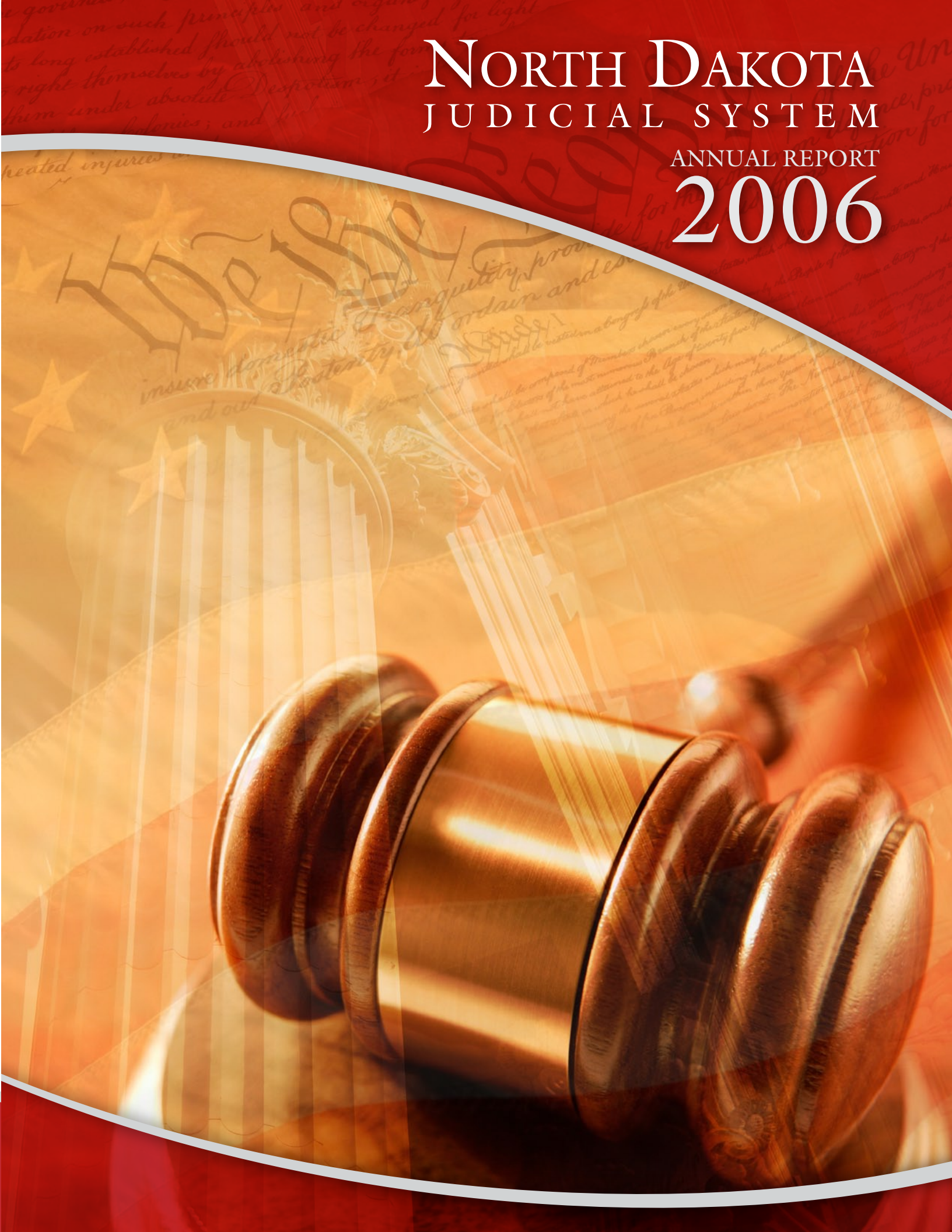


NORTH DAKOTA  
JUDICIAL SYSTEM  
ANNUAL REPORT  
2006



# MISSION STATEMENT

*“To provide the people, through an independent judiciary, equal access to fair and timely resolution of disputes under law.”*



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## MESSAGE FROM CHIEF JUSTICE GERALD W. VANDEWALLE

I am happy to present the 2006 Annual Report of the North Dakota Judicial System. This report, compiled by the Office of the State Court Administrator with the assistance of contributing authors and other staff, is in an expanded format. In addition to the statistics, the reports of the Administrative Units and the Committees, this Annual Report contains articles discussing some of the ongoing projects and programs we have established in the North Dakota Courts as well as some currently on the drawing board.

Reflective of the population of the state, the North Dakota Judicial System is small in both personnel and resources when compared with other states. Notwithstanding our limited means, we have been able to expeditiously manage our caseload even while we establish and grow programs that enhance the delivery of judicial services to the citizens of North Dakota. I make note of this because of the introductory section of this Report which discusses the most recent public trust and confidence survey of our courts. I am pleased with the results and grateful for the attitude and cooperation of the judges and staff which brought about the conclusions reflected by the survey.

Our respect for the judicial system and for those who come to it to settle their differences is reflected in the public's perception of how well we meet our charge. Our state and our nation will not exist without a fair and impartial judicial system that settles disputes justly and timely. To the extent this report signals we are succeeding in that goal, I submit it for your consideration.

# 30 Years of Progress

*2006 marked the anniversary of constitutional amendment*

This past year marked the 30th anniversary of the amendment to Article VI of the North Dakota Constitution that changed the structure of the state’s judicial system and the authority of the Supreme Court.

Thirty years ago, there was a multi-tiered county and municipal court system with overlapping jurisdiction, judges without law training, and unwritten rules of court. Today, there is a unified system with a single layer of trial courts staffed by law-trained judges and professional court administrators.

The purpose of unification of courts is to improve the Supreme Court’s ability to supervise and direct trial courts, to eliminate conflicting, confusing, and obscure local rules and procedures, to eliminate inequities in funding of courts, to simplify jurisdictional issues, and to make the most efficient use of judicial resources.

The judicial system has used the increased autonomy granted in the amendment to meet those purposes and to continuously improve its service to the citizens of North Dakota.

In a recent column, Chief Justice Gerald W. VandeWalle wrote, “The restructuring of the Judicial Branch and the improvements permitted by the restructuring have made us stronger, more efficient, and improved our credibility. We know where we have been and where we are today. We can face the future with confidence in our ability to continue the progress.”

During the past year, the citizens have benefited from a number of projects, rule changes, and initiatives that will be highlighted in this report. While proud of its accomplishments, the judicial system is looking to the future. Its boards, commissions, and committees continue to draft rules, recommend changes, and initiate projects to improve access to justice, increase the efficiency and effectiveness of resources, and increase public trust and confidence in the courts.

“Section 1: The judicial power of the state is vested in a unified judicial system consisting of a supreme court, a district court, and such other courts as may be provided by law.”

## North Dakotans say judicial system fair, accessible

The mission of the North Dakota Judicial System is “to provide the people, through an independent judiciary, equal access to fair and timely resolution of disputes under law.” It is important for the system to periodically measure its accessibility and its treatment of customers in terms of fairness, equality, and respect.

On Nov. 1, 2006, the court conducted a public trust and confidence survey, asking individuals appearing at the court that day to rate the court in a number of areas related to access to justice, fairness, and public trust and confidence.

Overall, the results indicate that the public views the North Dakota court system as accessible and fair. Results also indicated that public trust and confidence in the court system has increased over the years.

Accessibility was measured by the following factors: ease of finding the courthouse, ease of understanding forms, courthouse safety, elimination of barriers to access, amount of time needed to complete court business, staff responsiveness to needs, treatment by staff, ease of finding a courtroom or office, usefulness of the website, and convenience of hours of operation. The access factor with the highest overall rating was, “I was treated with courtesy and respect.”

To measure the litigant’s sense of fairness, respondents who appeared before a judge that day were asked to respond to the following statements: my case was handled fairly; the judge listened to my side; the judge had the information necessary to make a good decision about the case; I was treated the same as everyone else; and as I leave the court, I know what to do next about my case. The courts ranked well in all of the fairness factors.

The survey also looked at public perception of the courts and the elements that build public trust and confidence. Respondents were asked to rate the degree which they trust a variety of public institutions. The court system, including the U.S. Supreme Court, the North Dakota Supreme Court and the district courts, scored higher in this area than other institutions, such as public schools, the media, and the medical profession.

Of the elements that build public trust and confidence, the courts ranked exceptionally well as protecting constitutional rights and having honest and fair judges, while scoring slightly below average on representation of juries, enforcement of orders, courts out of touch with the local community, and time and attention spent on cases.

The survey shows that, overall, North Dakotans find their court system to be fair and accessible. While they express some reservation in the areas of public trust and confidence, the citizens still exhibit a high degree of trust in the system.

The challenge now will be to retain the public’s respect by continuing to understand and respond to the changing expectations of society and the people served by the courts.

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## Rules sets guidelines for electronic access to records

Designed “to provide a comprehensive framework for public access to court records,” an amended version of N.D. Sup. Ct. Admin. R. 41 took effect on July 1, 2006.

Underlying the rule is the presumption that court records will be open to the public. The rule states that, “information in the court record is accessible to the public except as prohibited by this rule.” Records kept at courthouses, for example, “must be available for public access during normal business hours.”

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At the same time, however, the rule is designed to protect citizens' privacy. The rule excludes some information from public access, including personal information belonging to court users, such as social security numbers and financial account numbers. In general, information that is not accessible to the public under state or federal law is not accessible under the rule.

Recognizing new technology, the rule also sets guidelines for electronic access to court records. Under the rule, several types of court information will be made available by electronic access: indexes to cases filed with the court; listings of new case filings; register of actions showing what documents have been filed in a case; calendars or dockets of court proceedings, judgments, orders or decrees; and reports specifically developed for electronic transfer.

The state court technology staff has designed a computer database that contains electronically accessible court information. It is the foundation of a publicly accessible website, similar to the existing North Dakota Supreme Court website.

The rule also allows public access to compiled information, which is "information that is derived from the selection, aggregation or reformulation by the court of some of the information from more than one individual court record." While the public has long had access to compiled information in court system reports, the amended rule allows the public and researchers to request that new and specific compilations of information be made.

Another new feature of the amended rule is guidelines for bulk distribution of court records. Bulk distribution is "distribution of all, or a significant subset, of the information in court records, as is and without modification or compilation." Under the rule, any information in a publicly accessible court record can be made available through bulk distribution.

In order to make bulk distribution possible, the court technology staff is working on a program that will extract civil judgments and criminal convictions from the public database discussed above. The extracted judgments will be stored on a separate website and access to this website would be available for a fee.

The text of A.R. 41 is located at [www.ndcourts.gov/rules/Administrative/frameset.htm](http://www.ndcourts.gov/rules/Administrative/frameset.htm).

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## Juvenile Drug Court continues to expand

In early spring of 2006, planning began for a new juvenile drug court to be established in the Northwest Judicial District in Minot. Minot's drug court became the fourth juvenile drug court in the state.

Minot's drug court team attended training at the National Drug Court Institute and with the North Central Judicial Drug Court in Grand Forks. The Minot drug court began in mid-January 2007. The Northwest Judicial District plans to begin training for another juvenile drug court in Williston in 2007.

The first juvenile drug courts began operation on May 1, 2000. In 2000, pilot courts were established in the Northeast Central Judicial District in Grand Forks under the judgeship of Hon. Debbie Kleven, and in the East Central Judicial District in Fargo under the judgeship of Hon. Ralph Erickson.

After two years of studying and planning, the committee made up of government officials, law enforcement, attorneys, indigent defense counsel, treatment providers, judges, juvenile court, and the attorney general's office, concluded that drug and alcohol abuse by juveniles was a significant factor in referrals to North Dakota juvenile

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*The courts have gone through many changes in the last six years and continue to adapt the program to the juveniles' ever changing needs.*



courts. A recommendation was made to the Juvenile Policy Board and to the Supreme Court by this committee to begin a pilot project for juvenile drug court. Under the direction of Justice Mary Muehlen Maring, an advisory board was formed to monitor and evaluate the program. Grant funds were received in the planning stage for training and implementation of the courts.

North Dakota had treatment and support resources in place and the willingness of the communities to make the program successful. The program requires a team which consists of a judge, prosecutor, defense counsel, treatment provider, probation, coordinator, school representative, and law enforcement. The program is an intensive accountability program providing specialized services for substance abusing juveniles and their families and combining the coercive powers of the judiciary with intensive drug treatment, close supervision, and offender accountability. Juvenile drug courts are an alternative for out-of-home placement for juveniles who have not been charged with manufacturing or selling drugs or who have not committed a violent felony crime. The participants of the program are juveniles between the age of 13 and 17 who have been assessed with an alcohol or substance abuse. The program lasts a minimum of nine months.

