

2022

North Dakota Court System  
**ANNUAL REPORT**



North Dakota Court System

# Mission Statement

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



# Chief's MESSAGE

In the 2021 State of the Judiciary address to the State Legislature, the Court announced its plan to explore ways to expand access to justice while improving efficiency in case resolution. Throughout 2022, we continued to lay the foundation to execute that plan while providing essential court services to the citizens in all of the state's 53 counties. A committee including legislators, clerk of court officials, judges, and others was tasked with reviewing the structure of our judicial system.

A unified court system is essential to achieving our mission of fair and timely resolutions of disputes. A unified system centralizes court administration, rulemaking, and budgeting for the judicial branch and provides for more efficient use of public resources, the streamlining of services, and faster disposition of cases. It is a process that began thirty years ago and it is time to complete that process.

To that end, we are proposing complete integration of county clerk of court offices into the state judicial system. There are currently 39 counties with contracts for court clerk services. Having a unified workforce in these offices will allow for better allocation of resources, services, and employee time. Management authority over all personnel devoted to the judicial system will promote uniform process and procedure throughout the state.

Technology continues to play a large role in the administration of justice and improving access. Post pandemic, our courts, district and appellate, continue to use Reliable Electronic Means (REM) to provide remote access to hearings for litigants, resulting in more timely resolution of disputes. We continue to pilot remote recording as a way to efficiently capture the record and are ready to launch our new juvenile case management system in 2023. Using technology to improve judicial services greatly increases access to justice and allows for efficiencies that will also reduce costs.

A focus on diversity and inclusion is key to expanding access and fairness for litigants. Throughout the year, the court's education department continued to provide diversity training, both in



**HON. JON J. JENSEN**  
*Chief Justice, ND Supreme Court*

person and online. In 2022, the court system hosted the annual conference of the National Consortium on Racial and Ethnic Fairness in the Courts. Attracting participants from across the state and country, the agenda addressed poverty, housing rights, disproportionality, gender, and Native American issues along with strategies to improve access and fairness within the court system.

Our employees are the backbone of our judicial system and we are looking at ways to address mental health issues for our staff and judges, including better understanding the secondary trauma that comes with the types of cases that are heard in court. We have established a judicial wellness committee led by Judge Bradley Cruff and are addressing wellness in our training programs for both judges and staff.

Finally, at the end of 2021, the court applied for and received a Department of Justice grant to study and improve criminal case processing. The award of \$998,302 is funding a 3-year study and implementation project to reduce delay in criminal case processing. The project includes the Northeast, Northeast Central, East Central and South Central judicial districts and focuses on how issues related to poverty, mental health, and geography effect the time it takes to resolve cases.

You will find details on other court services and programs as well as statistical data for 2022 throughout this report. I want to thank the employees and judges for staying committed to our mission. As a unified system, we continue to change, adapt, and grow to meet the needs of our citizens.

## North Dakota Supreme Court

**One Chief Justice &  
Four Justices:  
10-Year Terms**

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

## District Court

**Eight Judicial Districts/  
52 Judges:  
Six-Year Terms**

District Courts are the state trial 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 delinquent or in need of protection. In some districts, judicial referees have been appointed to preside over juvenile, judgment enforcement, and domestic relations proceedings, other than contested divorces. District Courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies and for criminal convictions in Municipal Courts.

## Municipal Court

**82 Courts  
62 Judges:  
Four-Year Terms**

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

## North Dakota Supreme Court

One Chief Justice & Four Justices



## District Court

EIGHT Judicial Districts/  
52 Judges



## Municipal Court

62 Judges





## Conference Room Dedicated to First Female Justice in North Dakota

The Justices of the North Dakota Supreme Court dedicated a conference room in November in honor of former Supreme Court Justice Beryl Levine, the first female to serve on the court.

Justice Levine served on the North Dakota Supreme Court from January 1985 to March 1996. She was especially cognizant of the importance of her role being the first woman in the history of the North Dakota judicial system to serve as a justice. She accepted and exceeded the accompanying challenges ever mindful of the impact on those who would follow. During her judgeship, she authored hundreds of opinions and served on and chaired numerous committees. She brought a new perspective to the bench, influenced heavily by her experiences as a wife, a mother, a lawyer, and a female at a time when few women worked in the legal profession.

She enthusiastically worked in dedicated service to the judiciary, the state, and North Dakota citizens. Especially important to her were issues relating to juvenile justice and family law – particularly, areas of spousal support, custody, legal ethics, and gender equality and equity in and before the courts. Her enduring commitment and efforts to eliminate gender-bias and racism in the administration of justice led to the creation of the Commission on Gender Fairness in the Courts and Legal Profession. Established in 1989 and Co-Chaired by Justice Levine, the Commission submitted its final report in 1996, setting the course for an implementation committee charged with developing a detailed course of action to eradicate gender bias in North Dakota courts.

Justice Levine relished her role as a Supreme Court Justice and, on more than one occasion, described her appreciation for the opportunity to serve: "I love the research and writing. And I am so privileged. I'm one of the very few people doing exactly what she wants to do." Justice Levine's personal and professional accomplishments are many. She was first in her UND law class (1974); first female president of the Cass County Bar Association (1984); cited in the United States Supreme Court decision in *United States v. Virginia, et al.* (1996); recipient of the American Bar Association Margaret Brent Award (1996), recognizing her professional excellence and paving the way for other women in the legal profession; and recipient of the UND Sioux Award (2005), acknowledging her achievements, service, and loyalty.

Justice Levine died June 4, 2022 at the age of 86.



She enthusiastically worked in dedicated service to the judiciary, the state, and North Dakota citizens. Especially important to her were issues relating to juvenile justice and family law – particularly, areas of spousal support, custody, legal ethics, and gender equality and equity in and before the courts.


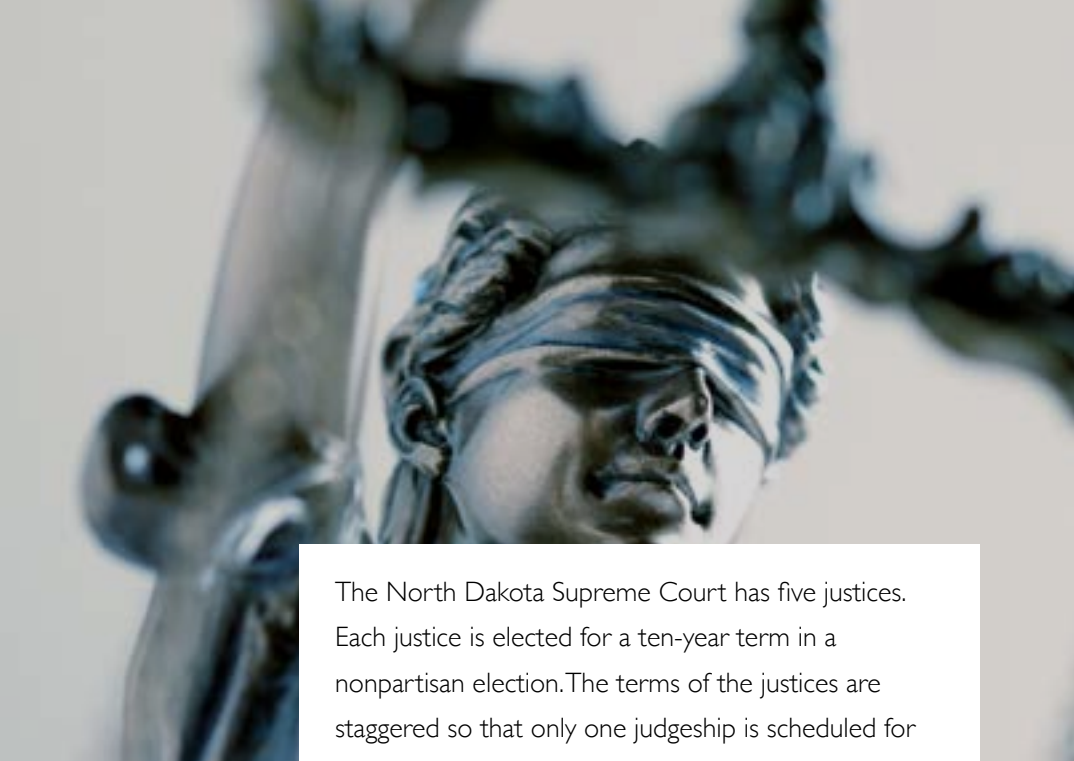
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# Supreme Court



## OVERVIEW



The North Dakota Supreme Court has five justices. Each justice is elected for a ten-year term in a nonpartisan election. The terms of the justices are staggered so that only one judgeship is scheduled for election every two years. However, in the case of the retirement or death of a justice during the term of office, the Governor can appoint to fill the term for two years, when the person must then run for election.

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

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





## **2022 North Dakota Supreme Court**

from left, Justice Gerald W. VandeWalle, Justice Lisa Fair McEvers, Chief Justice Jon J. Jensen,  
Justice Jerod E. Tufte, and Justice Daniel J. Crothers.





## NORTH DAKOTA SUPREME COURT

# Justices Serving in 2022

The five Justices of the North Dakota Supreme Court meet nearly every week to hear oral argument and discuss cases and administrative matters. In addition, each Justice spends significant time reading briefs and writing opinions. The Justices are assisted by a judicial assistant, law clerk, and a staff attorney.



## Justice Jon J. Jensen

### **BORN**

1965 in Grand Forks, ND

### **EDUCATION**

Minnesota State University in Mankato, BS in Accounting, 1987; University of North Dakota School of Law, 1990

### **PRIOR EXPERIENCE**

Law clerk North Dakota Supreme Court, private practice, District Court Judge

### **APPOINTED**

2017 by Governor Doug Burgum; elected as Chief Justice in December 2019 effective Jan. 1, 2020 and re-elected for a full five-year term in December 2020.



## Justice Gerald W. VandeWalle

### **BORN**

1933 in Noonan, ND

### **EDUCATION**

University of North Dakota School of Business, BS, 1955; University of North Dakota School of Law, 1958

### **PRIOR EXPERIENCE**

Special Assistant Attorney General, First Assistant Attorney General

### **APPOINTED**

1978 by Governor Arthur Link; elected Chief Justice 1993; re-elected chief five consecutive terms; stepped down as chief Jan. 1, 2020.



## Justice Daniel J. Crothers

### **BORN**

1957 in Fargo, ND

### **EDUCATION**

University of North Dakota, 1979; University of North Dakota School of Law, 1982

### **PRIOR EXPERIENCE**

Law clerk New Mexico Court of Appeals; assistant state's attorney in Walsh County; private practice

### **APPOINTED**

2005 by Governor John Hoeven



## Justice Lisa Fair McEvers

### **BORN**

1962 in Minto, ND

### **EDUCATION**

University of North Dakota, BBA in Information Management, 1993; University of North Dakota School of Law, 1997

### **PRIOR EXPERIENCE**

Law clerk for North Dakota Supreme Court; private practice; Cass County Assistant State's Attorney; North Dakota Commissioner of Labor; District Court Judge

### **APPOINTED**

2014 by Governor Jack Dalrymple



## Justice Jerod E. Tufte

### **BORN**

1975 in Minot, ND

### **EDUCATION**

Case Western Reserve University, BS in Computer Engineering, 1997; Arizona State University College of Law, 2002

### **PRIOR EXPERIENCE**

Law clerk United States Court of Appeals; private practice; Kidder County and Sheridan County State's Attorney; governor's legal counsel; JAG officer Army National Guard; District Court Judge

### **ELECTED**

2016, 10-year term

NORTH DAKOTA SUPREME COURT

# 2022 North Dakota Supreme Court

*Petra H. Mandigo Hulm, Clerk of the Supreme Court*

The number of new cases filed increased for the third year following a low in 2020. The low number of new filings in 2020 and increase in the last two years was likely related to the global COVID-19 pandemic.

