

I. Executive Summary

Criminal cases are the most publicly visible matters that courts handle. Despite their importance, delay in criminal case processing remains an ongoing problem for state courts in both rural and urban settings. Previous efforts to identify the drivers of criminal case delay have focused almost exclusively on urban jurisdictions.¹ In addition, past attempts to identify causes of delay have been hampered by lack of empirical data. This project expands our understanding of criminal court delay, and possible solutions, by examining the practice of felony case management in the more rural environment of North Dakota.

Four of North Dakota's eight judicial districts participated in this project – the East Central Judicial District (ECJD), Northeast Central Judicial District (NECJD), Northeast Judicial District (NEJD), and South Central Judicial District (SCJD). These four districts encompass 25 of the 53 counties, accounting for two-thirds of the state's population. By looking closely at each judicial district's case management practices in combination with an analysis of administrative data to measure key dimensions of case processing time, it is possible to identify drivers of delay and appropriate responses to bring case processing time back in line with expectations.

North Dakota has a long history of efforts to reduce and avoid delay through a systems-based approach to caseflow management, which involves the entire set of actions that a court takes to schedule, monitor, and control the progress of criminal cases, from initiation through trial, to make sure that timely justice is achieved. Data shows the timeliest courts in North Dakota are among the most timely courts in the country. However, in the post-covid environment, there remains considerable variation across North Dakota districts in the extent to which they have been able to put caseflow management "best practices" in place to attain and sustain timely case processing over time. This project culminated in a 75-page full report that presents 1) the steps taken in North Dakota to build a comprehensive system of criminal caseflow management that can successfully be deployed statewide and 2) the actions taken to mitigate delays identified through this work.

The full report illustrates the process used in North Dakota to develop and implement a *system* of criminal caseflow management that supports the effective resolution of criminal cases. It is designed for readers interested in learning more about this approach and is organized by the basic strategy used most effectively in North Dakota: (1) set expectations and build the data foundation, (2) evaluate current practice, (3) understand the principles of caseflow management and implement docket management concepts that get the most out of available resources, and (4) bring together these steps to design a successful caseflow management system and ensure that timely data is available both for case-level decision making and for overall court management.

Beyond clarifying the parameters of an effective caseflow management system, the study also examined several areas deemed potential sources of delay. Identified by analyses of administrative data and through focus group discussions with judges, court leaders and staff, prosecutors, and defense counsel from the four participating districts, the topics span different phases in the process for improvement where North Dakota can build upon the existing strengths of the docket management systems in place. These topics include:

¹ The Effective Criminal Case Management Project, discussed below, is an exception in that it included both urban and rural courts.

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- Addressing more complex court processes and external factors, like coordination with the state hospital (for competency evaluations), crime lab, and indigent defense office.
- Identifying possible sources of delay in more serious, violent cases.
- Understanding the impact of bench warrants, nonappearance, and pretrial services implementation on timely case processing.

Based on the identified sources of delay, the North Dakota Administrative Office of the Courts (AOC) responded with a set of improvements to help mitigate the impacts and improve case processing effectiveness. This included the development of training and technical assistance opportunities for district court stakeholders to learn more about proven methods of caseflow management, a work group of key court partners and experts to address delays in the crime lab and state hospital, and a set of priorities around additional data collection and enhancements to the case management dashboards.

II. Description of the Problem

This project focused on North Dakota felony case processing practices and efforts to reduce delay. Felonies were selected because the primary national concern of criminal court delay relates to the handling of this more serious and resource-intensive portion of the criminal caseload. The findings come from an analysis of administrative data provided by the AOC consisting of case-level data on felony dispositions from 2018-2023. The dataset provides extensive information on the number and type of procedural events, key event dates and outcomes, charges, dispositions, and other case information. In this study, criminal court delay is assessed in terms of time to disposition, a widely understood and measurable outcome. Delay is any elapsed time beyond that necessary to effectively prepare and efficiently resolve a criminal case.

