

NORTH DAKOTA COURTS



Richland County Courthouse

ANNUAL REPORT 2003

Richland County Courthouse, Wahpeton

(Buechner and Orth, Architects, St. Paul, MN)

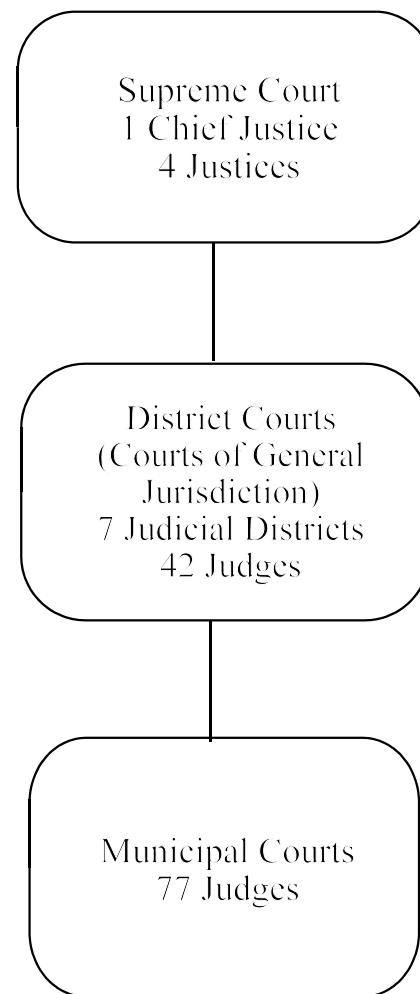
The Richland County Courthouse was constructed in 1912 of Bedford limestone. This building features paired fluted Corinthian columns supporting a limestone entablature and pediment on the front facade and a tall tower and dome. The limestone tower has rectangular windows on each of the eight sides, separated by pairs of columns that support full entablatures and antefix. The metal covered dome has bulls-eye windows at the four cardinal directions and is capped with a belvedere and ball finial.

Twelve other courthouses in North Dakota were designed by the Buechner and Orth architectural firm between 1905 and 1919. These buildings were designed in a somewhat subdued version of Beaux Arts Neo Classicism, most featuring a central pavilion with paired stone columns or columns and pilasters with Corinthian capitals. The courthouses and locations are: Traill County Courthouse, Hillsboro (1905); McHenry County Courthouse, Towner (1907); LaMoure County Courthouse, LaMoure (1907-09); Pierce County Courthouse, Rugby (1908); Foster County Courthouse, Carrington (1909); Sargent County Courthouse, Forman (1910); Dickey County Courthouse, Ellendale (1910); Pembina County Courthouse, Cavalier (1912); Grand Forks County Courthouse, Grand Forks (1913-14); Mountrail County Courthouse, Stanley (1914); Dickey County Courthouse, Crosby (1917); and McIntosh County Courthouse, Ashley (1919).

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The Structure of the North Dakota Judicial System



Profile of the North Dakota Judicial System

Structure of the Court System

The original constitution of the state of North Dakota created a judicial system consisting of the Supreme Court, district courts, county courts, and such municipal courts as provided by the law. This judicial structure remained intact until 1959 when the Legislative Assembly abolished the justice of peace courts in the state.

The adoption of a new judicial article to the state constitution in 1976 significantly modified the constitutional structure of the judicial system. The new judicial article vested the judicial powers of the state in a unified judicial system consisting of a Supreme Court, district courts, and such other courts as provided by law. Thus, under the new judicial article, only the Supreme Court and the district courts retained their status as constitutional courts. All other courts in the state are statutory courts.

In 1981 the Legislative Assembly further altered the structure of the judicial system by enacting legislation that replaced the multi-level county court structure with a uniform system of county courts throughout the state. This new county court structure became effective on January 1, 1983.

With the county court system in place, the judicial system of the state consisted of the Supreme Court, district courts, county courts, and municipal courts.

This changed again as the county courts were abolished by 1991 House Bill 1517, effective January 1, 1995. The Bill, with a final completion date of January 1, 2001, also transferred the jurisdictional workload to an expanded number of district judges. The 1991 total of 26 county judges and 27 district court judges had been reduced to 42 district court judges on January 1, 2001, as provided by statute.

Administrative Authority

The 1976 constitutional judicial article clarified the administrative responsibilities of the Supreme Court by designating the chief justice as the administrative head of the judicial system and by granting the chief justice the authority to assign judges for temporary duty in any non-federal or tribal court in the state. It also acknowledged the Supreme Court's rulemaking authority in such areas as court procedure and attorney supervision.

Selection and Removal of Judges

All judges in North Dakota are elected in nonpartisan elections. Justices of the Supreme Court are elected for ten-year terms; district court judges for six-year terms; and municipal court judges for four-year terms.

Vacancies in the Supreme Court and the district courts can be filled either by a special election called by the governor or by gubernatorial appointment. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominating Committee must first submit a list of nominees to the governor from which the governor makes an appointment. Whether the vacancy is filled by a special election or by appointment, the appointed judge serves for a minimum of two years and then until the next general election, at which time the office is filled by election for the remainder of the term.

If a vacancy occurs in a municipal court, it is filled by the executive officer of the municipality with the consent of the governing body of the municipality.

Under the North Dakota Constitution only Supreme Court justices and district court judges can be removed from office by impeachment. All judges, however, are subject to removal, censure, suspension, retirement or other disciplinary action for misconduct by the Supreme Court upon the recommendation of the Judicial Conduct Commission. Other methods for the retirement, removal and discipline of judges can be established by the Legislative Assembly.

North Dakota Supreme Court



Left to right: (Sitting) Justice Dale V. Sandstrom; Chief Justice Gerald W. VandeWalle;
Justice William A. Neumann;
(Standing) Justice Carol Ronning Kapsner; Justice Mary Muehlen Maring

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. 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 the Supreme Court and conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

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.

In its adjudicative capacity, the Supreme Court is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. All appeals from these courts must be ripe for review by the Court. In addition, the Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary to exercise this authority.

The state constitution requires that a majority of the Justices is necessary before the Court can conduct its adjudicative business. In addition, the Court cannot declare a legislative enactment unconstitutional unless four of the Justices so decide. When the Court reverses, modifies, or affirms a trial court judgment or order, it is required to issue a written opinion stating the reasons for its decision. Any Justice disagreeing with the majority opinion may issue a dissenting opinion which explains the reasons for the disagreement with the majority.

In its administrative capacity, the Supreme Court has major responsibilities 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 which allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility the Court has general rule-making authority.

The Court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises its authority to admit and license attorneys through the State Board of Law Examiners. Its supervision of legal ethics is exercised through the Disciplinary Board of the Supreme

Court and its supervision of judicial conduct is exercised through the Judicial Conduct Commission. Continuing review and study of specific subject areas within its administrative jurisdiction is provided through five advisory committees - the Joint Procedure Committee, the Joint Committee on Attorney Standards, the Judiciary Standards Committee, the Court Services Administration Committee, and the Judicial Planning Committee. Other committees, such as, the Juvenile Policy Board, Personnel Policy Board, Continuing Judicial Education Commission, and the Legal Counsel for Indigents Commission, also provide valuable assistance to the Supreme Court in important administrative areas.

Administrative personnel of the Supreme Court also play a vital role in helping the court fulfill its administrative functions. The clerk of the Supreme Court supervises the calendaring and assignment of cases, oversees the distribution and publication of Supreme Court opinions, administrative rules and orders, decides certain procedural motions filed with the Court, and serves as an ex-officio member to the State Board of Law Examiners and the Disciplinary Board. The state court administrator is responsible for the budgetary oversight of the judicial system, prepares statistical reports on the workload of the state's courts, provides judicial educational services, and performs such other administrative duties that are assigned by the Supreme Court. The state law librarian supervises the operation of the state law library.

North Dakota Supreme Court Caseload

The North Dakota Supreme Court experienced a monumental increase (138%) in appeals of drug offenses last year. In 2003, that increase continued with another 100% increase. This contributed to an increase in new filings in the Supreme Court in calendar year 2003, with 48% of all criminal appeals involving drug-related offenses.

Appeals in family related cases accounted for 28% of the civil caseload in 2003. This is slightly up from last year. Appeals in personal injury, contracts, foreclosure, and mental health proceedings increased more than other civil case filings.

The Justices each authored an average of 46 majority opinions, with 58 concurrence and/or dissents. Oral arguments were scheduled in 207 cases.

The most appeals originated from the South Central Judicial District, followed by the East Central, Northwest, Southeast, Northeast Central, Northeast, and Southwest Districts.

In addition to preparing for and attending oral arguments, and researching and writing decisions, the Justices attend motions conferences to consider case-related motions the chief justice or the clerk of the Supreme Court do not act on. There were 674 motions filed in 2003, the clerk acted on 44% of those under the authority of North Dakota Supreme Court Administrative Rule 5.

Administrative items are also scheduled with motions. The administrative restructuring of the judicial system, case management procedures, personnel policies and classifications, rules for the admission and discipline of attorneys and judges, civil, criminal and appellate procedures, and whether to fill a judicial vacancy were all under consideration during the year.

The adjudicative and administrative responsibilities of the court result in a very dynamic and labor-intensive organization.

**Caseload Synopsis of the Supreme Court
For the 2002 and 2003 Calendar Years**

	2002	2003	Percent Difference
New Filings	353	361	2.26
Civil	237	230	-2.95
Criminal	116	131	12.93
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0
New Filings Balance	353	361	2.26
Civil	237	230	-2.95
Criminal	116	131	12.93
Filings Carried Over From Previous Calendar Year	152	172	13.16
Total Cases Docketed	505	533	5.54
Dispositions	333	333	0
Civil	216	233	7.87
Criminal	117	100	-14.53
Cases Pending as of December 31	172	200	16.28

Case Dispositions - 2003

	Civil	Criminal
BY OPINION:		
Affirmed	93	37
Affirmed & Modified	0	0
Reversed; Reversed & Remanded;		
Reversed in Part & Remanded	28	3
Affirmed in Part & Reversed in Part;		
Affirmed in Part & Dismissed in Part	18	0
Affirmed by Summary Disposition	14	14
Affirmed in Part & Reversed in Part		
Part by Summary Disposition	1	0
Dismissed	4	1
Order/Judgment Vacated, Remanded	2	1
Remanded	1	0
Discipline Imposed	10	-
Disability Inactive Status	1	-
Original Jurisdiction--Denied	0	0
Original Jurisdiction--Granted	1	0
Certified Question Answered	0	0
Reinstatement Ordered	0	-
Dispositions by Opinion	173	56
BY ORDER:		
Dismissed	36	17
Dismissed After Conference	13	22
Original Jurisdiction--Denied	10	4
Original Jurisdiction--Granted	1	1
Dispositions by Order	60	44
Total Dispositions for 2003	233	100

Caseload Overview of North Dakota Courts for 2002 and 2003

Level of Court	Filings		Dispositions	
	2002	2003	2002	2003
Supreme Court	353	361	333	333
District Courts	156,521	155,176	168,036	174,786

North Dakota Court of Appeals

The Court of Appeals was established in 1987 to assist the Supreme Court in managing its workload.

Since it was established, the Court of Appeals has written opinions disposing of 75 cases.

Cases assigned to the Court of Appeals under Administrative Rule 27 may include family law issues; appeals from administrative agency decisions; appeals from trial court orders on motions for summary judgment; appeals involving cases originating under the Uniform Juvenile Court Act; and appeals from misdemeanor convictions.

Authorization for the Court of Appeals extends to January 1, 2008.

No cases were assigned or heard by the Court of Appeals in 2003.

District Courts

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

The district courts also serve as the juvenile courts in the state and have exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. This jurisdiction includes cases in which a female minor is seeking judicial authorization to obtain an abortion without parental consent. Unlike a majority of other states, the responsibility for supervising and counseling juveniles who have been brought into court lies with the judicial branch of government in North Dakota. To meet these responsibilities, the presiding judge, in consultation with the district court judges of each judicial district, has the authority to employ appropriate juvenile court personnel. In addition to these personnel, the presiding judge, on behalf of the district court judges of the judicial district, may also appoint judicial referees to preside over juvenile proceedings, judgment enforcement proceedings, and domestic relations proceedings other than contested divorces.