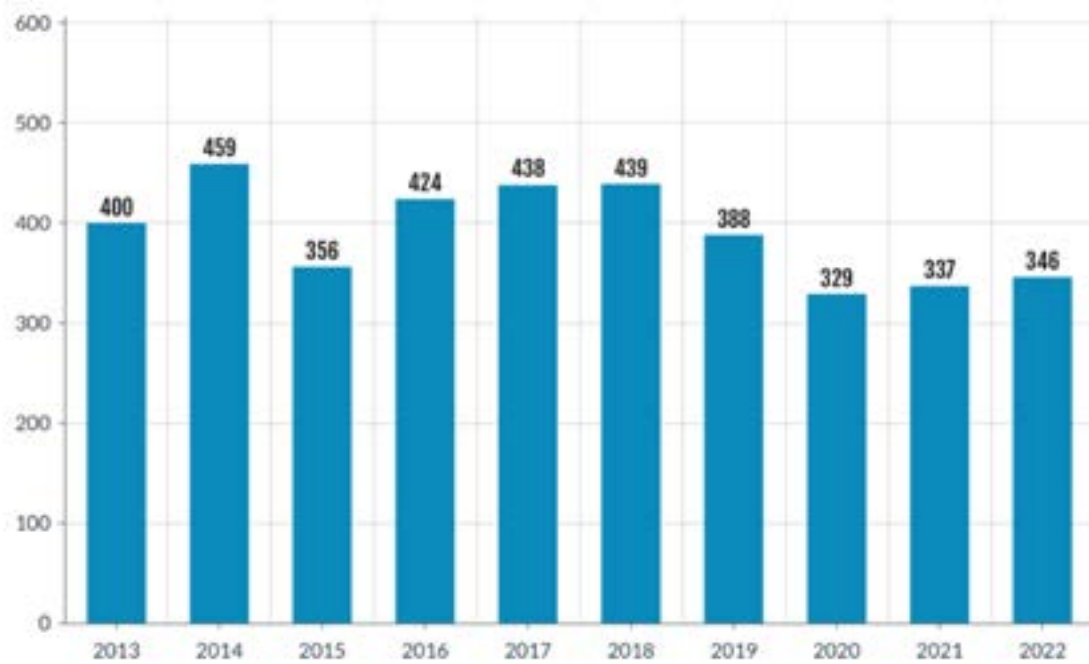


NORTH DAKOTA SUPREME COURT

# Caseload Highlights

Case filings in 2022 increased 3% from 2021. The number of new filings for the past 10 years is reflected in the figure below. This figure does not include the new filings voided for failure to pay the filing fee.

### Supreme Court Case Filings Per Year



## NORTH DAKOTA SUPREME COURT

# Caseload Highlights

## CIVIL FILINGS

Civil matters accounted for 70% of the total caseload. Civil matters increased 3% as compared to 2021.

- Family-related appeals remained consistent at 111 cases as compared to 108 in 2021. Family-related appeals remain the largest percentage of both civil filings and overall filings. They accounted for 25% of the civil filings and 17% of the overall filings.
- Juvenile and post-conviction relief appeals decreased 17% and 28% respectively as compared to 2021.
- The Court considered 15 civil petitions for original writs.

## CRIMINAL FILINGS

Criminal matters accounted for 30% of the total caseload. Criminal matters increased 3% as compared to 2021.

- Matters involving drugs and driving under the influence increased 70% as compared to 2021. It is notable that 2021 showed a large decrease in these cases, which may have been related to the global COVID-19 pandemic. These matters accounted for 5% of the overall caseload and 15% of the criminal caseload.
- Matters involving assault, homicide, sexually related offenses, and felonies increased 8% as compared to 2021. Those matters accounted for 16% of the overall caseload and 51% of the criminal caseload.
- The number of criminal DUI matters increased 70% as compared to 2021. Those matters accounted for 5% of the overall caseload and 15% of the criminal caseload.
- The Court considered seven criminal petitions for original writs.

Oral argument was scheduled in 237 cases. Approximately 21% of the arguments were waived in whole and approximately 30% of those arguments were waived in part. Waivers occur by either the parties or the Court, and the

matters then submitted on the briefs and the record. The percent of waivers remained consistent from 2019 through 2021.

The Justices authored 275 majority opinions, which is a 1% decrease from 2021. An additional 43 separate concurrences and/or dissents were written.

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

The percent of cases involving a self-represented party at the time of closing the file increased 43% in 2022 as compared to 2021. Thirty percent of cases in 2022 included at least one self-represented party.

## ADMINISTRATIVE FILINGS

The Court considered whether to fill, abolish or transfer two district judge vacancies. There were 16 files opened for amendment of various procedural rules and policies. The Court continued regular weekly conferences to consider motions and other administrative matters impacting the Court's workload.

The Supreme Court continued the Taking the Court to Schools program with visits to Alexander and Grenora public schools.



NORTH DAKOTA SUPREME COURT

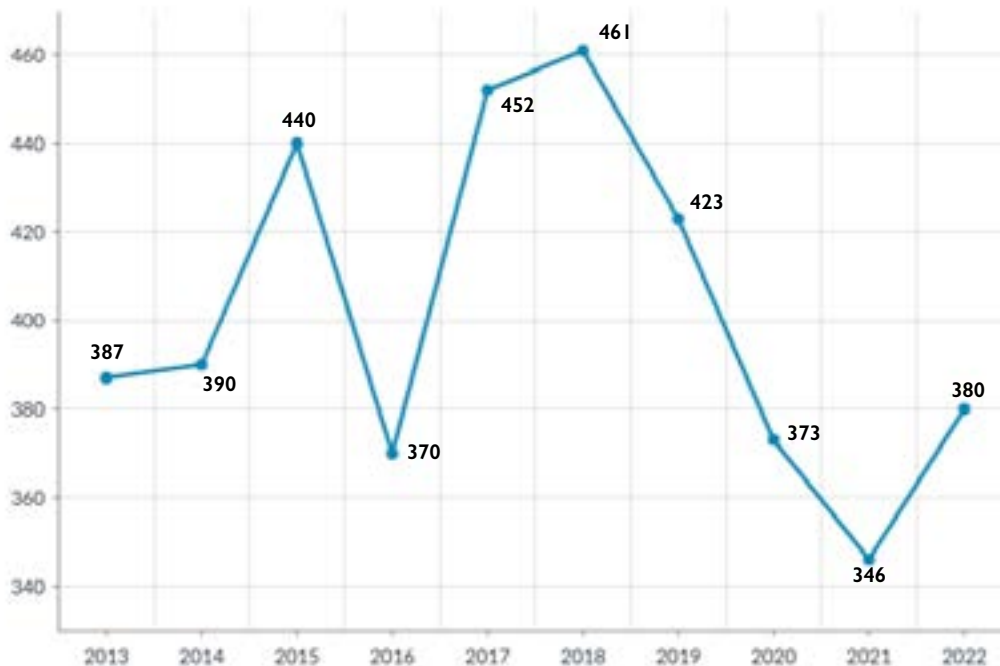
# Caseload Highlights

		2022	2021	PERCENT CHANGE
NEW FILINGS	CIVIL	255	238	7
	CRIMINAL	111	108	3
	<b>TOTAL</b>	<b>366</b>	<b>346</b>	<b>6</b>
DISPOSITIONS	CIVIL	255	251	10
	CRIMINAL	111	105	15
	<b>TOTAL</b>	<b>366</b>	<b>356</b>	<b>11</b>
TRANSFERRED TO COURT OF APPEALS	CIVIL/ CRIMINAL	0	0	0

## DISPOSITIONS

The number of dispositions increased in 2022 after declining following a peak in 2018. The chart below shows the total civil and criminal dispositions from 2013-2022. This figure does not include new filings voided for failure to pay the filing fee.

## Supreme Court Dispositions By Year




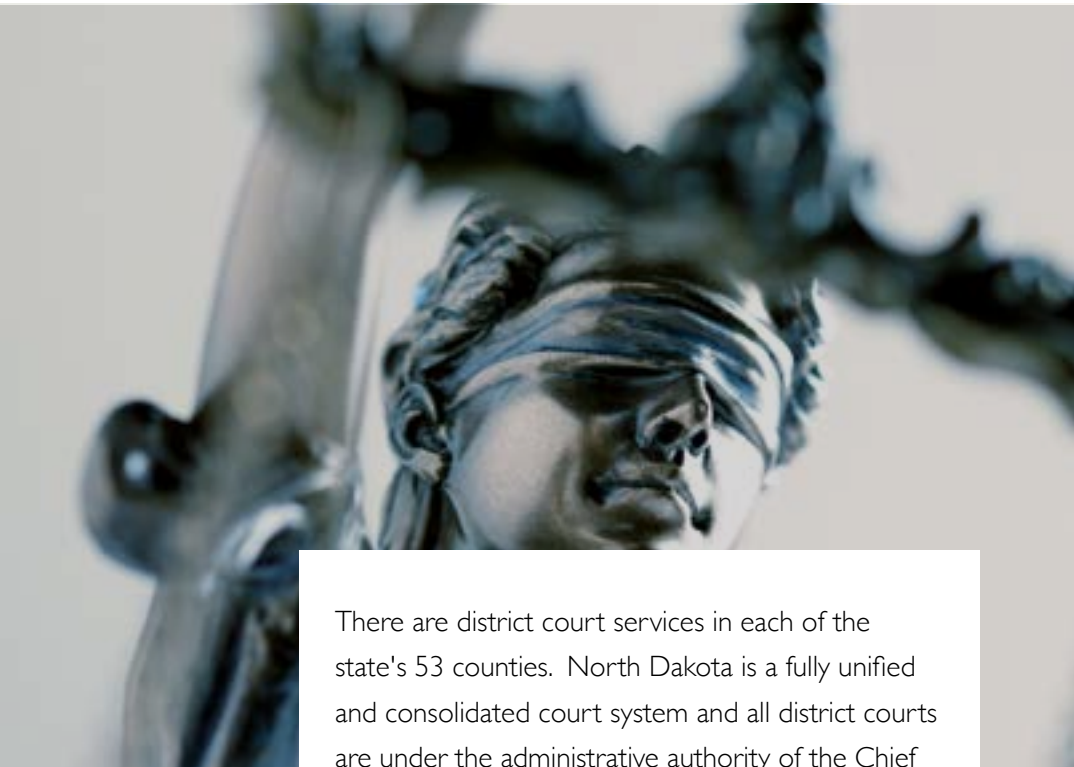
Following is a summary of Supreme Court dispositions in 2022.

SUPREME COURT DISPOSITIONS BY OPINION			
	Civil	Criminal	Other
Affirmed; Affirmed & Modified	73	36	0
Affirmed in Part & Reversed in Part, Remanded in Part, or Vacated in Part	18	0	
Affirmed in Part & Dismissed in Part	2	8	0
Affirmed by Summary Disposition	61	25	0
Remanded	0	0	0
Reversed	9	2	0
Reversed & Remanded	11	4	0
Reversed in Part & Remanded	2	0	
Reversed by Summary Disposition	1	0	0
Motion Denied by Opinion	0	0	0
Dismissed	5	3	0
Order/Judgment Vacated, Remanded	1	0	0
Certified Question Answered	1	0	0
Certified Question Not Answered	0	0	0
Original Jurisdiction – Granted	4	0	2
Original Jurisdiction – Denied	1	0	0
Original Jurisdiction – Granted in Part, Denied in Part	0	0	0
Discipline Imposed	6	0	0
<b>TOTAL BY OPINION</b>	<b>195</b>	<b>78</b>	<b>2</b>
SUPREME COURT DISPOSITIONS BY ORDER			
	Civil	Criminal	Other
Dismissed	41	31	0
Original Jurisdiction – Granted	4	1	2
Original Jurisdiction – Denied	8	5	0
Original Jurisdiction Granted in Part, Denied in Part	0	0	0
Notice of Appeal Void - No Filing Fee	16	NA	0
Rules - adopted or approved	NA	NA	12
No Court Action Required	0	1	0
<b>TOTAL BY ORDER</b>	<b>69</b>	<b>38</b>	<b>14</b>
<b>GRAND TOTAL DISPOSITIONS</b>	<b>264</b>	<b>116</b>	<b>16</b>



# *North Dakota District Courts*



## **OVERVIEW**



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 52 district judges in the state and five judicial referees.

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.

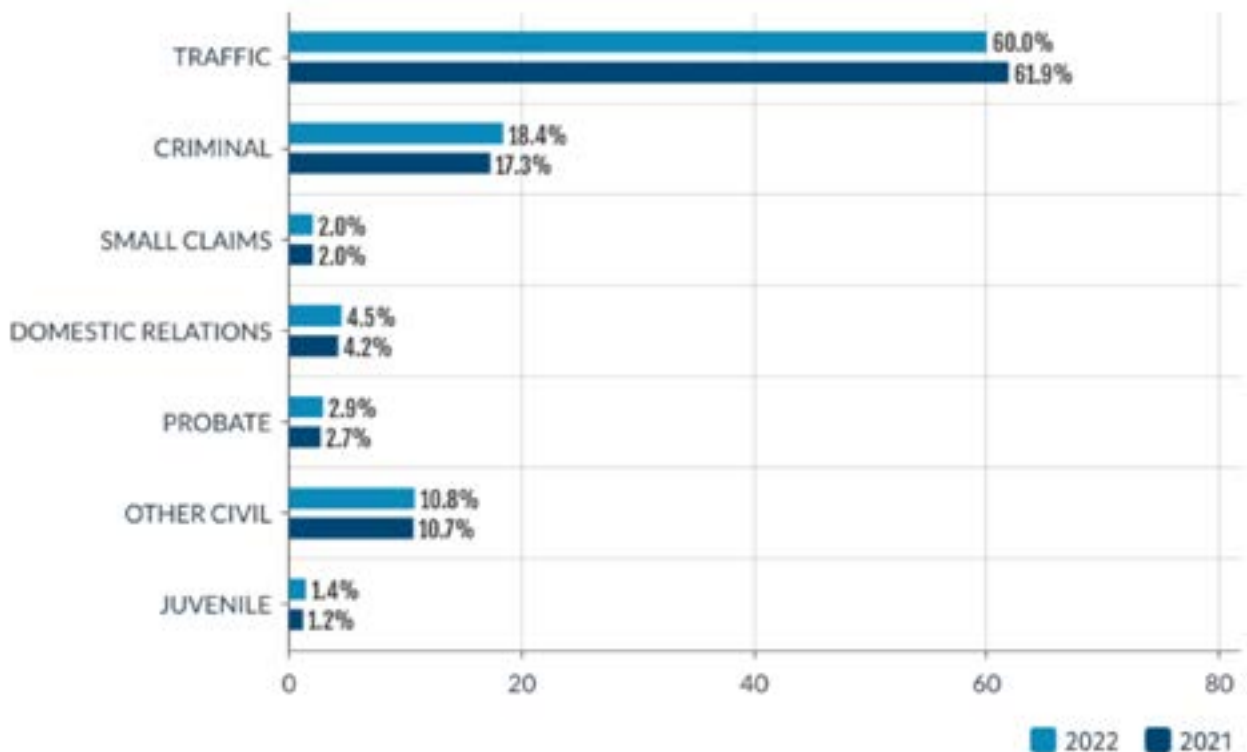


NORTH DAKOTA DISTRICT COURT  
**Total District Court Caseload**

FOR CALENDAR YEARS 2022 & 2021

CASE FILINGS/ DISPOSITIONS	2022			2021			2022/2021	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	25,833	6,358	31,562	28,002	6,649	33,946	-7.75%	-7.02%
Small Claims	2,836	69	2,811	3,108	67	3,255	-8.75%	-13.64%
Criminal	25,977	12,905	36,558	27,553	12,897	38,323	-5.72%	-4.61%
Traffic	84,861	356	88,821	98,579	281	102,253	-13.92%	-13.14%
Juvenile	2,007	1,420	2,937	1,885	1,506	2,901	6.47%	1.24%
<b>Total</b>	<b>141,514</b>	<b>21,108</b>	<b>162,689</b>	<b>159,127</b>	<b>21,400</b>	<b>180,678</b>	<b>-11.07%</b>	<b>-9.96%</b>

