

DEPARTMENT OF CORRECTIONS

DEPARTMENT OF TRANSPORTATION

CHILD SUPPORT

DEPARTMENT OF HUMAN SERVICES

CJIS

STATE BAR ASSOCIATION OF NORTH DAKOTA

ASSOCIATION OF COUNTIES

ND LEGISLATIVE BRANCH

2011

NORTH DAKOTA

COURT SYSTEM

ANNUAL REPORT



MISSION STATEMENT

TO PROVIDE THE PEOPLE, THROUGH AN
INDEPENDENT JUDICIARY, EQUAL ACCESS
TO FAIR AND TIMELY RESOLUTION OF
DISPUTES UNDER LAW.





MESSAGE FROM CHIEF JUSTICE VANDEWALLE



THE NORTH DAKOTA JUDICIAL BRANCH IS A SEPARATE, BUT CO-EQUAL BRANCH OF GOVERNMENT. HOWEVER, WE DO NOT WORK IN A VACUUM AND WE CANNOT SERVE THE CITIZENS OF NORTH DAKOTA WITHOUT A STRONG WORKING RELATIONSHIP WITH THE LEGISLATIVE AND EXECUTIVE BRANCHES, AS WELL AS OTHER ENTITIES.

The branches are dependent upon one another in order to fully exercise their powers. Indeed, that is part of the genius of our government and the reason that one branch is unable to govern without the assistance of other branches. But, that is but a small part of the inter-branch relationship. For example, during the year we have the benefit of the wisdom and advice of legislators and executive branch representatives on court committees. The advice and input we receive from representatives of the other branches are invaluable to our policy-making decisions. In turn, judicial branch officials serve on and advise legislative and executive branch committees; and issues arise within the other two branches of government that require the attention, consideration, and cooperation of the Judicial Branch to resolve.

Several issues currently facing the Court System will require a collective approach to reach positive solutions. The first is elder issues. I am convinced this is an area that North Dakota can no longer wait to confront. Within 30 years, more than 30 percent of the population of many of our rural counties is expected to be over the age of 65. A lack of public guardians, limited funding for non-profit guardianship services, and the unsupervised use of representative payees and power-of-attorney agreements all contribute to conditions that make it easier to take advantage of the elderly. Elder abuse, neglect, and exploitation involve complex civil and criminal issues that require a sustained and committed response by the courts, government, and society. This is a big subject with many components, but if we take on this issue as a state, the task will be less daunting.

A second issue concerns veterans. When our veterans return to North Dakota, it is an unfortunate fact that sometimes the things they experience in combat come back with them. Along with physical disabilities that may be severe enough to require the appointment of a guardian or conservator, there are two less visible, but equally problematic, illnesses that can cause veterans to come into contact with the court—post-traumatic stress and traumatic brain injury. After a study, our Court Services Administration Committee recommended we implement an individual justice planning model to address the mental health, physical disability, and addiction issues that can bring veterans into contact with the courts. Under this model we would focus on early identification of veterans, an assessment of the needs

of the veteran, and close cooperation with veterans service organizations to see that the veteran gets the help he or she needs.

A third issue addresses limited English proficiency. The ability of a party to fully participate in his or her case is a fundamental access issue that becomes particularly relevant in cases involving litigants who are not proficient in the English language. In the past, the court system provided interpreters at no cost for defendants in criminal and juvenile cases. This past year, we expanded that policy and now provide interpreters for litigants and witnesses in criminal, juvenile delinquency, child welfare, divorce, annulment, custody, child support, guardianship, conservatorship, and mental health cases. As our state grows and the population becomes more diverse, all branches of government will need plans in place to ensure that services are accessible.

We also need to work together to address facility issues for both the Supreme Court and the trial courts. The court system is now a large organization with 285 state employees and 32 contract county employees spread across the state. We have added staff and services to carry out the administrative duties the State Constitution assigns to the Chief Justice. We are in need of additional space so that we can continue to carry out our mission of providing justice to the citizens of North Dakota. It is essential to work with the county commissions and the legislature to ensure adequate facilities for the trial courts.

Connections with the other branches are also necessary for our continued work on racial and ethnic bias, improving outcomes for children in the state's foster care system, providing problem-solving courts for juveniles with addiction issues, and mediation services for families dealing with separation and divorce.

Finally, the past several years have been devoted to upgrading the case management system for the trial courts. This computer system is the backbone of our organization and is vital to the court's ability to process cases. The system provides better security, better financial tracking, and better detail about cases. The implementation of this system would not have been possible without the support of our justice partners and that support will be vital as we continue to expand the functionality of the system.

As in the past, this report provides statistical data on case filings and dispositions and budgets and appropriations in 2011. However, the work of the court system cannot be quantified by numbers alone. It takes individuals, systems, and branches of government working together to ensure access, fairness, and justice for all citizens.

I offer the 2011 Annual Report for your consideration.



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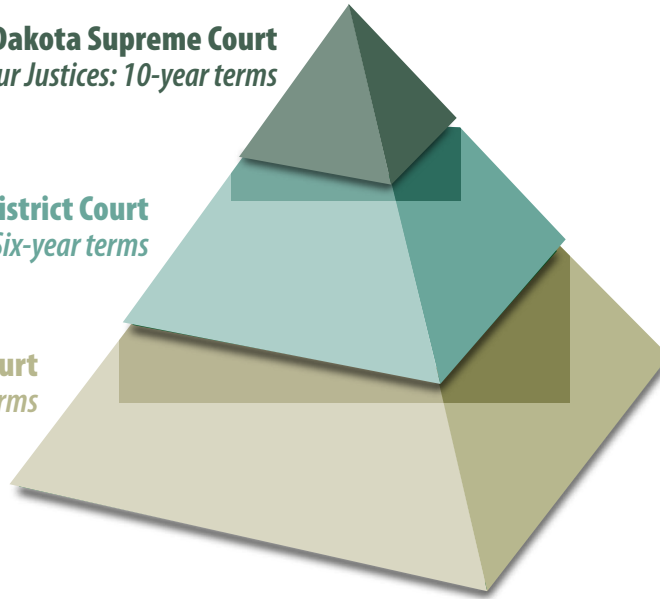


NORTH DAKOTA COURTS

North Dakota Supreme Court
One Chief Justice & Four Justices: 10-year terms

District Court
Seven Judicial Districts/44 Judges: Six-year terms

Municipal Court
73 Judges: Four-year terms



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

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

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



NORTH DAKOTA SUPREME COURT

THE NORTH DAKOTA SUPREME COURT HAS FIVE JUSTICES. EACH JUSTICE IS ELECTED FOR A TEN-YEAR TERM IN A NONPARTISAN ELECTION. THE TERMS OF THE JUSTICES ARE STAGGERED SO THAT ONLY ONE JUDGESHIP IS SCHEDULED FOR ELECTION EVERY TWO YEARS. However, in the case of the retirement or death of a Justice during the term of office, the Governor can appoint someone to fill the term for two years, after which the person must run for election.

Each Justice must be a licensed attorney and a citizen of the United States and North Dakota.

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

A detailed overview of the court system can be found at www.ndcourts.gov/court/brochure.htm.



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

2011

CASELOAD HIGHLIGHTS

- The Supreme Court's appellate caseload decreased in 2011, but remains consistent with the 5-year average.
- Appeals in family related cases decreased to 20 percent of the overall civil caseload, which may be a reflection of the statewide implementation of the mediation program. Appeals in cases involving administrative agencies accounted for 12 percent of the civil caseload, while cases having oil and gas issues accounted for 6 percent of the civil caseload. Appeals in post-conviction relief matters, which are by statute civil, increased significantly in 2011 and were 15 percent of the civil caseload.
- Appeals of drug related offenses and driving under the influence accounted for 28 percent of the criminal caseload, which is a decrease over last year. Appeals of sexual offenses accounted for 20 percent of the criminal caseload, which is an increase of 8 percent.
- In 17 percent of the cases filed in 2011, at least one party was self-represented.
- Oral arguments were scheduled in 251 cases, an increase over last year, with approximately 17 percent of those arguments being waived by either the parties or the Court and submitted on the briefs and the record.
- The Justices each authored an average of 48 majority opinions, with another 70 separate concurrences and/or dissents written. A significant amount of the Justices' time was also spent considering rule amendments, as well as issues regarding the impact of flooding on cases, litigants, attorneys, employees and judges.
- The most appeals originated from the South Central Judicial District, followed by the Northwest, East Central, Northeast Central, Southeast, Northeast, and Southwest Judicial Districts.
- There were 680 motions filed in 2011, with 37 percent being e-filed. The Clerk acted on 43 percent of the motions under North Dakota Supreme Court Administrative Rule 5 and as delegated by the Chief Justice.
- Of the 621 briefs filed in 2011, 60 percent were electronically filed; and of the 200 appendices filed, 58 percent were electronically filed under North Dakota Supreme Court Administrative Order 14.
- A rule for an appellate mediation program and a new Code of Judicial Conduct were pending at year's end.