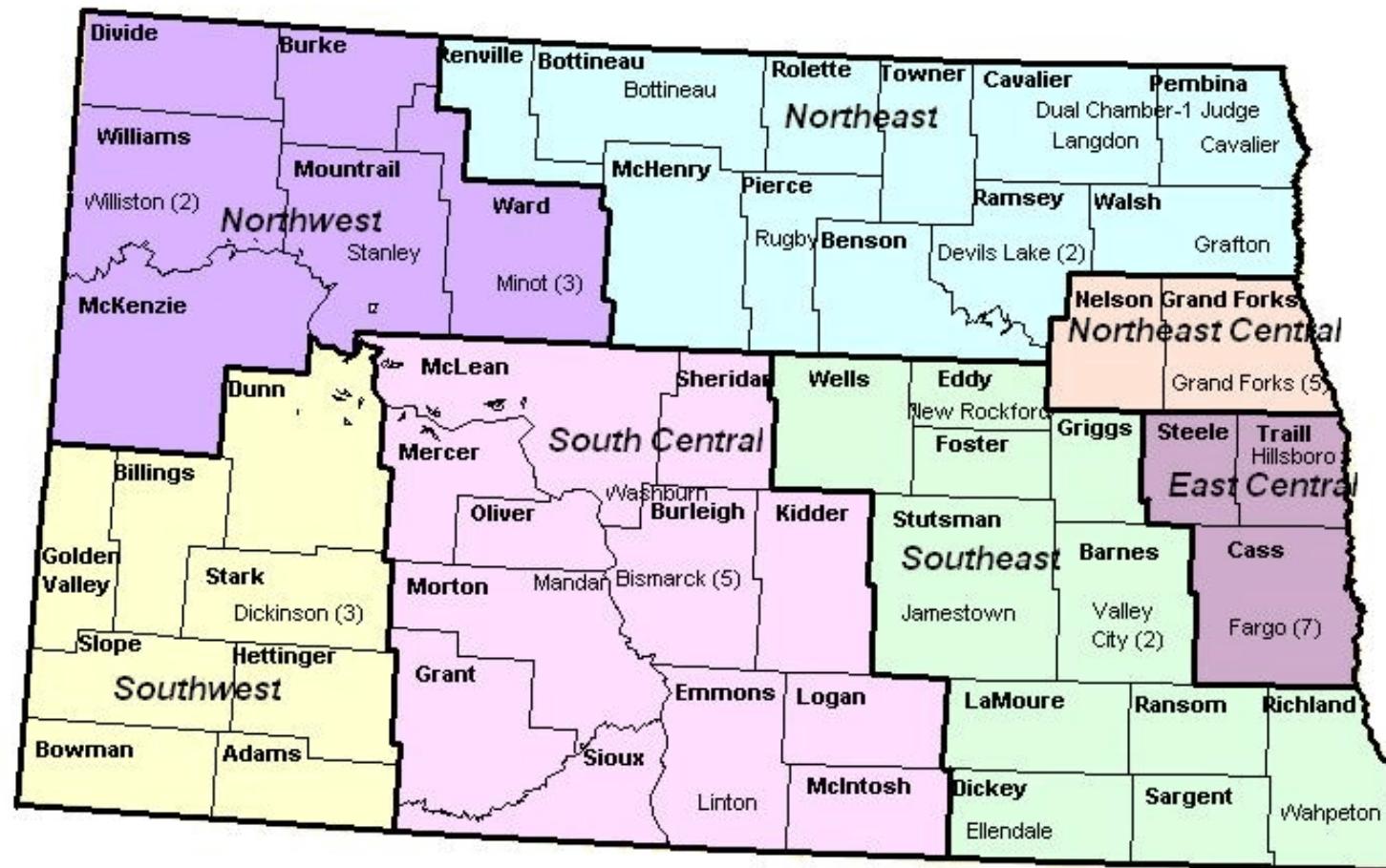
The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, district courts do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding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

In 1979 the Supreme Court divided the state into seven judicial districts. In each judicial district there is a presiding judge who supervises all court services of courts in the geographical area of the judicial district. The duties of the presiding judge, as established by the Supreme Court, include convening regular meetings of the judges within the judicial district to discuss issues of common concern, assigning cases among the judges of the district, and assigning judges within the judicial district in cases of demand for change of judge. All judicial districts are served by a court administrator or administrative assistant, who has the administrative responsibility for liaison with governmental agencies, budget, facilities, records management, personnel, and contract administration.

There are, as of the end of 2003, forty-two district judges in the state. Eight judges in four chamber city locations serve the South Central Judicial District, the largest geographically and most populous district in the state. There are six judges in the Northwest Judicial District serving in three chamber city locations. Eight judges serve the East Central Judicial District in two chamber city locations, and five judges serve the Northeast Central Judicial District in one chamber city location. Six judges serve the Northeast Judicial District in five chamber city locations. Six judges serve the Southeast Judicial District in five chamber city locations. Three judges serve the Southwest Judicial District in one chamber city locations. All district court judges are required by the state constitution to be licensed North Dakota attorneys, citizens of the United States, and residents of North Dakota.

The office of district court judge is an elected position which is filled every six years in a nonpartisan election held in the district in which the judge will serve. If a vacancy in the office of district judge occurs, the Supreme Court must determine whether the vacancy should be filled or whether the vacant office should be abolished or transferred. If the vacancy is to be filled, the governor may either fill the vacancy by appointing a candidate from a list of nominees submitted by the Judicial Nominating Committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge serves for a minimum of two years and then until the next general election, at which time the office is filled by election for the remainder of the term.

North Dakota Judicial Districts & Chamber Cities - 2003



District Court Caseload

District court filings decreased slightly in 2003, showing a .8% decrease over 2002 filings.

Civil filings were down 1.8% from 2002 and small claims filings decreased 11.8%. Criminal filings reflect a slight increase of 1.1% from 2002 levels. Formal juvenile filings show a 3.5% increase.

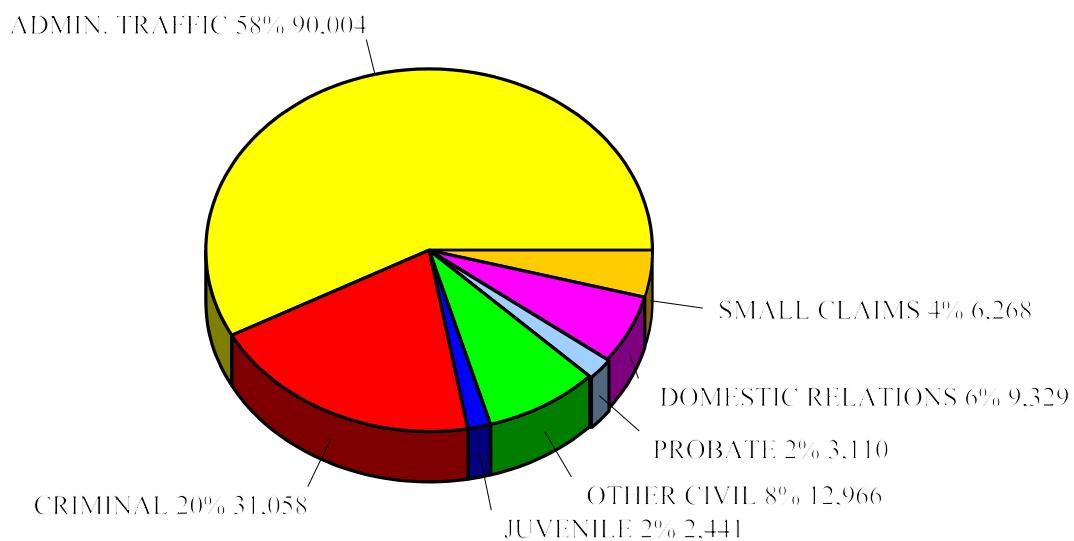
**District Court Caseload
for Calendar Year 2002 and 2003**

Case Filings	2002	2003	Change in
			Filings 2002/2003
New Filings Total	156,521	155,176	-.8%
Civil	25,876	25,405	-1.8%
Small Claims	7,111	6,268	-11.8%
Criminal	30,707	31,058	1.1%
Juvenile	2,358	2,441	3.5%
Admin. Traffic	90,469	90,004	-.5%
Case Dispositions	2002	2003	
Dispositions Total	168,036	174,786	4.0%
Civil	32,339	35,564	9.9%
Small Claims	6,899	6,597	-4.4%
Criminal	35,514	39,342	10.7%
Juvenile	2,358	3,971	68%
Admin. Traffic	90,926	89,312	-1.8%

District Court Case Filings by Type - 2003

CIVIL		CRIMINAL	
Case Type	Filings	Case Type	Filings
Property Damage	174	Felony	4,144
Personal Injury	263	Misdemeanor	23,228
Malpractice	39	Infraction	3,686
Divorce	2,301	State Total	31,058
Adult Prot. Order	1,050		
Custody	115		
Support Proceedings	4,506		
Adoption	281		
Paternity	701		
Termination of Parental Rights	19		
Disord. Cond. Restr. Order	356		
Administrative Appeal	156		
Appeal Other	19		
Contract/Collect	8,748		
Quiet Title	95		
Condemnation	26		
Forcible Detain	681		
Foreclosure	564		
Change of Name	180		
Special Proceedings	41		
Trust	71		
Foreign Judgment	233		
Other	683		
Conservator/ Guardianship	425		
Protective Proceedings	59		
Probate	2,555		
Mental Health	1,064		
Small Claims	6,268		
State Total	31,673		

TYPES OF CASES FILED IN DISTRICT COURT DURING 2003



The following is a chart that shows the number of jury trials held in each judicial district for 2003.

District	2003
East Central	56
Northeast	18
Northeast Central	28
Northwest	51
South Central	110
Southeast	28
Southwest	10
Total	301

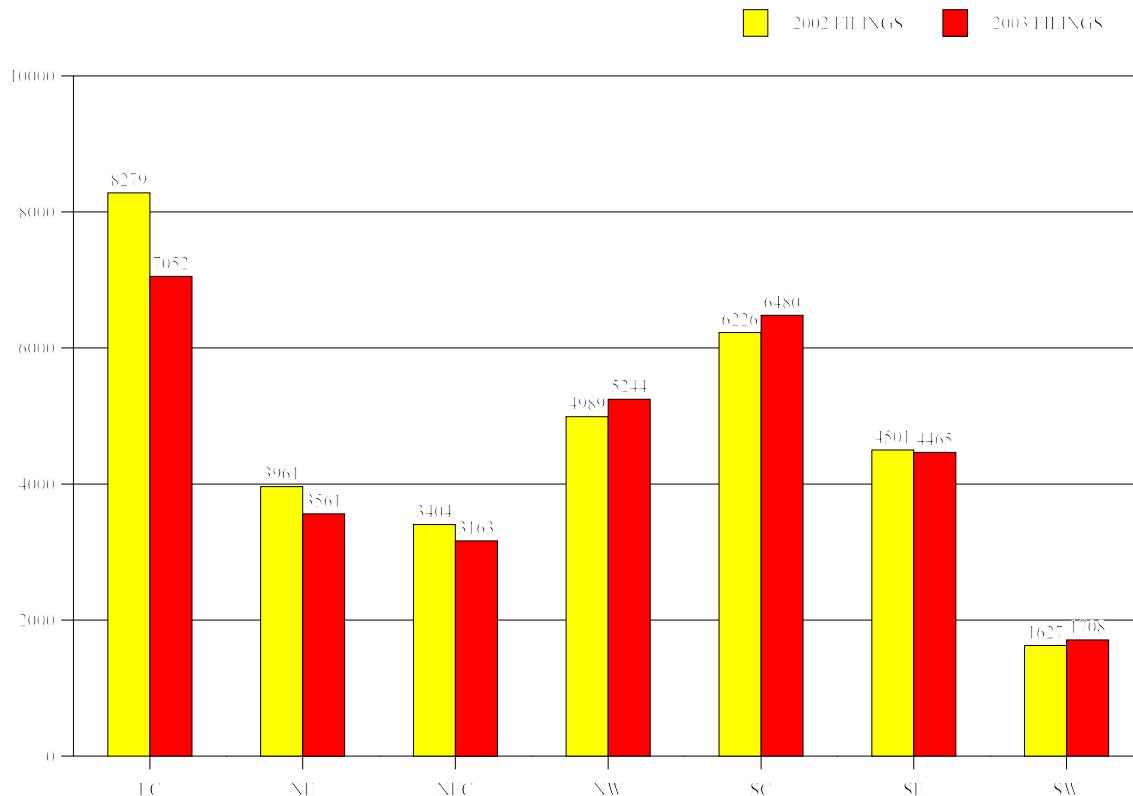
Civil Caseload

Civil filings decreased during 2003. General civil plus small claims cases decreased 5.3% from 2002 levels. Small claims cases and domestic relations cases decreased while other probate and other civil increased.

Domestic relations case filings decreased 6.7%. Support proceedings make up 48.3% of all domestic relations case filings. Divorce filings account for 24.7%, adult abuse filings 11.3%, custody filings 1.2%, adoption 3.0%, paternity 7.5%, and termination of parental rights account for .2% of the domestic caseload.