**Types of Cases Filed in District Court 2022 & 2021**



NORTH DAKOTA DISTRICT COURT  
**Jury Trials by District for 2022**

District	2022	2021
Northeast	26	22
Northeast Central	24	19
East Central	27	41
Southeast	30	39
South Central	78	100
Southwest	12	14
Northwest	25	24
North Central	22	26
<b>Total</b>	<b>244</b>	<b>285</b>

\*Based on jury trials paid.



NORTH DAKOTA DISTRICT COURT

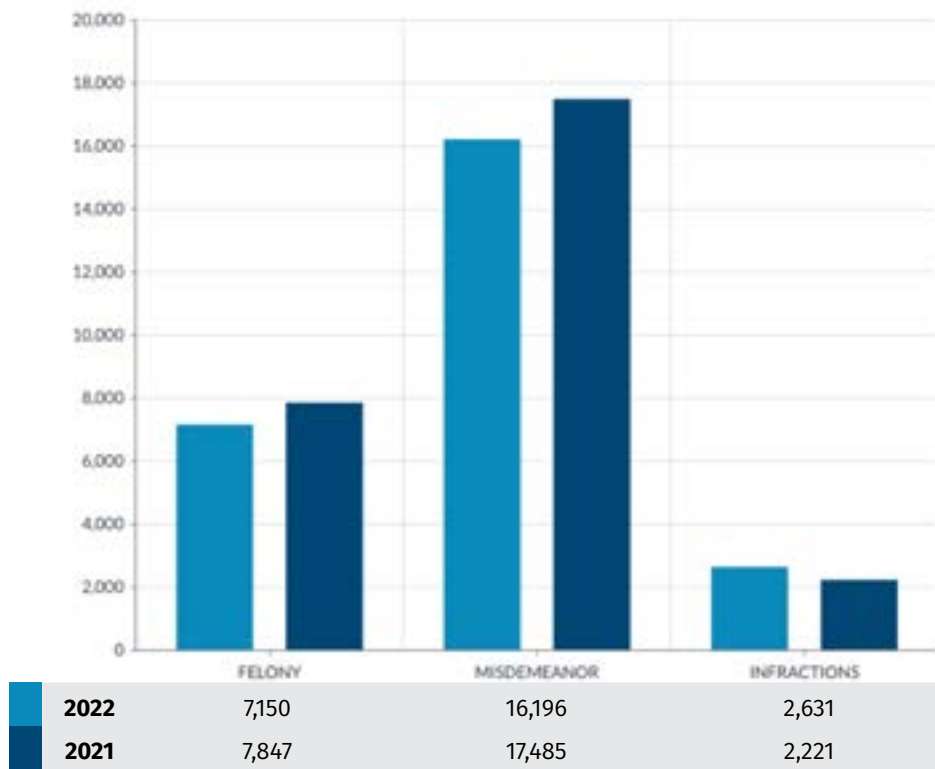
# Criminal Caseload 2022

Total criminal filings decreased by 5.7% from 2021 to 2022 with 25,977 cases filed compared to 27,553. Felony filings decreased by 8.9%; misdemeanors decreased by 7.4%; and infractions increased by 18.5%. Misdemeanors made up 62% of total criminal filings; felonies 28%; and infractions 10%.

NORTH DAKOTA DISTRICT COURT

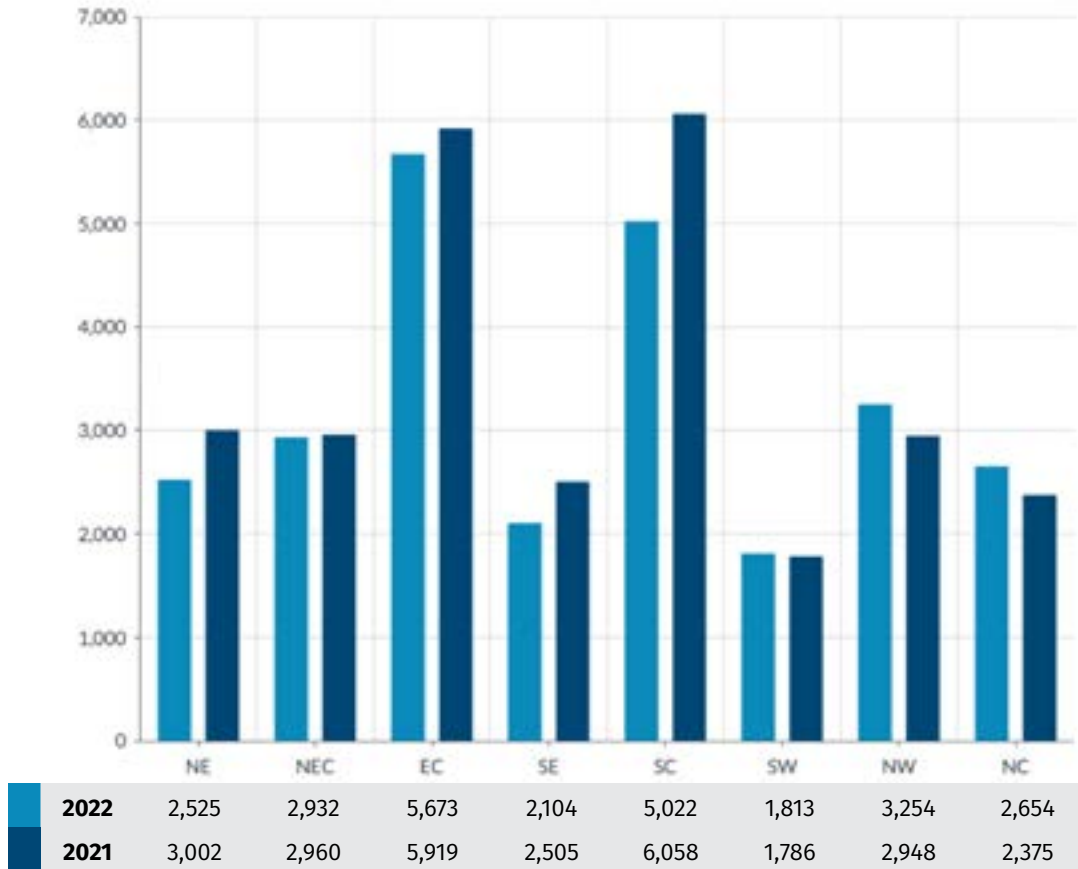
## Criminal Caseload

FOR CALENDAR YEARS 2022 & 2021



# ND Criminal Caseload By District Court

FOR CALENDAR YEARS 2022 & 2021



NORTH DAKOTA DISTRICT COURT

# Civil Caseload 2022

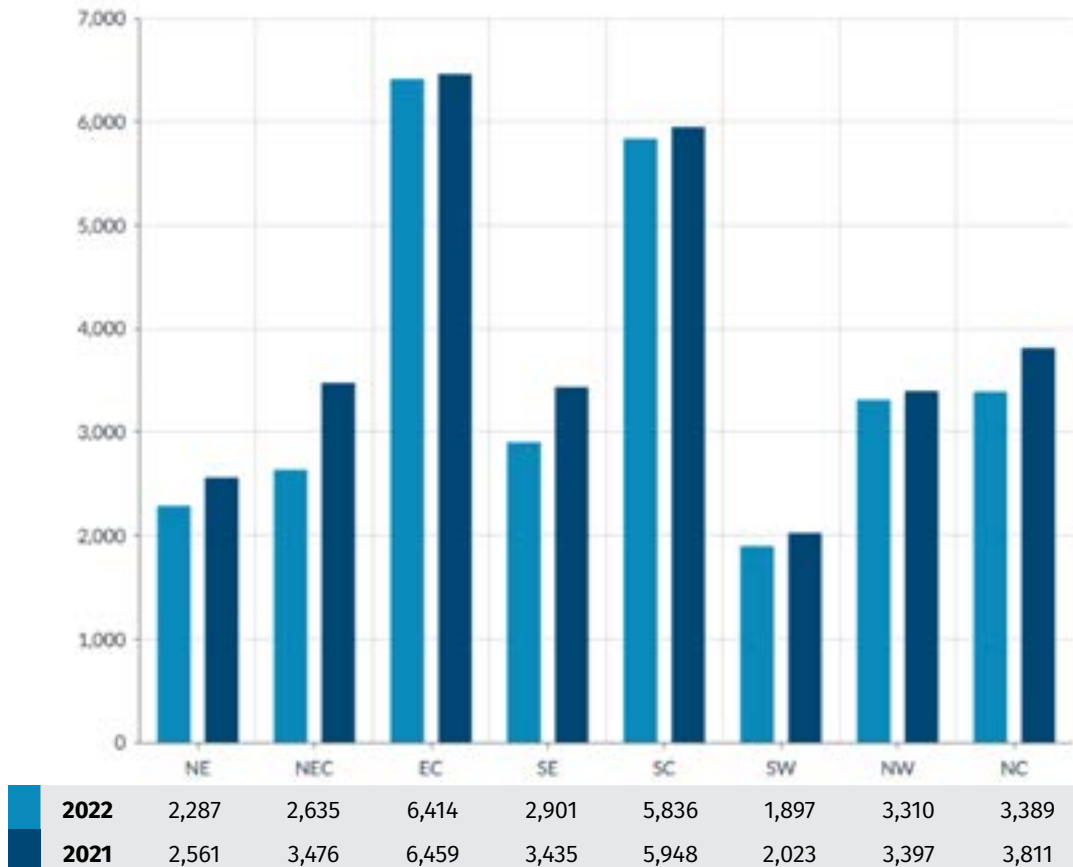
Civil filings decreased by 2,441 or 7.8% in 2022 with total case filings of 28,669. There were 2,836 small claims cases in 2022, which is a reduction of 272 as compared to 2021. Domestic relations cases decreased by 213 or 3.2%, probate/guardianship cases decreased by 195 or 4.5%, and other civil cases decreased by 1,761 or 10.3% in 2022.

Contract/collection (57%), forcible detainer (19%) and civil commitment (7%) cases account for the majority of the 15,291 other civil case types. Contract/collection decreased by 2,323 cases or 21%, forcible detainer increased by 462 cases or 19.2% and civil commitment decreased by 204 cases or 15.3% as compared to 2021.

There were 6,430 domestic relations case filings in 2022, consisting of the following: divorce (34%); protection/retraining orders (34%); support proceedings (18%); paternity (3%); adoption (5%); parenting responsibility filings (5%) and termination of parental rights (less than 1%).

Total divorce filings in 2022 were 2,153 compared to 2,276 in 2021. Support proceedings decreased by 7.4% with 1,133 cases filed, and protections/restraining order filings increased by 6.5% with 2,202 cases filed.