North Dakota, like many states, uses time standards to set the goals for timely case processing. Clearly defined expectations around timely case processing assist courts with managing their dockets and identifying cases in need of attention and resolution. Time standards help courts assess whether cases are moving faster or slower, allowing them to determine where potential problems might lie. Good case management is about ensuring that parties have reasonable preparation time while eliminating unnecessary delay between meaningful events. Less wasted courtroom time and greater predictability have collateral benefits for everyone involved with the court in a well-managed system.

The North Dakota Case Management Time Standards for District Courts, [Administrative Rule 12](#) (AR-12), sets time standards to promote the fair, efficient, and timely disposition of cases. The rule establishes that the court should control the progress of cases from filing to final resolution and ensure that all procedural events are scheduled in a manner that minimizes delay. These standards are similar to the national [Model Time Standards](#). The table below provides the AR-12 time standards for completion of felony cases, with the model time standards shown as a point of reference. It should be noted that these are aspirational in nature – many courts find it challenging to meet these time frames or to measure time to dispositions altogether. Yet, the time standards provide an important benchmark against which to compare actual case processing times.

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<i>ND Time Standards (AR-12)</i>	<i>Model Time Standards</i>
<i>75% within 120 days</i>	<i>75% within 90 days</i>
<i>90% within 180 days</i>	<i>90% within 180 days</i>
<i>100% within 365 days</i>	<i>98% within 365 days</i>

Using data from the period 2018 to 2023, analysis found that no district meets the state’s established time standards. Also, considerable variation exists among the eight districts. Over the six-year period, average time to disposition ranged between 163 days and 240 days. As will be shown later in this report, some districts are among the most timely courts in the country, while others have the opportunity for improvement. One likely source of variation is the differences in local criminal case management practice and policy.

As a unified court system, North Dakota has a goal of establishing a consistent method of caseload management that can be used throughout the state. Attention to this goal is seen in the documented case management plans developed by each district statewide. However, particularly in the post-covid period, some districts have struggled in sustaining effective caseload management practices resulting in longer case processing times. Identifying the source of variation requires understanding the caseload process, including the type and number of hearings scheduled, the timing between hearings, and the extent to which hearings scheduled are reset to a later date.

Through a combination of data analysis and consultation with the AOC, it was determined that there was a need to describe the method of caseload management used in the more timely North Dakota districts as an in-depth example of North Dakota docket management best practices. To keep the discussion manageable, one district, the East Central Judicial District, was selected to demonstrate how an effective scheduling system is key to timely case resolution.

In addition to scheduling practices, the state also had a particular interest in understanding delays associated with the competency to stand trial process, processing of cases involving violent offenses, and nonappearance in court and resulting warrant issuance. The advent of COVID-19 also led to a decline in efficiency and an increase in time to disposition for the North Dakota courts. These factors informed the selection of a set of topics to explore further.

The project design and objectives support court efforts to reduce delay by addressing inconsistencies in local case management and scheduling practices, while working to enhance procedural justice in varying court environments. Based on best practices and administrative and qualitative data analysis, promising approaches for reducing delay and improving procedural justice and perceptions of fairness were identified.

III. Collaboration and Strategies

In this comprehensive examination of criminal case management practices in North Dakota, the AOC drew on the NCSC and the retired former presiding judge of the ECJD as research partners. Multiple strategies were employed. First, the project team drew on the statewide case management system to assemble an extensive database to *provide the empirical foundation* for exploring the drivers of delay across the state and, specifically, within each of the four participating districts. Key analyses included a comprehensive examination of case processing

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time and performance across the state, including average time from filing to disposition and between interim events.

A second strategy involved NCSC staff and the former presiding judge working to *document the systems-based approach to criminal caseflow management* employed in the most timely North Dakota districts. The goal was to show how successful docket management starts with the creation of an organized system of criminal case resolution that balances predictability with flexibility. A system is built around the demands and resources of the court, a clear calendaring structure that accounts for judicial rotation, the development and communication of expectations for key events, and active monitoring of cases and overall performance. When the system is functioning properly, the result is fair and timely case resolution and the elimination of unnecessary delay and cost to the public and litigants.

