



NORTH DAKOTA COURT SYSTEM  
2015 ANNUAL REPORT

# MESSAGE FROM THE CHIEF

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## DUE PROCESS & THE COURTS

*Chief Justice Gerald W. VandeWalle*

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Due process encompasses the principle that the state must respect all of the legal rights owed to a person and is a constitutional guarantee that all legal proceedings will be fair and that the application of laws will not be unreasonable, arbitrary, or capricious. It is this principle that guides the work of the court system and it is the touchstone by which we measure our worth. In the past year, we have directed our resources to providing a fair, impartial, and accessible court system for the citizens of North Dakota.

The 64th Legislative Assembly authorized four new judgeships which were chambered in the Northwest, Southwest, and South Central Judicial Districts. These additional judges have allowed us to more efficiently and effectively address the increasing caseloads in our state and provide access to justice to citizens in growing communities. New positions in the trial courts and the administrative office also help meet the needs of those who come to the court for help.

A paralegal was added to the court's self-help center to assist the growing number of individuals who have no choice or choose to be self-represented. The program provides direct support for callers, as well as indirect support through the court's website, brochures, and forms. The number of self-represented litigants continues to rise in the trial courts and at the appellate level.

Following the recommendation of the Guardianship Workgroup, a pilot project staffed by a certified public accountant has been established to allow the court to monitor guardianships more closely. This pilot project provides the resources to investigate suspicious financial activity and to do follow up on the physical well-being of wards after the guardianship has been in place for a time.

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We have continued our efforts to provide qualified interpreters for court proceedings. This past year, 12 interpreters passed the North Dakota Court Interpreter Proficiency Test and received the designation of “registered interpreter.” These interpreters work in American Sign Language, Arabic, Chinese, Kurdish, Nepali, Somali, Spanish, Taiwanese, and Turkish. Understanding what takes place in court is essential. To that end we will continue to offer statewide training and testing for interpreters and maintain a centralized roster of available in-state interpreters.

A vital component of due process is providing a complete and accurate record of the proceedings before the court. We now require our electronic court recorders to be certified through the American Association of Electronic Reporters and Transcribers. Certification helps ensure a quality transcript, which is essential to appellate review. The transcript of the words spoken in court is essential to attorneys to prepare arguments for appeal, as well as for the court.

We are also continuing our partnership with South Dakota to offer Court Management Certification to our court staff. Participants take a series of six courses focusing on various aspects of court management. One course in particular—The Purposes and Responsibilities of Courts—helps staff connect their daily work to purposes of courts to better understand the foundations of the third branch of government. One of the objectives of the program is for graduates to devise strategies to align court performance, court structure, court operations, and court processes with court purposes.

Continuing education for court staff and judges is essential to due process. The court system needs to respond quickly to changes in laws, rules, and process and to shifts in cultural and social norms of society. To help meet that need, we asked for additional space for the Supreme Court and the Administrative Office of the Court. While the \$40 million project to remodel and expand the Liberty Memorial Building did not receive funding during the last legislative session, we did receive space in the judicial wing for training and offices. The training space will be shared with the Legislative Branch and used as hearing rooms during session. The offices will house the court’s education department staff. We hope to have access to the new space by fall.

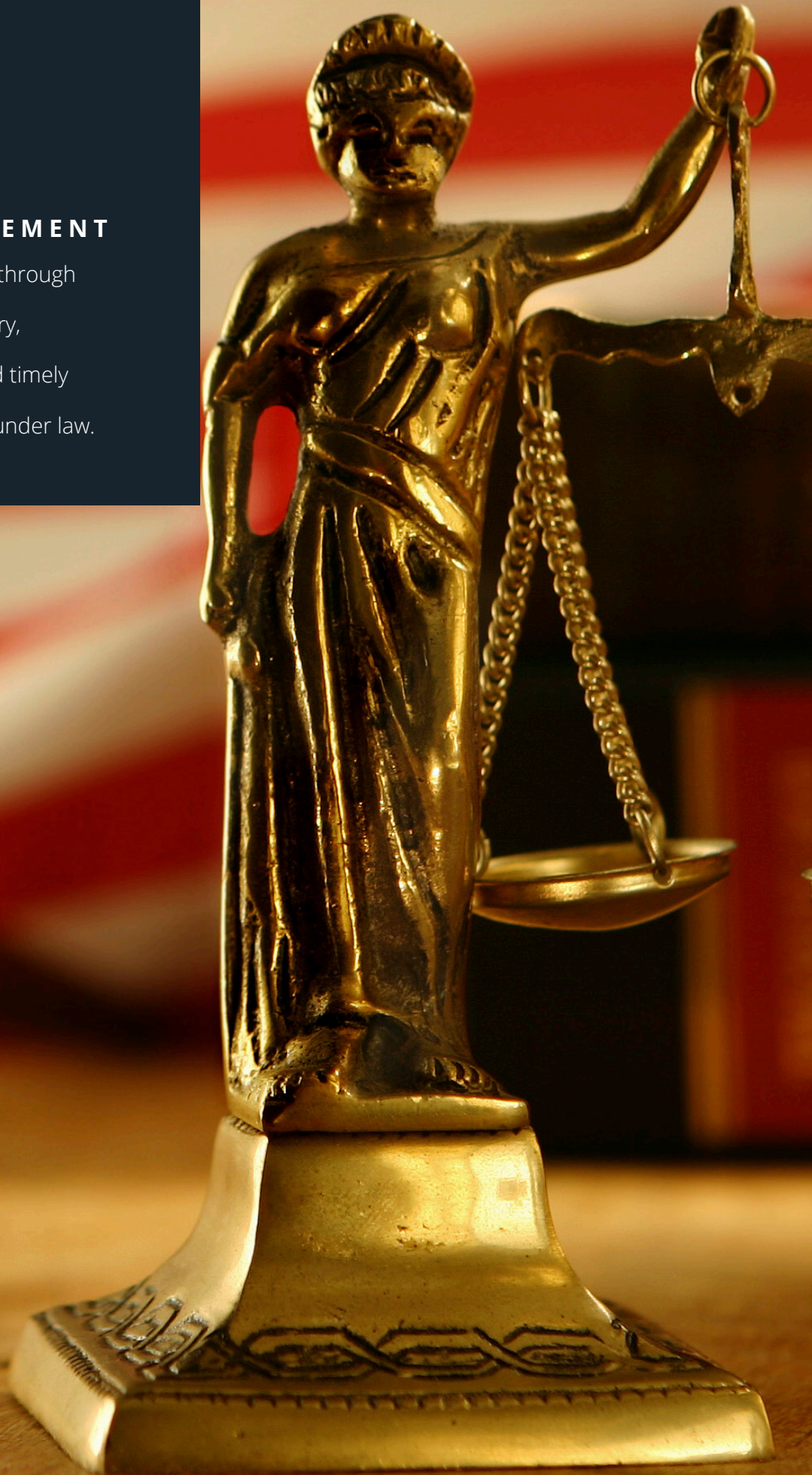
In addition to these highlights, the annual report provides a statistical overview of the caseload and budget of the North Dakota Court System for the past year. I gratefully recognize the daily contributions of our court staff and judges who are determined to ensure that the individual rights of each person before the court are protected.

I am pleased to commend to you the 2015 Annual Report.



## 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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*Annual Report 2015*

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# North Dakota **COURTS**

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## **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.

## **DISTRICT COURT**

EIGHT JUDICIAL DISTRICTS/51 JUDGES:  
SIX-YEAR TERMS

District Courts are the state trials courts of general jurisdiction. Among the types of cases they hear 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**

73 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**

ONE CHIEF JUSTICE & FOUR JUSTICES



10-YEAR TERMS

## **DISTRICT COURT**

EIGHT JUDICIAL DISTRICTS/51 JUDGES



6-YEAR TERMS

## **MUNICIPAL COURT**

73 JUDGES



4-YEAR TERMS

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## North Dakota **SUPREME COURT**

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*2015 ANNUAL REPORT*

### **THE NORTH DAKOTA SUPREME COURT OVERVIEW**

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  
**JUSTICES**







Justice  
Dale V. Sandstrom

Justice  
Daniel J. Crothers

Chief Justice  
Gerald W. VandeWalle

Justice  
Lisa K. Fair McEvers

Justice  
Carol Ronning Kapsner



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## 2015 Caseload HIGHLIGHTS

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### *2015 ANNUAL REPORT*

Following a record setting year in 2014, the 2015 new case filings decreased by more than 22%. The number of cases on appeal and the filing trend since 2000 are reflected in the chart on the following page.

**Civil Filings** – Small increases in appeals involving administrative proceedings, child custody and child support, insurance, oil and gas, debtor/creditor, and employer/employee disputes, indicate the impact of the fluctuations in the state's economic and business activities. Appeals in family related cases accounted for 24% of the civil case load, and 17% of the overall caseload.

Appeals in post-conviction relief matters, which are by statute civil, and the civil commitment of sexually dangerous individuals decreased. However, these appeals accounted for 16% of the civil caseload.

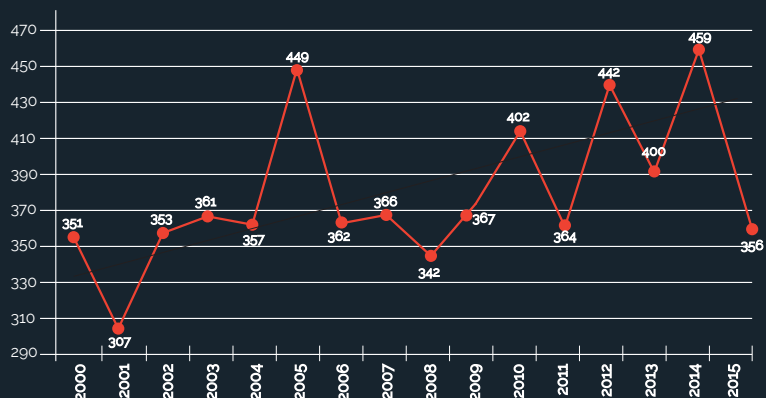
**Criminal Filings** - Appeals involving drug, sexual and driving under the influence offenses accounted for 50% of the criminal caseload, which is a decrease over last year. Appeals in cases involving assault, homicide and theft increased.

- Oral arguments were scheduled in 276 cases, an increase over last year, with approximately 29% of those arguments being waived, in whole or part, by either the parties or the Court, and submitted on the briefs and the record.
- Reflecting the increased number of appeals filed in 2014, the Justices each authored an average of 60 majority opinions, with another 70 separate concurrences and/or dissents written in 2015.
- The most appeals originated from the South Central Judicial District, followed by the East Central, Northwest, Northeast Central, Southeast, North Central, Southwest and Northeast Judicial Districts.
- In 22% of the cases filed in 2015, at least one party was self-represented.

**Administrative Filings** – The Court's consideration of whether to fill, abolish or transfer four district judge vacancies, and chamber four new district judgeships authorized by the 64th Legislative Assembly is not reflected in the caseload synopsis. There were also ten requests for amendment of various procedural rules and policies, and the Court's regular conferences to consider motions and other administrative matters impacting the Court's workload.

The Supreme Court continued the "Taking the Court to Schools" program with a visit to Harvey High School. The Court also held a special term of Court at the University of North Dakota School of Law. The Justices Teaching Institute, taught by the Justices, was also held in 2015.