Divorce filings were down 14% to 2,301 cases in 2003. Adult abuse case filings decreased 18.6% to 1,050. Paternity case filings were down 23% with 751 cases filed, while support proceedings decreased 3.5% with 4,506 cases filed, compared to 4,674 cases in 2002.

ND CIVIL CASELOAD FOR DISTRICT COURTS FOR 2002 AND 2003

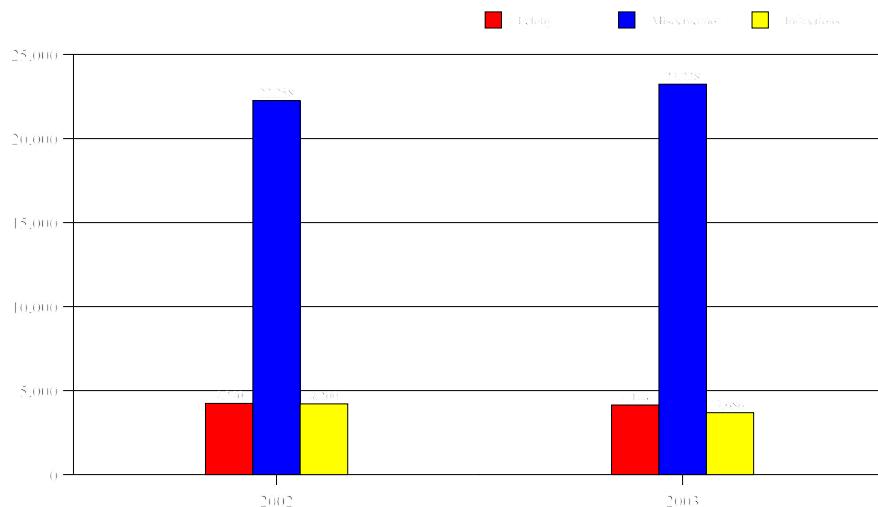


Criminal Caseload

Criminal case filing data for 2003 reflects a 1.1% increase in filings from 2002. The 2003 felony filings decreased by 96 cases, down 2.3% over 2002. Misdemeanor filings increased 4.4%.

Consistent with previous years, misdemeanors and infractions represent 86.7% of the criminal filings and felonies represent 13.3% of the overall criminal filings.

ND CRIMINAL CASELOAD FOR DISTRICT COURT FOR 2002 AND 2003

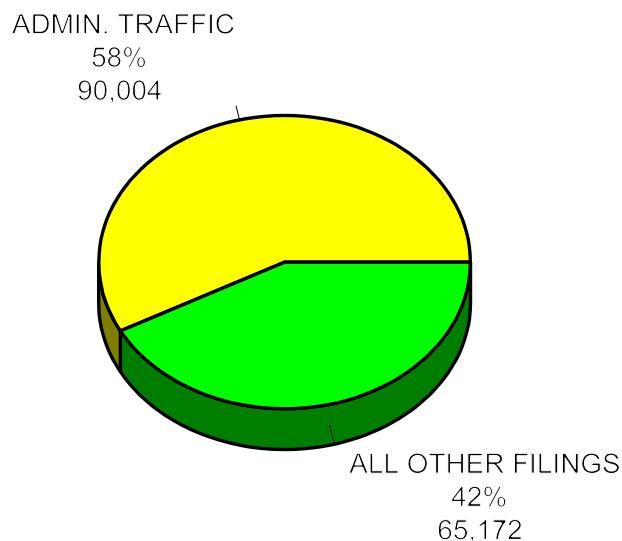


Administrative Traffic Case Processing

Administrative traffic filings during 2003 decreased .52% from 2002 levels. These cases make up 58% of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Case Filings	2002	2003	Percent Difference
Admin. Traffic	90,469	90,004	.52
Case Dispositions	2002	2003	Percent Difference
Admin. Traffic	90,926	89,645	1.40

TOTAL CASES FILED IN DISTRICT COURT INCLUDING ADMINISTRATIVE TRAFFIC



Juvenile Caseload

This year's data shows a slight increase in juvenile offenses. However, because of relatively low numbers, comparing numbers for just two years may not reflect a true trend. For example, overall referrals showed a decline of 4% between 2001 and 2002 and a decrease of 1% from 2002 and 2003.

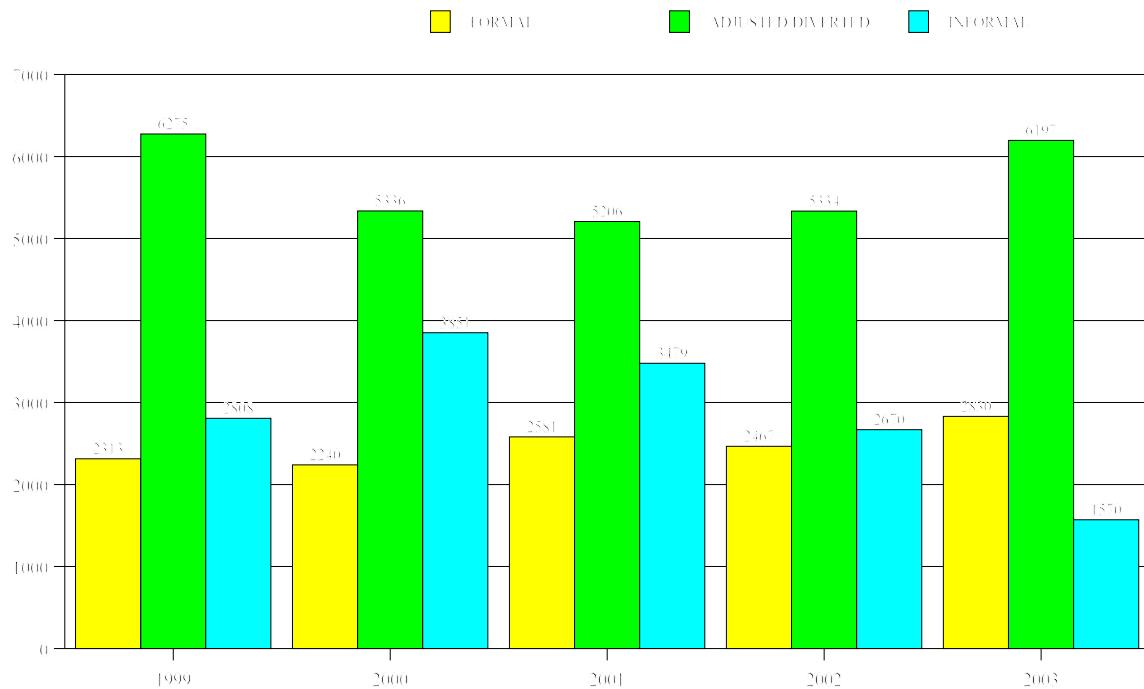
As with the criminal caseload, the low violent crime rate in North Dakota is reflected in its juvenile court statistics. Offenses against persons made up 6% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 19% of the caseload. Property offenses comprise 21%; traffic offense, 5%; deprivation, 9%; and other delinquency, 40% of the juvenile caseload.

The method by which cases were disposed shows a continued reliance on adjusted/diverted proceedings. Of the cases heard, 58% were disposed of through adjusted/diverted proceedings in 2003, compared to 50% in 2002 and 47% in 2001. The use of informal probation adjustments decreased in 2003. The formal juvenile court caseload reflects a increase over previous years. Tables comparing the types of dispositions and reasons for referral to the juvenile court in 2002 and 2003 follow. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral to the juvenile court.

Types of Juvenile Court Dispositions for 2002 and 2003

Judicial District	Formal		Informal/Probation		Adjusted/Diverted		Total Dispositions		Percent Diff.
	2002	2003	2002	2003	2002	2003	2002	2003	
East Central	679	845	605	550	775	1,042	2,059	2,437	18.4
Northeast	390	283	370	81	832	974	1,592	1,338	-16.0
NE Central	382	466	410	300	390	522	1,182	1,288	9.0
Northwest	228	379	163	208	1,087	1,033	1,478	1,620	9.6
South Central	386	371	280	157	1,520	1,398	2,186	1,926	-11.9
Southeast	258	321	657	229	501	880	1,416	1,430	1.0
Southwest	144	165	185	45	229	348	558	558	0.0
TOTAL	2,467	2,830	2,670	1,570	5,334	6,197	10,471	10,597	1.2

COMPARISON OF JUVENILE DISPOSITIONS FOR 1999-2003



**Reasons for Referral to Juvenile Court Services
in 2002 and 2003**

		2002	2003	% Diff.
FAMILY		1,933	2,023	4.7
	Runaway (instate resident)	522	589	12.8
	Runaway (out-of-state resident)	15	12	-20.0
	Truancy	283	266	-6.0
	Ungovernable Behavior	680	701	3.1
	Curfew	326	393	20.6
	Other Unruly	107	62	-42.1
DELINQUENCY		7,752	7,403	-4.5
	Offenses Against Persons	698	626	-10.3
	Assault	605	406	-32.9
	Terrorizing-Stalking-Menacing	0	120	N/A
	Homicide (negligent)	0	4	N/A
	Kidnapping	4	N/A	N/A
	Other Offenses Against Persons	22	20	-9.1
	Sex Offenses	67	76	13.4
	Offenses Against Property	2,456	2,179	-11.3
	Arson/Fire Related	5	21	320.0
	Burglary	277	191	-31.0
	Criminal Mischief/Vandalism	459	408	-11.1
	Criminal Trespass	163	139	-14.7
	Forgery	30	20	-33.3
	Other Property Offenses	15	49	226.7
	Possession of Stolen Property	0	85	N/A
	Robbery	8	7	-12.5
	Shoplifting	678	594	-12.4
	Theft	821	665	-19.0
	Traffic Offenses	512	487	-4.9
	DUI/Physical Control	113	87	-23.0
	Driving without License	297	313	5.4
	Other Traffic	102	87	-14.7
	Other Offenses	4,086	4,111	.6
	Check Offenses	33	27	-18.2
	City Ordinances	77	50	-35.1
	Disorderly Conduct	663	748	12.8
	Weapons	51	20	-60.8
	Game and Fish	82	77	-6.1
	Obstruction	12	0	-100.0
	Other Public Order	267	280	4.9
	Possession/Purchase Alcohol	2,277	2,342	2.9
	Controlled Substance - Possession	520	506	-2.7
	Controlled Substance - Delivery	23	21	-8.7
	Tobacco	81	40	-50.6

		2002	2003	% Diff.
DEPRIVATION		751	923	22.9
	Abandonment	0	3	N/A
	Abuse/Neglect	124	156	25.8
	Deprived	627	764	21.9
SPEC. PROCEEDING		127	91	-28.3
	Termination of Parental Rights (Involuntary)	54	35	-35.2
	Termination of Parental Rights (Voluntary)	37	45	21.6
	Other Special Proceeding	36	11	-69.4
TOTAL		10,563	10,440	-1.2

Report of the East Central Judicial District

The Honorable Norman J. Backes, Presiding Judge

District Court Judges: Norman J. Backes, Presiding Judge; Georgia Dawson; John C. Irby; Lawrence A. Leclerc; Michael O. McGuire; Frank L. Racek; Cynthia A. Rothe-Seeger; Wade L. Webb

District Court Referees: John A. Dietz and Janice Benson Johnson.

Number of Counties in District: 3

District Court Chambers: Fargo, Hillsboro



**East Central
Judicial District Caseload
for Calendar Years 2002 and 2003**

Case Filings/ Dispositions	2002		2003	
	(F)	(D)	(F)	(D)
Civil	6,348	6,413	5,471	7,276
Small Claims	1,931	1,746	1,581	1,826
Admin Traffic	13,561	13,286	14,750	14,813
Criminal	5,313	4,562	5,020	5,688
Juvenile	660	660	753	1,048

District Court

The East Central Judicial District continues to operate with eight Judges and two Judicial Referees. The Judges are divided into criminal and civil divisions with four Judges assigned to each. The Judicial Referees hear most juvenile cases, certain categories of domestic relations cases such as child support enforcement, paternity and small claims court cases. In addition to Cass County, a Judge travels to Traill County one day per week and Steel County one day per month to handle the business of the Court in those counties.

Judge Ralph R. Erickson resigned his position from the state bench to take the position of Federal District Judge for Eastern North Dakota. Governor Hoeven appointed Wade L. Webb to replace Judge Erickson. Judge Webb, who had been a prosecutor for the Cass County State's Attorney's Office for the past seven years, took the bench on May 23, 2003. The District also saw the retirement of Eloise Haaland, who had been the Administrative Assistant for the District for 13 years. Her experience and expertise will be missed.

The district completed its first full year using the unified court information system (UCIS). The change in computer systems began on November 11, 2002. While there continues to be some differences between the former computer system and UCIS, the clerk's office dedication and patience was instrumental in a relatively smooth transition.

