with an overview of how to find an attorney, including contact information for Legal Services of North Dakota, the State Bar Association of North Dakota, and the Court System webpage of attorneys licensed to practice in North Dakota;
- A new webpage with an overview of prohibiting public access to documents filed in civil and criminal cases;
- A new webpage with an overview of paternity and related court processes;
- A motion and answer to motion to amend parenting time;
- A motion and answer to motion to prohibit public access to documents filed in a civil case;
- An informational guide for objecting to the name change of an adult;
- An informational guide for objecting to the name change of a minor;

- An informational guide for preparing for a small claims court hearing;
- A research guide for contempt of court, including the basic process of making and responding to a motion for an order to show cause;
- A research guide for paternity adjudication, including the basic process for both plaintiffs and defendants;
- An information sheet of frequently asked questions about Juvenile Court guardianship review hearings; and
- An information sheet for the Centers for Disease Control and Prevention Agency Order for Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19.

Existing forms were updated and revised to reflect changes in law and process.

New content that will be available on the webpage in 2021 includes:

- A new webpage with an overview of ex-parte communication and why a person can't talk to a judge without all parties present or included;
- A variety of forms for use in guardianship of minor cases, including:
 - Emergency guardianship forms;
 - Indian Child Welfare Act notice and request to the Bureau of Indian Affairs to notify forms;
 - Termination of guardianship for automatic reasons (18 years old, adoption, marriage, death) forms for the petitioner and objector(s);
 - Termination of guardianship for all other reasons forms for the petitioner and objector(s); and
 - Findings and order following guardianship review forms;
- A variety of forms for use in guardianship of adult cases, including:
 - Missing ward forms for the guardian; and
 - Transfer out-of-state guardianship (or conservatorship) to North Dakota district court forms; and
- An informational guide to electing to take a driver training course in lieu of points from a non-criminal traffic violation.

ND LEGAL SELF HELP CENTER CONTACT DATA FOR 2020

	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Total 2020*
Phone Calls	430	263	447	336	1476
Emails	83	75	77	64	299
Letters	4	2	0	1	7
In-Person**	2	0	0	0	2
Total	519	340	524	401	1784

*Throughout 2020, the Center was staffed by both the Citizen Access Coordinator and the Citizen Access Paralegal.

**From March 23, 2020 through the end of 2020, all in-person assistance was suspended for the safety of staff and patrons due to the COVID-19 pandemic.

North Dakota Clerks of District Court are the most frequent referral source for the Center. Referrals from Supreme Court Clerks of Court, Child Support offices, law enforcement, the State Bar Association of North Dakota, individual attorneys, and other agencies are also common.

Most requested topics in 2020:

- 1) Small Claims
- 2) Guardianships of Minors
- 3) Guardianships of Adults
- 4) Family law – Contested matters
- 5) Family law - Modifications to existing orders
- 6) Probate
- 7) Judgment Collection

The Center, which began in 2014, operates as a division of the North Dakota Supreme Court Law Library. Throughout 2020, the Center was staffed by the Citizen Access Coordinator, an attorney licensed to practice in North Dakota, and the Citizen Access Paralegal.

The Center's main resource for providing procedural information and education is the North Dakota Legal Self Help Center webpage of the Court System website. The webpage contains all of the forms, informational guides, research guides and brochures available through the Center. The forms, informational guides, research guides, and brochures are mainly developed by Center staff. Court System committees and Court Administration staff also contribute content for the Center webpage.

Center staff provide direct support to self-represented litigants by phone, email and in-person. Center staff answer questions about civil court processes, procedures and legal terms. Staff provide contact information for other agencies that may be able to assist with a problem. Self-represented litigants are directed to state laws, rules and regulations that may be relevant to a legal issue. Staff notify every person who contacts the Center of the services the Center can provide, and that the Center cannot provide any legal advice or act as their attorney in any way.

CUMULATIVE ND LEGAL SELF HELP CENTER CONTACT DATA

CONTACT DATA FOR THE CENTER IS APRIL 1, 2015 THROUGH DECEMBER 31, 2019.

	Q1 2019	Q2 2019	Q3 2019	Q4 2019*	Total 2019
Phone Calls	392	329	310	347	1378
Emails	112	106	106	91	415
Letters	4	3	0	5	12
In-Person	9	7	7	9	32
Total	517	445	423	452	1837

*As of late October 2019, the Center was staffed by both the Citizen Access Coordinator and the Citizen Access Paralegal. Funding for the Citizen Access Paralegal position was included in the Judicial Branch budget during the 2019 Legislative session.

	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Total 2018*
Phone Calls	346	369	334	283	1332
Emails	115	121	100	72	408
Letters	0	4	3	6	13
In-Person	6	9	7	3	25
Total	467	503	444	364	1778

*Throughout 2018, the Center was staffed solely by the Citizen Access Coordinator.

	Q1 2017*	Q2 2017	Q3 2017	Q4 2017	Total 2017
Phone Calls	477	379	415	388	1659
Emails	99	98	94	94	385
Letters	3	4	2	3	12
In-Person	10	13	10	8	41
Total	589	494	521	493	2097

*As of February 2017, the Center was staffed solely by the Citizen Access Coordinator. The Citizen Access Paralegal position was eliminated due to budget cuts.

	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Total 2016*
Phone Calls	510	502	593	496	2101
Emails	74	144	168	111	497
Letters	0	1	2	2	5
In-Person	8	7	12	11	38
Total	592	654	775	620	2641

*The Center was staffed by both the Citizen Access Coordinator and the Citizen Access Paralegal during 2016. The Citizen Access Paralegal position was added to the Judicial Branch budget during the 2015 Legislative session.

	Q1 2015*	Q2 2015	Q3 2015	Q4 2015	Total 2015
Phone Calls	No Data	281	434	550	1265
Emails	No Data	68	82	78	228
Letters	No Data	4	3	2	9
In-Person	No Data	23	13	11	47
Total	No Data	376	532	641	1549

*The Center was unstaffed during the first quarter of 2015.



TRIAL COURT ADMINISTRATORS ADAPT CASEFLOW PLANS, FACILITIES, STAFFING DURING PANDEMIC

COVID-19 had a great impact on the way courts function. Adapting to a socially distanced world has changed the way judges and staff schedule hearings and trials, manage court documents, conduct voir dire, and arrange courtrooms.

Court administrators worked with clerks of court to assess every court office and courtroom in the state for the ability to accommodate social distancing requirements. Courtrooms were modified to seat juries in the public space, and in some cases, live-streaming was provided due to an absence of seating space for the public.

Protective measures for those physically present included installing plexi-glass dividers and providing masks, gloves, and hand sanitizer. Witness stands were moved and modified. County officials worked closely with court administrators and presiding judges to fund remodeling of courtrooms, provide continued access to the courts, adapt public spaces for court use and to provide security and maintenance to court areas when the buildings were otherwise closed to the public.

The ability to maintain minimum in-person staffing of clerks of court offices was enhanced by the state's attorneys use of initial criminal e-filing as it became available and by North Dakota Child Support assuming the responsibility for data entry of support orders for 28 counties.

Judges quickly became experts in managing court hearings by reliable electronic means when hearings and bench trials were largely shifted to the Zoom platform. Court reporters, court recorders, clerks of court and scheduling clerks became proficient in scheduling court proceedings and managing Zoom from the backend.

A backlog of cases began to build during the periods when jury trials were suspended. While many litigants in civil disputes elected to waive their right to a jury trial and resolve their case through a bench trial, the same did not happen with criminal trials. When jury trials were resumed, the presiding judges prioritized the scheduling of criminal trials, with a special emphasis on those cases with a speedy

trial demand and those where the defendant has had a lengthy pre-trial detention.

With trials resuming, COVID-related deferrals required that a higher number of potential jurors were summoned. Voir dire looked very different. Instead of bringing in one large panel of potential jurors, judges and attorneys questioned jurors in smaller groups at staggered times. Jurors deliberated in courtrooms because social distancing was not possible in jury rooms. Use of push-to-talk receivers and disposable microphone covers were added to some courtrooms to reduce the need for passing microphones between jurors and to eliminate the need for sanitize equipment between speakers.

Judges and court staff adapted well to the new normal and continue to develop new ways to accomplish things, both in the courthouses and while working remotely.