### NEW CASES ON APPEAL 2000-2015



### CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 2015 AND 2014 CALENDAR YEARS

	2015	2014	Percent Difference
New Filings	356	459	-22.44
Civil	242	314	-22.92
Criminal	114	145	-21.38
Dispositions	440	390	12.82
Civil	295	288	2.43
Criminal	145	102	42.16
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0

### CASE DISPOSITIONS – 2015

	Civil	Criminal
<b>BY OPINION:</b>		
Affirmed; Affirmed & Modified	84	50
Affirmed in Part & Reversed in Part	14	5
Affirmed by Summary Disposition	76	29
Reversed	5	1
Reversed & Remanded; Reversed & Modified	34	9
Reversed by Summary Disposition	1	0
Dismissed	2	0
Original Jurisdiction – Granted	1	0
Discipline Imposed	17	-
<b>Dispositions by Opinion</b>	<b>235</b>	<b>99</b>
<b>BY ORDER:</b>		
Dismissed	40	43
Original Jurisdiction--Denied	10	3
Original Jurisdiction--Granted	3	0
NOA Voided - No Filing Fee	7	-
NOA Ext. Denied - NOA Not Filed	0	0
<b>Dispositions by Order</b>	<b>60</b>	<b>46</b>
<b>Total Dispositions for 2015</b>	<b>295</b>	<b>145</b>



### ***Chief Justice VandeWalle named 41st Recipient of the Theodore Roosevelt Rough Rider Award***

Chief Justice Gerald W. VandeWalle became the 41st recipient of the North Dakota Theodore Roosevelt Rough Rider Award in 2015.

Gov. Jack Dalrymple officially presented VandeWalle the award during a joint session of the 64th Legislative Assembly January 7, 2015. Dalrymple unveiled a portrait of VandeWalle that hangs in the state Capitol in Bismarck, along with the portraits of other notable North Dakotans.

VandeWalle has served on the North Dakota Supreme Court for more than 36 years. He has served as the court's Chief Justice for the past 22 years, making him the longest-serving Chief Justice in North Dakota history and the longest-serving of all sitting Chief Justices across the nation.

Throughout his career, VandeWalle has made important contributions to the North Dakota Supreme Court and the state court system. He played an integral role in the unification of the court system, establishing a unified, statewide approach to court proceedings and the administration of justice. He was instrumental in redefining North Dakota's judicial districts and increasing the number of judges to accommodate growth in the state's economy and population. He also promoted the establishment of a mediation program for family law cases and created a trial court administration system to place administrators within the judicial districts to oversee court procedures.

VandeWalle was born in 1933, and raised in Noonan, North Dakota. He attended the University of North Dakota, and in 1955, received a bachelor of science degree in Commerce from the School of Business. In 1958, he received a juris doctor degree magna cum laude from the University of North Dakota School of Law.

He was admitted to the State Bar of North Dakota in 1958 and accepted an appointment as Special Assistant Attorney General. In 1975, he was appointed First Assistant Attorney General. During his 20 years in the Attorney General's office, VandeWalle held several portfolios, including elementary, secondary and higher education; the North Dakota Industrial Commission oil and gas division; and the State Retirement System.





In August 1978, Vandewalle was appointed to the North Dakota Supreme Court. That November, he was elected to serve an unexpired term and was re-elected to 10-year terms in 1984, 1994, 2004 and 2014.

In 1993, he was elected Chief Justice of the North Dakota Supreme Court, and has been re-elected to that post for five consecutive terms. His more than two decades as Chief Justice makes him the state's longest-serving and the nation's longest-serving of all sitting Chief Justices.

Between 1985 and 1987, Vandewalle served as the first chair of the North Dakota Judicial Conference. He also served as co-chair of the American Bar Association (ABA) Bar Admissions Committee and past chair of the Federal-State Tribal Relations Committee of the Conference of Chief Justices. He is past chair of the Council of the Section of Legal Education and Admissions to the Bar of the ABA, past President of the Conference of Chief Justices, past chair of the National Center for State Courts, and past chair of the National Center for State Court's Research Advisory Council.

*Justice Vandewalle has served on the North Dakota Supreme Court for more than 36 years. He has served as the court's Chief Justice for the past 22 years, making him the longest-serving Chief Justice in North Dakota history and the longest-serving of all sitting Chief Justices across the nation.*

Vandewalle has received several national awards and recognitions, including the Kutak Award from the ABA Section of Legal Education and Admission to the Bar recognizing substantial contributions toward increased understanding between legal education and the active practice of law; the American Inns of Court Professionalism award for the 8th Circuit; the National Center for State Courts Paul C. Reardon Award for outstanding contributions to the justice system; and the Warren Burger Society Award recognizing volunteers who have given extraordinary contributions of service to the National Center for State Courts.

An honorary rank of Colonel in the Theodore Roosevelt Rough Riders was established during the 1961 Dakota Territory Centennial. The award recognizes present and former North Dakotans who have been influenced by the state in achieving national recognition in their fields of endeavor, thereby reflecting credit and honor upon North Dakota and its citizens.

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## North Dakota **DISTRICT COURTS**

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*2015 ANNUAL REPORT*

**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.**

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. There are 51 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).



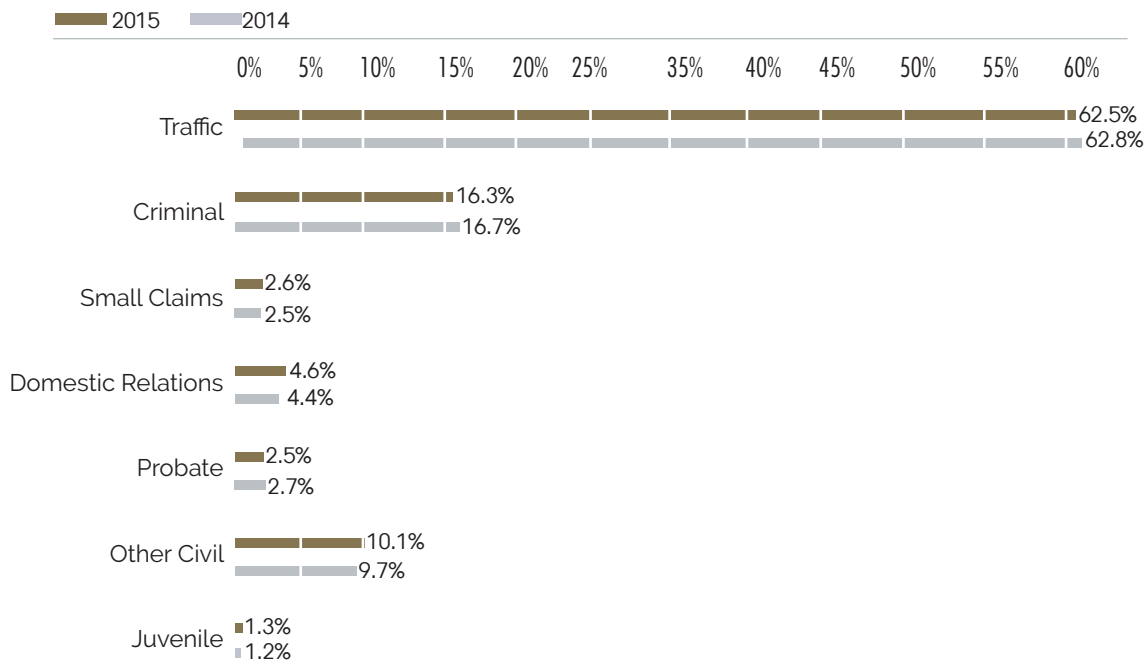
## TOTAL DISTRICT COURT CASELOAD

FOR CALENDAR YEARS 2015 & 2014

CASE FILINGS/ DISPOSITIONS	2015			2014			2015/2014	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	31,988	8,767	39,354	31,449	8,586	39,256	1.71%	0.25%
Small Claims	4,821	159	4,904	4,700	146	4,805	2.57%	2.06%
Criminal	30,210	12,373	46,503	31,372	11,754	46,885	-3.70%	-0.81%
Traffic	116,024	439	119,473	117,848	300	119,489	-1.55%	-0.01%
Juvenile	2,493	1,807	3,684	2,290	1,659	3,494	8.86%	5.44%
<b>Total</b>	<b>185,536</b>	<b>23,545</b>	<b>213,918</b>	<b>187,659</b>	<b>22,445</b>	<b>213,929</b>	<b>-1.13%</b>	<b>-0.01%</b>

## TYPES OF CASES FILED IN DISTRICT COURT

FOR CALENDAR YEARS 2015 & 2014



## JURY TRIALS FOR JUDICIAL DISTRICT

FOR CALENDAR YEARS 2015 & 2014

District	2015	2014
Northeast	10	11
Northeast Central	22	18
East Central	26	30
Southeast	38	45
South Central	96	99
Southwest	15	19
Northwest	47	15
North Central	48	55
<b>Total</b>	<b>302</b>	<b>292</b>

Based on jury trials paid



# Civil Caseload

## 2015 ANNUAL REPORT

Civil filings increased by 1.8% in 2015 compared to 2014 with total case filings of 36,809. There were 4,821 small claims cases in 2015, which is an increase of 121 or 2.6%. Domestic relations cases increased by 301 or 3.7%, probate/guardianship cases decreased by 409 or 8.2%, and other civil cases increased by 647 or 3.5% in 2015.

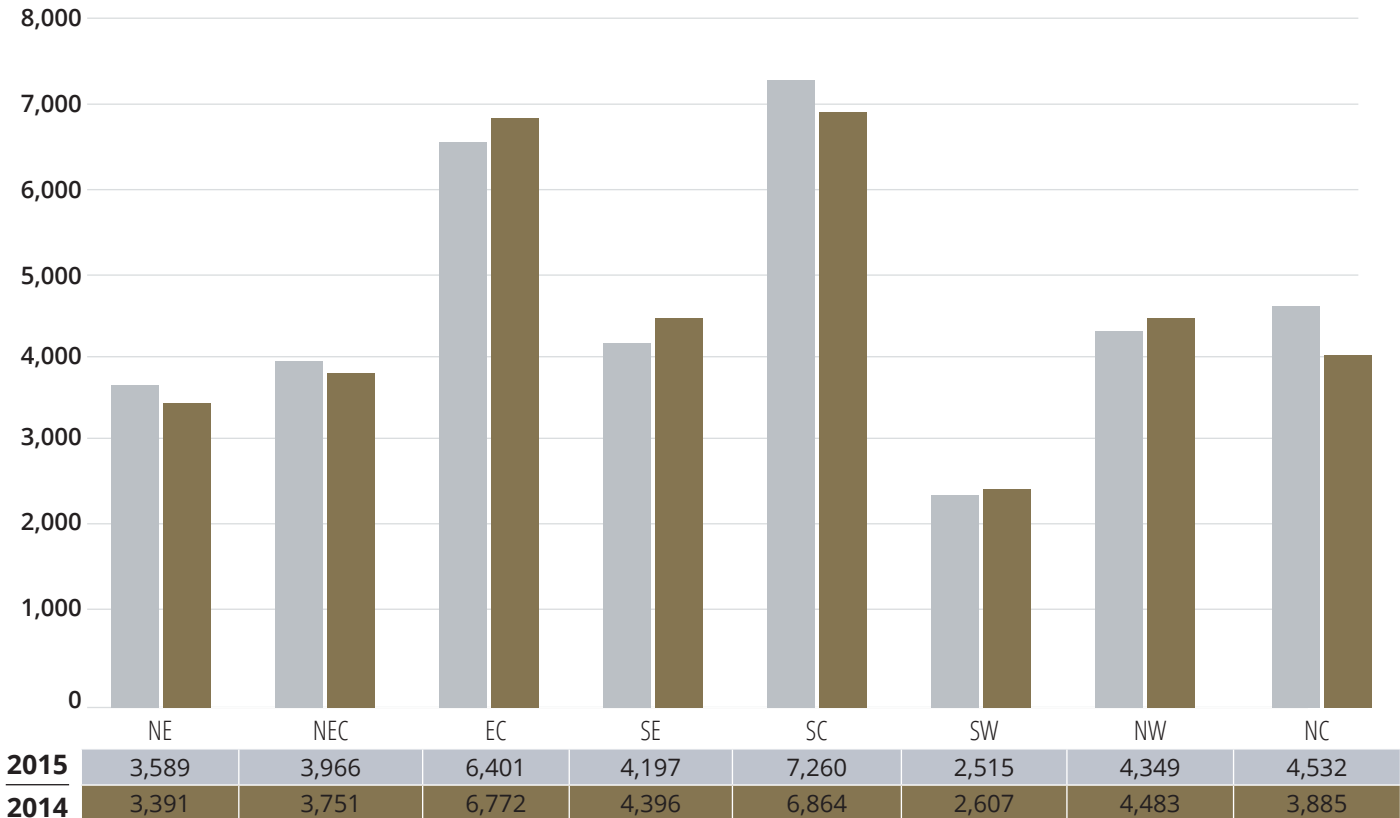
Contract/collection (66%) civil commitment (8%) and forcible detainer (9%) cases account for the majority of the 18,900 other civil case types. Contract/collection decreased by 195 cases or 1.6% compared to 2014.