The Cass County clerk's office also participated in a management review of its policies and procedures. A team consisting of employees of other clerk of court offices, a trial court administrator and the acting state court administrator spent two days observing and working with clerk of court employees. The team, recognizing that the county has the highest volume in the State, included several procedural and policy recommendations for the clerk's office and the administration office. Several of the recommendations were implemented before the end of the year; others are under active consideration.

The judges of the district also worked with a management consultant to define and improve the administrative structure of the district. The consultant report suggests that the district establish cleaner lines of authority and clearer definitions of responsibility for all staff. The judges of the district adopted many of the recommendations of the consultant, placing most administrative responsibility with the district trial court administrator.

The judges and referees continue to handle the state's busiest district in a truly efficient manner. Even while handling nearly 20% of the state's business, the judges remain current with their caseloads.

Juvenile Court

The East Central Judicial District juvenile court has seen an increase of 184 referrals received from law enforcement, schools, and other referral sources. The greatest number being in the status offense category which includes alcohol offenses.

The court continues to be committed to the restorative justice model. As a part of that model, no juvenile who enters the court systems should leave the system without a life-enhancing skill. All juveniles will be held accountable for their offense and juveniles who enter the system will make amends to the community through monetary restitution, community services, and facing victims of their crime through Offender Accountability Conferencing. Juvenile court officers collected a total of \$47,679.00 in 2003. A total of 5,535 hours of community service were completed.

Twenty-six delinquent juveniles were placed in the custody of the Division of Juvenile Services from the East Central Judicial District juvenile court. Approximately 18 unruly juveniles were placed in the custody of Cass County social services. Two unruly juveniles were placed in the custody of Traill County social services. One hundred thirty-five children were placed in the custody of Cass County social services as a result of deprivation petitions.

The court is committed to keeping our juveniles in the custody of their parents and in the community unless placement outside the home is necessary for their protection or the protection of the community. The court attempts to be fiscally responsible by developing necessary services to keep the juveniles in their homes.

The juvenile court system continues to be well-respected by law enforcement and agency personnel.

Report of the Northeast Judicial District

The Honorable M. Richard Geiger, Presiding Judge
Kimberly D. Nelsen, Administrative Assistant

District Court Judges: M. Richard Geiger, Presiding Judge; Lee A. Christofferson; Laurie A. Fontaine; Donovan Foughty; Lester S. Ketterling; and John C. McClintock, Jr.

Judicial Referee: Dale Thompson

Number of Counties: 11

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



**Northeast Judicial District Caseload
for Calendar Years 2002 and 2003**

Case Filings/ Dispositions	2002		2003	
	(F)	(D)	(F)	(D)
Civil	2,761	3,559	2,784	3,955
Small Claims	1,200	1,201	777	797
Admin Traffic	14,062	14,033	14,273	13,944
Criminal	4,911	5,579	4,949	5,919
Juvenile	379	379	358	598

District Court

The Northeast Judicial District has six chamber cities located within the district to serve its citizens effectively relative to population and geography. Two chambers in the east, Grafton and Cavalier/Langdon serve the eastern section of the district. The two-judge chamber in Devils Lake serves the central section of the district. The chambers in Rugby and Bottineau serve the western section of the district. In addition, the judges are regularly assigned to other cases throughout the district as the need arises. The district is also served by one judicial referee who travels throughout the counties of the district on a regular basis, handling the child support enforcement proceedings, and some juvenile proceedings. The district maintains a budget of approximately \$5.6 million for the biennium. Including county clerk employees, it has approximately 50 personnel in the district.

Because of its rural character, the district puts special effort towards maintaining a strong communication network among its personnel. In addition to the immediate communication available through the computer network, the district maintains regular meetings among the office divisions: clerks of court personnel, juvenile personnel, and court judicial officers. Each of these groups separately meet or confer at least annually within the district. In addition, it holds an annual meeting for all personnel.

In its efforts to better serve the public, the district continues those efforts on many fronts. It has adopted Rule 8.5 summary divorce proceedings which are now available throughout the district. As a trial project, it has initiated efforts to administratively consolidate with the Northeast Central Judicial District. It is hoped that these efforts will ultimately streamline administration without diminishing services, while at the same time provide cost savings to the taxpayer. The district continues its efforts to maintaining sufficient computer equipment throughout the district and in its courthouses.

The total caseload filings for the district in all categories remains relatively unchanged from the prior year. The district continues its commitment to recovering monetary obligations from those convicted of criminal offenses. This effort had included enforcement of new fees legislatively mandated for court administration, indigent defense and facility improvement. The continued abuse of controlled substances, particularly methamphetamine, has together with

the rural character of the district continued to create challenges in maintaining an effective indigent defense program within the district.

Juvenile Court

The juvenile court for the Northeast Judicial District operates out of three sites: Bottineau, Devils Lake, and Grafton.

Balance in the restorative justice services continue in full force in the Northeast Judicial District. Our primary programs (juvenile accountability, conferencing, Keys to Innervisions, alcohol and drug testing/services and community service) are meeting the needs of juvenile offenders, victims, and communities.

New programming includes utilization of the North Dakota Guardian ad Litem Project, implementation of the Youth Assessment Screening Instrument, and offender referrals to the victim empathy seminar.

The court management system has been updated continually and offers new features in better management of juvenile cases. The UCIS system also ensures timely disposition of filed juvenile court petitions in the district.

The community service hours for the district during the last year totaled 8,818.25. Restitution collected totaled \$48,062.33.

Report of the Northeast Central Judicial District

The Honorable Debbie Kleven, Presiding Judge
Kimberly D. Nelsen, Administrative Assistant

District Court Judges: Debbie Kleven, Presiding Judge; Bruce E. Bohlman; Karen Braaten; Lawrence E. Jahnke; and Joel D. Medd
Judicial Referees: Harlan Dyrud and David Vigeland.

Number of Counties in District: 2

District Court Chambers: Grand Forks

**Northeast Central
Judicial District Caseload
for Calendar Years 2002 and 2003**



Case Filings/ Dispositions	2002		2003	
	(F)	(D)	(F)	(D)
Civil	2,655	4,316	2,517	4,417
Small Claims	749	772	646	635
Admin Traffic	8,218	8,564	8,856	8,813
Criminal	3,721	5,748	3,748	6,149
Juvenile	378	378	278	523

District Court

In 2003, the Northeast Central Judicial District continued its case assignment practice of assigning two judges, Judges Kleven and Jahnke, to the criminal division and three judges, Judges Bohlman, Medd and Braaten, to the civil division. The judges rotate on a 24 month basis between the divisions. Referees Dyrud and Vigeland continued to hear juvenile matters, small claims cases, and child support enforcement actions.

The Grand Forks County Courthouse remodeling project is in full swing. In July the entire court staff moved their offices and courtrooms to the Grand Forks Civic Auditorium to allow construction on the courthouse to proceed. It is anticipated that the staff will be able to return to the fully remodeled courthouse this spring. Each of the five judges will have courtrooms with jury boxes including much larger courtrooms on the third floor and second floor. Additionally, the clerk of court staff will all office on the first floor, rather than being split between the first and third floors. Emphasis during the remodeling has been on maintaining the historical attributes of the courthouse as much as possible, yet updating the facility to meet new technology demands.

The Family Court Pilot Project obtained funding for another year through a STOP grant. Funding is now in place until July, 2004. Families enter family court through a referral mechanism. All of the cases that affect members of the same family are bundled together and assigned to one of the three civil division judges who are the family court judges. Depending upon the circumstances of the family, the court may have the family court coordinator involve a team of treatment providers who work together to complete an assessment of the family's needs and offer recommendations for services which the court can consider at the disposition of the case whether it be a divorce or paternity action, protection order proceedings, mental health proceedings, or juvenile court dispositional hearing. Since family court began accepting referrals in January 2003, twenty families have been accepted into the project, resulting in 90 family court cases, an average of 4.5 cases per family.

Juvenile drug court continues to be a successful program. As of December 31, 2003, there were 13 participants, 8 males and 5 females, in the program. Participants have come from Grand Forks, Manvel, Larimore, Thompson, and

rural Grand Forks County. The drug of choice for the majority of the participants was either alcohol or marijuana. The support of the treatment providers, schools, and law enforcement in our community remains strong.

Last year a pilot project for collection of child support from bail bonds was implemented by the clerk of court's office. A year end review was completed and it was determined that the cost and time spent to collect the child support outweighed the amount collected and it was not cost effective to continue with the project.

Juvenile Court

The Northeast Central Judicial District completed an active year. Keys to Innervisions, community service programming, drug court, drug testing and several other programs continue to be the mainstay for our court services. Though not based on hard data, there is a sense that these programs have been instrumental in working with youth in our community.

Alcohol offenses, kids found to be using drugs through testing, and misdemeanor conduct offenses seem to be the majority of cases.

There is a strong working relationship with law enforcement and the public schools which contribute to excellent communication and allows quick response and assessment of problems. We are fortunate to have everyone working toward the same goals.

Our court needs to plan carefully for the future. The apparent loss of refinancing dollars by June of 2004 will have a dramatic impact on the programming we now offer. As this is a statewide problem we will need to look for alternatives.

Report of the Northwest Judicial District

The Honorable Robert W. Holte, Presiding Judge
Waldemar Kowitz, Administrative Assistant

District Court Judges: Robert W. Holte, Presiding Judge; Gary Holum; Douglas L. Mattson; William W. Mclees; David W. Nelson; and Gerald Rustad.

Judicial Referee: Connie S. Portscheller

Number of Counties in District: 6

District Court Chambers: Minot, Stanley, and Williston.



**Northwest Judicial District Caseload
for Calendar Years 2002 and 2003**

Case Filings/ Dispositions	2002		2003	
	(F)	(D)	(F)	(D)
Civil	4,151	5,268	4,339	6,249
Small Claims	838	801	905	917
Admin Traffic	10,773	10,630	10,724	10,510
Criminal	4,484	4,574	4,603	5,771
Juvenile	223	223	310	655

District Court

The most significant change during 2003 was the implementation of a new case management plan in the eastern three counties of the district (Mountrail, Ward, and Burke). Beginning in April of 2003, the four judges chambered in these counties went to a civil-criminal rotation modeled after similar plans in the East Central and Northeast Central Judicial Districts, with two of the judges being assigned to the civil rotation for 18 months and the other two judges working on the criminal side for that same period of time.

The case clearance rate for the Northwest Judicial District was 89% in 2002, but improved to 100% in 2003 despite an increase in the number of cases filed in 2003. This is good progress, but the clearance rate will have to stay above 100% in order to reduce an accumulated backlog of cases from 2001 and 2002.

Real-time reporting got a big boost from newly-elected Judge Mattson, who makes regular use of this technology to review selected testimony as a proceeding unfolds in the courtroom and for post-trial review of the record.

Courtroom 100 on the main level of the Ward County Courthouse was extensively remodeled to accommodate all initial appearances in Ward County criminal cases, the improvements consisting of new computer connections, ceiling fans, an updated judge's bench and enhanced security features.

The number of jury trials was up by approximately 25% in 2003 over 2002. In an attempt to make the jury trial process more user-friendly to jurors, questionnaires are distributed to jurors after each trial asking for their input as to the strengths and weaknesses of the system and how the same can be improved.

Modern technology is evident throughout the district. Citrix ("thin client") terminals are used in many offices and courtrooms, along with thin LCD monitors. Some judges and employees are working with laptop computers which can easily be taken along when traveling to the various courthouses in the district. To save space and reduce costs, the district bought two networked copiers which also have printing capabilities and serve as fax machines. The

"paper" law library in both the Minot and Williston chambers took another big cut as the judges continue to make greater use of computer-assisted legal research.

District judges and court personnel regularly make themselves available as speakers for local schools and civic organizations. Our courthouses are always open for tours, teen court, and other civic uses.

Juvenile Court

The district's one Judicial Referee handles formal juvenile hearings, child support hearings, protection and restraining order matters and small claims cases.

Juvenile and child support hearings are held in each of the four chambered cities, as well as in Bowbells, Crosby, and Watford City. Juvenile court matters in McKenzie, Divide, Mountrail, and Williams counties are handled by Williams County juvenile court personnel, while Ward County juvenile court personnel have responsibility for these cases in Burke and Ward counties. Contract attorneys provide representation for indigent parties in juvenile cases in the Minot area, while attorneys are appointed on a case-by-case basis in the Williston area.

The Williams County juvenile court collected \$6,099.49 in restitution in 2003, while the Ward County juvenile court collected \$20,125.95. Also, many thousands of hours of community service were performed by juvenile offenders.