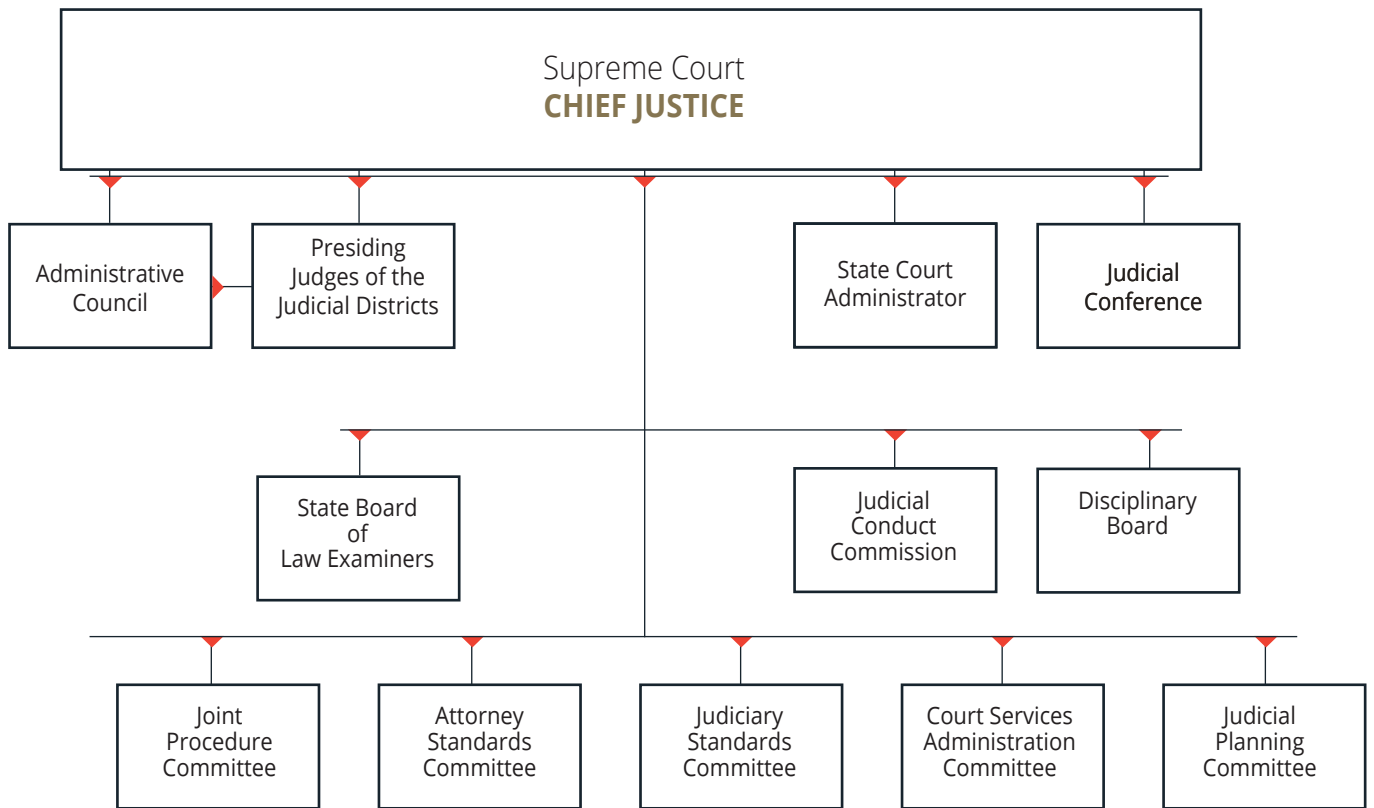


The Hon. Jon J. Jenson,
Chief Justice

NORTH DAKOTA COURT ADMINISTRATION ADMINISTRATION OF THE COURT SYSTEM

Ultimate responsibility for the efficient and effective operation of the court system resides with the Supreme Court. The Constitution establishes the Chief Justice’s administrative responsibility for the court system. To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, Supreme Court clerk, directors, staff attorneys, presiding judges, and various advisory committees, commissions, and boards.

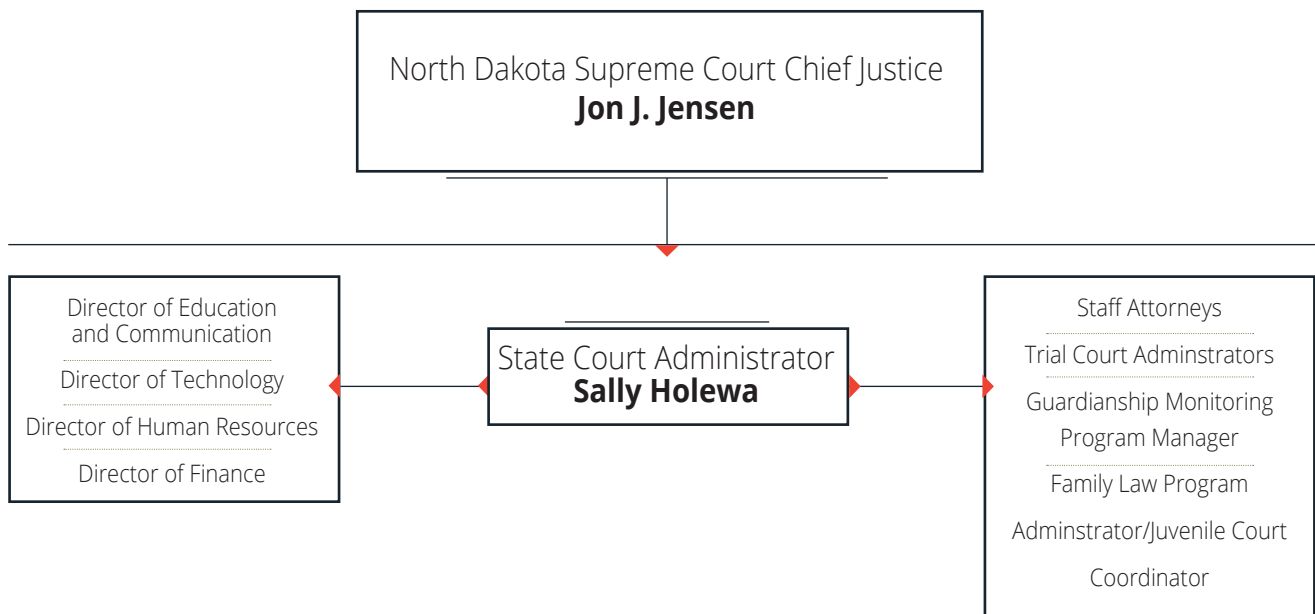
ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM



NORTH DAKOTA COURT ADMINISTRATION 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 and administration of the judicial budget, providing for judicial education services, coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system. Trial court administrators in each unit assist the state court administrator. Also assisting are directors and personnel who work in finance, general counsel, human resources, technology, and judicial education.

NORTH DAKOTA ADMINISTRATIVE OFFICE OF THE COURT



NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

TRIAL COURT ADMINISTRATION

Trial Court Administrators

Under the direction of the state court administrator, the trial court administrator plans, organizes, and directs court administrative activities for all courts within one of four state administrative units. This position is responsible for supervising a large staff engaged in providing service to high volume and complex caseloads including comprehensive district-wide programs, juvenile, and court administrative services. As the senior administrative position within the administrative unit, the position is responsible for providing leadership and guidance in all administrative areas with emphasis on the development and implementation of efficient and cohesive administrative processes.

Assistant Trial Court Administrators

Under general supervision of the trial court administrator, the assistant trial court administrator implements the policies and procedures of the state judiciary and assists the trial court administrator in coordinating and monitoring administrative activities of the courts.

Director of Juvenile Court Services

The director of juvenile court services works under the direction of the trial court administrator and is responsible for planning and directing all juvenile court services in the administrative unit. The director of juvenile court services also provides leadership in fostering the development of community-based programs and in developing statewide policy and practice for juvenile court.

2020 TRIAL COURT ADMINISTRATION

ADMINISTRATIVE UNIT 1 Trial Court Administrator



SCOTT JOHNSON
Assistant Trial Court
Administrator – Kelly Hutton

ADMINISTRATIVE UNIT 2 Trial Court Administrator



ROD OLSON
Assistant Trial Court
Administrator – Chris Iverson

ADMINISTRATIVE UNIT 3 Trial Court Administrator



DONNA WUNDERLICH

ADMINISTRATIVE UNIT 4 Trial Court Administrator



CAROLYN PROBST



CLERK OFFICES ADAPT TO “NEW NORMAL”

The COVID-19 pandemic created a “new normal” for the workforce which required flexibility, patience and an openness to change. Within the court system, the clerk’s office was tasked with keeping an ever-changing schedule in order while responding to the needs of the public, often with staff working remotely or with limited hours.

Tracy Davis, Clerk of Rolette County, responded to the public by continuing in-person hearings until they were able to transition and provide hearing services by electronic means. Once remote hearing were established, they were able to send new notices that allowed electronic/phone hearings.

