



# 2010 ANNUAL REPORT NORTH DAKOTA COURT SYSTEM

TWO-THOUSAND AND TEN

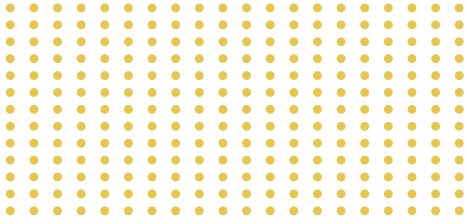


**“Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially.”**

**—SOCRATES**



## Mission Statement

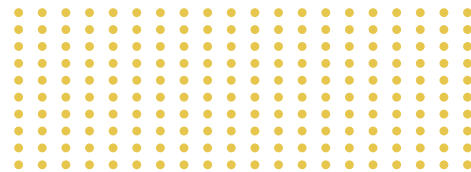


“To provide the people, through an independent judiciary, equal access to fair and timely resolution of disputes under law.”





## Message from the Chief



*Looking back, 2010 was a year of evaluation and implementation for the North Dakota Court System.*

The court's new case management system was put in place in the eastern judicial districts, research continued in the area of racial and ethnic bias, a staffing study was conducted for juvenile court, and programs such as family mediation and problem-solving courts continued to grow and gain acceptance. At the same time, judges and court staff continued efforts to educate the public about the court system, attended continuing education programs to improve their own knowledge and skills, served on committees, and worked with stakeholders in their communities to improve access to justice for all citizens of our state.

The past two years have been devoted to upgrading the case management system for the trial courts. This computer system is the backbone of our organization and is vital to the court's ability to process cases. The system provides better security, better financial tracking and better detail about cases. The project is expected to be completed within budget and ahead of schedule. When we set out on this project, we said that we wanted the replacement to bring us "leaps forward" in technology. I believe we are reaching our goal.

For the past year, our task force on racial and ethnic bias in the court system has been hard at work, with perhaps the most visible part of their work being the series of community discussions that they have been holding around the state. Some of the less visible aspects of their work include research in the areas of prison population, juvenile placement, and minority representation on juries, in the legal profession and within the court's workforce. The work the task force has done to date lays the foundation for understanding the areas of concern; but much work remains to be done in this area. Our state demographics are changing and now is the time to be certain that every resident of North Dakota is assured of access

to a fair and impartial justice system.

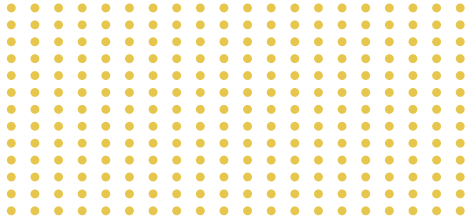
We continue to reach the needs of our residents through problem-solving courts for both adults and juveniles. We now have juvenile drug courts in six locations and adult drug courts in four locations in the state. These drug courts are prime examples of the cooperation required to achieve a goal.

Finally, an effort to increase the public's knowledge and understanding of how our government operates is being mounted on several national fronts and in the North Dakota Court System. Our activities and discussions include the entire American political system, but we focus on the court systems of our state and federal government. It is essential that the public recognize the courts as one of the separate but co-equal branches of government. It is vital that the individual who increasingly is self-represented understand the functioning of the state court system. The most effective judicial outreach and public education is done, I believe, by the district judges and the justices in the communities in which they live. The one-on-one that takes place in a question-and-answer session at a meeting of a service club, in a classroom, with a group of people touring the courthouse, or the explanations of the court system during a more formal address or in the number of other ways the judges and court staff interact with the public are invaluable. In our towns and cities in North Dakota, the court is a local institution and who better to explain it to the citizens than the local judge?

This report will provide the statistical data on case filings and dispositions and budgets and appropriations in 2010, but it also looks at the role of the judge within the court system. You will hear from some of our district court judges as they reflect on their work on and off the bench.

I offer the 2010 Annual Report for your consideration.

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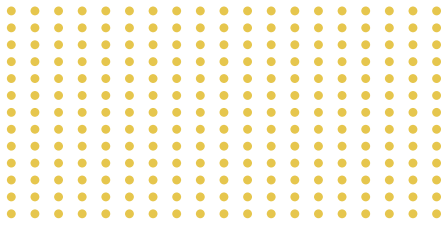
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# The Job of the Judge



*We elect them to office, we hear about them in the media and we see them portrayed on television shows and films, but do we truly know what the job of judge entails?*

**M**ost would answer that the judge's job is to apply the law in civil disputes or criminal case. They preside over cases touching on virtually every aspect of society, from traffic offenses to disputes over management of professional sports, from the rights of huge corporations to questions of disconnecting life support equipment for terminally ill persons. They must ensure trials and hearings are conducted fairly and that the court administers justice in a manner safeguarding the legal rights of all parties involved.

To do their job, judges listen as attorneys representing the parties present and argue their cases. They rule on the admissibility of evidence and methods of conducting testimony, and settle disputes between the opposing attorneys. They ensure the rules and procedures are followed, and if unusual circumstances arise for which standard procedures have not been established, judges direct how the trial will proceed based on their knowledge of the law.

Judges hold pretrial hearings for cases. They listen to allegations and, based on the evidence presented, determine whether there is enough merit for a trial to be held. In criminal cases, judges may decide that persons charged with crimes should be held in jail pending their trial, or may set conditions for release through the trial. In civil cases, judges may impose restrictions upon the parties until a trial is held.

Judges decide cases when the law does not require a jury trial, or when the parties waive their right to a jury.

Judges instruct juries on applicable laws, direct them to deduce the facts from the evidence presented, and hear their verdict. Judges sentence those convicted in criminal cases. They also award relief to litigants including, where appropriate, compensation for damages in civil cases. Some judges also work in problem-solving courts, such as drug courts, facilitating a team to reach the best decisions for the individuals involved.

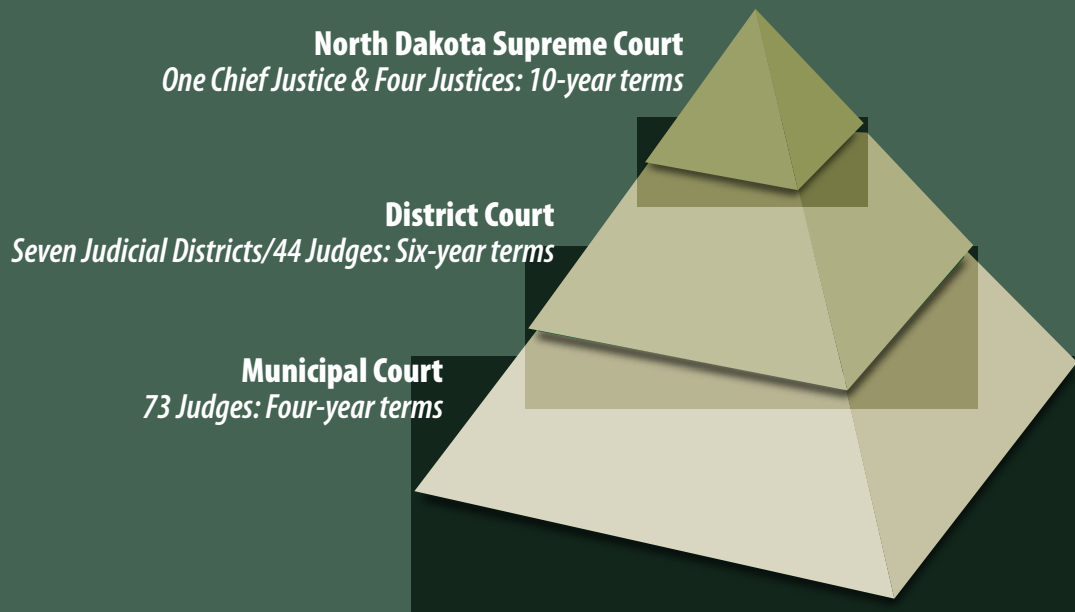
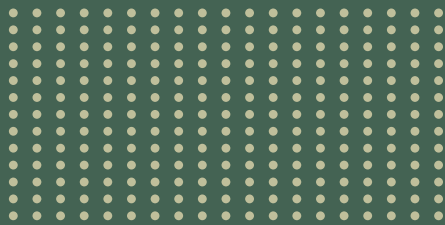
Outside the courtroom, judges work in chambers; reading documents on pleadings and motions, researching legal issues, and writing opinions. Judges also have a role in the court's operations, serving on administrative council, policy making boards, or other court committees. Presiding judges work with their court administrators to determine local budget, staffing, technology and facility needs and to develop plans for caseload management within their districts.

Judges are teachers, engaged in public outreach through schools, community groups, and court-sponsored programs. And, they are students, required to continue their education on topics ranging from new laws, science and health issues, bias and ethics, to domestic violence, adolescent development and cultural diversity.

Judges are the public face of the court system. By fulfilling their various roles and responsibilities, judges ensure equal access to fair and timely resolution of disputes under law for all citizens.