Programs offered through the juvenile court include Youth Education on Shoplifting (YES), the Juvenile Accountability Conference, Victim Empathy, Youth Alcohol and Chemical Program (YACP), etc. Many community agencies in Williston and Minot assist our juvenile court as part of a team approach to serve our troubled youth.

Clerk of Court

The offices of the Ward County clerk of district court and Williams County clerk of district court are staffed by state employees. The other four counties in the district contract with the state of North Dakota for the provision of clerk of court services. The clerks in all six counties are now making full use of the unified court information system (UCIS) to perform case management and other duties in the clerk's office.

The Ward County clerk of district court and her eight deputies are now located in one modern office suite on the second floor of the Ward County courthouse. This suite features modular furniture, new filing systems and high speed computer connections, and has room for an additional deputy clerk. Although office efficiency has been greatly enhanced by having the clerk and her entire staff in one location, total case filings are steadily increasing (i.e., up 4% from 2002, and up 16% from 2001) and additional measures were being explored at year's end to make the office even more efficient.

Report of the South Central Judicial District

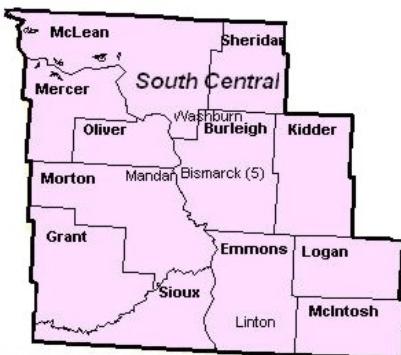
The Honorable Benny A. Graff, Presiding Judge
Douglas H. Johnson, Trial Court Administrator

District Court Judges: Benny Graff, Presiding Judge; Gail Hagerty; Bruce Haskell; Donald Jorgensen; Burt Riskedahl; Bruce Romanick; Thomas Schneider; and Robert O. Wefald.

Judicial Referees: Robert Freed and John Grinsteiner.

Number of Counties in District: 12

District Court Chambers: Bismarck, Mandan, Linton and Washburn.



**South Central
Judicial District Caseload
for Calendar Years 2002 and 2003**

Case Filings/ Dispositions	2002		2003	
	(F)	(D)	(F)	(D)
Civil	5,031	6,826	5,323	6,932
Small Claims	1,195	1,224	1,157	1,161
Admin. Traffic	18,736	18,945	18,679	18,710
Criminal	5,282	6,754	5,486	7,334
Juvenile	353	353	388	603

District Court

The year 2003 was a year of preparation for change in the South Central Judicial District. In October, Presiding Judge Benny A. Graff announced he would retire effective January 31, 2004. Graff was appointed district judge on February 1, 1974, by Governor Arthur A. Link. He was selected to act as presiding judge in 1976 and became chief presiding judge in 1987.

On December 23, Gov. John Hoeven announced that he had appointed Sonna Anderson to fill the judicial position to be vacated by Judge Graff.

Soon after Judge Graff announced his retirement, Doug Johnson, who had served as court administrator for the district for 11 years, announced that he had accepted a court administrator position in Omaha, Nebraska. Johnson's last day of employment with the district was to be February 2, 2004.

Judicial Referee James Purdy, who held a half-time referee position, retired early in 2003. John Grinsteiner began serving as a judicial referee in June 2003.

Lanny Serrano, who was the Director of Juvenile Court, retired February 28, 2003, after 30 years with the Juvenile Court. On March 18, 2003, Dave McGahey was appointed as the new Juvenile Court Director for the South Central Judicial District.

In 2003, the South Central Judicial District was the venue for 36 percent of North Dakota jury trials. In 2002, 40% of North Dakota jury trials were held in the South Central Judicial District. The judges of the South Central Judicial District have continued to consistently complete their work in a timely manner while presiding over their greater-than-average number of jury trials.

Judges of the district have continued their work with both adult and juvenile drug courts. At the end of 2003, 53 persons had participated in the adult drug court program during the three years it had been in operation. Twenty had

graduated from the program, and 12 had failed. There were 21 current participants. Of those involved, 26 had been convicted of drug-related offenses and 27 had been convicted of alcohol-related offense. Those who completed the program had averaged 400 days in the program. Drug court participants had completed 380 hours of community service and paid \$925 in restitution. They had paid \$9,500 in fines, \$250 in court fees and \$11,825 in probation supervision fees. Judges Bruce Haskell and Gail Hagerty oversee the adult drug court.

In addition, Judge Bruce Romanick oversees a juvenile drug court program (JDC). In just over a year in operation 18 persons participated in the juvenile drug court program. Seven of the participants have graduated with three participants being dismissed for failure to complete the program. During this time program participants have completed 243 community service hours. The program continues to focus on education with all participants attending high school with one obtaining a GED while in JDC.

Juvenile Division and Judicial Referee Activities

When Dave McGahey was appointed Juvenile Court Director for the South Central Judicial District, Kerry Gullickson was promoted to a position as a court officer III. When Mr. Serrano retired, a court officer position was vacated and eventually eliminated.

In September, 2003, the juvenile court completed a management review. The purpose was twofold - to review practices in light of court rule and policy and to review procedures for possible changes. The results were positive. A few recommendations were made and implementation of those recommendations is underway.

In 2003, 1,926 juveniles were referred to juvenile court in the South Central District. The juvenile probation caseload continues to fluctuate between 30 to 45 cases per court officer. The cases appear to be more complex each year, requiring more staff time. Diversion programs available are Bismarck Police Youth Bureau; Youth Services, Mandan; Youthworks Unruly Diversion Program; Teen Court and Conferencing with Restorative Justice. Child placing agencies are county social services and North Dakota Division of Juvenile Services (DJS). Federal grant money used over the years to provide diversion programs for juvenile court will likely be eliminated or severely reduced which will impact juvenile court staff.

Full-time Referee Bob Freed and John Grinsteiner, who is a half-time referee, continue to hear primarily juvenile and child support cases. In addition, they hear small claims cases and administrative traffic hearings. The referees held hearings in 1,593 cases in 2003, and increase of 4% from 2002. The increase would have been greater if the district judges had not heard cases, which would have been assigned to a referee, in the interval between Referee Purdy's retirement and the time when Referee Grinsteiner began hearing cases.

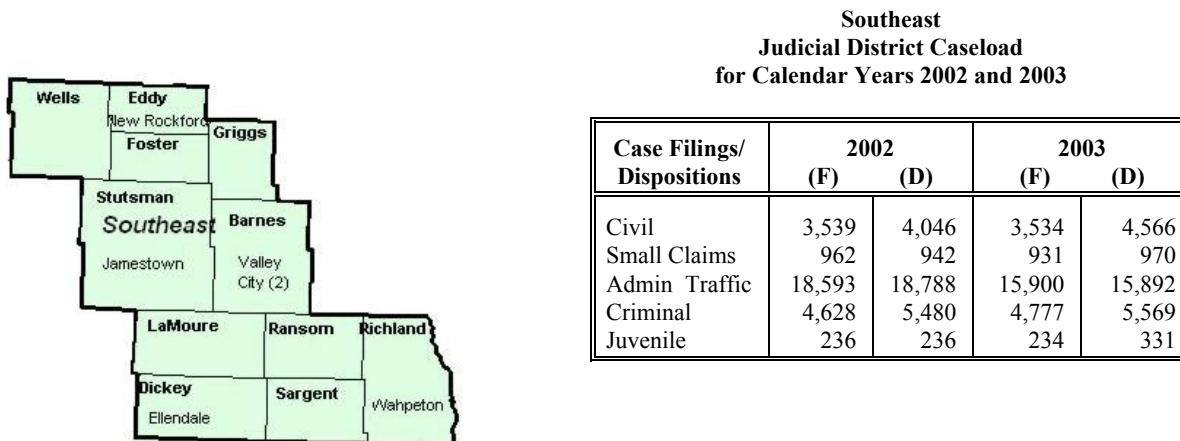
Report of the Southeast Judicial District

The Honorable John T. Paulson, Presiding Judge
Christine Iverson, Administrative Assistant

District Court Judges: John T. Paulson, Presiding Judge; James M. Bekken; Ronald E. Goodman; John E. Greenwood; Richard W. Grosz; and Mikal Simonson.

Number of Counties in District: 11

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



District Court

The Southeast Judicial District is served by six judges who are located throughout the eleven county district. There are five chamber cities which serve the citizens based on geography and population. The New Rockford chamber serves the northern portion of the district. The Ellendale and Wahpeton chambers serve the southern portion of the district. The center portion of the district is served by the Jamestown chamber and the two-judge chamber in Valley City. Judges are assigned to cover other cases outside their area of concentration as the need arises. The district has approximately 50 personnel, including county clerks.

Technologically, the district is continuing its pilot project for the use of ITV in mental health hearings in Stutsman County. The system allows patients and/or doctors to testify in court without leaving the State Hospital. It also allows parties to participate from other ITV locations. In addition, upgrades have been made to the audio systems in a number of courtrooms and public terminals have been added in appropriate locations.

The Southeast Judicial District has maintained its commitment to collect fines and fees in criminal cases. In addition, the district strives to meet docket currency standards with the computerized case management system (UCIS) being an important tool in this process.

In an effort to promote the proper use of the UCIS system, the district continues to hold districtwide clerks meetings on a regular basis. These meetings include hands-on training, discussion of issues relative to case processing and the sharing of information between state-funded clerks and county-funded clerks.

Many techniques are used in order to maintain open communication within the district. These include regular clerks' meetings, the computer network and an annual district meeting. The district meeting serves to provide a forum to discuss common issues and develop uniformity where practical as well as meet requirements of risk management training and provide an opportunity for professional development for all employees.

Juvenile Court

Juvenile court offices have made the transition from JCMS to a newer version of the software now called CMS. The program continues to be evaluated and enhanced to better meet the needs of the users. Juvenile offices in the district have also provided statistical information as a comparison group to judge the success of juvenile drug court programs in other areas of the state.

In addition to the more standard programs offered to juvenile offenders, the juvenile court in Valley City has an arrangement with the art classes at Valley City High School to display students' art projects in the juvenile office. This has been very well received both by the students, employees, and the public who have the opportunity to view the art. It has created a positive connection between the students, the community, and the court.

Report of the Southwest Judicial District

The Honorable Allan L. Schmalenberger, Presiding Judge
Ardean Ouellette, Trial Court Administrator

District Court Judges: Allan L. Schmalenberger, Presiding Judge; Ronald L. Hilden; and Zane Anderson.

Number of Counties in District: 8

District Court Chambers: Dickinson



**Southwest Judicial District Caseload
for Calendar Years 2002 and 2003**

Case Filings/ Dispositions	2002		2003	
	(F)	(D)	(F)	(D)
Civil	1,391	1,909	1,437	2,169
Small Claims	236	213	271	291
Admin Traffic	6,562	6,680	6,882	6,630
Criminal	2,368	2,817	2,475	2,912
Juvenile	129	129	120	213

District Court

Case filings are shown in the chart above. The Southwest Judicial District continues to use a master and individual calendar assignment plan.

All the district judges are assigned throughout the district to assure an equitable distribution of the caseload and to promote a fair, expeditious disposition of all cases in compliance with the docket current standards. During 2003, the district was in compliance with the docket currency standards.

Juvenile Court

The Southwest District juvenile court has kept the philosophy of restorative justice. We continue to use procedures which hold juveniles accountable for their actions. The continued use of drug testing and the tracking program is effective in informal and formal probation cases. Those programs assist us in targeting the high risk juveniles and insuring that they receive more intensive supervision and necessary treatment. We have also increased our referrals in the past year for the Victim/Offender Accountability Program.

We encourage competency development by referrals for educational programs such as Keys to Innervisions, minor in possession classes, anger management and various counseling and treatment programs. The court officers here have made a difference in juveniles' lives by their advocacy to assist the juveniles to be successful in school or to help them to transition to alternative educational programs and to gain a general equivalency diploma. Our relationship with area school districts is strong.

There appears to be more seriously emotionally ill and chemically addicted individuals entering the system. These children present a challenge in monitoring their behavior and needs.

We continue to assist the South Central Judicial District by providing extensive staff support in Mercer county and provide assistance as needed in Morton and Grant counties.

Municipal Courts

There are approximately 363 incorporated cities in North Dakota. Currently, there are 77 municipal judges. State law permits an individual to serve more than one city as a municipal judge.

Each municipality under 5,000 population has the option of deciding whether or not to have a municipal court. Municipalities may contract with the state to provide municipal ordinance violation court services so that district judges may hear municipal ordinance violations.

Municipal judges have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. Violations of state law are not within the jurisdiction of the municipal courts.

A municipal judge is elected for a four-year term. The judge must be a qualified elector of the city, except in cities with a population below 5,000. In cities with a population of 5,000 or more, the municipal judge is required to be a licensed attorney, unless an attorney is unavailable or not interested in serving. At present, there are approximately 27 legally-trained and 50 lay municipal judges in the state. Vacancies that occur between elections are filled by the executive officer of the municipality with the consent of the governing body of the municipality.

