



2012

NORTH DAKOTA COURT SYSTEM ANNUAL REPORT

Equal Access Fair Timely Service

Justice Resolution Leadership Outreach Collaboration

Justice Resolution Leadership

Engagement Accountability Honor Respect Efficient Rights Due Process Equal Access

Outreach Collaboration

Fair Timely Service Justice Resolution Leadership Outreach Collaboration Engagement

Engagement Accountability

Accountability Honor Respect Efficient Rights Due Process Equal Access Fair Timely

Honor Respect Efficient Rights

Service Justice Resolution Leadership Outreach Collaboration Engagement

Due Process

Accountability Honor Respect Efficient Rights Due Process Equal Access Fair Timely

Service

Acc

Service

Accountability

“THE JUDICIAL BRANCH HAS NEITHER
THE POWER OF THE SWORD NOR THE
PURSE BUT INSTEAD MUST RELY ON
THE RESPECT OF THE PEOPLE IN
ORDER TO CARRY OUT ITS DUTIES.”

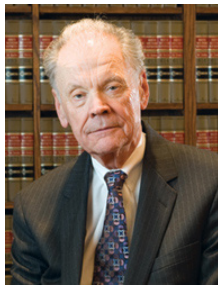
— Chief Justice Gerald VandeWalle



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

In my message to the Legislature in January, 2013, I noted that access to the courts and the ability to participate in one's own case are key concepts in delivering justice. Several court initiatives address the issues of access and fairness and will continue to shape the North Dakota Court System as we move into the future.

The Task Force to Study Racial and Ethnic Bias in the Courts completed its initial investigation in 2012. Despite our efforts to ensure that we have a fair and impartial justice system, there is a perception of bias in the courts. Some of this may be a result of national controversies, some is obviously local. As our economy grows our population becomes more diversified. We need to be aware and understand what that means to the court system. The next step is to begin implementing the recommendation of the task force to create a more impartial system.

Five years ago, we started a mediation pilot program to address the needs of families going through child custody proceedings. This program is available everywhere in the state and is allowing rural, low-income, minority, and self-represented people access to mediation they would not have otherwise. It has proven to be a well accepted program, with an 87 percent user satisfaction rate and a success rate that exceeded our expectations. The court is considering building on the success of this mediation program by expanding it to family and probate cases on appeal. Our goal is to minimize family conflict, to encourage shared decision-making, and to support healthy relationships and communication among family members.

The Court is moving forward on guardianship and elder issues. I plan to establish an interdisciplinary network of stakeholders to make recommendations for improvements and to assist in implementing best practices in this area. Our goal in establishing this network is to create a mechanism for all the entities who work with the elderly to work together to make a better system for the aged. As our elder population increases, these issues require our continuing attention.

We are also looking at ways to assist self-represented litigants. Every year, more people come to court without an attorney either by choice or because they are unable to afford one. Too often these individuals are confused by the court process and are unable to proceed, requiring paperwork to be redone and hearings to be

reset. This causes a great deal of frustration for the person and for the court. To confront this issue, we are proposing a new Citizen Access Coordinator position that will work under the auspices of the state law library and provide procedural advice and education to self-represented litigants.

To address the attorney shortage in the state's rural counties, the court system is partnering with the University of North Dakota Law School to create three summer internships for law students. These internships will be with judges chambered in communities with a population of 15,000 or less. We hope that this opportunity will show new lawyers the benefits of living and working in a small community and the satisfaction that can be found there.

I would be remiss in this report without mentioning the impact of oil activity on the court system. We know that there have been increased caseloads throughout the Northwest and Southwest Judicial Districts and we anticipate that they will continue to increase in number as the oil boom continues and the area affected continues to spread. To help measure and understand the impact, we updated the statewide workload assessments for judges and clerks of court in 2012. These assessments gave us a starting point for determining what additional resources the court needs and where they should be located. The assessments also ensured that we did not lose focus of the needs of the entire court system. Those needs, including three new judgeships and new employee positions, were addressed in the court's 2013-2015 budget request to the 63rd Legislature. With their assistance we believe our judicial system will be ready to meet the challenge of delivering judicial services in a growing economy.

This annual report provides statistical data on case filings, dispositions, budgets, and appropriations in 2012. However, it does not capture the time judges, court personnel, and our judicial partners have spent studying and reviewing our court system to better prepare us for the future and to better address the needs of the citizens of North Dakota.



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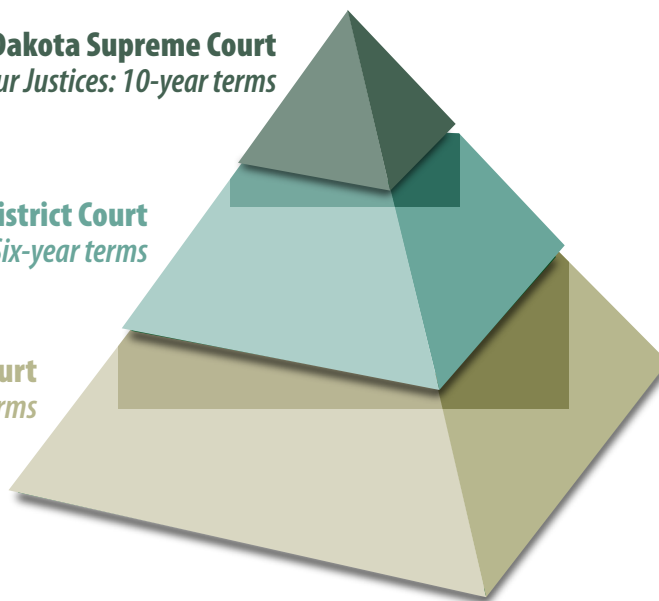


NORTH DAKOTA COURTS

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 to fill the term for two years, when the person must then run for election.

Each Justice must be a licensed attorney and a citizen of the United States and North Dakota. One member of the Supreme Court is selected as Chief Justice by the Justices of the Supreme Court and the District Court Judges. The Chief Justice's term is for five years or until the Justice's elected term on the court expires. The Chief Justice's duties include presiding over Supreme Court arguments and conferences, representing the judiciary at official state functions, and serving as the administrative head of the court 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.



NORTH DAKOTA SUPREME COURT

2012 Caseload Highlights

- The Supreme Court's caseload increased by 21% in 2012. There was a 21% increase in civil findings and a 22% increase in criminal filings.
- Appeals in family related cases decreased to 17.5 % 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 7% of the civil caseload, which is a decrease. Cases having oil and gas issues are impacting the workload of the Supreme Court and have arisen in real property cases, family law, probate and other case types.
- Appeals of drug related offenses and driving under the influence accounted for 33% of the criminal caseload, which is an increase over last year. Appeals of sexual offenses accounted for 13% of the criminal caseload, which is a decrease. Appeals in post-conviction relief matters, which are by statute civil, once again increased in 2012 and were 16% of the civil caseload. The criminal caseload and appeals from applications for post-conviction relief account for 43% of the Supreme Court's caseload.
- In 23% of the cases filed in 2012, at least one party was self-represented.
- Oral arguments were scheduled in 238 cases, a decrease over last year, with approximately 31% 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 52 majority opinions, with another 73 separate concurrences and/or dissents written. A significant amount of the Justices' time was also spent considering rule amendments.
- The most appeals originated from the South Central Judicial District, followed by the Northwest, East Central, Southeast, Northeast Central, Northeast, and Southwest Judicial Districts.
- Of the 592 briefs filed in 2012, 60% were electronically filed; 56% of the appendices were electronically filed under North Dakota Supreme Court Administrative Order 14.