“Our office door remained open to the public for all other services,” said Davis. “The state administration office was amazing in how fast they had court personnel set up with all the tools they needed to transition staff to work from home. Once staff working from home got established with the new technology they needed, the transition streamlined and made the load a lot lighter for myself as the only one working in the office.”

Davis said she maintained the in-person hearings, the public coming to the door, processing paperwork, mail, bank deposits, and temporarily covered court recording and other tasks that could not be done by at-home workers. She said there were tasks and procedures that still needed to be done including conducting jury trials while maintaining social distancing, putting up posters regarding Covid, setting up stations with hand sanitizers, masks and gloves, keeping all justice partners informed of changes, rearranging the court room, jury room and creating new jury trial procedures to fit courtroom capacity.

“I think a big impact was managing both work and life, longer hours at work, the feeling of exhaustion and trying to balance home life with the late hours and managing home schooling,” said Davis. “I had some extremely hard days during the beginning of the transition when staff started to work from home and the load was very, very heavy.”

Davis said she managed by creating a list of duties that off-site deputies would be able to perform from home. As technology progressed, the duties started to change which, shifted more of the work load onto the off-site workers.

“Once my deputies were able to answer their phones from home and process some of the documents without utilizing a scanner, in-office work became much more tolerable,” she said. “It became hard some days uplifting off-site workers and keeping myself uplifted. I think it made a difference in our lives that administration cares, and offered uplifting inspirational seminars to help cope during the hard times. We all play a part in being a strong structure and when hard times hit to make the structure weak, the system stepped up and made us unbreakable!”

Anita Beauchamp, Clerk of Court in Cavalier County, said having some staff work from home and some in office went smoothly with some changes to how cases are processed. She said one of the harder aspects was covering in the courtroom to help record when other staff were out. Beauchamp said those times were stressful, but the public was understanding.

“Our Unit Court Administration Staff was a huge help in the transition of getting everyone set up to work from home, keeping the onsite staff safe with recommended safety measures from the beginning and helping with any questions we might have about different aspects of holding court hearings in this new normal,” said

Beauchamp. “It didn’t matter if we were a contract county clerk or a state clerk they were good with communication and holding virtual meetings to keep us informed of the new orders and processes. I think in the chaos of everything going on they tried to keep us all level headed.”

The Cass County Clerk of Court office staff is divided between Intake staff – who are primarily responsible for processing newly filed cases and high-volume cases, and Detail staff – who are primarily responsible for courtroom clerk duties and processing more complex cases. Space limitations within the courthouse prevented safe social distancing so while most of the staff in the Cass County clerk’s office are working in the office, there are about eight clerks working from home. Clerk of Court Megan Huffman said she tries to split up work between the “home team” and the team in the office.

On the Intake team, all of the clerks that are at home take most of the phone calls and file and serve filings. The clerks in the office do the mail, work files out of court, and assist the public at the counter. As of December, the office is open by appointment only, which has helped keep people safe with social distancing. The court is also doing a lot of hearings by Zoom, which Huffman says has helped as well.

On the Detail team, the clerks working from home are doing file and serve, case file tracking, and the clerk’s queue. The clerks on the Detail team in the office are doing their own time standards, their own FACES alerts, file and serve if they have time, and all mail that is received. Both, clerks in the office and working at home on the Detail team are clerking court. Huffman said if someone comes from the home team to clerk court they go straight to the courtroom and work and go straight back home, they do not come into the office.

“It has been difficult to balance the on-site and off-site workforces,” said Huffman. “Some work, like the mail, can only be done by those in the office. We have tried to keep the workload as fair as possible.”

Huffman said everyone knows that it is a difficult time and they are all trying to work together to make sure everyone’s work is covered. “It’s about being flexible and willing to help out your fellow coworkers,” she said. “People are more stressed right now and tensions are higher than usual. I am looking forward to the future when our office gets close to being back to normal for everyone. It isn’t ideal having people work at home for the clerk’s office.”

Rebecca Nelson, Clerk of Ramsey County, had only been the clerk for one week when Covid hit. She had to learn a new system, while adapting to changes related to the pandemic. As the only person in the office for a few months, she managed court hours, phones, mail and assisting the public. The at-home staff were able to complete time standards and case file tracking while also reviewing over a dozen reports and getting cases up to date in areas that had been forgotten for a while. Nelson said competent staff and good communication were key and through it all they were able to streamline many things to make their jobs easier overall.

Nelson said that, except for jury trials, they never fell behind in case scheduling and worked with the judges, law enforcement, defendants and other court staff to ensure everything flowed as smoothly as possible. She added that the switch to Zoom was a step up from telephone hearings because face to face is always preferred.

“Overall, I am pleased with how Ramsey County has made everything work out,” said Nelson. “Not everybody was happy with the new

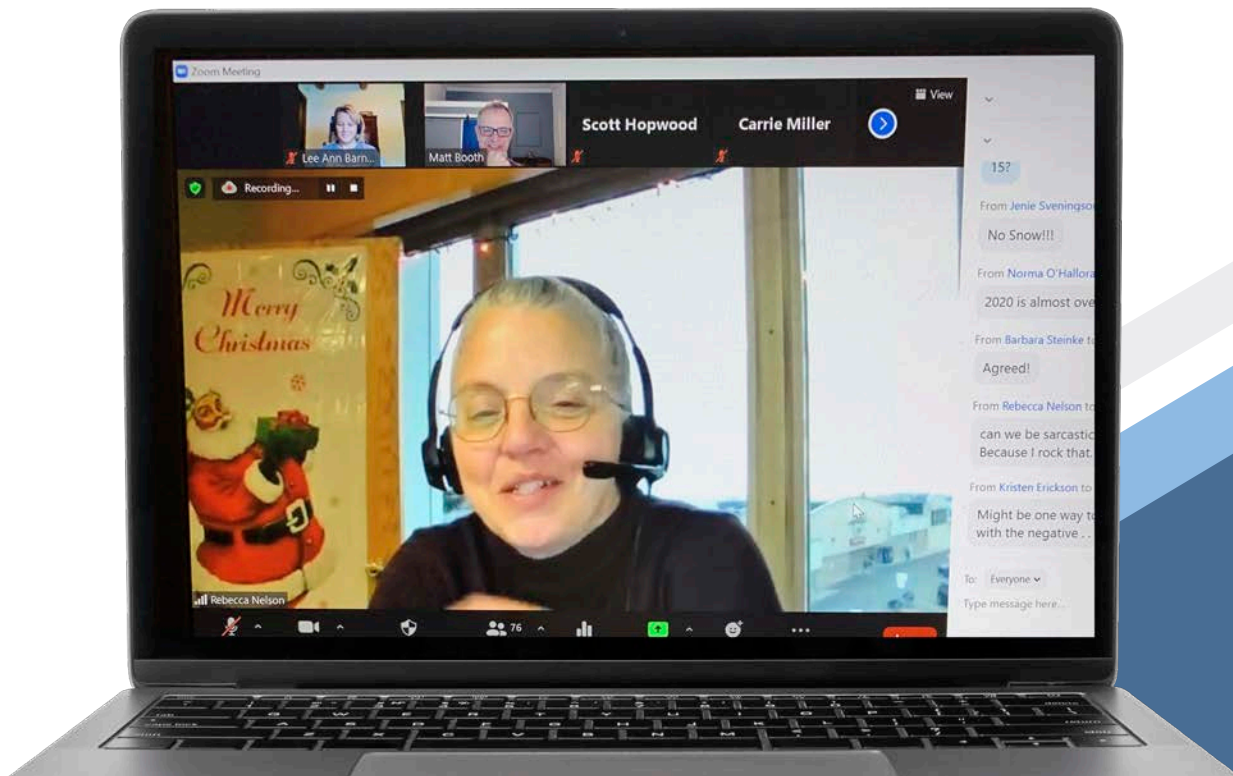
technology but everybody is using it successfully.”

Several counties were able to keep all staff working and adapted processes if the physical courthouse was closed. “All staff remained in the office,” said Anita Ibach of Emmons County. “When the front doors of the Courthouse were locked, we met customers at the door. We tried to do most of the work by mail and phone.”

Carol Fey, Clerk of McIntosh County, and Mickie McNulty-Eide, Clerk of Oliver County, said they never shut down the office. Dawn Marquart, Clerk of Logan County, said working from home was not an option for her. She said she worked flexible hours with her office door closed and cleaned after each day.

Benson County responded by implementing flexible work schedules. Clerk Lana Johnson said no staff have worked from home as they alternate their work schedules to allow for social distancing.