# North Dakota Courts

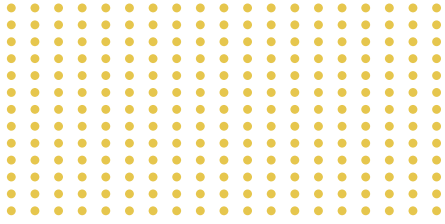


**The North Dakota Supreme Court** is the highest court for the State of North Dakota. It has two major types of responsibilities: 1) adjudicative and 2) administrative. It is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. The Court also has original 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.

**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 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.*

**T**he 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).

# 2010 Supreme Court Caseload Highlights

- For the second year in a row, the Supreme Court's caseload increased.
- Appeals in family related cases continue to generate a significant portion of the civil caseload, 25%, which is an increase over last year. Appeals in cases involving administrative agencies accounted for 11% of the civil caseload. Cases having oil and gas issues accounted for 6% of the civil caseload, which is an upward trend likely to continue.
- Appeals of drug-related offenses and driving under the influence accounted for 32% of the criminal caseload. Appeals of sexual offenses accounted for 12% of the criminal caseload.
- In 16% of the cases, at least one party was self-represented.
- Oral arguments were scheduled in 239 cases, an increase over last year, with approximately 18% of those arguments being waived by either the parties or the Court and submitted on the briefs and the record.
- The Justices each authored an average of 50 majority opinions, with another 62 separate concurrences and/or dissents written. A significant amount of the Justices' time was also spent considering rule amendments and judicial chambering and vacancy issues.
- The most appeals originated from the South Central Judicial District, followed by the Northwest, East Central, Southeast, Northeast Central, Northeast and Southwest Districts.
- There were 772 motions filed in 2010, with 31% being e-filed. The Clerk acted on 40% of the motions under North Dakota Supreme Court Administrative Rule 5 and as delegated by the Chief Justice. (<http://www.ndcourts.gov/rules/Administrative/frameset.htm>)
- Of the 655 briefs filed in 2010, 58% were electronically filed; and of the 260 appendices filed, 53% were electronically filed under North Dakota Supreme Court Administrative Order 14. <http://www.ndcourts.gov/rules/Administrative/frameset.htm>
- No appeals were transferred to the Court of Appeals in 2010.

## Caseload Synopsis of the Supreme Court For the 2010 and 2009 Calendar Years

	2010	2009	Percent Difference
New Filings	402	367	9.54
Civil	247	248	-0.40
Criminal	155	119	30.25
Dispositions	399	359	11.14
Civil	261	229	13.97
Criminal	138	130	6.15
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0

## Case Dispositions- 2010

	Civil	Criminal
BY OPINION:		
Affirmed; Affirmed & Modified	92	47
Reversed; Reversed & Remanded;		
Reversed in Part & Remanded;		
Reversed with Instructions; Remanded	33	3
Affirmed in Part & Reversed in Part;		
Affirmed in Part & Dismissed in Part	22	0
Affirmed by Summary Disposition	38	36
Reversed by Summary Disposition	0	0
Order/Judgment Vacated, Remanded	0	1
Dismissed	1	3
Discipline Imposed	9	-
Reinstatement Ordered	0	-
Original Jurisdiction--Denied	2	-
Original Jurisdiction--Granted	1	1
Certified Question Answered	0	0
Dispositions by Opinion	198	91
BY ORDER:		
Dismissed	30	29
Dismissed After Conference	20	4
Original Jurisdiction--Denied	11	11
Original Jurisdiction--Granted	1	0
No Court Action Required	1	3
Dispositions by Order	63	47
Total Dispositions for 2010	261	138





## North Dakota Supreme Court

### Public Outreach

The Supreme Court continued “taking the Court to the schools” by visiting Edgeley Public School, the University of Mary and the University of North Dakota School of Law. The Court was involved in the We The People program sponsored by the State Bar Association of North Dakota. Justices continued other community outreach by speaking to service and professional groups, as well as students, and participating in other law-related activities.

## North Dakota Supreme Court

### Committee Service

The Supreme Court Justices also serve through their involvement on committees. In 2010, justices chaired or co-chaired Administrative Council, the Commission to Study Racial and Ethnic Bias in the Courts, Court Services Administration Committee, Court Technology Committee, Joint Procedure Committee, Judicial Branch Education Commission, Judicial Planning Committee, and the Juvenile Drug Court Advisory Committee. In addition, they served as members on the Joint Committee on Attorney Standards, Juvenile Policy Board, Personnel Policy Board, and the Committee on Tribal and State Court Affairs.



# Public Outreach: Knowledge, experience shared with schools, communities



*North Dakota justices and judges routinely reach beyond the courtroom in an effort to make the justice system accessible and understandable to the public.*

In 2010, the Supreme Court traveled to the University of North Dakota School of Law, where it heard cases. Law students and faculty had an opportunity to see the appellate process first hand, and also to meet with justices at social events and in the classroom. The Supreme Court also held a session at the University of Mary in Bismarck and at the Edgely High School, where the justices partook in school lunch and visited classrooms, in addition to hearing a case.

Bismarck area judges and justices host “The Banquet,” a free meal served weekly to anyone who wishes to attend. The group buys groceries, prepares food, and serves a sit-down meal for more than 300 people each year. “It’s a chance for us to work together and relate to the community,” explained **South Central Judge Gail Hagerty**, who also organized a Law School for Clergy seminar in Bismarck in 2010.

One of North Dakota’s newest judges, **Southeast Judge James Hovey**, has already worked with a Harvey 8<sup>th</sup> grade class during its visit to the courthouse in Wells County. **Northeast Central Judge Sonja Clapp** participates in mock trials with Grand Forks area students on Law Day and speaks in elementary school classrooms. **Southeast Judge John Paulson** presents a Constitutional Award at the Valley City High School’s awards night, and speaks on legal topics.

**Northeast Central Judge Joel Medd** has spoken to political science classes at the University of North Dakota about a number of topics, including the pros and cons of election of judges, and has offered opportunities for students to hear about evidence in a criminal case and then consider sentencing factors. Judge Medd also speaks to mentally handicapped young people who will later appear for guardianship proceedings and other related matters.

**Justice Dan Crothers** works with an 8<sup>th</sup> grade teacher to bring students to the District Court and observe a jury trial. Justice Crothers also moves beyond the state borders with teaching for lawyers and judges on ethics and technology. His colleague, **Justice Dale Sandstrom** organized Boy Scouting’s

Centennial Celebration at the State Capitol for some 3,000 Scouts and leaders. The event was held in June of 2010 and Justice Sandstrom coordinated the citizenship component to help participants learn about the three branches of government.

**Northeast Judge John McClintock** speaks to high school government classes each semester and does a presentation he calls “Anatomy of a Crime.” He’s active in a long list of community activities and believes involvement is vital to the continuation of those organizations in a rural community.

**South Central Judge Bruce Haskell** speaks to the University of Mary football team at the beginning of each season, informing them of legal issues which could cause problems for them and for their team. He’s been invited back by the coach, who tells Judge Haskell that the information he’s provided has been helpful. Haskell said, “Most of these young men have no idea how what may seem to be a minor thing can really mess up their lives.”

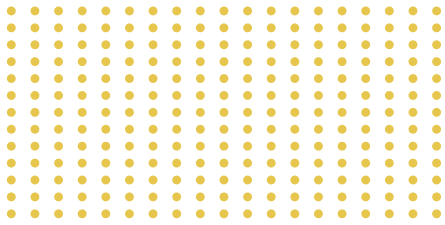
North Dakota’s justices and judges are active in their communities and allow students and members of the community to see the justice system as more than mortar and bricks and paperwork. Instead, the system is made up of unique individuals who are willing to share their knowledge and their experiences.



**Judge Gail Hagerty** contributed to this report.

She is the presiding judge in the South Central Judicial District.

## North Dakota District Courts



*There are district court services in each of the state's 53 counties. North Dakota is a fully unified and consolidated court system and all district courts are under the administrative authority of the Chief Justice and funded by the state of North Dakota.*

**T**he 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. There are 46 district judges in the state.

Judges in the district courts also serve on statewide committees, boards and commissions; participate in state and local bar association activities; and provide law-related public education to students and community members.