There were 8,531 domestic relations case filings in 2015, consisting of the following: support proceedings (31%); divorce (29%); protection/restraining orders (27%); paternity (4%); adoption (4%); parenting responsibility (4%) and termination of parental rights (less than 1%).

Total divorce filings in 2015 were 2,473 compared to 2,349 in 2014. Support proceedings decreased by 1.8% with 2,637 cases filed, and protections/restraining order filings increased by 9.9% with 2,338 cases filed.

### ND CIVIL CASELOAD FOR DISTRICT COURTS

FOR 2014 AND 2015





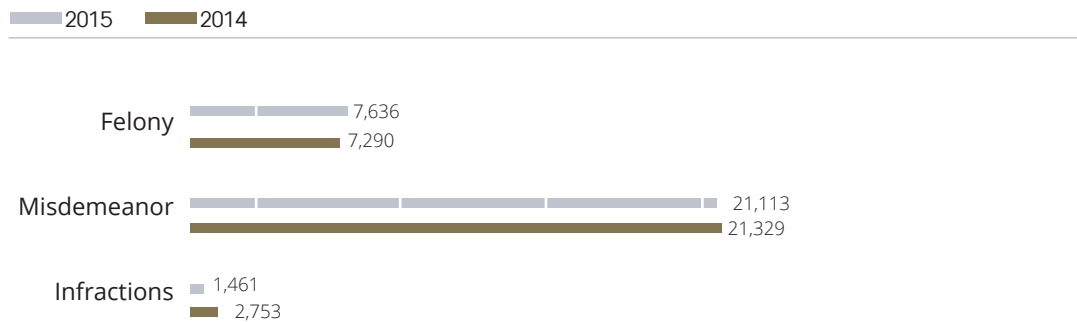
# Criminal Caseload

2015 ANNUAL REPORT

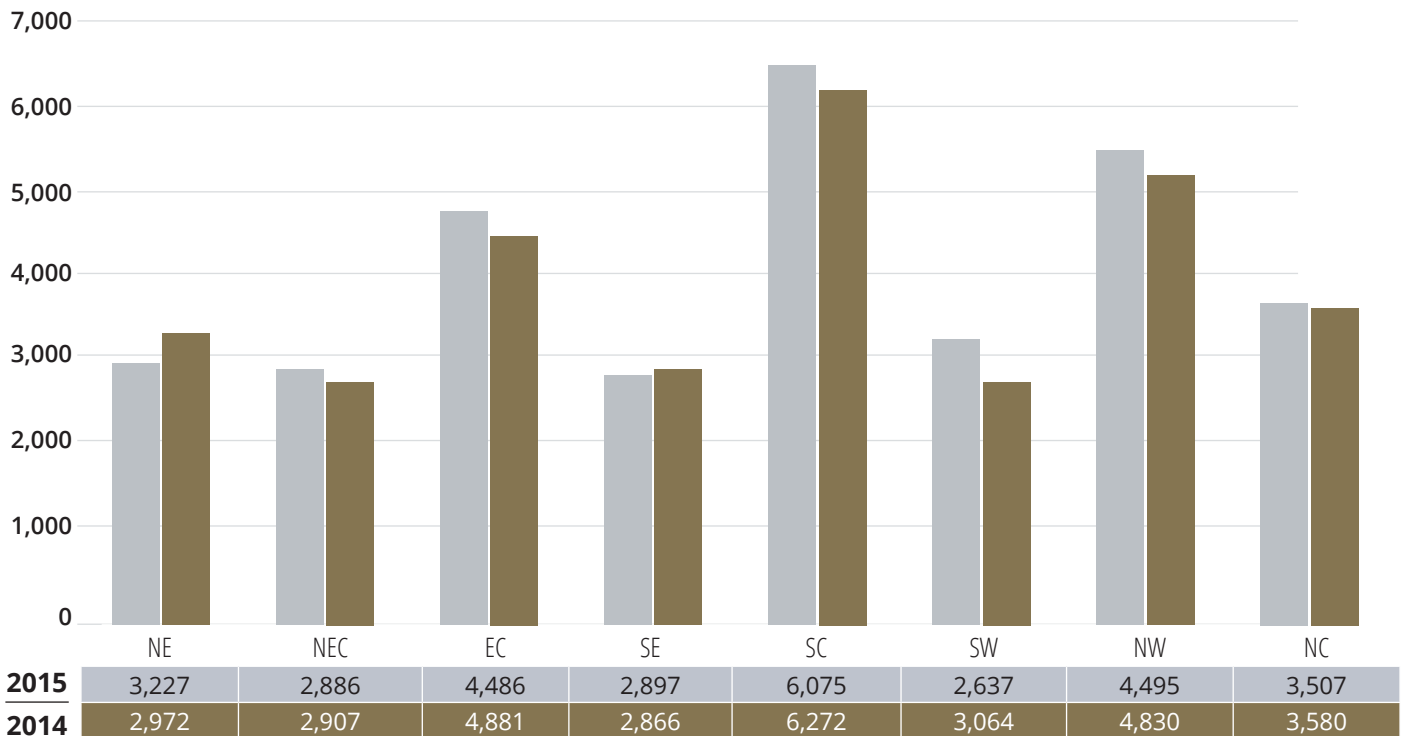
Total criminal filings decreased by 3.7% from 2014 to 2015 with 30,210 cases filed compared to 31,372. Felony filings increased by 4.7%; misdemeanors decreased by 1.0%; and infractions increased by 46.9%. Misdemeanors made up 70% of total criminal filings; felony 25%; and infractions 5%.

The decrease in infraction cases is primarily due to some of the districts counting driving without liability insurance charges as an infraction prior to 2015. All districts charged those cases to administrative traffic in 2015.

## OVERALL ND CRIMINAL CASELOAD FOR DISTRICT COURTS FOR CALENDAR YEARS 2014 & 2015



## ND CRIMINAL CASELOAD FOR DISTRICT COURTS FOR 2014 AND 2015



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## Administrative TRAFFIC CASES

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### 2015 ANNUAL REPORT

Administrative traffic filings decreased by 1,824 (1.5 percent) from 2014. These cases make up 63 percent of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

<b>Case Filings</b>	<b>2015</b>	<b>2014</b>
Admin. Traffic	116,024	117,848
<b>Case Re-opens</b>	<b>2015</b>	<b>2014</b>
Admin. Traffic	439	300
<b>Case Dispositions</b>	<b>2015</b>	<b>2014</b>
Admin. Traffic	119,473	119,489



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# 2015 DISTRICT COURT JUDGES

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## 2015 ANNUAL REPORT

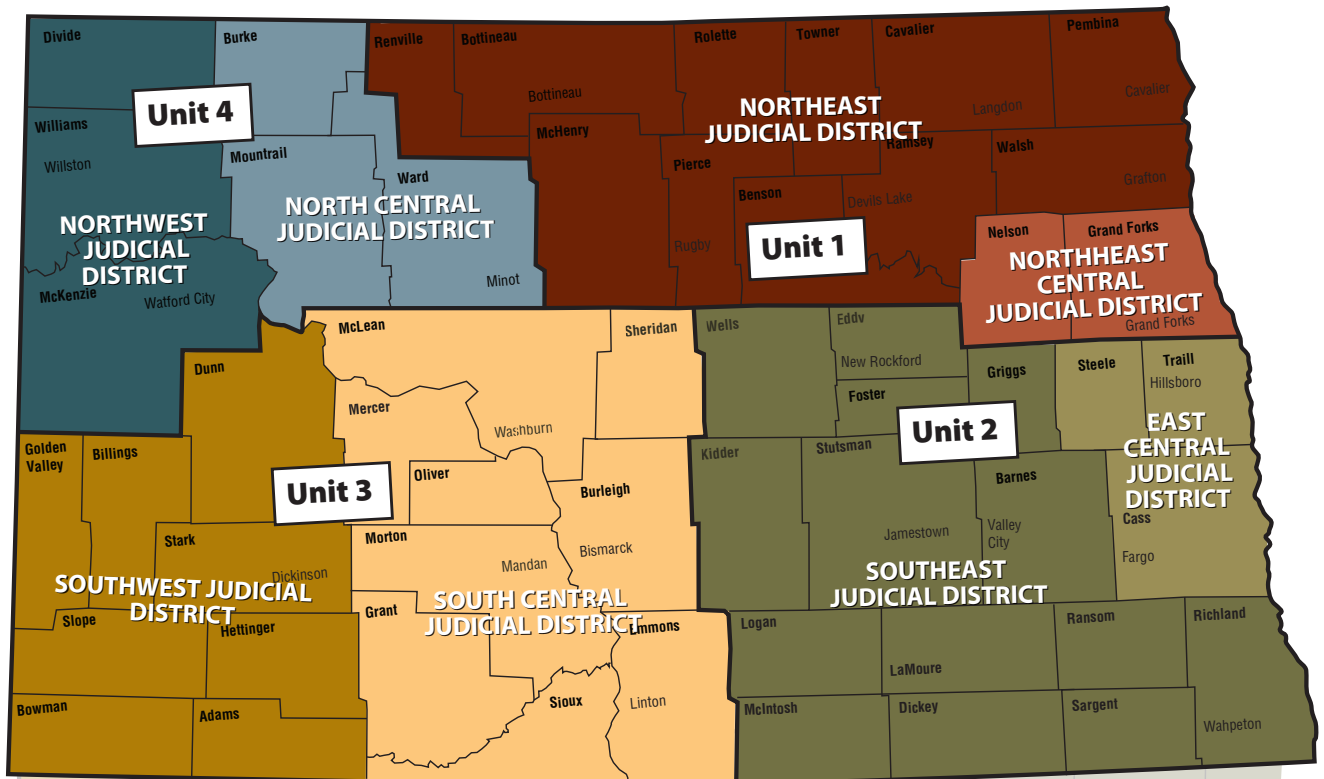
Norm Anderson- Fargo  
 Sonna M. Anderson - Bismarck  
 Zane Anderson – Dickinson  
 (Retired November 2015)  
 Susan Bailey - Fargo  
 Lee A. Christofferson – Devils Lake  
 Todd Cresap - Minot  
 Brad Cruff - Wahpeton  
 Rhonda Ehlis – Dickinson  
 Daniel El-Dweek – Watford City  
 Cynthia Feland - Bismarck  
 Laurie A. Fontaine – Cavalier/Langdon  
 Donovan Foughty – Devils Lake  
 M. Richard Geiger - Grafton  
 Dann Greenwood - Dickinson  
 John E. Greenwood – Jamestown  
 John Grinsteiner - Mandan  
 Richard L. Hagar – Minot  
 Donald Hager – Grand Forks  
 Gail Hagerty - Bismarck  
 Bruce B. Haskell - Bismarck  
 William Herauf - Dickinson  
 Douglas R. Herman – Fargo  
 Jim Hill - Mandan  
 James D. Hovey – New Rockford  
 John C. Irby - Fargo  
 Paul Jacobson - Williston  
 Lawrence E. Jahnke – Grand Forks  
 (Retired March 2015)  
 Jon Jensen – Grand Forks  
 Debbie G. Kleven – Grand Forks  
 Gary H. Lee – Minot  
 Stacy Louser - Minot  
 Steven L. Marquart - Fargo  
 Douglas L. Mattson - Minot

