

**2021**  
**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.





# CHIEF'S MESSAGE

HON. JON J. JENSEN  
CHIEF JUSTICE, ND SUPREME COURT



It always seems impossible until it's done."

Nelson Mandela

In 2021 the North Dakota judicial system once again demonstrated its resiliency. Through the dedication and commitment of its employees and judges, the judicial system was able to meet the challenges of high caseloads, understaffing, and a global pandemic. As we start 2022, we are provided with an opportunity to reflect on all that has been accomplished and achieved during the past year.

We continued to be impacted by the global Coronavirus pandemic. We started the year with remote work, virtual hearings, and limited in-person proceedings. Six months in to 2021, we had the majority of staff back in the office and were offering a mix of in-person and virtual hearings and had fully returned to jury trials while maintaining safety for all participants. When confronted with a new variant of the Coronavirus at the end of the year, our districts once again rose to the challenge, modifying their operations to insure safety while satisfying the judicial system's commitment to provide a functioning judicial system. As we continue to face new challenges to our court operations, I am reminded of the following quote of Nelson Mandela: "It always seems impossible until it's done." We are not yet done, but we are closer than we were yesterday.

During the past year we demonstrated we can change and adapt quickly. We learned new software and new processes, and embraced new technologies while never losing sight of our mission to provide "equal access to fair and timely resolution of disputes under law." We kept the best of what we learned from a year of serving the public virtually and began several new initiatives that will continue to prepare the court system for an ever-changing future. Input from the clerk of court offices, reporters and recorders, court administration, juvenile court staff, referees, staff attorneys, and judges have led to improvements in many aspects of our court operations. The employees and judges of the judicial system are its strength.

The 2021 legislature approved funding for the Veterans' Treatment Court in Grand Forks. The team is now in place, along with a court coordinator, and training has started. The team is developing processes, policies, and procedures and is developing an informational campaign about the benefits of the specialized docket for veterans. The court is expected to start operations in 2022 and will provide treatment for substance use disorders, mental



health conditions, behavioral health conditions, traumatic brain injuries, military sexual trauma, and co-occurring disorders. The Richland County Treatment Court, another specialized docket administered and funded by the court system, now has statistics available which are presented in the district court section of this report.

The Judicial Support Personnel Project moved from a pilot to being available statewide. This model is a new way of providing direct support for judges by giving them the option of hiring an attorney or paralegal in the place of a traditional court recorder or reporter. This position is responsible for providing extensive legal research and analysis of legal issues and cases pending before the North Dakota District Courts. Another program involving attorneys is the creation of the Rural Attorney Recruitment Program designed to assist counties and municipalities in recruiting attorneys. An attorney selected for participation in the program must locate their law office in the participating county or municipality, locate their residence in close proximity to the participating county or municipality, and must agree to live and practice law full-time in the participating community for at least five consecutive years.

Other approved legislation modified the guardianship statutes to meet recommended National Guardianship Association standards. New protections for individuals under guardianship were added during the 2021 session. They include ensuring that these individuals retain their communication rights, and requiring guardians to request approval before selling certain property.

Throughout the year, the court's education department continued to offer live webinars, in-person seminars and on-

demand learning. In addition to providing education aimed at developing traditional skills, the education department provided opportunities for learning on inclusion and procedural justice, with educational programs on poverty, physical disabilities, and deaf culture. In 2022, the court system is hosting the annual conference of the National Consortium on Racial and Ethnic Fairness in the Courts in Grand Forks and has been working to build an agenda that addresses Native American issues along with strategies to improve access and fairness within the court system.

Finally, at the end of 2021 the court applied for and received a Department of Justice grant to study and improve criminal case processing. The award of \$998,302 will fund a 3-year study and implementation project to reduce delay in criminal case processing. The project will include the Northeast, Northeast Central, East Central and South Central judicial districts and focus on how issues related to poverty, mental health, and geography effect the time it takes to resolve cases. The National Center for State Courts will serve as the primary consultant and research arm for the project. Frank Racek, former presiding judge for the East Central Judicial District, will serve as an expert consultant on North Dakota law and case management.

You will find details on other court programs as well as statistical data for 2021 throughout the annual report. I want to thank the employees and judges for staying committed to our mission and to the purposes of courts through times that are both challenge and rewarding. Because of their efforts, the North Dakota Court System has continued to grow and progress to meet the needs of the citizens of North Dakota.

# TABLE OF CONTENTS

<b>Court Mission Statement</b> -----	<b>2</b>	<b>Juvenile Court</b>	
<b>Introduction</b>		Overview/Mission -----	<b>38</b>
Message from Chief Justice Jon J. Jensen -----	<b>3</b>	2021 Case Highlights -----	<b>39</b>
North Dakota Courts -----	<b>6</b>	Court Improvement Program Update -----	<b>41</b>
<b>Supreme Court</b>		Dual Status Youth Initiative 2021 -----	<b>42</b>
Overview of Court -----	<b>7</b>	<b>Court Programs and Services</b>	
Supreme Court Justices -----	<b>8</b>	Overview -----	<b>43</b>
Caseload Highlights -----	<b>13</b>	Mediation Program -----	<b>44</b>
<b>District Courts</b>		Expedited Mediation -----	<b>46</b>
Overview of Courts -----	<b>17</b>	Guardianship Monitoring Program -----	<b>47</b>
Statewide Case Filings -----	<b>18</b>	Legal Self Help Center -----	<b>48</b>
District Court Judges Serving in 2021 -----	<b>24</b>	<b>Court Administration</b>	
Presiding Judges Serving in 2021 -----	<b>25</b>	Administrative Organization -----	<b>52</b>
Judicial Districts Unit Map -----	<b>26</b>	Office of State Court Administrator -----	<b>53</b>
Case Filings by Judicial District -----	<b>27</b>	Trial Court Administration -----	<b>54</b>
<b>Specialized Dockets</b>		Clerk of Court -----	<b>55</b>
Overview -----	<b>31</b>	State Budgets -----	<b>57</b>
Richland County Treatment Court Data -----	<b>32</b>	<b>Committees, Commissions &amp; Boards</b>	
Domestic Violence Court -----	<b>33</b>	Committee Overview -----	<b>60</b>
Veterans Court -----	<b>35</b>	ND Board of Law Examiners 2021 Report -----	<b>61</b>
Juvenile Drug Court 2021 Statistics -----	<b>36</b>	Lawyer Disciplinary Board 2021 -----	<b>64</b>
		Judicial Conduct Commission -----	<b>66</b>
		List of Committees, Boards and Commissions -----	<b>67</b>

## 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

87 COURTS  
61 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.





# OVERVIEW SUPREME COURT

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.



**Supreme Court Authored  
Majority Opinions:**

**278**



**2021 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.**





## NORTH DAKOTA SUPREME COURT

# Justices Serving in 2021

The five Justices of the North Dakota Supreme Court meet nearly every week to hear oral argument and discuss cases and administrative matters. In addition, each Justice spends significant time reading briefs and writing opinions. The Justices are assisted by judicial assistants, law clerks, and staff attorneys.



## JUSTICE JON J. JENSEN

### **Born**

1965 in Grand Forks, ND

### **Education**

Minnesota State University in Mankato, BS in Accounting, 1987; University of North Dakota School of Law, 1990

### **Prior Experience**

Law clerk North Dakota Supreme Court, private practice, District Court Judge

### **Appointed**

2017 by Governor Doug Burgum; elected as new Chief Justice in December 2019 effective Jan. 1, 2020 and re-elected for a full five-year term in December 2020.



## JUSTICE GERALD W. VANDEWALLE

### **Born**

1933 in Noonan, ND

### **Education**

University of North Dakota School of Business, BS, 1955; University of North Dakota School of Law, 1958

### **Prior Experience**

Special Assistant Attorney General, First Assistant Attorney General

### **Appointed**

1978 by Governor Arthur Link; elected Chief Justice 1993; re-elected chief five consecutive terms; stepped down as chief Jan. 1, 2020.



## JUSTICE DANIEL J. CROTHERS

### **Born**

1957 in Fargo, ND

### **Education**

University of North Dakota, 1979; University of North Dakota School of Law, 1982

### **Prior Experience**

Law clerk New Mexico Court of Appeals; assistant state's attorney in Walsh County; private practice

### **Appointed**

2005 by Governor John Hoeven



## JUSTICE LISA FAIR MCEVERS

### **Born**

1962 Minto, ND

### **Education**

University of North Dakota, BBA in Information Management, 1993; University of North Dakota School of Law, 1997

### **Prior Experience**

Law clerk for North Dakota Supreme Court; private practice; Cass County Assistant State's Attorney; North Dakota Commissioner of Labor; District Court Judge

### **Appointed**

2014 by Governor Jack Dalrymple



## JUSTICE JEROD E. TUFTE

### **Born**

1975 in Minot, ND

### **Education**

Case Western Reserve University, BS in Computer Engineering, 1997; Arizona State University College of Law, 2002

### **Prior Experience**

Law clerk United States Court of Appeals; private practice; Kidder County and Sheridan County State's Attorney; governor's legal counsel; JAG officer Army National Guard; District Court Judge

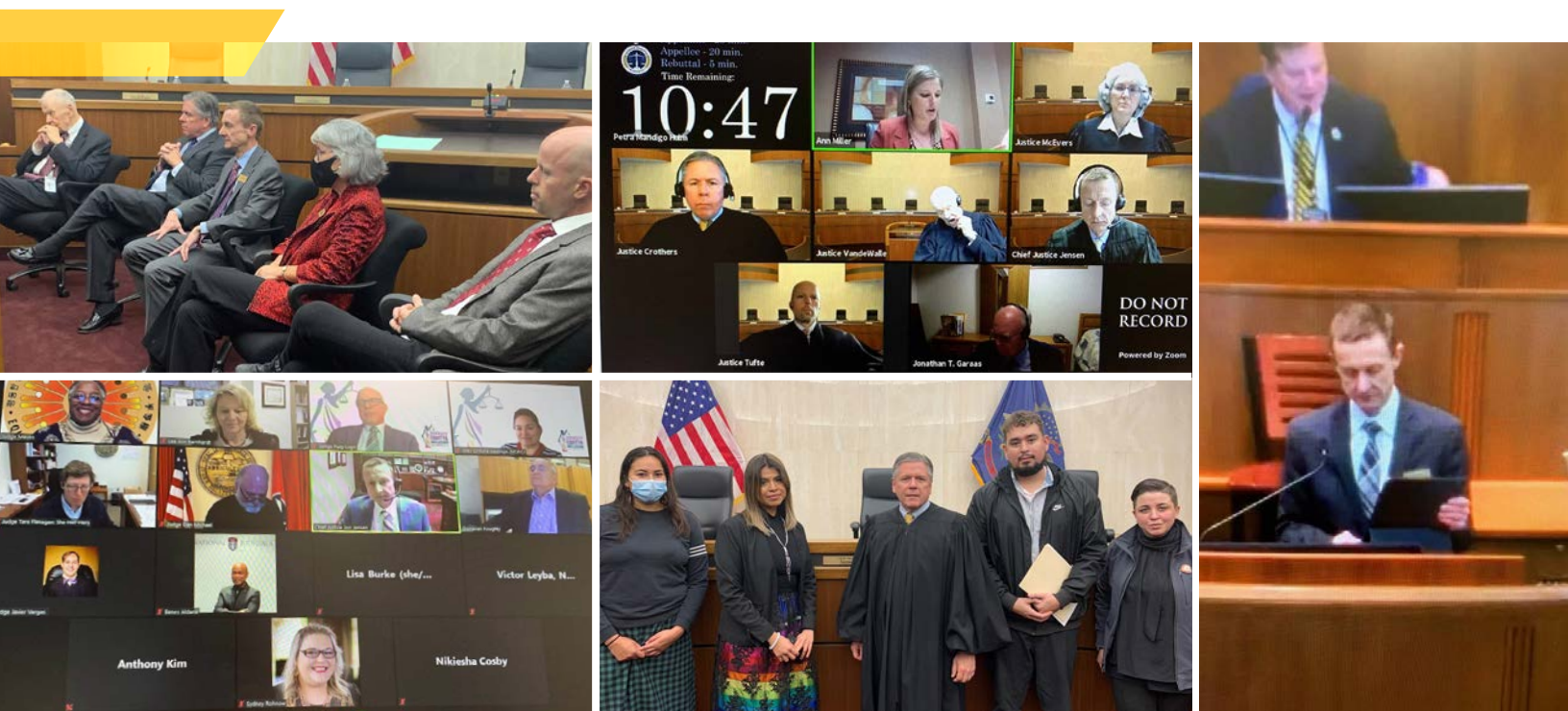
**Elected** 2016, 10-year term

# 2021 NORTH DAKOTA SUPREME COURT

By Petra H. Mandigo Hulm, Clerk of the Supreme Court

The number of new cases filed in the Supreme Court remained among the lowest in the last 10 years, likely in part due to the continued global COVID-19 pandemic.

In 2020 and to ensure continuation of court operations during the COVID-19 pandemic, the Supreme Court began holding oral argument virtually by reliable electronic means. Seizing an opportunity to enhance access to the court for all parties, the court continued to offer virtual oral argument to those who consent to its use. To enhance public access to the court, and after requesting public comment, the Court also continued to livestream audio and video of oral argument on YouTube.



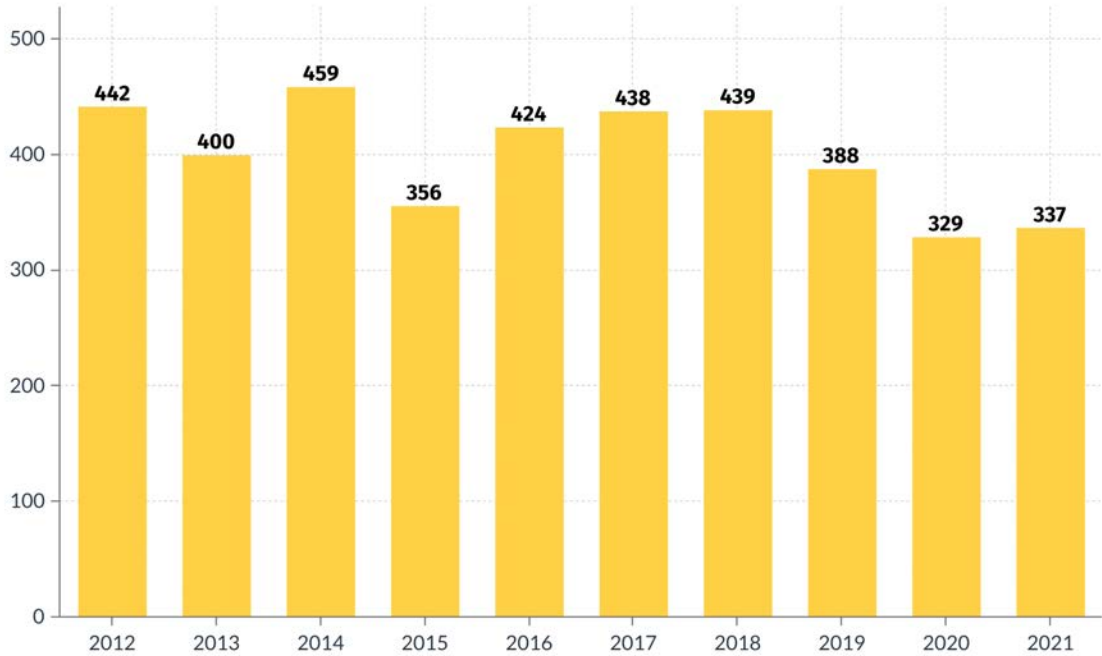


## 2021 NORTH DAKOTA SUPREME COURT

# Caseload Highlights

In 2021, case filings increased 3% from 2020. The number of cases on appeal for the past 10 years is reflected in the figure below.