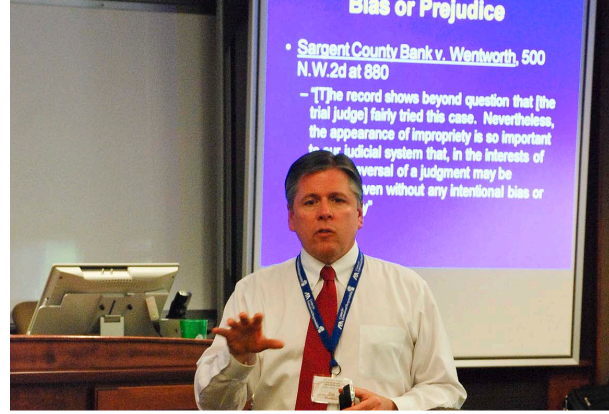


CASELOAD SYNOPSIS OF THE SUPREME COURT
FOR THE 2011 AND 2010 CALENDAR YEARS

	2011	2010	Percent Difference
New Filings	364	402	-9.54
Civil	249	247	0.81
Criminal	115	155	-25.81
Dispositions	362	399	-9.27
Civil	221	261	-15.33
Criminal	141	138	2.17
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0

CASE DISPOSITIONS- 2011

	Civil	Criminal
BY OPINION:		
Affirmed; Affirmed & Modified	87	47
-Reversed; Reversed & Remanded; Reversed in Part & Remanded; Reversed with Instructions; Remanded	27	17
Affirmed in Part & Reversed in Part; Affirmed in Part & Dismissed in Part	17	3
Affirmed by Summary Disp.	44	32
Reversed by Summary Disp.	0	0
Order/Judgment Vacated	1	0
Remanded	1	1
Dismissed	0	1
Discipline Imposed	8	
Reinstatement Ordered	0	
Original Jurisdiction--Denied	0	0
Original Jurisdiction--Granted	0	1
Certified Question Answered	1	0
Dispositions by Opinion	186	102
BY ORDER:		
Dismissed	29	35
Original Jurisdiction--Denied	4	4
Original Jurisdiction--Granted	2	0
No Court Action Required	0	0
Dispositions by Order	35	39
Total Dispositions for 2011	221	141



Bias or Prejudice

- *Sargent County Bank v. Wentworth*, 500 N.W.2d at 880
- [T]he record shows beyond question that [the trial judge] fairly tried this case. Nevertheless, the appearance of impropriety is so important to our judicial system that, in the interests of the general public, a reversal of a judgment may be granted even without any intentional bias or prejudice.

PUBLIC OUTREACH

The Supreme Court continued “taking the Court to the schools” by visiting the Enderlin School District and the University of North Dakota School of Law. The fourth Justices Teaching Institute was held in October 2011 with 20 social science teachers from the middle schools and high schools attending the two-day event taught by the five justices. The Court was involved in the We The People program sponsored by the State Bar Association of North Dakota. Justices continued other community outreach by speaking to service and professional groups, as well as students, and participating in other law-related activities.

COMMITTEE SERVICE

The Supreme Court Justices also serve through their involvement on committees. In 2011, justices chaired or co-chaired Administrative Council, the Commission to Study Racial and Ethnic Bias in the Courts, Court Services Administration Committee, Court Technology Committee, Joint Procedure Committee, Judicial Branch Education Commission, Judicial Planning Committee, and the Juvenile Drug Court Advisory Committee. In addition, the justices serve as members on the Joint Committee on Attorney Standards, Juvenile Policy Board, Personnel Policy Board, and the Committee on Tribal and State Court Affairs.

“I FOUND THE JUSTICES TEACHING INSTITUTE TO BE AN ABSOLUTELY AMAZING EXPERIENCE. I LEFT THE INSTITUTE WITH A RENEWED ZEAL FOR TEACHING GOVERNMENT AND LAW AND WITH A NEW WONDERFUL SET OF CONTACTS AND SUPPORTS.”

- KARI ANN SOVA, LANGDON AREA HIGH SCHOOL, AFTER ATTENDING THE 2011 JUSTICES TEACHING INSTITUTE





NORTH DAKOTA DISTRICT COURTS

THERE ARE DISTRICT COURT SERVICES IN EACH OF THE STATE'S 53 COUNTIES. NORTH DAKOTA IS A FULLY UNIFIED AND CONSOLIDATED COURT SYSTEM AND ALL DISTRICT COURTS ARE UNDER THE ADMINISTRATIVE AUTHORITY OF THE CHIEF JUSTICE AND FUNDED BY THE STATE OF NORTH DAKOTA. The district courts have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal cases and have general jurisdiction for civil cases. There are 44 district judges in the state.

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

Information about the district courts is located at www.ndcourts.gov/court/Districts/Districts.htm.

“EVERY CASE IS IMPORTANT TO THE PEOPLE INVOLVED IN IT, SO I WANT THEM TO FEEL THEY HAVE A FAIR CHANCE TO BE HEARD AND HOPEFULLY UNDERSTAND WHY I THOUGHT THE LAW LED TO A PARTICULAR RESULT.”

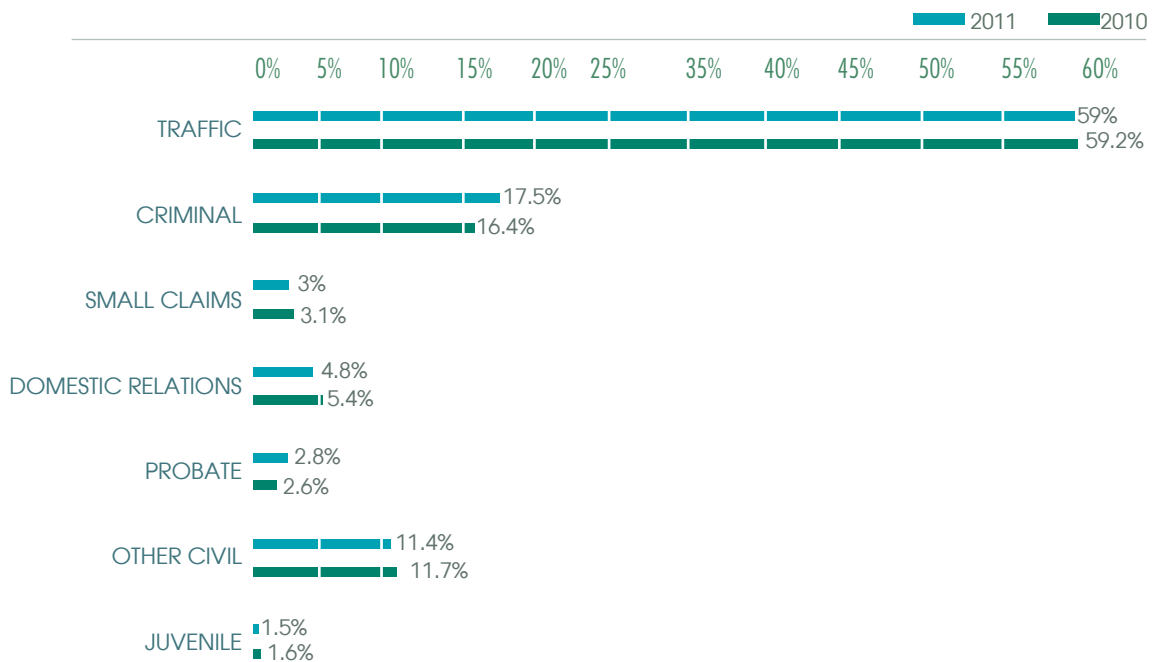
– JUDGE JAY SCHMITZ,
SOUTHEAST JUDICIAL DISTRICT,
AS QUOTED IN “THE DOCKET”.