Kevin Thompson, Ph.D., North Dakota State University Department of Criminal Justice and Public Policy, was hired by the North Dakota Supreme Court to evaluate the programs. Dr. Thompson created a comparison group for his studies from a group of juveniles from the South Central Judicial District who met the same criteria as drug court participants, but who were not enrolled in a juvenile drug court program. From data collected by Dr. Thompson, the pilot programs proved highly successful in reducing recidivism. A Preliminary Outcome Evaluation of North

Dakota Juvenile Drug Court-Recidivism Analysis was completed by Dr. Thompson in 2001 where he used the drug court participants and the comparison group.

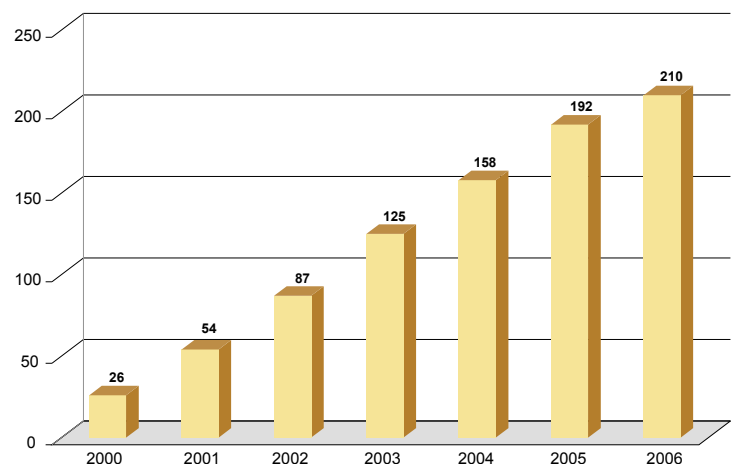
In this study, recidivism was defined as a subsequent arrest following admission to drug court that is classified as a class B misdemeanor or higher, with infractions and non-criminal violations discounted in the recidivism analysis. Dr. Thompson’s findings demonstrated that the drug court participants showed a significantly lower recidivism rate than the juveniles in the comparison group. The study also showed that if the juvenile recidivated, the length of time between referral and recidivism is longer for drug court participants than for non-drug court juveniles. Data also indicates an improvement in academic achievement for drug court participants.

This data also contributed to the establishment of a juvenile drug court in the South Central Judicial District. The court began operation on October of 2002, with Hon. Bruce Romanick as the primary judge.

Data continues to be collected by Dr. Thompson for evaluation purposes. The following charts provide

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**Cumulative Juvenile Drug Court Participation 2000-2006**



information on the North Dakota Juvenile Drug Court Program since its inception in 2000 to the end of 2006.

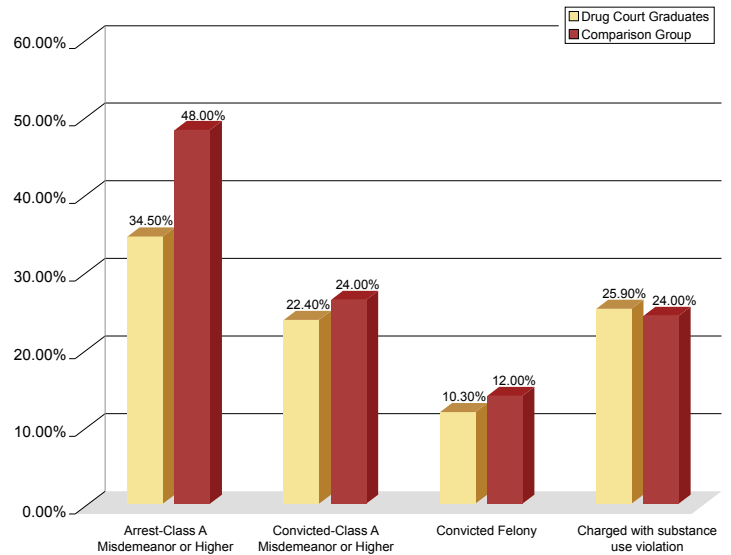
As of December 31, 2006

- 213 juveniles had entered the drug court programs.
- 72 have graduated from the drug court programs.
- Average age at entry is 16.2 years.
- Average number of prior referrals to juvenile court before entering drug court is 5.7.
- Fifty percent of the participants are terminated from the program because of noncompliance and further offenses.
- Marijuana and alcohol are the main drugs of choice.
- Sixty-one percent of the participants had a dual diagnosis (substance abuse and mental health)

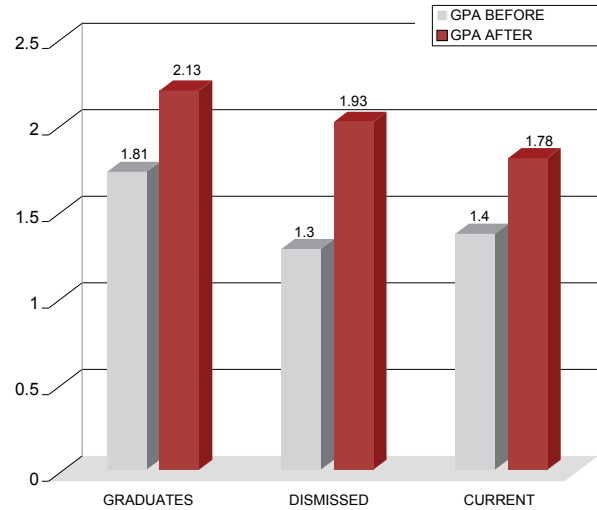
The courts have gone through many changes in the last six years and continue to adapt the program to the juveniles' ever changing needs. The commitment and dedication of the team members are what has made this program so successful. The East Central Juvenile Drug Court is now under the judgeship of Hon. Wade Webb and the Northeast Central Juvenile Drug Court is under the judgeship of Hon. Karen Kosanda Braaten. The Northwest Juvenile Drug Court is under the judgeship of Hon. Doug Mattson.

It is clear that the success of juvenile drug court is changing lives of our juveniles and their families. The program continues to be monitored by the Juvenile Drug Court Advisory Committee and evaluated by Dr. Kevin Thompson. Justice Mary Muehlen Maring continues to serve as the director and Marilyn Moe as state coordinator.

Male Adult Recidivism Rates-Graduates vs. Comparison Group



GPA by Drug Court Status Two Quarters prior to Drug Court and Two Quarters Following Admission to Drug Court. August 2005.



## Family Court Project

### *Performance measures determined for Family Court Program*

An evaluation of the Family Court program in the Northeast Central Judicial District was conducted by the National Center for State Courts in 2006.

Judge Joel Medd, the supervising judge in Grand Forks, noted that since the completion of the process evaluation the Family Court is in the process of developing a performance measurement system which may be used to determine long-term program effectiveness.

The Family Court program was started in the Northeast Central Judicial District in 2002 to improve the manner in which the court coordinates the handling of cases involving families and to improve coordination of services to families involved in court proceedings. STOP grant funding was used to initiate the program and the first cases were accepted in 2003.

From 2003 through 2005, a total of 50 families involving 233 cases were assigned to the Family Court.

Three principal goals were established for the program:

- To coordinate the exchange of information and service delivery regarding the family and to avoid conflicting and redundant court orders in order to expedite family matters to resolution.
- To promote safety and justice for victims of domestic violence and child abuse or neglect by facilitating the necessary service delivery for all family members and monitoring court orders for compliance.
- To develop affordable forms of alternative dispute resolution to avoid time consuming and disparaging court hearings in family matters.

Cases eligible for inclusion in Family Court case management include: juvenile court matters, divorce, separation, child custody and visitation, adoptions, child support, mental health, domestic violence, and guardianships.

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The evaluation results showed that focus group participants were generally supportive of the Family Court program, stating it is useful in the coordination of services and case hearings and reducing the burden on litigants to appear at multiple hearings. Most participants also believed that having a single judge handling multiple cases involving the same family was positive and an efficient use of judicial time.

The National Center’s evaluation provides strong evidence that the case management and treatment coordination provided by the Family Court is resulting in improved outcomes for families involved in family-related litigation, and is a more effective and efficient use of treatment resources.

Judge Medd noted that one sign of success for the Family Court can be seen in one family that has made a great deal of progress through the process. The family consists of two parents who were never married and three children. The mother struggled with mental health issues and actually attempted suicide in front of the children. Temporary custody was awarded to the father. A number of agencies were involved with the family. These agencies have all come together in the Family Court Treatment Team and were able to work together on one path for the family.

The mother is now stabilized in her mental health, working full time, and has her own home away from a destructive boyfriend she had been seeing. The family successfully completed all requirements of social services. The father is successfully providing a stable home for the children: the eldest child was recently inducted into the National Honor Society. The family has now progressed to unsupervised visitation for the mother and it is anticipated that they will progress to overnights and increased co-parenting by the time of the next Family Court hearing.

“The real success of the project is improving judicial services for families,” said Judge Medd.

## *The Docket* connects North Dakota courts

The new judicial system newsletter, *The Docket*, was launched in the Fall of 2006.

The quarterly newsletter provides a forum for all judicial system employees to communicate with one another on issues facing North Dakota Courts, accomplishments, and transitions.

An editorial board of judges and staff guides the direction of the newsletter, offering input on design and content.



## Mediation Pilot Project

### *Mediation pilot project developed for custody, visitation cases*

Recognizing the emotional toll that divorce takes on members of a family, the Court is developing a limited pilot project for mediating custody and visitation disputes when a divorce action is filed.

Chief Justice Gerald VandeWalle said it has been apparent for some time that the Court needs to explore alternative methods of deciding family law disputes.

“The adversarial system works well in most civil and criminal cases in which the parties do not avail themselves of some other form of resolving the dispute,” he said. “However, family law cases involving custody and visitation of children necessarily require the continuing engagement of the parent in the lives of their children, and to some extent, engagement with one another.”

Chief Justice VandeWalle noted that while determining the instant dispute, the adversarial system in some instances negatively affects that continuing engagement of the parents and children.

The intent of the project is to send cases involving children to a mediation session to assist parties in resolving current issues and to educate parents about the kinds of issues that may arise over the years.

The goals are to assist parents in achieving a mutually satisfying decision about custody and visitation and to increase compliance with court orders regarding these issues.

A particular concern that will be addressed by the project is affordability. While private mediation has been available for many years, there has been no program available for low-income or indigent persons.

The project does not intend to divert cases out of court, but to alleviate the emotional distress caused by the adversarial process with the hope that the parties will be able to work together to parent their children in a healthy, non-competitive environment.

“The opinions of this court [North Dakota Supreme Court] reflect the need for another approach,” said Chief Justice VandeWalle. “We hope our pilot project is successful in reducing the bitterness that these proceedings engender.”

Initially the project will be piloted in Grand Forks and Bismarck.

# Navigating the North Dakota Judicial System

## North Dakota Supreme Court

*One Chief Justice & Four Justices: 10-year terms*

The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: 1) adjudicative and 2) administrative. It is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. The Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary. In its administrative capacity, the Court is responsible for ensuring the efficient and effective operation of all non-federal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession and promulgating procedural rules.

## Court of Appeals

*Three Judges: Temporary Terms*

Court of Appeals was established in 1987 to assist the Supreme Court in managing its workload. The Court of Appeals hears only the cases assigned to it by the Supreme Court. Cases may include family law issues and appeals from administrative agency decisions, trial court orders on motions for summary judgment, cases originating under the Uniform Juvenile Court Act, and misdemeanor convictions.

## District Court

*Seven Judicial Districts/ 42 Judges: Six-year terms*

District court is the state trial court of general jurisdiction. Among the types of cases it hears are civil, criminal, domestic relations, small claims, and probate. District Courts also serve as the Juvenile Courts in the state with original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. In some districts, judicial referees have been appointed to preside over juvenile, judgment enforcement, and domestic relations proceedings, other than contested divorces. District Courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies and for criminal convictions in Municipal Courts.

## Municipal Court

*75 Judges: Four-year terms*

Municipal Courts have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. In cities with a population of 5,000 or more, the municipal judge is required to be a licensed attorney. Trials in municipal court are before the judge without a jury. State law permits an individual to serve more than one city as a municipal judge.

## North Dakota Supreme Court

The North Dakota Supreme Court has five Justices. Each Justice is elected for a ten-year term in a nonpartisan election. The terms of the Justices are staggered so that only one judgeship is scheduled for election every two years. However, in the case of the retirement or death of a Justice during the term of office, the Governor can appoint to fill the term for two years, when the person must then run for election.

Each Justice must be a licensed attorney and a citizen of

the United States and North Dakota.