### Supreme Court Case Filings Per Year





## CIVIL FILINGS

Civil matters accounted for 69% of the total caseload. The percent of all civil filing categories was consistent with 2020.

- Family-related appeals increased 56% as compared to 2020. Family related appeals remain the largest percentage of both civil filings and overall filings. Family-related appeals accounted for 18% of the overall caseload and 27% of the civil caseload.
- Juvenile appeals, including delinquent and unruly and termination of parental rights, increased 71% as compared to 2020. Those matters accounted for 10% of the overall caseload and 15% of the civil caseload.
- Civil commitment of sexually dangerous individual appeals increased 67% as compared to 2020.
- The Court considered seven petitions for original writs.

## CRIMINAL FILINGS

Criminal matters accounted for 31% of the total caseload. Criminal appeals increased 7% as compared to 2020.

- Matters involving drugs and driving under the influence decreased 29% as compared to 2020. Those matters accounted for 3% of the overall caseload and 9% of the criminal caseload.
- Matters involving assault, homicide, sexually related offenses, and felonies increased 6% as compared to 2020. Those matters accounted for 15% of the overall caseload and 49% of the criminal caseload.
- The number of criminal DUI matters decreased 29% as compared to 2020. Those matters accounted for 3% of the overall caseload and 14% of the criminal caseload.

Oral argument was scheduled in 242 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 percent of waivers remained consistent from 2019 through 2021.

The Justices authored 278 majority opinions, a 3% increase from 2020. An additional 61 separate concurrences and/or dissents were written.

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

Twenty percent of cases disposed of in 2021 included at least one self-represented party.

## ADMINISTRATIVE FILINGS

The Court considered whether to fill, abolish or transfer two district judge vacancies. There were 16 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.

The Supreme Court continued the Taking the Court to Schools program with visits to Hazelton Public School and the University of North Dakota School of Law. The Justices also served as faculty for the 2021 Justices Teaching Institute for secondary social studies teachers and visited numerous classrooms through the Court Connections program.

# Caseload Synopsis

		2021	2020	PERCENT CHANGE
NEW FILINGS	CIVIL	238	236	1
	CRIMINAL	108	101	7
	<b>TOTAL</b>	<b>346</b>	<b>337</b>	<b>3</b>
DISPOSITIONS	CIVIL	251	264	-5
	CRIMINAL	105	109	-4
	<b>TOTAL</b>	<b>356</b>	<b>373</b>	<b>-5</b>
TRANSFERRED TO COURT OF APPEALS	CIVIL/CRIMINAL	0	0	0

## Dispositions

The number of dispositions have fallen since a peak in 2018. The chart below shows the total civil and criminal dispositions from 2012-2021.

### Supreme Court Dispositions By Year



Following is a summary Supreme Court dispositions in 2021.

<b>SUPREME COURT DISPOSITIONS BY OPINION</b>			
	<b>Civil</b>	<b>Criminal</b>	<b>Other</b>
Affirmed; Affirmed & Modified	80	35	0
Affirmed in Part & Reversed in Part, Remanded in Part, or Vacated in Part	14	0	
Affirmed in Part & Dismissed in Part	0	0	0
Affirmed by Summary Disposition	61	17	0
Remanded	0	0	0
Reversed	7	3	0
Reversed & Remanded	23	16	0
Reversed by Summary Disposition	0	0	0
Motion Denied by Opinion	0	0	0
Dismissed	8	0	0
Order/Judgment Vacated, Remanded	2	0	0
Certified Question Answered	5	0	0
Certified Question Not Answered	0	0	0
Original Jurisdiction – Granted	0	3	1
Original Jurisdiction – Denied	0	1	0
Original Jurisdiction – Granted in Part, Denied in Part	0	0	0
<b>Discipline Imposed</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>TOTAL BY OPINION</b>	<b>202</b>	<b>75</b>	<b>1</b>
<b>SUPREME COURT DISPOSITIONS BY ORDER</b>			
	<b>Civil</b>	<b>Criminal</b>	<b>Other</b>
Dismissed	35	28	0
Original Jurisdiction – Granted	3	2	0
Original Jurisdiction – Denied	1	0	1
Original Jurisdiction Granted in Part, Denied in Part	0	0	0
Notice of Appeal Void - No Filing Fee	10	NA	0
Rules - adopted or approved	NA	NA	17
No Court Action Required	0	0	1
<b>TOTAL BY ORDER</b>	<b>49</b>	<b>30</b>	<b>19</b>
<b>GRAND TOTAL DISPOSITIONS</b>	<b>251</b>	<b>105</b>	<b>20</b>





## OVERVIEW DISTRICT COURTS

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.



**Number of  
Jury Trials Statewide**

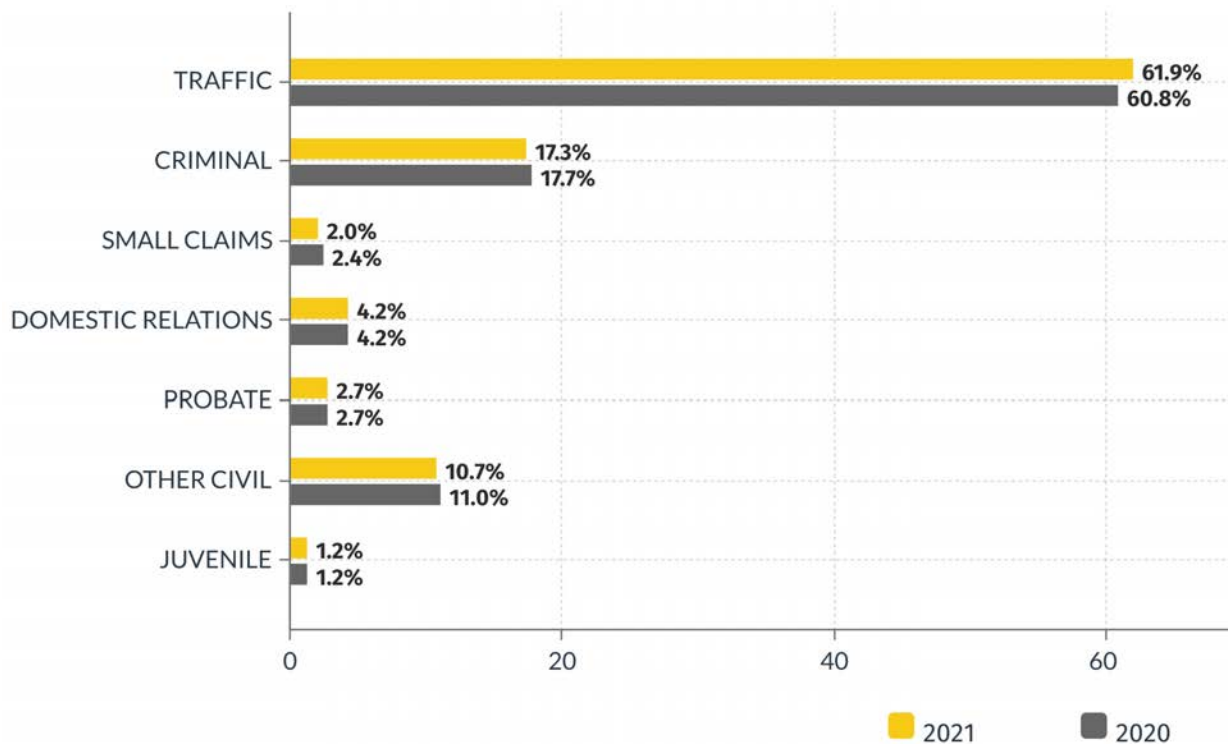
**285**

NORTH DAKOTA DISTRICT COURT

## Total District Court Caseload For Calendar Years 2021 & 2020

CASE FILINGS/ DISPOSITIONS	2021			2020			2021/2020	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	28,002	6,649	33,946	27,776	6,460	34,080	0.81%	-0.39%
Small Claims	3,108	67	3,255	3,748	109	3,958	-17.08%	-17.76%
Criminal	27,553	12,897	38,323	27,354	12,656	35,044	0.73%	9.36%
Traffic	98,579	281	102,253	94,081	323	96,654	4.78%	5.79%
Juvenile	1,885	1,506	2,901	1,853	1,731	3,040	1.73%	-4.57%
<b>Total</b>	<b>159,127</b>	<b>21,400</b>	<b>180,678</b>	<b>154,812</b>	<b>21,279</b>	<b>172,776</b>	<b>2.79%</b>	<b>4.57%</b>

## Types of Cases Filed in District Court 2021 & 2020



## NORTH DAKOTA DISTRICT COURT Jury Trials by District for 2021

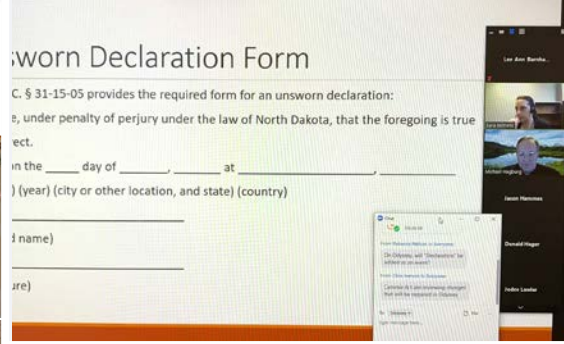
District	2021	2020
Northeast	22	11
Northeast Central	19	19
East Central	41	25
Southeast	39	23
South Central	100	32
Southwest	14	11
Northwest	24	18
North Central	26	37
<b>Total</b>	<b>285</b>	<b>176</b>

\*Based on jury trials paid.



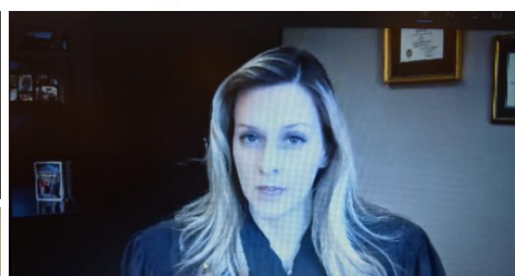
**Angela Fischer**  
Admin · February 10 at 9:18 AM · 🌐

Today, we had a presentation by Lindsey Nieuwsma, who shared about her career as a Judicial Referee. It has been so much fun learning from community helpers! 🙌



**Angela Fischer**  
Admin · February 20 at 8:13 AM · 🌐

Yesterday, we had a presentation by Pam Nesvig, who shared about her career as a Judge. It has been so much fun learning from community helpers! 🙌



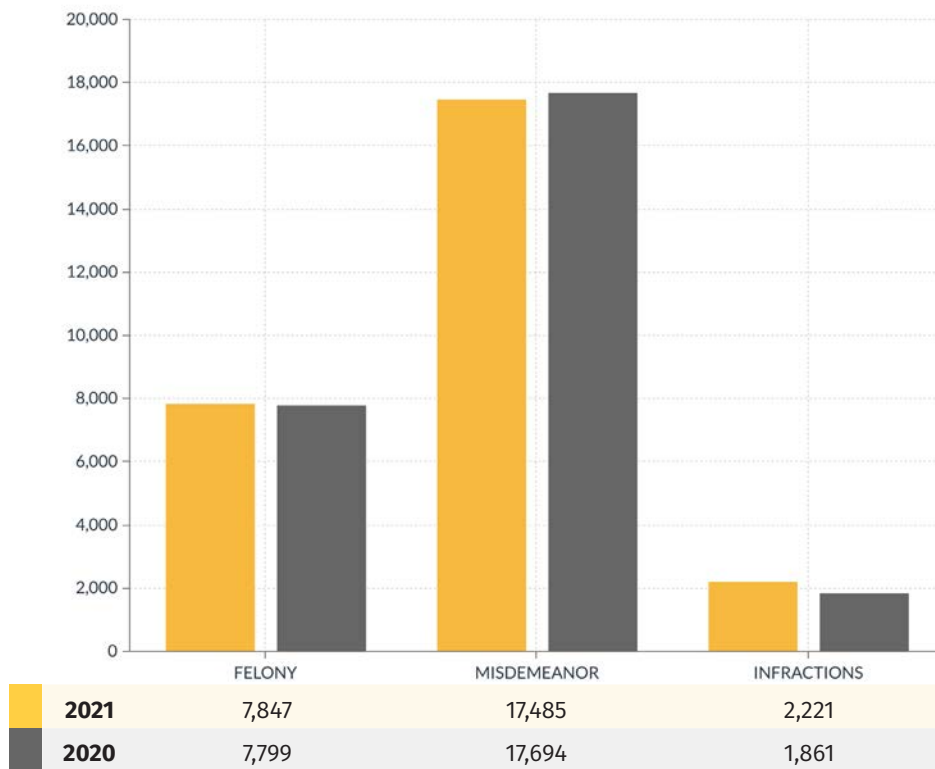


NORTH DAKOTA DISTRICT COURT

# Criminal Caseload 2021

Total criminal filings increased by 0.7% from 2020 to 2021 with 27,553 cases filed compared to 27,354. Felony filings increased by 0.6%; misdemeanors decreased by 1.2%; and infractions increased by 19.3%. Misdemeanors made up 63% of total criminal filings; felonies 29%; and infractions 8%.