TOTAL DISTRICT COURT CASELOAD FOR CALENDAR YEARS 2011 & 2010

CASE FILINGS/ DISPOSITIONS	2011			2010			2011/2010	
	Filed	Reopen	Disp. Filed	Filed	Reopen	Disp. Filed	Change in Filings	Change in Dispositions
Civil	31,652	11,550	40,863	32,291	10,581	40,329	-1.98%	1.32%
Small Claims	5,028	178	5,277	5,057	179	5,065	-0.57%	4.19%
Criminal	29,311	8,684	41,820	26,986	12,451	39,847	8.62%	4.95%
Traffic	98,705	171	98,912	97,326	188	97,058	1.42%	1.91%
Juvenile	2,469	1,247	3,303	2,614	1,442	3,818	-5.55%	-13.49%
Total	167,165	21,830	190,175	162,274	24,841	186,117	1.76%	2.18%

TYPES OF CASES FILED IN DISTRICT COURT - 2011 & 2010



JURY TRIAL BY JUDICIAL DISTRICT FOR 2011

District	2011
East Central	33
Northeast	13
Northeast Central	26
Northwest	48
South Central	106
Southeast	38
Southwest	6
Total	270

Based on jury trials paid

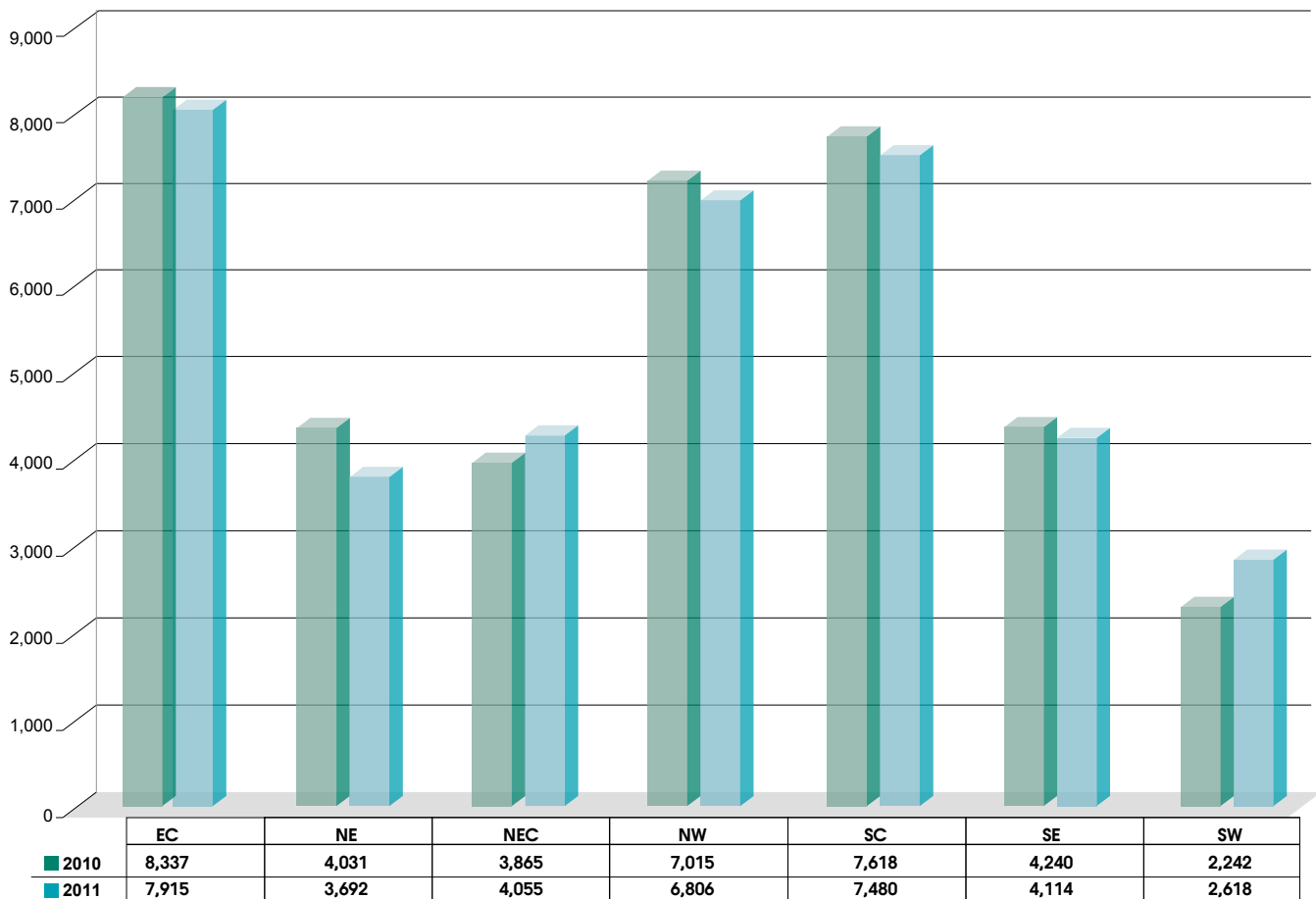
2011

CIVIL CASELOAD

- Civil filings decreased by 1.8 percent in 2011 compared to 2010. Small claims cases decreased by less than 1 percent, domestic relations cases decreased by 11.9 percent and other civil cases decreased by less than 1 percent in 2011. Probate/guardianship cases increased by 9.3 percent as compared to 2010.
- Contract/collection (75 percent) and civil commitment (7 percent) cases account for the majority of the 19,147 case types. Contract/collection decreased by 264 cases or 1.8 percent compared to 2010.
- There were 7,965 domestic relations case filings in 2011, consisting of the following: support proceedings (33 percent); divorce (29 percent); protection/restraining orders (21 percent); paternity (8 percent); adoption (4 percent); parenting responsibility filings (4 percent) and termination of parental rights (less than 1 percent).
- Total divorce filings in 2011 were 2,317 compared to 2,482 in 2010. Support proceedings decreased by 19.2 percent with 2,659 cases filed, and protection/restraining order filings increased by 1.9 percent with 1,708 cases filed.



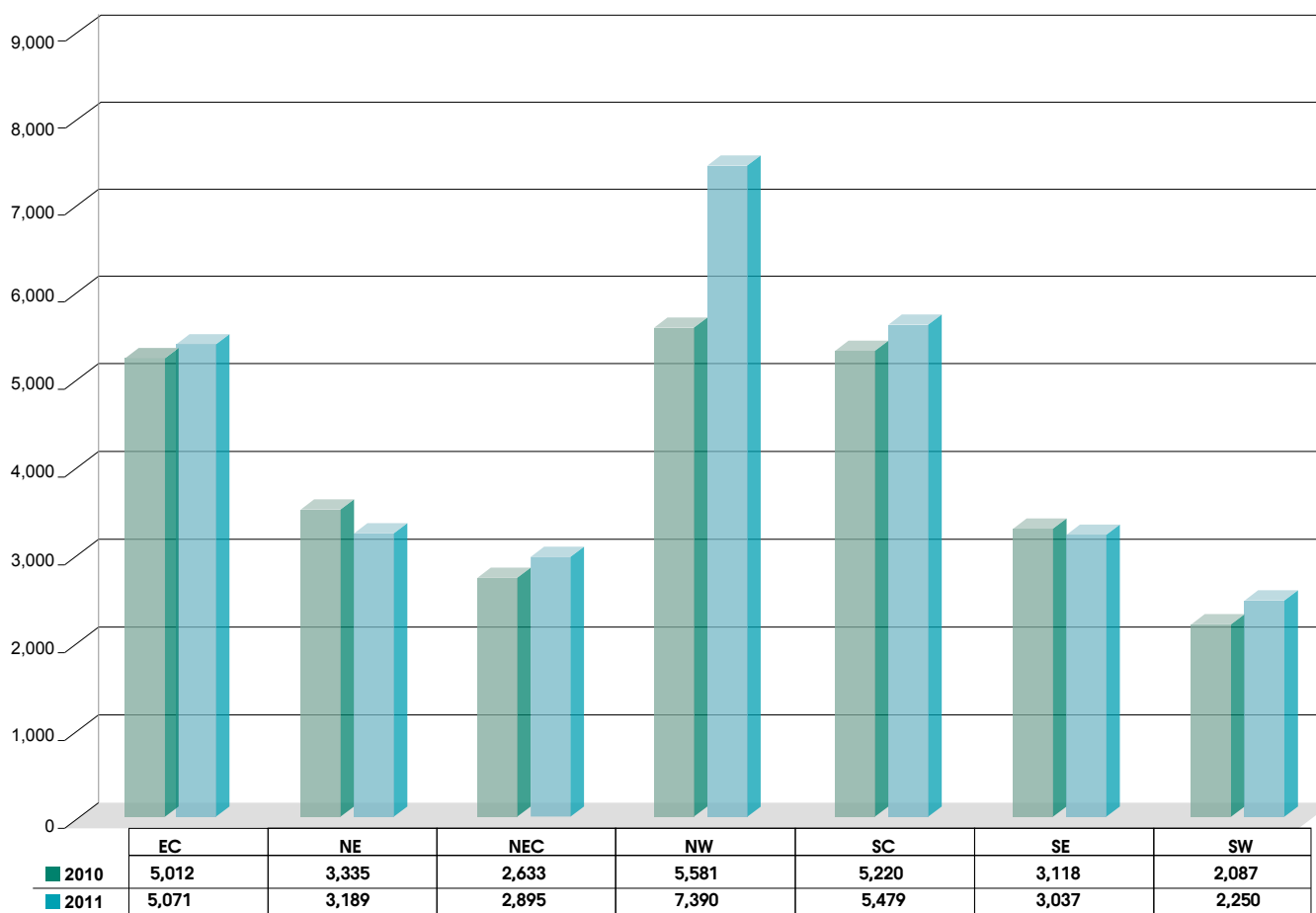
ND CIVIL CASELOAD FOR DISTRICT COURTS FOR 2010 AND 2011



CRIMINAL CASELOAD

Criminal filings increased by 8.6 percent from 2010 to 2011. Felony filings increased by 14.7 percent; misdemeanors increased by 9.6 percent; and infractions decreased by 20.1 percent. Misdemeanors made up 79 percent of total criminal filings; felonies 16 percent; and infractions 4 percent.