NORTH DAKOTA SUPREME COURT

Caseload Synopsis of the Supreme Court For the 2012 and 2011 Calendar Years

	2012	2011	Percent Difference
New Filings	442	364	21.4
Civil	302	249	21.3
Criminal	140	115	21.7
Dispositions	477	362	31.8
Civil	323	221	46.2
Criminal	154	141	9.2
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0

Case Dispositions- 2012

	Civil	Criminal
BY OPINION:		
Affirmed; Affirmed & Modified	89	44
Reversed; Reversed & Remanded;	34	5
Affirmed in Part & Reversed in Part	14	11
Affirmed by Summary Disp.	63	35
Dismissed	7	2
Discipline Imposed	25	0
Original Jurisdiction--Denied	3	0
Original Jurisdiction--Granted	0	3
Dispositions by Opinion	235	100
BY ORDER:		
Dismissed	78	52
Original Jurisdiction--Denied	6	2
Original Jurisdiction—Granted	4	0
Dispositions by Order	88	54
Total Dispositions for 2012	323	154



NORTH DAKOTA SUPREME COURT

Public Outreach

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

Committee Service

The Supreme Court Justices also serve through their involvement on committees. In 2012, 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, Judicial Conference and the Juvenile Drug Court Advisory Committee. In addition, the justices served as members on Juvenile Policy Board, Personnel Policy Board, and the Committee on Tribal and State Court Affairs.





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.



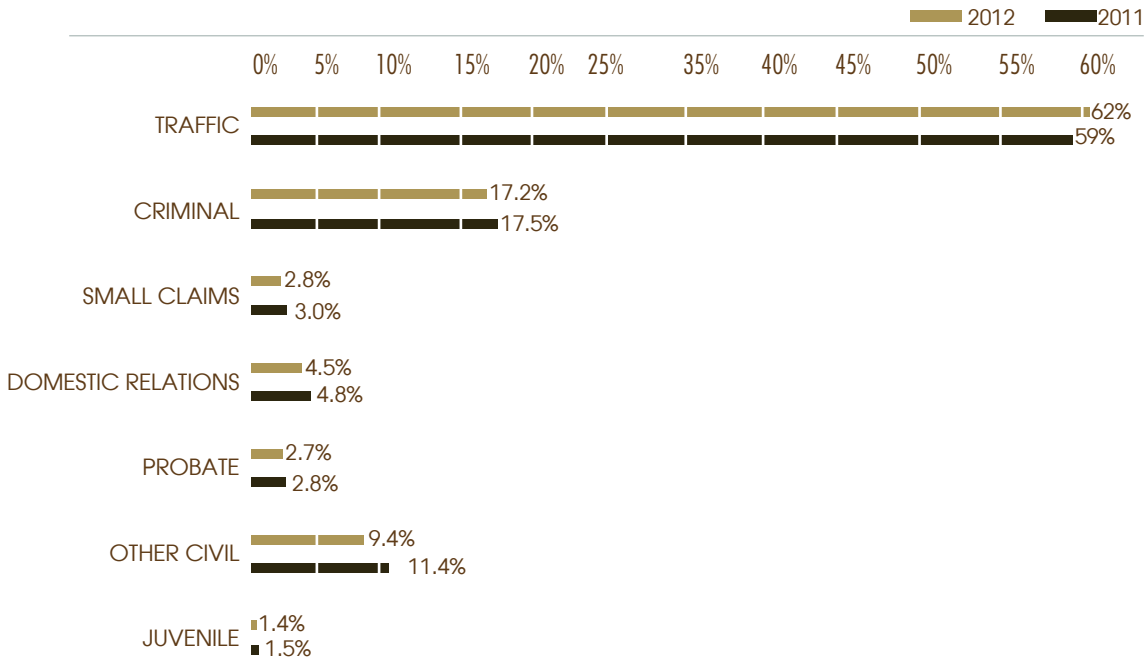


NORTH DAKOTA DISTRICT COURTS

Total District Court Caseload for calendar years 2012 & 2011

CASE FILINGS/ DISPOSITIONS	2012			2011			2012/2011	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	30,932	10,707	40,193	31,652	11,550	40,863	-2.27%	-1.64%
Small Claims	5,123	231	5,404	5,028	178	5,277	1.89%	2.41%
Criminal	31,924	10,304	45,175	29,311	8,684	41,820	8.91%	8.02%
Traffic	115,387	188	115,879	98,705	171	98,912	16.90%	17.15%
Juvenile	2,616	1,288	3,510	2,469	1,247	3,303	5.95%	6.27%
Total	185,982	22,718	210,161	167,165	21,830	190,175	11.26%	10.51%

Types of Cases Filed in District Court - 2012 & 2011



Jury Trials by Judicial District for 2012

District	2012
East Central	29
Northeast	13
Northeast Central	20
Northwest	59
South Central	97
Southeast	37
Southwest	13
Total	268