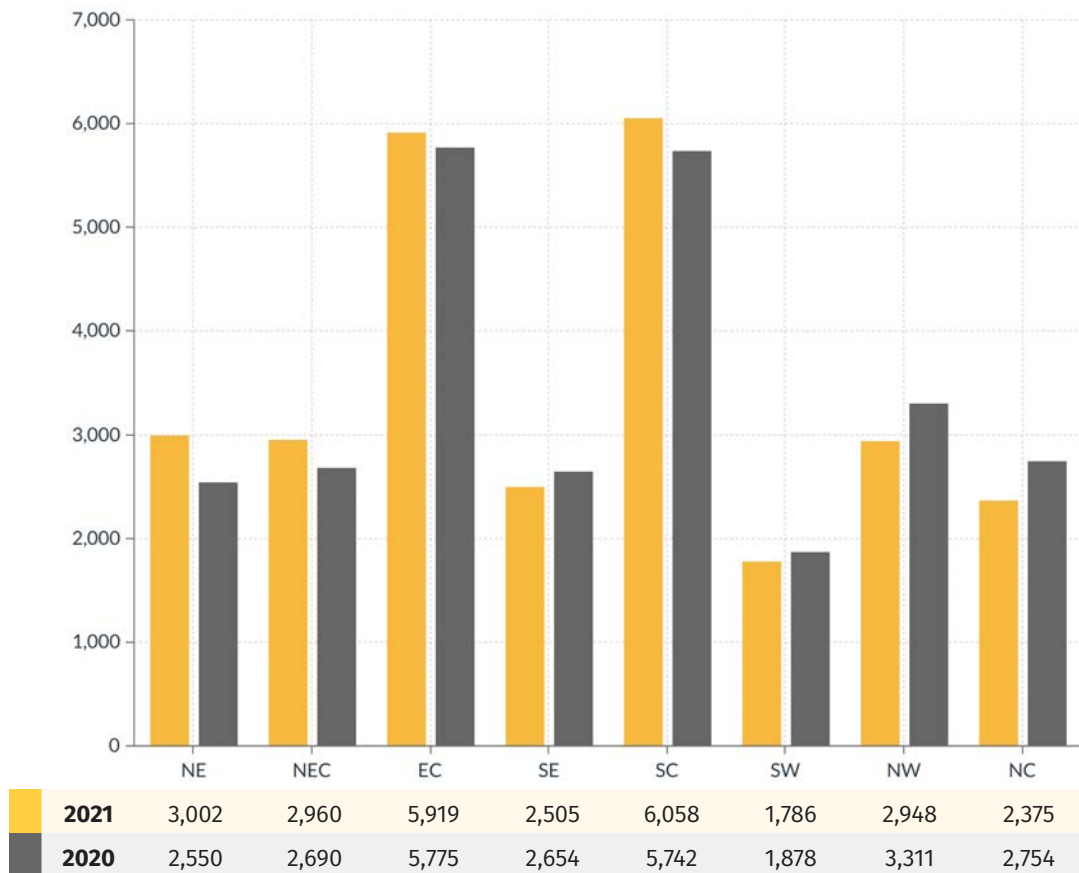
## ND District Courts Criminal Caseload for 2021 & 2020





NORTH DAKOTA DISTRICT COURT

# ND Criminal Caseload By District Court for 2021 & 2022



NORTH DAKOTA DISTRICT COURT

# Civil Caseload 2021

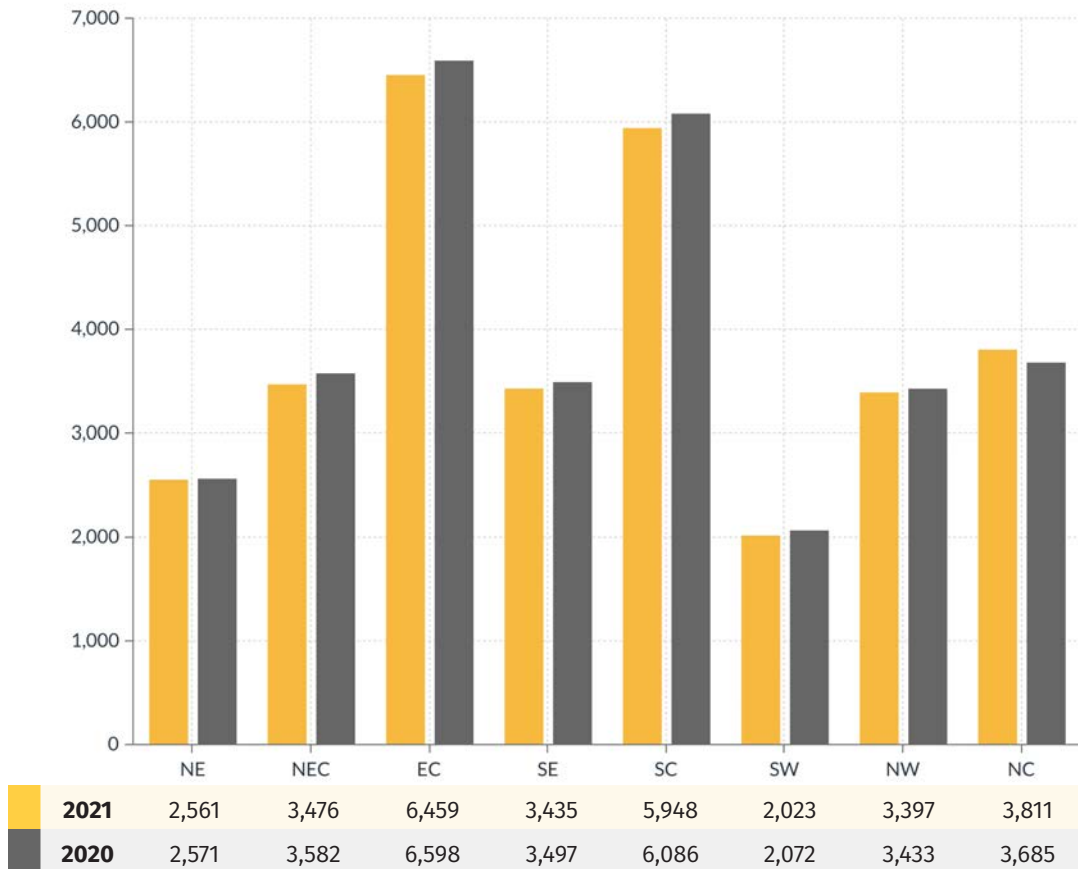
Civil filings decreased by 414 or 1.3% in 2021 with total case filings of 31,110. There were 3,108 small claims cases in 2021, which is a reduction of 640 as compared to 2020. Domestic relations cases increased by 86 or 1.3%, probate/guardianship cases increased by 211 or 5.2%, and other civil cases decreased by 71 or 0.4% in 2021.

Contract/collection (65%), forcible detainer (14%) and civil commitment (8%) cases account for the majority of the 17,052 other civil case types. Contract/collection increased by 5 cases or 0.0%, forcible detainer decreased by 119 cases or 4.7% and civil commitment increased by 94 cases or 7.6% as compared to 2020.

There were 6,643 domestic relations case filings in 2021, consisting of the following: divorce (34%); protection/retraining orders (31%); support proceedings (19%); paternity (4%); adoption (6%); parenting responsibility (6%) and termination of parental rights (less than 1%).

Total divorce filings in 2021 were 2,276 compared to 2,241 in 2020. Support proceedings decreased by 19.8% with 1,236 cases filed, and protection/retraining order filings increased by 12.8% with 2,068 cases filed.

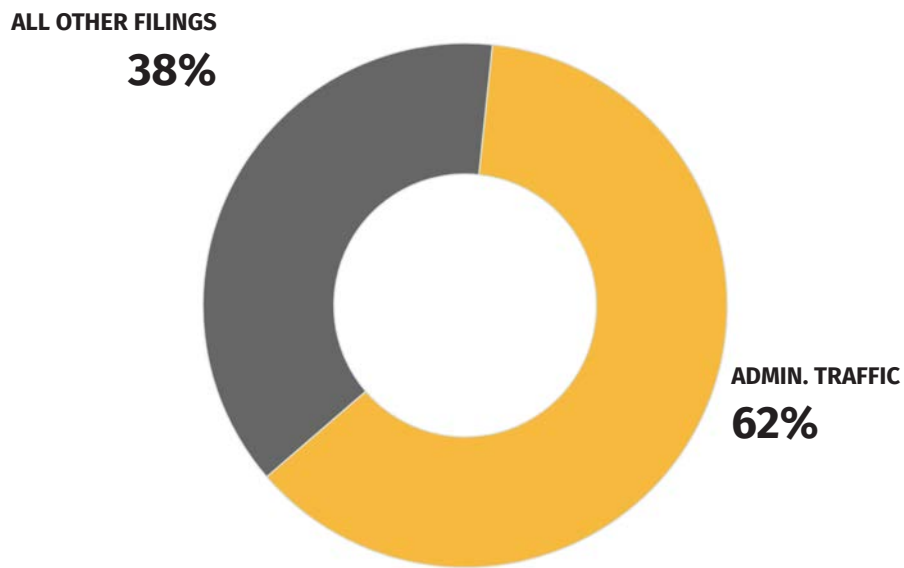
## ND Civil Caseload for District Courts for 2021 & 2020



## Administrative Traffic Cases 2021

Administrative traffic filings increased by 4,498 (4.8%) from 2020. These cases make up 62% 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 - 2021



	2021	2020
ADMIN. TRAFFIC		
CASE FILINGS	98,579	94,081
CASE RE-OPENS	281	323
CASE DISPOSITIONS	102,253	96,654



## NORTH DAKOTA DISTRICT COURT

# District Court Judges Serving in 2021 & Chambered Cities

Kari M. Agotness – Cavalier  
Douglas A. Bahr – Bismarck  
Susan L. Bailey – Fargo  
Anthony Swain Benson – Bottineau  
Mark T. Blumer – Valley City  
Daniel J. Borgen – Bismarck  
Reid A. Brady – Fargo  
Cherie L. Clark – Jamestown  
Todd Cresap – Minot  
Bradley A. Cruff – Wahpeton  
Rhonda R. Ehlis – Dickinson  
Daniel S. El-Dweek – Watford City  
Cynthia M. Feland – Bismarck  
Laurie A. Fontaine – Cavalier/Langdon  
(Retired January 2021)  
Donovan Foughty – Devils Lake  
James D. Gion – Dickinson  
Dann E. Greenwood – Dickinson  
John W. Grinsteiner – Mandan (Retired August 2021)  
Richard L. Hagar – Minot  
Donald Hager – Grand Forks  
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  
Lindsey Nieuwsma – Mandan  
Lonnie Olson – Devils Lake  
Thomas R. Olson – Fargo  
David E. Reich – Bismarck  
Bruce A. Romanick – Washburn  
Lolita G. Romanick – Grand Forks  
Joshua B. Rustad – Williston  
Robin A. Schmidt – Watford City  
Jay A. Schmitz – Valley City  
Kirsten M. Sjue – Williston  
Stephannie N. Stiel – Fargo  
Bonnie L. Storbakken – Mandan  
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 2021

Dan Gast – Fargo  
Scott Griffeth – Fargo (Retired October 2021)  
Jason Hammes – Bismarck  
Stephanie Hayden – Fargo  
Connie Portscheller – Minot  
Krista Thompson – Bismarck





## 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

### **2021 Presiding Judges**

Northeast Judicial District

Judge Donovan J. Foughty

Northeast Central Judicial District

Judge Donald Hager

East Central Judicial District

Judge John C. Irby

Southeast Judicial District

Judge Daniel D. Narum

South Central Judicial District

Judge Bruce Romanick

Southwest Judicial District

Judge William Herauf

Northwest Judicial District

Judge Robin A. Schmidt

Northwest Central Judicial District

Judge Gary H. Lee



Northwest Judicial District  
 Number of Judges: 6  
 Number of Counties: 3

Northeast Judicial District  
 Number of Judges: 6  
 Number of Counties: 11

Southwest Judicial District  
 Number of Judges: 4  
 Number of Counties: 8

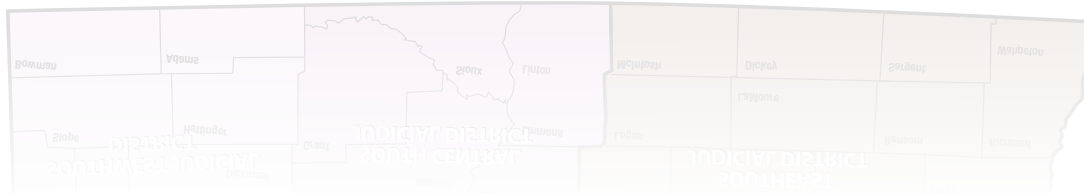
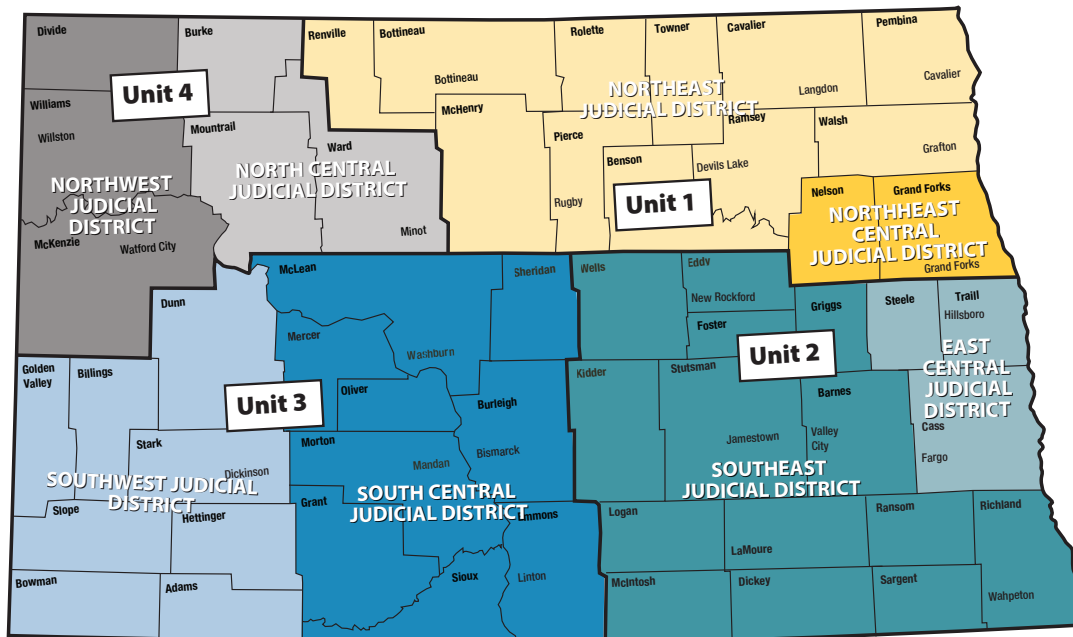
Southeast Judicial District  
 Number of Judges: 7  
 Number of Counties: 14