One member of the Supreme Court is selected as Chief Justice by the Justices of the Supreme Court and the District Court Judges. The Chief Justice's term is for five years or until the Justice's elected term on the court expires. The Chief Justice's duties include presiding over Supreme Court arguments and conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

A detailed overview of the court system can be found at [www.ndcourts.gov/court/brochure.htm](http://www.ndcourts.gov/court/brochure.htm).



North Dakota Supreme Court - (left to right) Justice Dale V. Sandstrom, Justice Carol Ronning Kapsner, Chief Justice Gerald VandeWalle, Justice Daniel J. Crothers, and Justice Mary Muehlen Maring. Biographical information on the Justices is located at [www.ndcourts.gov/Court/COURT.htm](http://www.ndcourts.gov/Court/COURT.htm)

## 2006 Supreme Court Caseload

- The Justices each authored an average of 51 majority opinions in 2006, the highest average in 10 years. Another 54 separate concurrences and/or dissents were also written.
- There was an overall decrease in filings. Appeals in misdemeanor cases significantly increased. Appeals in drug-related and post conviction cases significantly decreased.
- The number of appeals in family related cases accounted for 26 percent of the civil caseload in 2006, which is slightly less than last year.
- Oral arguments were scheduled in 231 cases, with approximately 17 percent of those arguments being

waived by either the parties or the Court and submitted on the briefs and the record.

- One or more of the parties were self-represented in 21.5 percent of the cases.
- The most appeals originated from the South Central Judicial District, followed by the East Central, Northwest, Southeast, Northeast Central, Southwest and Northeast Districts.
- There were 673 motions filed in 2006. The Clerk acted on 44 percent of those under North Dakota Supreme Court Administrative Rule 5 and as delegated by the Chief Justice.
- In 35 percent of the appeals, at least one brief was filed electronically. Motions were electronically filed 29 percent of the time.

### CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 2005 AND 2006 CALENDAR YEARS

	2005	2006	Percent Difference
New Filings	449	362	-19.38
Civil	286	209	-26.92
Criminal	163	153	-6.13
Transferred to Court of Appeals	11	0	-100.00
Civil	7	0	-100.00
Criminal	4	0	-100.00
Filings Carried Over From Previous Calendar Year	183	251	37.16
Total Cases Docketed	621	613	-1.29
Dispositions	370	435	17.57
Civil	251	271	7.97
Criminal	119	164	37.82
Cases Pending as of December 31	251	178	-29.08

### CASE DISPOSITIONS – 2006

	Civil	Criminal
BY OPINION:		
Affirmed; Affirmed & Modified	91	62
Reversed; Reversed & Remanded;		
Reversed in Part & Remanded	37	11
Affirmed in Part & Reversed in Part;		
Affirmed in Part & Vacated in Part;		
Affirmed in Part & Dismissed in Part	29	0
Affirmed by Summary Disposition	29	26
Order/Judgment Vacated &		
Remanded; Remanded	2	0
Dismissed	0	16
Discipline Imposed	14	0
Reinstatement Ordered	2	0
Original Jurisdiction--Denied	0	1
Original Jurisdiction--Granted	1	0
Certified Question Answered	0	0
Dispositions by Opinion	205	116
BY ORDER:		
Dismissed	32	25
Dismissed After Conference	22	18
Original Jurisdiction--Denied	12	5
Original Jurisdiction--Granted	0	0
No Court Action Necessary	0	0
Dispositions by Order	66	48
Total Dispositions for 2006	271	164



**CASELOAD OVERVIEW OF NORTH DAKOTA COURTS  
FOR 2005 AND 2006**

Level of Court	Filings		Dispositions	
	2005	2006	2005	2006
Supreme Court	449	362	370	435
District Court	152,125	158,577	175,295	181,754

**Public Outreach**

The first Justices’ Teaching Institute was held in October, 2006. Teachers from across the state participated in an intensive day-and-a-half experience learning about the judicial system and judicial decision-making. The goal was to give teachers the knowledge and resources to be able to teach others with confidence about the nature, history, structure,

function, and processes of the North Dakota courts and judicial decision-making. The second Justices’ Teaching Institute is scheduled for October 2007.

The Justices continued other community outreach by speaking to service and professional groups, as well as students. They also held a Special Term of Court at the University of North Dakota School of Law.





## North Dakota District Courts

There are district court services in each of the state's 53 counties. The district courts are funded by the state of North Dakota. The district courts have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal cases and have general jurisdiction for civil cases.

The district courts also serve as the juvenile courts in the state and have exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. Unlike a majority of other states, the responsibility for supervising and counseling juveniles who have been brought into court lies with the judicial branch of government in North Dakota. The presiding judge, on behalf of the district court judges of the judicial district, may appoint judicial referees to preside over juvenile proceedings, judgment enforcement proceedings, and domestic relations proceedings other than contested divorces.

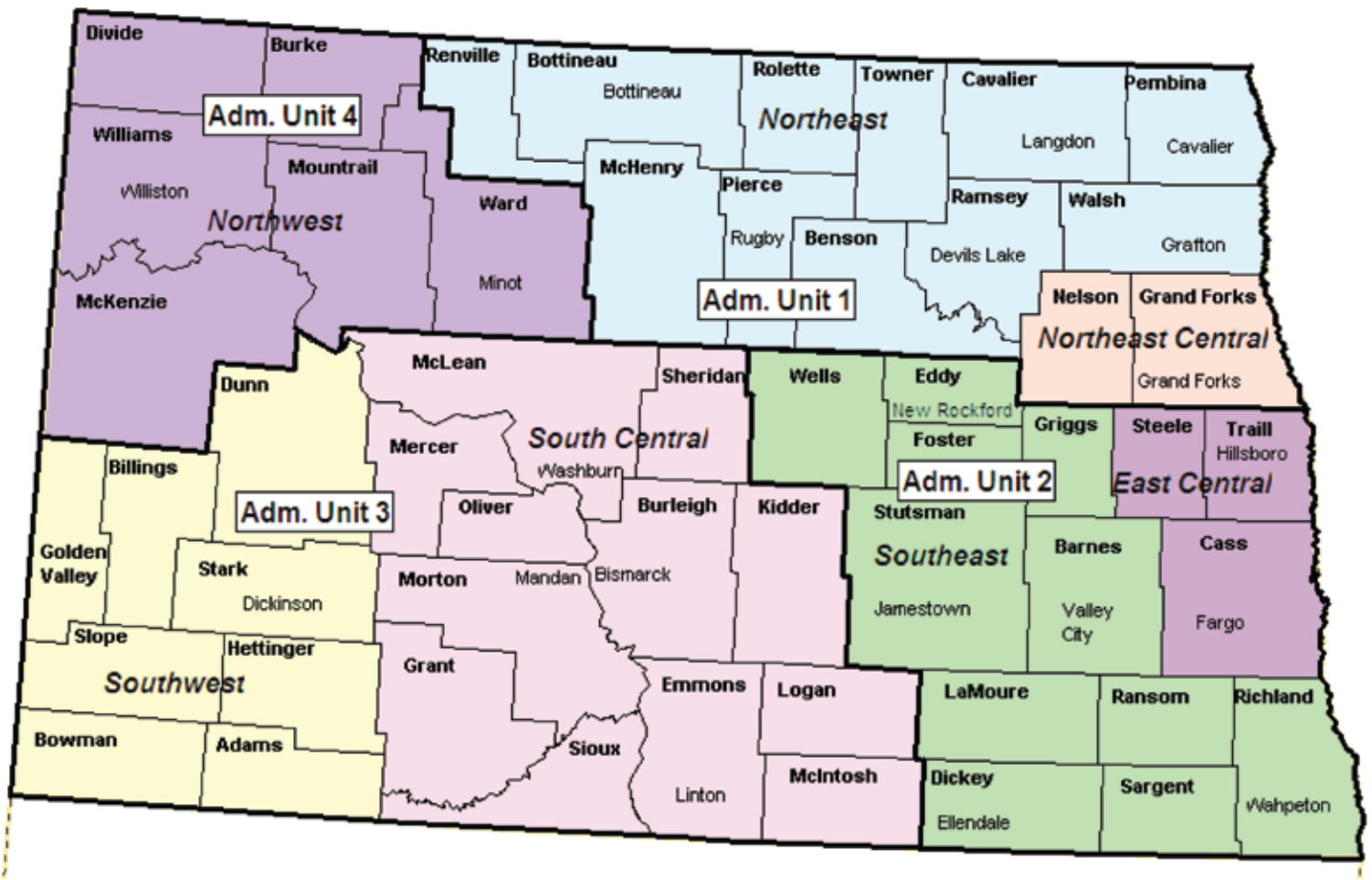
The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, district courts do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding conducted by the administrative agency.

In 1979 the Supreme Court divided the state into seven judicial districts. In each judicial district there is a presiding judge who oversees judicial services of courts in the geographical area of the judicial district. The duties of the presiding judge, as established by the Supreme Court, include convening regular meetings of the judges within the judicial district to discuss issues of common concern, assigning cases among the judges of the district, and assigning judges within the judicial district in cases of demand for change of judge. In 2004, the Supreme Court consolidated the seven judicial districts into four administrative units. Each administrative unit is headed by a court administrator who is responsible for operational oversight of the clerks of district court, juvenile court personnel, as well as administrative personnel. The court administrator has the responsibility for liaison with governmental agencies, budget, facilities, records management, personnel, and contract administration.

There are 42 district judges in the state.

Information about the district courts is located at [www.ndcourts.gov/court/Districts/Districts.htm](http://www.ndcourts.gov/court/Districts/Districts.htm).

# North Dakota Administrative Units, Judicial Districts & Chambers



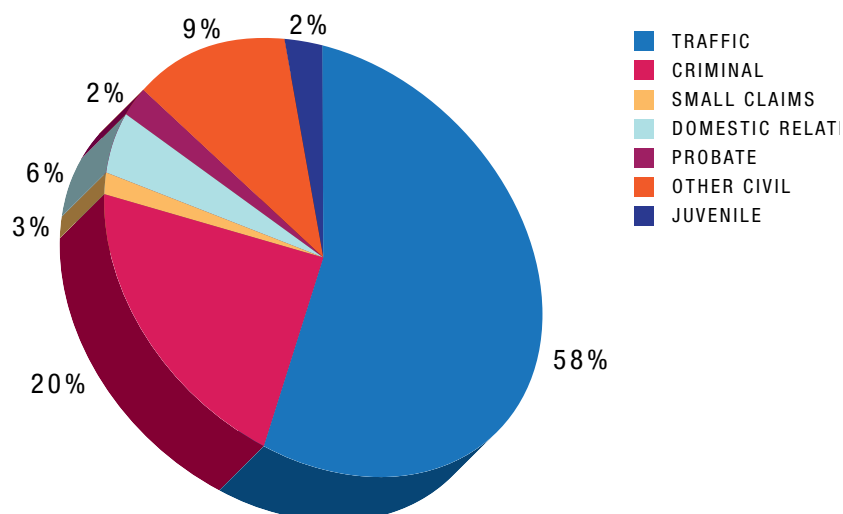
**DISTRICT COURT DATA**  
*Jury Trials for Judicial District for 2006*

District	2006
East Central	40
Northeast	16
Northeast Central	27
Northwest	47
South Central	90
Southeast	38
Southwest	16
<b>Total</b>	<b>274</b>

**TOTAL DISTRICT COURT CASELOAD**  
*For Calendar years 2006 & 2005*

CASE FILINGS/ DISPOSITIONS	2006 FILED	2006 DISP.	2005 FILED	2005 DISP.	Change in Filings 2006/2005	
Civil	26,604	38,820	27,094	39,452	-1.81%	-1.60%
Small Claims	5,228	5,465	5,337	5,459	-2.04%	0.11%
Criminal	30,930	41,258	31,461	39,360	-1.69%	4.82%
Traffic	93,236	92,059	85,785	86,660	8.69%	6.23%
Juvenile	2,576	4,152	2,448	4,364	5.23%	-4.86%
<b>TOTAL</b>	<b>158,574</b>	<b>181,754</b>	<b>152,125</b>	<b>175,295</b>	<b>4.24%</b>	<b>3.68%</b>