ND CRIMINAL CASELOAD FOR DISTRICT COURTS FOR 2010 AND 2011



DISTRICT COURT JUDGES AND JUDICIAL REFEREES SERVING IN 2011

ADMINISTRATIVE TRAFFIC CASES

Administrative traffic filings increased by 1,379 (1.4 percent) from 2010 to 2011. These cases make up 59 percent of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

ADMINISTRATIVE TRAFFIC CASES		
Case Filings	2010	2011
Admin. Traffic	97,326	98,705
Case Re-opens	2010	2011
Admin. Traffic	188	171
Case Dispositions	2010	2011
Admin. Traffic	97,058	98,881

JUDGES:

Sonna M. Anderson
Zane Anderson
Karen K. Braaten
Lee A. Christofferson
Sonja Clapp
Wickham Corwin
Todd Cresap
Cynthia Feland
Laurie A. Fontaine
Donovan Foughty
M. Richard Geiger
JoÚ E. Greenwood
Richard W. Grosz
Richard L. Hagar
Gail Hagerty
Bruce B. Haskell
William Herauf
Douglas R. Herman
James D. Hovey
JoÚ C. Irby
Lawrence E. JaÚke
Donald L. Jorgensen
Debbie G. Kleven
Gary H. Lee
Steven L. Marquart
Douglas L. Mattson
JoÚ C. McClintock, Jr.
Steven E. McCullough
Lisa K. McEvers
William McLees
Joel Medd
Thomas E. Merrick
Daniel D. Narum
David W. Nelson
JoÚ T. Paulson
Frank Racek
David E. Reich
Bruce A. Romanick
Joshua Rustad
Jay Schmitz
Thomas J. ScÚeider
Michael Sturdevant
Wade L. Webb
H. Patrick Weir

JUDICIAL REFEREES

Wayne D. Goter
Scott Griffeth
JoÚ Grinsteiner
Connie Portscheller
JoÚ Thelen
Susan Solheim
Dale A. Thompson
David H. Vigeland

Northwest Judicial District
Number of Counties: 6

Southwest Judicial District
Number of Counties: 8

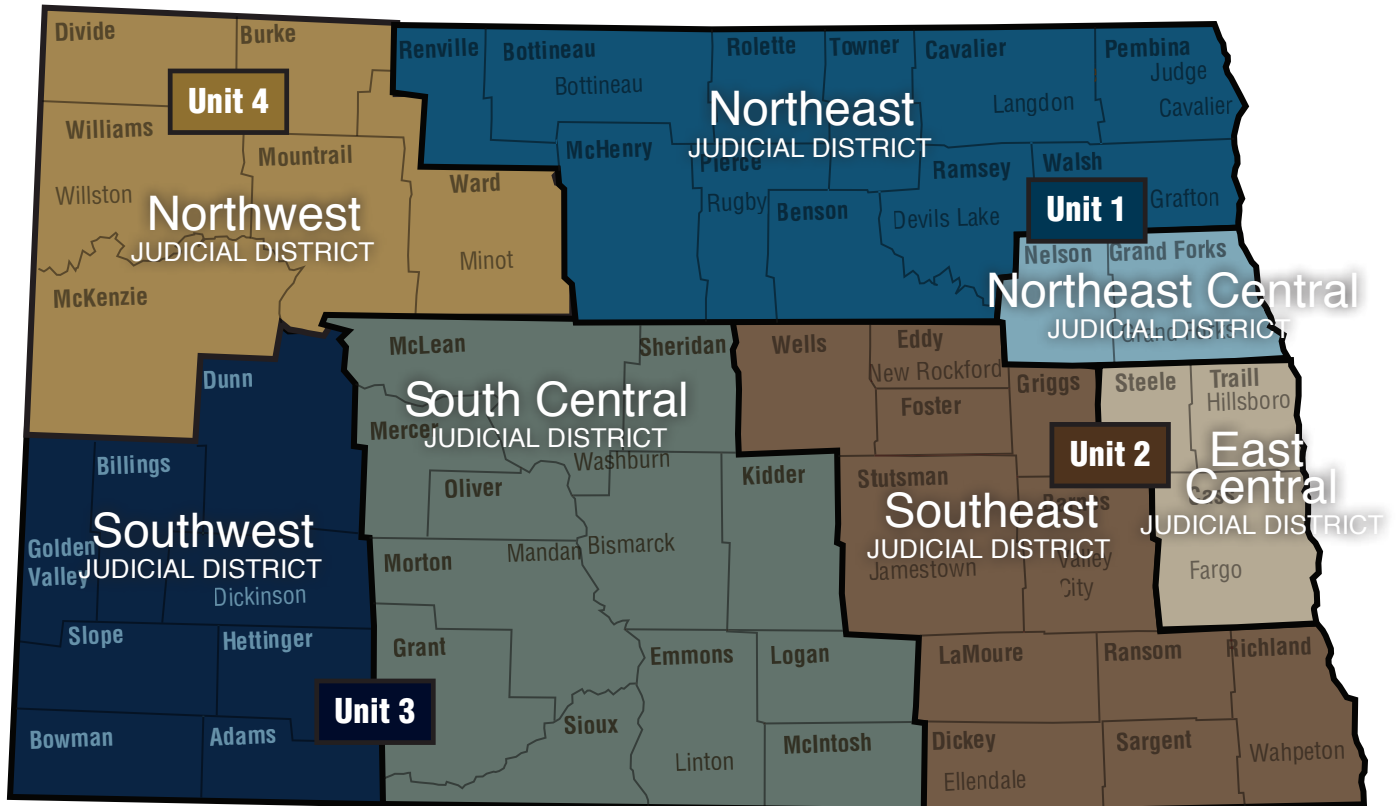
Northeast Judicial District
Number of Counties: 11

South Central Judicial District
Number of Counties: 12

Northeast Central Judicial District
Number of Counties: 2

Southeast Judicial District
Number of Counties: 11

East Central Judicial District
Number of Counties: 3



NE DISTRICT COURT CASELOAD – FOR CALENDAR YEARS 2011 & 2010

CASE FILINGS/ DISPOSITIONS	2011			2010			2011/2010	
	Filed	Reopen	Disp. Filed	Filed	Reopen	Disp. Filed	Change in Filings	Change in Dispositions
Civil	3,205	1,411	4,613	3,381	1,043	4,035	-5.21%	14.32%
Small Claims	487	18	576	650	18	587	-25.08%	-1.87%
Criminal	3,189	1,015	5,210	3,335	1,093	4,449	-4.38%	17.10%
Traffic	12,295	25	12,391	13,588	32	13,494	-9.52%	-8.17%
Juvenile	246	149	368	267	166	368	-7.87%	0.00%
Total	19,422	2,618	23,158	21,221	2,352	22,933	-8.48%	-0.98%

NEC DISTRICT COURT CASELOAD – FOR CALENDAR YEARS 2011 & 2010

CASE FILINGS/ DISPOSITIONS	2011			2010			2011/2010	
	Filed	Reopen	Disp. Filed	Filed	Reopen	Disp. Filed	Change in Filings	Change in Dispositions
Civil	2,887	1,383	4,063	2,998	886	3,392	-3.70%	19.78%
Small Claims	1,168	12	1,236	867	15	812	34.72%	52.22%
Criminal	2,895	1,284	4,327	2,633	1,250	4,351	9.95%	-0.55%
Traffic	9,268	17	9,372	10,733	15	10,723	-13.65%	-12.60%
Juvenile	293	229	443	311	253	502	-5.79%	-11.75%
Total	16,511	2,925	19,441	17,542	2,419	19,780	-5.88%	-1.71%