“WE ALL PLAY A PART IN BEING A STRONG STRUCTURE AND WHEN HARD TIMES HIT TO MAKE THE STRUCTURE WEAK, THE SYSTEM STEPPED UP AND MADE US UNBREAKABLE.”



NORTH DAKOTA COURT ADMINISTRATION CLERKS OF COURT

The clerk of district court works under the direction of the trial court administrator and is responsible for planning, directing, organizing and supervising all personnel assigned to the office of the clerk. This position is responsible for maintaining all court records and developing office operational procedures associated with all district court cases involving criminal, civil, restricted, traffic, or other cases filed with district court.

North Dakota Century Code, Chapter 27-05.2, states that the North Dakota Supreme Court shall provide clerk of district court services in each county in the state. The Supreme Court may provide such services through clerks of district court, deputies, and assistants who are employees of the judicial system or through service agreements with the counties.

While the court has assumed the responsibility for the expenses of operating the clerk's offices statewide, only a portion of the clerks have transferred to state employment. A distinction is made based on number of staff in each office. In offices of five

or more, the clerk and staff are required to become state employees unless the county chooses to keep the clerk functions and forgo any state funds to support the office.

For offices ranging in staff size from one to four, the county retains the option to transfer the clerk and deputies to state employment. Finally, the smallest counties are ineligible to transfer the clerk position to state employment.

When a county transfers clerk responsibility to the state, the clerk position becomes a classified position within the court's employee classification and compensation system. In those counties that chose to retain clerks and staff as county employees, and those that are ineligible to transfer, the county can continue to choose whether the clerk must run for election or whether the office will be an appointed one. Under state law, counties can choose to combine positions and decide if a combined position will be an appointed or elected position.

TOTALS	County-Contract	39
	State-Employed	14
	Total Clerks	53
	Combined Offices	25
	Separate Offices	14
	Total	39
	Appointed	12
	Elected	27
Total	39	

**ELIGIBLE FOR
TRANSFER
TO STATE**



DUNN
MCHENRY
MCLEAN
MERCER
MOUNTRAIL
PEMBINA
TRAILL

**STATE
EMPLOYED
CLERK OF COURT
OFFICES**



BARNES
BURLEIGH
CASS
GRAND FORKS
MCKENZIE
MORTON
RAMSEY
RICHLAND
ROLETTE
STARK
STUTSMAN
WALSH
WARD
WILLIAMS

COUNTY-EMPLOYED CLERKS OF COURT METHOD OF ATTAINING OFFICE

County Name	Full-Time /Part-Time	Role: Combined / Separate	Elected	Appointed as Clerk	Eligible to be transferred to State Employment
Adams	Part-time	Recorder	as Recorder		No
Benson	Part-time	Separate	as Clerk		No
Billings	Part-time	Recorder	as Recorder/Clerk		No
Bottineau	Full-time	Separate		X	No
Bowman	Part-time	Recorder	as Recorder		No
Burke	Full-time	Recorder	as Recorder/Clerk		No
Cavalier	Full-time	Separate		X	No
Dickey	Full-time	Separate		X	No
Divide	Full-time	Recorder	as Recorder/Clerk		No
Dunn	Full-time	Recorder	as Recorder/Clerk		Yes
Eddy	Part-time	Recorder	as Recorder/Clerk		No
Emmons	Part-time	Recorder	as Recorder/Clerk		No
Foster	Full-time	Separate		X	No
Golden Valley	Part-time	Recorder	as Recorder/Clerk		No
Grant	Part-time	Recorder	as Recorder/Clerk		No
Griggs	Part-time	Recorder	as Recorder/Clerk		No
Hettinger	Part-time	Recorder	as Recorder/Clerk		No
Kidder	Part-time	Recorder	as Recorder		No
Lamoure	Full-time	Separate		X	No
Logan	Part-time	Recorder	as Recorder		No
McHenry	Full-time	Separate	as Clerk		Yes
McIntosh	Part-time	Recorder	as Recorder/Clerk		No
McLean	Full-time	Separate		X	Yes
Mercer	Full-time	Separate		X	Yes
Mountrail	Full-time	Separate		X	Yes
Nelson	Part-time	Recorder	as Recorder/Clerk		No
Oliver	Part-time	Recorder	as Recorder		No
Pembina	Full-time	Recorder	as Recorder/Clerk		Yes
Pierce	Part-time	Separate		X	No
Ransom	Full-time	Separate		X	No
Renville	Part-time	Recorder	as Recorder		No
Sargent	Part-time	Recorder & Treasurer & Clerk	as Recorder/Clerk/ Treasurer		No
Sheridan	Part-time	Recorder	as Recorder/Clerk		No
Sioux	Part-time	Recorder & Treasurer & Clerk	as Recorder/ Treasurer		No
Slope	Part-time	Recorder	as Recorder/Clerk		No
Steele	Part-time	Recorder		X	No
Towner	Part-time	Recorder	as Recorder		No
Traill	Full-time	Separate	as Clerk		Yes
Wells	Full-time	Separate		X	No



COURT PILOTS SOFTWARE FOR REMOTE RECORDINGS

In response to the social distancing requirements of the pandemic, the district courts needed a solution to enable staff to obtain an official recording of court proceedings, while also being efficient and safe. However, the current network configuration and software wasn't going to provide a good long term, cost effective solution.

To meet the need, the Court used CARES Act funding to upgrade sound mixers and then purchased a new recording software. This software solution provides the ability to record the official court record from anywhere that staff have internet connectivity, including their home or office, thus keeping them safe by minimizing close contact and maintaining social distancing.

In December, an electronic court recorder in the Northeast Judicial District piloted the new

software. The judge, electronic court recorder, clerk, and all parties appeared from separate locations via Zoom without a single person being in the courtroom. The electronic court recorder was able to utilize the interactive television (ITV) system to connect the audio of the Zoom hearing to the recording software and was able to operate both systems remotely.

There are additional features of the software which will make the staff more efficient including the ability to create quick tags and appearances (annotations). Additional capabilities of the software to increase efficiency are being explored.

Staff across the state are being trained on the new software as it is being rolled out to the districts with a goal of statewide use by early spring 2021.



FINANCE OFFICE FINDS BALANCE TO KEEP SERVICES ON TRACK

Staff from the Judicial Branch Finance Office have been working in the capitol and from home to keep the fiscal wheels of the court system turning during the pandemic.

Account Technician Sandy Schwan has continued to work in the capitol throughout the pandemic and has been instrumental in making remote work feasible for other staff.

“Sandy is very helpful,” said Don Wolf, Director of Finance. “She collects the mail, scans necessary information, and sends it to the appropriate staff working from home.”

“The Supervisor of Accounting calls Sandy and goes through each bill,” said Wolf. “She writes the coding he on her copy of the bill and enters the information into PeopleSoft for payment. He then reviews each transaction entered in PeopleSoft for accuracy and gives final approval for payment.”

Wolf said that if there are large volume reports or materials that would be difficult to scan, staff working at home will come in to the capitol after hours to pick the papers up. He said that arrangements have been made so that certain documents, such as purchase card reports, are sent directly to the Supervisor of Accounting at his home.

Handling funds received under the federal Coronavirus Aid, Relief, and Economic Security Act was a significant part of the Finance Office's work during the pandemic.

"The court system received \$72,212 of Federal CARES funding for personal protective equipment and improving telework capabilities of its employees and \$240,000 to purchase and install Zoom monitors within selected courtrooms," said Wolf.

He said the Zoom monitors helped the state's courts better conduct remote hearings.

In addition, the state Information Technology Department reimbursed the court system \$425,000 from CARES funding for the cost of 60 sound mixer upgrades, Wolf said.

"These upgrades were needed to allow for remote recording of court hearings," he said.

Wolf returned to work at the capitol July 7, while an Accountant Analyst and an Account Technician returned on October 12.

Wolf said that the Judicial Branch Information Technology Department has helped make remote working possible by implementing services such as scanning, phone call forwarding, Zoom virtual meetings and the Global Protect secure remote access service.

"HANDLING FUNDS RECEIVED UNDER THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT WAS A SIGNIFICANT PART OF THE FINANCE OFFICE'S WORK DURING THE PANDEMIC."