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

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

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

**Selected Municipal Court Case Dispositions
for Calendar Year 2003**

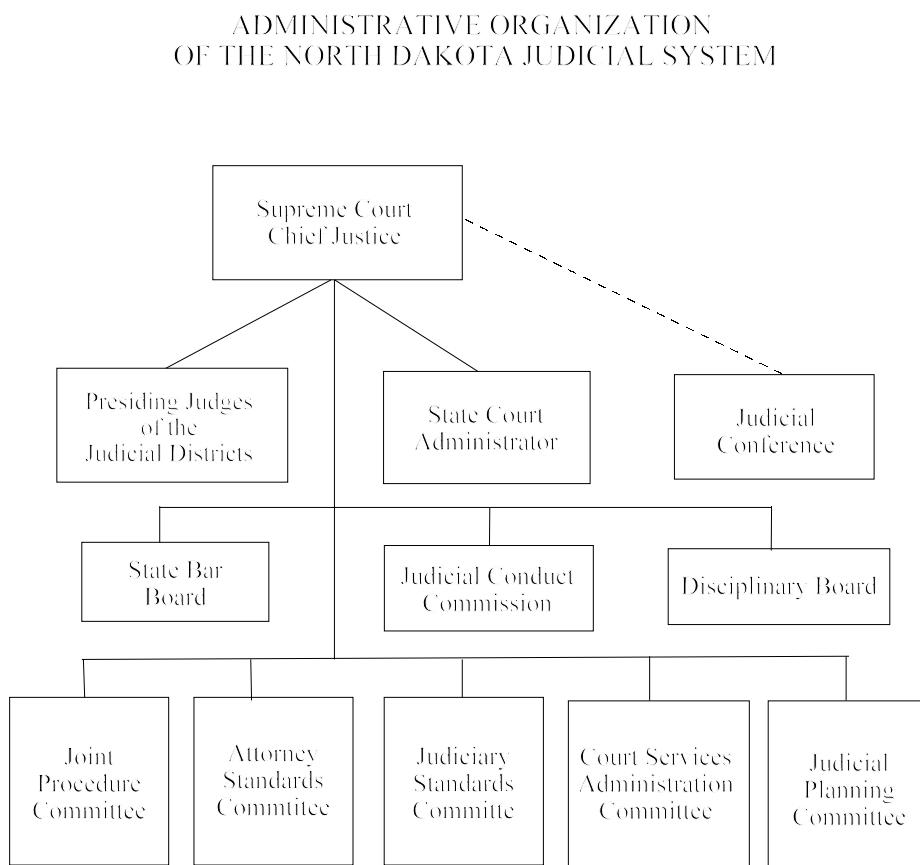
Municipalities	Criminal	Noncriminal	Total
Bismarck	3662	11,265	14,927
Devils Lake	1440	1130	2570
Dickinson	773	2966	3739
Fargo	5673	12,268	17,941
Grand Forks	2841	4291	7132
Jamestown	869	2918	3787
Mandan	950	1740	2690
Minot	3452	6941	10,393
Valley City	353	1055	1408
Wahpeton	365	392	757
West Fargo	971	1630	2601
Williston	772	1827	2599
TOTAL	22,121	48,423	70,544

Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the Supreme Court. The Constitution establishes the Supreme Court's administrative responsibility for the judicial system by designating the chief justice as the administrative head of the judicial system. In addition, the state constitution also grants the Supreme Court supervisory authority over the legal profession. Article VI, Section 3, states that the Supreme Court shall have the authority, "unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law."

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, presiding judges, and various advisory committees, commissions, and boards. The functions and activities of these various bodies during 2003 are described in the subsequent pages of this report.

A diagram of the administrative organization of the North Dakota judicial system is provided below.



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 Administrative Rule 1. 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.

Judicial Education

The office of state court administrator, under the guidance of the Continuing Judicial Education Commission and through the director of human resources and development, develops and implements education programs for all judicial and non-judicial personnel. To supplement the education programs presently being offered, an audio and video library has been established and is housed in the Supreme Court Library. To complement this library, the University of North Dakota Law School provides additional materials upon request.

Further activities of the Commission are described in greater detail in the second part of this report.

Research and Planning

Staff services are provided to the Judicial Planning Committee and other advisory committees of the Supreme Court by staff in the office of state court administrator. The duties of these staff personnel include research, bill drafting, rule drafting, arrangement of committee meetings, and any other tasks assigned by various committees. Specific activities and projects of the Supreme Court standing committees are provided in a latter section of this report.

Personnel Management

To ensure uniformity in personnel administration across districts, personnel policies and a pay and classification plan for district court employees were developed under the direction of the state court administrator. This program is administered by the director of human resources and development. The Personnel Policy Board provides oversight and guidance.

Fiscal Responsibilities

One of the primary functions of the office of state court administrator is to obtain adequate financial resources for judicial operations and to manage these resources. These functions are met with fiscal personnel consisting of a director of finance, supervisor of accounting, and technical staff. With the assistance of fiscal staff, the various judicial budgets are developed for funding consideration by the Legislative Assembly. The Supreme Court budget request is developed with input from Supreme Court department heads. The Judicial Conduct Commission and Disciplinary Board budget request is developed by their staff. The district court budget is coordinated by fiscal staff and prepared by each of the seven judicial districts with a joint recommendation of approval from the Council of Presiding Judges.

A monitoring function is carried out on a monthly basis with an analysis of the budget and preparation of status reports after the monthly payroll and other expenditures have been processed. Guidance for approval of various expenditures is found in budgetary policies.

In viewing the judicial budget, it should be noted that the state funds the Supreme Court, the Judicial Conduct Commission, approximately one-half of the expenses of the Disciplinary Board, and district court expenses including 11 of the largest clerk of district court offices. The remaining clerk offices are funded by the state with a service contract, except for four counties which provide clerk of court services with county funds. Municipal courts are funded by the municipalities they serve.

Information Technology

The state court administrator's office is responsible for providing information technology services to the judicial branch. These services are provided through the judicial branch Information Technology Department.

In addition to supporting the many standard off-the-shelf office productivity tools in use within the judicial branch, the Information Technology Department is responsible for development and support of the case management system for the district court, the unified court information system (UCIS), support of the juvenile court information system, support of the jury management system, as well as development and support of the other various custom software systems in use within the judiciary.

The Information Technology Department provides email services and anti-spam filter services to all judicial employees and contract employees, web site hosting for the state court web site (www.ndcourts.com), data server hosting for all judicial employees, and server operations and maintenance for the information system.

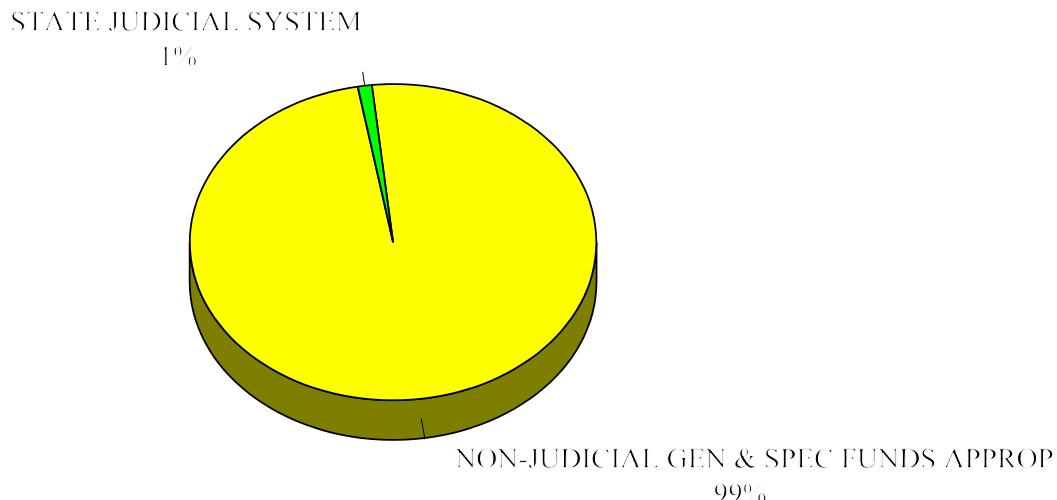
Through the judicial branch help desk, judicial employees can receive support, ask questions, and get problems resolved related to the information systems, software, and hardware they use.

The Information Technology Department offers standard and custom technology training to judicial branch employees.

Through the Unified Court Information System and the Data Warehouse, the Information Technology Department provides access to District Court case information to over 725 court and non-judicial personnel.

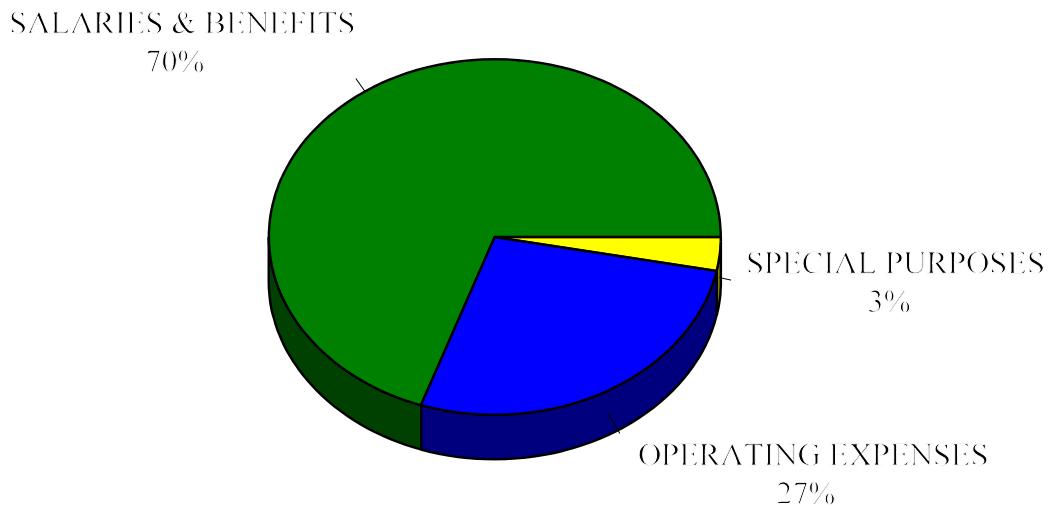
JUDICIAL PORTION OF THE STATE'S BUDGET
2003-2005 BIENNIUM
July 1, 2003 - June 30, 2005

Total State General and Special Funds Appropriation
\$5,059,439,396
Executive and Legislative Branch General and Special Funds Appropriation
\$5,002,308,491 (99%)
Judicial Branch General and Special Funds Appropriation
\$ 57,130,905 (1%)



**STATE JUDICIAL BRANCH APPROPRIATION
BY APPROPRIATED LINE ITEM
2003-2005 BIENNIUM**

Total Judicial Branch General and Special
Funds Appropriation \$57,130,905
Salaries and Benefits \$39,760,772 (70%)
Operating Expenses \$15,697,758 (27%)
Capital Assets \$ 74,500 (0%)
Special Purposes \$ 1,597,875 (3%)



**STATE JUDICIAL BRANCH APPROPRIATION
BY TYPE OF ACTIVITY
2003-2005 BIENNIUM**

Supreme Court

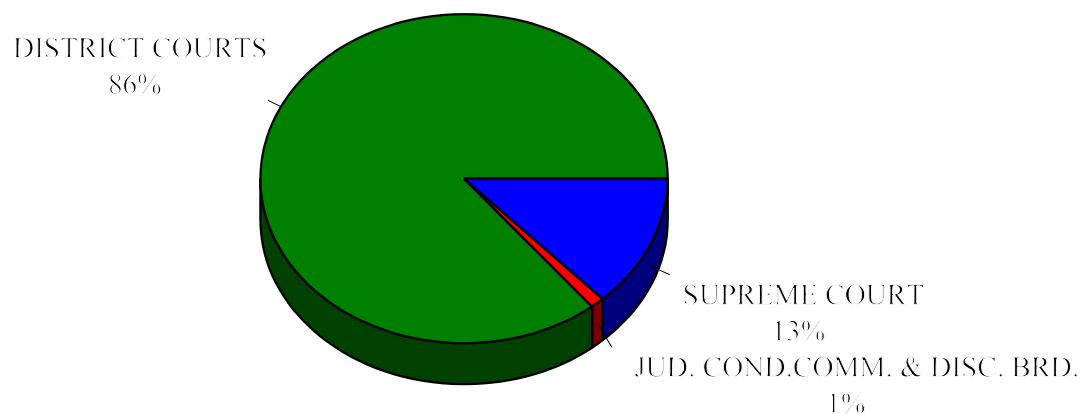
General Fund	\$ 7,645,262
Special Funds	0
TOTAL	\$ 7,645,262 (13%)

District Courts

General Fund	\$47,184,265
Federal Funds	1,451,721
Special Funds	311,014
TOTAL	\$48,947,000 (86%)

Judicial Conduct Commission & Disciplinary Board

General Fund	\$ 257,842
Special Funds	280,801
TOTAL	\$ 538,643 (1%)



Advisory Committees of the North Dakota Judicial System

In the North Dakota judicial system, a system of committees has been established to develop new ideas and evaluate proposals for improving public services. These advisory committees include citizen members, legislators, lawyers, and judges. The activities of these advisory committees are summarized here:

Committees Under the Rule on Procedural Rules, Administrative Rules, and Administrative Orders

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.