**TYPES OF CASES FILED IN DISTRICT COURTS**



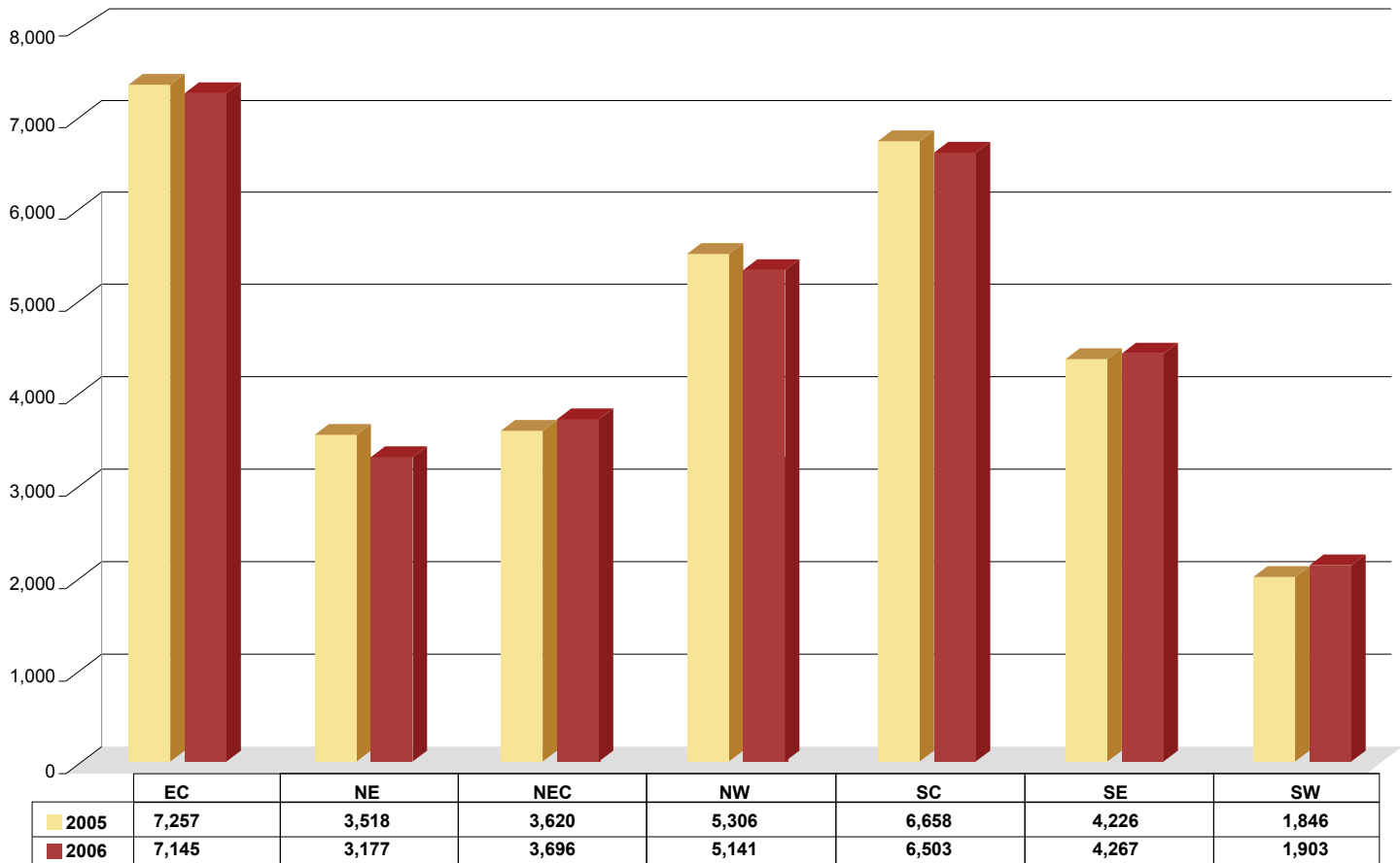
## District Court Civil Caseload

Civil filings decreased slightly (less than 2 percent) during 2006. Small claims, probate, domestic relations and other civil filings all decreased slightly.

Domestic relations case filings decreased 3 percent. Divorce filings account for 25 percent, protection/restraining orders 17 percent, custody filings 2 percent, adoption 3 percent, paternity 7 percent, and termination of parental rights account for less than 1 percent of the domestic caseload.

Divorce filings were up 5 percent to 2,304 cases in 2006. Protection/restraining order filings increased 6 percent. Paternity case filings were down 5 percent with 673 cases filed, while support proceedings decreased 7 percent with 4,178 cases filed, compared to 4,487 cases in 2005.

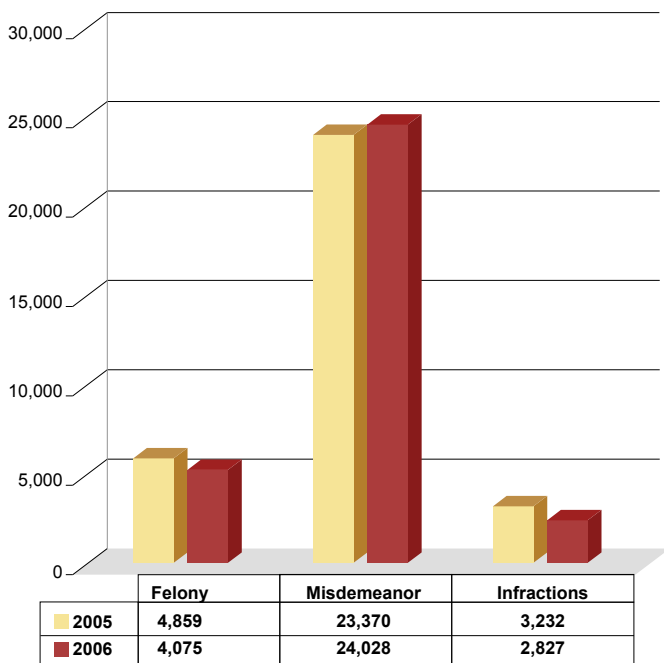
ND Civil Caseload for District Courts for 2005 and 2006



## Criminal Caseload

Criminal case filing data for 2006 reflects a slight decrease (less than 2 percent) in filings from 2005 to 2006. The 2006 felony filings decreased by 16 percent, infractions decreased by 13 percent and misdemeanors increased by 3 percent. Misdemeanors made up 78 percent of total criminal filings, felonies 13 percent, and infractions 9 percent.

ND Criminal Caseload for District Court for 2005 and 2006

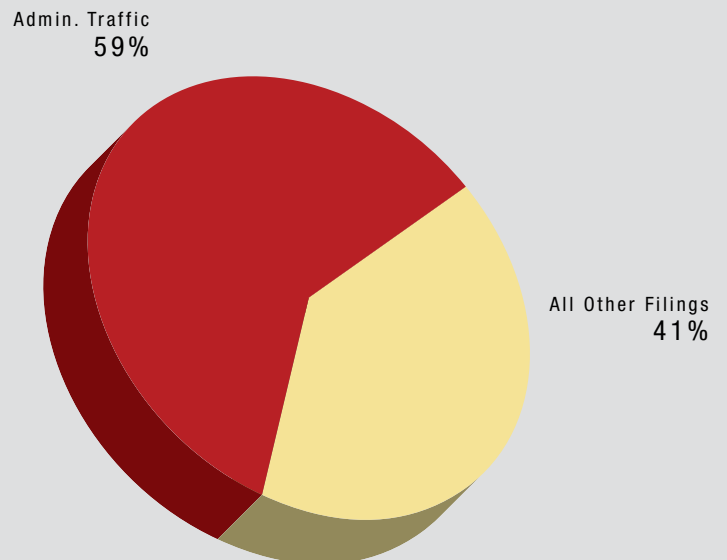


## Administrative Traffic Case Processing

Administrative traffic filings increased by 7,451 (9 percent) from 2005 to 2006. These cases make up 59 percent of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Case Filings	2005	2006
Admin. Traffic	85,785	93,236
Case Dispositions	2005	2006
Admin Traffic	86,660	92,059

Total Cases Filed In District Court Including Admin, Traffic - 2006



## Juvenile Caseload

This year's data shows a slight increase in juvenile offenses. Overall referrals showed a decrease of 2 percent after an increase of 2 percent from 2004-2005.

As with the criminal caseload, the low violent crime rate in North Dakota is reflected in its juvenile court statistics. Offenses against persons made up 7 percent of the juvenile court caseload. Meanwhile, status offenses (offenses which are crimes only if they are committed by someone under age 18) made up 61 percent of the caseload. Property offenses comprise 18 percent; traffic offenses – 4 percent; deprivation – 11 percent; and other delinquency – 39 percent of the juvenile caseload.

The method by which cases were disposed shows a continued reliance on adjusted/diverted proceedings. Of the cases heard, 56 percent were disposed of through adjusted/diverted proceedings in 2006, compared to 59 percent in 2005. The use of informal probation adjustments increased in 2006. The formal juvenile court caseload also reflects an increase over previous years. Tables comparing the types of dispositions and reasons for referral to the juvenile court in 2005 and 2006 follow. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral to juvenile court.

**Types of Juvenile Court Dispositions for 2005 and 2006**

Judicial District	Formal		Informal/Probation		Adjusted/Diverted		Total Dispositions		Percent Difference
	2005	2006	2005	2006	2005	2006	2005	2006	
East Central	952	898	452	522	1,580	1,319	2,984	2,739	-8%
Northeast	398	456	143	148	900	734	1,441	1,338	-7%
NE Central	409	434	297	345	584	574	1,290	1,353	5%
Northwest	387	479	340	355	992	1,017	1,719	1,851	8%
South Central	649	795	199	264	1,716	1,958	2,564	3,017	18%
Southeast	260	264	126	270	964	926	1,350	1,460	8%
Southwest	181	163	68	57	351	448	600	668	11%
<b>TOTAL</b>	<b>3,236</b>	<b>3,489</b>	<b>1,625</b>	<b>1,961</b>	<b>7,087</b>	<b>6,976</b>	<b>11,948</b>	<b>12,426</b>	<b>4%</b>

\*Cases that are referred to the juvenile court are processed in one of three ways:

1. Diversion - referred to a private agency or program.
2. Informal adjustment - juvenile court intervention with no formal charge or conviction entered.
3. Formal - charges are filed in the district court and the case proceeds through the court system.



**Reasons for Referral to Juvenile Court Services  
in 2005 and 2006**

		2005	2006	% Change	% of Total
<b>FAMILY</b>		<b>1,936</b>	<b>1,779</b>	<b>-8%</b>	<b>19%</b>
	Runaway (instate resident)	612	533		
	Runaway (out-of-state resident)	17	22		
	Truancy	353	334		
	Ungovernable Behavior	590	599		
	Curfew	311	250		
	Other Unruly	53	41		
<b>DELINQUENCY</b>		<b>6,658</b>	<b>6,549</b>	<b>-2%</b>	<b>69%</b>
	Offenses Against Persons	<b>735</b>	<b>709</b>	<b>-4%</b>	
	Assault	512	481		
	Terrorizing-Stalking-Menacing	140	147		
	Homicide (negligent)	0	1		
	Kidnapping	0	0		
	Other Offenses Against Persons	6	7		
	Sex Offenses	77	73		
	Offenses Against Property	<b>1,813</b>	<b>1,753</b>	<b>-3%</b>	
	Arson/Fire Related	11	17		
	Burglary	168	226		
	Criminal Mischief/Vandalism	388	384		
	Criminal Trespass	128	151		
	Forgery	29	17		
	Other Property Offenses	44	48		
	Possession of Stolen Property	63	56		
	Robbery	2	5		
	Shoplifting	479	362		
	Theft	501	487		
	Traffic Offenses	<b>380</b>	<b>413</b>	<b>9%</b>	
	DUI/Physical Control	107	133		
	Driving without License	212	224		
	Other Traffic	61	56		
	Other Offenses (69%)	<b>3,730</b>	<b>3,674</b>	<b>-2%</b>	
	Check Offenses	25	20		
	City Ordinances	44	38		
	Disorderly Conduct	724	703		
	Weapons	57	45		
	Game and Fish	56	31		
	Obstruction	2	7		
	Other Public Order	247	264		
	Possession/Purchase Alcohol	1,937	2,007		
	Controlled Substance - Possession	527	479		
	Controlled Substance - Delivery	30	28		
	Tobacco	81	52		
<b>DEPRIVATION</b>		<b>1,035</b>	<b>1,078</b>	<b>4%</b>	<b>11%</b>
	Abandonment	3	0		
	Abuse/Neglect	163	203		
	Deprived	869	875		
<b>SPEC. PROCEEDING</b>		<b>103</b>	<b>108</b>	<b>5%</b>	<b>1%</b>
	Termination of Parental Rights (Involuntary)	65	78		
	Termination of Parental Rights (Voluntary)	26	19		
	Other Special Proceeding	12	11		
<b>TOTAL</b>		<b>9,732</b>	<b>9,514</b>	<b>-2%</b>	<b>100%</b>



19

1933.

SESSION  
CASES

1931.