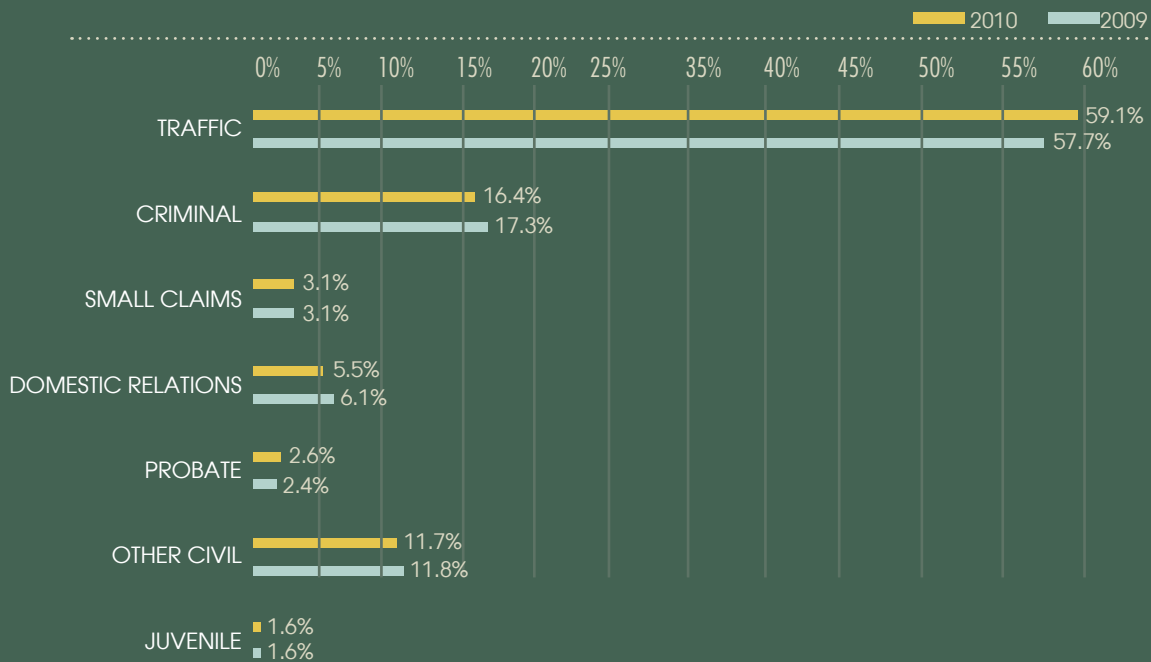
Information about the district courts is located at [www.ndcourts.gov/court/Districts/Districts.htm](http://www.ndcourts.gov/court/Districts/Districts.htm).



### Total District Court Caseload For calendar years 2010 & 2009

CASE FILINGS/ DISPOSITIONS	2010		2009		2010/2009	
	Filed	Disp.	Filed	Disp.	Change in Filings	Change in Dispositions
Civil	32,559	40,558	31,459	43,991	3.50%	-7.80%
Small Claims	5,057	5,065	4,851	4,941	4.25%	2.51%
Criminal	26,986	39,847	26,735	39,199	0.94%	1.65%
Traffic	97,326	97,058	89,252	88,810	9.05%	9.29%
Juvenile	2,614	3,818	2,472	4,028	5.74%	-5.21%
<b>Total</b>	<b>164,542</b>	<b>186,346</b>	<b>154,769</b>	<b>180,969</b>	<b>6.31%</b>	<b>2.97%</b>

### Types of Cases Filed in District Court - 2010 & 2009



### Jury Trial by Judicial District for 2010

District	2010
East Central	41
Northeast	8
Northeast Central	31
Northwest	57
South Central	107
Southeast	17
Southwest	19
<b>Total</b>	<b>280</b>

Based on jury trials paid

## North Dakota District Court



### Civil Caseload

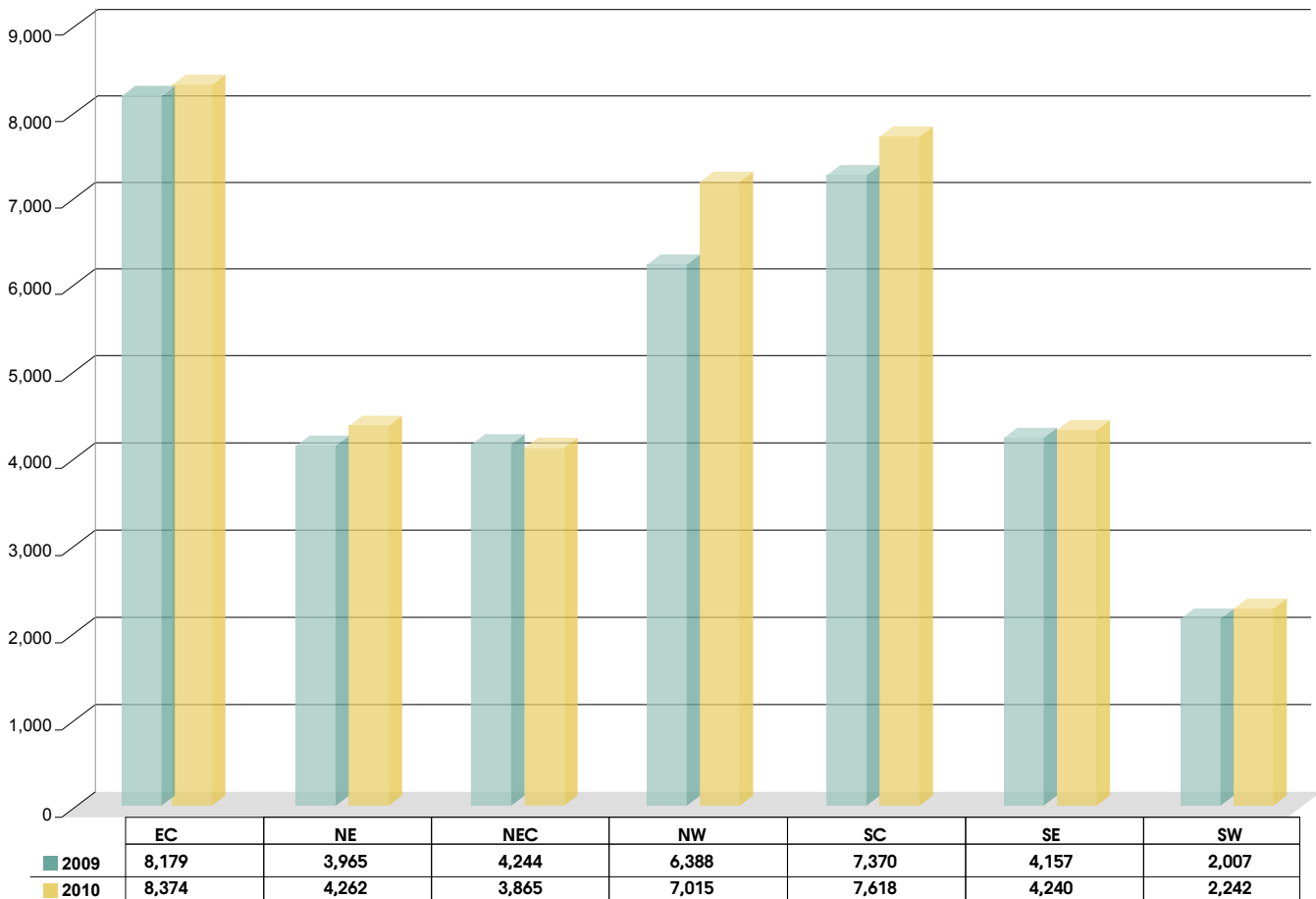
Civil filings increased by 3.6% in 2010 as compared to 2009. Small claims cases increased by 4.2%, probate/guardian cases increased by 13%, and other civil by 5.4%. Domestic relations cases decreased by 3.9% in 2010. Contract/collection (76%) and civil commitment (7%) cases account for the majority of the 19,365 total other civil case types.

There were 9,041 domestic relations case filings in 2010, consisting of support proceedings (36%), divorce (30%), protective/restraining orders (19%), paternity (9%), adoption (3%), custody filings (3%), and termination of parental rights (less than 1%).

Total divorce filings in 2010 were 2,713 compared to 2,205 in 2009. Support proceedings decreased by 21.7% with 3,291 cases filed, and protection/restraining order filings increased by 4.7% with 1,676 cases filed.



ND Civil Caseload for District Courts for 2009 and 2010

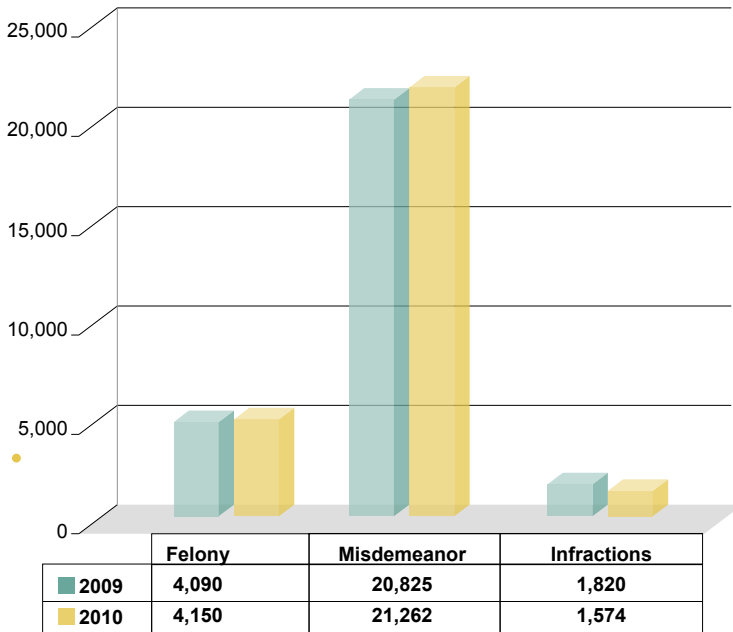


## North Dakota District Court

### Criminal Caseload

Criminal filings increased by less than 1% from 2009 to 2010. Felony filings increased by 1.5%, infractions decreased by 13.5%, and misdemeanors increased by 2.1%. Misdemeanors made up 79% of total criminal filings; felony 15%, and infractions 6%.