EC DISTRICT COURT CASELOAD – FOR CALENDAR YEARS 2011 & 2010

CASE FILINGS/ DISPOSITIONS	2011			2010			2011/2010	
	Filed	Reopen	Disp. Filed	Filed	Reopen	Disp. Filed	Change in Filings	Change in Dispositions
Civil	6,568	2,666	8,733	7,017	2,055	8,620	-6.40%	1.31%
Small Claims	1,347	89	1,374	1,320	72	1,383	2.05%	-0.65%
Criminal	5,071	873	6,900	5,012	815	6,711	1.18%	2.82%
Traffic	14,169	16	14,242	12,868	17	12,975	10.11%	9.76%
Juvenile	813	217	999	829	195	996	-1.93%	0.30%
Total	27,968	3,861	32,248	27,046	3,154	30,685	3.41%	5.09%

SE DISTRICT COURT CASELOAD – FOR CALENDAR YEARS 2011 & 2010

CASE FILINGS/ DISPOSITIONS	2011			2010			2011/2010	
	Filed	Reopen	Disp. Filed	Filed	Reopen	Disp. Filed	Change in Filings	Change in Dispositions
Civil	3,499	1,349	4,563	3,580	1,139	4,081	-2.26%	11.81%
Small Claims	615	11	615	660	17	694	-6.82%	-11.38%
Criminal	3,037	875	4,515	3,118	713	4,137	-2.60%	9.14%
Traffic	12,089	23	12,231	12,330	17	12,097	-1.95%	1.11%
Juvenile	155	94	222	192	78	234	-19.27%	-5.13%
Total	19,395	2,352	22,146	19,880	1,964	21,243	-2.44%	4.25%

SC DISTRICT COURT CASELOAD – FOR CALENDAR YEARS 2011 & 2010

CASE FILINGS/ DISPOSITIONS	2011			2010			2011/2010	
	Filed	Reopen	Disp. Filed	Filed	Reopen	Disp. Filed	Change in Filings	Change in Dispositions
Civil	6,750	2,399	8,786	6,883	2,862	9,433	-1.93%	-6.86%
Small Claims	730	19	737	735	33	765	-0.68%	-3.66%
Criminal	5,479	1,999	8,272	5,220	3,168	8,392	4.96%	-1.43%
Traffic	20,786	25	20,821	19,656	39	19,547	5.75%	6.52%
Juvenile	512	267	644	552	383	893	-7.25%	-27.88%
Total	34,257	4,709	39,260	33,046	6,485	39,030	3.66%	0.59%

SW DISTRICT COURT CASELOAD – FOR CALENDAR YEARS 2011 & 2010

CASE FILINGS/ DISPOSITIONS	2011			2010			2011/2010	
	Filed	Reopen	Disp. Filed	Filed	Reopen	Disp. Filed	Change in Filings	Change in Dispositions
Civil	2,440	649	2,915	2,023	748	2,749	20.61%	6.04%
Small Claims	178	10	213	219	6	205	-18.72%	3.90%
Criminal	2,250	529	2,957	2,087	582	2,545	7.81%	16.19%
Traffic	11,121	28	11,184	10,345	24	10,327	7.50%	8.30%
Juvenile	98	55	138	72	59	129	36.11%	6.98%
Total	16,087	1,271	17,407	14,746	1,419	15,955	9.09%	9.10%

NW DISTRICT COURT CASELOAD – FOR CALENDAR YEARS 2011 & 2010

CASE FILINGS/ DISPOSITIONS	2011			2010			2011/2010	
	Filed	Reopen	Disp. Filed	Filed	Reopen	Disp. Filed	Change in Filings	Change in Dispositions
Civil	6,303	1,693	7,190	6,409	1,848	8,019	-1.65%	-10.34%
Small Claims	503	19	526	606	18	619	-17.00%	-15.02%
Criminal	7,390	2,109	9,639	5,581	4,830	9,262	32.41%	4.07%
Traffic	18,977	37	18,671	17,806	44	17,895	6.58%	4.34%
Juvenile	352	236	489	391	308	696	-9.97%	-29.74%
Total	33,525	4,094	36,515	30,793	7,048	36,491	8.87%	0.07%



JUVENILE COURT OVERVIEW

JUVENILE COURTS IN NORTH DAKOTA ARE A DIVISION OF THE DISTRICT COURT AND HAVE EXCLUSIVE AND ORIGINAL JURISDICTION OVER ANY MINOR WHO IS ALLEGED TO BE UNRULY, DELINQUENT, OR DEPRIVED. The responsibility for supervising and counseling juveniles who have been brought into court lies within this division of the District Courts. Juvenile cases may be heard by District Court judges or by judicial referees assigned by the presiding judge in their district.

Virtually every case has contact with a juvenile court officer at some point. Juvenile court officers screen law enforcement, school, and agency referrals, determining how they should be processed, making detention or emergency shelter care decisions on some of them, preparing court recommendations on those that proceed to the formal courts, and processing the vast majority of the cases via an informal adjustment conference. Informal adjustment offers an opportunity to admit the charge and accept conditions of probation with no formal charges or conviction being entered.

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

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

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

JUVENILE COURT MISSION STATEMENT

IN CARRYING OUT THE MISSION OF BALANCED AND RESTORATIVE JUSTICE, NORTH DAKOTA JUVENILE COURT IS TO PROMOTE PUBLIC SAFETY, HOLD JUVENILE OFFENDERS ACCOUNTABLE, AND INCREASE THE CAPACITY OF JUVENILES TO CONTRIBUTE PRODUCTIVELY TO THEIR COMMUNITY. IN CARRYING OUT THIS MISSION, THE COURTS WILL EMPOWER VICTIMS AND ENCOURAGE COMMUNITY PARTICIPATION AND PARENTAL RESPONSIBILITY.

JUVENILE CASELOAD DATA

The 2011 data shows a decrease in juvenile offenses statewide. Overall referrals show a decrease of 9 percent after decreasing 5 percent from 2009 to 2010. Offenses against persons made up 7 percent of the juvenile court referrals, while status offenses (offenses which only a child can commit) made up 36 percent. Property offenses comprised 21 percent; traffic offenses 4 percent; deprivation 10 percent; and other delinquency 36 percent of the juvenile caseload.

Based on primary charges, the largest percentage (38 percent) of juvenile charges are disposed of through the informal adjustment process; 19 percent of the cases are diverted out of the court to a private agency or program; and only 12 percent of juvenile charges were formally processed through the court system.

2011 JUVENILE CASELOAD BY PRIMARY CHARGE

Judicial District	Diversion	Informal Adjustment	Formal Petition	Lack of Jurisdiction	Declined Prosecution	2011 Total
East Central	212	504	328	6	437	1,487
Northeast	44	338	74	4	210	670
NE Central	51	359	89	10	174	683
Northwest	166	450	82	11	428	1,137
South Central	757	470	194	9	642	2,072
Southeast	40	472	42	1	131	686
Southwest	96	137	39	3	116	391
TOTAL	1,366	2,730	848	44	2,138	7,126
Percent of total	19 %	38%	12%	1%	30%	

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

1. Diversion—referred to a private agency or program.
2. Informal adjustment—juvenile court intervention with no formal charge or conviction entered.
3. Formal—charges are filed in the district court and the case proceeds through the court system.
4. Lack of jurisdiction—due to either a lack of statutory authority over the person or the subject matter context of the case, no action is taken on the referral.
5. Declined prosecution—the State’s Attorney’s office declines to file charges after receiving a referral.

“SCIENTIFIC RESEARCH HAS GIVEN US NEW INSIGHTS INTO HOW ADOLESCENTS THINK, HOW A JUVENILE IS IMPACTED BY EXPERIENCE, AND HOW WE ASSESS WHAT IS HAPPENING. THESE ADVANCES GIVE US ADDITIONAL TOOLS TO DEAL WITH THE PROBLEMS JUVENILES FACE, AND WE NEED TO LEARN TO USE THOSE TOOLS.”