Based on jury trials paid



NORTH DAKOTA DISTRICT COURTS

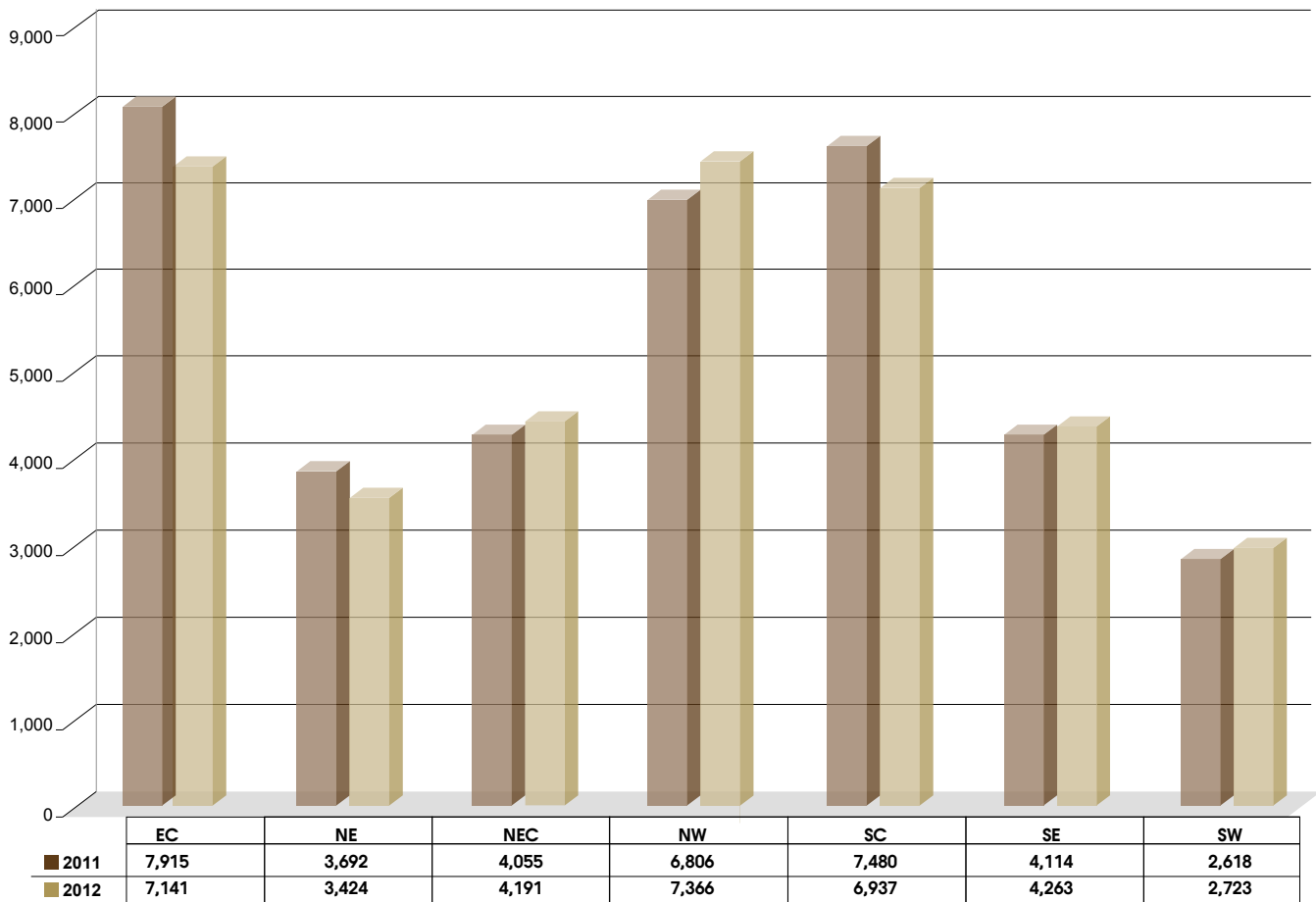
Civil Caseload

Civil filings decreased by 1.7 percent in 2012 compared to 2011 with total case filings of 36,055. Small claims cases increased by 1.9 percent, domestic relations cases increased by 4.8 percent, probate/guardianship cases increased by 8.1 percent, and other civil cases decreased by 7.7 percent in 2012.

There were 8,345 domestic relations case filings in 2012, consisting of the following: support proceedings (33 percent); divorce (29 percent); protection/retraining orders (23 percent); paternity (5 percent); adoption (4 percent); parenting responsibility filings (5 percent) and termination of parental rights (less than 1 percent).

Contract/collection (34 percent) and civil commitment (4 percent) cases account for the majority of the 17,678 other civil case types. Contract/collection decreased by 2,157 cases or 15 percent compared to 2011.

ND Civil Caseload for District Courts for 2011 and 2012



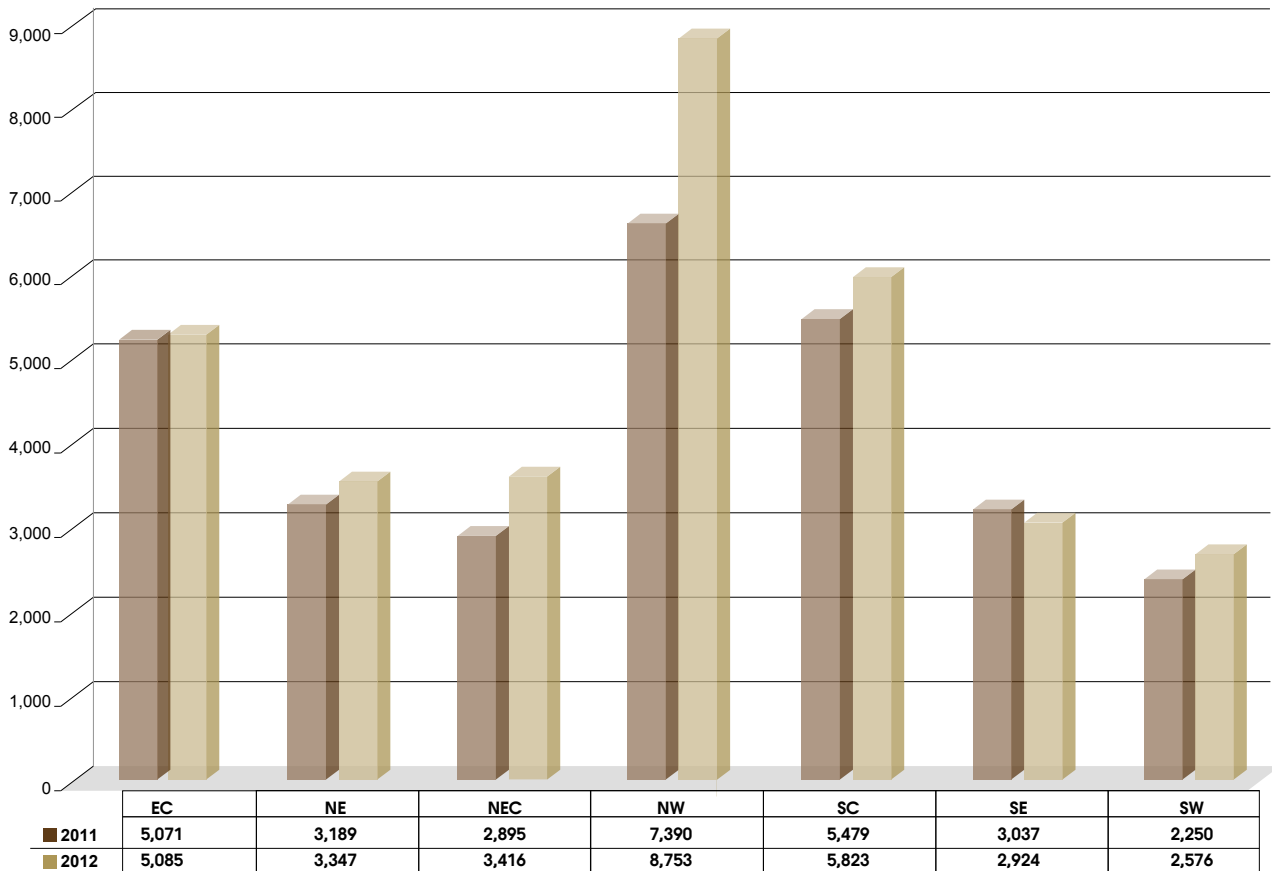


NORTH DAKOTA DISTRICT COURTS

Criminal Caseload

Total criminal filings increased by 8.9 percent from 2011 to 2012 with 31,924 cases filed compared to 29,311. Felony filings increased by 17.4 percent; misdemeanors increased by 7.4 percent; and infractions increased by 4.8 percent. Misdemeanors made up 78 percent of total criminal filings; felony 18 percent; and infractions 4 percent.