SESSION  
CASES

## Municipal Courts

There are approximately 363 incorporated cities in North Dakota. Currently, there are 75 municipal judges. State law permits an individual to serve more than one city as a municipal judge. Each municipality under 5,000 population has the option of deciding whether or not to have a municipal court. Municipalities may contract with the state to provide municipal ordinance violation court services so that district judges may hear municipal ordinance violations. Municipal judges have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. Violations of state law are not within the jurisdiction of the municipal courts.

A municipal judge is elected for a four-year term. The judge must be a qualified elector of the city, except in cities with a population below 5,000. In cities with a population of 5,000 or more, the municipal judge is required to be a licensed attorney, unless an attorney is unavailable or not interested in serving. At present, there are approximately 27 legally-trained and 51 lay municipal judges in the state. Vacancies that occur between elections are filled by the executive officer of the municipality with the consent of the governing body of the municipality.

State law requires that each new municipal judge attend two educational seminars and all others attend one course conducted by the Supreme Court in each calendar year. If a municipal judge fails to meet this requirement without an excused absence from the Continuing Judicial Education Commission, the judge's name is referred to the Judicial Conduct Commission for disciplinary action.

Municipal courts have jurisdiction over municipal ordinance violations, which are either traffic or criminal cases. Most of the traffic caseload of the municipal courts consists of noncriminal or administrative traffic cases. While these cases greatly outnumber the criminal traffic cases, they generally take much less time to process. There is a lesser burden of proof in noncriminal traffic cases than in criminal cases and most noncriminal traffic cases are disposed of by bond forfeitures. While judges are not needed to process bond forfeitures, support personnel in the clerk's office must account for every citation received by the court.

Municipal criminal ordinance violations that may be heard by a municipal court are either infractions or Class B misdemeanors; and are, in large part, similar or identical to many of the criminal cases heard in the district courts. A large share of the criminal violations are those involving traffic, but many are unique to each city and based on the particular ordinances. The North Dakota Rules of Criminal Procedure and the Rules of Evidence are applicable to municipal court criminal proceedings. Jury trials are available to persons charged in municipal court with Class B misdemeanors upon a request for transfer to district court; otherwise, trials in municipal court are to the judge without a jury. As in all criminal cases, the city must prove beyond a reasonable doubt that the defendant committed the alleged criminal offense. Appeal from a criminal conviction in municipal court is to the district court.

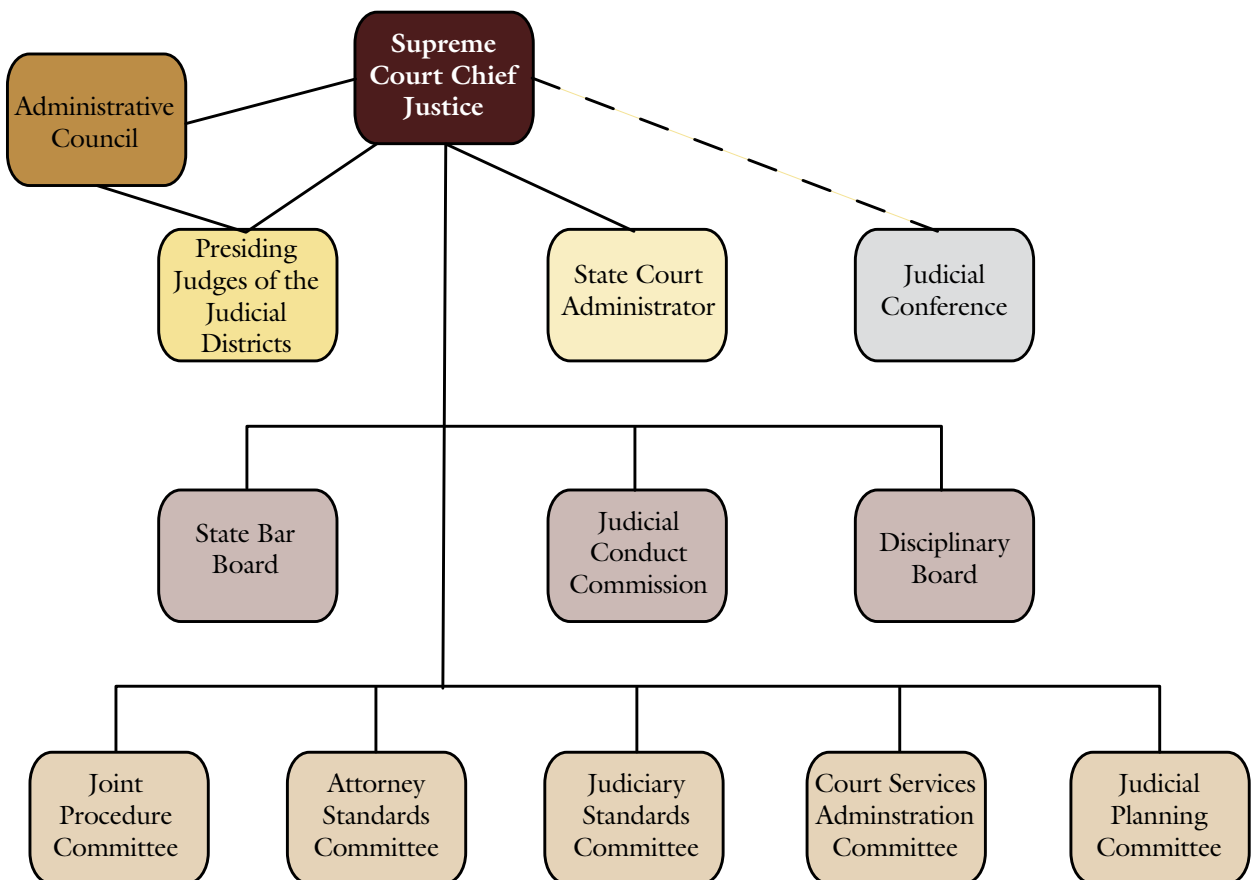
## Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the Supreme Court. The Constitution establishes the Supreme Court’s administrative responsibility for the judicial system by designating the chief justice as the administrative head of the judicial system. In addition, the state constitution also grants the Supreme Court supervisory authority over the legal profession. Article VI, Section 3, states that the Supreme Court shall have the authority, “unless otherwise provided by

law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law.”

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, Supreme Court clerk, directors, staff attorneys, presiding judges, and various advisory committees, commissions, and boards.

### ADMINISTRATION ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM



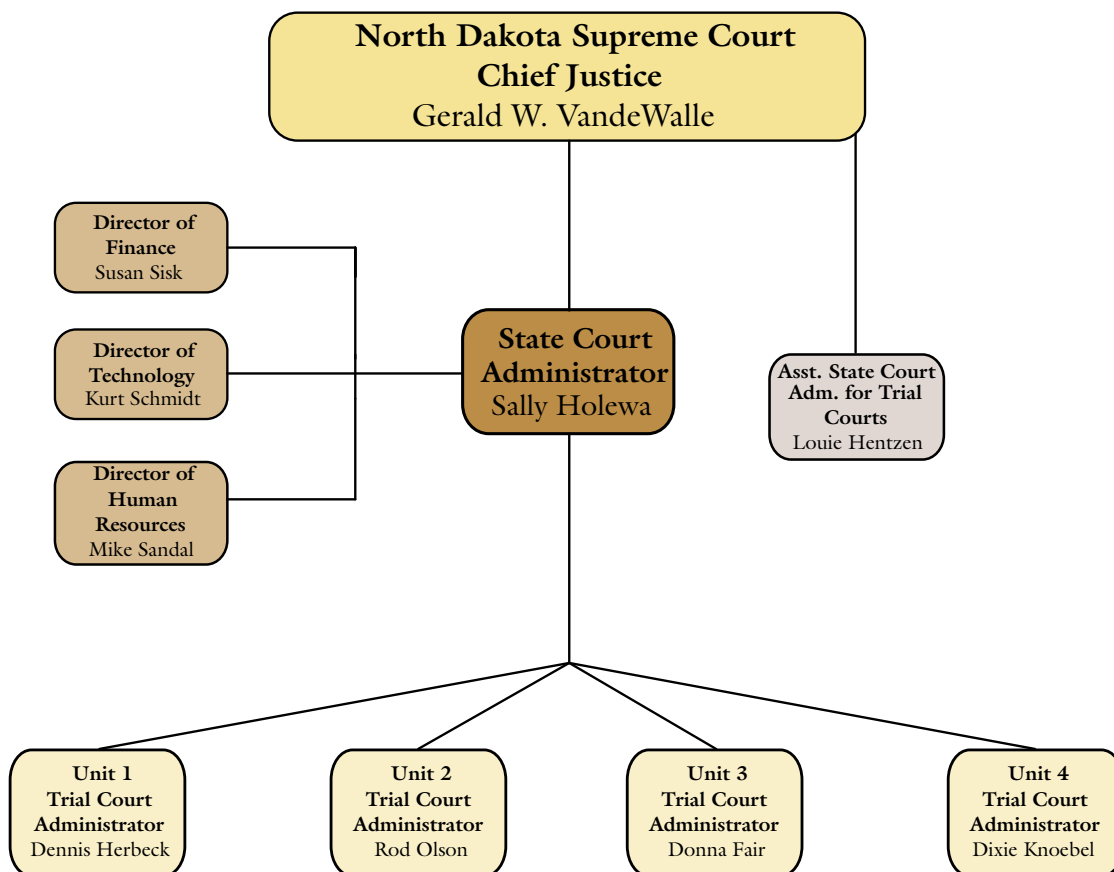
## Office of State Court Administrator

Article VI, Section 3, of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications, and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation and administration of the judicial budget, providing for judicial education services, coordinating technical assistance to all

levels of courts, planning for statewide judicial needs, and administering a personnel system. The assistant state court administrator for trial courts and trial court administrators in each unit assist the state court administrator. Also assisting are directors and personnel who work in finance, general counsel, human resources, technology, and judicial education.

A directory for the State Court Administrator's Office can be found at [www.ndcourts.gov/court/email/frAdmin.htm](http://www.ndcourts.gov/court/email/frAdmin.htm).

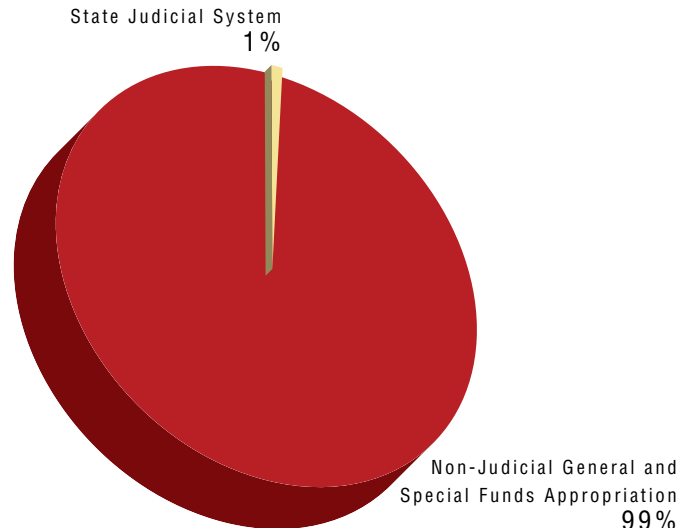
### NORTH DAKOTA ADMINISTRATIVE OFFICE OF THE COURT



## Judicial System Budget

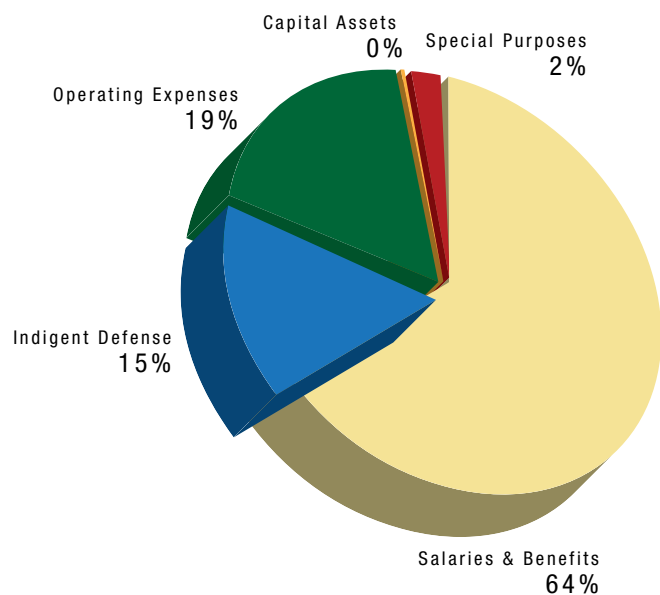
### JUDICIAL PORTION OF THE STATE'S BUDGET 2005-2007 BIENNIUM July 1, 2005 - June 30, 2007

