

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER OF ADOPTION

Supreme Court No. 20130038

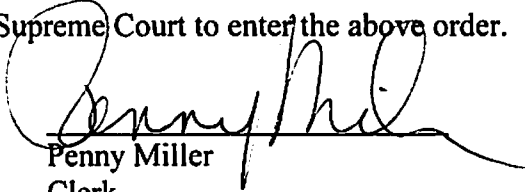
**Proposed Amendments to North Dakota Supreme Court Administrative Orders 2
Regarding the Identification of Presiding Judges and North Dakota Rules of Lawyer
Discipline 2.1 Regarding the Disciplinary Board**

[¶1] On October 2, 2013, the Supreme Court considered proposed amendments to North Dakota Supreme Court Administrative Orders 2 updating the identification of presiding judges and North Dakota Rules of Lawyer Discipline 2.1 regarding the members of the disciplinary board. The proposed amendments are available at <http://www.ndcourts.gov/Court/Notices/Notices.htm>. Individuals who do not have internet access may contact the Office of the Clerk of the Supreme Court to obtain a copy of the proposal. The Court considered the matter, and

[¶2] ORDERED, that as further amended by the Court, the amendments to N.D. Sup. Ct. Admin. Orders 2 are ADOPTED, effective immediately.

[¶3] IT IS FURTHER ORDERED, that the amendments to N.D.R. Lawyer Discipl. 2.1 are ADOPTED, effective January 1, 2014.

[¶4] The Supreme Court of the State of North Dakota convened this 2nd day of October, 2013, with the Honorable Gerald W. VandeWalle, Chief Justice, Honorable Dale V. Sandstrom, the Honorable Mary Muehlen Maring, the Honorable Carol Ronning Kapsner and the Honorable Daniel J. Crothers, Justices, directing the Clerk of the Supreme Court to enter the above order.


Penny Miller
Clerk
North Dakota Supreme Court

Administrative Order 2 - IDENTIFICATION OF PRESIDING JUDGES

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

Northwest Judicial District

Presiding Judge William W. McLees

Northeast Judicial District

Presiding Judge Laurie A. Fontaine

Northeast Central Judicial District

Presiding Judge Lawrence E. Jahnke

East Central Judicial District

Presiding Judge Frank L. Racek

Southeast Judicial District

Presiding Judge John E. Greenwood

South Central Judicial District

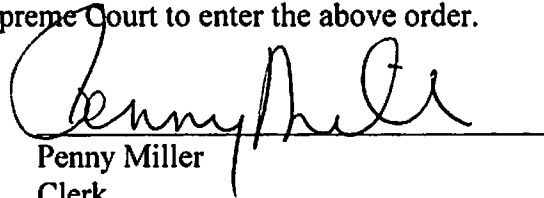
Presiding Judge Gail Hagerty

Southwest Judicial District

Presiding Judge William Herauf

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

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Clerk

North Dakota Supreme Court

SOURCES: AO 2-1979 effective July 1, 1979; AO 2-1979 effective Jan. 1, 1980; AO 2-1981 dated September 3, 1981; N.D. Sup. Ct. Admin. Order 2 effective Jan. 1, 1983; N.D. Sup. Ct. Admin. Order 2 effective Jan. 1, 1986; N.D. Sup. Ct. Admin. Order 2 effective July 11, 1986; Sec. 27-05-05 NDCC; AR 2-1978, Secs. 2 and 3; N.D. Sup. Ct. Admin. Order 2 effective January 1, 1989; N.D.

Sup. Ct. Admin. Order 2 effective January 1, 1992. N.D. Sup. Ct. Admin. Order 2 administratively amended July 1, 1993, to reflect the election results of the Southwest Judicial District. N.D. Sup. Ct. Admin. Order 2 amended February 8, 1995, to reflect the election results in all districts and correspond with presiding judge elections under Administrative Rule 2. N.D. Sup. Ct. Admin. Order 2 administratively amended to reflect the election results in the East Central Judicial District. N.D. Sup. Ct. Admin. Order 2 administratively amended February 1, 1998, to reflect the election results in the East Central Judicial District, Northeast Central Judicial District and Northwest Judicial District. N.D. Sup. Ct. Admin. Order 2 administratively amended effective February 1, 2004, to reflect the election results in all districts under N.D. Sup. Ct. Admin. R. 2.

RULE 2.1. THE DISCIPLINARY BOARD.

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

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

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

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

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

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

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

H. Powers and duties. The board shall:

- (1) Upon receiving an appeal of a district inquiry committee disposition, approve,

modify or disapprove the disposition, or remand to the district inquiry committee for further proceedings;

- (2) Conduct hearings through a hearing panel on formal charges of misconduct, petitions for reinstatement, and petitions for transfer to and from disability inactive or incapacitated status.
- (3) Inform the public about the existence and operation of the disability and disciplinary system, the disposition of each matter in which public discipline has been imposed, when a lawyer has been transferred to or from disability inactive or incapacitated status, or when a lawyer has been reinstated or readmitted;
- (4) Delegate, in its discretion, to the chair or vice-chair power to act for the board on administrative and procedural matters;
- (5) Annually review the operation of the disability and disciplinary system with the court, counsel, and district inquiry committees; and
- (6) Propose amendments to these rules for adoption by the court.

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