ND Criminal Caseload for District Courts for 2009 and 2010



## North Dakota District Court

### Administrative Traffic Cases

Administrative traffic filings increased by 8,074 (9%) from 2009 to 2010. These cases make up 59% of the overall district court caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Case Filings	2009	2010
Admin. Traffic	89,252	97,326
Case Dispositions	2009	2010
Admin. Traffic	88,810	97,058

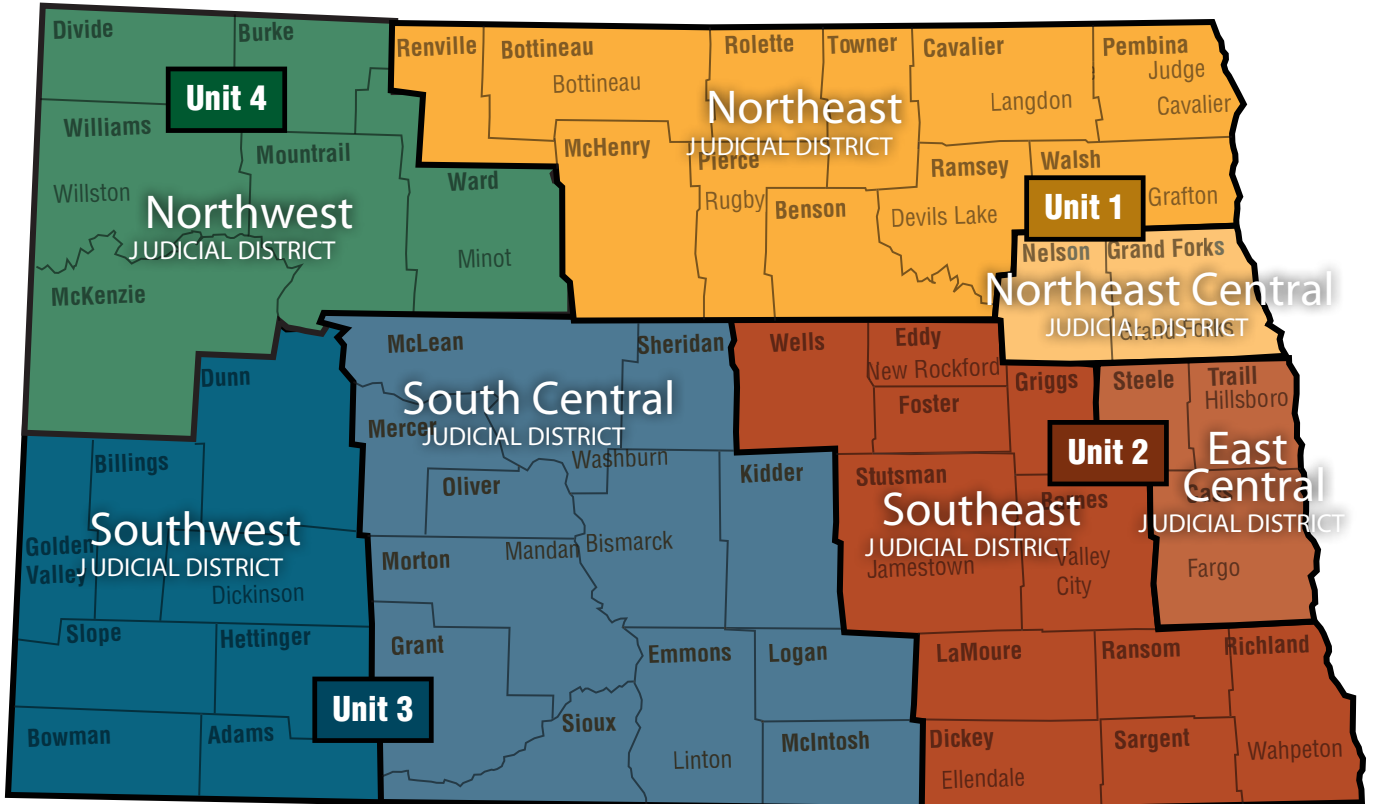
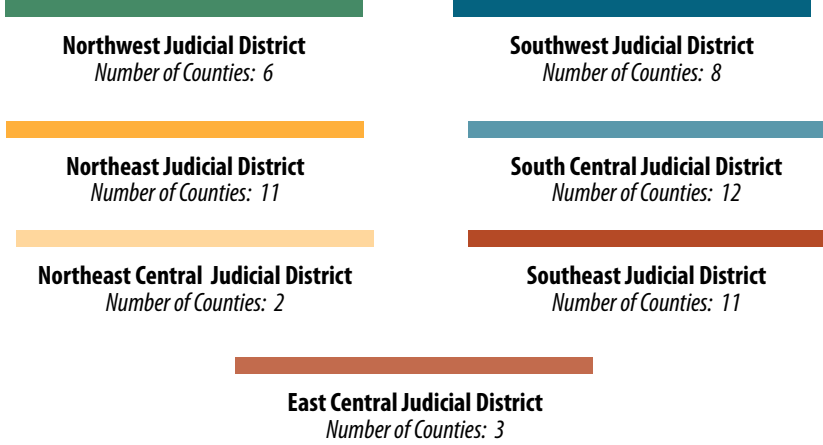
## District Court Judges and Judicial Referees Serving in 2010

### Judges:

- Sonna M. Anderson
- Zane Anderson
- James M. Bekken
- Karen K. Braaten
- Lee A. Christofferson
- Wickham Corwin
- Todd Cresap
- Georgia Dawson
- Laurie A. Fontaine
- M. Richard Geiger
- John E. Greenwood
- Richard W. Grosz
- Richard L. Hagar
- Bruce B. Haskell
- Douglas R. Herman
- James D. Hovey
- John C. Irby
- Lawrence E. Jahnke
- Donald L. Jorgensen
- Debbie G. Kleven
- Gary H. Lee
- Steven L. Marquart
- Douglas L. Mattson
- John C. McClintock, Jr.
- Steven E. McCullough
- Lisa K. McEvers
- Thomas E. Merrick
- Daniel D. Narum
- David W. Nelson
- David E. Reich
- Bruce A. Romanick
- Gerald H. Rustad
- Thomas J. Schneider
- Mikal Simonson
- Michael Sturdevant
- Wade L. Webb
- Robert O. Wefald
- H. Patrick Weir

### Judicial Referees

- Wayne D. Goter
- Scott Griffeth
- John Grinsteiner
- Connie Portscheller
- John Thelan
- Susan Solheim
- Dale A. Thompson
- David H. Vigeland



### Northeast District Court Caseload for calendar years 2010 & 2009

CASE FILINGS/ DISPOSITIONS	2010		2009		2010/2009	
	Filed	Disp.	Filed	Disp.	Change in Filings	Change in Dispositions
Civil	3,612	4,264	3,352	5,458	7.76%	-21.88%
Small Claims	650	587	613	764	6.04%	-23.17%
Criminal	3,335	4,449	3,438	5,880	-3.00%	-24.34%
Traffic	13,588	13,494	12,295	12,391	10.52%	8.90%
Juvenile	267	368	266	509	0.38%	-27.70%
<b>Total</b>	<b>21,452</b>	<b>23,162</b>	<b>19,964</b>	<b>25,002</b>	<b>7.45%</b>	<b>-7.36%</b>

### Northeast Central District Court Caseload for calendar years 2010 & 2009

CASE FILINGS/ DISPOSITIONS	2010		2009		2010/2009	
	Filed	Disp.	Filed	Disp.	Change in Filings	Change in Dispositions
Civil	2,998	3,392	3,374	5,269	-11.14%	-35.62%
Small Claims	867	812	870	785	-0.34%	3.44%
Criminal	2,633	4,351	3,100	5,147	-15.06%	-15.47%
Traffic	10,733	10,723	10,595	10,490	1.30%	2.22%
Juvenile	311	502	379	781	-17.94%	-35.72%
<b>Total</b>	<b>17,542</b>	<b>19,780</b>	<b>18,318</b>	<b>22,472</b>	<b>-4.24%</b>	<b>-11.98%</b>

### East Central District Court Caseload for calendar years 2010 & 2009

CASE FILINGS/ DISPOSITIONS	2010		2009		2010/2009	
	Filed	Disp.	Filed	Disp.	Change in Filings	Change in Dispositions
Civil	7,054	8,620	6,946	9,821	1.55%	-12.23%
Small Claims	1,320	1,383	1,233	1,227	7.06%	12.71%
Criminal	5,012	6,711	5,077	5,803	-1.28%	15.65%
Traffic	12,868	12,975	14,133	13,904	-8.95%	-6.68%
Juvenile	829	996	714	890	16.11%	11.91%
<b>Total</b>	<b>27,083</b>	<b>30,685</b>	<b>28,103</b>	<b>31,645</b>	<b>-3.63%</b>	<b>-3.03%</b>