– CHIEF JUSTICE VANDEWALLE
IN HIS OPENING ADDRESS AT
THE 2011 NORTH DAKOTA
CONFERENCE ON
JUVENILE JUSTICE

REASONS FOR REFERRAL TO JUVENILE COURT SERVICES - 2010 AND 2011

		2011	2010	% Change	% of Total	
FAMILY	Runaway (instate resident)	436	522			
	Runaway (out-of-state resident)	7	7			
	Truancy	232	192			
	Ungovernable Behavior	590	637			
	Curfew	195	278			
	Other Unruly	1	5			
	Total Family	1,461	1,641	-11%	21%	
DELINQUENCY	Offenses Against Persons:					
	Assault	370	378			
	Terrorizing-Stalking-Menacing	50	65			
	Homicide (negligent)	-	1			
	Kidnapping	-	-			
	Other Offenses Against Persons	22	11			
	Sex Offenses	43	57			
		Subtotal - Persons Crime	485	512	-5%	7%
	Offenses Against Property:					
	Arson/Fire Related	1	7			
	Burglary	84	59			
	Criminal Mischief/Vandalism	255	274			
	Criminal Trespass	105	164			
	Forgery	7	7			
	Other Property Offenses	41	47			
	Possession of Stolen Property	36	52			
	Robbery	1	4			
	Shoplifting	371	466			
	Theft	555	548			
		Subtotal - Property Crimes	1,456	1,628	-11%	21%
	Traffic Offenses:					
	DUI/Physical Control	41	59			
	Driving without License	87	99			
	Other Traffic	121	154			
		Subtotal - Traffic	249	312	-20%	4%
	Other Offenses:					
	Check Offenses	2	4			
City Ordinances	26	15				
Disorderly Conduct	612	739				
Weapons	22	18				
Game and Fish	30	30				
Obstruction	2	3				
Other Public Order	150	222				
Possession/Purchase Alcohol	980	1,161				
Controlled Substance - Possession	580	522				
Controlled Substance - Delivery	31	22				
Tobacco	34	33				
	Subtotal - Other	2,469	2,769	-11%	36%	
	TOTAL DELINQUENCY	4,659	5,221	-11%	68%	
DEPRIVATION	Abandonment	-	-			
	Abuse/Neglect	14	10			
	Deprived	648	599			
		Subtotal - Deprived	662	609	9%	10%
SPEC. PROCEEDING	Termination of Parental Rights (Involuntary)	65	48			
	Termination of Parental Rights (Voluntary)	35	30			
	Other Special Proceeding	-	-			
		Subtotal - Special Proceeding	100	78	28%	1%
TOTAL		6,882	7,549	-9%		

DRUG COURTS

North Dakota Juvenile Drug Courts Continue Success

In 2011, the North Dakota Juvenile Drug Court Program marked its 11th year in operation. An Upper Midwest Drug Court Conference was held in October, attracting drug court teams of judges, defense counsel, prosecutors, law enforcement, probation officers, school representatives, treatment providers, and administrative staff.

Juvenile Drug Courts are located in Fargo, Grand Forks, Bismarck, Minot, Williston, and Devils Lake. Since its inception in May 2000, there have been 445 participants in the program. Forty-three percent of those graduated, 50 percent were terminated for noncompliance and further offenses, 6 percent are currently active, and 2 percent were suspended for various reasons.

Following is the 2011 statewide data for the Juvenile Drug Courts:

- 24 graduations
- 20 terminations
- 27 female participants
- 45 male participants
- 58 Caucasian participants
- 1 Hispanic participant
- 3 African American participants
- 10 Native American participants
- 72 total program participants
- 25 participants currently active
- 2,810 community service hours completed

“WE’RE HOLDING THE KIDS’ FEET TO THE FIRE. IT IS IMPORTANT FOR YOUNG PEOPLE TO HAVE THAT IMMEDIATE CONSEQUENCE— TO BE HELD ACCOUNTABLE FOR THE DECISIONS THEY MAKE RIGHT AWAY, NOT A MONTH OR TWO MONTHS DOWN THE ROAD.”

— JUDGE KAREN BRAATEN,
NORTHEAST JUDICIAL DISTRICT,
IN AN INTERVIEW ON JUVENILE
DRUG COURT FOR HIGHRISKHIGH.
ORG, A MULTI-MEDIA PROJECT OF
PRAIRIE PUBLIC.

CUMULATIVE JUVENILE DRUG COURT TOTALS

Court Location	Year Started	Participant # to Date
Fargo	May 2000	148
Grand Forks	May 2000	162
Bismarck	October 2003	90
Minot	January 2007	28
Williston	January 2008	11
Devils Lake	January 2009	13

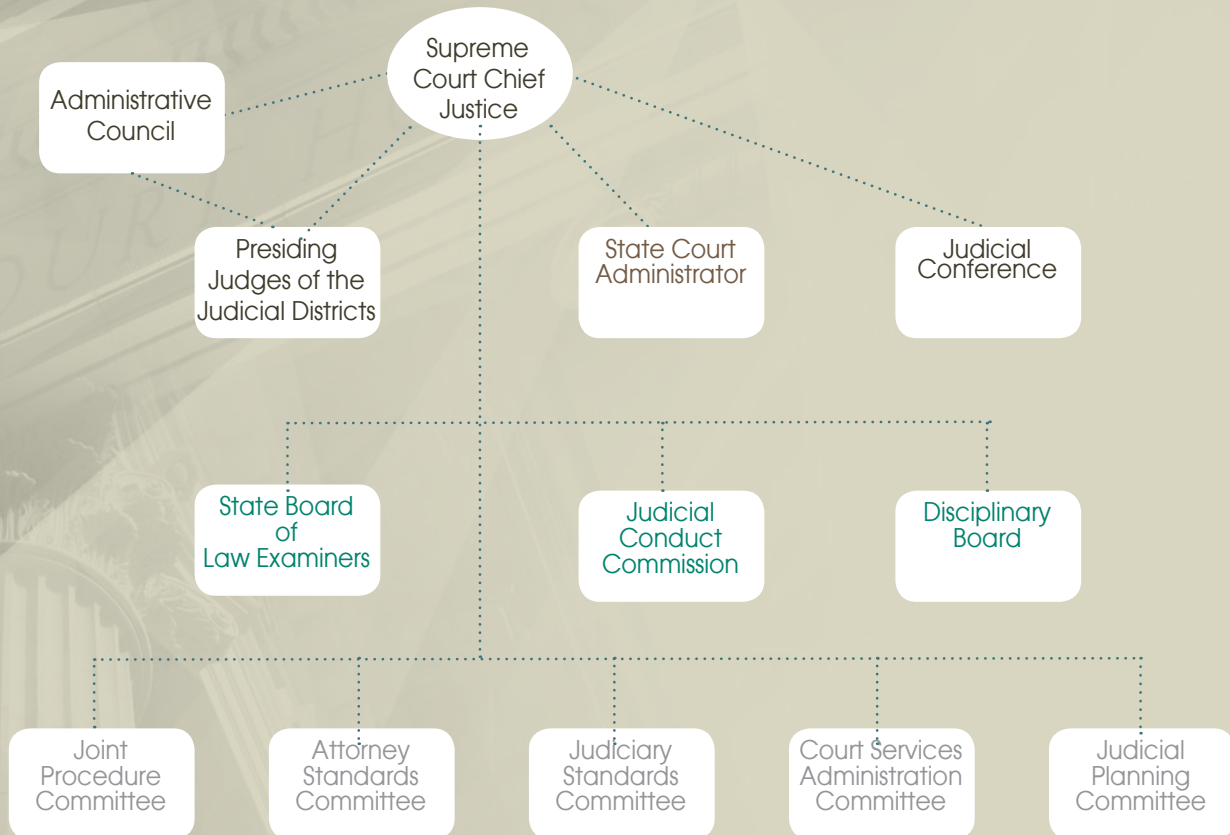


COURT ADMINISTRATION

ADMINISTRATION OF THE JUDICIAL SYSTEM

ULTIMATE RESPONSIBILITY FOR THE EFFICIENT AND EFFECTIVE OPERATION OF THE JUDICIAL SYSTEM RESIDES WITH THE SUPREME COURT. The Constitution establishes the Chief Justice's administrative responsibility for the judicial system. To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, Supreme Court clerk, directors, staff attorneys, presiding judges, and various advisory committees, commissions, and boards.

ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA COURT SYSTEM.