ND Criminal Caseload for District Courts for 2011 and 2012





NORTH DAKOTA DISTRICT COURTS

Administrative Traffic Cases

Administrative traffic filings increased by 16,682 (16.9 percent) from 2011. These cases make up 62 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	2011	2012
Admin. Traffic	98,705	115,387
Case Re-opens	2011	2012
Admin. Traffic	171	188
Case Dispositions	2011	2012
Admin. Traffic	98,912	115,879

District Court Judges and Judicial Referees Serving in 2012

Judges:

Sonna M. Anderson	Bruce B. Haskell
Zane Anderson	William Herauf
Karen K. Braaten	Douglas R. Herman
Lee A. Christofferson	James D. Hovey
Sonja Clapp	John C. Irby
Wickham Corwin	Lawrence E. Jahnke
Todd Cresap	Donald L. Jorgensen
Cynthia Feland	Debbie G. Kleven
Laurie A. Fontaine	Gary H. Lee
Donovan Foughty	Steven L. Marquart
M. Richard Geiger	Douglas L. Mattson
John E. Greenwood	John C. McClintock, Jr.
Richard W. Grosz	Steven E. McCullough
Richard L. Hagar	Lisa K. McEvers
Gail Hagerty	William McLees

Joel Medd
Thomas E. Merrick
Daniel D. Narum
David W. Nelson
John T. Paulson
Frank Racek
David E. Reich
Bruce A. Romanick
Joshua Rustad
Jay Schmitz
Thomas J. Schneider
Michael Sturdevant
Wade L. Webb
H. Patrick Weir

Judicial Referees

Wayne D. Goter
Scott Griffeth
John Grinsteiner
Connie Portscheller
John Thelan
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

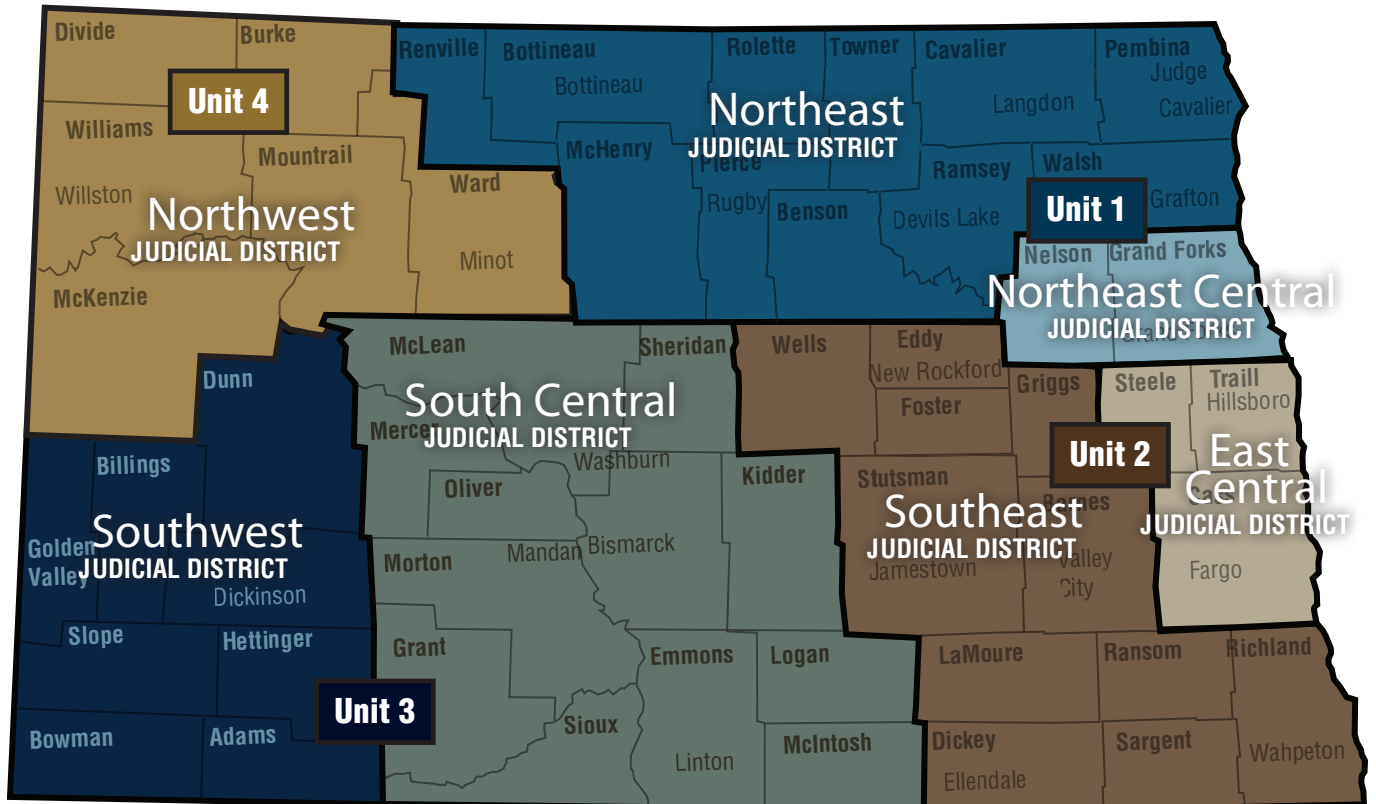
Number of Counties: 12

Northeast Central Judicial District

Southeast Judicial District

Number of Counties: 11

East Central Judicial District



Northeast District Court Caseload – For calendar years 2012 & 2011

CASE FILINGS/ DISPOSITIONS	2012			2011			2012/2011	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,972	1,422	4,393	3,205	1,411	4,613	-7.27%	-4.77%
Small Claims	462	7	486	487	18	576	-5.13%	-15.63%
Criminal	3,347	1,565	5,319	3,189	1,015	5,210	4.95%	2.09%
Traffic	14,159	32	14,131	12,295	25	12,391	15.16%	14.04%
Juvenile	306	153	378	246	149	368	24.39%	2.72%
Total	21,246	3,179	24,707	19,422	2,618	23,158	9.39%	6.69%