### Southeast District Court Caseload for calendar years 2010 & 2009

CASE FILINGS/ DISPOSITIONS	2010		2009		2010/2009	
	Filed	Disp.	Filed	Disp.	Change in Filings	Change in Dispositions
Civil	3,580	4,081	3,550	4,979	0.85%	-18.04%
Small Claims	660	694	607	605	8.73%	14.71%
Criminal	3,118	4,137	3,421	4,369	-8.86%	-5.31%
Traffic	12,330	12,097	10,521	10,503	17.19%	15.18%
Juvenile	192	234	152	254	26.32%	-7.87%
<b>Total</b>	<b>19,880</b>	<b>21,243</b>	<b>18,251</b>	<b>20,710</b>	<b>8.93%</b>	<b>2.57%</b>



### South Central District Court Caseload for calendar years 2010 & 2009

CASE FILINGS/ DISPOSITIONS	2010		2009		2010/2009	
	Filed	Disp.	Filed	Disp.	Change in Filings	Change in Dispositions
Civil	6,883	9,433	6,638	8,631	3.69%	9.29%
Small Claims	735	765	732	769	0.41%	-0.52%
Criminal	5,220	8,392	5,119	7,562	1.97%	10.98%
Traffic	19,656	19,547	18,504	18,369	6.23%	6.41%
Juvenile	552	893	546	857	1.10%	4.20%
<b>Total</b>	<b>33,046</b>	<b>39,030</b>	<b>31,539</b>	<b>36,188</b>	<b>4.78%</b>	<b>7.85%</b>

### Southwest District Court Caseload for calendar years 2010 & 2009

CASE FILINGS/ DISPOSITIONS	2010		2009		2010/2009	
	Filed	Disp.	Filed	Disp.	Change in Filings	Change in Dispositions
Civil	2,023	2,749	1,812	2,496	11.64%	10.14%
Small Claims	219	205	195	202	12.31%	1.49%
Criminal	2,087	2,545	1,854	2,309	12.57%	10.22%
Traffic	10,345	10,327	8,857	8,742	16.80%	18.13%
Juvenile	72	129	88	159	-18.18%	-18.87%
<b>Total</b>	<b>14,746</b>	<b>15,955</b>	<b>12,806</b>	<b>13,908</b>	<b>15.15%</b>	<b>14.72%</b>

### Northwest District Court Caseload for calendar years 2010 & 2009

CASE FILINGS/ DISPOSITIONS	2010		2009		2010/2009	
	Filed	Disp.	Filed	Disp.	Change in Filings	Change in Dispositions
Civil	6,409	8,019	5,787	7,337	10.75%	9.30%
Small Claims	606	619	601	589	0.83%	5.09%
Criminal	5,581	9,262	4,726	8,129	18.09%	13.94%
Traffic	17,806	17,895	14,347	14,411	24.11%	24.18%
Juvenile	391	696	327	578	19.57%	20.42%
<b>Total</b>	<b>30,793</b>	<b>36,491</b>	<b>25,788</b>	<b>31,044</b>	<b>19.41%</b>	<b>17.55%</b>

# Problem-Solving Courts : Judges play key role on drug court teams

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*Outside of the courtroom, the primary role of the judge on the juvenile drug court team is to act as a facilitator to ensure that everyone on the drug court team has an opportunity for meaningful input.*

In order for the team concept to work, all members of the team must feel free to express their opinions, even if they are in the minority on a particular issue. In staffing it is important to hear from all of the perspectives from the different disciplines.

East Central Judge Steve McCullough said it is his belief that in the drug court setting decisions are best reached by consensus, through a free and honest exchange of positions.

“As the drug court judge, I do not try to impose an action from above, but rather try to facilitate a joint decision to which the whole team can agree,” said McCullough. “In court, the primary role of the judge is a little different. It is still a court and so the judge in court must act as the final arbiter. The judge in court keeps the flow of court moving but must ultimately decide what happens in the courtroom.”

If one accepts the premise that problem solving courts are a good thing, then you realize immediately the importance to the system of the judge’s involvement. “Problem-solving courts can provide a refreshing sense of being able to really help people in what can otherwise be a very discouraging profession,” he said.

“As judges, we deal in tragic situations. Outside of adoptions, almost every other type of proceeding a judge sees involves

some pain on the part of some party, be it a victim in a criminal case, the kids and spouses in a divorce case, or the injured party in a civil case,” said McCullough. “Judges are not able to make an injured person whole, but can only provide the relief allowed by law, be it a jail sentence for the defendant, a custody arrangement in a divorce case, or money damages in a civil case. Only in the problem-solving courts do judges (or at least this judge) get a sense that they are really helping to dramatically improve a situation.”

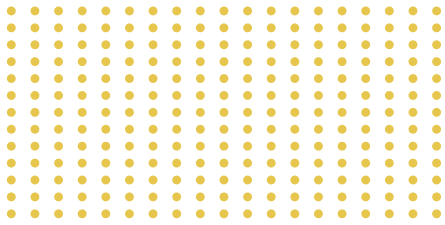
Juvenile drug courts are evidence-based courts. In other words, there is hard evidence which shows the benefits to both the court system, and society as a whole. Some of those benefits include reduced recidivism, reduced incarceration costs, and less usage of social services, to name just a few. McCullough noted that in 2002, a study of the North Dakota juvenile drug courts revealed it cost an average of \$14.73 per day for a juvenile to participate in a juvenile drug court. At about that same time, it cost \$68.04 to incarcerate a person at the State Penitentiary in Bismarck. This does not even take into account the cost of processing a person through the court system.

“If we can keep that juvenile out of the criminal justice system and the penitentiary when he or she becomes an adult, the savings, just in monetary terms alone, is immense,” he said.



**Judge McCullough** is the juvenile drug court judge and former adult drug court judge in the East Central Judicial District.

## North Dakota Juvenile Court



*Juvenile courts in North Dakota are a division of the District Court and have exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived.*

**N**orth Dakota is one of the few states where the responsibility for supervising and counseling juveniles who have been brought into court lies with the judicial branch of government in North Dakota. Juvenile cases may be heard by District Court judges or by judicial referees assigned by the presiding judge in their district.

Virtually every case has contact with a juvenile court officer at some point. Juvenile court officers screen law enforcement, school, and agency referrals, determining how they should be processed, making detention or emergency shelter care decisions on some of them, preparing court recommendations on those that proceed to the formal courts, and processing the vast majority of the cases via an informal adjustment conference. Informal adjustment offers an opportunity to admit the charge and accept conditions of

probation with no formal charges or conviction being entered.

Juvenile probation is one of the most widely used tools to ensure court requirements are met. Court goals often include repairing the harm to the victim, compliance with programming geared at reducing the risk of the offender while increasing the overall competency of the offender to contribute to society.

The administration of the juvenile courts is divided into four administrative units. There are four juvenile court directors who oversee offices in Grand Forks, Devils Lake, Bottineau, Grafton, Fargo, Jamestown, Valley City, Wahpeton, Bismarck, Dickinson, Minot and Williston.

The North Dakota Rules of Juvenile Procedures are located at <http://www.ndcourts.gov/rules/juvenile/frameset.htm>.

In carrying out the mission of Balanced and Restorative Justice, North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. In carrying out this mission, **the courts will empower victims and encourage community participation and parental responsibility.**

## North Dakota Juvenile Court

### Juvenile Caseload Data

The 2010 data shows a decrease in juvenile offenses. Overall referrals show a decrease of 5%, after decreasing 4% from 2008 to 2009. As with the district court criminal caseload, the low violent crime rate in North Dakota is reflected in the juvenile court statistics. Offenses against persons made up 7% of the juvenile court caseload, while status offenses (offenses which only a child can commit) made up 38% of the caseload. Property offenses comprise 22%, deprivation 8%, traffic offenses 4%, and other delinquency 37%.

Based on primary charges, the largest percentage (39%) of juvenile charges were disposed of through the informal adjustment process. Only 12% of juvenile charges were processed through a formal petition.

**Juvenile Caseload by Primary Charge**

Judicial District	Diversion	Informal Adjustment	Formal Petition	Lack of Jurisdiction	Declined Prosecution	2010 Total
East Central	243	564	305	6	544	1,662
Northeast	72	383	58	2	174	689
NE Central	56	424	96	3	192	771
Northwest	194	479	115	11	346	1,145
South Central	890	494	219	15	601	2,219
Southeast	66	425	56	5	138	690
Southwest	65	144	25	2	107	343
<b>TOTAL</b>	<b>1,586</b>	<b>2,913</b>	<b>874</b>	<b>44</b>	<b>2,102</b>	<b>7,519</b>
<b>Percent of total</b>	<b>21%</b>	<b>39%</b>	<b>12%</b>	<b>1%</b>	<b>28%</b>	

\* Cases that are referred to the juvenile court are processed in one of five 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.
4. Lack of jurisdiction – due to either a lack of statutory authority over the person or the subject matter context of the case, no action is taken on the referral.
5. Declined prosecution – the State's Attorney's office declines to file charges after receiving a referral.