North Central Judicial District  
 Number of Judges: 5  
 Number of Counties: 3

Northeast Central Judicial District  
 Number of Judges: 5  
 Number of Counties: 2

South Central Judicial District  
 Number of Judges: 10  
 Number of Counties: 9

East Central Judicial District  
 Number of Judges: 9  
 Number of Counties: 3





NORTH DAKOTA DISTRICT COURT

# Case Filings by Judicial District 2021 and 2020

## Northeast Central District Court Caseload For Calendar Years 2021 & 2020

CASE FILINGS/ DISPOSITIONS	2021			2020			2021/2020	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,979	587	3,483	3,047	516	3,585	-2.23%	-2.85%
Small Claims	497	5	499	535	4	564	-7.10%	-11.52%
Criminal	2,960	1,224	3,989	2,690	1,262	3,426	10.04%	16.43%
Traffic	9,665	31	10,046	8,791	35	9,043	9.94%	11.09%
Juvenile	278	212	431	311	291	544	-10.61%	-20.77%
<b>Total</b>	<b>16,379</b>	<b>2,059</b>	<b>18,448</b>	<b>15,374</b>	<b>2,108</b>	<b>17,162</b>	<b>6.54%</b>	<b>7.49%</b>

## Northeast District Court Caseload For Calendar Years 2021 & 2020

CASE FILINGS/ DISPOSITIONS	2021			2020			2021/2020	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,345	627	3,002	2,272	642	3,069	3.21%	-2.18%
Small Claims	216	1	224	299	10	324	-27.76%	-30.86%
Criminal	3,002	1,230	4,065	2,550	1,336	4,173	17.73%	-2.59%
Traffic	11,065	32	11,329	8,983	29	9,330	23.18%	21.43%
Juvenile	174	173	316	195	189	321	-10.77%	-1.56%
<b>Total</b>	<b>16,802</b>	<b>2,063</b>	<b>18,936</b>	<b>14,299</b>	<b>2,206</b>	<b>17,217</b>	<b>17.50%</b>	<b>9.98%</b>



NORTH DAKOTA DISTRICT COURT

## Case Filings by Judicial District 2021 and 2020

### East Central District Court Caseload For Calendar Years 2021 & 2020

CASE FILINGS/ DISPOSITIONS	2021			2020			2021/2020	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,568	1,203	6,683	5,434	1,126	6,462	2.47%	3.42%
Small Claims	891	21	944	1,164	28	1,259	-23.45%	-25.02%
Criminal	5,919	1,759	6,807	5,775	1,863	6,621	2.49%	2.81%
Traffic	13,249	31	13,764	14,526	44	14,898	-8.79%	-7.61%
Juvenile	524	254	667	482	256	668	8.71%	-0.15%
<b>Total</b>	<b>26,151</b>	<b>3,268</b>	<b>28,865</b>	<b>27,381</b>	<b>3,317</b>	<b>29,908</b>	<b>-4.49%</b>	<b>-3.49%</b>

### Southeast District Court Caseload For Calendar Years 2021 & 2020

CASE FILINGS/ DISPOSITIONS	2021			2020			2021/2020	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,021	915	3,813	3,014	959	3,983	0.23%	-4.27%
Small Claims	414	8	440	483	14	486	-14.29%	-9.47%
Criminal	2,505	1,043	3,463	2,654	977	3,435	-5.61%	0.82%
Traffic	14,346	48	14,804	13,608	64	13,880	5.42%	6.66%
Juvenile	93	120	210	136	144	245	-31.62%	-14.29%
<b>Total</b>	<b>20,379</b>	<b>2,134</b>	<b>22,730</b>	<b>19,895</b>	<b>2,158</b>	<b>22,029</b>	<b>2.43%</b>	<b>3.18%</b>



NORTH DAKOTA DISTRICT COURT

# Case Filings by Judicial District 2021 and 2020

## South Central District Court Caseload For Calendar Years 2021 & 2020

CASE FILINGS/ DISPOSITIONS	2021			2020			2021/2020	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,417	1,294	6,565	5,522	1,302	6,770	-1.90%	-3.03%
Small Claims	531	12	548	564	20	585	-5.85%	-6.32%
Criminal	6,058	2,107	7,972	5,742	2,184	6,472	5.50%	23.18%
Traffic	17,388	25	17,939	16,415	33	16,954	5.93%	5.81%
Juvenile	395	268	591	299	295	499	32.11%	18.44%
<b>Total</b>	<b>29,789</b>	<b>3,706</b>	<b>33,615</b>	<b>28,542</b>	<b>3,834</b>	<b>31,280</b>	<b>4.37%</b>	<b>7.46%</b>

## Southwest District Court Caseload For Calendar Years 2021 & 2020

CASE FILINGS/ DISPOSITIONS	2021			2020			2021/2020	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	1,930	504	2,328	1,952	422	2,335	-1.13%	-0.30%
Small Claims	93	4	100	120	4	114	-22.50%	-12.28%
Criminal	1,786	1,065	2,431	1,878	1,141	2,433	-4.90%	-0.08%
Traffic	9,759	39	10,156	8,883	43	8,961	9.86%	13.34%
Juvenile	77	42	103	93	97	171	-17.20%	-39.77%
<b>Total</b>	<b>13,645</b>	<b>1,654</b>	<b>15,118</b>	<b>12,926</b>	<b>1,707</b>	<b>14,014</b>	<b>5.56%</b>	<b>7.88%</b>



NORTH DAKOTA DISTRICT COURT

# Case Filings by Judicial District 2021 and 2020

## Northwest District Court Caseload

For Calendar Years 2021 & 2020

CASE FILINGS/ DISPOSITIONS	2021			2020			2021/2020	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,226	715	3,852	3,176	645	3,791	1.57%	1.61%
Small Claims	171	7	200	257	20	262	-33.46%	-23.66%
Criminal	2,948	1,482	4,108	3,311	1,365	3,899	-10.96%	5.36%
Traffic	11,972	32	12,624	11,728	40	12,050	2.08%	4.76%
Juvenile	127	137	205	131	172	242	-3.05%	-15.29%
<b>Total</b>	<b>18,444</b>	<b>2,373</b>	<b>20,989</b>	<b>18,603</b>	<b>2,242</b>	<b>20,244</b>	<b>-0.85%</b>	<b>3.68%</b>

## North Central District Court Caseload

For Calendar Years 2021 & 2020

CASE FILINGS/ DISPOSITIONS	2021			2020			2021/2020	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,516	804	4,220	3,359	848	4,085	4.67%	3.30%
Small Claims	295	9	300	326	9	364	-9.51%	-17.58%
Criminal	2,375	2,987	5,488	2,754	2,528	4,585	-13.76%	19.69%
Traffic	11,135	43	11,591	11,147	35	11,538	-0.11%	0.46%
Juvenile	217	300	378	206	287	350	5.34%	8.00%
<b>Total</b>	<b>17,538</b>	<b>4,143</b>	<b>21,977</b>	<b>17,792</b>	<b>3,707</b>	<b>20,922</b>	<b>-1.43%</b>	<b>5.04%</b>



## OVERVIEW 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.

There are both adult and juvenile specialized dockets in North Dakota. There are juvenile drug courts, an adult treatment court, and a domestic violence court. A veterans treatment court has been authorized and should begin operating in 2022.



**Participants served in  
Juvenile Drug Courts**

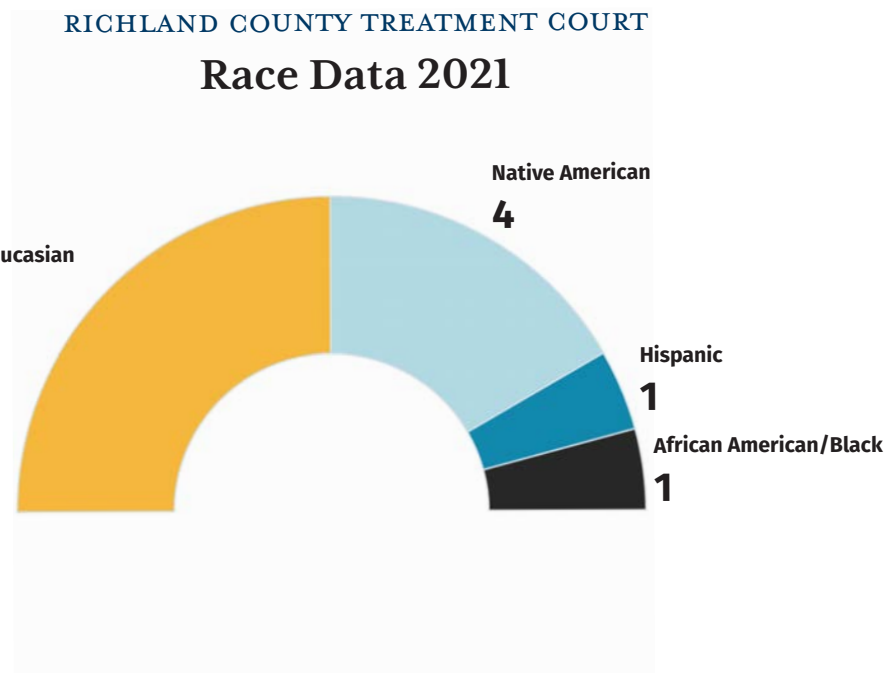
**72**

SPECIALIZED DOCKETS

## Richland County Treatment Court

Richland County Treatment Court, located in Wahpeton, continues to accept alcohol and drug related non-violent offenders in their treatment court. The applicants must be a resident of Richland County. The Hon. Brad Cruff serves as the primary judge. This court is managed by the Administrative Office of the Courts, while the other adult drug courts continue to be managed by the Department of Corrections.

The team follows the 10 Guiding Principles for Treatment Courts and was granted a Tune-Up Training from the National Drug Court Institute in 2022. The Southeast Human Service Center provides treatment support for the participants of the program.



### Overall Statistics From Start Date

	Individuals Screened	Participants Admitted	Current	Graduated	Suspended	Terminated	Obtained Employment	Obtained Housing
2021	18	12	9	1	2	0	9	6
2020	6	6	2	1	0	2	4	4



## Grand Forks County Domestic Violence Court

Since its initial beginning in 2018, the single Domestic Violence (DV) Court in the North Dakota Court System continues to be located in Grand Forks. Judges Jason McCarthy and Jay Knudson preside over the post-judgment model court. The goals of the court are to increase offender compliance with court orders, reduce recidivism, enhance victim safety and increase the effectiveness/efficiency of court processes relating to domestic violence cases.

Under N.D.C.C 12.1-17-13, any sentence of a domestic violence offender must include an order to complete

an evaluation as well as follow-through with program recommendations including the New Choices program administered by the Community Violence Intervention Center (CVIC). CVIC monitors individual compliance after conviction and provides coordination services to the DV Court.

The DV Court tracks data to assist with monitoring progress as well as attempting to enhance the effectiveness of the program.



## Domestic Violence Court

### Participation and Completion Rates

#### Calendar Years 2019 - 2021

	2019	2020	2021
# DV Court Sessions Held	21	16	17
# Defendants ordered into DV Court*	108	126	129
Male	93 (86%)	104 (83%)	107 (83%)
Female	15 (14%)	22 (17%)	22 (17%)
# DV Court Participants Completed**	33	67	68
Male	24 (73%)	57 (85%)	53 (78%)
Female	9 (27%)	10 (15%)	15 (22%)
# DV Court Post-Sentence Review (DVCPSR) Hearings by Case	459	284***	478
# OSC Hearings by Case	103	15	1
<b>Total Cases Heard in DV Court</b>	562	299	479
# DV Court Participant Hearing Attended Status:			
Attended/Appeared	292 (78%)	176 (70%)	333 (77%)
Bench Warrant	84 (22%)	74 (30%)	97 (23%)
# OSC Defendant Hearing Attended Status:			
Attended/Appeared	54 (62%)	5 (33%)	0 (0%)
Bench Warrant	33 (38%)	10 (66%)	1 (100%)
# Unduplicated Participants with a scheduled Post-Sentence Review Hearing (During the reporting period only)	124	136	175
Male	104 (84%)	113 (83%)	149 (85%)
Female	20 (16%)	23 (17%)	26 (15%)

\*Some defendants were ordered to DV Court in multiple cases. \*\*Participants that completed during each reporting period could also include cases that were ordered the year(s) before. \*\*\*Due to COVID-19 there were four DV Court sessions that were cancelled in April and May 2020. As DV Court hearings resumed in June 2020, the focus was primarily on non-compliant participants which resulted in less cases on the calendar per session. These are the primary reasons for the decrease in hearings in 2020.

Note regarding decrease in DV Court Sessions: In 2020, there were no DV Court sessions held in April or May due to COVID-19 and an order suspending all specialty court hearings, which resulted in four cancelled DV Court sessions. In early 2020, DV Court switched from Wednesdays to Mondays. Although there were not any DV Court sessions in 2020 that fell on holidays, in 2021 there were four DV Court sessions that fell on Monday holidays and one session that was cancelled due to weather on December 27th, 2021.