A third strategy involved *active involvement with the project sites*. A series of focus groups were held with court stakeholders across the four participating districts. These meetings helped surface several issues believed to be causes of delay, including requests for competency evaluations, the impact of bench warrants on case processing, the enhanced case processing requirements of violent sexual-oriented offenses, the slow processing of evidence sent to the state crime lab, and the lingering impacts from COVID-19. Additionally, site visits to each district allowed for a more in-depth exploration of the case process, which uncovered delays across the early case process (i.e., attorney appointments and early exchange of discovery in the most serious cases) and variance in the use of dispositional conferences to resolve cases.

A fourth strategy was to *share findings and analyses with stakeholders* through a set of focus group debrief meetings with each district, NCSC presentations on caseflow management strategies, and coordination with the AOC to learn more about the available data and gather feedback on the analyses and full report.

Drawing on these multiple sources of information, several process improvement efforts were introduced:

- New judicial orders and a checklist for competency evaluations were developed through consultation with an expert presenter and work group convenings
- Improved communication and coordination with the state lab
- Multiple presentations to districts on methods to improve caseflow management and achieve more fair and timely case processing
- Approaches to address failures to appear and reduce the use of bench warrants
- Updates to the case management dashboards available to attorneys, clerks, judges, and court administration
- Collaboration with the state office of indigent defense for improved data collection on attorney assignments.

These strategies are outlined in greater detail in the Implementation section below.

IV. Analysis and Evaluation

The quantitative findings come from an analysis of data provided by the AOC consisting of case-level data on felony dispositions from 2018-2023. Important context is gained by examining felony case processing in North Dakota in comparison to other courts nationally. In presenting this information, the interplay of expectations and accurate data is underscored to meaningfully

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evaluate current practice. The analysis of North Dakota felony case processing shows some districts that are among the timeliest in the country and others where delay remains an issue. The time covered includes the COVID-19 period, and the pandemic's effect on case processing time in the state's courts and how the systems recovered from the impact is shown. Documenting the state's success in timely case processing also helps make the case for why it is worthwhile to examine more deeply the system used in the most timely North Dakota districts to achieve this outcome.

For additional context, time to disposition in the North Dakota judicial districts can be compared with the timeliness achieved by a large sample of courts outside of North Dakota that were part of the [*Effective Criminal Case Management \(ECCM\)*](#) project. ECCM was a national initiative designed to discover and document effective practices that drive high performance in handling criminal cases in the state courts. Concluded in 2020, ECCM produced the largest case-level data set of criminal cases ever created at that time. Nearly 1.2 million cases from over 130 state courts in 21 states, including both urban and rural counties, were represented in the data.

ECCM categorized courts into three groups based on case processing time, measuring calendar days from filing to disposition. "Court time groups" were made based on the percentage of cases that were disposed within 365 days (see Table 1). The more timely courts resolved 90% or more of their felony cases within 365 days, while the midrange courts resolved 80-90% and the less timely courts resolved less than 80% within this same time frame. Findings from ECCM serve as a useful benchmark to evaluate North Dakota's success.

Table 1: ECCM Felony Average Time to Disposition (T2D) by Court Time Group (Calendar Days)

Court Time Group	Total Courts	Avg Number of Cases	Avg T2D
More Timely	15	3,555	213
Midrange	40	4,339	243
Less Timely	22	3,461	313
Overall	77	3,785	256

Table 2 provides an overview of average case processing time across all eight North Dakota districts for the six-year period from 2018 to 2023. Overall, North Dakota courts are timely, with six of the eight districts and the state of North Dakota overall demonstrating faster criminal case processing times, on average, than the most-timely category of ECCM courts. The remainder of this discussion focuses on the four districts participating in the study to better understand case management practices in North Dakota. These districts are the ECJD, NECJD, NEJD, and SCJD.