Reasons for Referral to Juvenile Court Services - 2009 and 2010

		2010	2009	% Change	% of Total
<b>FAMILY</b>	Runaway (instate resident)	522	494		
	Runaway (out-of-state resident)	7	7		
	Truancy	192	267		
	Ungovernable Behavior	637	606		
	Curfew	278	329		
	Other Unruly	5	6		
	<b>Total Family</b>		1,641	1,709	-4%
<b>DELINQUENCY</b>	<b>Offenses Against Persons:</b>				
	Assault	378	399		
	Terrorizing-Stalking-Menacing	65	93		
	Homicide (negligent)	1	-		
	Kidnapping	-	-		
	Other Offenses Against Persons	11	7		
	Sex Offenses	57	63		
	<b>Subtotal - Persons Crime</b>	512	562	-9%	
	<b>Offenses Against Property:</b>				
	Arson/Fire Related	7	9		
	Burglary	59	165		
	Criminal Mischief/Vandalism	274	340		
	Criminal Trespass	164	127		
	Forgery	7	13		
	Other Property Offenses	47	27		
	Possession of Stolen Property	52	43		
	Robbery	4	3		
	Shoplifting	466	488		
	Theft	548	571		
	<b>Subtotal - Property Crimes</b>	1,628	1,786	-9%	
	<b>Traffic Offenses:</b>				
	DUI/Physical Control	59	80		
	Driving without License	99	130		
	Other Traffic	154	168		
	<b>Subtotal - Traffic</b>	312	378	-17%	
	<b>Other Offenses:</b>				
	Check Offenses	4	9		
City Ordinances	15	44			
Disorderly Conduct	739	657			
Weapons	18	31			
Game and Fish	30	37			
Obstruction	3	2			
Other Public Order	222	182			
Possession/Purchase Alcohol	1,161	1,251			
Controlled Substance - Possession	522	474			
Controlled Substance - Delivery	22	17			
Tobacco	33	36			
<b>Subtotal - Other</b>	2,769	2,740	1%		
<b>TOTAL DELINQUENCY</b>	5,221	5,466	-4%	69%	
<b>DEPRIVATION</b>	Abandonment	-	-		
	Abuse/Neglect	10	9		
	Deprived	599	712		
	<b>Subtotal - Deprived</b>	609	721	-16%	8%
<b>SPEC. PROCEEDING</b>	Termination of Parental Rights (Involuntary)	48	45		
	Termination of Parental Rights (Voluntary)	30	22		
	Other Special Proceeding	-	2		
	<b>Subtotal - Special Proceeding</b>	78	69	13%	1%
<b>TOTAL</b>		7,549	7,965	-5%	

## North Dakota Juvenile Court

### Drug Courts

#### *North Dakota Juvenile Drug Court Program Celebrates 10 Years*

The courts in Fargo and Grand Forks celebrated 10 years on May 10, 2010, and paved the way for four additional juvenile drug courts to be established. There are also five adult drug courts, one collegiate drug court, and one tribal drug court in North Dakota.

Overall, the juvenile drug courts have had a total of 407 participants: 41% of those participants graduated, 50% were terminated from the program, and 9% are currently active.

Cumulative state data for the juvenile drug courts:

- 417 juveniles have entered the drug court program
- 167 have successfully completed the program
- 212 juvenile were terminated for noncompliance and further offenses
- 4 juveniles were suspended or released for various reasons
- 39 are currently active

Data on adult drug courts can be obtained through the North Dakota Department of Corrections.

**Cumulative Juvenile Drug Court Totals**

Court Location	Year Started	Participant # to Date
Fargo	May 2000	137
Grand Forks	May 2000	148
Bismarck	October 2003	87
Minot	January 2007	26
Williston	January 2008	11
Devils Lake	January 2009	8



## Courts make technology leap with new case management system



*In October 2009, after months of preparation, the judiciary began the use of its new Odyssey Management System in Cass and Trill counties.*

**T**his system, which was implemented over the past year, will be rolled into every county by June 2011.

In those counties using the systems, paper files are no longer created. The entire court system soon will be electronic, with all case documents stored on computer. Users of the information may print documents if paper is preferred. The court is reducing its storage needs, and also reducing duplication of data which is now accessible by computer from other government entities or elsewhere within the court system.

Repetitive decisions and tasks are being tracked electronically. Judges receive electronic notices of cases needing their attention. In court, all case information is available by computer. Paper files no longer have to be filed and delivered.

Considerable effort has been placed on making the new system not only an advancement for the courts, but also for the various agencies and individuals that do business with the judiciary.

Multiple people can work on files and use information at different locations simultaneously. Attorneys and agencies who need court information have it available over the Internet, without the need to wait for paper documents, or travel to the courthouse. Court schedules are updated and available to court personnel and the public in real time.

In complex litigation, the court is developing ways to sort massive numbers of documents so that all of the filings relevant to a particular court proceeding are placed together for easy reference.

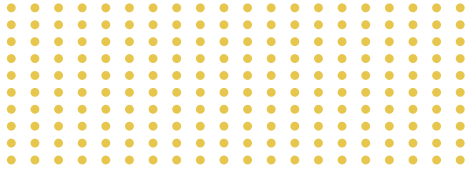
For judges, every file and every party who has business with the court will be accessible to each judge at their desk regardless of location. Different levels of security built into the system protect court information from unauthorized use.

These advancements position the judiciary to address the management of data and give the court the flexibility to address in a high quality effective way the business brought before the court.



**Judge Racek** is the presiding judge of the East Central Judicial District and serves on the Court Technology Committee.

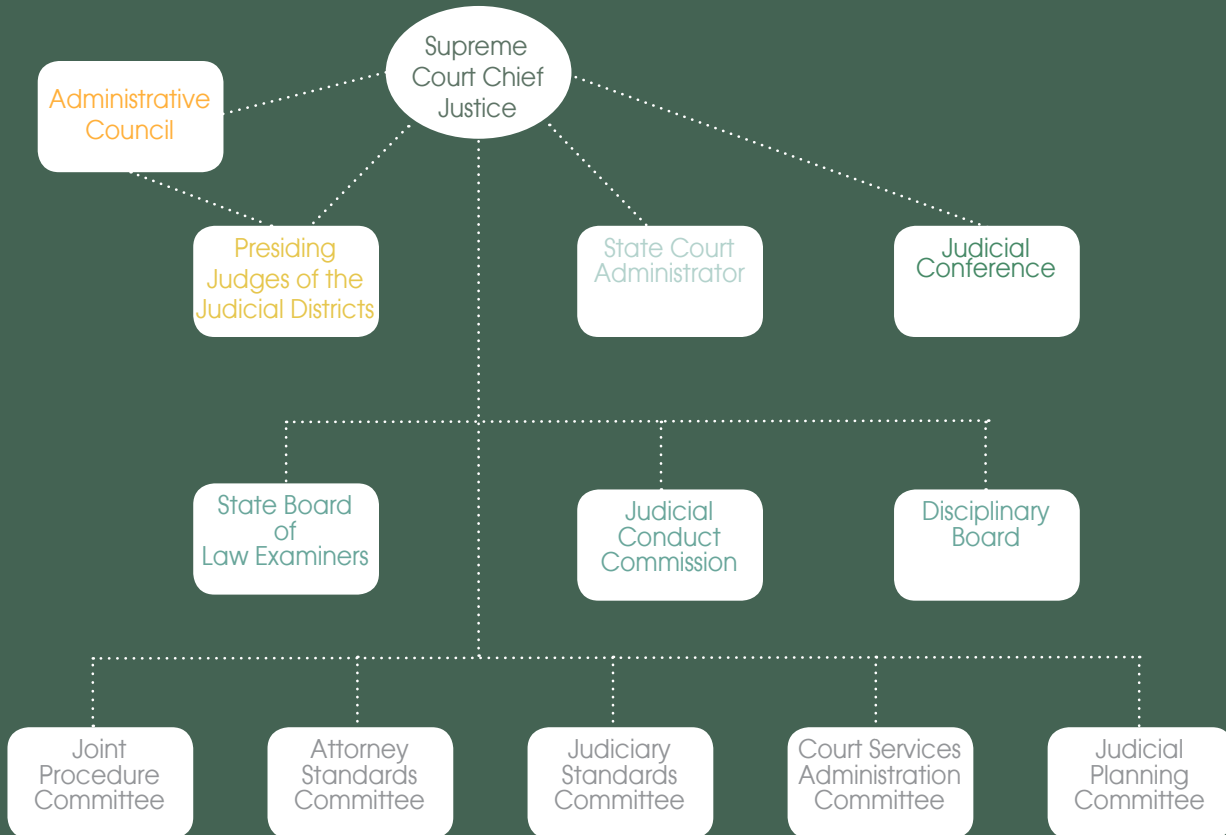
# Court Administration



## 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 Chief Justice’s administrative responsibility for the judicial system. 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.