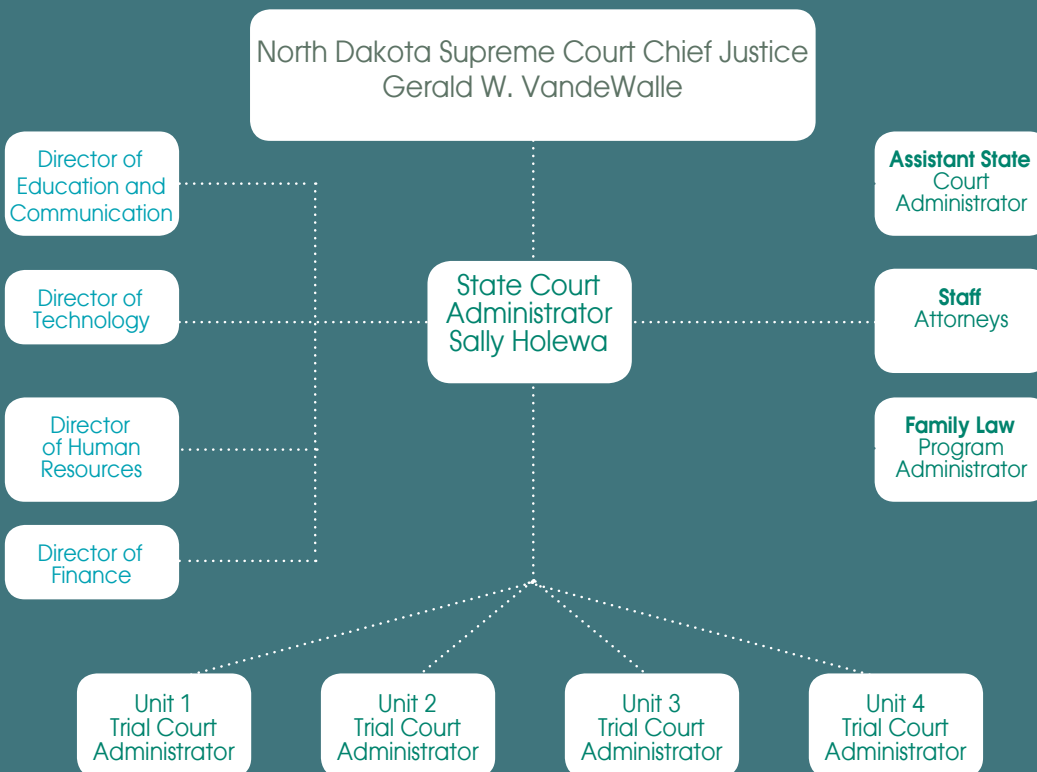
COURT ADMINISTRATION

OFFICE OF STATE COURT ADMINISTRATOR

Article VI, Section 3, of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications, and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation and administration of the judicial budget, providing for judicial education services, coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system. The Assistant State Court Administrator for Trial Courts and trial court administrators in each unit assist the state court administrator. Also assisting are directors and personnel who work in finance, general counsel, human resources, technology, and judicial education.

A directory for the State Court Administrator's Office can be found at www.ndcourts.gov/court/email/frAdmin.htm.

NORTH DAKOTA ADMINISTRATIVE OFFICE OF THE COURT



“NOWHERE IS THERE A PLACE FOR THE NORTH DAKOTA COURT SYSTEM TO TELL ITS STORY, TO SHARE ITS HISTORY OR TO EXPLAIN THE ROLE OF THE COURTS IN INTERPRETING LAWS. AS WE ENVISION IT, AN INTERACTIVE EDUCATIONAL AREA COULD TELL THE STORY OF NORTH DAKOTA COURTS FROM TERRITORIAL DAYS THROUGH THE PRESENT THROUGH THE USE OF MULTIMEDIA DISPLAYS.”

- SALLY HOLEWA, STATE COURT ADMINISTRATOR, EXPLAINING ONE OF THE COURT SYSTEM'S NEEDS FOR ADDITIONAL SPACE AT THE CAPITOL.



Trial Court Administrators

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

Assistant Trial Court Administrators

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

Clerks of Court

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

Director of Juvenile Court Services

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

2011 TRIAL COURT ADMINISTRATION

Administrative Unit 1

Trial Court Administrator – Dennis Herbeck
Assistant Trial Court Administrator – Kimberly D. Nelsen
Director of Juvenile Court – Deborah Carlson

Administrative Unit 2

Trial Court Administrator – Rod Olson
Assistant Trial Court Administrator – Chris Iverson
Director of Juvenile Court – Karen Kringlie

Administrative Unit 3

Trial Court Administrator – Donna Wunderlich
Assistant Trial Court Administrator – Ross Munns
Director of Juvenile Court – Cory Pedersen

Administrative Unit 4

Trial Court Administrator – Carolyn Probst
Director of Juvenile Court – Scott Hopwood

PRESIDING JUDGES

EACH OF THE SEVEN JUDICIAL DISTRICTS HAS A PRESIDING JUDGE. EACH PRESIDING JUDGE IS ELECTED BY THE JUDGES WITHIN THEIR DISTRICT. THE PRESIDING JUDGE IS THE CHIEF ADMINISTRATIVE OFFICER OF ALL COURTS IN THE DISTRICT AND IS RESPONSIBLE FOR ALL COURT SERVICES WITHIN THE GEOGRAPHICAL AREA OF THE JUDICIAL DISTRICT. THE PRESIDING JUDGE PROVIDES LEADERSHIP WITHIN HIS OR HER JUDICIAL DISTRICT.

2011 Presiding Judges

Northeast Judicial District
Judge Donovan Foughty

Northeast Central Judicial District
Judge Sonja Clapp

East Central Judicial District
Judge Frank Racek

Southeast Judicial District
Judge JoÛ Paulson

South Central Judicial District
Judge Gail Hagerty

Southwest Judicial District
Judge William Herauf

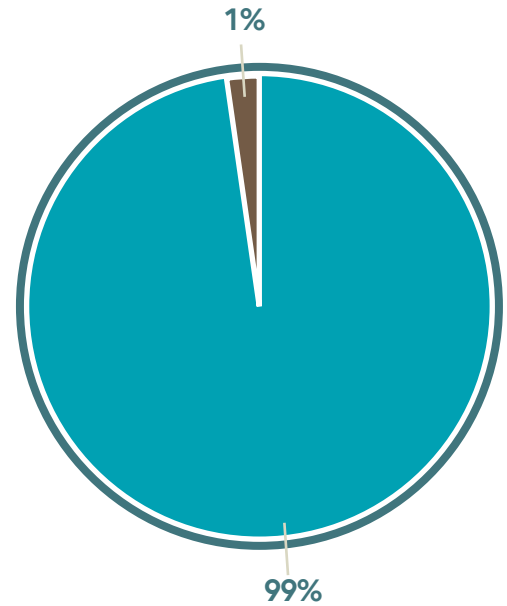
Northwest Judicial District
Judge William McLees



JUDICIAL PORTION OF THE STATE BUDGET
 2011-2013 BIENNIUM
 JULY 1, 2011 - JUNE 30, 2013

Total State General and Special Funds Appropriation
\$9,924,481,379

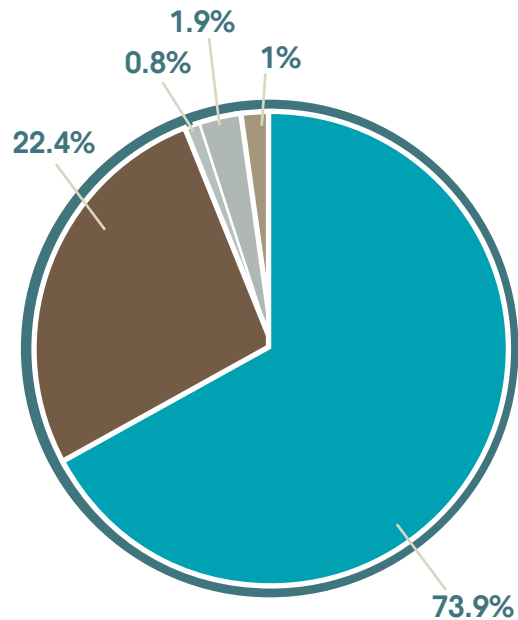
- Executive And Legislative Branch General And Special Funds Appropriation
\$9,838,816,743 (99%)
- Judicial Branch General and Special Funds Appropriation
\$85,664,636 (1%)



STATE JUDICIAL BRANCH APPROPRIATION
 BY APPROPRIATED LINE ITEM
 2011-2013 BIENNIUM

Total State General and Special Funds Appropriation
\$85,664,636

- Salaries and Benefits
\$63,332,795 (73.9%)
- Operating Expenses
\$19,173,640 (22.4%)
- Mediation
\$869,664 (1.0%)
- Capital Assets
\$ 701,480 (.8%)
- Special Purposes
\$1,587,057 (1.9%)



STATE JUDICIAL BRANCH APPROPRIATION
BY TYPE OF ACTIVITY
2011-2013 BIENNIUM

Supreme Court

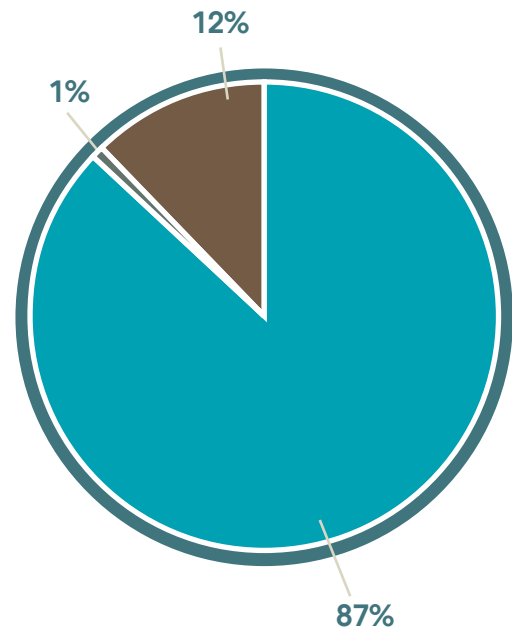
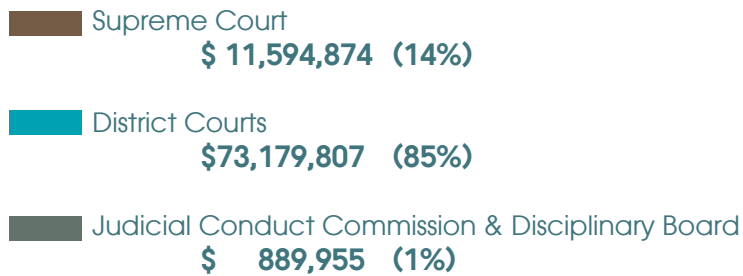
General Fund	\$ 11,594,874
Special Funds	-
TOTAL	\$ 11,594,874 (14%)