Justice Dale V. Sandstrom chairs the Committee. The Committee membership of ten judges and ten attorneys is appointed by the Supreme Court, except for one liaison member appointed by the State Bar Association.

In 2003, the Committee continued work on its multi-year project to update and revise the North Dakota Rules of Criminal Procedure. Recent projects also include development of new rules governing writ procedure and refinement of North Dakota's judicial referee rule.

Judiciary Standards Committee

The Judiciary Standards Committee, chaired by Brian Neugebauer of West Fargo, studies and reviews all rules relating to the supervision of the judiciary, including judicial discipline, judicial ethics, and the judicial nominating process. During 2003, the Committee reviewed questions concerning state judge service in the military reserve or guard and submitted proposed amendments to Canon 4G, Code of Judicial Conduct, to the Supreme Court for consideration.

Court Services Administration Committee

The Court Services Administration Committee, chaired in 2003 by William A. Strutz of Bismarck, is responsible for the study and review of all rules and orders relating to the administrative supervision of the judicial system. During 2003, the Committee reviewed issues concerning court interpreter qualifications and access to administrative records.

Committees of the North Dakota Judicial Conference

Judicial Ethics Advisory Committee

The Judicial Ethics Advisory Committee, chaired by Judge Ronald Goodman, provides advisory services for judges relating to judicial ethics issues. The Committee has provided all judges with an ethics manual and responds to inquiries by judges on ethics questions. The Committee also documents responses for use by all members of the judiciary.

Jury Standards Committee

The Jury Standards Committee, chaired by Judge Joel D. Medd, studies and oversees the operation of North Dakota's jury system.

Committees Established by Administrative Rule

Judicial Planning Committee

The Judicial Planning Committee is chaired by Justice William A. Neumann. The Committee studies the judicial system and makes recommendations concerning long-range and strategic planning and future improvements for the system.

North Dakota Legal Counsel for Indigents Commission

The Legal Counsel for Indigents Commission, chaired in 2003 by Judge Laurie Fontaine, identifies and reviews issues concerning the operation of the indigent defense contract system.

Council of Presiding Judges

The Council of Presiding Judges is a policy making body charged with the responsibility to provide uniform and efficient delivery of administrative support to the trial courts. The council consists of the presiding judge of each judicial district with the chief justice of the supreme court as the presiding officer of the council. Duties of the council include the responsibility to develop administrative policies for the trial courts and provide the mechanism to ensure implementation. The Council of Presiding Judges meets at the call of the chair.

Juvenile Policy Board

The Juvenile Policy Board, chaired by Judge Norman Backes, continues to oversee the implementation of Balanced and Restorative Justice.

Under this system, juvenile courts address public safety, accountability of the offender to the victim and society, and the competency development of juveniles who come in contact with the court. Research indicates that courts that "balance" these approaches with juveniles are most effective in reducing juvenile recidivism.

Accountability means holding the offender accountable to their victim and to the community. Accountability to the victim has traditionally meant collecting restitution for the victim. Annually, the juvenile courts collect about \$100,000. The ability to collect restitution, enhanced in recent years by the legislature, includes such options as reducing the restitution amount to a judgment when the child turns 18. This keeps the obligation to pay for damages in place for at least ten years. Under Balanced and Restorative Justice, however, the courts attempt to involve the victim more fully.

The courts have contracted with a private provider to hold "juvenile accountability conferences". Through these conferences, victims are given the opportunity to face offenders and explain to the offender the true consequences of their actions and to have input on the consequences of their actions. This program has been shown to be very beneficial to victims and to have a serious impact on offenders.

In several communities, the courts, through local funding, have established restitution funds. Under this program, victims are paid damages immediately and the offender pays the restitution back, or completes community service hours equivalent to the damages paid out.

Accountability to the community means repaying the community for harm caused. A principle of restorative justice is that any crime hurts the peace and security of the community and that offenders have an obligation to rectify that harm. In response, all of the courts are involved in community service projects. Statewide, the courts are attempting to establish community service projects which are meaningful to both the community and to the juvenile. For example, the Williston juvenile court established a community garden where offenders plant, weed, and maintain a community garden. The produce is sold with profits going to the local victim restitution fund. The Valley City juvenile court undertook a project to have offenders plant trees and shrubs in the local parks. Much of the value of these programs involves the mentoring relationship of the supervisor.

The Balanced and Restorative Justice model also emphasizes the importance of building on the competency of the offender. That is, most, if not all, offenders need to improve in such skills as decision making and anger management.

The courts have emphasized a program known as "Keys to Innervisions". This program emphasizes that the juvenile accept responsibility for their behavior, understand that they have the power to change their behavior, and provide skills towards changing their behavior.

Community safety also involves controlling the whereabouts of certain offenders while they are in the community. This may mean electronic monitoring, drug and alcohol screening, and face-to-face intensive tracking. At times, it involves removal from the community to a correctional and residential setting.

The North Dakota Supreme Court, through the Juvenile Policy Board, established a Juvenile Drug Court Program. A court was established in the Northeast Central judicial district and in the East Central judicial district

in May 2000. A third court was added in October 2003 in the South Central judicial district. There have been 130 participants since the establishment of the program and 48 successful graduates.

A juvenile drug court is a special program aimed at intervening in the lives of substance abusing juveniles. The program aims to reduce the criminal behavior that frequently co-occurs through intense judicial supervision, individual, group, and family counseling, drug abuse treatment, educational opportunities, and the use of sanctions and incentives. The program forms a unique partnership between the drug court judge, the state's attorney's office, the probation officers, the defense counsel, the school system, the local law enforcement, and the treatment professionals.

The program is a post-petition/post-adjudicated program with possible dismissal of the current petition if the participant successfully completes the program.

Commission on Judicial Education

The Continuing Judicial Education Commission was established following adoption of Administrative Rule 36 by the Supreme Court and is chaired by Judge Donald L. Jorgensen. The Commission is comprised of the chief justice, state and municipal court judges, a representative from the law school, juvenile court and court support staff for the courts of record. The commission develops policies and procedures concerning the implementation of a statewide continuing judicial education program for judges and personnel of the unified judicial system.

The commission was instrumental in the Supreme Court's decision to mandate that all supreme, district and municipal judges, judicial referees and magistrates, and juvenile court directors and court officers receive an identified number of hours of continuing education each biennium.

In 2002, the Commission began implementation of the strategic plan for judicial education. In part, this plan identifies specific long and short-term training needs for all judges and employees of the North Dakota judiciary. The plan will allow the Commission to focus on providing quality education that meets the direct needs of the judiciary and its employees. In 2003, the plan was revisited to ensure its objectives were in line with the education needs of the judiciary.

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 and is chaired by Judge Donovan Foughty. The Committee is comprised of tribal and state court judges, tribal and state court support services representatives, and public members. It is intended to provide 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.

Joint Committee on Attorney Standards

The Joint Committee on Attorney Standards was established following adoption of Administrative Rule 38 by the Supreme Court. The Committee, chaired in 2003 by Alice Senechal of Grand Forks, is comprised of members appointed by the Chief Justice and the Board of Governors of the State Bar Association. During 2003, the Committee completed its study of lawyer assistance and diversion and submitted rule proposals to the Supreme Court, completed its study of lawyer advertising and solicitation and submitted several related rule proposals to the Supreme Court and continued a review of the Rules of Professional Conduct in light of recently adopted ABA Model Rules.

Committees Established by Administrative Order

Gender Fairness Implementation Committee

The Gender Fairness Implementation Committee, chaired by Justice Mary Muehlen Maring, 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. During 2003, work was completed on a domestic violence

benchbook through STOP grant funds and the Committee reviewed possible models for developing a handbook on conduct for judicial system employees.

Court Technology Committee

The Court Technology Committee, chaired by Judge Allan Schmalenberger, is comprised of representatives from the supreme court, district courts, clerks of court, and state court administrator's office. The committee is responsible for general oversight and direction of technology for the Judicial Branch.

The unified court information systems (UCIS) continued its growth by being installed in the remaining 13 North Dakota counties. In May of 2003, the 53rd county was added to UCIS, making UCIS the case management system used in all of North Dakota's counties. There are currently over 600 enrolled users in the UCIS system.

Wahpeton municipal court was also added to UCIS and is now using it as the case management system for their municipal court. This brings the total number of municipalities using UCIS to seven.

The Court Technology Committee continued with the project to provide the full text of protection orders to law enforcement. This is a joint venture between the judicial branch, the Bureau of Criminal Investigation, State Radio Communications, victim advocate groups, and others. This project was installed for statewide use in late 2003. Enhancements are being planned for 2004.

Work was finalized on a data transfer project between the Highway Patrol's in-car citation system and UCIS. In November 2003, we began receiving traffic citations electronically from the Highway Patrol and automatically creating a case within UCIS for each citation received. This results in significant efficiencies through reduced data entry and reduction of data entry errors.

We continue to provide access to district court case information to other criminal justice related personnel. Currently, web-based access is provided to over 250 non-judicial personnel, and UCIS access is provided to over 125 non-judicial personnel.

The use of interactive television was expanded to include the East Central judicial district. Rules were amended to allow in-custody appearances from the newly constructed Cass County jail in West Fargo. Equipment was installed in the courthouse to accommodate the remote appearance of in-custody defendants. Procedures are now being developed with the goal of using the system in early 2004.

Digital recording, the practice of taking the court record digitally and storing it to a computer hard drive was expanded to include Cass County's courtrooms. This involved placing a digital audio server in the courthouse for audio storage and placing a computer in each courtroom for digital encoding of the audio tracks. The system replaced analog tape recording in October, 2003.

Additionally, the digital recording system used in Stark County was upgraded and a digital recording system is planned for installation in Grand Forks County for 2004.

The North Dakota judicial branch continues its work with the state's criminal justice information system (CJIS) initiative. This initiative is a joint, multi-branch of government effort to facilitate sharing of criminal justice information.

The judicial branch's Help Desk provides technical support to all judicial branch employees, judges, clerk of court personnel, and others using and accessing our information systems. Over 5,600 calls for assistance were placed to the help desk in 2003.

In 2003, we continued our technology training efforts by having our technology coordinator provide on-site training for counties and municipalities being added to UCIS; to the protection order advocate personnel for use of the protection order system and to court personnel for other technology training needs.

Committees Established by Administrative Policy

Personnel Policy Board

The Personnel Policy Board was established following adoption of Administrative Policy 106 by the Supreme Court. The board is chaired by Judge Mikal Simonson and 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. In 2003 the board's primary focus centered around finalizing the review of the current pay and classification system. In August 2003, the proposed revisions to the plan were forwarded to the Supreme Court for consideration.

Trial Court Legal Research Assistance Committee

The Trial Court Legal Research Assistance Committee, chaired by Judge David Nelson, was created in 1999. The committee provides technical assistance and management assistance to trial courts in the state. The contract for computer assisted legal research (CALR) was again awarded to Lexis after a thorough review and bidding process. The Committee continues to look at library holdings between districts and encourages group purchasing when appropriate.

Committee on Caseflow Management

The Committee on Caseflow Management, chaired by Judge Allan Schmalenberger, has been established to review district case management plans and practices; to ensure early court intervention and continuous court control over case progress; develop strategies for differentiated case management; creation of realistic and credible trial dates; and the development of strategies to ensure oversight of all court related case events. The Committee of 16 is made up of judges from each judicial district, two bar representatives, court administrative personnel, public defenders, and state's attorneys representatives.

The Committee meets at the call of the chair, but usually quarterly.

Committee on Trial Court Operations

The Committee on Trial Court Operations, chaired by Judge David Nelson, develops and maintains a current clerk of court procedures manual; reviews various clerk of court operations for consistent application of statutes, rules, and policies; develops and maintains forms for use statewide; and reviews matters assigned by the Council of Presiding Judges.

The seven member committee, appointed by the chief justice, includes two district judges, two trial court administrative representatives, and three clerks of district court.