Table 2: ND Felony Average Time to Disposition (T2D), 2018 to 2023 (Calendar Days)

	ND	ECJD	NCJD	NECJD	NEJD	NWJD	SCJD	SEJD	SWJD
# of Cases	43,206	10,637	4,719	4,546	3,003	3,898	11,386	3,276	1,740
Average T2D	190	178	215	163	201	240	185	174	212

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The advent of the COVID-19 shutdown severely impacted criminal court processing around the country. Table 3 shows the impact of COVID-19 on average felony case processing times in the North Dakota study courts. For the years 2020-2021, referred to here as the “COVID” years, case processing time increased dramatically in all four study courts from the pre-COVID period of 2018-2019. Average case processing time in two of the districts (NECJD and SCJD) has returned to 2018 levels, largely due to the flexibility of the caseload management system. This pattern of recovery from the system shock of COVID-19 is also shown in Table 4, with time standards expressed as percentage goals. The exogenous shock of COVID impacted the operation of North Dakota courts, but some districts have already recovered to pre-pandemic levels in terms of average case processing time. This reflects the resiliency of the principles and design of the caseload management system in these North Dakota districts.

Table 3: Average Filing to Disposition by District and COVID-19 Period and Year (Calendar Days)

Period	Year	Average Time to Disposition			
		ECJD	NECJD	NEJD	SCJD
Pre-Covid	2018	149	163	171	168
	2019	147	152	183	164
Covid	2020	183	180	190	201
	2021	194	166	213	204
Post-Covid	2022	198	155	220	204
	2023	186	163	220	164
Six-Year Average		178	163	201	185

Table 4: Percent of Cases Resolved Within Time Standards by District and COVID-19 Period (Calendar Days)

Period	Time Standards	% Cases Disposed of W/in Time Standard			
		ECJD	NECJD	NEJD	SCJD
Pre-Covid	% at 120 Days	52	52	51	47
	% at 180 Days	73	75	71	71
	% at 365 Days	95	93	90	92
Covid	% at 120 Days	40	43	45	39
	% at 180 Days	60	67	64	59
	% at 365 Days	90	74	85	87
Post-Covid	% at 120 Days	44	51	43	47
	% at 180 Days	63	74	60	67
	% at 365 Days	89	93	82	90

A key principle of North Dakota’s approach to criminal case management is setting expectations for timely case processing. Overall time to disposition standards are stated in AR-12 (shown above). Time expectations should extend to intermediate court events, where a court creates time goals for key court events as part of its caseflow management system. In North Dakota’s most timely courts, time expectations are set for hearings, such as the preliminary hearing, dispositional conference, and trial, and for events, including filing and replying to motions and for the exchange of discovery.

By setting intermediate time goals, a scheduling order can be developed that incorporates these timeframes and distributed at the initial appearance with scheduled dates for future key events to be held. For example, the preliminary hearing can be set for the next reoccurring time approximately 30 days after the initial appearance and the dispositional conference at about 100 days. In addition, reasonable time expectations can be used to help manage discovery and motions. This is already established procedure in many North Dakota courts.

Table 5 shows the time from initial appearance to the dispositional conference (pretrial conference in NEJD) in the four study districts. The median number of days reflects the midpoint, or the time at which 50% of dispositional conferences have been held. The median values indicate that ECJD and NECJD were typically meeting expectations (100-110 days) in 2018 and 2019; however, the COVID-19 pandemic proved to be a major disruptor from which these two districts have not yet recovered.

Table 5: Time from Initial Appearance to Dispositional Conference (Calendar Days)

Year	ECJD		NECJD		NEJD		SCJD	
	Average	Median	Average	Median	Average	Median	Average	Median
2018	128	100	145	108	163	145	150	132
2019	136	100	137	108	188	140	173	139
2020	161	125	190	143	209	156	219	192
2021	161	124	151	140	222	158	217	167
2022	179	125	154	139	225	175	214	163
2023	178	124	167	139	205	158	171	109
Overall	157	116	157	130	202	155	191	150

V. Implementation and Sustainability

Strategy 1 – Provide an Empirical Foundation of Existing Caseflow Management Practices and Potential Delays.