NORTH DAKOTA COURT ADMINISTRATION JUDICIAL PORTION OF THE STATE'S BUDGET 2019 -21 BIENNIUM JULY 1, 2019 - JUNE 30, 2021

Total State General and Special Funds Appropriation

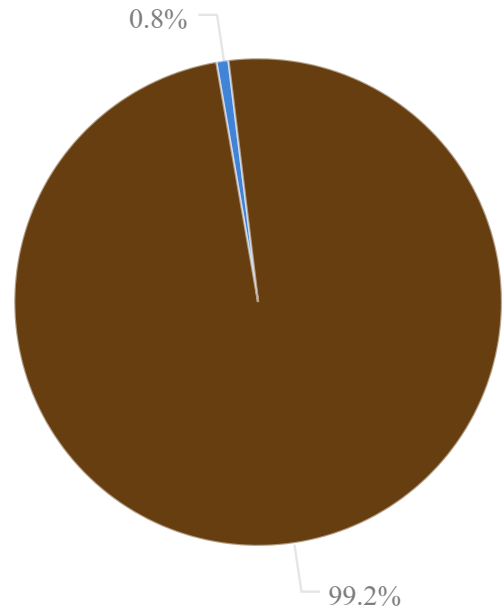
\$14,690,587,737

Executive and Legislative Branch General and Special Funds Appropriation

\$14,579,982,397 (99.2%)

Judicial Branch General and Special Funds Appropriation

\$110,615,340 (.8%)



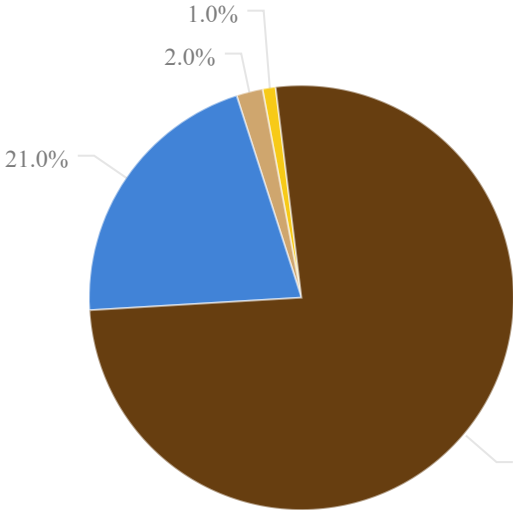
Funding:	Total	Judicial	Net
General Fund	\$ 4,843,563,166	\$ 107,503,043	\$ 4,736,060,123
Special Funds	\$ 9,847,034,571	\$ 3,112,297	\$ 9,843,922,274
Total	\$ 14,690,597,737	\$ 110,615,340	\$ 14,579,982,397

NORTH DAKOTA COURT ADMINISTRATION STATE JUDICIAL BRANCH APPROPRIATION BY APPROPRIATED LINE ITEM 2019-21 BIENNIUM

Total Judicial Branch General and Special Funds Appropriation

\$110,615,340

- Salaries and Benefits**
\$84,580,988 (76.5%)
- Operating Expenses**
\$23,102,664 (20.9%)
- Special Purposes**
\$ 1,814,336 (1.9%)
- Capital Assets**
\$ 1,117,352 (1.6%)



Special purposes:

Guardian monitoring	\$283,042
Judge's retirement	\$280,332
JCC/DB	\$1,250,962
Total	\$ 1,814,336

NORTH DAKOTA COURT ADMINISTRATION STATE JUDICIAL BRANCH APPROPRIATION BY TYPE OF ACTIVITY 2019-2021 BIENNIUM

Supreme Court

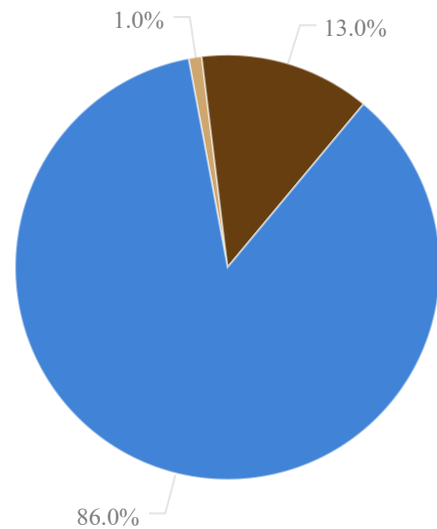
General Fund	\$14,037,662	
Special Funds	\$0	
TOTAL	\$14,037,662	(13%)

District Courts

General Fund	\$87,527,987	
Special Funds	\$1,500,000	
Federal Funds	\$1,399,138	
TOTAL	\$90,367,125	(86%)

Judicial Conduct Commission & Disciplinary Board

General Fund	\$692,121	
Special Funds	\$482,701	
TOTAL	\$1,174,822	(1%)





SUCCESSFUL STATE BAR EXAM HELD AMID PANDEMIC: HEALTH AND SAFETY REMAINED TOP PRIORITY

As the COVID-19 pandemic became a reality in the U.S. and the state of North Dakota in March, the State Board of Law Examiners (BLE) began discussing its impact on the state's summer bar examination. "From the beginning, the board was committed to holding the July 2020 bar examination if possible," says Petra Mandigo Hulm, clerk of the North Dakota Supreme Court. "Paramount to the board's decision and planning was the health and safety of the examinees, proctors, and staff."

FACING THE CHALLENGE

Mandigo Hulm says the fluid environment created by COVID-19 required flexibility on the part of both the BLE and bar admission applicants. "The BLE team continuously assessed public health conditions and gave examinees as much notice as is possible of any changes," she notes.

The first challenge faced was the limitation on gatherings implemented after the initial shutdown. "The BLE team began looking for alternative venues immediately," says Mandigo Hulm. "A number of backup locations were secured so examinees could be spread out if necessary."

The BLE established a limit of 85 participants at the July exam and, with the state's recommended increase in the number of individuals at a gathering, the BLE was safely able to secure the use of the Bismarck Events Center and the education rooms of the Supreme Court to administer the exam.

The other major challenge faced by the BLE was safely giving the examination and complying with all local and state health regulations, says Mandigo Hulm. "The BLE team identified early that securing

personal protective equipment was a priority,” she notes, adding between April and July, a constant effort was made to find and secure these items. “The BLE team also spent uncountable hours mapping out the exam locations to control the flow of people. The goal was to keep everyone six feet apart if at all possible. Maps of the venues were used, and mental walk throughs were done to examine every part of the exam from check-in to bathroom use.”

THE DECISION TO MOVE FORWARD

While many other states across the nation began cancelling upcoming bar exams, the BLE decided to move forward with its scheduled July exam. “North Dakota is a small state, so we did not face the same challenges that large states, California and New York for example, faced,” says Mandigo Hulm. “We usually test less than 100 people in July verses the thousands that those states test.”

“It’s always important for us to have a bar exam,” adds Jane Dynes, president of the BLE. “With a profession like ours, where we need to make sure there are qualified attorneys to serve the public, it was important to move forward.”

Dynes notes students who were planning to take the bar exam in July were depending on this time frame to secure jobs and move forward after years of schooling and hard work.

Mandigo Hulm says there was also discussion to move the exam date to the fall, but the BLE concluded the virus threat was, at that time, manageable. “We did not know what the fall would bring and by then, it may have been unsafe to hold the examination.”

“We worked with the North Dakota Department of Health to discuss our plan,” she continues. “The BLE was confident, based on the planning and advice, that North Dakota could safely give an examination.”

HOLDING THE BAR EXAM

Mandigo Hulm says in preparation for the exam, the director of admissions and a part-time employee started working from home in late March. “This was done to protect them, limit their exposure, and hopefully not run into a staffing issue at the examination,” she notes. “As it was, shortly before the exam, I went into self-isolation due to close contact and we retained the prior clerk of court to cover for me.”

The day of the exam, Mandigo Hulm notes, events were tightly controlled. Examinees signed a code of conduct prior to the examination and they were also provided with a copy of the testing conditions. “The code of conduct clarified for each applicant what was expected of them to ensure everyone’s health,” she says.

In addition, many additional steps were taken to ensure the safety of all in attendance including staggered check-ins, multiple check-in stations, pre-packaged testing supplies, room flow control, and the availability of hand sanitizing stations and sanitizing wipes. “Masks were required to be worn anytime an examinee was within six feet of another person,” says

Mandigo Hulm. “The only time they were permitted to be removed was when they were seated at their table taking the examination.”

THE SUCCESS OF THE EXAM

A total of 58 individuals participated in the July bar exam. “The examination was successfully given, and we know of no one, examinees, staff or proctors, being diagnosed with COVID-19 as a result of their presence at the examination.”

“Things were changing so fast and things came up at the last minute that even the best of preparation couldn’t prepare for,” says Dynes. “The staff did a great job of addressing these changes to make the exam happen. From the feedback we have received, I thought the exam was handled correctly.”

Mandigo Hulm notes passage rates for the bar exam were up, which was also the trend nationally. Of the 58 applicants that took the July exam, 44 achieved a passing score. This equates to a 76 percent overall pass rate, compared to 73 percent for the 2019 July exam.