## ND Civil Caseload for District Courts FOR CALENDAR YEARS 2022 & 2021

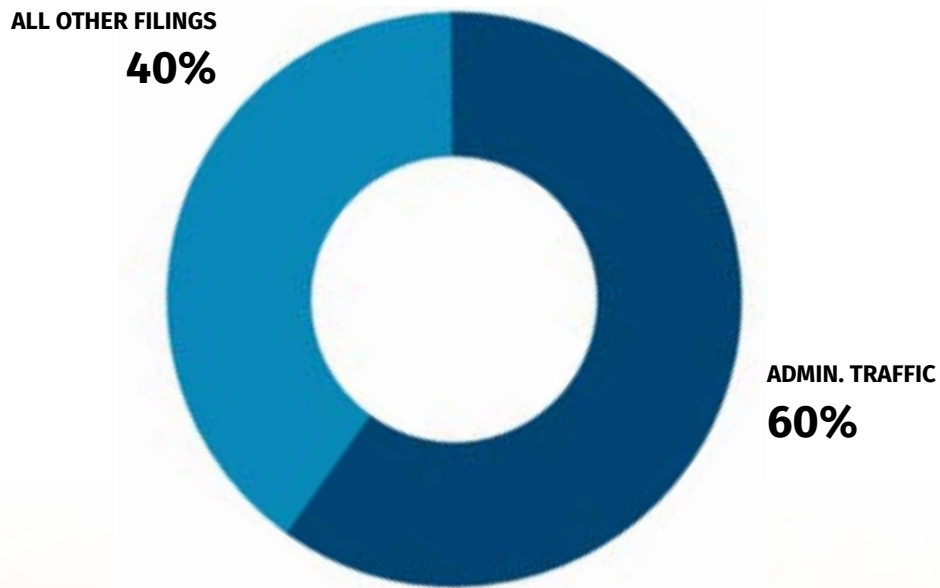


NORTH DAKOTA DISTRICT COURT

# Administrative Traffic Cases 2022

Administrative traffic filings decreased by 13,718 (13.9%) from 2021. These cases make up 60 percent of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

## Total Cases Filed in District Courts Including Administrative Traffic - 2022



	2022	2021
ADMIN. TRAFFIC		
CASE FILINGS	84,861	98,579
CASE RE-OPENS	356	281
CASE DISPOSITIONS	88,821	102,253





Northwest Judicial District  
 Number of Judges: 6  
 Number of Counties: 3

North Central Judicial District  
 Number of Judges: 5  
 Number of Counties: 3

Northeast Judicial District  
 Number of Judges: 6  
 Number of Counties: 11

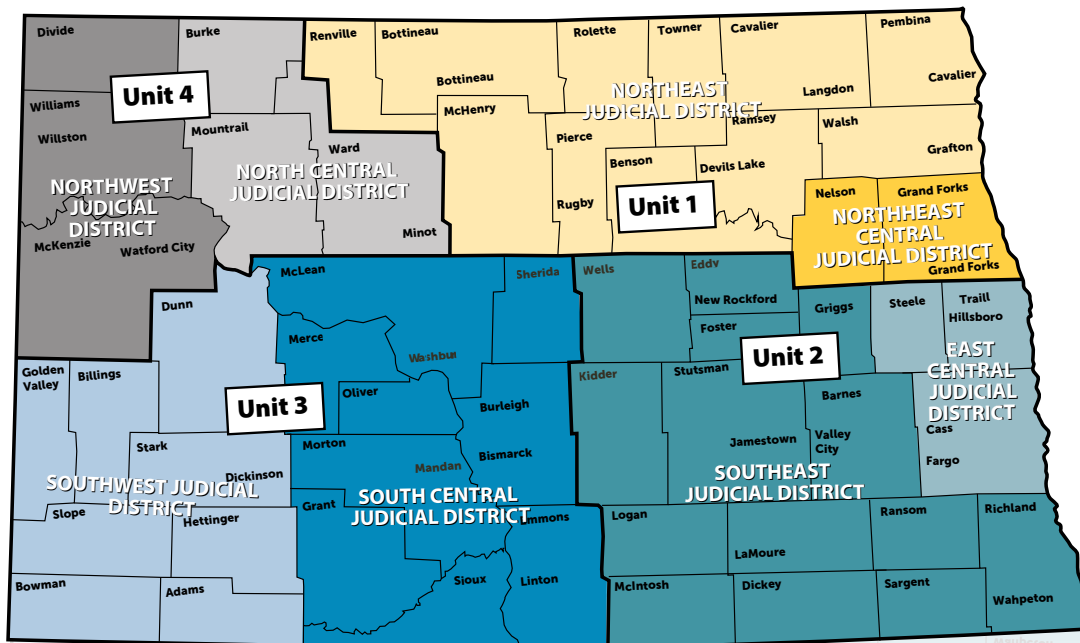
Northeast Central Judicial District  
 Number of Judges: 5  
 Number of Counties: 2

Southwest Judicial District  
 Number of Judges: 4  
 Number of Counties: 8

South Central Judicial District  
 Number of Judges: 10  
 Number of Counties: 9

Southeast Judicial District  
 Number of Judges: 7  
 Number of Counties: 14

East Central Judicial District  
 Number of Judges: 9  
 Number of Counties: 3





# Unit 1 – 2022

**Unit Administrator**  
Scott Johnson

**Deputy Administrator**  
Kelly Hutton



**Presiding Judge Northeast  
Judicial District**  
Judge Donovan J. Foughty

### Judges of the Northeast District

- Kari Michelle Agotness
- Anthony Swain Benson
- Michael P. Hurly
- Lonnie Olson
- Barbara L. Whelan



**Presiding Judge Northeast Central  
Judicial District**  
Judge Donald Hager

### Judges of the Northeast Central District

- Jay Knudson
- Jason McCarthy
- Lolita G. Romanick
- John A. Thelen



# Unit I CASELOAD



## Northeast District Court Caseload

FOR CALENDAR YEARS 2022 & 2021

CASE FILINGS/ DISPOSITIONS	2022			2021			2022/2021	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,079	575	2,684	2,345	627	3,002	-11.34%	-10.59%
Small Claims	208	3	203	216	1	224	-3.70%	-9.38%
Criminal	2,525	1,272	3,835	3,002	1,230	4,065	-15.89%	-5.66%
Traffic	9,753	37	10,156	11,065	32	11,329	-11.86%	-10.35%
Juvenile	119	155	282	174	173	316	-31.61%	-10.76%
<b>Total</b>	<b>14,684</b>	<b>2,042</b>	<b>17,160</b>	<b>16,802</b>	<b>2,063</b>	<b>18,936</b>	<b>-12.61%</b>	<b>-9.38%</b>

## Northeast Central District Court Caseload

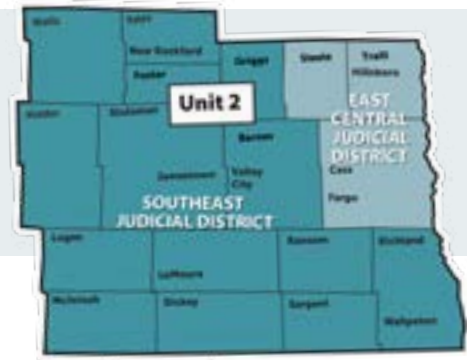
FOR CALENDAR YEARS 2022 & 2021

CASE FILINGS/ DISPOSITIONS	2022			2021			2022/2021	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,280	580	2,898	2,979	587	3,483	-23.46%	-16.80%
Small Claims	355	2	347	497	5	499	-28.57%	-30.46%
Criminal	2,932	1,160	3,863	2,960	1,224	3,989	-0.95%	-3.16%
Traffic	6,787	19	7,120	9,665	31	10,046	-29.78%	-29.13%
Juvenile	370	182	482	278	212	431	33.09%	11.83%
<b>Total</b>	<b>12,724</b>	<b>1,943</b>	<b>14,710</b>	<b>16,379</b>	<b>2,059</b>	<b>18,448</b>	<b>-22.32%</b>	<b>-20.26%</b>

# UNIT 2 – 2022

**Unit Administrator**  
Chris Iverson

**Deputy Administrator**  
Meagan Huffman



**Presiding Judge East Central District**

Judge John C. Irby

**Judges of the East Central District**

- |                        |                          |
|------------------------|--------------------------|
| Susan Bailey           | Steven E. McCullough     |
| Reid A. Brady          | Stephannie N. Stiel      |
| Nicholas W. Chase      | Tristan J. Van de Streek |
| Constance L. Cleveland | Wade L. Webb             |

*Note – Judge Thomas Olson served in 2022, retiring in April.  
Judge Steven Marquart served in 2022, retiring in December.*

**Referees in the East Central District**

- Dan Gast - Fargo
- Stephanie Hayden - Fargo



**Presiding Judge Southeast District**

Judge Daniel D. Narum

**Judges of the Southeast District**

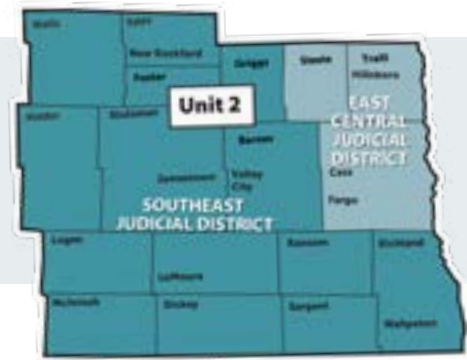
- |                  |                      |
|------------------|----------------------|
| Cherie L. Clark  | Troy J. LeFevre      |
| Bradley A. Cruff | Jay A. Schmitz       |
| James D. Hovey   | Nicholas D. Thornton |

*Note – Judge Mark Blumer served in 2022, retiring in December.*



# Unit 2

## CASELOAD DATA



### East Central District Court Caseload

FOR CALENDAR YEARS 2022 & 2021

CASE FILINGS/ DISPOSITIONS	2022			2021			2022/2021	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,482	1,168	6,490	5,568	1,203	6,683	-1.54%	-2.89%
Small Claims	932	17	910	891	21	944	4.60%	-3.60%
Criminal	5,673	1,866	6,922	5,919	1,759	6,807	-4.16%	1.69%
Traffic	12,604	34	13,196	13,249	31	13,764	-4.87%	-4.13%
Juvenile	615	257	769	524	254	667	17.37%	15.29%
<b>Total</b>	<b>25,306</b>	<b>3,342</b>	<b>28,287</b>	<b>26,151</b>	<b>3,268</b>	<b>28,865</b>	<b>-3.23%</b>	<b>-2.00%</b>

### Southeast District Court Caseload

FOR CALENDAR YEARS 2022 & 2021

CASE FILINGS/ DISPOSITIONS	2022			2021			2022/2021	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,568	747	3,301	3,021	915	3,813	-15.00%	-13.43%
Small Claims	333	3	337	414	8	440	-19.57%	-23.41%
Criminal	2,104	973	3,089	2,505	1,043	3,463	-16.01%	-10.80%
Traffic	11,591	38	12,404	14,346	48	14,804	-19.20%	-16.21%
Juvenile	97	82	169	93	120	210	4.30%	-19.52%
<b>Total</b>	<b>16,693</b>	<b>1,843</b>	<b>19,300</b>	<b>20,379</b>	<b>2,134</b>	<b>22,730</b>	<b>-18.09%</b>	<b>-15.09%</b>

# UNIT 3 – 2022

**Unit Administrator**  
Donna Wunderlich

**Deputy Administrator**  
Michele Bring



### **Presiding Judge South Central District**

Judge Bruce A. Romanick

### **Judges of the South Central District**

- |                   |                      |
|-------------------|----------------------|
| Douglas A. Bahr   | Lindsey Nieuwsma     |
| Daniel J. Borgen  | David E. Reich       |
| Cynthia M. Feland | Bonnie L. Storbakken |
| James S. Hill     | Bobbi Weiler         |
| Pamela A. Nesvig  |                      |

### **Referees in the South Central District**

- Jason Hammes - Bismarck
- Krista Thompson - Bismarck



### **Presiding Judge Southwest District**

Judge William A. Herauf

### **Judges of the Southwest District**

- Rhonda R. Ehlis
- James D. Gion
- Dann E. Greenwood



# Unit 3

## CASELOAD DATA



### South Central District Court Caseload

FOR CALENDAR YEARS 2022 & 2021

CASE FILINGS/ DISPOSITIONS	2022			2021			2022/2021	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,292	1,355	6,493	5,417	1,294	6,565	-2.31%	-1.10%
Small Claims	544	18	545	531	12	548	2.45%	-0.55%
Criminal	5,022	2,538	7,476	6,058	2,107	7,972	-17.10%	-6.22%
Traffic	14,989	69	15,640	17,388	25	17,939	-13.80%	-12.82%
Juvenile	433	310	624	395	268	591	9.62%	5.58%
<b>Total</b>	<b>26,280</b>	<b>4,290</b>	<b>30,778</b>	<b>29,789</b>	<b>3,706</b>	<b>33,615</b>	<b>-11.78%</b>	<b>-8.44%</b>

### Southwest District Court Caseload

FOR CALENDAR YEARS 2022 & 2021

CASE FILINGS/ DISPOSITIONS	2022			2021			2022/2021	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	1,784	436	2,147	1,930	504	2,328	-7.56%	-7.77%
Small Claims	113	5	106	93	4	100	21.51%	6.00%
Criminal	1,813	930	2,371	1,786	1,065	2,431	1.51%	-2.47%
Traffic	8,448	48	8,728	9,759	39	10,156	-13.43%	-14.06%
Juvenile	55	49	92	77	42	103	-28.57%	-10.68%
<b>Total</b>	<b>12,213</b>	<b>1,468</b>	<b>13,444</b>	<b>13,645</b>	<b>1,654</b>	<b>15,118</b>	<b>-10.49%</b>	<b>-11.07%</b>