John C. McClintock, Jr.- Rugby  
 Steven E. McCullough - Fargo  
 Thomas E. Merrick - Jamestown  
 Daniel D. Narum - Ellendale  
 David W. Nelson – Williston  
 Thomas R. Olson - Fargo  
 Frank Racek - Fargo  
 David E. Reich - Bismarck  
 Bruce A. Romanick – Washburn  
 Lolita Romanick – Grand Forks  
 Robin Schmidt – Watford City  
 Joshua Rustad - Williston  
 Jay Schmitz – Valley City  
 Thomas J. Schneider – Mandan  
 Kirsten Sjue - Williston  
 Michael Sturdevant – Bottineau  
 (Retired September 2015)  
 John Thelen – Grand Forks  
 Jerod Tufte – Valley City  
 Wade L. Webb -Hillsboro

### JUDICIAL REFEREES SERVING IN 2015

Wayne D. Goter - Bismarck  
 Scott Griffeth - Fargo  
 John Grinsteiner – Bismarck  
 ( Appointed District Judge in August 2015)  
 Jay Knudson – Grand Forks  
 Pam Nesvig - Bismarck  
 Connie Portscheller - Minot  
 John Thelen – Grand Forks  
 (Appointed District Judge in July 2015)  
 Susan Solheim - Fargo  
 Dale A. Thompson - Bottineau

- |  |   |
|--|---|
|  <b>Northwest Judicial District</b><br>Number of Counties: 3  |  <b>North Central Judicial District</b><br>Number of Counties: 3     |
|  <b>Northeast Judicial District</b><br>Number of Counties: 11 |  <b>Northeast Central Judicial District</b><br>Number of Counties: 2 |
|  <b>Southwest Judicial District</b><br>Number of Counties: 8  |  <b>South Central Judicial District</b><br>Number of Counties: 9     |
|  <b>Southeast Judicial District</b><br>Number of Counties: 14 |  <b>East Central Judicial District</b><br>Number of Counties: 3      |





**NORTHEAST DISTRICT COURT CASELOAD**

FOR CALENDAR YEARS 2015 &amp; 2014

CASE FILINGS/ DISPOSITIONS	2015			2014			2015/2014	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,031	1,416	4,462	2,935	1,397	4,485	3.27%	-0.51%
Small Claims	558	6	501	456	13	482	22.37%	3.94%
Criminal	3,227	1,027	4,905	2,972	1,190	4,757	8.58%	3.11%
Traffic	12,873	44	13,406	12,919	29	12,929	-0.36%	3.69%
Juvenile	246	163	349	236	203	401	4.24%	-12.97%
<b>Total</b>	<b>19,935</b>	<b>2,656</b>	<b>23,623</b>	<b>19,518</b>	<b>2,832</b>	<b>23,054</b>	<b>2.14%</b>	<b>2.47%</b>

**NORTHEAST CENTRAL DISTRICT COURT CASELOAD**

FOR CALENDAR YEARS 2015 &amp; 2014

CASE FILINGS/ DISPOSITIONS	2015			2014			2015/2014	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,212	771	3,969	2,840	733	3,603	13.10%	10.16%
Small Claims	754	10	794	911	11	916	-17.23%	-13.32%
Criminal	2,886	1,370	4,318	2,907	1,721	4,956	-0.72%	-12.87%
Traffic	8,396	35	8,789	9,301	19	9,243	-9.73%	-4.91%
Juvenile	335	352	611	371	329	615	-9.70%	-0.65%
<b>Total</b>	<b>15,583</b>	<b>2,538</b>	<b>18,481</b>	<b>16,330</b>	<b>2,813</b>	<b>19,333</b>	<b>-4.57%</b>	<b>-4.41%</b>

**EAST CENTRAL DISTRICT COURT CASELOAD**

FOR CALENDAR YEARS 2015 &amp; 2014

CASE FILINGS/ DISPOSITIONS	2015			2014			2015/2014	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,373	1,797	6,907	5,681	1,719	7,131	-5.42%	-3.14%
Small Claims	1,028	63	1,091	1,091	37	1,124	-5.77%	-2.94%
Criminal	4,486	1,268	6,582	4,881	1,060	6,804	-8.09%	-3.26%
Traffic	14,791	54	15,156	14,302	24	14,372	3.42%	5.46%
Juvenile	686	281	885	597	238	842	14.91%	5.11%
<b>Total</b>	<b>26,364</b>	<b>3,463</b>	<b>30,621</b>	<b>26,552</b>	<b>3,078</b>	<b>30,273</b>	<b>-0.71%</b>	<b>1.15%</b>

**SOUTHEAST DISTRICT COURT CASELOAD**

FOR CALENDAR YEARS 2015 &amp; 2014

CASE FILINGS/ DISPOSITIONS	2015			2014			2015/2014	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,557	983	4,284	3,686	948	4,421	-3.50%	-3.10%
Small Claims	640	26	633	710	29	729	-9.86%	-13.17%
Criminal	2,897	1,126	4,290	2,866	1,082	4,259	1.08%	0.73%
Traffic	15,314	73	15,456	14,420	54	14,577	6.20%	6.03%
Juvenile	217	119	304	182	95	248	19.23%	22.58%
<b>Total</b>	<b>22,625</b>	<b>2,327</b>	<b>24,967</b>	<b>21,864</b>	<b>2,208</b>	<b>24,234</b>	<b>3.48%</b>	<b>3.02%</b>

**SOUTH CENTRAL DISTRICT COURT CASELOAD**

FOR CALENDAR YEARS 2015 &amp; 2014

CASE FILINGS/ DISPOSITIONS	2015			2014			2015/2014	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	6,496	1,412	7,498	6,156	1,446	7,543	5.52%	-0.60%
Small Claims	764	24	802	708	17	688	7.91%	16.57%
Criminal	6,075	2,870	9,400	6,272	2,639	9,387	-3.14%	0.14%
Traffic	20,396	77	20,797	22,490	37	22,657	-9.31%	-8.21%
Juvenile	470	385	713	436	365	672	7.80%	6.10%
<b>Total</b>	<b>34,201</b>	<b>4,768</b>	<b>39,210</b>	<b>36,062</b>	<b>4,504</b>	<b>40,947</b>	<b>-5.16%</b>	<b>-4.24%</b>

**SOUTHWEST DISTRICT COURT CASELOAD**

FOR CALENDAR YEARS 2015 &amp; 2014

CASE FILINGS/ DISPOSITIONS	2015			2014			2015/2014	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,280	670	2,852	2,419	725	3,095	-5.75%	-7.85%
Small Claims	235	6	234	188	9	201	25.00%	16.42%
Criminal	2,637	1,048	4,033	3,064	1,026	4,296	-13.94%	-6.12%
Traffic	13,658	67	14,073	15,325	43	15,644	-10.88%	-10.04%
Juvenile	115	110	200	121	81	174	-4.96%	14.94%
<b>Total</b>	<b>18,925</b>	<b>1,901</b>	<b>21,392</b>	<b>21,117</b>	<b>1,884</b>	<b>23,410</b>	<b>-10.38%</b>	<b>-8.62%</b>

**NORTHWEST DISTRICT COURT CASELOAD**

FOR CALENDAR YEARS 2015 &amp; 2014

CASE FILINGS/ DISPOSITIONS	2015			2014			2015/2014	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	4,039	763	4,603	4,236	633	4,650	-4.65%	-1.01%
Small Claims	310	13	295	247	23	289	25.51%	2.08%
Criminal	4,495	1,517	6,885	4,830	913	6,553	-6.94%	5.07%
Traffic	16,614	62	17,339	14,581	48	15,262	13.94%	13.61%
Juvenile	202	174	298	144	156	255	40.28%	16.86%
<b>Total</b>	<b>25,660</b>	<b>2,529</b>	<b>29,420</b>	<b>24,038</b>	<b>1,773</b>	<b>27,009</b>	<b>6.75%</b>	<b>8.93%</b>

**NORTH CENTRAL DISTRICT COURT CASELOAD**

FOR CALENDAR YEARS 2015 &amp; 2014

CASE FILINGS/ DISPOSITIONS	2015			2014			2015/2014	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	4,000	955	4,779	3,496	985	4,328	14.42%	10.42%
Small Claims	532	11	554	389	7	376	36.76%	47.34%
Criminal	3,507	2,147	6,090	3,580	2,123	5,873	-2.04%	3.69%
Traffic	13,982	27	14,457	14,510	46	14,805	-3.64%	-2.35%
Juvenile	222	223	324	203	192	287	9.36%	12.89%
<b>Total</b>	<b>22,243</b>	<b>3,363</b>	<b>26,204</b>	<b>22,178</b>	<b>3,353</b>	<b>25,669</b>	<b>0.29%</b>	<b>2.08%</b>



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## Presiding **JUDGES**

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*2015 ANNUAL REPORT*

Each of the judicial districts has a presiding judge. Each presiding judge is elected by the judges within their district. 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 provides leadership within his or her judicial district.

### 2015 Presiding Judges

**Northeast Judicial District**

Judge Laurie Fontaine

**Northeast Central Judicial District**

Judge John Jensen

**East Central Judicial District**

Judge Frank Racek

**Southeast Judicial District**

Judge John Greenwood

**South Central Judicial District**

Judge Gail Hagerty

**Southwest Judicial District**

Judge William Herauf

**Northwest Judicial District**

Judge David Nelson

**Northwest Central Judicial District**

Judge Gary Lee

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# North Dakota JUVENILE COURTS

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## 2015 ANNUAL REPORT

### JUVENILE COURT MISSION STATEMENT

**To carry out the mission of Balanced and Restorative Justice, the 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.**

Juvenile Court referrals are received from law enforcement, schools, social services agencies, and parents. Juvenile Court Officers screen referrals to determine 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 majority of the delinquent and unruly cases via an informal adjustment conference or diversion.

Informal adjustment offers an opportunity to admit to the charge and accept conditions of probation with no formal charges or conviction being entered. A juvenile may deny the charge and that usually results in a referral of the charges to a prosecutor for determination as to whether to formally charge the juvenile with the alleged offense. 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 risk factors for the offender while increasing the overall competency of the offender to contribute to society.

Intake of all juvenile referrals is required by North Dakota law to be conducted by the Director of Juvenile Court or a designated court officer. Juvenile Court intake staffs are knowledgeable about North Dakota criminal and juvenile law as well as the techniques of juvenile treatment and rehabilitation. They screen for probable cause and make decisions regarding the appropriate manner to handle the case whether via diversion, informal adjustment or the formal court process. Whether to detain a delinquent youth or take an unruly or deprived child into protective custody are also authorized powers of the juvenile court under the North Dakota Century Code.

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>.

## 2015 Referrals to JUVENILE COURT

### 2015 ANNUAL REPORT

**Delinquent and Unruly Case Referrals:** In North Dakota, the Juvenile Court has exclusive jurisdiction over youth ages seven to age eighteen who are alleged to have committed a delinquent or an unruly act. A delinquent act would be a crime if committed by an adult, while an unruly act is behavior such as truancy from school, runaway, ungovernable behavior, or minor consuming alcohol, all of which are based on age.