Total State General and Special Funds Appropriation	\$5,752,673,790
Executive and Legislative Branch General and Special Funds Appropriation	\$5,684,775,450 (99%)
Judicial Branch General and Special Funds Appropriation	\$67,898,340 ( 1%)



### STATE JUDICIAL BRANCH APPROPRIATION BY APPROPRIATED LINE ITEM 2005-07 BIENNIUM

Salaries and Benefits	\$43,475,199
Operating Expenses	\$12,622,041
Indigent Defense	\$10,058,368
Capital Assets	\$193,500
Special Purposes	\$1,549,232
Total Judicial Branch Appropriation	\$67,898,340



**STATE JUDICIAL BRANCH APPROPRIATION  
BY TYPE OF ACTIVITY  
2005-2007 BIENNIUM**

**Supreme Court**

General Fund	\$ 8,590,603	
Special Funds	<u>2,500</u>	
<b>TOTAL</b>	<b>\$ 8,593,103</b>	<b>(13%)</b>

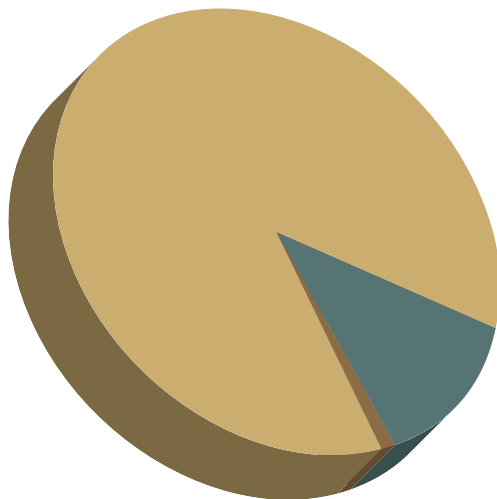
**District Courts**

General Fund	\$56,257,750	
Federal Funds	1,219,957	
Special Funds	<u>1,220,000</u>	
<b>TOTAL</b>	<b>\$58,697,707</b>	<b>(86%)</b>

**Judicial Conduct Commission & Disciplinary Board**

General Fund	\$ 320,009	
Special Funds	<u>287,521</u>	
<b>TOTAL</b>	<b>\$ 607,530</b>	<b>( 1%)</b>

DISTRICT COURTS  
86%



SUPREME COURT  
13%

JUD. COND. COMM.  
& DISC. BRD.  
1%

## Presiding Judges

Northeast Judicial District  
Judge Donovan Foughty

Northeast Central Judicial District  
Judge Joel Medd

East Central Judicial District  
Judge Georgia Dawson

Southeast Judicial District  
Judge John Paulson

South Central Judicial District  
Judge Gail Hagerty

Southwest Judicial District  
Judge Allan Schmalenberger

Northwest Judicial District  
William McLees

## North Dakota Judicial System Committees, Councils, Commissions and Boards

### Advisory Committees

In the North Dakota judicial system, a number of committees have been established to develop new ideas and evaluate proposals for improving public services. These advisory committees include citizen members, legislators, lawyers, district court judges, municipal court judges, and members of the Supreme Court. Committee agendas and minutes can be found at [www.ndcourts.gov/committees/committees.htm](http://www.ndcourts.gov/committees/committees.htm).

### Administrative Council

The Administrative Council is established by Administrative Rule 22. Duties of the Council are to develop uniform administrative policies and procedures for the trial courts and juvenile courts and make recommendations for their implementation; to review the biennial budget proposals submitted by the trial court administrators for

the respective administrative units; to review and approve for submission to the Supreme Court a proposed trial court component of the unified judicial system budget for each biennium; to monitor trial court budget expenditures; and to perform other duties as directed by the Chief Justice.

### Judicial Planning Committee

The Judicial Planning Committee is established by Supreme Court rule. The Committee studies the judicial system and makes recommendations concerning long-range and strategic planning and future improvements for the system.

### Joint Procedure Committee

The Joint Procedure Committee is the standing committee of the Supreme Court responsible for proposing adoption, amendment, or repeal of rules of civil procedure, criminal procedure, appellate procedure, evidence, and specialized court procedure. The Committee membership of 10 judges and 10 attorneys is appointed by the Supreme Court, except for one liaison member appointed by the State Bar Association.





### **Informal Complaint Panel**

The Informal Complaint Panel is established by Supreme Court rule. It provides an informal forum to address complaints or concerns about judges or other employees of the state judicial system. It is confidential, non-confrontational and educational. It is intended to constructively influence conduct and resolve issues before they rise to a level of a formal grievance or disciplinary proceeding.

### **Joint Committee on Attorney Standards**

The Joint Committee on Attorney Standards, established by Supreme Court rule, is comprised of members appointed by the Chief Justice and the Board of Governors of the State Bar Association. The Committee is responsible for the study and review of all rules and proposals concerning attorney supervision, including admission to the bar, attorney discipline, rules of professional conduct, and law student practice.

### **Judiciary Standards Committee**

The Judiciary Standards Committee, established by Supreme Court rule, studies and reviews all rules relating to the supervision of the judiciary, including judicial discipline, judicial ethics, and the judicial nominating process.

### **Court Services Administration Committee**

The Court Services Administration Committee, established by Supreme Court rule, is responsible for the study and review of all rules and orders relating to the administrative supervision of the judicial system.

### **Committee on Tribal and State Court Affairs**

The Committee on Tribal and State Court Affairs was

established following adoption of Administrative Rule 37 by the Supreme Court. The Committee is comprised of tribal and state court judges, tribal and state court support services representatives, and public members. It provides a vehicle for expanding awareness about the operation of tribal and state court systems; identifying and discussing issues regarding court practices, procedures, and administration which are of common concern to members of the two court systems; and for cultivating mutual respect for, and cooperation between, tribal and state courts.

### **Gender Fairness Implementation Committee**

The Gender Fairness Implementation Committee was established by Supreme Court Administrative Order 7 to oversee implementation of the recommendations of the Supreme Court's Commission on Gender Fairness in the Courts. It is further charged with monitoring the progress of the judicial branch in eliminating gender bias in the courts.

### **Personnel Policy Board**

The Personnel Policy Board is established by Supreme Court rule. The Board is comprised of a Supreme Court justice, district court judges, supreme court department heads, and employees of the supreme and district courts. The Board is tasked with the responsibility of reviewing and implementing the personnel system and developing a salary administration plan for the judiciary.

### **Court Technology Committee**

The Court Technology Committee is established by Administrative Order and is responsible for the planning and implementation of information technology for the Judicial System. The Committee's coordinated efforts

are responsible for consistent and efficient management of information technology resources.

### **Jury Standards Committee**

The Jury Standards Committee, established by Supreme Court rule, studies and oversees the operation of North Dakota's jury system. The Committee is responsible for reviewing the Uniform Jury Selection Act, studying and making recommendations concerning juror use and management, and reviewing the operation, management, and administration of the state's jury system.

### **North Dakota Judicial Conference**

The North Dakota Judicial Conference is established by statute for the purpose of soliciting, receiving, and evaluating suggestions relating to the improvement of the administration of justice; considering and making recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system; coordinating continuing judicial education efforts for judges and support staff; and establishing methods for reviewing proposed legislation, which may affect the operation of the judicial branch.

### ***Committee on Legislation***

The Committee on Legislation, a standing committee of the Judicial Conference, drafts, reviews, and tracks proposed legislation that may affect the North Dakota judicial system. During legislative sessions, the Committee provides weekly reports to the members of the conference on legislation that could affect judicial services.

### **Advisory Commission on Cameras in the Courtroom**

The Advisory Commission on Cameras in the Courtroom is established by Supreme Court rule and governs electronic and photographic coverage of court proceedings. The Commission generally monitors the experience with cameras in the North Dakota Supreme Court, in district courts, and municipal courts.



### **Pattern Jury Instruction Commission**

The Pattern Jury Instruction Commission, established by Supreme Court rule, is composed of six lawyer members appointed by the SBAND Board of Governors and six judge members appointed by the chair of the Judicial Conference after consultation with the Executive Committee. In addition to revising and developing instructions corresponding to current law, the Commission is engaged in an extensive review of all pre-1986 civil and criminal instructions. A primary goal is rewriting the instructions using plain English, that is, language that is understandable by jurors without a legal background.

### **Commission on Judicial Education**

The Continuing Judicial Education Commission was established by Supreme Court rule in 1993. The responsibilities of the Commission are to establish policies that effect the implementation of the mandatory education provision of the rule; develop judicial education programs for judicial officers and court personnel; develop and recommend a biennial budget for judicial education activities to the North Dakota Supreme Court; and develop a library of resource materials for judicial officers and court personnel.

### **Juvenile Policy Board**

The Juvenile Policy Board is established by Supreme Court rule to define the mission of juvenile court services consistent with N.D.C.C. 27-20-01; to provide the administrative mechanism and authority to ensure the implementation of the policies; and to ensure the full involvement of the judges and personnel of the North Dakota judicial system in the development of juvenile court policies and procedures.

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## **2006 Committee Highlights**

### **Joint Procedure**

Chair - Justice Dale V. Sandstrom

- Revised more than 25 court rules in 2006.
- Created a new rule on small claims court procedure
- Updated the Rules of Criminal Procedure to account for the establishment of the Commission on Legal Counsel for Indigents.
- Worked on changes to the Rules of Civil Procedure related to the discovery of electronic materials.

### **Attorney Standards**

Chair - Sandi Tabor, Bismarck

- Submitted a proposed rule regarding licensing of foreign legal consultants which was adopted as Rule 4 of the Admission to Practice Rules.
- Submitted a proposed rule governing temporary licensure of out-of-state attorneys seeking admission in North Dakota.
- Considering issues concerning pro bono legal services by retired or inactive attorneys, limited practice of law by law students, and the unbundling of legal services.

### **Judiciary Standards**

Chair - Judge Douglas Mattson

- Preparing for a review of North Dakota's Code of Judicial Conduct in light of the recent adoption by the ABA House of Delegates of a new Model Code of Judicial Conduct.

### Court Services Administration

Chair - Justice Carol Ronning Kapsner

- Developed and recommended a court interpreter handbook to be used in support of Administrative Rule 50.
- Reviewed issues concerning the appointment and responsibilities of custody investigators and the development of additional forms to assist pro se litigants.
- Submitted proposed amendments to Rule 8.6, Rules of Court, governing custody investigators, which established a board to review complaints regarding custody investigators, made changes to custody investigator qualifications, and established a code of conduct for custody investigators. The proposed amendments, after modification by the Supreme Court were adopted effective March 1, 2007.
- Submitted proposed forms for the modification of child support obligations and revisions to existing forms related to simple divorce and child visitation. The new forms and revised forms can be found at [www.ndcourts.gov/Court/Forms/](http://www.ndcourts.gov/Court/Forms/).

### Gender Fairness Implementation

Chair - Justice Mary Muehlen Maring

- Completed work on an assessment of the judicial system's progress in addressing bias-related issues in the courts.
- Submitted a report entitled "Gender Fairness in North Dakota's Courts - A Ten Year Assessment." The report can be found at [www.ndcourts.gov/court/committees/gender/committee.asp](http://www.ndcourts.gov/court/committees/gender/committee.asp).

### Personnel Policy Board

Chair - Judge M. Richard Geiger

- Final implementation of the judiciary's pay and classification system by eliminating the two remaining transition steps within the court's salary structure.
- Implementation of new policies on nepotism, employee compensation, and recruitment.

### Court Technology

Chair - Judge Allan Schmalenberger

- Assessed UCIS' continued ability to meet the long term needs of the Judicial System. The report indicated the system should be either significantly enhanced or replaced soon to avoid a crisis situation in the future.
- Completed modifications to allow the Judicial System to accept credit cards as a payment type.
- Continued its cooperative electronic citation effort with the Highway Patrol and expanded to include the electronic receipt of citations from the Williston Municipal Court.
- Began creation of a publicly accessible database and web site to provide case information electronically via the internet as adopted in Administrative Rule 41.
- Continued its work with the State's Criminal Justice Information System (CJIS) initiative. This initiative is a joint, multi-branch of government effort to facilitate sharing of criminal justice information. Efforts are ongoing to include protection order information on the CJIS hub.
- Implemented a new jury management system.
- Continued efforts to implement an Enhanced Records Management System (ERMS). This system is expected to provide a method of capturing all

continued on page 37

court case related documents electronically and storing them within an imaging system.

- Adopted usage standards to provide state court personnel and judges with guidelines related to security, computer management, hardware replacement, and email usage.