Disciplinary Board

The Disciplinary Board was established to provide 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. By Supreme Court rule, the Joint Committee on Attorney Standards provides the vehicle for the coordinated, complementary, and continuing study and review of the range of issues concerning attorney conduct and discipline.

When a written complaint alleging attorney misconduct is received, it is filed with the Board's secretary and referred to the District Inquiry Committee Northeast, Southeast or West of the State Bar Association. The chair of the respective committee reviews the complaint and, if appropriate, assigns the complaint for investigation to a member of the committee or staff counsel. If the complaint, on its face, does not indicate misconduct, an investigation will not be initiated and the matter will be referred to the committee for summary dismissal. Actions available to district inquiry committees include dismissal, issuing an admonition, probation with the consent of the respondent attorney, or directing that formal proceedings be instituted.

Formal proceedings are instituted when a petition for discipline is filed which outlines the charges against the attorney. A hearing panel is appointed by the chair of the Disciplinary Board to consider the petition and other evidence regarding it, make findings and a recommendation, and enter appropriate orders. Present and past members of the Board may serve as hearing panel members. Recommendations of the hearing panel which do not result in dismissal, consent probation, or reprimand are filed directly with the Court. The Court's standard of review in these instances is *de novo* on the record. The hearing panel may enter orders of dismissal, consent probation or reprimand; however, they are subject to a petition for review that is filed with the Court. This petition must show that the panel acted arbitrarily, capriciously, or unreasonably.

Non-lawyer citizens are members of the District Inquiry Committees and the Disciplinary Board. All members of the Board and the Inquiry Committees are volunteers and are asked to review what, at times, can be very time-consuming matters. While many complaints are dismissed as groundless, the amount of volunteer time needed to run the system is significant.

Following is a summary of complaint files under consideration in 2003.

New Complaint Files Opened in 2003	199
General Nature of Complaints:	
Client Funds & Property	5
Conflict of Interest	11
Criminal Convictions	1
Disability/Incapacity to Practice Law	0
Excessive Fees	7
Failure to Communicate/Cooperate with Client	10
Improper Conduct	88
Incompetent Representation	57
Misappropriation/Fraud	6
Neglect/Delay	8
Petition for Reinstatement	0
Unauthorized Practice of Law	4
Reciprocal Discipline	2
TOTAL	199
Formal Proceedings Pending From Prior Years	12
Other Complaint Files Pending From Prior Years	75
Appeals Filed with Disciplinary Board in 2003	31
Appeals Filed with Supreme Court in 2003	0
Total Files for Consideration in 2003	317
Disposition of Complaint Files:	
Dismissed by Inquiry Committees	94
Dismissed Without Prejudice by Inquiry Committees	0
Summary Dismissals by Inquiry Committees	64
Admonitions Issued by Inquiry Committees	12
Consent Probation by Inquiry Committees	4
Disciplinary Board Approves IC Dismissal	32
Disciplinary Board Disapproves IC Disposition	2
Disciplinary Board Approves IC Admonition	1
Disciplinary Board Approves Consent Probation	0
Dismissal by Hearing Panel	1
Reprimand by Hearing Panel	2
Reprimand by Supreme Court	1
Reinstatement by Supreme Court	0
Suspensions by Supreme Court	*5
Disbarments by Supreme Court	**2
Transfer to Disability Status by Supreme Court	1
Interim Suspensions by Supreme Court	2
Formal Proceedings Pending 12/31/03	23
Other Complaint Files Pending 12/31/03	73
TOTAL	***319

*5 files resulted in the suspension of 4 attorneys.

**2 files resulted in the disbarment of 1 attorney.

***Number includes 2 interim suspensions by the Supreme Court.

Judicial Conduct Commission

The Judicial Conduct Commission was established in 1975 to receive, investigate, and evaluate complaints against any judges or officer of the judicial system in this state and, when necessary, conduct hearings concerning the discipline, removal or retirement of any judge.

The procedures of the Commission are set forth in the North Dakota Rules of the Judicial Conduct Commission. Significant procedural changes effective August 1, 1997, included evaluation of the complaint and summary dismissal by disciplinary counsel, after providing an opportunity for Commission members to request further consideration. An admonition (formerly a private censure) now requires the consent of the judge. Complaints are now filed with disciplinary counsel for the Commission, with the clerk of the supreme court relieved of all ex officio administrative duties for the Commission. As before, the Supreme Court must take final action on public censure, removal, suspension, retirement, or other public discipline against a judge.

The number of complaints against judges in 2003 was up by two from those filed in 2002. The plurality were dismissed as being without merit because complainants frequently believe the Commission has the authority to change a judge's decision or influence trial proceedings in some way.

The table, which follows, includes a summary of the nature and the disposition of complaints filed with the Judicial Conduct Commission in 2003.

New Complaints Opened in 2003	44
General Nature of Complaints:	
Abuse of authority/prestige	3
Admin. irregularity	1
Bias, discrimination/partiality	5
Criminal behavior	1
Failure to perform duties	1
General demeanor/decorum	1
Improper conduct on bench	1
Improper decision/ruling	24
No specific allegations	5
Other	1
Probate	1
TOTAL	44
Complaint Files Carried Over from 2002	13
Total Files Pending Consideration in 2003	57
Disposition of Complaints:	
Summarily Dismissed	41
Dismissed	5
Admonition by the Judicial Conduct Commission	1
Formal Charges	2
Total 2003 Dispositions	49
Complaint Files Pending as of 12/31/03	8

Of the new complaints filed in 2003:
33 were against 24 District Court Judges
5 were against 4 Municipal Court Judges
1 was against a Federal Judge
1 was against a Tribal Judge
3 were against a Referee
1 was against an Administrative Law Judge

State Board of Law Examiners

The State Board of Law Examiners was created by statute to assist the Supreme Court in its constitutional responsibility to regulate the admission to practice.

In 2003, Board members were Rebecca S. Thiem of the Bismarck firm of Zuger, Kirmis & Smith; Mark L. Stenehjem of the Williston firm of Winkjer, McKennett, Stenehjem, Reierson & Forsberg; and Paul F. Richard of MeritCare Health System in Fargo.

On July 29 and 30, the Board administered a two-day bar examination. The examination consisted of the Multistate Performance Test (MPT), a written three-hour examination consisting of two ninety-minute tasks that examine fundamental lawyering skills, including problem solving, legal analysis and reasoning, factual analysis, communication, organization and management of a legal task, and recognizing and resolving ethical dilemmas; the Multistate Essay Examination (MEE), a written three-hour examination consisting of six questions from pre-selected topic areas; and the Multistate Bar Examination (MBE), an objective six-hour multiple choice exam.

No February bar exam is offered in North Dakota.

Passage rates for the 2003 examination:

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
7/03	48	36/75%	37	28/85%

Admission to the practice of law in North Dakota can be based not only on the results of the written bar examination, but on five years of admission with at least four years of practice in another jurisdiction, or, upon achieving a score of 150 on the Multistate Bar Examination (MBE) and admission in another jurisdiction within two years of application. Every applicant for admission must also be at least 18 years old, of good moral character, fit to practice law, and been awarded a juris doctor or equivalent degree from a law school approved, or provisionally approved, for accreditation by the ABA. The Character and Fitness Committee assists the Board in investigating applicant's character, fitness and moral qualifications. In 2003, members of the Committee were: Charles S. Miller, Malcolm H. Brown, Luella Dunn, Reverend Robert Nordvall, and Dr. Al Samuelson, all of Bismarck.

Of the 54 attorneys admitted in 2003, 32 were by bar examination; 9 by achieving the 150 MBE score and admission in another state; and 13 by having the requisite years of practice in another state.

In 2003, the Board, in its licensing capacity, issued licenses to 1,840 lawyers and judges, 405, or 22%, of whom were women.

As a part of its licensing and admission responsibilities, the Board monitors the *pro hac vice* admission of attorneys who are not licensed in North Dakota. During 2003, 167 nonresident attorneys filed motions under N.D.R. Ct. 11.1, with \$13,200 in fees collected. The fees were forwarded to the State Bar Association of North Dakota to help fund the attorney disciplinary system.

North Dakota Judicial Conference

The North Dakota Judicial Conference was originally established as an arm of the judicial branch of state government in 1927. At that time, the organization was known as the North Dakota Judicial Council. Present statutory language covering the Judicial Conference is found in N.D.C.C. Ch. 27-15.

There are currently sixty-two members of the Judicial Conference. The conference consists of all Supreme Court justices and district court judges. Other members are the attorney general; the dean of the University of North Dakota School of Law; the clerk of the Supreme Court; two judges of the municipal courts, as appointed by the Municipal Judges Association; and five members of the North Dakota Bar Association who are appointed by the Bar Association. All surrogate judges, as appointed by the Supreme Court under N.D.C.C. §27-17-03, are also conference members.

The members of the conference serve during the time they occupy their respective official positions. The term of office of the two municipal judges is two years. The term of office for the five members of the bar is five years. Vacancies on the Judicial Conference are filled by the authority originally selecting the members.

The state court administrator serves as the executive secretary of the Judicial Conference.

The officers of the Judicial Conference consist of the chair and chair-elect, who are selected for a term of two years by the members of the conference. In addition, there is an executive committee consisting of the chair, chair-elect, a justice of the Supreme Court elected by the Supreme Court, and two district judges elected by the Association of District Judges.

Under North Dakota law, the Judicial Conference is required to meet twice each year. These meetings are usually held in June and November. Special meetings, however, may be called by the chair. While members of the Judicial Conference are not compensated for their services, they are reimbursed for their expenses while discharging their conference duties.

The Judicial Conference has four major duties:

1. Solicit, receive, and evaluate suggestions relating to the improvement of the administration of justice.
2. Consider and make recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system.
3. Coordinate continuing judicial education efforts for judges and support staff.
4. Establish methods for review of proposed legislation which may affect the operation of the judicial branch.

Several committees have been established to support the activities of the full conference. The committees and respective committee chairs during 2003 were as follows:

1. Judicial Ethics Advisory Committee, Judge Ronald Goodman, Chair.
2. Committee on Legislation, Judge Robert O. Wefald, Chair.
3. Committee on Judicial Compensation, co-chairs Justice William Neumann and Judge Douglas Mattson.
4. Jury Standards Committee, Judge Joel D. Medd, Chair.

Committee membership results from appointment by the chair after consultation with the Executive Committee of the Judicial Conference. The bylaws provide that non-conference members can serve on either standing or special committees.

The officers and Executive Committee of the Judicial Conference during 2003 were as follows:

Judge John T. Paulson, Chair

Justice Mary Muehlen Maring, Chair-Elect

Justice James Bekken, Past Chair

Justice Carol Ronning Kapsner, Executive Committee

Judge Gail Hagerty, Executive Committee

Judge Bruce Romanick, Executive Committee

North Dakota Judicial Conference

Judges of the Supreme Court

Gerald W. VandeWalle
William A. Neumann

Dale V. Sandstrom

Mary Muehlen Maring
Carol Ronning Kapsner

Judges of the District Court

East Central District

*Norman J. Backes
Georgia Dawson
John C. Irby
Lawrence A. Leclerc
Michael O. McGuire
Frank L. Racek
Cynthia Rothe-Seeger
Wade Webb

Northeast District

*M. Richard Geiger
Lee A. Christofferson
Laurie A. Fontaine
Donovan Foughty
Lester Ketterling
John C. McClintock, Jr.

Northeast Central District

*Debbie Kleven
Bruce E. Bohlman
Karen K. Braaten
Lawrence E. Jahnke
Joel D. Medd

Northwest District

*Robert W. Holte
Gary A. Holum
Douglas Mattson
William W. McLees
David W. Nelson
Gerald H. Rustad

South Central District

*Benny A. Graff
Gail Hagerty
Bruce B. Haskell
Donald L. Jorgensen
Burt L. Riskedahl
Bruce Romanick
Thomas J. Schneider
Robert O. Wefald

Southeast District

*John T. Paulson
James M. Bekken
Ronald E. Goodman
John E. Greenwood
Richard W. Grosz
Mikal Simonson

Southwest District

*Allan L. Schmalenberger
Zane Anderson
Ronald L. Hilden

Judges of the Municipal Courts

Robert A. Keogh
Julie Evans

Surrogate Judges of the Supreme and District Courts

Gordon O. Hoberg
William F. Hodny

Jon R. Kerian

Everett Nels Olson
Kirk Smith

Attorney General Wayne K. Stenehjem
Clerk of the Supreme Court Penny Miller
Acting Dean of the UND School of Law Candace Zierdt

Members of the Bar

Steven J. Lies
Sherry Mills Moore

Michael D. Sturdevant

James S. Hill
Michael F. Daley

Executive Secretary Ted Gladden

62 Members