The current NCSC study in North Dakota empirically demonstrates that the fair and timely resolution of criminal cases is an achievable goal. To meet this goal requires setting expectations to gauge effectiveness and understanding the parameters of the system that can be objectively planned for, implemented, and verified. What NCSC researchers found was that the North Dakota districts participating in this study have established caseflow management plans and processes that have enabled them to handle felony cases largely within expectations.

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North Dakota still has room for continued improvement in both data completeness, particularly to measure inactive time, and in the ongoing effort to recover from the impact of the COVID-19 pandemic. There is also variation in the extent to which the courts implement caseflow management best practices across the state. Average case processing time in smaller counties, for instance, is longer than in medium and larger counties, demonstrating a need to thoughtfully consider how the work will differ for smaller counties within a district. Lastly, the data shows the extent to which more complex cases or case factors (such as nonappearance in court) contribute to delays.

Strategy 2 – Document the Systems-Based Approach to Caseflow Management.

North Dakota has been at the forefront of efforts to reduce and avoid delay through a systems-based approach to caseflow management. Therefore, a key strategy was to explain how the system is designed to work in practice and provide actionable guidance for courts within the state and more broadly. At a high level, the goal of successful caseflow management is to identify a path for cases from filing to disposition that combines reasonable time expectations with a clear understanding of the work facing a particular court. To do this, it is essential to document the measurable characteristics of the court's workload to identify the volume of case events to be scheduled and held, the resources available to handle the work, and a set of caseflow strategies that create the best opportunity for timely case resolution within expectations. Our goal for the full report was to describe in detail how this approach works to stay current with incoming criminal cases, avoid delay, and achieve effective criminal caseflow management.

Strategy 3 – Actively Engage with Stakeholders in the Project Sites.

Through virtual and in-person focus groups with the four judicial districts, several successful caseflow management practices were identified. A key theme was that a systems approach to case management improves case processing for judges, clerks, attorneys, and other court staff. Although variation still exists across judges and counties, there was general agreement in the focus groups that the district-level and cross-county "harmonization" and coordination of scheduling practices reduced conflicts and helped to keep cases on track. Attorneys stated, for example, that they did not have to be in different courtrooms at the same time or travel long distances between hearings because of the docket management system. This systemic approach includes case management plans that outline the calendaring structure and expectations for time frames and events; clear communication and understanding across stakeholders about their role and responsibilities in the caseflow process; and a data and information sharing framework that enables real-time performance monitoring and collaboration to keep cases moving.

Strategy 4 – Share Findings and Analyses with the State and District Stakeholders.

The current study delves deeper in its analysis of delay and not only examines systemic outcomes, but also assesses the component parts of the system to isolate and diagnose the causes of delay. While North Dakota already uses a complex and systematic approach to address and avoid many sources of delay, additional opportunities exist to better isolate and study the sources of inefficiency within the system. The current study identified that rescheduling the dispositional conference and maintaining an imbalance in resources represent pinch points to be addressed. The project report also highlights North Dakota's flexible options for calendar adjustment as a means of avoiding the friction of rescheduling while maintaining expectations around interim event scheduling. By studying the causes of bench warrants and the process of appointing public defenders, further improvements can be made to North Dakota's – or any other jurisdiction's –

system of case management. A selection of these findings and the resulting policy or practice improvements made in North Dakota is described below.

Bench Warrants and Nonappearance. If the expectation is that 90% of cases are to be completed in 180 days, all cases should be tracked in both active (or “time clock”) and calendar days to determine if the overall goal is met, and if not, how active and inactive time affected the outcome. North Dakota is one of the few court systems studied by NCSC that consistently compiles data allowing for the study of inactive time. In North Dakota, this time includes bench warrants, competency evaluations, and interim appeals. In North Dakota, bench warrants have a significant impact on average case processing time; however, NCSC has limited data from other jurisdictions for comparison.