**Deprived Case Referrals:** The Juvenile Court also has exclusive jurisdiction over children until age eighteen who are alleged to be deprived of proper care or control by their parent, guardian, or other custodian. More commonly known as child abuse and neglect, these cases are referred to the courts by the county social service agencies after a child abuse and neglect investigation.

Total referrals to Juvenile Court have increased in the past year from 9,274 to 9,792. The chart below reflects the total number of charges referred to the Juvenile Courts, in the three legal categories of unruly, delinquent, and deprived cases over the past five years.

Note the increase in deprivation referrals from 2011 through 2015. Within the last five years, the trend of an increase in deprivation filings has been significant.

### TOTAL REFERRALS BY YEAR

	Unruly	Delinquent	Deprivation
<b>2011</b>	3,469	5,678	1,879
<b>2012</b>	3,510	5,473	1,969
<b>2013</b>	2,792	4,817	2,282
<b>2014</b>	2,572	4,433	2,269
<b>2015</b>	2,492	4,586	2,714

The chart below reflects the total number of charges referred to the juvenile courts, grouped by case type, over the past five years. In 2015, unruly offenses (offenses which only a child can commit) made up 25% of juvenile court referrals, deprivation referrals made up 28%, and delinquent referrals were 47%.

### TOTAL REFERRALS BY CASE TYPE

	2011	2012	2013	2014	2015
Against Person Offenses	845	886	845	684	750
Property Offenses	2137	1996	1676	1380	1441
Public Order	1163	1177	960	942	1029
Unruly	3469	3510	2792	2572	2492
Deprivation	1879	1969	2282	2269	2714
Traffic	418	413	365	315	355
Drug Related Offenses	1115	1001	971	1112	1011

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## North Dakota **JUDICIAL PROGRAMS AND SERVICES**

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### **FAMILY MEDIATION**

The Family Mediation Program is a statewide program designed to improve the lives of families and children who appear before the court by trying to resolve parenting time and visitation disputes through mediation. The goals are to minimize family conflict, encourage shared decision-making, and support healthy relationships and communication among family members. The program provides up to 6 hours of combined pre-mediation orientation and mediation at no cost to the parties.

In 2015, the Family Mediation Program accepted 613 cases. Five hundred ten cases were completed as of February 15, 2016. Data for those completed cases indicates 46% reached full agreement, while an additional 30% reached partial agreements for a positive impact on 76% of cases.

There are 27 mediators on the Family Mediation Roster.





## FAMILY MEDIATION CASES

JANUARY 1, 2015 THROUGH FEB. 15, 2015

<b>TOTAL CASES REFERRED TO THE MEDIATION PROGRAM</b>		<b>882</b>
<b>CASES REJECTED OR DROPPED OUT</b>		<b>269</b>
Custody issues settled prior to mediation	76	
Existence of domestic violence restraining order in case record or domestic violence issues identified	45	
One party resides outside of North Dakota	32	
Default divorce	17	
One party incarcerated	4	
Mediation attempted prior to filing divorce action	1	
One or both parties did not comply with order	61	
Parties reconciled	8	
Dismissed	14	
Miscellaneous	11	
<b>CASES ACCEPTED INTO THE PROGRAM</b>		<b>613</b>
Cases mediation completed as of February 15, 2015		510
Cases pending as of February 15, 2015		103

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# North Dakota **JUDICIAL PROGRAMS AND SERVICES**

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## **LEGAL SELF HELP CENTER**

The North Dakota Legal Self Help Center is a neutral resource to assist self-represented litigants with access to the North Dakota Court System. The purpose of the Center is to provide civil process information to the thousands of people in the state who are involved in a civil legal issue but not represented by a lawyer.

The Center, which began in 2014, operates as a division of the North Dakota Supreme Court Law Library. It is staffed by the Citizen Access Coordinator, who is a licensed attorney, and a paralegal.

The Center provides procedural information and education to self-represented litigants through information, forms and brochures, which are posted on the Center website. Procedural information and education is also provided through personal contact with Center staff by phone, email and in-person.

Center staff answers questions about court processes, court procedures and legal terms. Staff provides contact information for other agencies that may be able to assist with a problem. Self-represented litigants are directed to state laws, rules and regulations that may be relevant to the legal issue. Staff notifies every person who contacts the Center of the services it can provide, and emphasizes that the Center cannot provide any legal advice or representation.

Forms are a key resource provided by the Center. The Center maintains online family law forms for stipulated divorce without children, child support review and parenting time assistance. In addition, there are power of attorney, guardianship, conservatorship, small claims, name change, informal probate, protection and restraining order, and eviction forms posted on the website.

In 2015, new forms were created and added to the website, including instructions and forms for service of process, a packet of forms to request early destruction of juvenile records, a packet of forms to register a foreign protection order, a request to appear by electronic means, and instructions for completing the Petition for Domestic Violence Restraining Order and Petition for Disorderly Conduct Restraining Order. Existing forms were updated and revised to reflect changes in law and process.

Looking forward to 2016, based on the topics of requests received, new forms and website content are in various stages of development. A civil action guide with basic forms will be added to the website in Winter 2016. Forms anticipated for release in Spring 2016 include a packet for stipulated parenting responsibility and a packet for stipulated divorce with children.

No one should be denied access to justice because they cannot afford a lawyer, or choose to represent themselves.



## 2015 ND LEGAL SELF HELP CENTER CONTACT DATA

The Center was closed during the first quarter of 2015.  
 The new Citizen Access Coordinator began April 1, 2015.  
 Contact data for the Center is April 2015 through December 2015.

<b>APRIL THROUGH JUNE 2015 CONTACTS</b>	
Phone Calls	281
Emails	68
Letters	4
In-Person	23
<b>JULY THROUGH SEPTEMBER 2015 CONTACTS</b>	
Phone Calls	434
Emails	82
Letters	3
In-Person	13
<b>OCTOBER THROUGH DECEMBER 2015 CONTACTS</b>	
Phone Calls	550
Emails	78
Letters	2
In-Person	11
<b>TOTAL CONTACTS</b>	<b>1,549</b>

### Most requested topics:

1. Family law (parenting time, child support, and divorce)
2. Small Claims
3. Landlord/Tenant (eviction)
4. Probate
5. Guardianship
6. Creditor/Debtor
7. Appeal Administrative Agency Decision



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## North Dakota **JUDICIAL PROGRAMS AND SERVICES**

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### **JUVENILE DRUG COURT PROGRAM 2015 HIGHLIGHTS**

During 2015, the juvenile drug court team members focused on the criteria and the process for entry into the Juvenile Drug Court Program. The criteria changes should increase the number of participants entering the Juvenile Drug Court Program in 2016.

Also, Drug Court team members from South Dakota and North Dakota gathered for the Upper Midwest Drug Court Conference in West Fargo in October. Judges, prosecutors, defense counsel, treatment providers, school representatives, juvenile court staff, and law enforcement were in attendance. Attendees heard from well-known national presenters speaking on drug testing, drug trends, evidence-based practices, the effects of trauma, and DUI offenders. Special guest, Kat Perkins from "The Voice", spoke and sang thanking the team members for their dedication and commitment to helping those involved in alcohol and substance abuse. North Dakota senators and representatives joined the group on the last day to hear past graduates speak of their experiences while in drug court and what their lives look like today.

Six North Dakota Juvenile Drug Courts continued operation in 2015.



## JUVENILE DRUG COURT 2015 STATISTICS

### STATISTICS BY INDIVIDUAL COURTS FOR 2015

<b>Court</b>	<b>Current*</b>	<b>Graduations</b>	<b>Terminations</b>	<b>Suspended</b>	<b>Totals</b>	<b>Court Sessions</b>
Grand Forks	5	0	6	1	12	46
Fargo	13	2	9	0	24	50
Bismarck	5	2	6	1	14	45
Minot	2	1	6	0	9	43
Devils Lake	7	1	4	0	12	40
Stutsman/ Barnes	5	4	2	0	11	49
<b>Totals</b>	<b>47</b>	<b>10</b>	<b>33</b>	<b>2</b>	<b>82</b>	

\* Current participants as of December 31, 2015

### RACE AND GENDER FOR INDIVIDUAL COURTS

<b>Court</b>	<b>Caucasian</b>	<b>Native American</b>	<b>Hispanic</b>	<b>African American</b>	<b>Other</b>	<b>Male</b>	<b>Female</b>
Grand Forks	10	1	0	0	1	4	8
Fargo	19	0	0	5	0	15	9
Bismarck	9	4	0	0	1	10	4
Minot	8	0	0	1	0	8	1
Devils Lake	7	5	0	0	0	10	2
Stutsman/ Barnes	8	1	1	1	0	8	3
<b>Totals</b>	<b>61</b>	<b>11</b>	<b>1</b>	<b>7</b>	<b>2</b>	<b>55</b>	<b>27</b>

### OVERALL STATISTICS FROM START DATE

<b>Started</b>	<b>Court</b>	<b>Graduations</b>	<b>Terminations</b>	<b>Deceased</b>	<b>Total</b>
May - 2000	Grand Forks	73	92	0	165
May - 2000	Fargo	75	116	1	192
Oct - 2003	Bismarck	57	64	0	121
Jan - 2007	Minot	19	30	0	49
Jan - 2009	Devils Lake	12	19	0	31
Jan - 2013	Stutsman/Barnes	4	7	0	11
<b>Totals</b>		<b>240</b>	<b>328</b>	<b>1</b>	<b>569</b>



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## North Dakota **JUDICIAL PROGRAMS AND SERVICES**

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### **COURT IMPROVEMENT HIGHLIGHTS: COMPLIANCE AND EFFECTIVENESS IN FOSTER CARE & ADOPTION CASES**

The Court Improvement Project (CIP) committee was developed in 2006 to provide recommendations to the Administrative Council on child-welfare related issues. The purpose of the committee is to assess and implement improvements in the roles, responsibilities and effectiveness of state courts in court supervised foster care and adoption cases. The committee meets quarterly to identify and prioritize issues and plan and monitor Court Improvement Project activities and subcommittees. Four subcommittees carry out the work of the committee: Lay Guardian Ad Litem; Indian Child Welfare; Education and Training; and Data Collection and Analysis.