The success of the exam can be attributed to the careful planning that took place, which will likely carry over to the February 2021 exam, says Mandigo Hulm. “We planned for a variety of different scenarios amidst a changing set of health regulations and conditions,” she notes. “It remains challenging to plan for the February 2021 examination. We anticipate incorporating some of the check-in procedures because they turned out to be beneficial.”

In addition, following the cancellation of the April 2020 spring bar admission ceremony, the fall bar admission ceremony was also held virtually for the first time on September 18.

Mandigo Hulm credits the BLE team of attorney members Dynes, Lawrence King, and Brad Beehler; Director of Bar Admissions Laurie Guenther; and staff Johnelle Odegard for their hard work and perseverance. “The BLE team was outstanding. Put simply, without their dedicated service, the bar exam would not have happened. The board is proud it was able to safely give the bar examination and ensure those seeking a law license could do so,” says Mandigo Hulm.

“For some examinees, this exam is the final piece, the culmination of 12 years of primary education, four years of college, and three years of law school,” she continues. “I am sure the prospect that they may have to delay was heartbreaking and affected job opportunities. Delay was something the board wanted to avoid if possible.”

Note – Reprinted with permission from the fall 2020 issue of *The Gavel*, a publication of the State Bar Association of North Dakota.

NORTH DAKOTA JUDICIAL SYSTEM COMMITTEES, COUNCILS, COMMISSIONS AND BOARDS



A system of committees, commissions, boards, and councils has been established by the Supreme Court to develop new ideas and evaluate proposals for improving public services and to recommend policy and best practices for the judicial system. Citizens, legislators, lawyers, district court judges, municipal court judges, court personnel and members of the Supreme Court serve on these committees.



NORTH DAKOTA JUDICIAL SYSTEM

COMMITTEES, COMMISSIONS & BOARDS

Administrative Council

The Administrative Council is established by Administrative Rule 22. Duties of the Council are to develop uniform administrative policies and procedures for the trial courts and juvenile courts and make recommendations for their implementation; to review the biennial budget proposals submitted by the trial court administrators for the respective administrative units; to review and approve for submission to the Supreme Court a proposed trial court component of the unified judicial system budget for each biennium; to monitor trial court budget expenditures; and to perform other duties as directed by the Chief Justice.

Advisory Commission on Electronic Media in the Courtroom

The Advisory Commission on Electronic Media in the Courtroom is established by Supreme Court rule and governs electronic and photographic coverage of court proceedings. The Commission generally monitors the experience with cameras in the North Dakota Supreme Court, in district courts, and municipal courts.

Caseflow Management Committee

Established by Policy 510, the Caseflow Management Committee is developed under the auspices of the Administrative Council to provide recommendations to the Council on case management activities governing all trial courts statewide. The purpose of the Committee is to establish and monitor caseflow management practices in each judicial district of the state.

Commission on Judicial Branch Education

The Judicial Branch Education Commission was established by Supreme Court rule in 1993. The responsibilities of the Commission are to establish policies that effect the implementation of the mandatory education provision of the rule; develop judicial education programs for judges and court personnel; develop and recommend to the North Dakota Supreme Court a biennial budget for judicial education activities; and provide resource materials for judges and court support personnel.

Committee on Tribal and State Court Affairs

The Committee on Tribal and State Court Affairs, established following adoption of Administrative Rule 37 by the Supreme Court, is comprised of tribal and state court judges, tribal and state court support services representatives, and public members.

It provides a vehicle for expanding awareness about the operation of tribal and state court systems; identifying and discussing issues regarding court practices, procedures, and administration which are of common concern to members of the different court systems; and for cultivating mutual respect for, and cooperation between, tribal and state courts.

Court Services Administration Committee

The Court Services Administration Committee, established by Supreme Court rule, is responsible for the study and review of all rules and orders relating to the administrative supervision of the judicial system.

Court Technology Committee

The Court Technology Committee is established by Administrative Order and is responsible for the planning and implementation of information technology for the judicial system. The Committee's coordinated efforts are responsible for consistent and efficient management of information technology resources.

Informal Complaint Panel

The Informal Complaint Panel is established by Supreme Court rule. It provides an informal forum to address complaints or concerns about judges or other employees of the state judicial system. It is confidential, non-confrontational and educational. It is intended to constructively influence conduct and resolve issues before they rise to a level of a formal grievance or disciplinary proceeding.

Interdisciplinary Specialized Docket Committee

Established by Administrative Rule 60, the interdisciplinary committee on specialized dockets is established as a collaborative mechanism to acquire and analyze relevant information related to the need for and feasibility of establishing specialized dockets. A specialized docket is a juvenile or district court that oversees a therapeutic program comprised of interdisciplinary teams, enhanced judicial involvement, court-supervised treatment programs, and other components designed to achieve effective alternatives to traditional case dispositions.

Joint Committee on Attorney Standards

The Joint Committee on Attorney Standards, established by Supreme Court rule, is comprised of members appointed by the Chief Justice and the Board of Governors of the State Bar Association. The Committee is responsible for the study and review of all rules and proposals concerning attorney supervision, including admission to the bar, attorney discipline, rules of professional conduct, and law student practice.

Joint Procedure Committee

The Joint Procedure Committee is the standing committee of the Supreme Court responsible for proposing adoption, amendment, or repeal of rules of civil procedure, criminal procedure, appellate procedure, evidence, and specialized court procedure. The Committee membership of 10 judges and 10 attorneys is appointed by the Supreme Court, except for one liaison member appointed by the State Bar Association.

Judicial Planning Committee

The Judicial Planning Committee is established by Supreme Court rule. The Committee studies the judicial system and makes recommendations concerning long-range and strategic planning and future improvements for the system.

Judiciary Standards Committee

The Judiciary Standards Committee, established by Supreme Court rule, studies and reviews all rules relating to the supervision of the judiciary, including judicial discipline, judicial ethics, and the judicial nominating process.

Jury Standards Committee

The Jury Standards Committee, established by Supreme Court rule, studies and oversees the operation of North Dakota's jury system. The Committee is responsible for reviewing the Uniform Jury Selection Act, studying and making recommendations concerning juror use and management, and reviewing the operation, management, and administration of the state's jury system.

Juvenile Policy Board

The Juvenile Policy Board is established by Supreme Court rule to define the mission of juvenile court services consistent with N.D.C.C. 27-20-01 to provide the administrative mechanism and authority to ensure the implementation of the policies; and to ensure the full involvement of the judges and personnel of the North Dakota judicial system in the development of juvenile court policies and procedures.

North Dakota Judicial Conference

The North Dakota Judicial Conference is established by statute for the purpose of soliciting, receiving, and evaluating suggestions relating to the improvement of the administration of justice; considering and making recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system; and establishing methods for reviewing proposed legislation, which may affect the operation of the judicial branch.

Committee on Legislation

The Committee on Legislation, a standing committee of the Judicial Conference, drafts, reviews, and tracks proposed legislation that may affect the North Dakota judicial system. During legislative sessions, the Committee provides weekly reports to the members of the conference on legislation that could affect judicial services.

Parenting Investigator Review Board

The Parenting Investigator Review Board is established by Supreme Court rule. It addresses complaints about parenting investigators. It has nine members: three judges and one lawyer appointed by the Chief Justice, two lawyers appointed by the State Bar Association, and three parenting investigators appointed by the Chief Justice and the president of the State Bar Association acting together.

Pattern Jury Instruction Commission

The Pattern Jury Instruction Commission, established by Supreme Court rule, is composed of six lawyer members appointed by the State Bar Association of North Dakota Board of Governors and six judge members appointed by the chair of the Judicial Conference after consultation with the Executive Committee. In addition to revising and developing instructions corresponding to current law, the Commission is engaged in an extensive review of all pre-1986 civil and criminal instructions. A primary goal is rewriting the instructions using plain English, that is, language that is understandable by jurors without a legal background.

Personnel Policy Board

The Personnel Policy Board is established by Supreme Court rule. The Board is comprised of a Supreme Court justice, district court judges, Supreme Court department heads, and employees of the supreme and district courts. The Board is tasked with the responsibility of reviewing and implementing the personnel system and developing a salary administration plan for the judiciary.

NORTH DAKOTA JUDICIAL SYSTEM NORTH DAKOTA BOARD OF LAW EXAMINERS 2020 REPORT

The State Board of Law Examiners assists the Supreme Court of North Dakota in its constitutional responsibility to regulate the admission to the practice of law.