Bench warrants occur in 19% (NECJD) to 29% (ECJD and SCJD) of cases across the participating districts. Average inactive time due to a warrant ranges from 98 days (NECJD) to 170 days (NEJD) in the study districts, compared to 115 days statewide. Identifying causes of bench warrants could lead to significant reductions in overall calendar day case processing time. It is estimated that the impact of bench warrants on the statewide average case processing time is 29 days, while it varies from 18 days in the NECJD to 35 days in the ECJD. Thus, an important next step for North Dakota is to use its case management system to isolate details relating to bench warrants so that causes can be identified and addressed. This means that the drivers of pre-disposition bench warrants should be distinguished and quantified to determine, for instance, whether they relate to failures to appear (FTA) in court or a violation of a release condition.

Competency Evaluations. Competency evaluations are uncommon but present specific challenges for the courts. Although the rate has been increasing over time, fewer than 1% of cases disposed between 2018 and 2023 (or 397 cases total) had a competency evaluation ordered. When they are ordered, the evaluation itself should be completed within 45 days. However, evidence from both qualitative and quantitative data suggests that they are taking longer. The average time to disposition in these cases is 306 days (calendar) and 289 days (time clock). The average overall time to disposition for all cases, by comparison, is 190 days (calendar) and 161 days (time clock) for the same period.

The AOC brought together all justice system partners involved in the competency process (e.g., court, public defense, state hospital) to jointly determine how to solve problems in the competency evaluation process. Through this collaboration, it was made clear that there was confusion about the requirements for a competency evaluation (also known as a fitness to proceed evaluation) compared to an evaluation of criminal responsibility because both types of evaluations are included in the same judicial order. Criminal responsibility evaluations require more extensive information, including discovery material, to determine mental state at the time of the alleged crime. Requests for competency evaluations do not require such extensive information and can occur much earlier in the process, before discovery is exchanged. Two separate orders were, thus, developed to resolve this issue and a checklist of the documentation and records needed for each type of evaluation has been created. Additionally, new codes in the court’s case management system have been developed to notify human services when evaluations are ordered and to identify when reports are filed so that time requirements can be tracked. Lastly, ongoing monitoring of the number of mental health evaluations ordered and the time to complete this event type will continue going forward. This will be important as there has been a dramatic increase in the number of evaluations ordered since 2020.

VI. Summary

The primary goal of this project was to examine North Dakota's felony case processing practices and efforts to reduce delay. Timely case processing is a hallmark of their adaptive caseflow management system, resulting in over 90% of felony cases reaching disposition within 365 days statewide from 2018-2023. Several factors contribute to North Dakota's success.

Building a system of caseflow management

This study in North Dakota empirically demonstrates that the fair and timely resolution of criminal cases is an achievable goal. Meeting this goal requires an explicit commitment to viewing caseflow management as a system. Building the system starts by determining the measurable characteristics of the court's environment that identify the work to be performed, the resources available to handle it, and the details of the caseflow process that create the best opportunity for fair and timely case resolution within expectations. In essence, the system employs a four-step process:

- Set expectations for overall time to disposition (e.g., 90% of felonies resolved in 180 days), the time from initial appearance to key intermediate events (e.g., 30 days to preliminary hearing, 100 days to the dispositional conference), and the expected time for other pretrial matters (e.g., the time frame to initiate and respond to discovery requests, the time frame to serve and reply to motions).
- Use historical data to ensure reasonable certainty of scheduled events by estimating the number of events that need to be scheduled and that will eventually be held (e.g., the number of initial appearances, preliminary hearings, motion hearings, dispositional conferences).
- Create a case management plan that shows how the number of events to be scheduled or held can be aligned with available resources to allow all cases to be resolved within expectations.
- List the available personnel and other resources necessary to resolve criminal cases (e.g., number of judges, number of courtrooms, number of prosecutors, number of public defenders, number of clerks).