### Jury Standards

Chair - Judge Joel D. Medd

- Recommended a revised juror qualification form, which was the result of the Committee’s ongoing discussion of issues concerning juror privacy and safety.
- Review of ABA Principles for Juries and Jury Trials and applicability to North Dakota Juror Standards and Trial Procedure.

### Judicial Education Commission

Chair - Justice Mary Muehlen Maring

- Select members of the Commission attended the Leadership Institute in Judicial Education at the University of Memphis in Tennessee.
- Began work on a new strategic plan for judicial branch education.

### Juvenile Policy Board

Chair – Judge Debbie Kleven

- Completed discussion on N.D.C.C. 27-20 and submitted to the legislature (2007) suggested language changes and updates.
- Will begin discussion on Rules of Juvenile Court Procedure

## Disciplinary Board

The Disciplinary Board was established in 1965 to provide for a procedure for investigating, evaluating, and acting upon complaints alleging unethical conduct by attorneys licensed in North Dakota. The Rules of Professional Conduct are the primary guide for lawyer conduct, and the North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints.

## DISCIPLINARY BOARD DATA

New Complaint Files Opened in 2006	194
<b>General Nature of Complaints:</b>	
Client Funds & Property	7
Conflict of Interest	8
Criminal Convictions	0
Disability/Incapacity to Practice Law	0
Excessive Fees	4
Failure to Communicate/Cooperate with Client	3
Improper Conduct	98
Incompetent Representation	52
Misappropriation/Fraud	3
Neglect/Delay	12
Petition for Reinstatement	0
Unauthorized Practice of Law	7
Reciprocal Discipline/Certified	0
<b>TOTAL</b>	<b>194</b>
<b>Formal Proceedings Pending From Prior Years</b>	<b>28</b>
<b>Other Complaint Files Pending From Prior Years</b>	<b>106</b>
<b>Appeals Filed with Disciplinary Board in 2006</b>	<b>15</b>
<b>Appeals Filed with Supreme Court in 2006</b>	<b>1</b>
<b>Total Filed for Consideration in 2006</b>	<b>344</b>
<b>Disposition of Complaint Files:</b>	
Dismissed by Inquiry Committees	111
Dismissed Without Prejudice by Inquiry Committees	0
Summary Dismissals by Inquiry Committees	49
Admonitions Issued by Inquiry Committees	5
Consent Probation by Inquiry Committees	6
Referred to Lawyer Assistance Program By Inquiry Committee	0
Disciplinary Board Approves IC Dismissal	11
Disciplinary Board Disapproves IC Disposition	0
Disciplinary Board Approves IC Admonition	0
Disciplinary Board Approves Consent Probation	0
Dismissal by Hearing Panel	5
Reprimand by Hearing Panel	6
Referred to Lawyer Assistance by Hearing Panel	1
Reprimand by Supreme Court	3
Reinstatement by Supreme Court	2
Suspensions by Supreme Court	9*
Disbarments by Supreme Court	0
Transfer to Disability Status by Supreme Court	0
Interim Suspensions by Supreme Court	3
Formal Proceedings Pending 12/31/06	22
Other Complaint Files Pending 12/31/06	115
<b>TOTAL</b>	<b>348**</b>

\*9 files resulted in the suspension of 8 attorneys.

\*\*Number reflects multiple dispositions in one file and 3 interim suspensions.

## Judicial Conduct Commission

The Judicial Conduct Commission was established in 1975 to receive, evaluate, and investigate complaints against any judge in the state and, when necessary, conduct hearings concerning the discipline, removal or retirement of any judge. The Commission consists of four non-lawyers, two judges, and one lawyer. The non-lawyers are appointed by the Governor; the judges are appointed by the North Dakota Judges Association; and the lawyer member is appointed by the State Bar Association.

### JUDICIAL CONDUCT COMMISSION DATA

New Complaint Files Opened in 2006	32
General Nature of Complaints:	
Abuse of authority/prestige	1
Administrative irregularity	1
Bias, discrimination/partiality	3
Corruption/bribery	1
Conflict of interest	1
Delay court business	1
Ex parte communications	2
Failure to perform duties	2
Improper conduct on bench	1
Improper decision/ruling	16
Other	1
Profanity offensive language	1
Willful misconduct in office	1
<b>TOTAL</b>	<b>32</b>
Complaint Files Carried Over from 2005	20
<b>Total Files Pending Consideration in 2006</b>	<b>52</b>
Disposition of Complaints:	
Dismissed	3
Summarily Dismissed	43
<b>Total 2006 Dispositions</b>	<b>46</b>
<b>Complaint Files Pending as of 12/31/06</b>	<b>6</b>

Of the new complaints filed in 2006:  
 28 were against 20 District Court Judges  
 3 were against Municipal Court Judges  
 1 was against a Federal Judge

## State Board of Law Examiners

The State Board of Law Examiners was created by the 1905 Assembly to assist the Supreme Court in its constitutional responsibility to regulate the admission to practice. The Board's three members must all be licensed members of the North Dakota bar. Admission requirements can be found at [www.ndcourts.com/rules/admission/frameset.htm](http://www.ndcourts.com/rules/admission/frameset.htm)

### STATE BOARD OF LAW EXAMINERS DATA

*Passage rates for the July 2006 examination*

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
07/06	50	36/72%	36	27/75%

Of the 63 attorneys admitted in 2006, 34 were by bar examination; 12 by achieving a 150 MBE score and admission in another state; and 17 by having the requisite years of practice in another state.

In 2006, the Board, in its licensing capacity, issued licenses to 1,886 lawyers and judges, 452, or 24 percent, of whom were women.

As a part of its licensing and admission responsibilities, the Board monitors the *pro hac vice* admission of attorneys who are not licensed in North Dakota. During 2006, 152 nonresident attorneys filed motions under Rule 3, Admission to Practice Rules, with \$57,760 in fees collected. A portion of the fees goes to fund the lawyer discipline system, and the remainder is split between the State Bar Association (80 percent) and the State Board of Law Examiners (20 percent).

## Technology Department Data

Of over 120,000 traffic citations processed, over 51 percent were received electronically. Dispositions for all traffic citations are reported electronically to the Department of Transportation.

Web-based access to district court case information is provided to over 350 non-judicial criminal justice related personnel, and UCIS access is provided to over 125 non-state court personnel.

The Judicial System's Help Desk provides technical support to all Judicial System employees, judges, clerk of court personnel and others using and accessing the information systems. Nearly 4,500 calls for support were received by the Help Desk in 2006.

The Judicial System IT Department continues to provide email and anti-spam services for judicial personnel. The email server hardware and software underwent a significant upgrade in 2006 which allowed for better email services and the change of email addresses to reflect ndcourts.gov. In 2006, the anti-spam server received 8,365,169 email messages and blocked 89.5 percent of those as spam.

## Administrative Unit 1

Dennis Herbeck, Trial Court Administrator  
Kimberly D. Nelsen, Trial Court Manager

## Northeast Judicial District

The Honorable Donovan Foughty, Presiding Judge  
District Court Judges: Lee A. Christofferson; LaurieA Fontaine; M. Richard Geiger; John C. McClintock, Jr.; and Michael G. Sturdevant.

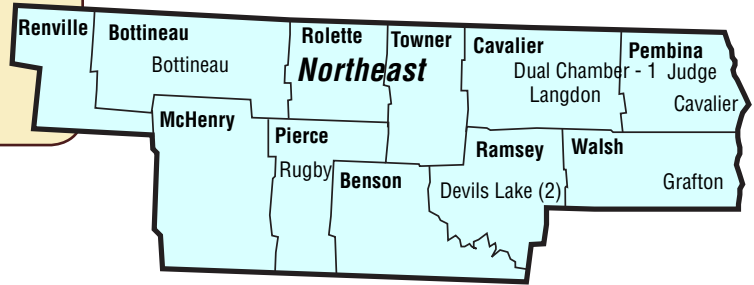
Judicial Referee: Dale Thompson

Number of Counties: 11

Chambered Locations: Bottineau, Devils Lake, Grafton, Langdon/Cavalier, and Rugby

### 2006 District Highlights

- Preparations began for the transfer of the Rolette County Clerk of Court from the county to the state. The clerk of court and deputy clerk will become state employees on July 1, 2007.
- Several courthouses in the district engaged in remodeling and improvements during the year.



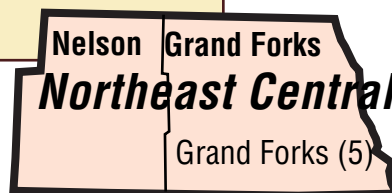
### NE DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2006 & 2005

CASE FILINGS/ DISPOSITIONS	2006 FILED	2006 DISP.	2005 FILED	2005 DISP.	Change in Filings 2006/2005	
Civil	2,523	3,787	2,797	4,040	-9.80%	-6.26%
Small Claims	654	679	721	736	-9.29%	-7.74%
Criminal	4,319	5,491	4,250	5,804	1.62%	-5.39%
Traffic	14,604	14,317	11,075	11,191	31.86%	27.93%
Juvenile	355	607	393	654	-9.67%	-7.19%
<b>TOTAL</b>	<b>22,455</b>	<b>24,881</b>	<b>19,236</b>	<b>22,425</b>	<b>16.73%</b>	<b>10.95%</b>



## Northeast Central Judicial District

The Honorable Joel D. Medd, Presiding Judge  
 District Court Judges: Karen Braaten; Sonja Clapp,  
 Lawrence E. Jahnke; and Debbie Kleven  
 Judicial Referees: Harlan Dyrud and David Vigeland.  
 Number of Counties in District: 2  
 District Court Chambers: Grand Forks



### 2006 District Highlights

- Interactive television was installed in two courtrooms and is used primarily for criminal appearances from the correctional center.
- Eleven new families entered Family Court, granting access to services and compliance monitoring for 27 victims and 10 offenders. A total of 24 families were active with Family Court in 2006 through case-bundling and services. Of these, eight families were provided intensive treatment team services.

### NEC DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2006 & 2005

CASE FILINGS/ DISPOSITIONS	2006 FILED	2006 DISP.	2005 FILED	2005 DISP.	Change in Filings 2006/2005	
Civil	2,794	4,671	2,851	4,963	-2.00%	-5.88%
Small Claims	902	976	769	746	17.30%	30.83%
Criminal	4,016	6,556	4,622	6,389	-13.11%	2.61%
Traffic	10,321	10,163	9,523	9,737	8.38%	4.38%
Juvenile	481	725	335	540	43.58%	34.26%
<b>TOTAL</b>	<b>18,514</b>	<b>23,091</b>	<b>18,100</b>	<b>22,375</b>	<b>2.29%</b>	<b>3.20%</b>

## Unit 1 Juvenile Court Highlights

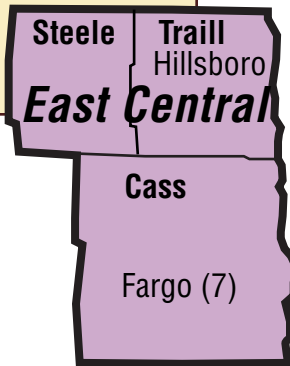
- The Juvenile Court completed a successful collaborative grant project to fund an out of school suspension program and mental health screening. The project was made possible by accessing \$12,000 available to the counties and cities in Unit 1. The program is administered by Grand Forks County.
- Juvenile Court is now fully implementing the Youth Assessment Screening Inventory (YASI) which allows court officers to determine risk as well as protective factors for those youth placed on probation supervision. Officers are beginning to utilize the MASI-2, a mental health screening tool, to further assist staff to develop appropriate case plans.

## Administrative Unit 2

Rod Olson, Trial Court Administrator  
Chris Iverson, Trial Court Manager

## East Central Judicial District

The Honorable Georgia Dawson, Presiding Judge  
District Court Judges: Douglas R. Herman; John C. Irby;  
Steven L. Marquart; Steven E. McCullough; Frank L.  
Racek; Cynthia A. Rothe-Seeger; Wade L. Webb  
District Court Referees: Scott A. Griffeth and Susan Thomas.  
Number of Counties in District: 3  
District Court Chambers: Fargo, Hillsboro



### 2006 District Highlights

- The District is developing an interactive DVD designed to ensure that New Americans coming into contact with the court system understand their rights. Working with the National Center for State Courts, a script has been developed which will be translated into several languages. Defendants will be able to read along while listening to their rights in their native language.
- The Clerk of Court office in Cass County has begun cross-training within each division with the ultimate goal being to rotate personnel gradually until everyone is familiar with each division in the office. The Clerks of Court (both state-funded and contract clerks) continue to meet on a regular basis to address issues related to case processing and standardizing procedures wherever possible.

