

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER OF ADOPTION


Supreme Court No. 20190307

**Proposed Amendments to North Dakota Supreme Court Administrative Rule 11
Regarding Authority and Appointment of the Chief Justice**

[¶1] The Supreme Court considered amendments to North Dakota Supreme Court Administrative Rule 11 regarding authority and appointment of the Chief Justice. The proposal is available at <https://www.ndcourts.gov/supreme-court/dockets/20190307>. The Court considered the matter, and

[¶2] **IT IS ORDERED**, that the proposed amendments to North Dakota Supreme Court Administrative Rule 11 are ADOPTED, effective immediately.

[¶3] The Supreme Court of the State of North Dakota convened the 5th day of November, 2019, with the Honorable Gerald W. VandeWalle, Chief Justice, the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, the Honorable Jerod E. Tufte, and the Honorable Jon J. Jensen. Justices, directing the Chief Deputy Clerk of the Supreme Court to enter the above order.



Petra H. Mandigo Hulm
Chief Deputy Clerk
North Dakota Supreme Court

RULE 11. AUTHORITY AND APPOINTMENT OF THE CHIEF JUSTICE

1. The Chief Justice shall exercise all administrative authority of the Chief Justice pursuant to Sections 3 and 11 of Article VI of the North Dakota Constitution.

2. The Chief Justice may exercise authority concurrent with and shall have supervision over the Clerk of the Supreme Court in all matters pursuant to N.D. Sup. Ct. Admin. R. 5.

3. The Chief Justice shall sign and execute on behalf of the Supreme Court any order directed to be entered by the Court.

4. The Chief Justice may designate any Justice or Justices of the Supreme Court as Administrative Justice or Justices to act in the absence, disqualification, or at the direction of the Chief Justice. An Administrative Justice, in the absence, disqualification, or at the direction of the Chief Justice, shall have the administrative authority of the Chief Justice.

5. The Chief Justice shall designate a presiding judge, elected under N.D. Sup. Ct. Admin. R. 2, who shall have the administrative authority of the Chief Justice in the event the Chief Justice and all the Justices of the Supreme Court are incapacitated and unable to act. In the event the designee is incapacitated, the district judge with the longest service as a district judge shall have the administrative authority of the Chief Justice.

6. The Chief Justice is appointed by the Justices of the Supreme Court and the district judges of all judicial districts in accordance with sections 7 and 8. Vacancies in the office of Chief Justice are filled for the remainder of the term by vote as prescribed in this rule. Appointment results must be sent to all Justices and district judges by e-mail and posted on the Supreme Court website.

7. The Chief Justice will be appointed for a term of five years or until that Justice's term expires, whichever shall first occur beginning January 1. A Justice desiring to be included on the ballot must

24 notify the State Court Administrator in writing before November 7 of the year the vote is to be
25 taken. Ballots will be sent by the State Court Administrator to each Justice and every district judge
26 of every judicial district. Upon receiving the ballot, each Justice or district judge will mark one
27 choice for Chief Justice and return it for receipt by the State Court Administrator by November 18.
28 Upon receipt of the ballots, the State Court Administrator will, through consultation with the Chief
29 Justice, set a place, date, and time of opening and notify all Justices and district judges of the place,
30 date, and time of opening. The Chief Justice, and any other interested person, may be present at the
31 ballot count. The candidate with a majority of the votes cast will be declared the winner. If no
32 candidate receives a majority of the votes cast, reballoting will take place with only the top two
33 candidates remaining in contention. For reballoting, the State Court Administrator shall within five
34 days after the prior vote count send new ballots to each Justice and every district judge of each
35 judicial district. Upon receiving the ballot, each Justice or district judge will mark one choice for
36 Chief Justice and return it for receipt by the State Court Administrator within 10 days after the State
37 Court Administrator sent the ballot.

38 8. The following instructions will be provided with each ballot: “Along with these instructions
39 you should have one ballot with the names of all Justices of the Supreme Court who have asked to
40 have their names included on the ballot, one envelope marked ‘Chief Justice Ballot--Inner
41 Envelope’ and one pre-addressed outer envelope. Mark with an ‘x’ in front of your one choice for
42 Chief Justice, seal your ballot in the inner envelope provided and place this in the outer
43 pre-addressed envelope provided and return it to the court administrator for receipt by the deadline
44 provided in Administrative Rule 11, section 7. Additional appointment information can be found in
45 North Dakota Supreme Court Administrative Rule 11.”

46

47

EXPLANATORY NOTE

48 SOURCE: N.D. Const., Art. VI, Sec. 3 and 11; N.D.C.C. § 27-02-01; AR 11 Emergency Rule

49 Adopted January 24, 1980; Permanent Rule Adopted March 4, 1980; amended effective November

50 5, 2019.