# UNIT 4 – 2022

Unit Administrator  
Carolyn Probst



### Presiding Judge North Central District

Judge Gary H. Lee

### Judges of the North Central District

Todd L. Cresap

Stacy J. Louser

Richard L. Hagar

Douglas L. Mattson

### Referees in the North Central District

Kelly Dillon – Minot

*Note – Connie Portscheller served as a referee in Minot in 2022, retiring in November.*



### Presiding Judge Northwest District

Judge Robin A. Schmidt

### Judges of the Northwest District

Daniel S. El-Dweek

Joshua B. Rustad

Paul W. Jacobson

Kirsten M. Sjue

Benjamin J. Johnson



# Unit 4 CASELOAD DATA



## Northwest District Court Caseload

FOR CALENDAR YEARS 2022 & 2021

CASE FILINGS/ DISPOSITIONS	2022			2021			2022/2021	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,156	784	3,773	3,226	715	3,852	-2.17%	-2.05%
Small Claims	154	8	153	171	7	200	-9.94%	-23.50%
Criminal	3,254	1,949	4,573	2,948	1,482	4,108	10.38%	11.32%
Traffic	10,693	40	11,154	11,972	32	12,624	-10.68%	-11.64%
Juvenile	126	123	193	127	137	205	-0.79%	-5.85%
<b>Total</b>	<b>17,383</b>	<b>2,904</b>	<b>19,846</b>	<b>18,444</b>	<b>2,373</b>	<b>20,989</b>	<b>-5.75%</b>	<b>-5.45%</b>

## North Central District Court Caseload



FOR CALENDAR YEARS 2022 & 2021

CASE FILINGS/ DISPOSITIONS	2022			2021			2022/2021	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,192	713	3,776	3,516	804	4,220	-9.22%	-10.52%
Small Claims	197	13	210	295	9	300	-33.22%	-30.00%
Criminal	2,654	2,217	4,429	2,375	2,987	5,488	11.75%	-19.30%
Traffic	9,996	71	10,423	11,135	43	11,591	-10.23%	-10.08%
Juvenile	192	262	326	217	300	378	-11.52%	-13.76%
<b>Total</b>	<b>16,231</b>	<b>3,276</b>	<b>19,164</b>	<b>17,538</b>	<b>4,143</b>	<b>21,977</b>	<b>-7.45%</b>	<b>-12.80%</b>





# *Specialized Docket*

## OVERVIEW



A "specialized docket" is a juvenile or district court that oversees a therapeutic program comprised of interdisciplinary teams, enhanced judicial involvement, court-supervised treatment programs, and other components designed to achieve effective alternatives to traditional case dispositions.



There are both adult and juvenile specialized dockets within the North Dakota Court system. There are juvenile drug courts, an adult treatment court, a veteran's court, and a domestic violence court.

SPECIALIZED DOCKET

# Richland County Treatment Court 2022 Update

The Richland County Treatment Court continues to operate in Wahpeton accepting alcohol and drug related non-violent offenders who reside in Richland County. The Hon. Brad Cruff serves as the primary judge. This court is managed by the Administrative Office of the Courts through a collaborative effort with the state’s attorney, local law enforcement, Southeast Human Services, Department of Corrections, and local counsel.

### TRAINING

Richland County Treatment Court received a Tune-Up Grant from the National Drug Court Institute. The team was commended on its commitment to best practices and successfully helping its participants struggling with substance use disorders and mental health conditions. The court was also commended on its commitment to helping as many participants as possible in a timely manner. The team had to modify some aspects of its program but by doing so it has made an even more dramatic impact on recidivism, cost savings, and more importantly, the lives of the participants.

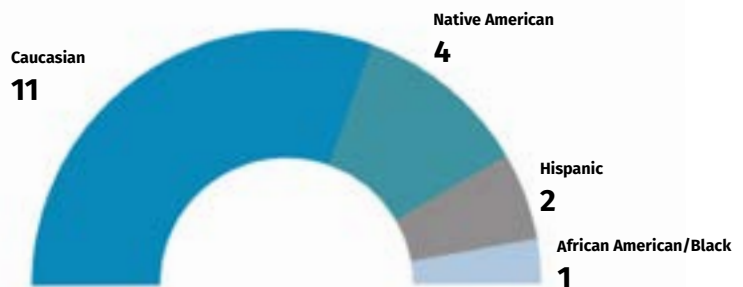


## Overall Statistics From Start Date

	Participants Admitted	Current	Graduated	Suspended	Terminated	Obtained Employment	Obtained Housing
2022	18	10	6	0	2	15	18
2021	12	9	1	2	0	9	6
2020	6	2	1	0	2	4	4

RICHLAND COUNTY TREATMENT COURT

## Race Data 2022



## SPECIALIZED DOCKET

# Grand Forks / Nelson County Veterans Treatment Court

The Veterans Treatment Court (VTC) was approved for implementation on April 19, 2022, and full implementation was achieved in December 2022. Judge Donald Hager presides over the post-sentencing model court. The goals of the court are to increase offender compliance with court orders, reduce recidivism, enhance victim safety and increase the effectiveness/efficiency of court processes relating to veterans involved in the justice system.

Under N.D.C.C 12.1-32-02, an individual sentenced to participate in the veterans treatment court must complete an evaluation as well as follow through with program recommendations which can include mental health and chemical dependency programs administered by the federal Department of Veterans Affairs (VA) along with drug testing through Community Service/Restitution and other support organizations such as Alcohol or Narcotics Anonymous.

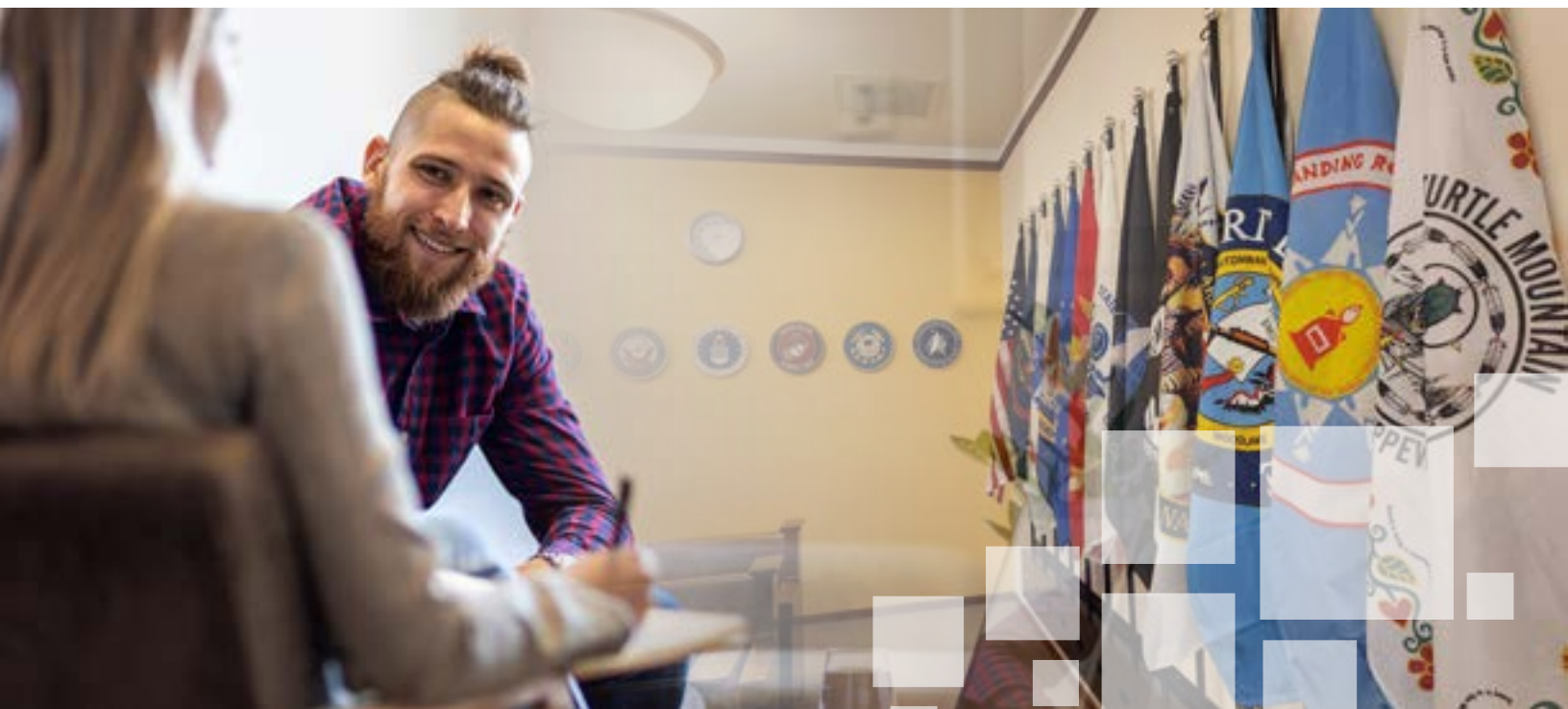
As part of their acceptance into the VTC, participants undergo either an Alcohol Use Disorder Identification Test (AUDIT) if their conviction is related to alcohol dependency or a Level of Service Inventory-Revised (LSI-R) if related to substance use, or both depending on their AUDIT score.

During the past year, the VTC team has undergone significant training related to mental health and chemical dependency

including professional training provided by Justice for Vets for all the roles associated with implementing and conducting a veterans treatment court. In addition to training for the primary team members' roles, mentors went through a two-day training seminar with members of the Justice for Vets Mentor Corp trainers.

The VTC has adopted the following mission statement and the acronym VALOR (veteran accountability leading to ongoing recovery):

The mission of the Northeast Central Judicial District's Veterans Treatment Court is to promote recovery, stability, and accountability for veterans involved in the justice system through supervision and service-oriented mentorship; therefore improving public safety and civic contribution to the citizens and State of North Dakota.



The VTC will track data to assist with monitoring progress as well as attempting to enhance the effectiveness of the program.

## Veterans Treatment Court Participation and Completion Rates

CALENDAR YEAR 2022

	2022
# VTC Court Sessions Held	1
# Defendants admitted into VTC Court*	1
Male	1 (100%)
Female	0
# VTC Court Participants Completed	0
Male	
Female	
# VTC Court Post-Sentence Review (VTC CPSR) Hearings by Case	0
# Order to Show Cause (OSC) Hearings by Case	
Total Cases Heard in VTC Court	
# VTC Court Participant Hearing Attended Status:	
Attended/Appeared	1 (100%)
Bench Warrant	0
# OSC Defendant Hearing Attended Status:	
Attended/Appeared	
Bench Warrant	
# Unduplicated Participants with a scheduled Post-Sentence Review Hearing (During the reporting period only)	
Male	
Female	

\*The first participant was approved on November 28, 2022, with their first court date of Dec. 19, 2022.



## SPECIALIZED DOCKET

# Grand Forks County Domestic Violence Court

Since its inception in August 2018, the single Domestic Violence (DV) Court in the North Dakota Court System continues to be located in Grand Forks. Judge Jason McCarthy and Judge Jay Knudson preside over the post-judgment model court. The goals of the court are to increase offender compliance with court orders, reduce recidivism, enhance victim safety and increase the effectiveness/efficiency of court processes relating to domestic violence cases.

Under N.D.C.C 12.1-17-13, any sentence of a domestic violence offender must include an order to complete an evaluation as well as follow-through with program recommendations including the New Choices program administered by the Community Violence Intervention Center (CVIC). CVIC monitors individual compliance after conviction and provides coordination services to the DV Court.

The DV Court tracks data to assist with monitoring progress as well as attempting to enhance the effectiveness of the program.



## Domestic Violence Court

### Participation and Completion Rates

#### Calendar Years 2020 - 2022

	2020	2021	2022
<b># DV Court sessions held</b>	16	17	19
<b># Cases ordered into DV Court*</b>	127	131	114
<b># Unduplicated defendants ordered into DV Court</b>	121	117	105
<b>Male</b>	100 (83%)	97 (83%)	89 (85%)
<b>Female</b>	21 (17%)	20 (17%)	16 (15%)
<b># DV Court cases completed**</b>	72	73	48
<b># Unduplicated DV Court participants completed</b>	63	68	44
<b>Male</b>	52 (83%)	54 (79%)	35 (80%)
<b>Female</b>	11 (17%)	14 (21%)	9 (20%)
<b># of DV Court Post-Sentence Review (DVCPSR) hearings held</b>	288***	471	458
<b># Unduplicated cases with a DVCPSR</b>	155	198	180
<b>Attendance for DVCPSR hearings by case</b>			
<b>Attended/Appeared</b>	214 (74%)	366 (78%)	355 (78%)
<b>Bench Warrant</b>	74 (26%)	105 (22%)	103 (22%)
<b># Cases with an Order to Show Cause scheduled during DVCPSR hearings</b>	19	1	****
<b>Attendance for OSC hearings</b>			
<b>Attended/Appeared</b>	8 (42%)	0 (0%)	
<b>Bench Warrant</b>	11 (58%)	1 (100%)	
<b>Total Cases Heard in DV Court</b>	307	472	458
<b># Unduplicated participants with a scheduled DVCPSR hearing</b>	136	176	156
<b>Male</b>	114 (84%)	151 (86%)	132 (85%)
<b>Female</b>	22 (16%)	25 (14%)	24 (15%)

\*Some defendants were ordered to DV Court in multiple cases. \*\*Participants that completed during each reporting period could also include cases that were ordered in a previous year. \*\*\*Due to COVID-19 there were four DV Court sessions that were cancelled in April and May 2020. As DV Court hearings resumed in June 2020, the focus was primarily on non-compliant participants which resulted in less cases on the calendar per session. These are the primary reasons for the decrease in hearings in 2020. \*\*\*\*OSC Hearings fully incorporated into DV Court Hearings in 2021.