## Veteran's Treatment Court to Start in 2022

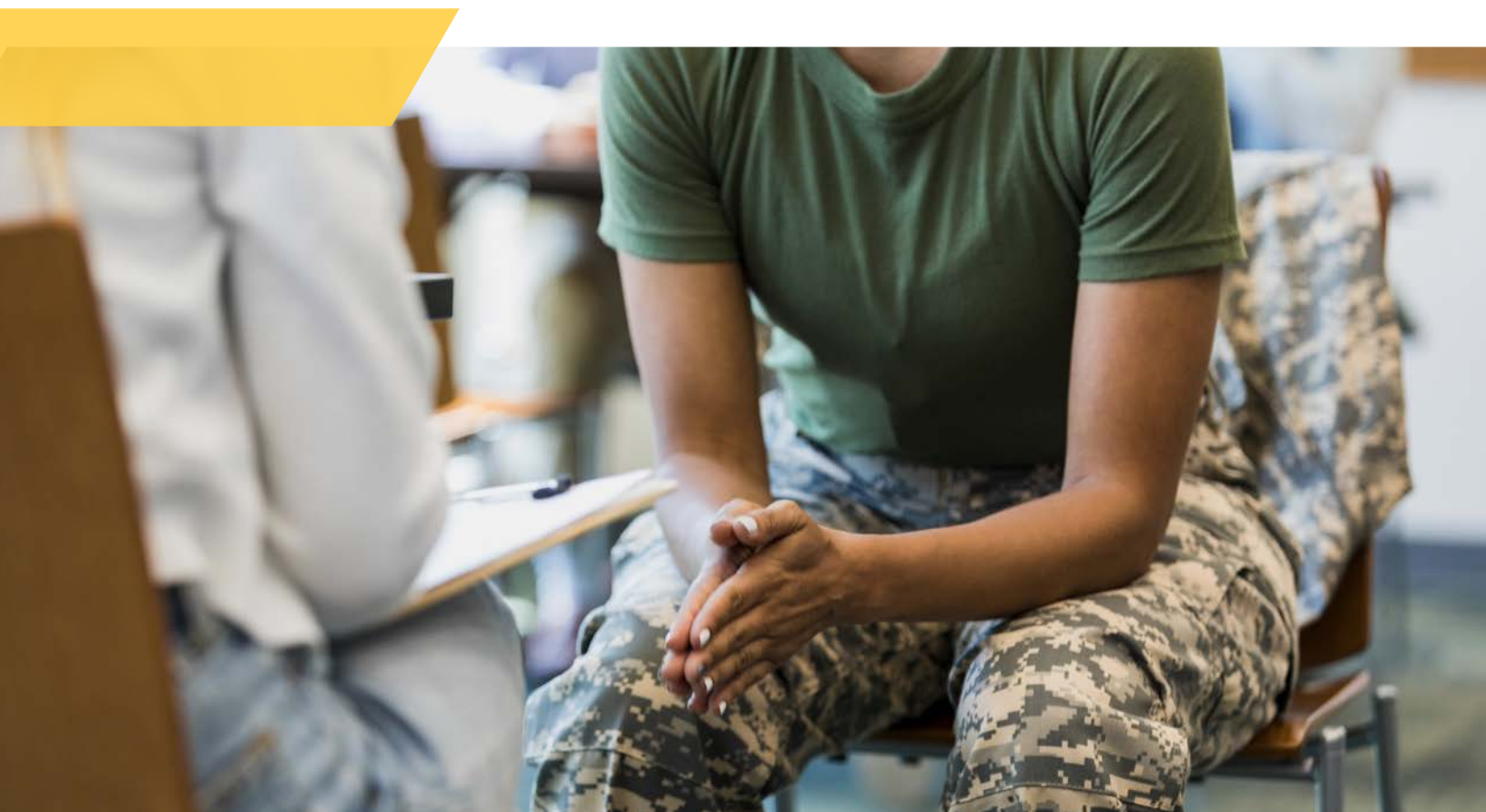
Authorization to add a Veteran's Treatment docket was approved during the 2021 Legislative session. Since then, a Veteran's Treatment Court working group from the Northeast Central Judicial District has met to consider research, analysis, and background information relating to the creation of the first specialized docket for veterans in North Dakota.

A veterans treatment docket is a district court supervised docket approved by the ND Supreme Court which combines judicial supervision with licensed treatment programs to treat substance use disorders, mental health conditions, behavioral health conditions, traumatic brain injuries, military sexual trauma, and co-occurring disorders. The Supreme Court may adopt rules, including rules of procedure, for the specialized docket.

The working group has developed a program, drafted a policy manual, and hired a coordinator. The group consists

of representatives from the following: North Dakota Department of Veterans Affairs, North Dakota Veteran's Services officers, Adjutant General's office, veterans, state's attorney office, public defense bar, Department of Corrections and Rehabilitation, Job Service North Dakota, North Dakota Behavioral Health, law enforcement, Northeast Department of Human Services; legislators, judges, and court system staff.

The treatment court plans to begin operating in July 2022. To be eligible for this specialized docket, participants need to be a current or former member of the U.S. Armed Forces (Navy, Marines, Army, Air Force or Space Force) or the Army or Air Force National Guard or Reserves. The program will serve veterans residing in Grand Forks and Nelson counties. The mission of the Northeast Central Judicial District's Veterans Treatment Court is to promote recovery, stability, and accountability for veterans involved in the justice system through supervision and service-oriented mentorship.



## Juvenile Drug Courts 2021

North Dakota currently has six juvenile drug courts located in Bismarck, Fargo, Devils Lake, and Grand Forks. Minot/Williston and Jamestown/Valley City are held by video conferencing. During 2021, the courts met in person or virtual when needed. The courts have experienced struggles with keeping the participants engaged through virtual court and telehealth for treatment.

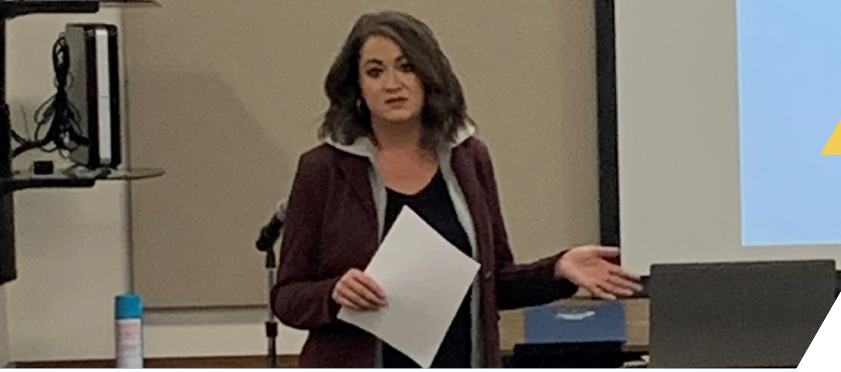
The Upper Midwest Drug Court Conference was canceled due to presenters from across the country not being allowed to travel. A smaller conference is planned for June 2022. Team members from the South Central Juvenile Drug Court and the Minot/Williston Drug Court were able to travel to California to attend the National Association of Drug Court Professionals Conference (NADCP). Those that could not travel had the opportunity to attend most of the presentations by webinars sponsored by the NADCP.

Judge Pamela Nesvig was appointed as the chair of the Juvenile Drug Court Advisory Committee replacing Chief Justice Jon Jensen. The Juvenile Drug Court Advisory Committee sets the policies and guidelines for the state's juvenile drug courts. An updated screening tool was developed and went into place January 1, 2021, to ensure that all youth meeting the criteria are accepted into juvenile drug court.

Youth from the Spirit Lake Nation Tribal Court are now participating in the Devils Lake Juvenile Drug Court. A Memorandum of Understanding between the Devils Lake Juvenile Drug Court and the Spirit Lake National Tribal Court allows youth to participate. Spirit Lake's probation officer also participates on the drug court team. Youth referred by the Division of Juvenile Services, who meet the criteria, have also been accepted into the Devils Lake Juvenile Drug Court. The DJS officer is also a member of the drug court team.

### 2021 Juvenile Drug Court Statistics By Individual Court

	Grand Forks	Fargo	Bismarck	Minot/	Devils Lake	Stutsman/ Barnes	Totals
Individual Participants Served	16	17	14	15	4	6	72
New Participants Admitted	10	7	14	7	3	3	44
Current Participants	6	7	4	7	4	3	31
Suspended	1	0	1	1	0	0	3
Treatment Hours Administered	422	251	349	519	46	79	1666
Drug Tests Administered	1021	418	376	469	27	184	2495
Obtained GED/Diploma	2	3	0	0	0	0	5
Community Service Hours	59	89	76	119	0	134	477
Graduations	4	4	1	4	0	0	13
Average Months in program	11	12	8	13	0	0	7.33
Terminations	6	8	8	4	2	3	31
Average Months in program	7	4	4	9	22	7	9



## 2021 Race and Gender Data For Individual Courts

Court	Caucasian	Native American	Hispanic	African American	Other Race	Male	Female
Grand Forks	5	5	4	2	0	13	3
Fargo	14	1	1	1	0	7	10
Bismarck	10	2	1	1	0	10	4
Minot/Williston	11	3	0	0	1	9	6
Devils Lake	0	4	0	0	0	3	1
Stutsman/Barnes	4	1	1	0	0	5	1
<b>Total</b>	<b>44</b>	<b>16</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>47</b>	<b>25</b>

## Overall Statistics From Start Date

Started	Court	Graduations	Terminations	Deceased	Total
May – 2000	Grand Forks	106	117	0	223
May – 2000	Fargo	112	168	1	281
Oct – 2003	Bismarck	78	108	0	186
Jan – 2007	Minot/Williston	33	50	0	83
Jan – 2009	Devils Lake	14	38	0	52
Jan – 2013	Stutsman/Barnes	21	24	0	45
<b>Totals</b>		<b>364</b>	<b>505</b>	<b>1</b>	<b>870</b>



# OVERVIEW JUVENILE COURT

## 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 in 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 court empowers victims, encourage community participation, and support parental responsibility.



**Total Juvenile  
Court Referrals:**

**9,514**

# Juvenile Court Case Data 2021

### 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. On August 1, 2021, minor in consumption and minor in possession moved from the unruly category to the delinquent category due to legislative changes. Therefore, all minor in consumption and minor in possession that occurred after July 31, 2021, were added to the delinquent category.

### Child in Need of Protection and Termination of Parental Rights Case Referrals:

In August of 2021, the deprived case type was renamed Child in Need of Protection. 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.

In 2021, unruly offenses (offenses that only a child can commit) made up 26% of juvenile court referrals, a child in need of protection/termination of parental rights referrals made up 21%, and delinquent referrals were 52%.

## Total Referrals Trend

	Unruly	Delinquent	Deprivation	Totals
2021	2486	4985	2043	<b>9514</b>
2020	2613	3727	2537	<b>8877</b>
2019	2645	4597	2858	<b>10100</b>
2018	2408	4332	3349	<b>10089</b>
2017	2603	4744	3273	<b>10620</b>
2016	2467	4461	2839	<b>9767</b>

## Total Referrals by Case Type

	2021	2020	2019	2018	2017	2016
Against Person	1276	871	1048	1047	907	834
Property Offenses	1127	1035	1341	1010	1449	1327
Public Order	1012	749	1149	992	1051	980
Unruly	2486	2613	2645	2408	2603	2467
Deprivation	2043	2537	2858	3349	3273	2839
Traffic	253	216	201	243	239	261
Drug Related Offenses	1317	856	858	1040	1098	1059
<b>TOTAL</b>	<b>9514</b>	<b>8877</b>	<b>10100</b>	<b>10089</b>	<b>10620</b>	<b>9767</b>



## NORTH DAKOTA JUVENILE COURT

# Juvenile Court Case Data 2021

### Juvenile Court Recidivism Rate

The juvenile court defines recidivism as youth under community supervision (formal and informal) for a delinquent act that either admit or are adjudicated within three years of probation supervision closure or termination. (Note that this does not include referrals disposed of by diversion). Over the past two years, the North Dakota Juvenile Court has monitored youth recidivism rates. The recidivism rate is calculated one year after a youth is placed on probation. The recidivism rate in 2021 is 20% compared to the 2020 rate of 16%

### 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 2021 the juvenile court received and reviewed the following:

#### *Guardianship of Minor Cases:*

- o New Filings: 252
- o Review Hearings: 223

### *Qualified Residential Treatment Placement*

When a North Dakota Human Service Zone places youth in a Qualified Residential Treatment Facility, they must first have an assessment done by Maximus Ascend to ensure the placement is appropriate. If the placement is found to be appropriate, the placement process must then be reviewed by the juvenile court director.

In 2021 the juvenile court received 181 assessments from Maximus Ascend. The juvenile court director or designee reviewed 157 approvals. Twenty-four of the placements were denials which are not reviewed by the juvenile court.



## Court Improvement Program 2021 Update

The Court Improvement Program (CIP) provides support and resources to North Dakota's district courts, allowing them to evaluate and enhance court processes in response to the needs of children in the child welfare system. The CIP is funded by three federal grants provided by the Administration of Children and Families Children's Bureau.

Over the past year the North Dakota Court Improvement Program, Legal Services of North Dakota, Children and Family Services, and the North Dakota ICWA Partnership grant continued to work with the American Bar Association's Center for Children and the Law as they provided technical assistance and expertise in the development of a quality legal representation plan for children and parents involved in the child welfare system. The pre-petition legal representation model aims to keep families together while providing early advocacy in child welfare cases prior to court involvement.

The pre-petition legal representation model was implemented within the Burleigh County Human Service Zone for children at risk of being placed in shelter care. The goals of the model is to maintain children in their homes, mitigate safety issues and decrease the disproportionality rate of American Indian children entering foster care. Implementation of the model began on September 1, 2021 and 13 families have been referred to the program.

The Court Improvement Program funds and oversees the North Dakota Dual Status Youth Initiative (DSYI) to address

issues related to dual status youth – those youth who have been involved in both the child welfare and juvenile justice systems in North Dakota. Between March 1, 2021 and December 31, 2021 the DSYI served 749 youth. To address prior dual status evaluation practice recommendations the DSYI protocol was updated and implemented in March, 2021.

The basic CIP grant enables state courts to assess the role, responsibilities and effectiveness of courts in carrying out laws relating to child welfare proceedings. It also allows courts to improve the safety, well-being, and permanency planning for children in foster care. The CIP data grant supports court data collection and analysis and promotes data sharing between courts, child welfare agencies and tribes. The CIP training grant is used to increase child welfare expertise within the legal community and facilitate cross-training opportunities among agencies, tribes, courts and other key stakeholders.

Beginning October 1, 2022, the three grants will be consolidated into a single grant for all three of the program's purposes. Under the new CIP grant structure, the CIP will be required to use at least thirty percent of funds to jointly collect data with the child welfare system. The data will be used to improve case tracking and achievement of permanency goals for children and families.



## Dual Status Youth Initiative 2021 Update

Between March 1, 2021, and December 31, 2021, there were 749 dual status youth in North Dakota. The North Dakota Dual Status Youth Initiative is a result of a multi-year collaboration between court and child welfare agencies with the support of the Robert F. Kennedy Foundation (RFK). The executive summary of the collaborative work found that 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.

In response to a program evaluation in 2020, the North Dakota Court Improvement Program (CIP) implemented and convened a dual status workgroup of various stakeholders. The dual status practice guide and protocol was updated to further explain the theory by which the initiative's activities are intended to benefit the dual status population and published a more clear and concise list of parameters for holding and not holding required meetings.

The intended goal of these changes is to ensure best practice is followed and that a Family Centered Engagement is held when it is the youth's first time being identified as dual status. Training on the new protocol and practice guide was provided to human service zone and juvenile court staff in February 2021. Data collection on the new protocol began in March 2021. The data will be used to track outcomes of dual status youth and inform the work of the North Dakota Dual Status Initiative.