### EC DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2006 & 2005

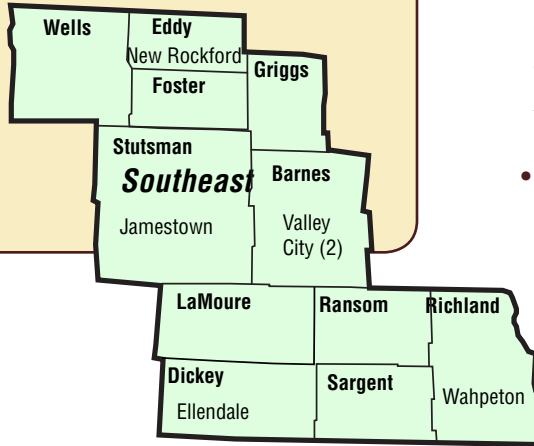
CASE FILINGS/ DISPOSITIONS	2006 FILED	2006 DISP.	2005 FILED	2005 DISP.	Change in Filings 2006/2005	
Civil	5,877	9,536	5,985	9,210	-1.80%	3.54%
Small Claims	1,268	1,334	1,272	1,307	-0.31%	2.07%
Criminal	5,624	6,969	5,665	6,131	-0.72%	13.67%
Traffic	16,819	13,895	13,895	14,232	21.04%	16.40%
Juvenile	733	1,144	763	1,352	-3.93%	-15.38%
<b>TOTAL</b>	<b>30,321</b>	<b>35,549</b>	<b>27,580</b>	<b>32,232</b>	<b>9.94%</b>	<b>10.29%</b>

## Southeast Judicial District

The Honorable John T. Paulson, Presiding Judge  
 District Court Judges: James M. Bekken; John E. Greenwood; Richard W. Grosz; Daniel D. Narum; and Mikal Simonson.

Number of Counties in District: 11

District Court Chambers: Ellendale, Jamestown, New Rockford, Valley City, and Wahpeton.



## 2006 District Highlights

- The district has formed a caseload management committee that has prepared a plan to address issues such as equitable caseloads for judges, consistency in master calendar versus individual calendar events, and standardizing some criminal and civil procedures. Representatives of the district caseload committee participate in Unit Caseload Management meetings.
- The state-employed Clerk of Court offices have begun cross-training. Clerks are currently working to ensure everyone in the office is able to work on any type of case or assist customers on any subject. The Clerks of Court (both state-funded and contract clerks) continue to meet on a regular basis to address issues related to case processing and standardizing procedures wherever possible.

### SE DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2006 & 2005

CASE FILINGS/ DISPOSITIONS	2006 FILED	2006 DISP.	2005 FILED	2005 DISP.	Change in Filings 2006/2005	
Civil	3,572	5,101	3,481	5,005	2.61%	1.92%
Small Claims	695	720	745	788	- 6.71%	-8.63%
Criminal	4,312	5,388	4,805	5,808	-10.26%	-7.23%
Traffic	15,237	15,072	14,424	14,616	5.64%	3.12%
Juvenile	180	292	201	304	-10.45%	-3.95%
<b>TOTAL</b>	<b>23,996</b>	<b>26,573</b>	<b>23,656</b>	<b>26,521</b>	<b>1.44%</b>	<b>0.20%</b>

## Unit 2 Juvenile Court Highlights

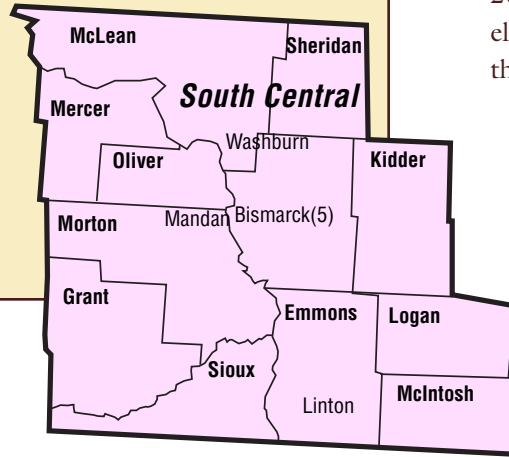
- To best align resources, Unit Two juvenile managers report caseload numbers to the director on a monthly basis and share resources by crossing district lines to provide staff where they are needed most. The result has meant the transfer of .5 FTE to the Fargo office and traveling to Fargo by the court officers and clerical staff. This sharing of staff has resulted in near uniformity in procedures and forms and increased team work among staff.
- The monthly audits of court files by the managers has assured consistent data entry and compliance with supervision mandates pursuant to the risk assessment tool used by probation staff, the YASI (Youth Assessment Screening Inventory.)

## Administrative Unit 3

Donna Fair, Trial Court Administrator  
Joe Ware, Trial Court Manager

## South Central Judicial District

The Honorable Gail Hagerty, Presiding Judge  
District Court Judges: Sonna Anderson; Bruce Haskell;  
Donald Jorgensen; David Reich; Bruce Romanick; Thomas  
Schneider; and Robert O. Wefald.  
Judicial Referees: John  
Grinsteiner and Julie  
Buechler-Boschee  
Number of Counties in  
District: 12  
District Court Chambers:  
Bismarck, Mandan, Linton  
and Washburn.



## 2006 District Highlights

- A child support manual for clerks of court has been created as a desk reference to ease child support case management in the Fully Automated Child Support Enforcement System (FACSES). Training was provided to all 20 counties in Unit 3 and the manual has been shared with clerks statewide.
- Burleigh and Mercer County clerks assisted in testing an electronic records program during 2006. When completed, all documents will be electronically scanned into a file storage program that is linked to the case management system.

## SC DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2006 & 2005

CASE FILINGS/ DISPOSITIONS	2006 FILED	2006 DISP.	2005 FILED	2005 DISP.	Change in Filings 2006/2005	
Civil	5,705	7,210	5,759	7,583	- 0.94%	- 4.92%
Small Claims	798	813	899	926	-11.23%	-12.20%
Criminal	5,140	7,436	5,165	7,098	- 0.48%	4.76%
Traffic	17,429	17,404	17,143	17,060	1.67%	2.02%
Juvenile	421	603	358	625	17.60%	-3.52%
<b>TOTAL</b>	<b>29,493</b>	<b>33,466</b>	<b>29,324</b>	<b>33,292</b>	<b>0.58%</b>	<b>0.52%</b>

## Southwest Judicial District

The Honorable Allan L. Schmalenberger, Presiding Judge  
 District Court Judges: Zane Anderson and William Herauf  
 Number of Counties in District: 8  
 District Court Chambers: Dickinson



### 2006 District Highlights

- Interactive video connection with the Southwest Community Correction Center has become a standard format for timely hearings, increasing efficiency and reducing transport costs. The use of digital recording allows court proceedings to be stored on a server, allowing immediate access to the audio record.
- The district continues to offer a highly successful Parent Education Program as a way to address obstacles that prevent parents from paying child support.

### SW DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2006 & 2005

CASE FILINGS/ DISPOSITIONS	2006 FILED	2006 DISP.	2005 FILED	2005 DISP.	Change in Filings 2006/2005	
Civil	1,653	2,350	1,616	2,223	2.29%	5.71%
Small Claims	250	256	230	244	8.70%	4.92%
Criminal	2,201	3,127	2,159	2,730	1.95%	14.54%
Traffic	5,972	5,884	6,073	6,154	-1.66%	-4.39%
Juvenile	97	182	102	218	-4.90%	-16.51%
<b>TOTAL</b>	<b>10,173</b>	<b>11,799</b>	<b>10,180</b>	<b>11,569</b>	<b>-0.07%</b>	<b>1.99%</b>

## Unit 3 Juvenile Court Highlights

- Probation caseload numbers are reported to the director on a monthly basis to ensure equal case loads and to maximize resources across district lines when necessary.
- Monthly case audits are completed by the managers to ensure compliance with case management standards. Use of the Youth Assessment Screening Inventory (YASI) and the Massachusetts Youth Screening Instrument (MaYSI) allow court for consistent case management.

## Administrative Unit 4

Dixie Knoebel, Trial Court Administrator

## Northwest Judicial District

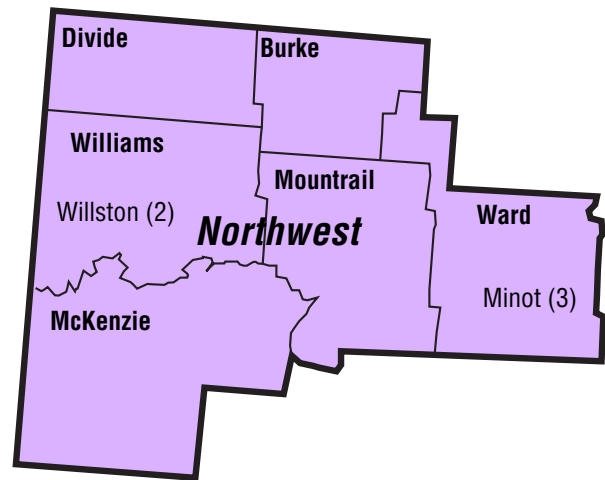
The Honorable William W. McLees, Presiding Judge

District Court Judges: Douglas L. Mattson; Gary H. Lee;  
Richard L. Hagar; David W. Nelson; and Gerald Rustad.

Judicial Referee: Connie S. Portscheller

Number of Counties in District: 6

District Court Chambers: Minot and Williston.



### 2006 District Highlights

- A courthouse security system was put in place in 2006 after a year of committee work. All individuals, including staff, must pass through a magnetometer and x-ray machine through the one public entrance to the Ward County Courthouse.
- Security was also a factor in developing an interactive video system between the Ward County Courthouse and the jail. This system allows fewer deputies to be used to transport defendants and creates a safer atmosphere. The system is also used between the Courthouse and Williams County Courthouse, New England Women's Facility, and Jamestown Mental Health Facility.
- The "judicial ride-alongs" program continued in 2006. Hosting two breakfasts approximately six months apart, meetings between judges and local legislators provided an opportunity to discuss issues of mutual interest and concern.
- Bailiffs, new and seasoned, took advantage of the bailiff training in Ward and Williams counties. More trainings will be made available, particularly to new bailiffs and existing bailiffs in the remaining four counties in the Northwest District Court.
- Sound system improvements were made in both Ward and Williams County. Courtrooms in Minot and Williston required significant upgrades to keep up with new technologies, including digital recordings, and to improve the overall sound systems. Interactive television was installed and allows for many uses, including hearings, mental health commitments, and meetings.

**NW DISTRICT COURT CASELOAD  
FOR CALENDAR YEARS 2006 & 2005**

<b>CASE FILINGS/ DISPOSITIONS</b>	<b>2006 FILED</b>	<b>2006 DISP.</b>	<b>2005 FILED</b>	<b>2005 DISP.</b>	<b>Change in Filings 2006/2005</b>	
<b>Civil</b>	4,480	6,165	4,605	6,428	-2.71%	-4.09%
<b>Small Claims</b>	661	687	701	712	-5.71%	-3.51%
<b>Criminal</b>	5,318	6,291	4,795	5,400	10.91%	16.50%
<b>Traffic</b>	12,854	12,653	13,652	13,670	-5.85%	-7.44%
<b>Juvenile</b>	309	599	296	671	4.39%	-10.73%
<b>TOTAL</b>	23,622	26,395	24,049	26,881	-1.78%	-1.81%

## Unit 4 Juvenile Court Highlights

- The Ward County Juvenile Drug Court became operational in January of 2007. A similar plan is now being spearheaded in Williams County, with the start of Juvenile Drug Court anticipated by early 2008.
- YASI (Youth Assessment Screening Inventory) and MAYSI (Massachusetts Youth Screening Instrument) tools continue to be effective devices to assess the health and well-being of many of our young children coming into the Juvenile Court System. YASI allows Juvenile Court Officers to determine risk as well as protective factors on juveniles who are placed on probation. MAYSI is administered during the first 30 days of probation. It is a mental health tool used to assist parents in determining areas of concern not currently being addressed with the child.

## Transitions

### Appointments/Elections

Judge Michael Sturdevant, Northeast Judicial District, appointed February 2006.

Judge David Reich, South Central Judicial District, appointed April 2006

Judge Daniel Narum, Southeast Judicial District, appointed July 2006

Judge William Herauf, Southwest Judicial District, appointed August 2006.

Judge Richard Hagar, Northwest Judicial District, elected November 2006.

### Retirements

Judge Burt L. Riskedahl, Bismarck, retired March 31, 2006.

Judge Ronald E. Goodman, Ellendale, retired Aug. 1, 2006.

Judge Ronald L. Hilden, Dickinson, retired Nov. 1, 2006

Judge Robert W. Holte, Minot, retired Dec. 31, 2006.

### Deceased

Former District Judge William M. Beede, Williston, Nov. 25, 2006.



