

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER OF ADOPTION

Supreme Court No. 20210003

**Amendments to North Dakota Supreme Court Administrative Rule
48 Regarding the North Dakota Judicial Improvement Program**

[¶1] The State Court Administrator submitted proposed amendments to North Dakota Supreme Court Administrative Rule 48 regarding the North Dakota Judicial Improvement Program. The proposal is available at <https://www.ndcourts.gov/supreme-court/dockets/20210003>. 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 allowed comment on the proposal. The Court considered the matter, and

[¶2] IT IS HEREBY ORDERED, that the amendments to North Dakota Supreme Court Administrative Rule 48 are ADOPTED, effective immediately.

[¶3] The Supreme Court of the State of North Dakota convened this 6th day of January, 2021, with, the Honorable Jon J. Jensen, Chief Justice, and the Honorable Gerald W. VandeWalle, the Honorable Lisa Fair McEvers, and the Honorable Jerod E. Tufte, Justices, directing the Clerk of the Supreme Court to enter the above order. The Honorable Daniel J. Crothers, Justice, voted against the action.

/s/ Petra H. Mandigo Hulm
Clerk
North Dakota Supreme Court

Administrative Rule 48 - NORTH DAKOTA JUDICIAL IMPROVEMENT PROGRAM

Effective Date: 6/1/2016_____

SECTION 1. POLICY.

The North Dakota Judicial System policy is to promote the self-improvement of judicial officers by establishing a mandatory judicial improvement program that assists each judicial officer in improving judicial performance and conduct in order to enhance the effective and efficient performance of judicial duties.

SECTION 2. APPLICATION.

This rule applies to all judicial officers. For purposes of this Rule, "judicial officer" means justices of the Supreme Court, judges of the District Court, and judicial referees. This rule does not apply to surrogate judges or judges of the municipal courts.

SECTION 3. IMPLEMENTATION.

A. Except for the compiling and summarizing of survey results, the judicial improvement program will be managed by trial court administrative personnel designated by the presiding judge in each judicial district with respect to surveys regarding district court judges and judicial referees, and by personnel designated by the Chief Justice with respect to surveys regarding justices of the Supreme Court the office of the State Court Administrator consistent with the requirements of this rule.

~~A.~~—B. Approved forms must be used throughout the state as the minimum survey document to provide comments to the individual judicial officer. The forms may be modified periodically. Survey instruments may elicit both qualitative, non-

numerical and quantitative, numerical responses.

~~C. Lists of attorneys, self-represented litigants, and court personnel will be generated from judicial case management systems. The lists should include as many attorneys, self-represented litigants, and court personnel appearing before or working with the judicial officer in the 12 months immediately preceding the survey as possible. The time period may be shortened in areas with high numbers of appearances. Whenever possible, the court will use an electronic survey process. Attorneys and court personnel will be notified when the survey period for a judicial officer has been opened. The response period will be 14 days from the date of the notice.~~

~~B. D.~~ Surveys must be mailed to the survey respondents by personnel designated under Section 3A. The subject of the survey must not receive or see the completed survey document. The subject judicial officer shall select another judicial officer or other person, or both, who will review the survey results with the judicial officer. The subject judicial officer shall provide the name of the reviewer to personnel designated under Section 3A, who shall notify the entity identified in Section 3E.

~~C. E.~~ The Supreme Court shall contract with an independent entity for purposes of receiving and summarizing survey information, and transmitting survey summaries to reviewers. ~~All survey responses must be sent to the entity in a pre-posted envelope provided for that purpose.~~ Upon receiving the survey results, the entity shall summarize the responses and provide narrative and statistical summaries to the reviewer selected by the subject judicial officer. The summaries should separately reflect information provided by attorneys and self-represented litigants and by court personnel unless, based on the number of responses, segregating the information may result in identification of survey respondents.

~~D.~~ F. Upon receiving the survey summary, the reviewer shall review the information with the subject judicial officer and make recommendations to aid in improving judicial performance.

SECTION 4. FREQUENCY OF SURVEYS.

Judicial improvement surveys must be conducted within two years following the election of the subject judicial officer unless the judicial officer is a referee, in which case the surveys must be conducted during each four year period following the referee's appointment. Only one survey for each judicial officer is required during each term of office, or four year period, but a judicial officer may elect to have surveys conducted more frequently.

SECTION 5. CONFIDENTIALITY—DISPOSITION OF SURVEY RESULTS.

Survey results, summaries, and any reports are confidential and shall not be disclosed except as provided in this rule. The subject judicial officer shall not publicly disclose information resulting from the review conducted under Section 3F. The reviewer shall not disclose survey summary information to anyone other than the survey subject. Following completion of each survey process, the reviewer shall return the summary information to the entity described in Section 3E. After the return of the survey summary, the entity shall immediately destroy the summary, along with any related survey information. The entity shall not retain any survey information concerning a subject judicial officer after completion of the survey process.

EXPLANATORY NOTE

Rule 48 was adopted March 1, 2003; amended effective March 1, 2005; amended effective June 1, 2016,_____.