In order to achieve the best possible oversight and coordination of dual status youth cases, human service zones

and the juvenile court have designated a "DSY Liaison" in each of their respective areas. Research has shown that this approach improves communication across agencies, facilitates cross-training and improves the experience for youth and families. Roles and responsibilities of the DSY Liaisons include clarifying policies and practices to agency staff, participating in quarterly DSYI workgroup meetings to discuss practice and protocol best practices, and ensuring that child welfare agency staff and juvenile court officers have a complete understanding of their role and responsibilities when working with dual status youth

The North Dakota Dual Status Youth Initiative (DSYI) works to improve collaboration, communication, and exchange of information between agencies. Once children are identified as dual status, the agencies work together to improve outcomes for the youth. This is accomplished by increasing interagency information sharing between juvenile court and child welfare and establishing child and family-centered multidisciplinary policies and practices.

One resource used to improve outcomes for dual status youth are 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.





# OVERVIEW JUDICIAL PROGRAM AND SERVICES

The North Dakota Court System provides a number of programs and services to assist with the resolution of disputes. Those program include family mediation, guardianship monitoring and assistance for self-represented litigants in civil cases.

Reports on these services can be found in this section.



**Mediation Program  
Cases Accepted**

**817**



NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

## Family Mediation Program

The Family Mediation Program is a statewide program that provides a high quality, impartial, and efficient forum for resolving disputed parental rights and responsibilities, as well as grandparent visitation matters through mediation. As of January 6, 2022, the Family Mediation Program accepted 817 cases into the Program. Data for completed cases indicates 47% reached full agreement, while an additional 23% reached partial agreements for a positive impact on 70% of cases.

The Court currently contracts with 33 individuals to provide free mediation services in eligible cases.

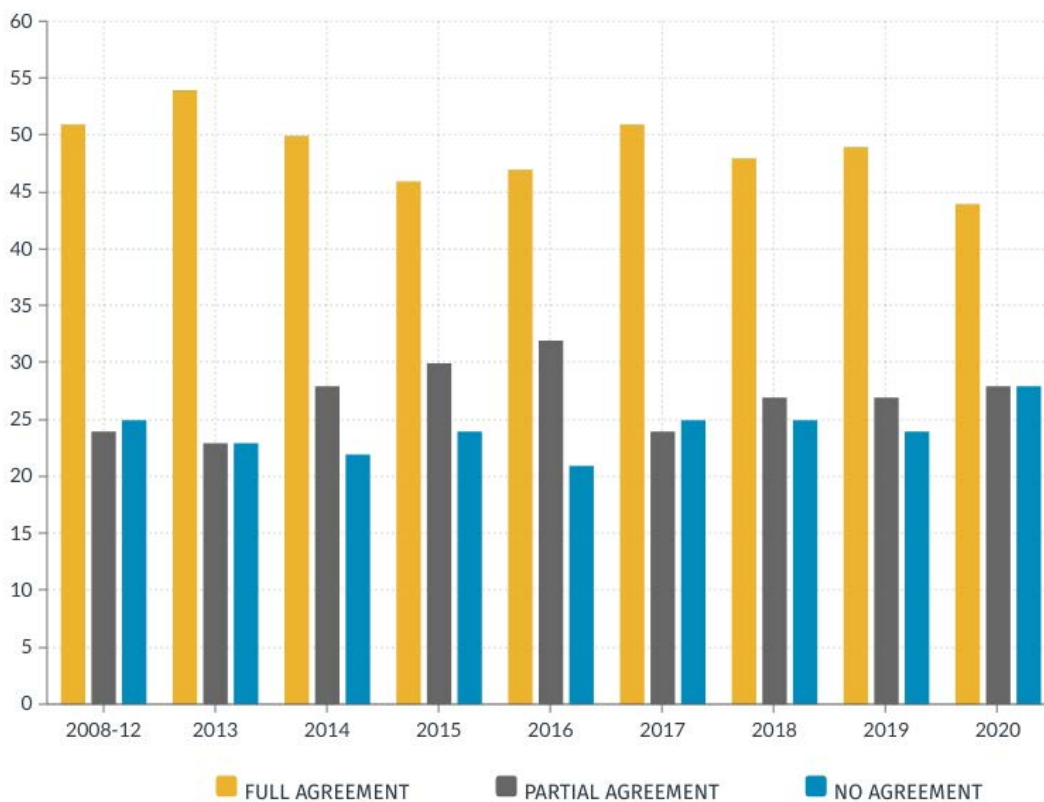
### Family Mediation Cases January 1, 2021 through December 31, 2021

<b>Total cases referred to the mediation program</b>		<b>1430</b>
<b>Cases rejected or dropped out</b>		<b>613</b>
Custody issues settled prior to mediation	349	
Existence of domestic violence restraining order in case record or domestic violence issues identified	65	
Default divorce	51	
One party incarcerated	9	
Mediation attempted prior to filing divorce action	2	
One or both parties did not comply with order	90	
Parties reconciled	2	
Dismissed	2	
Miscellaneous	43	
Cases accepted into the Family Mediation Program		817
Cases closed as of January 2022 ,6		551
Cases still pending as of January 6, 2022		266

## Family Mediation Program

Since its inception, the Program has received over 11,789 case referrals and accepted over 7,128 cases into the Program. The settlement rates have remained steady.

### Family Mediation Program Yearly Settlement Rate



Through the Family Mediation Program, parties are empowered and encouraged to present their concerns to each other to come to their own mutual agreements. Successful mediation reduces the expenses and stress of court proceedings and the emotional toll of conflict. Parties can benefit significantly by preserving the possibility of a cordial relationship and avoiding the acrimony created by 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>

## Family Mediation Program

Since January 1, 2021, the Expedited Parenting Time Mediation Program received 59 requests for a referral to the Program. Data for completed cases indicates 64% reached an agreement.

### Expedited Parenting Time Mediation Program January 1, 2021 through December 31, 2021

Total cases referred to the program	59
Cases where one party declined to participate	24
Cases rejected	2
Cases that entered the Program	33
As of December 31, 2021 - Cases mediation completed	33
As of December 31, 2021 - Cases pending	0



# North Dakota State Court Guardianship Monitoring Program Calendar Year 2021

By Rose Nichols, Program Manager

## Monitoring Referrals and Outcomes

In spite of the pandemic this year, monitoring visitors were able to meet with wards in their home environment in nearly every case reviewed. Forty-five cases were referred by the district courts to the monitoring program. Six of the case referrals resulted in reports to adult protective services for further investigation. One common reason for referral continues to be situations where it appears that a successor guardian would be appropriate. These individuals must be placed on a professional guardian's waiting list if a willing family member cannot be located.

## Case Reviews and Outcomes

Twelve cases were randomly selected for reviews, including one case for each of the professional guardianship companies. Failure to fully complete or timely file annual accounting reports to the court remains the most common concern. Other issues include guardians not properly monitoring the protected person's health, failure to file for benefits on behalf of the person, and questionable financial transactions. In one case, the financial review uncovered a forgotten bank account. Findings are detailed in the monitor's reports to the court, and education is always provided to the guardians.

## Education and Outreach

This year the program hosted five, 2-hour educational seminars online that reached 340 people. Four sessions focused on issues related to dementia. The topic for the other session was how to petition for a guardianship and alternatives to guardianship. Professional guardians, social workers, and attorneys may use these training sessions for continuing education credits.

North Dakota Courts launched a new training video on its website: Mental Health Decision Making. This is the fifth training that the court has created. All videos are free, and available for viewing by any interested person.

## Guardianship Statute Updates

New protections for individuals under guardianship were added to statute during the last legislative session. They include ensuring that these individuals retain their communication rights, and requiring guardians to request approval before selling certain property.



Guardianship Cases  
Referred for Review:

45

## ND Legal Self Help Center

The North Dakota Legal Self Help Center is a neutral resource designed 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.

The Center, which began in 2014, is a division of the North Dakota Supreme Court Law Library. Throughout 2021, the Center was staffed by the Citizen Access Coordinator, an attorney licensed to practice in North Dakota, and the Citizen Access Paralegal. As of August 2018, following the retirement of the Law Librarian, the Citizen Access Coordinator is also the acting North Dakota Supreme Court Law Librarian.

The Center's main contact point for providing procedural information 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.

In 2021, new forms and resources were created by ND Legal Self Help Center staff and added to the webpage, including:

- Forms to start and complete the process of transferring jurisdiction of another state's guardianship or conservatorship of an adult to North Dakota
- A motion and answer to motion to remove visitation, communication, or interaction restrictions with the Ward in guardianship of adult cases
- Forms for the guardian to notify the Court when a Ward is missing
- Petition forms to terminate a minor guardianship for automatic reasons (18 years old, adoption, marriage, death)
- Petition forms to terminate a minor guardianship for all other reason
- General-use template forms and checklists for use in guardianship of adult cases
- General-use template forms and checklists for use in conservatorship cases
- A research guide for North Dakota wills
- A research guide for expungement of involuntary commitment records
- A comparison chart for power of attorney, guardianship, and adoption of minor children, created by Kinship ND and the North Dakota Legal Self Help Center.

Existing forms were updated and revised to reflect changes in law and process. The forms, informational guides, and research guides available on the Center's webpage are the key resources provided by the Center. Forms, informational guides, and research guides are available for many civil legal issues, such as family law, guardianship, small claims, name



Legal Self-Help  
Center 2021

**1,445** phone calls  
answered

**1,752** contacts with  
litigants



# ND Legal Self Help Center

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 2021 are as follows:

- Individual forms (including instructions): 570
- Mental health commitment forms: 61
- Informational guides: 46
- Research guides: 41

Center staff also 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 legal advice and legal representation cannot be provided in any way.

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 2021:

1. Eviction
2. Small Claims
3. Family Law – Custody and Visitation
4. Guardianship of Adults
5. Guardianship of Minors
6. Name Change
7. Probate

## The North Dakota Legal Self Help Center CAN

Provide information to self-represented litigants about common, uncomplicated legal processes in civil actions in North Dakota state courts



Lee Ann Barnha...

Kim Dockter - C...

Tacey Lebron

Jackie Keller

sherrym

Laura Roberge

Tammy Knudson

Barb Hill

Patty Thompson

Melissa Morden

Brandi Zimprich

Laura Henry

Deborah Marke...

Maty Benth

Andi Schimke

NORTH DAKOTA JUDICIAL PROGRAMS AND SERVICES

## ND Legal Self Help Center Contact Data

Contact data for the Center is April 1, 2015 through December 31, 2021.

	Q1 2021	Q2 2021	Q3 2021	Q4 2021	TOTAL 2021*
Phone Calls	410	347	366	322	1445
Emails	81	68	87	59	295
Letters	3	4	5	0	12
In-Person **	0	0	0	0	0
<b>Total</b>	<b>494</b>	<b>419</b>	<b>458</b>	<b>381</b>	<b>1752</b>

\*Throughout 2021, the Center was staffed by both the Citizen Access Coordinator and the Citizen Access Paralegal.

\*\*From January 1, 2021 through November 30, 2021, all in-person assistance was suspended for the safety of staff and patrons due to the Covid-19 pandemic.

	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
<b>Total</b>	<b>519</b>	<b>340</b>	<b>524</b>	<b>401</b>	<b>1784</b>

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

\*\*From March 23, 2020 through December 31, 2020, all in-person assistance was suspended for the safety of staff and patrons due to the Covid-19 pandemic.

	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
<b>Total</b>	<b>517</b>	<b>445</b>	<b>423</b>	<b>452</b>	<b>1837</b>

\*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
<b>Total</b>	<b>467</b>	<b>503</b>	<b>444</b>	<b>364</b>	<b>1778</b>

*\*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
<b>Total</b>	<b>589</b>	<b>494</b>	<b>521</b>	<b>493</b>	<b>2097</b>

*\*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
<b>Total</b>	<b>592</b>	<b>654</b>	<b>775</b>	<b>620</b>	<b>2641</b>

*\*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
<b>Total</b>	<b>NO DATA</b>	<b>376</b>	<b>532</b>	<b>641</b>	<b>1549</b>