Note regarding decrease in DV Court Sessions: In 2020, there were no DV Court sessions held in April or May due to COVID-19 and an order suspending all specialty court hearings, which resulted in four cancelled DV Court sessions. In early 2020, DV Court switched from Wednesdays to Mondays. Although there were not any DV Court sessions in 2020 that fell on holidays, in 2021 there were four DV Court sessions that fell on Monday holidays and one session that was cancelled due to weather on December 27th, 2021.



# *Juvenile Court*

## OVERVIEW



### **JUVENILE COURT MISSION STATEMENT**

The Juvenile Court protects the best interests of children and addresses the unique characteristics and needs of children that come before the court as protection and delinquent matters. Following the principles of Balanced and Restorative Justice, the mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. The courts empower victims, encourage community participation, and support parental responsibility.



## JUVENILE COURT

# 2022 Juvenile Court Case Highlights

## DELINQUENT AND CHILD IN NEED OF SERVICES (CHINS) CASE REFERRALS

In North Dakota, the Juvenile Court has exclusive jurisdiction over youth age 10 to 18 who are alleged to have committed a delinquent act. The juvenile court also had jurisdiction over CHINS cases until August 1, 2022. Those case then fell under the jurisdiction of the Human Service Zones. A delinquent act would be a crime if committed by an adult, while behavior such as truancy from school, runaway, or ungovernable behavior are under a CHINS

## CHILD IN NEED OF PROTECTION AND TERMINATION OF PARENTAL RIGHTS CASE REFERRALS

In August of 2021, the case type formerly titled deprived was re-titled "Child in Need of Protection". In North Dakota, the Juvenile Court also has exclusive jurisdiction over children until age 18 who are alleged to be deprived of proper care

or control by their parent, guardian, or other custodian. These case types are more commonly known as child abuse and neglect. They are referred to the courts by the county social service agencies after a child abuse and neglect investigation.

Note that on August 1, 2022, CHINS moved from the jurisdiction of the juvenile court to the jurisdiction of the Human Services Zones. Also, on August 1, 2021, minor in consumption and minor in possession case types moved from the CHINS category to the delinquent category due to legislative changes. Therefore, all minor in consumption and minor in possession that occurred after July 31, 2021, were added to the delinquent category

In 2021, CHINS offenses made up 13% of juvenile court referrals, a child in need of protection/termination of parental rights referrals made up 24%, and delinquent referrals were 63%.

## Total Referrals Trend

	CHINS	Delinquent	Child in Need of Protection/ Termination of Parental Rights	Totals
2022	1,237	5,749	2,137	<b>9,123</b>
2021	2,486	4,985	2,043	<b>9,514</b>
2020	2,613	3,727	2,537	<b>8,877</b>
2019	2,645	4,597	2,858	<b>10,100</b>
2018	2,408	4,332	3,349	<b>10,089</b>
2017	2,603	4,744	3,273	<b>10,620</b>

## Total Referrals by Case Type

	2022	2021	2020	2019	2018	2017
Against Person Offenses	1,486	1,276	871	1,048	1,047	907
Property Offenses	1,313	1,127	1,035	1,341	1,010	1,449
Public Order	1,153	1,012	749	1,149	992	1,051
Unruly	1,237	2,486	2,613	2,645	2,408	2,603
Child in Need of Protection/ Termination of Parental Rights	2,137	2,043	2,537	2,858	3,349	3,273
Traffic	178	253	216	201	243	239
Drug Related Offenses	1,619	1,317	856	858	1,040	1,098
<b>TOTAL</b>	<b>9,123</b>	<b>9,514</b>	<b>8,877</b>	<b>10,100</b>	<b>10,089</b>	<b>10,620</b>



JUVENILE COURT

# 2022 Juvenile Court Case Highlights

## JUVENILE COURT RECIDIVISM RATE

The juvenile court defines recidivism as a youth under community supervision (formal and informal) who has either admitted to or has been adjudicated to have committed a delinquent act within three years of the closure or termination of their supervision. (Note that this does not include referrals disposed of by diversion). Over the past two years, the North Dakota Juvenile Court has monitored youth recidivism rates. The recidivism rate is calculated one year after a youth is placed on probation. The recidivism rate in 2022 is 21% compared to the 2021 rate of 20%

## JUVENILE STATUTORY DUTIES

The juvenile court is responsible for reviewing petitions to establish, modify or terminate a guardianship of a minor child filed under N.D.C.C. 27-20.1 and for the review of child placements in residential treatment under N.D.C.C 27-20-06(1)(k). In 2022 the juvenile court received and reviewed:

### GUARDIANSHIP OF MINOR CASES:

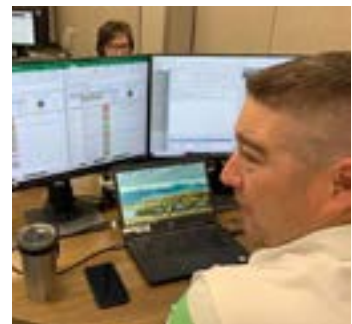
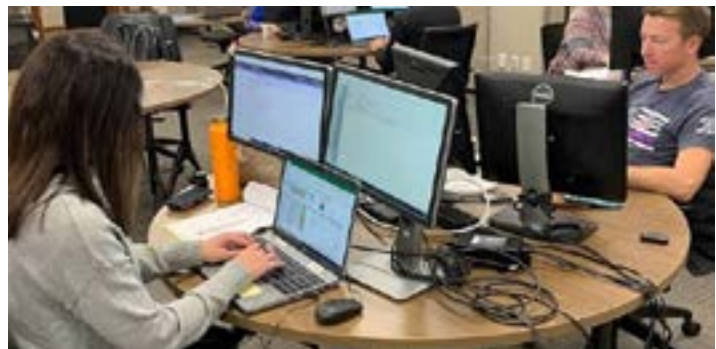
New Filings: 225

Review Hearings: 695

## QUALIFIED RESIDENTIAL TREATMENT PLACEMENT

When a North Dakota Human Service Zone places youth in a Qualified Residential Treatment Facility, they must first have an assessment done by Maximus Ascend to ensure the placement is appropriate. If the placement is found to be appropriate, the placement process must then be reviewed by the juvenile court director:

In 2022 the juvenile court received 180 assessments from Maximus Ascend. The juvenile court director or designee reviewed 132 approvals. Forty-eight of the placements were denials which are not reviewed by the juvenile court.



JUVENILE COURT

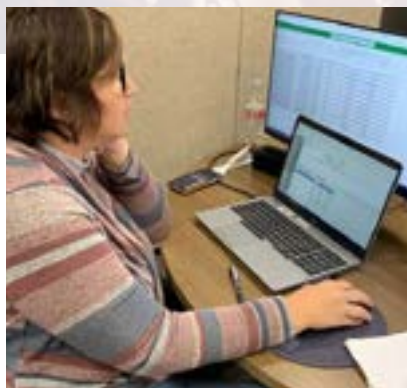
# Juvenile Drug Court 2022

Juvenile drug courts across the state were back meeting in courtrooms in 2022, but the experience they went through with the pandemic proved that the drug courts could function virtually when needed. However, the face-to-face sessions proved to be more effective, especially with the populations that the drug courts serve.

The juvenile drug court teams were able to gather for a one-day training in June in Fargo. The teams were trained on drug trends, team building and veterans courts. The training included the Richland County Treatment Court and the Veterans Treatment Court from Grand Forks. The National Association of Drug Court Professionals, Justice for Vets, and the Center for Court Innovations provided the training. Team members from Bismarck and Minot Juvenile Drug

Courts attended the National Association of Drug Court Professionals Conference where 6000 team members from across the country gathered, including juvenile, adult, veterans, mental health, domestic violence and family treatment court team members.

The Devils Lake Juvenile Drug Court spent a day with the Spirit Lake Tribal Juvenile Court to discuss ways to improve their joint district court/tribal court, which they renamed the Youth Wellness Court. The joint court serves participants from the juvenile court located in Devils Lake and the Spirit Lake Tribal Juvenile Court. The team members look forward to working together to serve more youth in their Youth Wellness Court.



## 2022 Juvenile Drug Court Statistics by Individual Court

	Grand Forks	Fargo	Bismarck	Minot/Williston	Devils Lake/Spirit Lake	Stutsman/Barnes	Totals
<b>Individual Participants Served</b>	15	26	16	18	6	6	87
<b>Current Participants</b>	5	10	6	6	3	2	32
<b>Suspended</b>	3	2	2	0	0	1	8
<b>Treatment Hours Administered</b>	237	436	378	418	28	98	1,595
<b>Drug Tests Administered</b>	502	595	290	484	142	236	2,249
<b>Obtained GED/ Diploma</b>	1	2	0	2	0	0	5
<b>Community Service Hours</b>	27	417	42	72	16	60	634
<b>Graduations</b>	4	4	4	4	0	2	18
<b>Average Months in Program for Graduates</b>	11.25	12.25	8.5	8.75	0	10.50	10.22
<b>Terminations</b>	4	10	7	8	2	2	33
<b>Average Months in Program for Terminations</b>	8.25	4	3	8.5	19	8	6.55
<b>New Participants</b>	8	18	11	10	3	2	52
<b>Gender</b>							
Female	2	8	2	6	1	2	21
Male	13	17	14	12	5	4	65
Other	0	1	0	0	0	0	1

Race	White	Native American	Hispanic	Black	Unknown	Unknown	Total
Grand Forks	9	3	3	0	0		15
Fargo	17	1	3	4	1		26
Bismarck	8	6	1	1	0		16
Minot/Williston	13	2	0	1	2		18
Devils Lake/ Spirit Lake	0	6	0	0	0		6
Stutsman/Barnes	5	1	0	0	0		6
Grand total	52	19	7	6	3		87

## JUVENILE COURT

# Court Improvement Program 2022

The Court Improvement Program (CIP) provides support and resources to North Dakota's state courts, allowing them to evaluate and enhance court processes in response to the needs of children in the child welfare system. The CIP is funded by a federal grant provided by the Administration of Children and Families Children's Bureau.

The CIP grant enables state courts to assess the role, responsibilities and effectiveness of courts in carrying out laws relating to child welfare proceedings. It also allows courts to improve the safety, well-being, and permanency planning for children in foster care. The grant supports court data collection and analysis and promotes data sharing between courts, child welfare agencies and tribes, and is used to increase child welfare expertise within the legal community and facilitate cross-training opportunities among agencies, tribes, courts and other key stakeholders.

Beginning October 1, 2022, the prior three CIP grants were consolidated into a single grant to meet the Children's Bureau 2023 program requirements. Updated program requirements include focusing on quality hearings in child welfare cases, quality legal representation for parents and children, and a joint project and collaboration with the state's child welfare agency. Under the new CIP grant structure, the CIP will be required to use at least thirty percent of funds to jointly collect data with the child welfare system. The data will be used to improve case tracking and achievement of permanency goals for children and families.

Over the past year the North Dakota Court Improvement Program, Legal Services of North Dakota, Children and Family Services, and the North Dakota ICWA Partnership grant continued to work on providing pre-petition legal representation to families in two Human Service Zones. The pre-petition legal representation model assists with keeping families together and children in their homes by providing early advocacy in child welfare cases prior to court involvement.

The pre-petition legal representation model was implemented within the Burleigh County Human Service Zone for children at risk of being placed in shelter care. In August the model was expanded to serve the Three Rivers Human Service Zone. The goal of the model is to maintain children in their homes, mitigate safety issues and decrease the disproportionality rate of American Indian children entering foster care. Implementation of the model began on September 1, 2021 and 47 families have been referred to the program.

The Court Improvement Program funds and oversees the North Dakota Dual Status Youth Initiative (DSYI) to address issues related to dual status youth – those youth who have been involved in both the child welfare and juvenile justice systems in North Dakota. Between January 1, 2022 and December 31, 2022 the DSYI served 950 youth. To address the transition of CHINS referrals to the Human Service Zones the DSYI protocol was updated and implemented in August, 2022.