Northeast Central District Court Caseload – For calendar years 2012 & 2011

CASE FILINGS/ DISPOSITIONS	2012			2011			2012/2011	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,802	1,177	3,987	2,887	1,383	4,063	-2.94%	-1.87%
Small Claims	1,389	23	1,454	1,168	12	1,236	18.92%	17.64%
Criminal	3,416	1,872	5,283	2,895	1,284	4,327	18.00%	22.09%
Traffic	10,621	20	10,781	9,268	17	9,372	14.60%	15.03%
Juvenile	364	235	523	293	229	443	24.23%	18.06%
Total	18,592	3,327	22,028	16,511	2,925	19,441	12.60%	13.31%

East Central District Court Caseload – For calendar years 2012 & 2011

CASE FILINGS/ DISPOSITIONS	2012			2011			2012/2011	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,920	2,321	8,128	6,568	2,666	8,733	-9.87%	-6.93%
Small Claims	1,221	134	1,380	1,347	89	1,374	-9.35%	0.44%
Criminal	5,085	1,026	7,212	5,071	873	6,900	0.28%	4.52%
Traffic	15,143	13	15,276	14,169	16	14,242	6.87%	7.26%
Juvenile	768	217	957	813	217	999	-5.54%	-4.20%
Total	28,137	3,711	32,953	27,968	3,861	32,248	0.60%	2.19%

Southeast District Court Caseload – For calendar years 2012 & 2011

CASE FILINGS/ DISPOSITIONS	2012			2011			2012/2011	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,564	1,235	4,608	3,499	1,349	4,563	1.86%	0.99%
Small Claims	699	20	710	615	11	615	13.66%	15.45%
Criminal	2,924	1,015	4,372	3,037	875	4,515	-3.72%	-3.17%
Traffic	14,349	35	14,471	12,089	23	12,231	18.69%	18.31%
Juvenile	220	116	300	155	94	222	41.94%	35.14%
Total	21,756	2,421	24,461	19,395	2,352	22,146	12.17%	10.45%

South Central District Court Caseload – For calendar years 2012 & 2011

CASE FILINGS/ DISPOSITIONS	2012			2011			2012/2011	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	6,264	2,173	8,133	6,750	2,399	8,786	-7.20%	-7.43%
Small Claims	673	17	700	730	19	737	-7.81%	-5.02%
Criminal	5,823	2,278	8,358	5,479	1,999	8,272	6.28%	1.04%
Traffic	21,250	10	21,466	20,786	25	20,821	2.23%	3.10%
Juvenile	487	300	722	512	267	644	-4.88%	12.11%
Total	34,497	4,778	39,379	34,257	4,709	39,260	0.70%	0.30%

Southwest District Court Caseload – For calendar years 2012 & 2011

CASE FILINGS/ DISPOSITIONS	2012			2011			2012/2011	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,537	722	3,019	2,440	649	2,915	3.98%	3.57%
Small Claims	186	8	189	178	10	213	4.49%	-11.27%
Criminal	2,576	787	3,501	2,250	529	2,957	14.49%	18.40%
Traffic	14,008	36	14,134	11,121	28	11,184	25.96%	26.38%
Juvenile	126	52	159	98	55	138	28.57%	15.22%
Total	19,433	1,605	21,002	16,087	1,271	17,407	20.80%	20.65%

Northwest District Court Caseload – For calendar years 2012 & 2011

CASE FILINGS/ DISPOSITIONS	2012			2011			2012/2011	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	6,873	1,657	7,925	6,303	1,693	7,190	9.04%	10.22%
Small Claims	493	22	485	503	19	526	-1.99%	-7.79%
Criminal	8,753	1,761	11,130	7,390	2,109	9,639	18.44%	15.47%
Traffic	25,857	42	25,620	18,977	37	18,671	36.25%	37.22%
Juvenile	345	215	471	352	236	489	-1.99%	-3.68%
Total	42,321	3,697	45,631	33,525	4,094	36,515	26.24%	24.97%



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 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 referrals from law enforcement, school, and other agencies, determine how they should be processed, make detention or emergency shelter care decisions on some of them, prepare court recommendations on those that proceed to the formal courts, and process 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 risk factors for the offender while increasing the overall competency of the offender to contribute to society.

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

Juvenile Caseload Data

The 2012 data shows a continued decrease in juvenile referrals statewide. Overall referrals show a decrease of 1 percent in 2012 following a decrease of 9 percent from 2010 to 2011. Offenses against persons made up 8 percent of the juvenile court referrals, while status offenses (offenses which only a child can commit) made up 37 percent. Property offenses comprised 20 percent; traffic offenses 4 percent; deprivation 11 percent; and other delinquency 35 percent of the juvenile caseload.

Based on primary charges, the largest percentage (33%) of juvenile charges are disposed of through the informal adjustment process; 25 percent of the cases are diverted out of the court to a private agency or program; and only 14 percent of juvenile charges were formally process through the court system. Twenty-eight percent of referrals are dismissed due to the lack jurisdiction or because the state's attorney declined to prosecute them.

2012 Juvenile Caseload by Primary Charge

Judicial District	Diversion	Informal Adjustment	Formal Petition	Lack of Jurisdiction	Declined Prosecution	2012 Total
East Central	470	362	334	12	267	1,445
Northeast	71	302	106	1	198	678
NE Central	127	356	149	5	171	808
Northwest	206	381	76	21	407	1,091
South Central	747	425	268	9	552	2,001
Southeast	77	437	72	2	183	771
Southwest	114	87	30	2	196	429
TOTAL	1,812	2,350	1,035	52	1,974	7,223
Percent of total	25%	33%	14%	1%	27%	
2011 Totals	1,366	2,730	848	44	2138	7126
% Change	+6 %	-5%	+2%	0%	-3%	

* 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 decline to file charges after receiving a referral.

Reasons for Referral to Juvenile Court Services - 2011 and 2012

		2012	2011	% Change	% of Total
FAMILY	Runaway (instate resident)	428	436		
	Runaway (out-of-state resident)	6	7		
	Truancy	256	232		
	Ungovernable Behavior	587	590		
	Curfew	149	195		
	Other Unruly	31	1		
	Total Family	1,457	1,461	0%	21%
DELINQUENCY	Offenses Against Persons:				
	Assault	373	370		
	Terrorizing-Stalking-Menacing	59	50		
	Homicide (negligent)				
	Kidnapping	1			
	Other Offenses Against Persons	34	22		
	Sex Offenses	65	43		
	Subtotal - Persons Crime	532	485	10%	
	Offenses Against Property:				
	Arson/Fire Related	5	1		
	Burglary	48	84		
	Criminal Mischief/Vandalism	229	255		
	Criminal Trespass	133	105		
	Forgery	3	7		
	Other Property Offenses	62	41		
	Possession of Stolen Property	28	36		
	Robbery	13	1		
	Shoplifting	335	371		
	Theft	509	555		
	Subtotal - Property Crimes	1,365	1,456	-6%	
	Traffic Offenses:				
	DUI/Physical Control	57	41		
	Driving without License	88	87		
	Other Traffic	101	121		
	Subtotal - Traffic	246	249	-1%	
	Other Offenses:				
	Check Offenses	2	2		
City Ordinances	7	26			
Disorderly Conduct	565	612			
Weapons	33	22			
Game and Fish	23	30			
Obstruction	2	2			
Other Public Order	167	150			
Possession/Purchase Alcohol	1,011	980			
Controlled Substance - Possession	539	580			
Controlled Substance - Delivery	19	31			
Tobacco	35	34			
Subtotal - Other	2,403	2,469	-3%		
TOTAL DELINQUENCY	4,546	4,659	-2%	67%	
DEPRIVATION	Abandonment				
	Abuse/Neglect		14		
	Deprived	737	648		
Subtotal - Deprived	737	662	11%	11%	
SPEC. PROCEEDING	Termination of Parental Rights (Involuntary)	47	65		
	Termination of Parental Rights (Voluntary)	38	35		
	Other Special Proceeding				
	Subtotal - Special Proceeding	85	100	-15%	1%
TOTAL	6,825	6,882	-1%		