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

# OVERVIEW COURT ADMINISTRATION

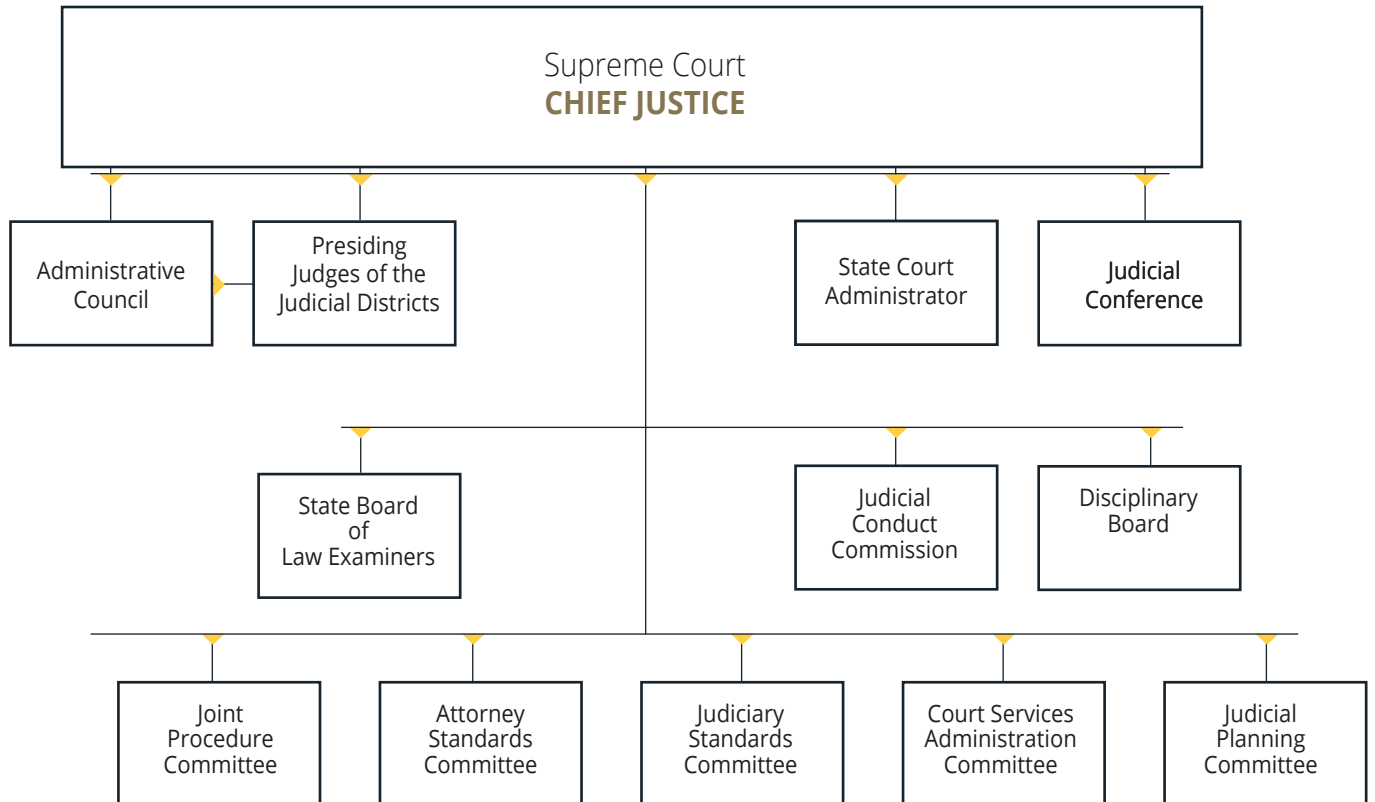


**The Hon. Jon J. Jenson**  
*Chief Justice*

## 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

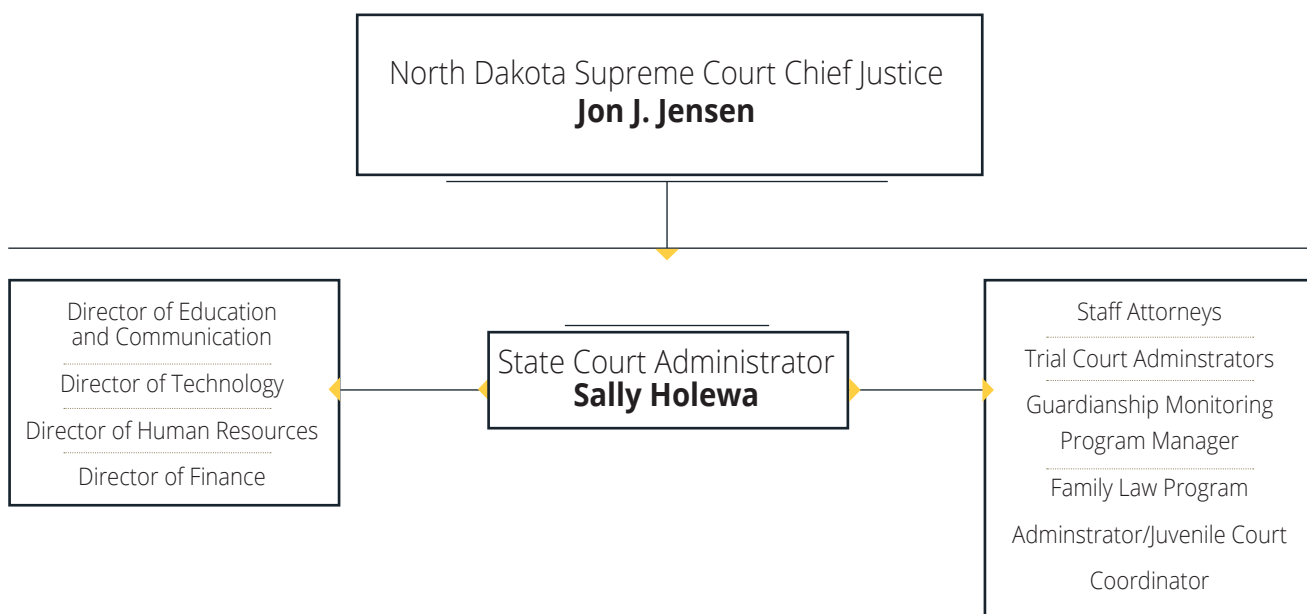




**Office of State Court Administrator**

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



# 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.

## 2021 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  
Assistant Trial Court  
Administrator – Michele Bring

### ADMINISTRATIVE UNIT 4 Trial Court Administrator



CAROLYN PROBST

# 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.

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

**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



## Judicial Portion of the State's Budget

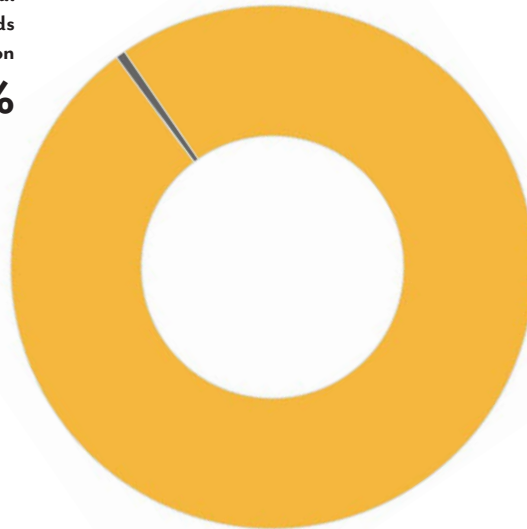
**2021-23 Biennium**  
July 1, 2021- June 30, 2023

**Total State General and Special Funds Appropriation**  
\$17,846,695,497

**Executive and Legislative Branch General and Special Funds Appropriation**  
\$17,730,945,644 (99.4%)

**Judicial Branch General and Special Funds Appropriation**  
\$115,749,853 (.6%)

Judicial Branch General and Special Funds Appropriation  
**0.6%**



Executive and Legislative Branch General and Special Funds Appropriation  
**99.4%**

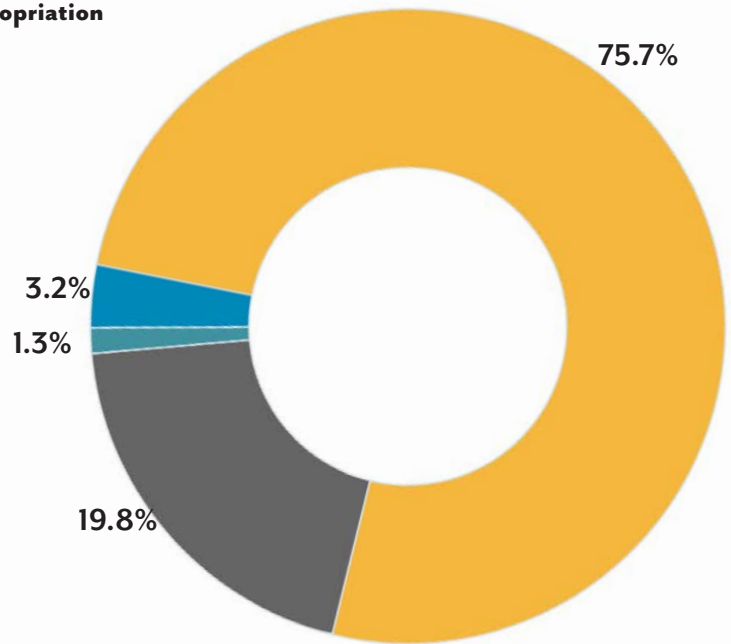
<b>Funding:</b>	<b>Total</b>	<b>Judicial</b>	<b>Net</b>
General Fund	\$ 5,010,457,330	\$ 112,312,790	\$ 4,898,144,540
Special Funds	\$ 12,836,238,167	\$ 3,437,063	\$ 12,832,801,104
<b>Total</b>	<b>\$ 17,846,695,497</b>	<b>\$ 115,749,853</b>	<b>\$ 17,730,945,644</b>

## State Judicial Branch Appropriation By Appropriated Line Item

July 1, 2021- June 30, 2023

**Total Judicial Branch General and Special Funds Appropriation**  
\$115,749,853

- Salaries and Benefits**  
\$87,648,809 (75.7%)
- Operating Expenses**  
\$22,886,317 (19.8%)
- Special Purposes**  
\$1,454,727 (1.3%)
- Capital Assets**  
\$ 3,760,000 (3.2%)



**Special purposes:**

Judge's retirement	\$137,246
JCC/DB	\$1,317,481
<b>Total</b>	<b>\$ 1,454,727</b>

## State Judicial Branch Appropriation By Type of Activity

July 1, 2021- June 30, 2023

### Supreme Court

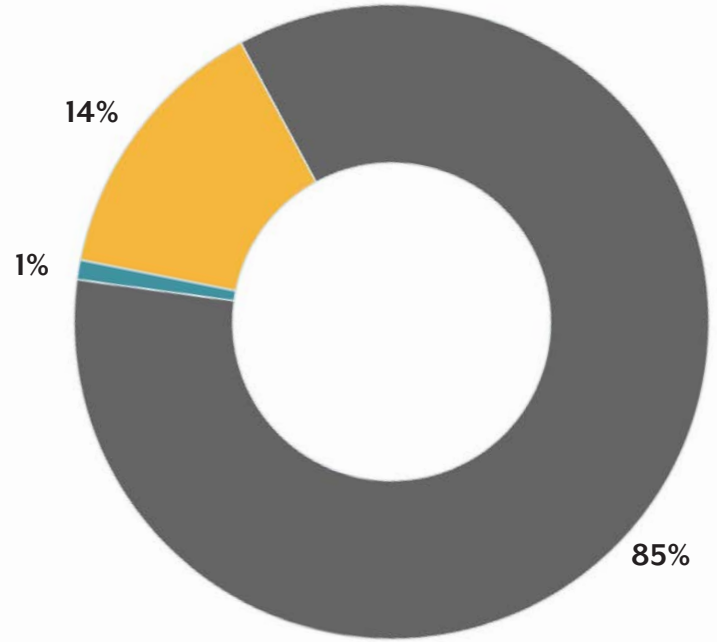
General Fund	\$13,839,097
Federal Funds	\$2,020,000
<b>TOTAL</b>	<b>\$15,859,097 (14%)</b>

### District Courts

General Fund	\$97,658,712
Special Funds	\$0
Federal Funds	\$914,563
<b>TOTAL</b>	<b>\$98,573,275 (85%)</b>

### Judicial Conduct Commission & Disciplinary Board

General Fund	\$814,981
Special Funds	\$502,500
<b>TOTAL</b>	<b>\$1,317,481 (1%)</b>





## OVERVIEW

# COMMITTEES, COMMISSIONS & BOARDS

In its administrative capacity, the Supreme Court has major responsibilities for ensuring the efficient and effective operation of all courts in the state, except federal and tribal courts; maintaining high standards of judicial conduct; supervising the legal profession; and promulgating procedural rules that allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility, the court has general rulemaking authority.

The court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises authority to admit and license attorneys through the State Board of Law Examiners. Supervision of legal ethics is exercised through the Disciplinary Board of the Supreme Court and supervision of judicial conduct is exercised through the Judicial Conduct Commission. Continuing review and study of specific subject areas within its administrative jurisdiction are provided through five advisory committees: the Joint Procedure Committee, the Joint Committee on Attorney Standards, the Judiciary Standards Committee, the Court Services Administration Committee, and the Judicial Planning Committee. Other committees, such as the Continuing Judicial Education Commission and Personnel Policy Board, also provide valuable assistance to the Supreme Court in important administrative areas.

# North Dakota Board of Law Examiners - 2021

By Petra H. Mandigo Hulm, Secretary-Treasurer of the Board of Law Examiners

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 2021, 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 2021 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 total number of newly admitted attorneys remained consistent in 2021 as compared to 2020. The figure below shows the number of admissions by type for the last five years. Thirty-four motions for admission based on practice or test score were filed, compared to 46 in 2020. Eighty-nine percent of motions for admission on test score were filed based on the transfer of a Uniform Bar Examination score received in another jurisdiction.

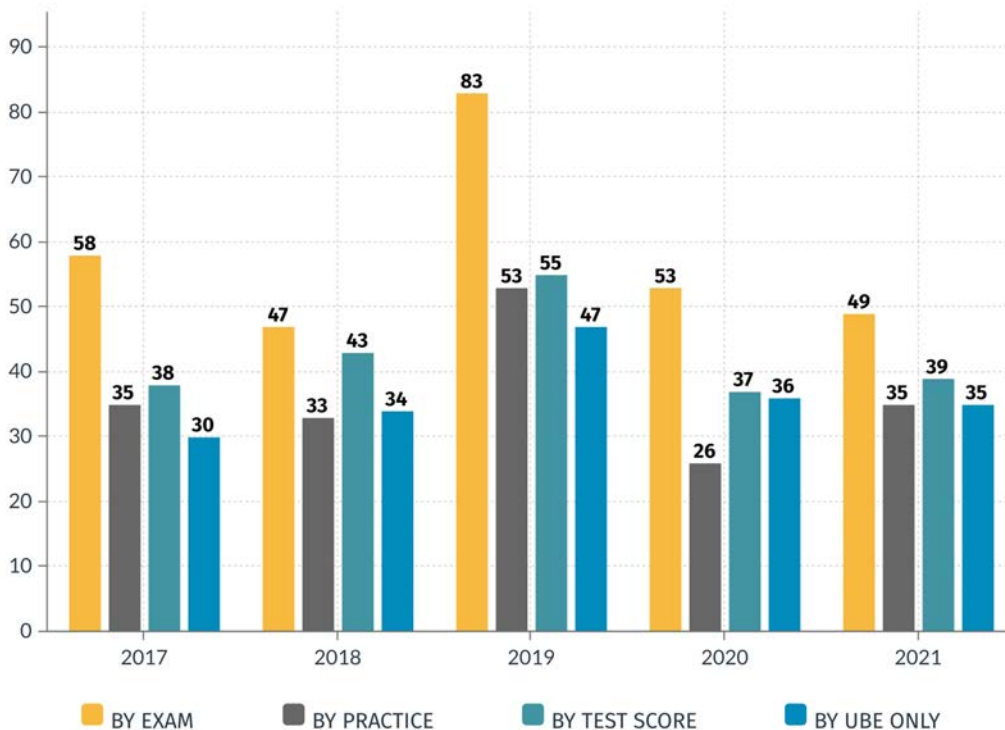
Motion applications declined 26% in 2021.