District Courts

General Fund	\$71,323,032
Federal Funds	1,856,775
TOTAL	\$73,179,807 (85%)

Judicial Conduct Commission & Disciplinary Board

General Fund	\$ 564,456
Special Funds	325,499
TOTAL	\$ 889,955 (1%)





COMMITTEES, COMMISSIONS AND BOARDS

WITHIN THE NORTH DAKOTA COURT SYSTEM, A SYSTEM OF COMMITTEES, COMMISSIONS, BOARDS, AND COUNCILS HAS BEEN ESTABLISHED TO DEVELOP NEW IDEAS AND EVALUATE PROPOSALS FOR IMPROVING PUBLIC SERVICES AND TO RECOMMEND POLICY AND BEST PRACTICES FOR THE JUDICIAL SYSTEM. Citizens, legislators, lawyers, district court judges, municipal court judges, court personnel and members of the Supreme Court serve on these committees.

Committee agendas and minutes are located at www.ndcourts.gov/committees/committees.htm.

NORTH DAKOTA COURT SYSTEM COMMITTEES, COUNCILS, COMMISSIONS AND BOARDS

Administrative Council

The Administrative Council is established by Administrative Rule 22. Duties of the Council are to develop uniform administrative policies and procedures for the trial courts and juvenile courts and make recommendations for their implementation; to review the biennial budget proposals submitted by the trial court administrators for their respective administrative units; to review and approve for submission to the Supreme Court a proposed trial court component of the unified judicial system budget for each biennium; to monitor trial court budget expenditures; and to perform other duties as directed by the Chief Justice.

Judicial Planning Committee

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

Joint Procedure Committee

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

Informal Complaint Panel

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

Joint Committee on Attorney Standards

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

Judiciary Standards Committee

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

Court Services Administration Committee

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

Committee on Tribal and State Court Affairs

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

Gender Fairness Implementation Committee

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

Personnel Policy Board

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

Court Technology Committee

The Court Technology Committee is established by Administrative Order and is responsible for the planning and implementation of information technology for the judicial system. The Committee's coordinated efforts are responsible for consistent and efficient management of information technology resources.

Jury Standards Committee

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

North Dakota Judicial Conference

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

Committee on Legislation

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

Advisory Commission on Cameras in the Courtroom

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

Pattern Jury Instruction Commission

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

Commission on Judicial Branch Education

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

Juvenile Policy Board

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

Court Improvement Project Committee

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

Parenting Investigator Review Board

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

JUDICIAL CONDUCT COMMISSION

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

The Commission consists of four non-lawyers, two judges, and one lawyer. The non-lawyers are appointed by the Governor; the judges are appointed by the North Dakota Judges Association; and the lawyer member is appointed by the State Bar Association.

(http://www.ndcourts.gov/court/committees/Jud_Cond/Commission.asp)

Of the new complaints filed in 2011:

- 53 were against 27 District Court Judges
- 15 were against 5 Supreme Court Justices
- 6 were against 2 Municipal Judges
- 4 were against 1 Judicial Referee

New Complaints Opened in 2011	78
General Nature of Complaints:	
Abuse of authority/prestige	1
Administration irregularity	1
Bias, discrimination/partiality	9
Conflict of interest	4
Improper conduct on bench	3
Improper decision/ruling	29
Delay court business	4
No specific allegations	11
Corruption bribery	12
Other	4
Complaint Files Carried Over from 2010	9
Total Files Pending Consideration in 2011	87
Disposition of Complaints:	
Formal Proceedings	4
Summarily Dismissed	71
Total 2011 Dispositions	75
Complaint Files Pending as of 12/31/2011	12

STATE BOARD OF LAW EXAMINERS

The State Board of Law Examiners assists the Supreme Court in its constitutional responsibility to regulate the admission to practice, and administers the licensing process.

It was a record setting year for the admission and licensing of attorneys in 2011.

- 2273 licenses were issued.
- 186 attorneys were admitted.
- 148 motions for admission based on practice (98) or test score (50) were filed.
- 214 nonresident attorneys appeared in North Dakota courts under Rule 3, Admission to Practice Rules; with \$81,320 collected in pro hac vice fees.
- 27 temporary licenses were approved.

While the number of applicants taking the exam continues to increase, the numbers remain below those in the early 1980s. It is anticipated the Uniform Bar Examination (UBE), which was first given as the North Dakota Bar Examination in February 2011, will impact the number of examinees. The UBE allows applicants to carry their test score to other jurisdictions and apply for admission without taking another examination.

In 2011, board members were Paul F. Richard of Sanford Health in Fargo; Alice R. Senechal of the Robert Vogel Law Office in Grand Forks; and Lawrence King of Zuger Kirmis and Smith in Bismarck. Mr. Richard serves as Chairman of the Board.

PASSAGE RATES FOR THE FEBRUARY AND JULY 2011 NORTH DAKOTA BAR EXAMINATIONS

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
02/11	22	20/91%	9	6/67%
07/11	68	55/81%	48	37/77%

DISCIPLINARY BOARD

The lawyer disciplinary process, with the Disciplinary Board at the center, provides a procedure for investigating, evaluating and acting upon complaints alleging unethical conduct by attorneys licensed in North Dakota. The Rules of Professional Conduct are the primary guide for lawyer conduct, and the North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints.

Information about how a complaint is processed can be found at http://www.ndcourts.gov/court/committees/disc_brd/Information.htm.

The Disciplinary Board has ten members—three non-lawyer members and seven lawyers. The non-lawyer members

are appointed from around the state by the Supreme Court from a list submitted by the State Bar Association, the Attorney General, and the State Judges Association. One lawyer member is appointed by the Supreme Court from each of the seven judicial districts. All members are unpaid volunteers. Lolita Romanick of Grand Forks served as Chair of the Board in 2011.

In 2011, the Board began reviewing the formal hearing process and the scheduling of hearings. Hearing panels will use scheduling orders, and pre-selected hearing dates in an effort to speed up the process.

Following is a summary of complaint files under consideration in 2011.

New Complaints Opened in 2011	189
General Nature of Complaints:	
Client Funds & Property	5
Conflict of Interest	11
Criminal Convictions	2
Disability/Incapacity to Practice Law	0
Excessive Fees	1
Failure to Communicate/Cooperate with Client	12
Improper Conduct	101
Incompetent Representation	39
Misappropriation/Fraud	2
Neglect/Delay	11
Petition for Reinstatement	1
Unauthorized Practice of Law	4
Reciprocal Discipline	0
TOTAL - New Complaints	189
Formal Proceedings Pending From Prior Years	41
Other Complaint Files Pending From Prior Years	94
Appeals Filed with Disciplinary Board in 2011	22
Appeals Filed with Supreme Court in 2011	0
TOTAL Filed for Consideration in 2011	**346
Disposition of Complaint Files:	
Dismissed by Inquiry Committees	86
Dismissed Without Prejudice by Inquiry Committees	0
Summary Dismissals by Inquiry Committees	63
Admonitions Issued by Inquiry Committees	4
Consent Probation by Inquiry Committees	2
Referred to Lawyer Assistance Program By Inquiry Committee or Hearing Panel	2
Disciplinary Board Approves IC Dismissal	35
Disciplinary Board Disapproves IC Disposition	0
Disciplinary Board Approves IC Admonition	2
Disciplinary Board Approves Consent Probation	1
Dismissal by Hearing Panel	1
Reprimand by Hearing Panel	1
Consent Probation by Hearing Panel	2
Reprimand by Supreme Court	*2
Reinstatement by Supreme Court	1
Suspensions by Supreme Court	3
Barred from Practice in ND/Not Admitted in ND	1
Disbarments by Supreme Court	0
Transfer to Disability Status by Supreme Court	0
Interim Suspensions by Supreme Court	1
Formal Proceedings Pending 12/31/11	50
Other Complaint Files Pending 12/31/11	90
TOTAL - Dispositions	**347

*2 files result in the reprimand of one attorney by the Supreme Court.

**Number includes multiple appeals in 1 file, Referral to Lawyer Assistance Programs in 2 files, and 1 interim suspension by the Supreme Court.