This systems approach is explained in detail in the full project report.

Lesson Learned: The goal of successful caseflow management is to delineate a path from filing to disposition for cases that incorporates reasonable expectations with practical realities. Attention to the elements of a caseflow management system helps bring the big picture into focus by articulating system goals, clarifying the purpose and function of the caseflow process, and specifying the system's interconnections.

Making a commitment to data driven case management

A key part of effective caseflow management is verification of system performance. In North Dakota, the likelihood of success is furthered through access to real-time data in their statewide case management system that is available via dashboards to all judges and staff. Therefore, verification takes place in three fundamental ways. First, caseflow data provides the means to determine the ongoing accuracy of capacity estimates related to the number of cases, scheduled events, and held events that underlie the judicial scheduling structure. Second, data is used to

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measure the extent to which a court is meeting expectations in terms of the time to intermediate events and overall time to disposition. Third, data provides detailed insight into the nature and status of the current pending caseload being handled by each judge, including matters on the daily docket, the timing of upcoming case events, and any cases that are older than established timelines.

Lesson Learned: It is pivotal to maintain high quality case management data and use it to evaluate case processing time. Data can help identify pinch-points and slowdowns in case processing, as well as provide objective measures of effectiveness. The case management system can also feed a real-time dashboard as it does in North Dakota to help the court monitor the docket.

Using data to delve deeper into the analysis of delay

Clarity on system design and the availability of pertinent data allows court leaders to assess the component parts of the system to isolate and diagnose the causes and effects of delay. From this basis, additional opportunities exist to study potential sources of inefficiency within the system. Examples of this approach in North Dakota include:

1. While some parts of the state are more urban, North Dakota is an overwhelmingly rural state. Rurality can create challenges as it relates to courts and caseflow such as limited court dates, staffing, and transportation to court for the parties in a case. These challenges often result in inefficient case processing and longer time times to disposition. However, North Dakota's system provides flexibility to maintain efficient caseflow management in the more rural parts of the state. Analysis shows that North Dakota's most rural jurisdictions can maintain smooth case processing by effectively using scheduling orders, remote hearings, and notification procedures, as well as by minimizing the number of appearances where the defendant is required to attend.
2. The North Dakota Judiciary was also able to react to changing legal landscapes. For example, the increase in competency exams ordered by the courts and confusion around the requirements for the exams at the state hospital was causing unnecessary delay in these cases. A Workgroup created by the AOC was able to identify the problem and then create orders to address it. This type of reassessment of practice in an evolving court system is necessary to keep North Dakota case processing efficient and effective.
3. Analysis showed that one key impact of COVID-19 was to delay the holding of the dispositional conference beyond the originally scheduled date. This event is the linchpin of system operation, and its setting date is strategic. The dispositional conference is typically set at about 100 to 120 days after the initial appearance. At this point, for the standard 90% of felonies, there has been sufficient time for any discovery and motions activity to be completed, and the attorneys should have a good idea of the manner in which the case will be resolved (e.g., plea or trial). Enough time has passed to allow for due diligence by all parties so that an informed decision can be made on how the case is to be resolved, or the specific reason it cannot be resolved as set can be identified. As all North Dakota districts continue to recover post-COVID, multiple training sessions were held to improve the timeliness of the dispositional conference. Judges attending each session were encouraged to revisit the purpose of the dispositional conference as a key part of an effective system of criminal case processing and

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to set a time expectation for holding the dispositional conference (e.g., 100 to 110 days from initial appearance).

Lesson Learned: New challenges in case processing are inevitable. Court systems must be able to identify the challenges and maintain a willingness to reassess current practice.

Strong relationships across the criminal justice system, other government agencies, and community partners can help with both identifying and addressing the challenges that arise.