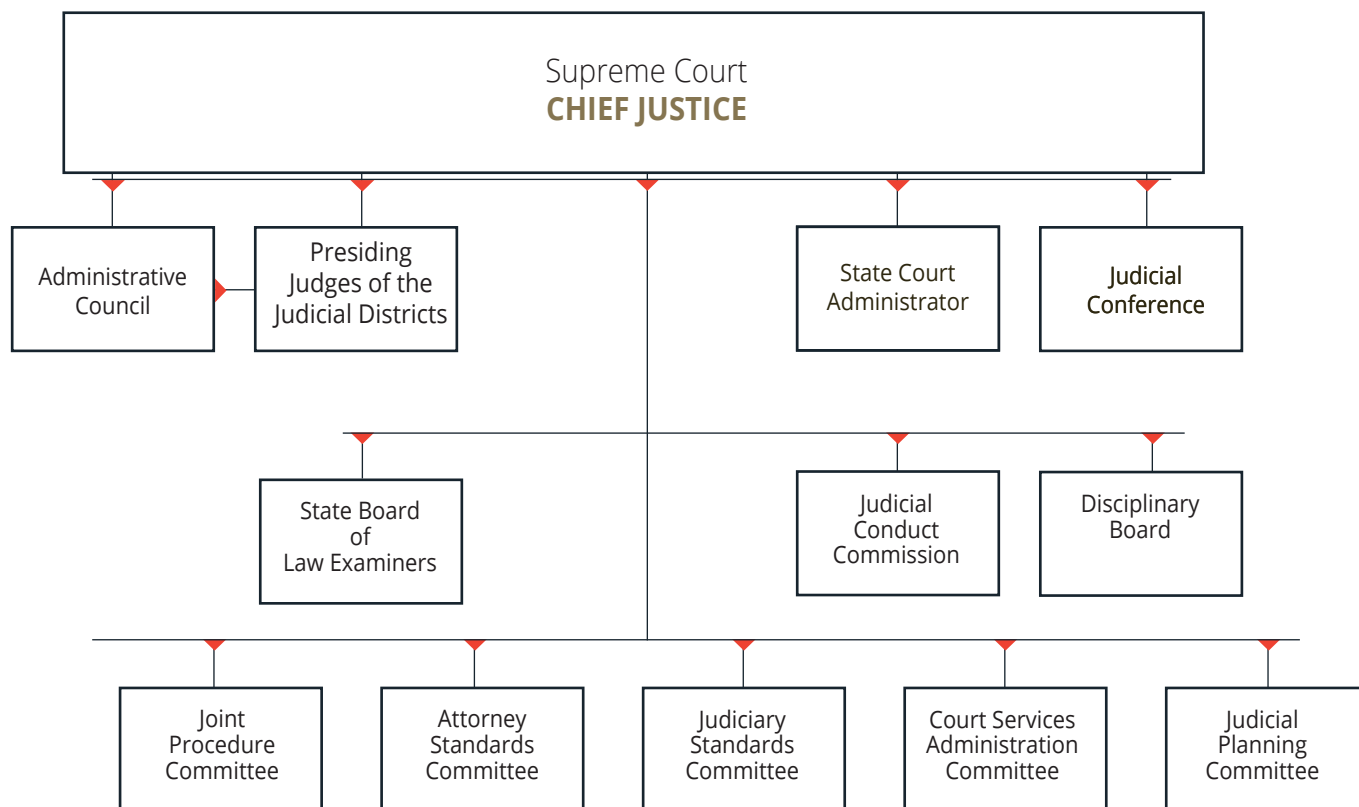
In an effort to measure state court compliance with Indian Child Welfare Act (ICWA) requirements, the CIP committee and ICWA subcommittee assisted in the implementation and publication of a statewide ICWA compliance audit. The audit focused on basic components of the Act including notification to tribes, the use of qualified expert witnesses, and court findings of active efforts. Based on the findings and recommendations in the audit, the CIP has provided training to courts on the requirements of ICWA, developed an ICWA findings bench card for judicial officers and continues to collaborate with the Indian Affairs Commission to expand the qualified expert witness roster.

The CIP committee also provides ongoing evaluation of the Lay Guardian Ad Litem (GAL) Program. The purpose of the evaluation is to assess and increase/facilitate the effectiveness of the Lay GAL Program on timeliness, safety and permanency of children in deprivation and termination of parental rights cases. In 2015, the CIP committee developed strategies in collaboration with the Lay GAL program administrators to control program costs while ensuring quality and effectiveness. The strategies included restructuring the administrative Lay GAL workload, reducing the GAL roster, setting a best practice “range of hours” per case, developing better monitoring guidelines that are consistent with ND.R.Juv.P. Rule 17 and increased monitoring of time sheets and mileage reports.

## North Dakota ADMINISTRATION OF THE COURTS

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Ultimate responsibility for the efficient and effective operation of the court system resides with the Supreme Court. The Constitution establishes the Chief Justice's administrative responsibility for the court 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.



# North Dakota ADMINISTRATION OF THE COURTS

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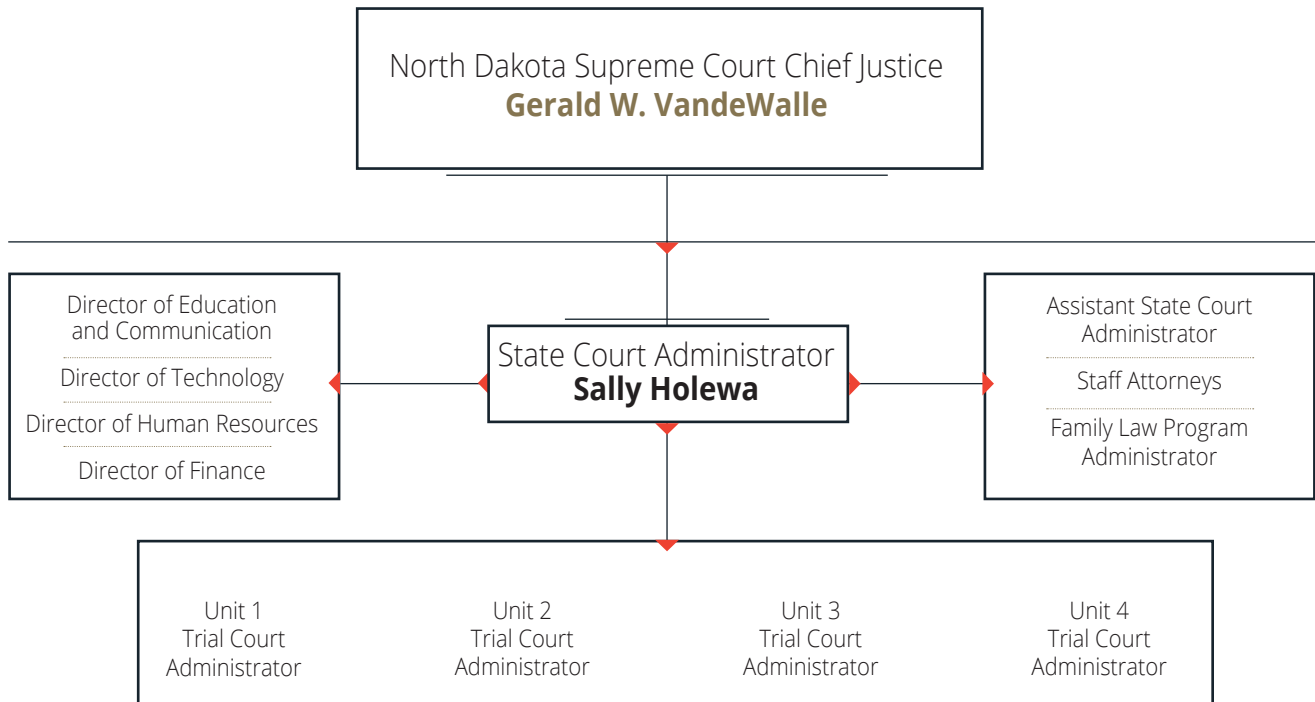
## Office of State Court Administrator

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).



**Sally Holewa**  
State Court  
Administrator





# North Dakota

## ADMINISTRATION OF THE COURTS

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### 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.

### 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.

### 2015 TRIAL COURT ADMINISTRATION

Administrative Unit 1

**Trial Court Administrator**  
Merylee Castellanos

**Assistant Trial Court Administrator**  
Kelly Hutton

**Director of Juvenile Court**  
Shawn Peterson

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 Probst

**Director of Juvenile Court**  
Scott Hopwood

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## North Dakota **ADMINISTRATION OF THE COURTS**

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### **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. This position is responsible for maintaining all court records and developing office operational procedures associated with all the district court cases involving criminal, civil, restricted, traffic, or other cases filed with district court.

North Dakota Century Code, Chapter 27-05.2, states that the North Dakota Supreme Court shall provide clerk of district court services in each county in the state. The Supreme Court may provide such services through clerks of district court, deputies, and assistants who are employees of the judicial system or through service agreements with the counties.

While the court has assumed the responsibility for the expenses of operating the clerk's offices statewide, only a portion of the clerks have transferred to state employment. A distinction is made based on number of staff in each office. In offices of five or more, the clerk and staff are required to become state employees unless the county chooses to keep the clerk functions and forgo any state funds to support the office. For offices ranging in staff size from one to four, the county retains the option to transfer the clerk and deputies to state employment. Finally, the smallest counties are ineligible to transfer the clerk position to state employment.

When a county transfers clerk responsibility to the state, the clerk position becomes a classified position within the court's employee classification and compensation system. In those counties that choose to retain clerks and staff as county employees, and those that are ineligible to transfer, the county can continue to choose whether the clerk must run for election or whether the office will be an appointed one. Under state law, counties can choose to combine positions and decide if a combined position will be an appointed or elected position.



# COUNTY-EMPLOYED CLERKS OF COURT

## METHOD OF ATTAINING OFFICE

County Name	Full-Time / Part-Time	Role: Combined / Separate	Elected	Appointed as Clerk	Eligible to be transferred to State Employment
Adams	Part-time	Recorder	as Recorder		No
Benson	Part-time	Separate	as Clerk		No
Billings	Part-time	Recorder	as Recorder/Clerk		No
Bottineau	Full-time	Separate		X	Yes
Bowman	Part-time	Recorder	as Recorder/Clerk		No
Burke	Part-time	Recorder	as Recorder		No
Cavalier	Full-time	Separate		X	No
Dickey	Full-time	Separate		X	No
Divide	Full-time	Recorder	as Recorder		Yes
Dunn	Part-time	Recorder	as Recorder/Clerk		Yes
Eddy	Part-time	Recorder	as Recorder/Clerk		No
Emmons	Part-time	Recorder	as Recorder/Clerk		No
Foster	Part-time	Separate		X	No
Golden Valley	Part-time	Recorder	as Recorder/Clerk		No
Grant	Part-time	Recorder	as Recorder/Clerk		No
Griggs	Part-time	Recorder	as Recorder		No
Hettinger	Part-time	Recorder	as Recorder/Clerk		No
Kidder	Part-time	Recorder	as Recorder		No
Lamoure	Part-time	Separate		X	No
Logan	Part-time	Recorder	as Recorder		No
McHenry	Full-time	Separate	as Clerk		Yes
McIntosh	Part-time	Recorder	as Recorder/Clerk		No
McLean	Full-time	Separate		X	Yes
Mercer	Full-time	Separate		X	Yes
Mountrail	Full-time	Separate		X	Yes
Nelson	Part-time	Recorder	as Recorder/Clerk		No
Oliver	Part-time	Recorder	as Recorder		No
Pembina	Full-time	Recorder	as Recorder/Clerk		Yes
Pierce	Part-time	Separate	as Clerk		No
Ransom	Full-time	Separate		X	Yes
Renville	Part-time	Recorder	as Recorder		No
Sargent	Part-time	Recorder & Treasurer & Clerk	as Recorder/Clerk/Treasurer		No
Sheridan	Part-time	Recorder	as Recorder		No
Sioux	Part-time	Recorder & Treasurer & Clerk	as Recorder/Treasurer/Clerk		No
Slope	Part-time	Recorder	as Recorder/Clerk		No
Steele	Part-time	Recorder	as Recorder/Clerk	X	No
Towner	Part-time	Recorder	as Recorder		No
Traill	Full-time	Separate	as Clerk		Yes
Wells	Part-time	Separate		X	No

**ELIGIBLE FOR TRANSFER TO STATE**

Bottineau	
Divide	
Dunn	
McHenry	
McLean	
Mercer	
Mountrail	
Pembina	
Ransom	
Trails	
<b>Total</b>	<b>10</b>

**STATE EMPLOYED CLERK OF COURT OFFICES**

Barnes	
Burleigh	
Cass	
Grand Forks	
McKenzie	
Morton	
Ramsey	
Richland	
Rolette	
Stark	
Stutsman	
Walsh	
Ward	
Williams	
<b>Total</b>	<b>14</b>