## JUVENILE COURT

# Dual Status Youth Initiative 2022 Update

Between January 2022 and December 31, 2022, there were 950 dual status youth in North Dakota. The North Dakota Dual Status Youth Initiative (DSYI) is a result of a multi-year collaboration between court and child welfare agencies. The summary of that collaborative work, which was supported by the Robert F. Kennedy Foundation, found that the life prospects for North Dakota youth are significantly impaired if they are simultaneously involved in the state's child welfare and juvenile justice systems. Youth in this situation are referred to as dual status youth.

The North Dakota Dual Status Youth Initiative (DSYI) works to improve collaboration, communication, and exchange of information between agencies. Once children are identified as dual status, the agencies work together to improve outcomes for the youth. This is accomplished by increasing interagency information sharing between juvenile court and child welfare and establishing child and family-centered multidisciplinary policies and practices.

One resource used to improve outcomes for dual status youth is the Family Centered Engagement meeting (FCE). The Village Family Service Center provides the FCE. The meeting consists of a facilitated team process that includes participation from parents, extended family, children, service providers, child welfare staff, and juvenile court staff to make critical decisions regarding the safety and well-being of the child to achieve the safest and least restrictive outcomes that are in the best interest of the dual status youth. In 2022, 226 FCE meetings, along with additional follow-up meetings, were provided to dual status families.

In response to Children in Need of Services (CHINS) referrals transitioning to the Human Service Zones, the North Dakota Court Improvement Program (CIP) updated the Dual Status Practice Guide to explain further the theory by which the initiative's activities are intended to benefit the dual status population and published an updated list of parameters for holding or waiving required meetings.


The intended goal of these changes is to ensure best practice is followed and that an FCE is held when it is the youth's first time being identified as dual status. Training on the new protocol and practice guide was provided to the CHINS team and juvenile court staff in September 2022. Data is collected and is used to track outcomes of dual status youth.

To achieve the best possible oversight and coordination of dual status youth cases, the Human Service Zone CHINS specialists and the juvenile court have designated a "DSY Liaison" in each of their respective areas. Roles and responsibilities of the DSY Liaisons include serving as a point of contact for all dual status youth notifications, clarifying policies and practices to agency staff, participating in monthly DSYI workgroup meetings to discuss practice and protocol, and ensuring that child welfare agency staff and juvenile court officers have a complete understanding of their role and responsibilities when working with dual status youth. Research has shown that this approach improves communication across agencies, facilitates cross-training, and improves the experience for youth and families.




# *Court Programs and Services*


## **OVERVIEW**



The North Dakota Court System provides a number of programs and services to assist with the resolution of disputes. Those program include family mediation, guardianship monitoring and assistance for self-represented litigants in civil cases.



Reports on these services can be found in this section.



## COURT PROGRAMS AND SERVICES

# Family Mediation Program

The Family Mediation Program is a statewide program that provides a high quality, impartial, and efficient forum for resolving disputed parental rights and responsibilities, as well as grandparent visitation matters through mediation.

As of January 6, 2023, the Family Mediation Program accepted 803 cases into the Program. Data for completed cases indicates 44% reached full agreement, while an additional 23% reached partial agreements for a positive impact on 67% of cases.

We currently have 31 mediators on the Family Mediation Roster.

## Family Mediation Cases January 1, 2022 through December 31, 2022

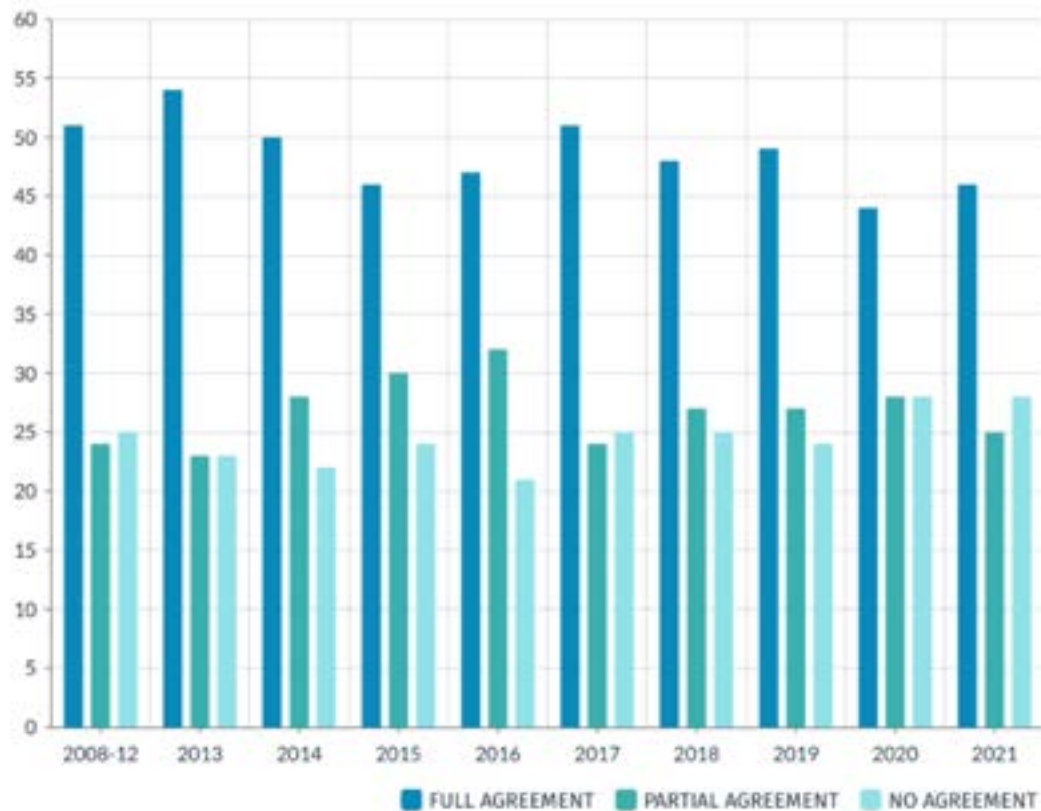
<b>Total cases referred to the mediation program</b>		<b>1,510</b>
<b>Cases rejected or dropped out</b>		<b>707</b>
Custody issues settled prior to mediation	332	
Existence of domestic violence restraining order in case record or domestic violence issues identified	59	
Default divorce	36	
One party incarcerated	6	
Mediation attempted prior to filing divorce action	4	
One or both parties did not comply with order	87	
Parties reconciled	6	
Dismissed	30	
Miscellaneous	147	
<b>Cases accepted into the Family Mediation Program</b>		<b>803</b>
Cases closed as of January 6, 2023		526
Cases still pending as of January 6, 2023		277

COURT PROGRAMS AND SERVICES

# Family Mediation Program

Since its inception, the Program has received over 13,299 case referrals and accepted over 7,931 cases into the Program. Reasons cases are not accepted into the program include the parties residing out of state, domestic violence concerns, and case settling prior to the scheduled mediation.

## Family Mediation Program Yearly Settlement Rate



Through the Family Mediation Program, the parties are empowered and encouraged to present their concerns to each other face-to-face and come to their own mutual agreements. The parties reduce the expenses and stress of court proceedings, and reduce the emotional toll of conflict. The participants can benefit greatly by preserving the possibility of ongoing relationships in the future, by avoiding lengthy court proceedings.

More information on the Family Law Mediation Program can be found at:

<http://www.ndcourts.gov/court/rules/NDROC/rule8.1.htm>



COURT PROGRAMS AND SERVICES

# Family Mediation Program

In 2022, the Expedited Parenting Time Mediation Program received 45 requests for a referral to the program. The expedited mediation program is voluntary and 60% of responding parties declined to participate. Data for completed cases indicates 71% reached an agreement.

## Expedited Parenting Time Mediation Program January 1, 2022 through December 31, 2022

<b>Total cases referred to the program</b>	<b>45</b>
Cases where one party declined to participate	27
Cases rejected	0
<b>Cases that entered the Program</b>	<b>18</b>
As of January 6, 2023 - Cases mediation completed	17
As of January 6, 2023 - Cases pending	1



## COURT PROGRAMS AND SERVICES

# North Dakota State Court Guardianship Monitoring Program

## MONITORING REFERRALS, CASE REVIEWS AND OUTCOMES

Fifty-nine cases were referred by the districts courts to the guardianship monitoring program, and an additional seven cases were randomly selected for review. A total of ten cases with red flags were referred to other agencies, such as Adult Protective Services or the Social Security Administration, for further investigation.

One of the most common reasons for a case referral from the court is that a guardian has ceased to perform their duties, or a guardian notifies the court that they can no longer act as a guardian. Monitoring Program visitors then interview families and recommend a willing successor guardian to the court.

Another common reason for referral is when there are red flags in the annual reports, such as financial reports with missing information. Cases are also referred when the individual subject to guardianship asks the court to modify or terminate the guardianship.

Monitoring reviews nearly always result in recommendations to the guardian. Education is regularly provided regarding improvements in guardianship oversight, financial management, as well as resource information such as the forms and instructions on the court's self-help website. Common themes include:

- To more thoroughly complete the annual reports: include accurate financial data, more disclosures, discuss the services provided to the individual subject to guardianship.
- To apply for benefits that the individual may be eligible to receive, and to assist them in maintaining eligibility.
- Visitor reports frequently include recommendations for changes in a guardian's authority, or an endorsement for a successor guardian.

## EDUCATION AND OUTREACH

This year the program hosted three online seminars that reached 247 individuals. The overall theme was preparing for financial assistance and healthcare decision-making in later life. The target audience was guardians, family law attorneys, and individuals that work with vulnerable adults.

General guardianship information is regularly shared with professional guardian entities. Examples this year include the following: how to file for missing stimulus payments, the earned income credit calculator to help determine if a tax return would be beneficial, using SNAP benefits at Amazon.com, credit freezes, and new forms available on the self-help website.

Other educational opportunities included:

- The program monitor acts as customer service contact for guardianship-related questions. Responses were provided to more than 200 people in a variety of roles including court staff, guardians, the public, and individuals subject to guardianship.
- The monitor presented a session on how to complete the annual financial report to one of the professional guardianship agencies.
- An informational packet was created for the juvenile guardianship background process.
- Another packet was created for how guardians of adults can obtain the training and documentation needed to meet the Rule 59 qualifications.

The North Dakota Courts guardianship training website continues to provide valuable information for guardians. During the year, 528 people completed the Adult Guardianship Training video. Other courses include New Guardian Duties, Alternatives to Guardianship, and Mental Health Decision Making. These videos provided education to 178 viewers.

## COURT PROGRAMS AND SERVICES

# ND Legal Self Help Center 2022

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

The Center, which began providing informational services in 2014, is a division of the North Dakota Supreme Court Law Library. Throughout 2022, the Center was staffed by the Citizen Access Coordinator, who is an attorney licensed to practice in North Dakota, and the Citizen Access Paralegal. As of August 2018, following the retirement of the Law Librarian, the Citizen Access Coordinator is also the acting North Dakota Supreme Court Law Librarian.

The main contact point for providing procedural information is the North Dakota Legal Self Help Center webpage. The Center's webpage is housed on the North Dakota Court System website.

The Center's webpage contains all of the forms, informational guides, research guides and brochures available through the Center. The forms, informational guides, research guides, and brochures are mainly developed by Center staff. Court System committees and Court Administration staff also contribute content for the Center webpage.

Center staff provide direct support to self-represented litigants by phone, email, and in-person. Center staff answer questions about civil court processes, procedures, and legal terms. Staff provide contact information for other agencies that may be able to assist with a problem. Self-represented litigants are directed to state laws, rules, and regulations that may be relevant to a legal issue. Staff notify every person who contacts the Center of the services the Center can provide, and that legal advice and legal representation cannot be provided in any way.

The forms, informational guides, and research guides available on the Center's webpage are the key resources provided by the Center. Forms, informational guides, and research guides are available for many civil legal issues, such as family law, guardianship, small claims, name change, informal probate, protection and restraining orders, and eviction.

When a resource is added to the webpage, individual requests for information about that topic decrease significantly.