In 2020, board members were Jane Dynes, Fargo; Lawrence King, Bismarck; and Bradley Beehler, Grand Forks. Dynes served as President of the Board. The Director of Admissions, Laurie Guenther, assists the Board in its statutory responsibilities.

The 2020 Character and Fitness Committee members were Chair Scott K. Porsborg, Bismarck attorney; Paul F. Richard, Fargo attorney; Lisa K. Edison-Smith, Fargo attorney; Dr. Naveed Haider, Fargo psychiatrist; and Daniel Ulmer, Bismarck.

ADMISSION

The number of newly admitted attorneys decreased 39% from 191 in 2019 to 116 in 2020. The figure below shows the number of admissions by type for the last five years.

Ninety-one motions for admission based on practice or test score were filed in 2020, compared to 91 in 2019. Ninety-two percent of motions for admission on test score were filed based on the transfer of a Uniform Bar Examination score received in another jurisdiction.

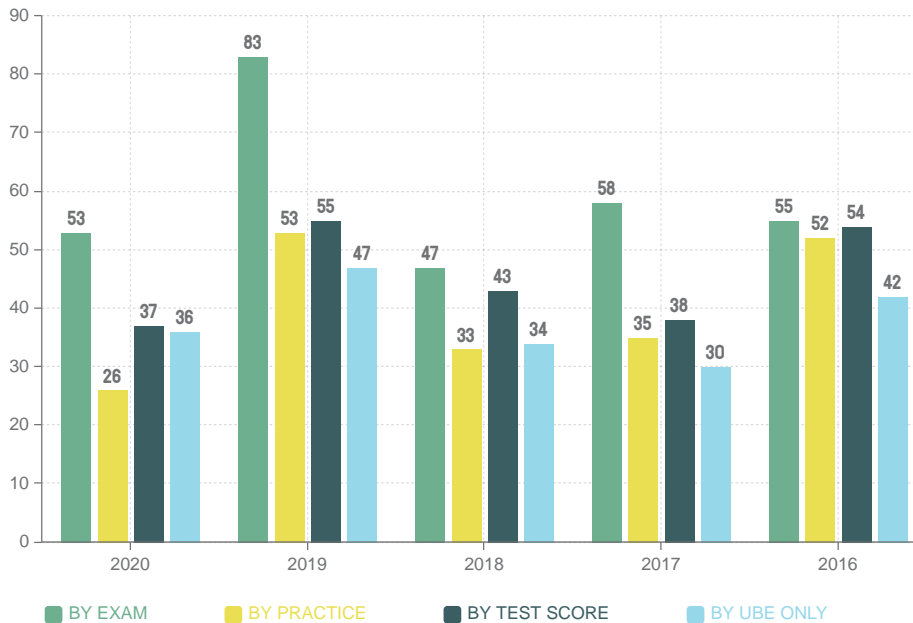
Motion applications peaked in 2011 at 190, declined, and have remained steady since 2017 at approximately 90.

LICENSING

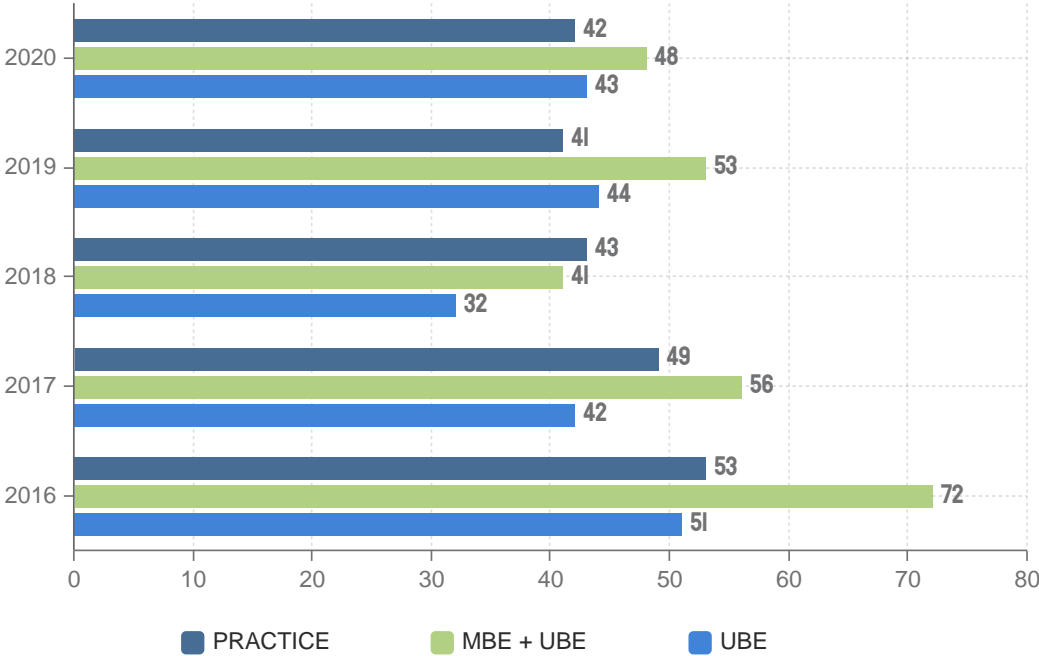
In 2020, 3,080 licenses were issued, slightly down from 2019. More than 3,000 licenses have been issued annually since 2016. Below are the total licenses issued for the last 10 years.

Nineteen temporary licenses were approved while applicants licensed in another jurisdiction awaited the review and approval of their North Dakota applications. Five attorneys were registered as in-house counsel under Admission to Practice Rule 3.

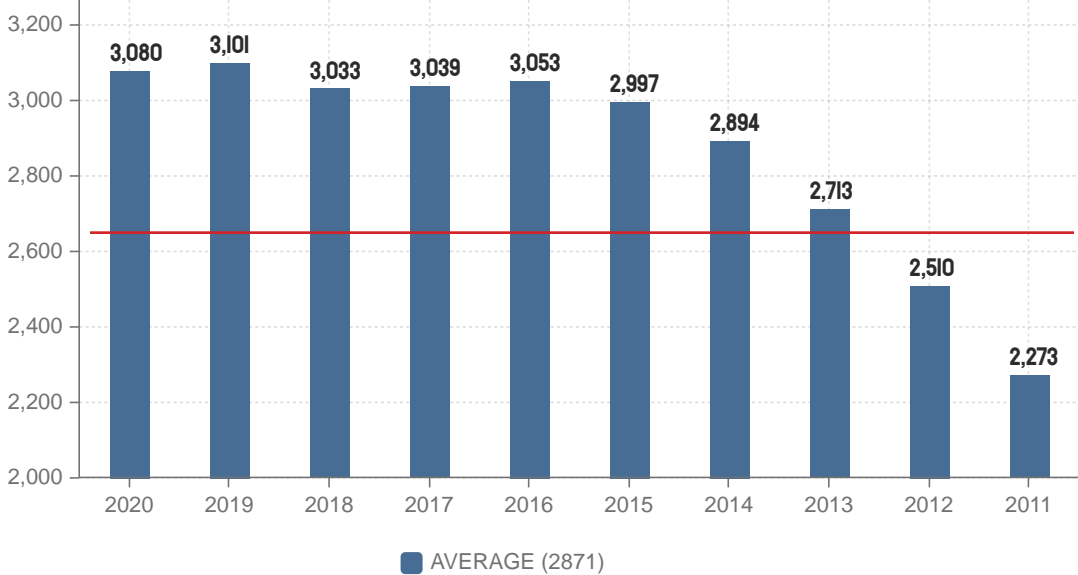
BAR ADMISSIONS BY TYPE



BAR APPLICATIONS BY TYPE OF MOTION



LICENSES ISSUED

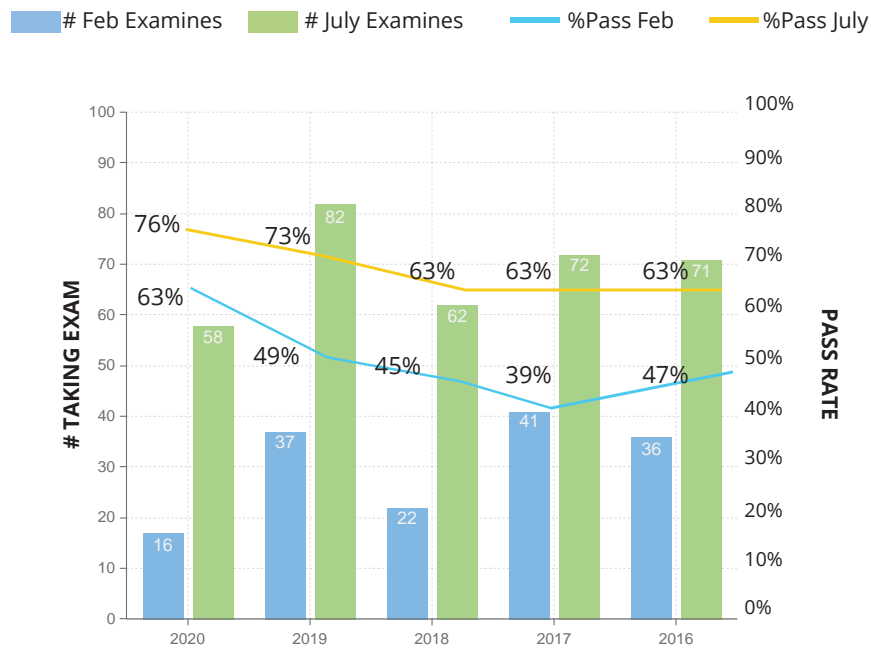


NORTH DAKOTA JUDICIAL SYSTEM NORTH DAKOTA BOARD OF LAW EXAMINERS 2020 REPORT

EXAMS

The number of February and July examinees (columns) and the passage rate (lines) for 2016-2020 are shown in the figure below.