JUVENILE COURT

Juvenile Drug Court Program Continues to Grow

The North Dakota Juvenile Drug Court Program marked its 12th year of operation in 2012 and also celebrated the Bismarck Juvenile Drug Court 10th anniversary.

“During the past decade, North Dakota’s Drug Courts have made a positive impact on the lives of many young people who have found both support and recovery through the court’s unique and innovative approach,” U.S. Senator John Hoeven said in recognition of the program’s milestones. “The successes achieved through this system are a credit to the many hardworking, dedicated individuals who first worked to implement the program in North Dakota and have continued to give of their talents and energy to further the scope of our drug courts for the benefit of the court’s participants.”

Juvenile Drug Courts are currently located in Fargo, Grand Forks, Bismarck, Minot, and Devils Lake. Since its inception in May 2000, there have been 476 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 1 percent were suspended for various reasons.

Following is the 2012 statewide data for the Juvenile Drug Courts:

- ♦ 14 graduations
- ♦ 24 terminations
- ♦ 24 female participants
- ♦ 44 male participants
- ♦ 57 Caucasian participants
- ♦ 1 Hispanic participant
- ♦ 8 Native American participants
- ♦ 2 Other races
- ♦ 68 total participants in 2012 with 28 of those still active in December 2012
- ♦ 1,582 community service hours completed

Cumulative Juvenile Drug Court Totals

Court Location	Year Started	Participant # to Date
Fargo	May 2000	161
Grand Forks	May 2000	149
Bismarck	October 2002	102
Minot	January 2007	35
Williston*	January 2008	11 (on hold)
Devils Lake	January 2009	18

* Williston Court inactive since October 2010



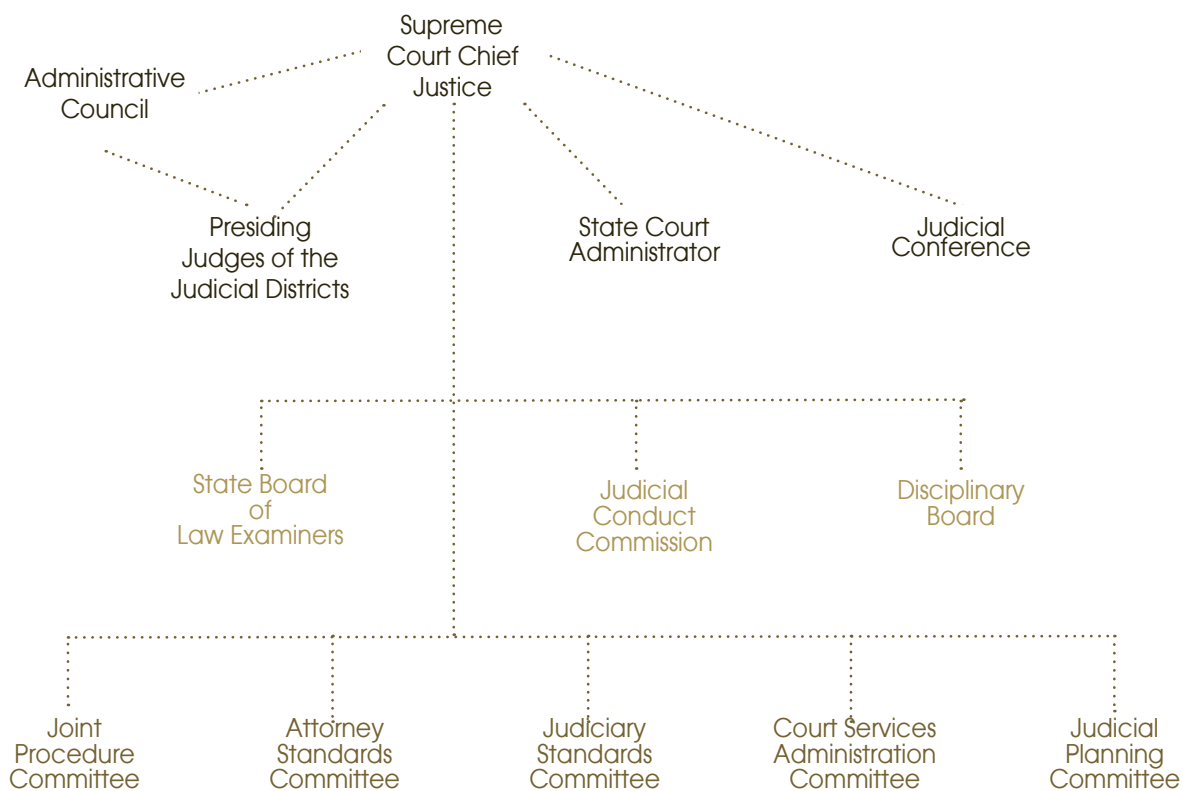
COURT ADMINISTRATION

Administration of the Court System

Ultimate responsibility for the efficient and effective operation of the court system resides with the Supreme Court. The Constitution establishes the Chief Justice's administrative responsibility for the court system. To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, Supreme Court clerk, directors, staff attorneys, presiding judges, and various advisory committees, commissions, and boards.



Administrative Organization of the North Dakota Court System.