## Licensing

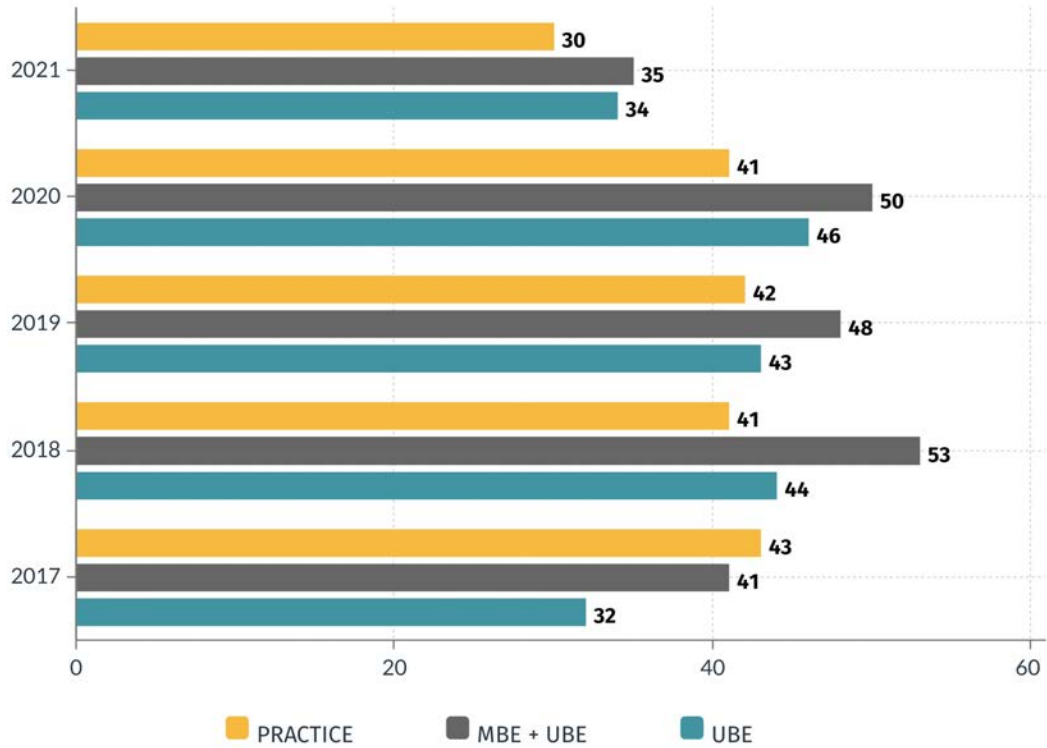
In 2021, 3,070 licenses were issued, slightly decreased from 2020, but still greater than the 10-year average. More than 3,000 licenses have been issued annually since 2016. On the next page are the total licenses issued for the last 10 years.

Three hundred and thirty-two nonresident attorneys appeared pro hac vice in North Dakota courts under Admission to Practice Rule 3, which is increased 8% from 2020. The fees received under this rule are distributed in the same manner as license fees: \$75 for the lawyer disciplinary system sent to the State Bar Association, with the remainder split 80% to the State Bar Association and 20% to the State Board of Law Examiners.

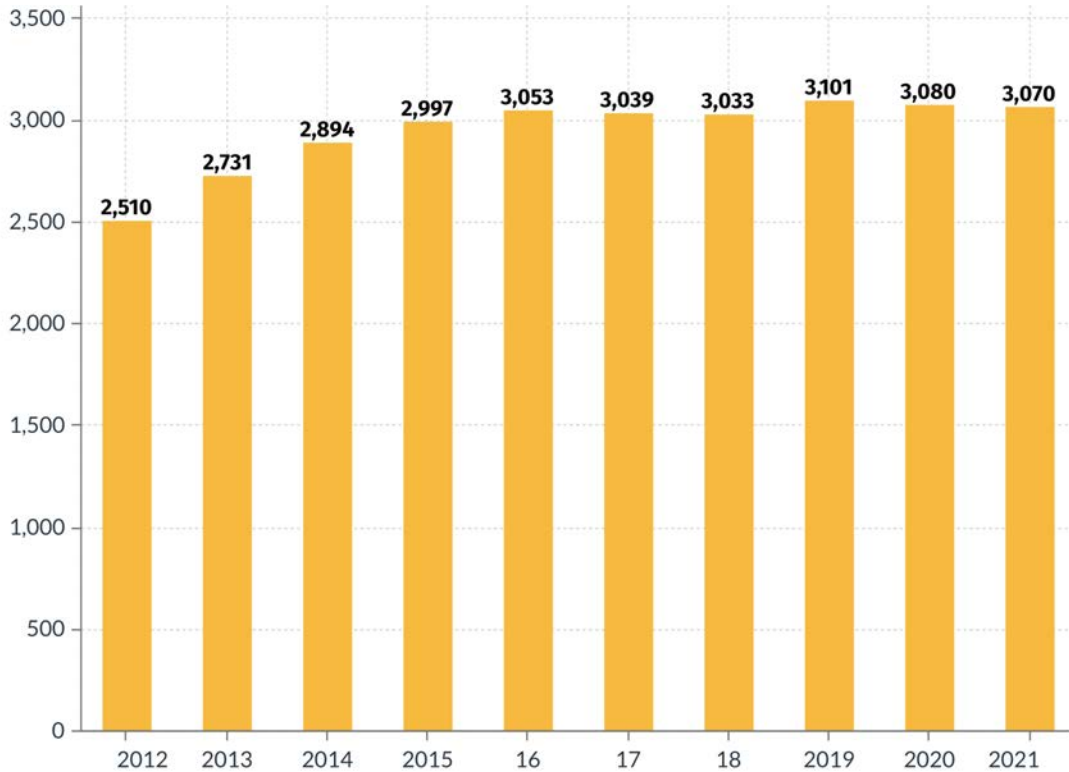
Ten temporary licenses were approved while applicants licensed in another jurisdiction awaited the review and approval of their North Dakota applications. One attorney was registered as in-house counsel under Admission to Practice Rule 3.



## Bar Applications By Type Of Motion



## Law Licenses Issued 2012-2021



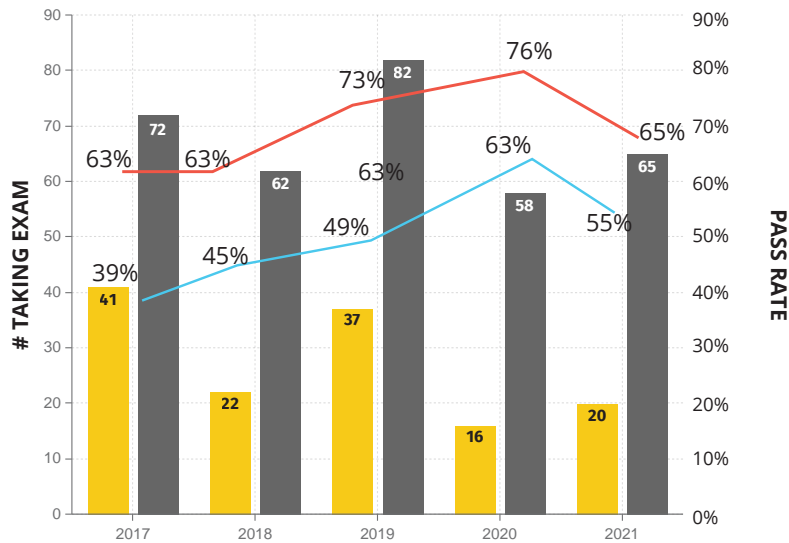
# North Dakota Board of Law Examiners - 2021

## Exams

The number of February and July examinees (columns) and the passage rates (lines) for 2017-2021 are shown in the figure below.

### Law Examinees and Passage Rates

# Feb Examinees   # July Examinees   %Pass Feb   %Pass July



Number of newly admitted attorneys to the ND Bar:

**158**

# Lawyer Disciplinary Board 2021

By Petra H. Mandigo Hulm, Secretary-Treasurer of the Board of Law Examiners

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 2021 is below. A likely factor for the changes in statistics in 2020 and 2021 is the effect of the COVID-19 pandemic.

## General Nature of Complaints

Client Funds & Property	2
Conflict of Interest	6
Criminal Convictions	0
Disability/Incapacity to Practice Law	0
Excessive Fees	10
Failure to Communicate/Cooperate with Client	36
Improper Conduct	69
Incompetent Representation	6
Misappropriation/Fraud	0
Neglect/Delay	0
Petition for Reinstatement	0
Unauthorized Practice of Law	2
Solicitation	0
Reciprocal Discipline	2
<b>Total New Complaints</b>	<b>133</b>
Formal Proceedings Pending From Prior Years	0
Other Complaint Files Pending From Prior Years	28
Appeals Filed with Disciplinary Board	2
Appeals Allowed by Supreme Court	0
<b>Total Formal Matters</b>	<b>30</b>
<b>TOTAL FILES AVAILABLE FOR CONSIDERATION</b>	<b>163</b>

The number of dispositions decreased for the second year to 122, representing an 8% decrease from 2020.

## Dispositions

<b>Inquiry Committees</b>	Dismissal	35
	Summary Dismissal	76
	Admonition	4
	Referral to Lawyer Assistance Program	1
	Consent Probation	2
	Dismissal Without Prejudice	0
	No Action - Referred to Another State	0
<b>Disciplinary Board</b>	Approve Inquiry Committee Dismissal	1
	Approve Inquiry Committee Admonition	0
	Approve Inquiry Committee Consent Probation	1
	Disapprove Inquiry Committee Disposition	0
	Diversion by Hearing Panel of the Board	0
	Dismissal by Hearing Panel/Disciplinary Board	0
	Reprimand by Hearing Panel/Disciplinary Board	0
	Consent Probation by Hearing Panel of the Board	0
	<b>Supreme Court</b>	Reprimand
Suspension		1
Disbarment		0
Interim Suspension		0
Reinstatement		0
Court Vacated Interim Suspension		0
Transfer to Disability Inactive Status (No DB File)		0
Dismisses/Disapproves Petition for Discipline		0
<b>TOTAL DISPOSITIONS</b>		<b>122</b>

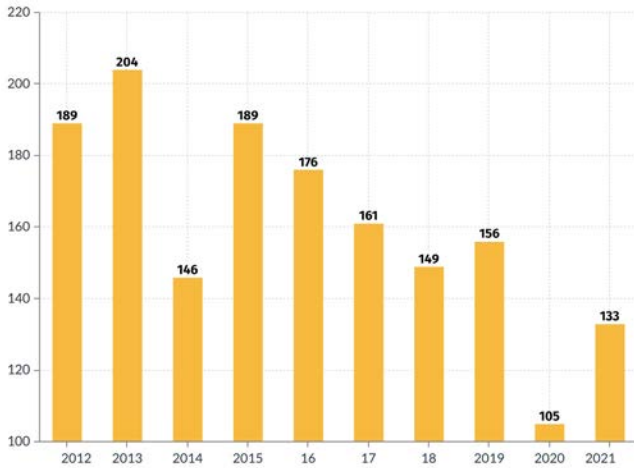


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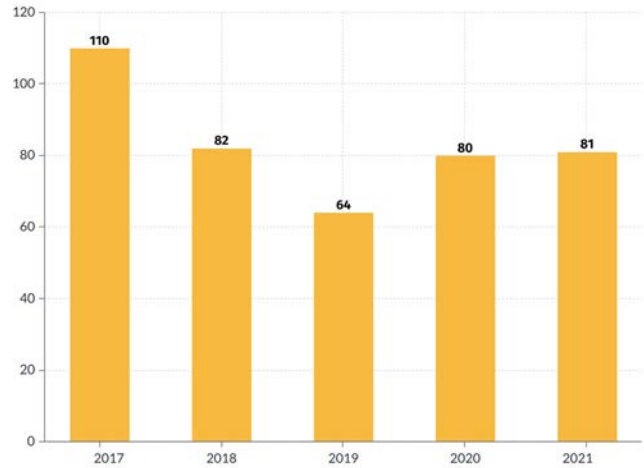
One hundred thirty three new complaints were filed in 2021, which is a 27% increase from 2020. This represented 63% of the 10-year average of new complaints filed. Below is a figure showing the new cases filed from 2012 to 2021.

The time to disposition for informal matters from the past five years is below. One formal file, reciprocal discipline, was disposed in 2021 and took 220 days.

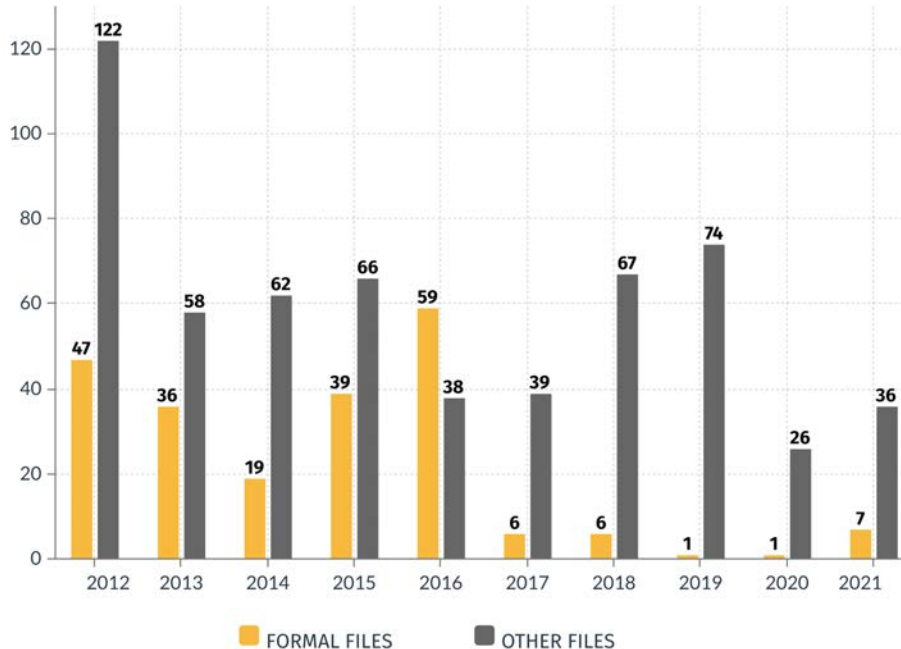
**New Complaints**



**Time To Disposition**



**Comparison Of Pending Informal/Formal Files 2012-2021**



## 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.

([http://www.ndcourts.gov/court/committees/Jud\\_Cond/Commission.asp](http://www.ndcourts.gov/court/committees/Jud_Cond/Commission.asp))

Of the new complaints filed in 2021:

- 27 were against 22 District Court Judges
- 2 were against 1 Municipal Judge
- 4 were against 1 Judicial Referee
- 1 was against 1 Supreme Court Justice

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**Total of 34 complaints**

<b>New Complaints Opened in 2020</b>	<b>34</b>
<b>General Nature of Complaints:</b>	
Bias, discrimination/partiality	5
Improper decision/ruling	22
Criminal behavior	3
Failure to follow law/procedure	2
Health physical/mental	1
Improper conduct	1
<b>Complaint Files Carried Over from 2021</b>	<b>4</b>
<b>Total Files Pending Consideration in 2021</b>	<b>38</b>
<b>Disposition of Complaints:</b>	
Summary Dismissal	24
Admonition	4
<b>Total 2021 Dispositions</b>	<b>28</b>
<b>Complaint Files Pending as of 12/31/2021</b>	<b>10</b>

## Committees and Commissions

### **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.

### **Minority Justice Implementation Committee**

The Minority Justice Implementation Committee was established by Supreme Court Administrative Order 21 to

oversee the implementation of the recommendations of the North Dakota Commission to Study Racial and Ethnic Bias in the Courts.

### **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