**TOTALS**

County-Contract	39
State-Employed	14
<b>Total Clerks</b>	<b>53</b>

Combined Offices	25
Separate Offices	14
<b>Total</b>	<b>39</b>

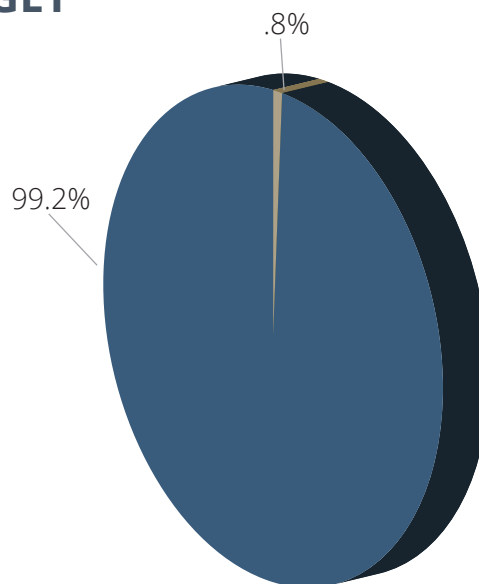
Appointed	26
Elected	13
<b>Total</b>	<b>39</b>

# JUDICIAL PORTION OF THE STATE'S BUDGET 2015-2017 BIENNIUM

July 1, 2015 - June 30, 2017

Total State General and Special Funds Appropriation  
**\$14,200,396,794**

- Executive And Legislative Branch General And Special Funds Appropriation  
**\$14,085,398,994 (99.2%)**
- Judicial Branch General and Special Funds Appropriation  
**\$114,997,800 (.8%)**

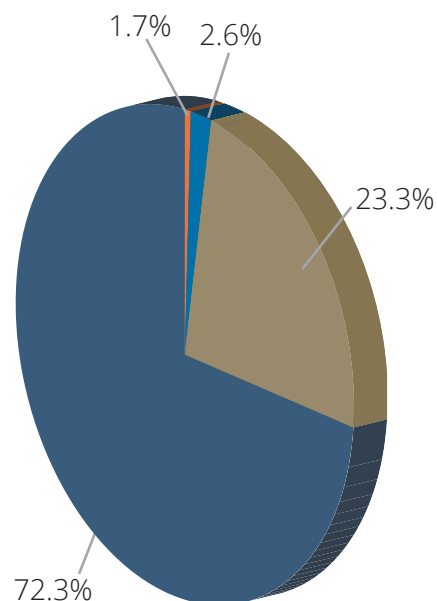


# STATE JUDICIAL BRANCH APPROPRIATION BY APPROPRIATED LINE ITEM

2015-2017 BIENNIUM

Total State General and Special Funds Appropriation  
**\$114,997,800**

- Salaries and Benefits  
**\$83,178,439 (72.3%)**
- Operating Expenses  
**\$26,773,318 (23.3%)**
- Capital Assets  
**\$ 3,046,530 (2.6%)**
- Special Purposes  
**\$ 1,999,513 (1.7%)**





## STATE JUDICIAL BRANCH APPROPRIATION BY TYPE OF ACTIVITY 2015-2017 BIENNIUM

### Supreme Court

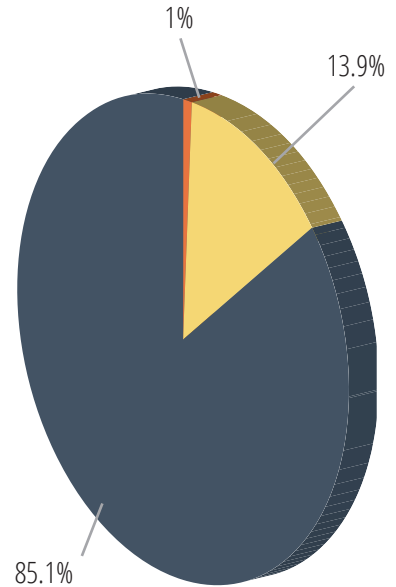
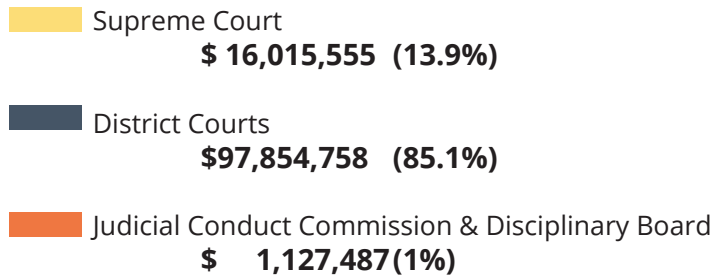
General Fund	\$ 16,015,555
Special Funds	-
<b>TOTAL</b>	<b>\$ 16,015,555 (13.9%)</b>

### District Courts

General Fund	\$95,932,608
Federal Funds	1,922,150
<b>TOTAL</b>	<b>\$97,854,758 (85.1%)</b>

### Judicial Conduct Commission & Disciplinary Board

General Fund	\$ 682,831
Special Funds	444,656
<b>TOTAL</b>	<b>\$ 1,127,487 (1%)</b>



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## North Dakota **COMMITTEES, COMMISSIONS & BOARDS**

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*2015 ANNUAL REPORT*

Within the North Dakota Court System, 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. Citizens, 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).



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## North Dakota COMMITTEES, COMMISSIONS & BOARDS

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### 2015 ANNUAL REPORT

#### **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, established following adoption of Administrative Rule 37 by the Supreme Court, 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 different court systems; and for cultivating mutual respect for, and cooperation between, tribal and state 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 State Bar Association of North Dakota 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 personnel; develop and recommend to the North Dakota Supreme Court a biennial budget for judicial education activities; and provide 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.

**Parenting Investigator Review Board**

The Parenting Investigator Review Board is established by Supreme Court rule. It addresses complaints about parenting 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 parenting investigators appointed by the Chief Justice and the president of the State Bar Association acting together.

**Caseflow Management Committee**

Establish by Policy 510, the Caseflow Management Committee is developed under the auspices of the Administrative Council to provide recommendations to the Council on case management activities governing all trial courts statewide. The purpose of the Committee is to establish and monitor caseflow management practices in each judicial district of the state.



## North Dakota **COMMITTEES, COMMISSIONS & BOARDS**

*2015 ANNUAL REPORT*

### **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 practicing attorney. The non-lawyers are appointed by the Governor; the judges are appointed by the North Dakota Judges Association; and the attorney 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 2015:**

- 25 were against 20 District Court Judges
- 2 were against 2 Supreme Court Justices
- 1 was against 1 Surrogate Judge
- 1 was against 1 Judicial Referee

<b>New Complaints Opened in 2015</b>	<b>29</b>
<b>General Nature of Complaints:</b>	
Bias, discrimination/partiality	8
Improper Decision/Ruling	10
Delay Court Business	2
Corruption	6
Failure to Follow the Law	1
Criminal Behavior	1
Failure to Perform Duties	1
<b>Complaint Files Carried Over from 2014</b>	<b>7</b>
Total Files Pending Consideration in 2015	36
<b>Disposition of Complaints:</b>	
Summary Dismissal	27
Dismissal	1
Formal Proceedings	1
<b>Total 2015 Dispositions</b>	<b>29</b>
<b>Complaint Files Pending as of 12/31/2015</b>	<b>7</b>



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# North Dakota

## COMMITTEES, COMMISSIONS & BOARDS

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*2015 ANNUAL REPORT*

### STATE BOARD OF LAW EXAMINERS

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

In 2015, Board members were Lawrence King of Zuger Kirmis and Smith in Bismarck; Jane Dynes of the Serkland Law Firm in Fargo; and Bradley Beehler of the Morley Law Firm in Grand Forks. King served as President of the Board. The Director of Admissions, Laurie Guenther, is assisted by full-time Administrative Assistant, Kathy Erickson.

In addition, the Character and Fitness Committee, other resources, and technology were used more frequently to assist the Board with its heavy workload. The 2015 Character and Fitness Committee members were Sherry Mills Moore, Bismarck attorney; Dr. Robert Olson, Fargo psychiatrist; Paul Richard, Fargo attorney; Daniel Ulmer, Bismarck; and Michael Williams, Fargo attorney.

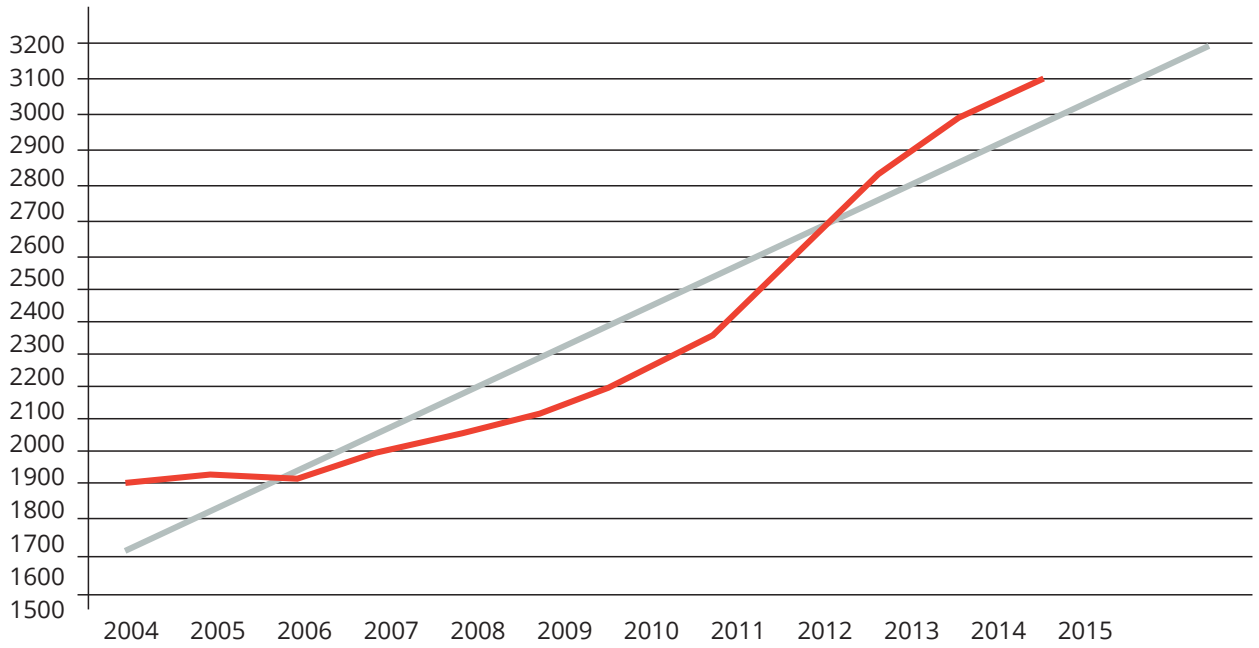
North Dakota's economy continues to impact the work of the Board. The 2015 statistics are below.

- 2,997 licenses were issued, which is a 3.5% increase. Thirty-eight percent of the licensees reside out of state.
- 218 new attorneys were admitted to the Bar, a decrease from 2014.
- 125 motions for admission based on practice or test score were filed, a 31% decrease from 2014.
  - 53 motions for admission based on practice were filed, a 39% decrease from 2014.
  - 72 motions for admission on test score were filed, a 23% decrease from 2014; with 70% based on the transfer of a Uniform Bar Examination score received in another jurisdiction.
- 318 nonresident attorneys appeared pro hac vice in North Dakota courts under Rule 3, Admission to Practice Rules, a slight decrease from 2014. These fees are distributed in the same manner as license fees: \$75 for the lawyer disciplinary system sent to the State Bar Association, with the remainder split 80% to the State Bar Association and 20% to the State Board of Law Examiners.
- 22 temporary licenses were approved, while applicants licensed in another jurisdiction awaited the review and approval of their North Dakota applications.