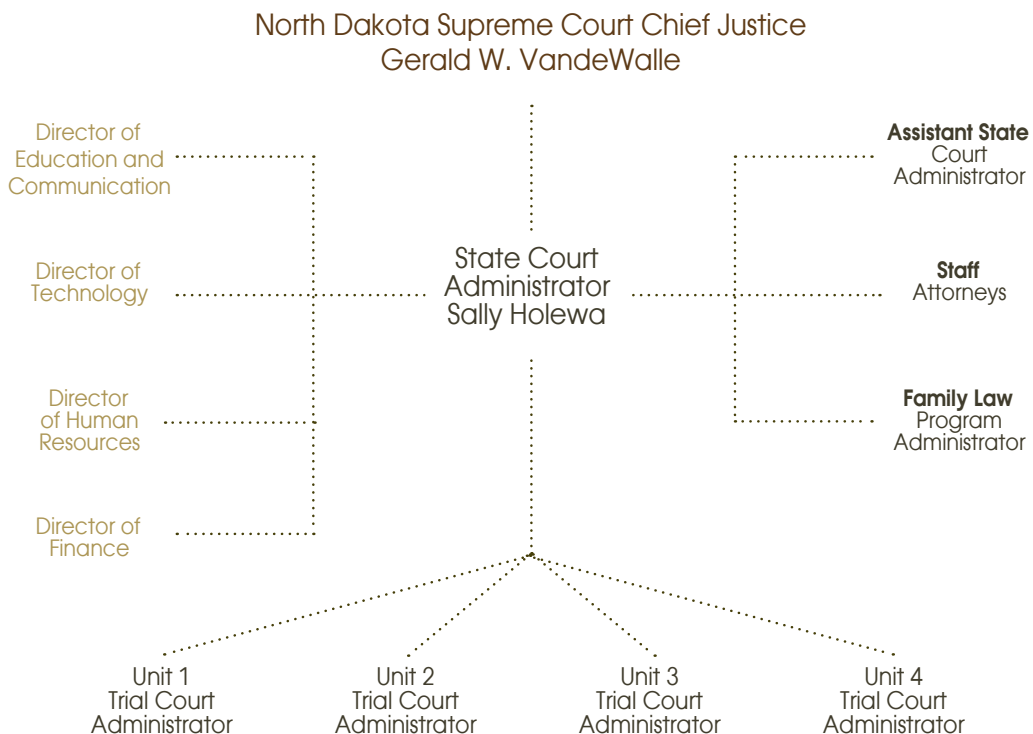
COURT ADMINISTRATION

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





TRIAL COURT ADMINISTRATION

Trial Court Administrators

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

Assistant Trial Court Administrators

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

Clerks of Court

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

Director of Juvenile Court Services

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

2012 Trial Court Administration

Administrative Unit 1

Trial Court Administrator – Merylee Castellanos
Assistant Trial Court Administrator – Kimberly D. Nelsen
Director of Juvenile Court – Shawn Peterson

Administrative Unit 2

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

Administrative Unit 3

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

Administrative Unit 4

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



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.

2012 Presiding Judges

Northeast Judicial District - Judge Donovan Foughty

Northeast Central Judicial District - Judge Sonja Clapp

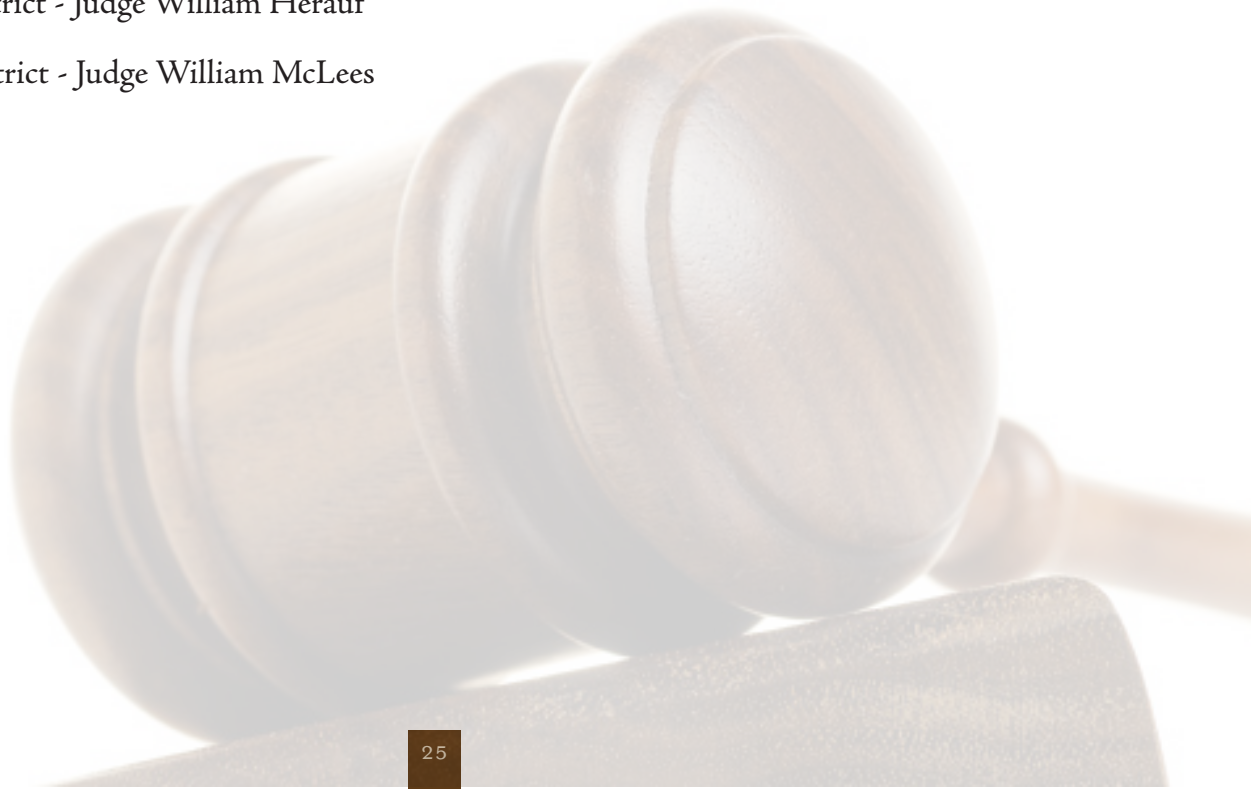
East Central Judicial District - Judge Frank Racek

Southeast Judicial District - Judge John Paulson

South Central Judicial District - Judge Gail Hagerty

Southwest Judicial District - Judge William Herauf

Northwest Judicial District - Judge William McLees



JUDICIAL PORTION OF THE STATE'S 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

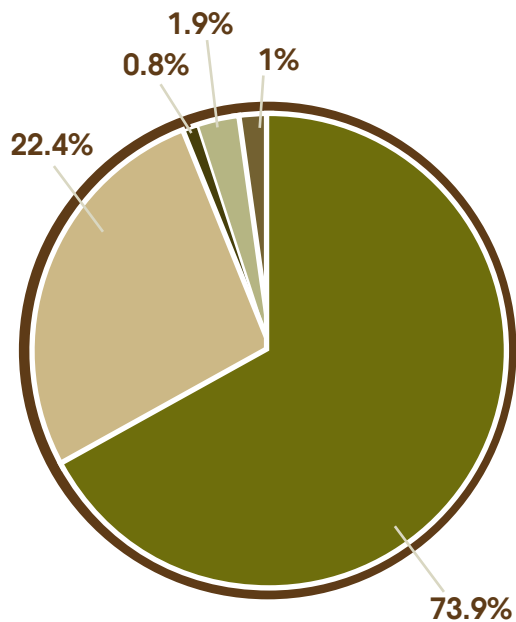
Salaries and Benefits
\$63,332,795 (73.9%)