## Administrative Organization of the North Dakota Court System.





## North Dakota Court Administration

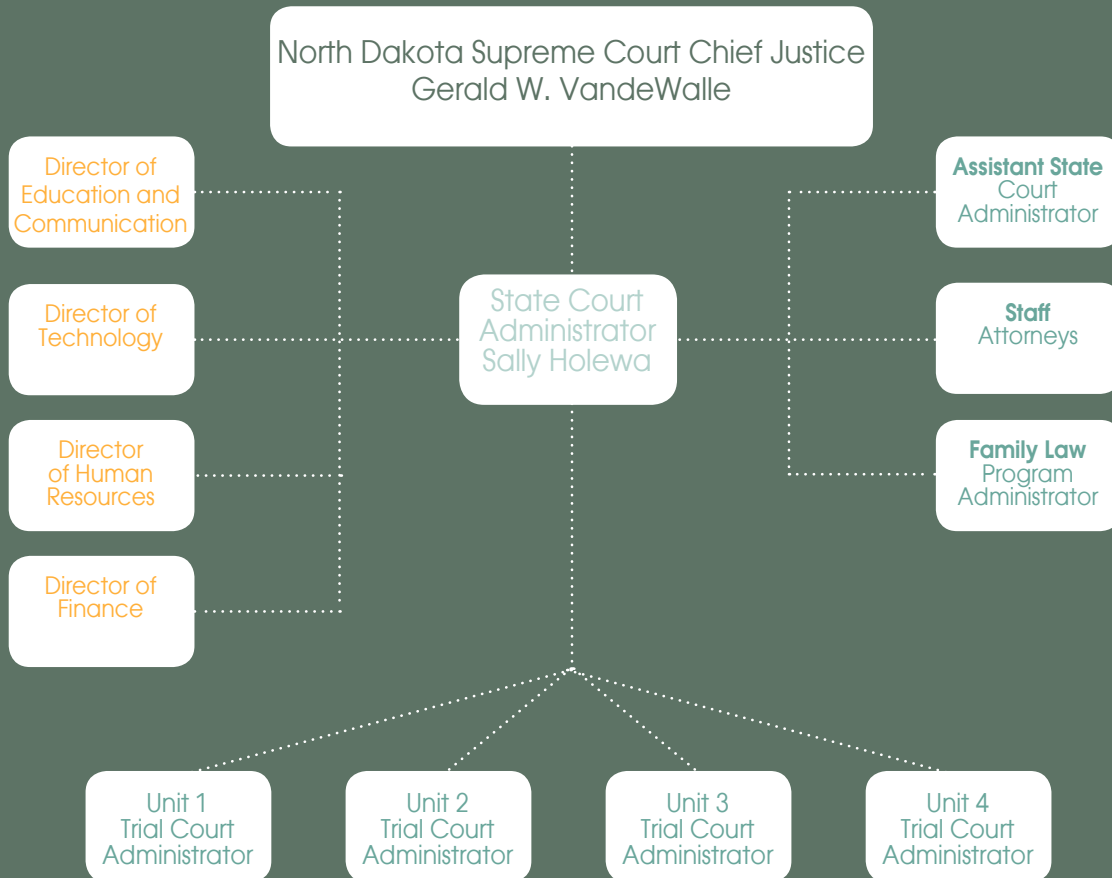


### Office of State Court Administrator

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).

## Administrative Organization of the North Dakota Judicial System



## North Dakota Court Administration



### Trial Court Administration

#### Trial Court Administrators

Under the direction of the state court administrator, the trial court administrator plans, organizes, and directs court administrative activities for all courts within one of four state administrative units. This position is responsible for supervising a large staff engaged in providing service to high volume and complex caseloads including comprehensive district-wide programs, juvenile, and court administrative services. As the senior administrative position within the administrative unit, the position is responsible for providing leadership and guidance in all administrative areas with emphasis on the development and implementation of efficient and cohesive administrative processes.

#### Assistant Trial Court Administrators

Under general supervision of the trial court administrator, the assistant trial court administrator implements the policies and procedures of the state judiciary and assists the trial court administrator in coordinating and monitoring administrative activities of the courts.

#### Clerks of Court

The clerk of district court works under the direction of the trial court administrator and is responsible for planning, directing, organizing and supervising all personnel assigned to the office of the clerk of district court. This position is responsible for maintaining all court records and developing office operational procedures associated with all district court cases involving criminal, civil restricted, traffic, or other cases filed with district court.

#### Director of Juvenile Court Services

The director of juvenile court services works under the direction of the trial court administrator and is responsible for planning and directing all juvenile court services in the administrative unit. The director of juvenile court services also provides leadership in fostering the development of community-based programs and in developing statewide policy and practice for juvenile court.

#### Presiding Judges

Each of the seven judicial districts has a presiding judge. Each presiding judge is elected by the judges within their district and serves for a three-year term. The presiding judge is the chief administrative officer of all courts in the district and is responsible for all court services within the geographical area of the judicial district. The presiding judge is responsible for providing leadership within his or her judicial district.

#### 2010 Presiding Judges

Northeast Judicial District - Judge Donovan Foughty

Northeast Central Judicial District - Judge Sonja Clapp

East Central Judicial District - Judge Frank Racek

Southeast Judicial District - Judge John Paulson

South Central Judicial District - Judge Gail Hagerty

Southwest Judicial District - Judge William Herauf

Northwest Judicial District - Judge William McLees

#### 2010 Trial Court Administration

##### Administrative Unit 1

Trial Court Administrator

Dennis Herbeck

Assistant Trial Court Administrator

Kimberly D. Nelsen

Director of Juvenile Court

Deborah Carlson

##### Administrative Unit 2

Trial Court Administrator

Rod Olson

Assistant Trial Court Administrator

Chris Iverson

Director of Juvenile Court

Karen Kringlie

##### Administrative Unit 3

Trial Court Administrator

Donna Wunderlich

Assistant Trial Court Administrator

Ross Munns

Director of Juvenile Court

Cory Pedersen

##### Administrative Unit 4

Trial Court Administrator

Carolyn Woolf

Director of Juvenile Court

Scott Hopwood

**Judicial Portion of the State Budget  
2009-11 Biennium**  
July 1, 2009 - June 30, 2011

Total State General and Special Funds Appropriation  
**\$6,477,489,040**

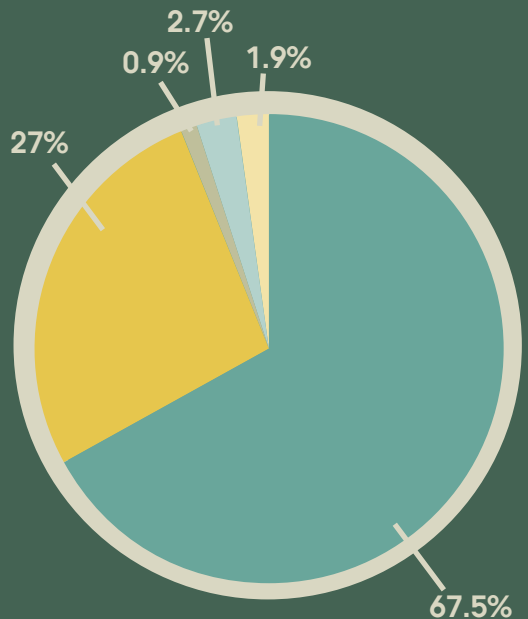
- Executive And Legislative Branch General And Special Funds Appropriation  
**\$8,763,640,043 (99%)**
- Judicial Branch General and Special Funds Appropriation  
**\$84,634,822 (1%)**



**STATE JUDICIAL BRANCH APPROPRIATION  
BY APPROPRIATED LINE ITEM  
2009-2011 BIENNIUM**

Total State General and Special Funds Appropriation  
**\$84,634,822**

- Salaries and Benefits  
**\$ 57,130,251 (67.5%)**
- Operating Expenses  
**\$ 22,823,698 (27.0%)**
- Mediation  
**\$ 792,036 ( 0.9%)**
- Capital Assets  
**\$ 2,314,482 (2.7%)**
- Special Purposes  
**\$ 1,574,355 (1.9%)**



**STATE JUDICIAL BRANCH APPROPRIATION  
BY TYPE OF ACTIVITY  
2009-2011 BIENNIUM**

**Supreme Court**

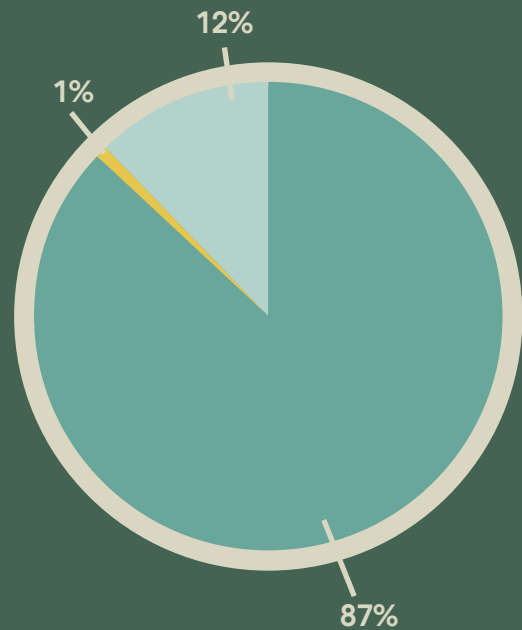
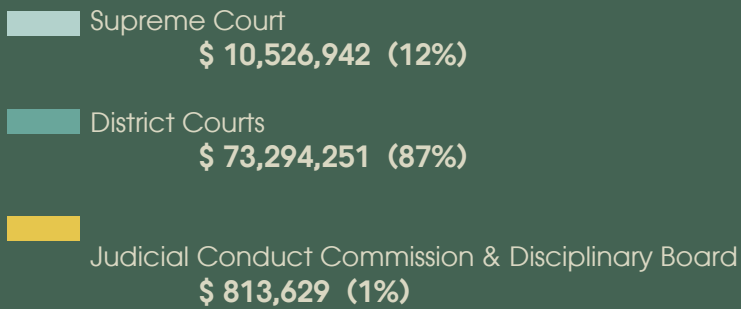
General Fund	\$ 10,526,942	
Special Funds	-	
<b>TOTAL</b>	<b>\$ 10,526,942</b>	<b>(12%)</b>

**District Courts**

General Fund	\$71,563,790	
Federal Funds	1,730,461	
<b>TOTAL</b>	<b>\$73,294,251</b>	<b>(87%)</b>

**Judicial Conduct Commission & Disciplinary Board**

General Fund	\$ 499,283	
Special Funds	314,346	
<b>TOTAL</b>	<b>\$ 813,629</b>	<b>(1%)</b>



## Judicial duties off the bench **necessary for court leadership**

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*Over the past twenty plus years that I have been on the bench I have had opportunity to serve on numerous committees both standing and ad hoc dealing with many different topics and court related issues. All of those experiences have been positive.*

**T**he sharing of information and ideas through the committee process has made me a better judge. The delivery of court services has improved both from a technical and policy standpoint because of the work done by committees chaired by judges and others.