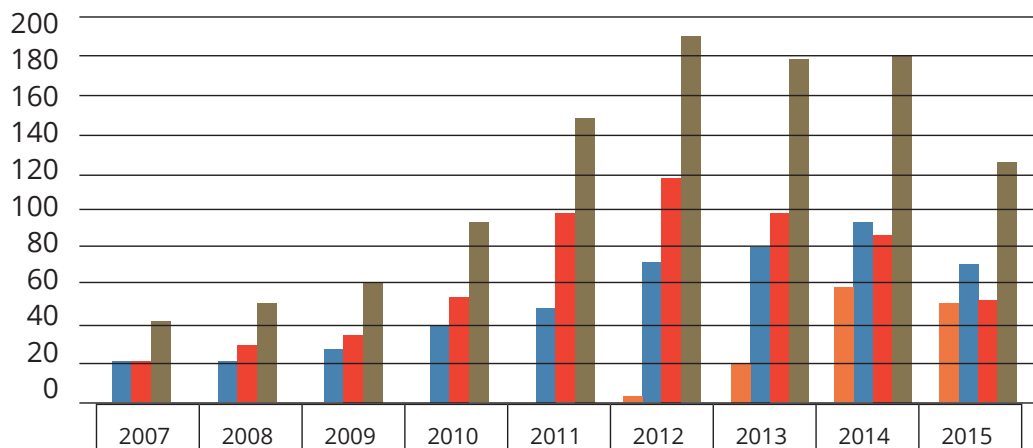
The charts on the next two pages show the trends.



### TOTAL LICENSES ISSUED

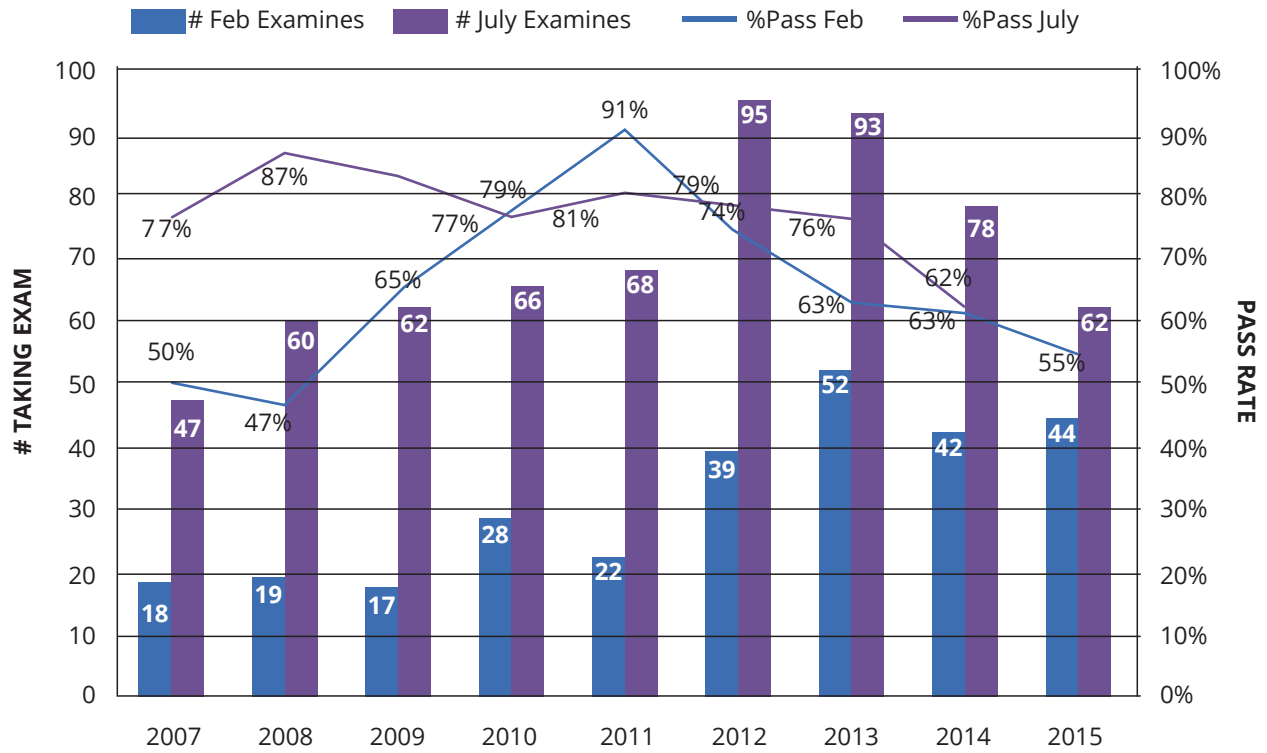


### MOTION APPLICATIONS FILED

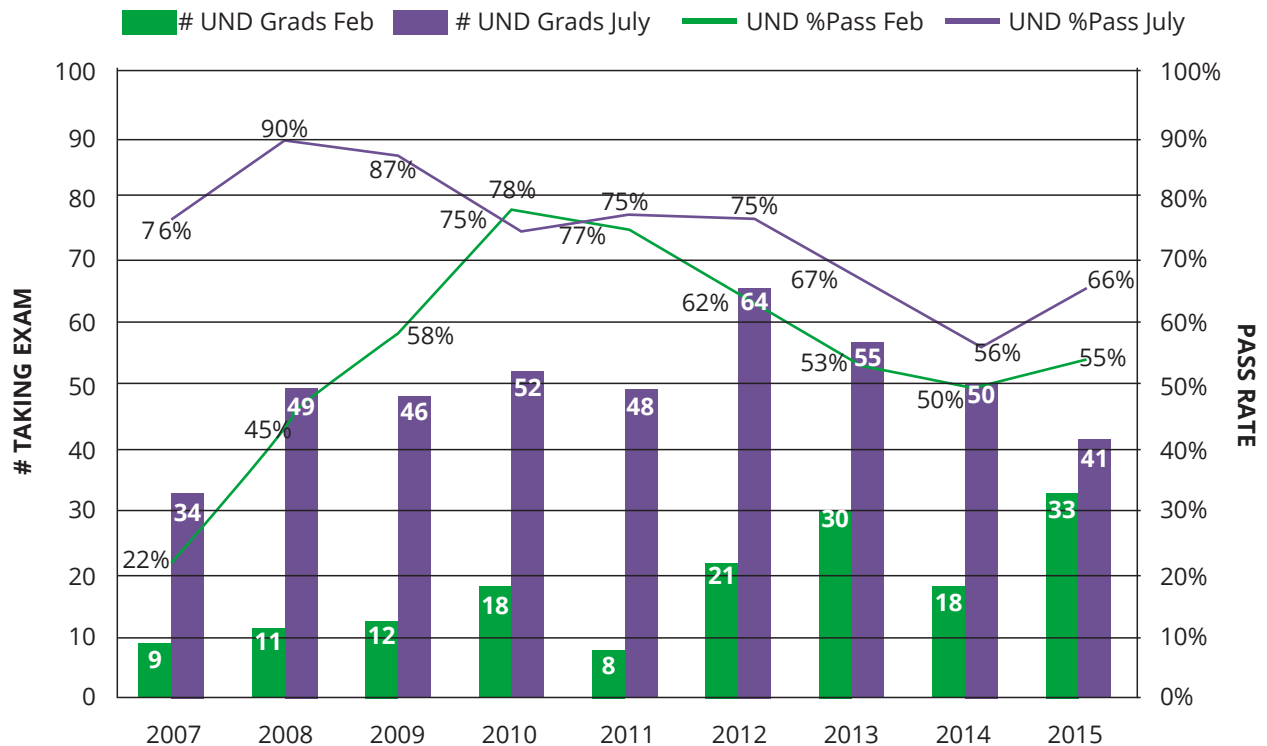


UBE Only					2	20	60	51	
Test Score	22	22	28	39	50	74	80	93	72
Practice	20	29	35	55	98	116	99	87	53
Total Motions	42	51	63	94	148	190	179	180	125

### FEBRUARY & JULY EXAMS



### UNIVERSITY OF NORTH DAKOTA



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## North Dakota COMMITTEES, COMMISSIONS & BOARDS

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2015 ANNUAL REPORT

### 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 lawyers 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.

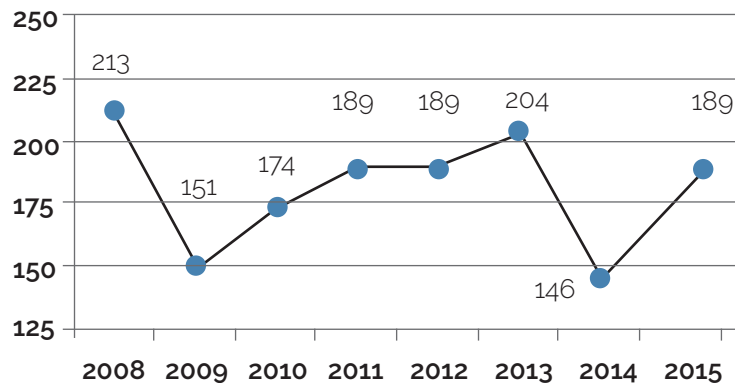
A summary of the workload under consideration in the lawyer discipline system in 2015, as well as a comparison of new complaints filed since 2008, appear on this page.

#### Highlights of 2015 include:

- A 29.5% increase in new complaints, following a decrease in 2014.
- Formal complaints pending at the end of the year increased due in large part to formal proceedings pending against two attorneys.
- In August 2015, the Board hosted a training session with members of the Board and Inquiry Committees, Disciplinary Counsel and staff. Professor Michael S. McGinniss from the University of North Dakota School of Law lead substantive discussions on conflicts and timelines,
- Daniel M. Traynor of Devils Lake served as Chair of the Board in 2015.
- A review of the disciplinary system by a subcommittee of the American Bar Association's Standing Committee on Professional Discipline, with a report and recommendations remains before the Joint Committee on Attorney Standards.

Information about how a complaint is processed can be found at:  
<http://www.ndcourts.gov>.

### TOTAL COMPLAINTS 2008-2015



## WORKLOAD SUMMARY OF ATTORNEY DISCIPLINE SYSTEM

<b>General Nature of Complaints:</b>	
Client Funds & Property	7
Conflict of Interest	9
Criminal Convictions	1
Disability/Incapacity to Practice Law	0
Excessive Fees	8
Failure to Communicate/Cooperate with Client	17
Improper Conduct	110
Incompetent Representation	14
Misappropriation/Fraud	1
Neglect/Delay	16
Petition for Reinstatement	2
Unauthorized Practice of Law	3
Reciprocal Discipline	1
<b>Total New Complaints Opened in 2015</b>	<b>189</b>
Formal Proceedings Pending From Prior Years	19
Other Complaint Files Pending From Prior Years	62
Appeals Filed with Disciplinary Board in 2015	13
Appeals Allowed by Supreme Court in 2015	2
<b>Total Files Available for Consideration in 2015</b>	<b>285</b>
<b>Inquiry Committee Actions</b>	
Dismissal	109
Summary Dismissal	10
Admonition	14
Consent Probation	4
Referral to Lawyer Assistance Program	4
<b>Disciplinary Board Actions</b>	
Approve Inquiry Committee Dismissal	11
Approve Inquiry Committee Admonition	4
Approve Inquiry Committee Consent Probation	0
Disapprove Inquiry Committee Disposition	2
Dismissal by Hearing Panel of the Board	1
Reprimand by Hearing Panel of the Board	2
Consent Probation by Hearing Panel of the Board	0
Referral to Lawyer Assistance Program	2
<b>Supreme Court Actions</b>	
Admonition	1
Reprimand	5
Suspension	7
Disbarment	8
Interim Suspension	1
Dismissal	2
Reinstatement	0
Transfer to Disability Inactive Status	0
<b>Formal Proceedings Pending 12/31/15</b>	<b>39</b>
<b>Other Complaint Files Pending 12/31/15</b>	<b>66</b>

\* 7 files resulted in the suspension of 5 attorneys; and 8 files resulted in the disbarment of 2 attorneys.