

1           **Administrative Order 2 - IDENTIFICATION OF PRESIDING JUDGES**

2           1.       The presiding judges of each judicial district are identified as follows:

3           *Northwest Judicial District*  
4           **Presiding Judge** \_\_\_\_\_

5           *Northwest Central Judicial District*  
6           Presiding Judge William W. McLees

7           *Northeast Judicial District*  
8           Presiding Judge ~~M. Richard Geiger~~ Laurie A. Fontaine

9           *Northeast Central Judicial District*  
10          Presiding Judge ~~Karen K. Braaten~~ Lawrence E. Jahnke

11          *East Central Judicial District*  
12          Presiding Judge ~~Georgia Dawson~~ Frank L. Racek

13          *Southeast Judicial District*  
14          Presiding Judge ~~John T. Paulson~~ John E. Greenwood

15          *South Central Judicial District*  
16          Presiding Judge Gail Hagerty

17          *Southwest Judicial District*  
18          Presiding Judge ~~Allan L. Schmalenberger~~ William Herauf

19          2.       The term of each presiding judge is three years from February 1, 2004, or until a successor  
20          is elected.

21          ~~Dated at Bismarck, North Dakota, February 26, 2004.~~

22           ~~1. Gerald W. VandeWalle, Chief Justice~~  
23           ~~William A. Neumann, Justice~~  
24           ~~Dale V. Sandstrom, Justice~~  
25           ~~Mary Muehlen Maring, Justice~~  
26           ~~Carol Ronning Kapsner, Justice~~

27          **ATTEST:-**

28           ~~Colette M. Bruggman~~  
29           ~~Chief Deputy Clerk~~  
30           ~~North Dakota Supreme Court~~



1 **RULE 2.1. THE DISCIPLINARY BOARD.**

2 **A. Appointment.** The board consists of ~~ten members: seven lawyer members, one lawyer member~~  
3 from each judicial district of North Dakota, and three public members from the state at large. Board  
4 members each serve for a term of three years and until a successor is appointed and qualifies. Terms  
5 must be staggered so that no more than three lawyer members and one public member are appointed  
6 for full three-year terms in any one year. Except when filling an unexpired term, a member may not  
7 serve for more than two consecutive three-year terms. Past members may serve on hearing bodies.  
8 Vacancies must be filled by appointment by the court.

9 **B. Nominations.** Each lawyer member is appointed by the court from a list of three practicing  
10 lawyers submitted by the association's governing board. Each public member is appointed by the  
11 court from a list of three nominees submitted by a committee consisting of the president of the  
12 association, the attorney general, and the chair of the judicial conference. If a lawyer member or  
13 public member is nominated for reappointment, a list of nominees is not required unless requested  
14 by the court.

15 **C. Election of officers.** At the first meeting of the board in each calendar year, the members of the  
16 board shall elect a chair and vice-chair. The chair, and in the chair's absence the vice-chair,  
17 performs the duties normally associated with that office and presides over all meetings of the full  
18 board.

19 **D. Secretary.** The clerk of the court is the ex officio secretary of the board. The secretary shall  
20 maintain permanent records of disability and discipline matters, subject to the expunction  
21 requirements of these rules, and compile statistics to aid in the administration of the system,  
22 including a single log of all complaints received, investigative files, statistical summaries of docket  
23 processing and case dispositions, transcripts of all proceedings (or the reporter's notes if not  
24 transcribed), and other records as the board or the court requires to be maintained. Counsel  
25 appointed under these rules shall cooperate with the secretary, and assist the secretary in the  
26 performance of the obligations of that office. The secretary may, with the board's approval, delegate  
27 recordkeeping obligations to counsel to avoid duplication and promote efficiency.

28 **E. Quorum.** Six members are a quorum. The board may act only with the concurrence of a  
29 majority of the entire board except as to administrative matters, which only require a simple majority  
30 of a quorum.

31 **F. Compensation.** Members receive no compensation for their services, but are reimbursed for  
32 reasonable and necessary expenses incurred in the performance of their duties. The salaries of  
33 counsel and staff, their expenses, administrative costs, and the expenses of the members of the board  
34 and of hearing panels are paid out of funds, deposited or dedicated for those purposes.

35 **G. Abstention.** A board member shall refrain from taking part in any proceedings in which a judge,  
36 similarly situated, would be required to abstain.

37 **H. Powers and duties.** The board shall:

- 38 (1) Upon receiving an appeal of a district inquiry committee disposition, approve,  
39 modify or disapprove the disposition, or remand to the district inquiry committee for  
40 further proceedings;  
41
- 42 (2) Conduct hearings through a hearing panel on formal charges of misconduct, petitions  
43 for reinstatement, and petitions for transfer to and from disability inactive or  
44 incapacitated status.  
45
- 46 (3) Inform the public about the existence and operation of the disability and disciplinary  
47 system, the disposition of each matter in which public discipline has been imposed,  
48 when a lawyer has been transferred to or from disability inactive or incapacitated  
49 status, or when a lawyer has been reinstated or readmitted;  
50
- 51 (4) Delegate, in its discretion, to the chair or vice-chair power to act for the board on  
52 administrative and procedural matters;  
53
- 54 (5) Annually review the operation of the disability and disciplinary system with the  
55 court, counsel, and district inquiry committees; and  
56
- 57 (6) Propose amendments to these rules for adoption by the court.

58 [Adopted effective January 1, 1995; amended on an emergency basis effective July 16, 1998;  
59 adopted on a final basis effective September 8, 1998; amended effective November 15, 1998;  
60 amended effective July 1, 1999; amended effective January 1, 2014.]