FEBRUARY & JULY EXAMS



NORTH DAKOTA JUDICIAL SYSTEM LAWYER DISCIPLINARY BOARD – 2020

The lawyer disciplinary process, with the Disciplinary Board at the center, provides a procedure for investigating, evaluating and acting upon complaints alleging unethical conduct by lawyers licensed in North Dakota. The Rules of Professional Conduct are the primary guide for lawyer conduct, and the North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints.

A summary of the workload under consideration in the lawyer discipline system in 2020 is below.

General Nature of Complaints

Client Funds & Property	0
Conflict of Interest	10
Criminal Convictions	1
Disability/Incapacity to Practice Law	0
Excessive Fees	7
Failure to Communicate/Cooperate with Client	29
Improper Conduct	52
Incompetent Representation	5
Misappropriation/Fraud	0
Neglect/Delay	0
Petition for Reinstatement	0
Unauthorized Practice of Law	1
Solicitation	0
Reciprocal Discipline	0
Total New Complaints	105
Formal Proceedings Pending From Prior Years	2
Other Complaint Files Pending From Prior Years	37
Appeals Filed with Disciplinary Board	11
Appeals Allowed by Supreme Court	0
Total Formal Matters	50
TOTAL FILES AVAILABLE FOR CONSIDERATION	155

Dispositions

Inquiry Committees	Dismissal	47
	Summary Dismissal	59
	Admonition	9
	Referral to Lawyer Assistance Program	2
	Consent Probation	0
	Dismissal Without Prejudice	0
	No Action - Referred to Another State	0
	Disciplinary Board	Approve Inquiry Committee Dismissal
	Approve Inquiry Committee Admonition	2
	Approve Inquiry Committee Consent Probation	0
	Disapprove Inquiry Committee Disposition	0
	Diversion by Hearing Panel of the Board	0
	Dismissal by Hearing Panel/Disciplinary Board	2
	Reprimand by Hearing Panel/Disciplinary Board	1
	Consent Probation by Hearing Panel of the Board	0
Supreme Court	Reprimand	0
	Suspension	0
	Disbarment	1
	Interim Suspension	0
	Reinstatement	0
	Court Vacated Interim Suspension	0
	Transfer to Disability Inactive Status (No DB File)	0
	Dismisses/Disapproves Petition for Discipline	1
	TOTAL DISPOSITIONS	133

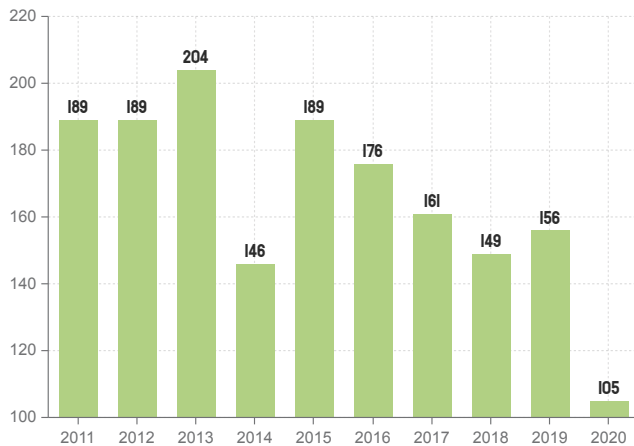
NORTH DAKOTA JUDICIAL SYSTEM LAWYER DISCIPLINARY BOARD – 2020

One hundred and five new complaints were filed in 2020, which is a 33% decrease from 2019. This represented 61% of the 10-year average of new complaints filed.

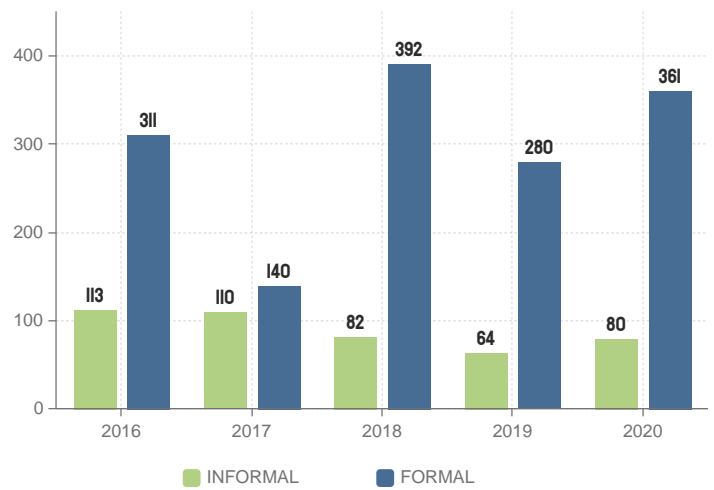
The number of dispositions decreased to 133 in 2020 compared to 161 in 2019, representing a 17% decrease.

The time to disposition for informal and formal matters from the last five years is below. Each increased in 2020, which may be attributable to the pandemic.

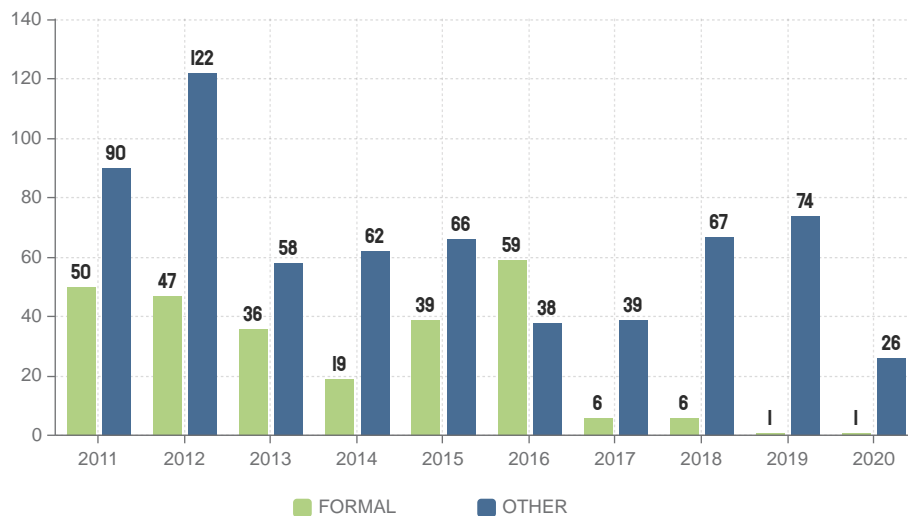
NEW COMPLAINTS



TIME TO DISPOSITION



COMPARISON OF PENDING INFORMAL/FORMAL FILES



NORTH DAKOTA JUDICIAL SYSTEM JUDICIAL CONDUCT COMMISSION

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

The Commission consists of four non-lawyers, two judges, and one lawyer. The non-lawyers are appointed by the Governor; the judges are appointed by the North Dakota Judges Association; and the lawyer member is appointed by the State Bar Association.

Of the new complaints filed in 2020:

- 27 were against 23 District Court Judges
- 1 was against 1 Municipal Judge
- 5 Were against 5 supreme court justices

New Complaints Opened in 2020	38
General Nature of Complaints:	
Bias, discrimination/partiality	17
Improper decision/ruling	10
Education Requirements	1
Failure to follow law/procedure	9
Complaint Files Carried Over from 2019	9
Total Files Pending Consideration in 2020	47
Disposition of Complaints:	
Dismissal	1
Summary Dismissal	42
Total 2020 Dispositions	43
Complaint Files Pending as of 12/31/2020	4