Much of what we do as judges is routine. All of what we do in a judicial capacity is important. What judges do can have a significant impact on peoples' lives. This message needs to be conveyed by judges to those who work in the judicial system. Judges also need to convey to those who work in the system that they are appreciated for what they do.

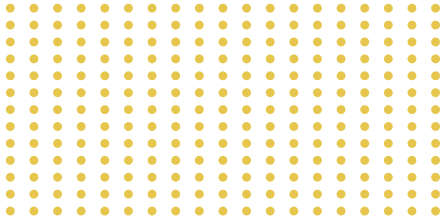
Beyond the daily hearings and deciding of cases it is important that judges show leadership in educating the public in the role of the courts in our system of government. We need to convey the importance of a constitutionally independent judiciary that helps to preserve our liberty under law. That being said, I am not sure we have been completely effective in conveying the message.

We, as judges, need to go into classrooms, speak with legislators, our colleagues, the public and other professionals on what is old and enduring and what is new and innovative in our court system.



**Judge Donovan Foughty**, Northeast Judicial District and co-chair of the Task Force on Racial and Ethnic Bias in the Courts

## Committees, Commissions & Boards



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*In the North Dakota Judicial Branch, a system of committees, commissions, boards, and councils has been established to develop new ideas and evaluate proposals for improving public services and to recommend policy and best practices for the judicial system.*

**C**itizens, legislators, lawyers, district court judges, municipal court judges, court personnel and members of the Supreme Court serve on these committees.

Committee agendas and minutes are located at [www.ndcourts.gov/committees/committees.htm](http://www.ndcourts.gov/committees/committees.htm)



## Committees, Commissions & Boards



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

### **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; 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 Branch Education**

The Judicial Branch 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 judges and court support 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 judges and court support 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.

**Court Improvement Project Committee**

The Court Improvement Project Committee became a committee of the Administrative Council with the approval of Policy 520. The committee oversees three grants related to Court Improvement in the area of child abuse and neglect. Four permanent subcommittees carry out the work of the committee: Lay Guardian Ad Litem; Indian Child Welfare; Education and Training; and Data Collection and Analysis.

**Custody Investigator Review Board**

The Custody Investigator Review Board is established by Supreme Court rule. It addresses complaints about custody investigators. It has nine members: three judges and one lawyer appointed by the Chief Justice, two lawyers appointed by the State Bar Association, and three custody investigators appointed by the Chief Justice and the president of the State Bar Association acting together.



## Committees, Commissions & Boards

### 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.

([http://www.ndcourts.gov/court/committees/Jud\\_Cond/Commission.asp](http://www.ndcourts.gov/court/committees/Jud_Cond/Commission.asp))

**Of the new complaints filed in 2010:**

- 24 were against 16 District Court Judges
- 3 were against 3 Judicial Referees
- 16 were against 5 Supreme Court Justices
- 1 was against an Administrative Law Judge

<b>New Complaints Opened in 2010</b>	<b>44</b>
General Nature of Complaints:	
Abuse of authority/prestige	1
Administration irregularity	2
Bias, discrimination/partiality	3
Conflict of interest	1
Criminal behavior	7
Ex parte communications	2
Improper conduct on bench	1
Improper decision/ruling	20
No specific allegations	1
Willful misconduct in office	5
Other	1
<b>Total</b>	<b>44</b>
<b>Complaint Files Carried Over from 2009</b>	<b>8</b>
<b>Total Files Pending Consideration in 2010</b>	<b>52</b>
Disposition of Complaints:	
Admonition	1
Dismissed	1
Summarily Dismissed	41
<b>Total 2010 Dispositions</b>	<b>43</b>
<b>Complaint Files Pending as of 12/31/010</b>	<b>9</b>

### State Board of Law Examiners

The State Board of Law Examiners assists the Supreme Court in its constitutional responsibility to regulate the admission to practice.

Of the 139 attorneys admitted in 2010, 69 were by bar examination; 31 by achieving a 150 scaled score on the Multistate Bar Examination and admission in another state; and 39 by having the requisite years of practice in another state.

Continuing a trend, in 2010 the Board in its licensing capacity issued 2,139 licenses, the highest number ever issued in North Dakota.

As a part of its responsibilities, the Board monitors the pro hac vice admission of attorneys who are not licensed in North Dakota. During 2010, 184 nonresident attorneys appeared in North Dakota courts under Rule 3, Admission to Practice Rules. (<http://www.ndcourts.gov/rules/Admission/frame.set.htm>).

During 2010, based on the Board's recommendation, the Supreme Court adopted rule amendments to permit the Uniform Bar Examination to be given in North Dakota beginning with the February 2011 exam.

In 2010, Board members were Mark L. Stenehjem of the Williston firm of McKennett, Stenehjem, Forsberg & Hermanson; Paul F. Richard of Sanford Health in Fargo; and Alice R. Senechal of the Robert Vogel Law Office in Grand Forks. On December 31, 2010, after serving 18 years, Mark Stenehjem's term expired, and he was not eligible for reappointment.

#### Passage Rates for the February and July 2010 North Dakota Bar Examinations

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
02/10	28	22/79%	18	14/78%
07/10	66	51/77%	52	39/75%

## Committees, Commissions & Boards

### Disciplinary Board

The lawyer disciplinary process, with the Disciplinary Board at the center, provides 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.

The Disciplinary Board has ten members—three non-lawyer members and seven lawyers. The non-lawyer members are appointed from around the state by the Supreme Court from a list submitted by the State Bar Association, the Attorney General, and the State Judges Association. One lawyer member is appointed by the Supreme Court from each of the seven judicial districts. All members are unpaid volunteers. Lolita Romanick of Grand Forks serves as Chair of the Board.

Information about how a complaint is processed can be found at [http://www.ndcourts.gov/court/committees/disc\\_brd/Information.htm](http://www.ndcourts.gov/court/committees/disc_brd/Information.htm).

Following is a summary of complaint files under consideration in 2010.

<b>New Complaints Opened in 2010</b>		<b>174</b>
<b>General Nature of Complaints:</b>		
Client Funds & Property		3
Conflict of Interest		9
Criminal Convictions		1
Disability/Incapacity to Practice Law		0
Excessive Fees		5
Failure to Communicate/Cooperate with Client		5
Improper Conduct		110
Incompetent Representation		29
Misappropriation/Fraud		1
Neglect/Delay		8
Petition for Reinstatement		0
Unauthorized Practice of Law		3
Reciprocal Discipline		0
<b>TOTAL - New Complaints</b>		<b>174</b>
Formal Proceedings Pending From Prior Years		38
Other Complaint Files Pending From Prior Years		85
Appeals Filed with Disciplinary Board in 2010		28
Appeals Filed with Supreme Court in 2010		0
<b>TOTAL Filed for Consideration in 2010</b>		<b>325</b>
<b>Disposition of Complaint Files:</b>		
Dismissed by Inquiry Committees		98
Dismissed Without Prejudice by Inquiry Committees		0
Summary Dismissals by Inquiry Committees		61
Admonitions Issued by Inquiry Committees		4
Consent Probation by Inquiry Committees		5
Referred to Lawyer Assistance Program By Inquiry Committee or Hearing Panel		3
Disciplinary Board Approves IC Dismissal		8
Disciplinary Board Disapproves IC Disposition		1
Disciplinary Board Approves IC Admonition		0
Disciplinary Board Approves Consent Probation		0
Dismissal by Hearing Panel		4
Reprimand by Hearing Panel		2
Reprimand by Supreme Court		1
Reinstatement by Supreme Court		0
Suspensions by Supreme Court		*6
Disbarments by Supreme Court		1
Transfer to Disability Status by Supreme Court		0
Interim Suspensions by Supreme Court		1
Formal Proceedings Pending 12/31/10		41
Other Complaint Files Pending 12/31/10		94
<b>TOTAL - Dispositions</b>		<b>**330</b>

\*6 files results in suspension of 5 attorneys

\*\*Number includes multiple disposition in 1 file, referral to Lawyer Assistance Program in 3 files, and interim suspension by the Supreme Court.