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

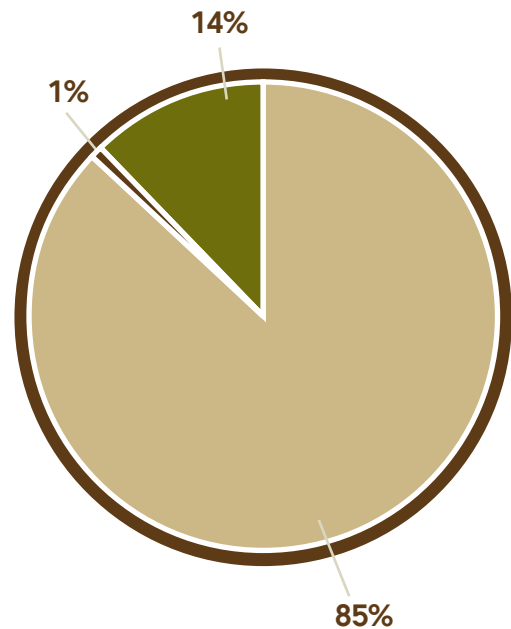
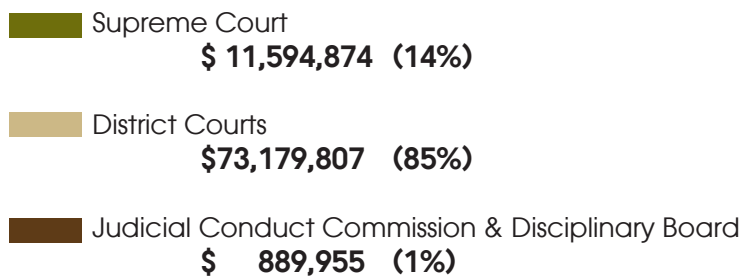
General Fund	\$ 11,594,874
Special Funds	-
TOTAL	\$ 11,594,874 (14%)

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 & BOARDS

Overview

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 Judicial System Committees, Councils, Commissions and Boards

Administrative Council

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

Judicial Planning Committee

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

Joint Procedure Committee

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

Informal Complaint Panel

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

Joint Committee on Attorney Standards

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





COMMITTEES, COMMISSIONS & BOARDS

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.

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.



COMMITTEES, COMMISSIONS & BOARDS

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 Program Committee

The Court Improvement Program 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.

Caseflow Management Committee

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

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 2012:

- + 47 were against 27 District Court Judges
- + 31 were against 5 Supreme Court Justices
- + 1 was against 1 Municipal Judge
- + 4 were against 2 Judicial Referees

New Complaints Opened in 2012	83
General Nature of Complaints:	
Abuse of authority/prestige	5
Bias, discrimination/partiality	19
Failure to follow the law/procedure	10
Failure to perform duties	2
Improper conduct on bench	4
Improper decision/ruling	33
Loss of temper	1
No specific allegations	1
Other	8
Complaint Files Carried Over from 2011	12
Total Files Pending Consideration in 2012	95
Disposition of Complaints:	
Formal Proceedings	0
Summarily Dismissed	76
Total 2012 Dispositions	76
Complaint Files Pending as of 12/31/2012	19

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 another record year for the admission and licensing of attorneys in 2012.

- 2510 licenses were issued, a 10% increase from 2011, and a 30% increase from 2007.
- 284 new attorneys were admitted to the Bar, a 53% increase from 2011, and a 223% increase from 2007.
- 190 motions for admission based on practice or test score were filed, a 28% increase from 2011, and a 352% increase from 2007.
 - 116 motions for admission based on practice, an 18% increase from 2011, and a 480% increase from 2007.
 - 74 motions for admission on test score, a 48% increase from 2011, and a 236% increase from 2007. The Uniform Bar Examination (UBE), was first given as the North Dakota Bar Examination in February 2011 and accounts for 2 motions in this area.
- 239 nonresident attorneys appeared in North Dakota courts under Rule 3, Admission to Practice Rules, a 12% increase from 2011, and a 34% increase from 2007. In 2012, \$90,820 was collected in pro hac vice fees.
- 36 temporary licenses were approved, while applicants licensed in another jurisdiction awaited the review and approval of their North Dakota application.

Passage rates for the February and July 2012 North Dakota bar examinations:

Passage Rates for the February and July 2012 North Dakota Bar Examinations

Exam	# Apps.	# Pass/ % Pass	# UND Grads	# Pass/ % Pass
02/12	39	29/74%	21	13/62%
07/12	95	75/79%	64	48/75%

In 2012, 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. Richard served as Chair of the Board. On December 31, 2012, after serving 17 years, Richard's term expired, and he was not eligible for reappointment. Jane Dynes of the Serkland Law Firm in Fargo was appointed to replace Richard.

COMMITTEES, COMMISSIONS & BOARDS

Disciplinary Board 2012

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. Daniel Traynor of Devils Lake served as Chair of the Board in 2012.

In 2012, the Board implemented the use of pre-selected hearing dates, scheduling orders, and other procedures to streamline formal proceedings. The discipline system has various checks and balances built in to it, therefore, one complaint could be considered by the Inquiry Committee, Disciplinary Board and the Supreme Court.

Following is a summary of the workload under consideration in the attorney discipline system in 2012.

New Complaints Opened in 2012		189
General Nature of Complaints:		
Client Funds & Property		11
Conflict of Interest		7
Criminal Convictions		0
Disability/Incapacity to Practice Law		0
Excessive Fees		6
Failure to Communicate/Cooperate with Client		9
Improper Conduct		123
Incompetent Representation		49
Misappropriation/Fraud		3
Neglect/Delay		6
Petition for Reinstatement		1
Unauthorized Practice of Law		11
Reciprocal Discipline		3
TOTAL - New Complaints		229
Formal Proceedings Pending From Prior Years		50
Other Complaint Files Pending From Prior Years		90
Appeals Filed with Disciplinary Board in 2012		*27
TOTAL Filed for Consideration in 2012 (not filed)		**396
Inquiry Committees' Actions		
Dismissal		94
Summary Dismissal		68
Admonition		13
Referral to Lawyer Assistance Program		2
Disciplinary Board Actions		
Approve Inquiry Committee Dismissal		22
Approve Inquiry Committee Admonition		6
Disapprove Inquiry Committee Disposition		1
Dismissal by Hearing Panel of the Board		3
Reprimand by Hearing Panel of the Board		3
Supreme Court Actions		
Private Reprimand		1
Reprimand		1
Suspension		**15
Disbarment		**3
Interim Suspension		1
Formal Proceedings Pending 12/31/12		47
Other Complaint Files Pending 12/31/12		122

*Number includes multiple appeals in 1 file

** 15 files results in the suspension of 7 attorneys; and 3 files results in the disbarment of 2 attorneys.