The number of forms, informational guides, and research guides available on the North Dakota Legal Self Help Center webpage at the end of 2022 are as follows:

- Individual forms (including instructions): 627
- Mental health commitment forms: 61
- Informational guides: 51
- Research guides: 43

In 2022, new forms and resources were created by North Dakota Legal Self Help Center staff and added to the webpage, including:

- Forms to establish conservatorship of a minor child;
- Forms to establish emergency guardianship of a minor child;
- A form for a vexatious litigant to apply to file new documents in an existing case, or to start new litigation, based on the requirements of Administrative Rule 58;
- A motion and answer to motion for authorization to sell personal or real property of an adult subject to guardianship;
- A motion to request a remote hearing, or remote attendance at an in-person hearing, in civil cases based on changes to Administrative Rule 52;
- A motion to request a remote hearing, or remote attendance at an in-person hearing, in guardianship of adult and conservatorship cases based on changes to Administrative Rule 52;
- A motion to request to hold a guardianship or conservatorship hearing at an alternate location, or to allow non-attendance at a hearing based on the requirements of N.D.C.C. Chapter 30.1-28 and Chapter 30.1-29;
- An informational guide for a defendant to demand the filing of the plaintiff's summons and complaint;

## COURT PROGRAMS AND SERVICES

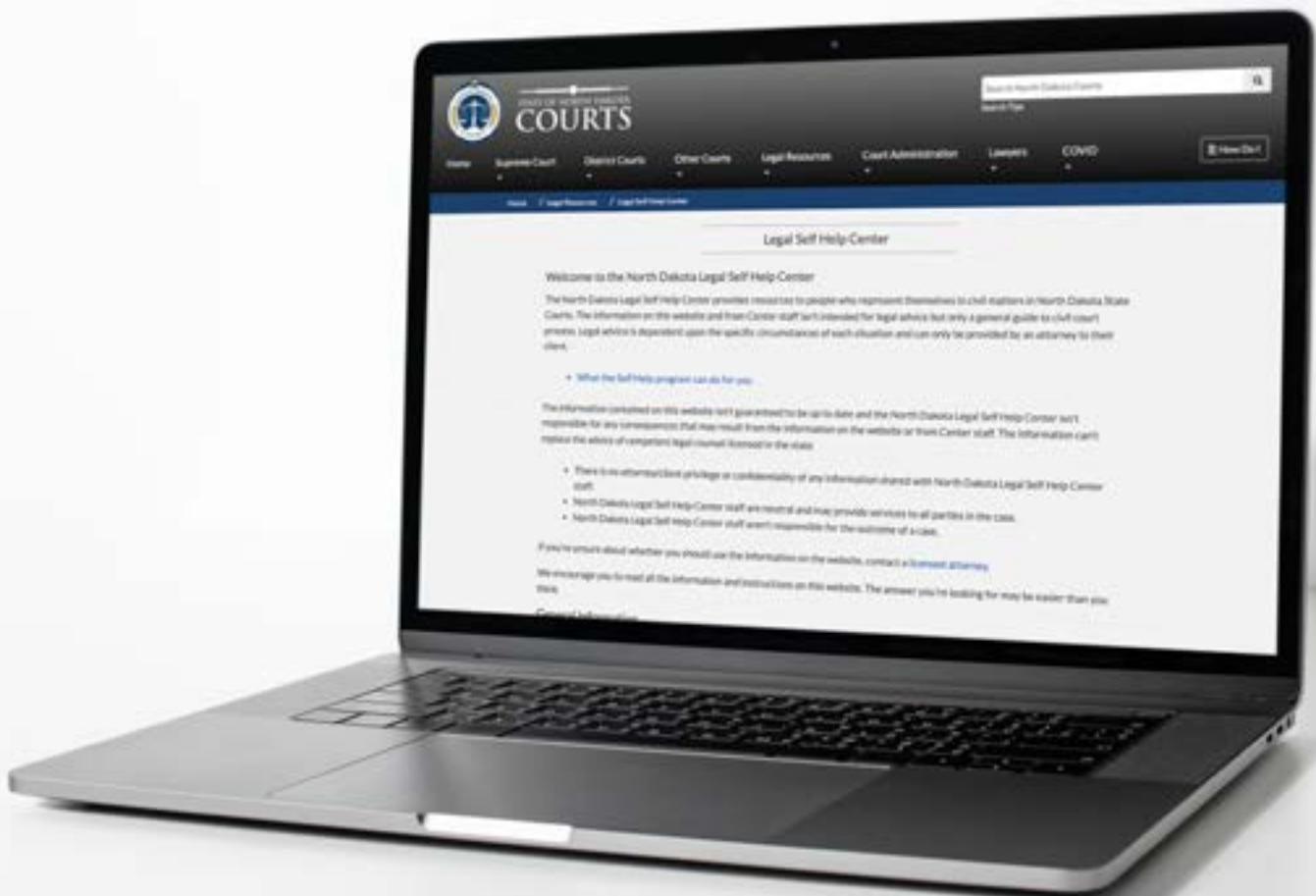
# ND Legal Self Help Center 2022

- An informational guide to payment for guardians in adult guardianship cases;
- An informational guide for registering an out-of-state court or tribal court minor guardianship order in a North Dakota juvenile court;
- A research guide for health care directives;
- A research guide for sealing DUI records;
- Frequently asked questions about conservatorship review hearings;
- Frequently asked questions about adult guardianship review hearings; and
- Existing forms were updated and revised to reflect changes in law and process.

North Dakota Clerks of District Court are the most frequent referral source for Center Referrals from Supreme Court Clerks of Court, Child Support offices, law enforcement, the State Bar Association of North Dakota, individual attorneys, and other agencies are also common.

## MOST REQUESTED TOPICS IN 2022:

- Family Law – Custody and Visitation
- Family Law – Divorce
- Small Claims
- Guardianship of Adults
- Guardianship of Minors
- Probate



## COURT PROGRAMS AND SERVICES

# ND Legal Self Help Center 2022

	Q1 2022	Q2 2022	Q3 2022	Q4 2022	TOTAL 2022*
Phone Calls	347	376	409	324	1,456
Emails	75	72	73	51	271
Letters	2	1	0	4	7
In-Person	0	1	0	3	4
<b>Total</b>	<b>424</b>	<b>450</b>	<b>482</b>	<b>382</b>	<b>1,738</b>

*\*Throughout 2022, the Center was staffed by both the Citizen Access Coordinator and the Citizen Access Paralegal.*

	Q1 2021	Q2 2021	Q3 2021	Q4 2021	TOTAL 2021*
Phone Calls	410	347	366	322	1,445
Emails	81	68	87	59	295
Letters	3	4	5	0	12
In-Person **	0	0	0	0	0
<b>Total</b>	<b>494</b>	<b>419</b>	<b>458</b>	<b>381</b>	<b>1,752</b>

*\*Throughout 2021, the Center was staffed by both the Citizen Access Coordinator and the Citizen Access Paralegal.*

*\*\*From January 1, 2021 through November 30, 2021, all in-person assistance was suspended for the safety of staff and patrons due to the Covid-19 pandemic.*

	Q1 2020	Q2 2020	Q3 2020	Q4 2020	TOTAL 2020*
Phone Calls	430	263	447	336	1,476
Emails	83	75	77	64	299
Letters	4	2	0	1	7
In-Person **	2	0	0	0	2
<b>Total</b>	<b>519</b>	<b>340</b>	<b>524</b>	<b>401</b>	<b>1,784</b>

*\*Throughout 2020, the Center was staffed by both the Citizen Access Coordinator and the Citizen Access Paralegal.*

*\*\*From March 23, 2020 through December 31, 2020, all in-person assistance was suspended for the safety of staff and patrons due to the Covid-19 pandemic.*

# Court Administration

## OVERVIEW

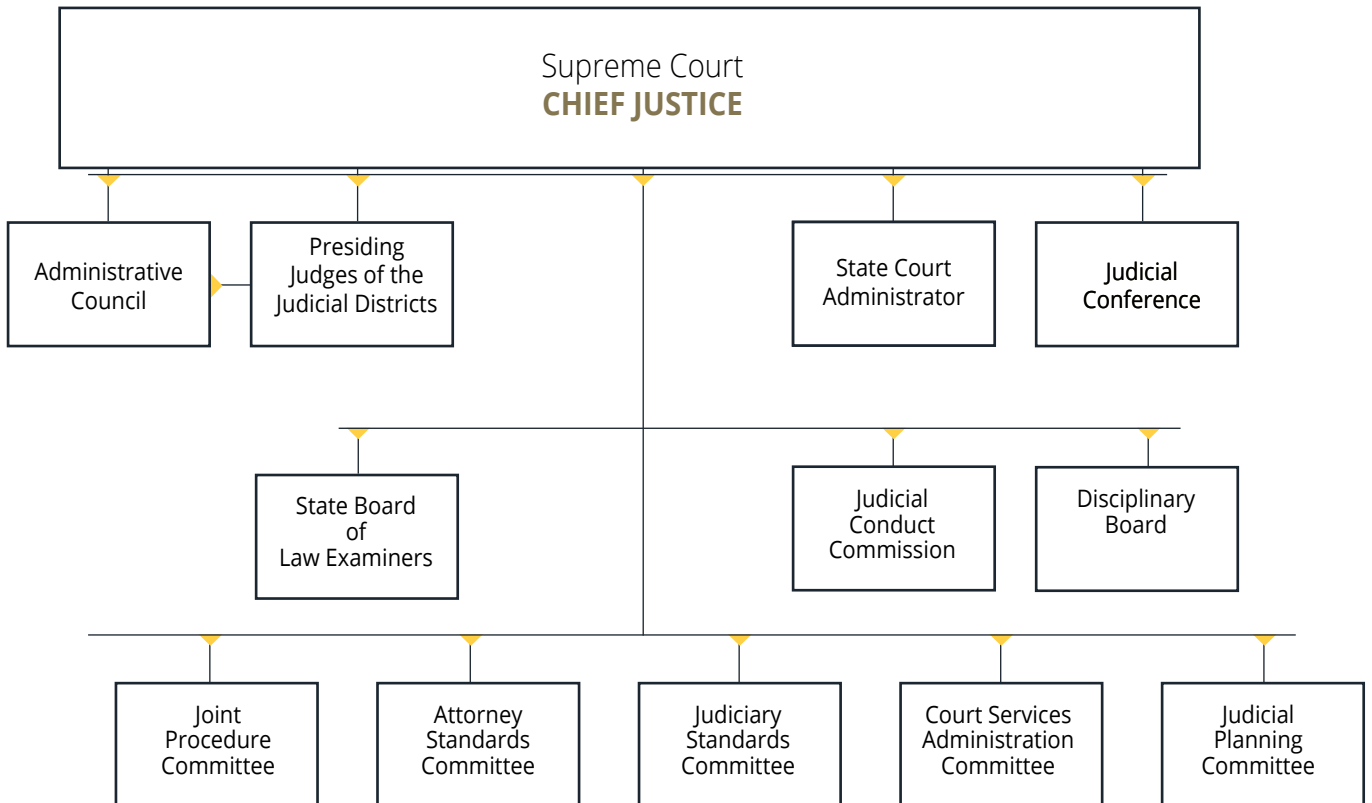


**The Hon. Jon J. Jenson**  
Chief Justice

### 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 Judicial System

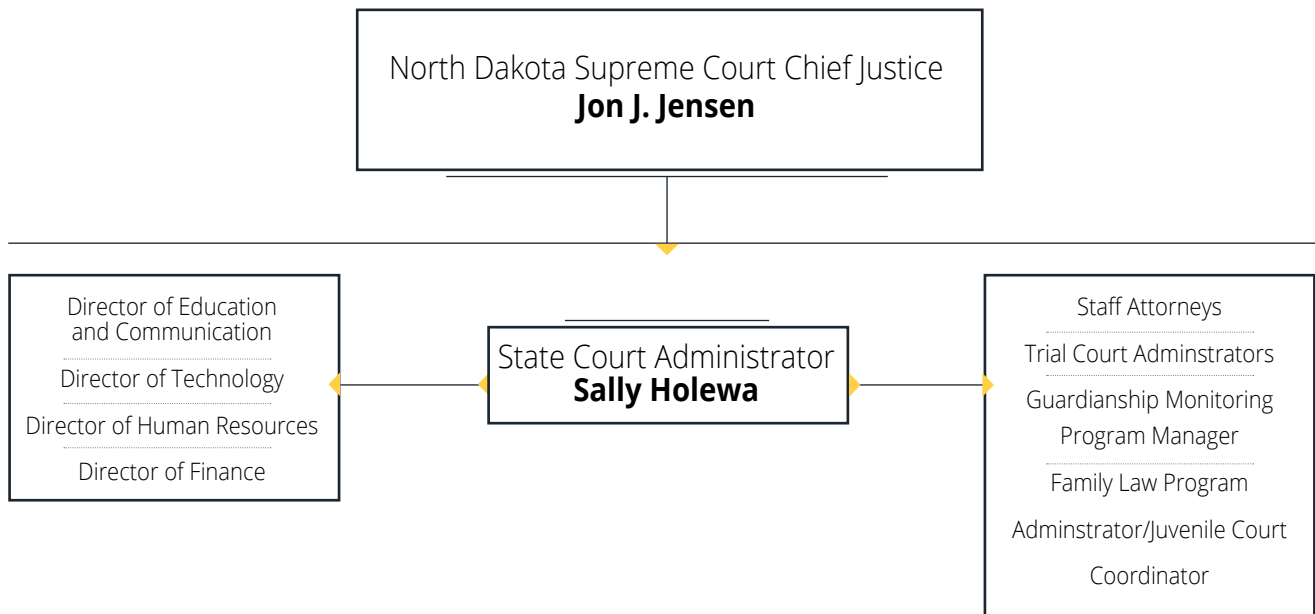


COURT PROGRAMS AND SERVICES

# 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. 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.

## North Dakota Administrative Office of the Court



## COURT PROGRAMS AND SERVICES

# 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.

## DEPUTY TRIAL COURT ADMINISTRATORS

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

## DIRECTOR OF JUVENILE COURT SERVICES

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

## 2022 Trial Court Administration

### Administrative Unit 1 TRIAL COURT ADMINISTRATOR



**Scott Johnson**

Deputy Trial Court Administrator  
– Kelly Hutton

### Administrative Unit 2 TRIAL COURT ADMINISTRATOR



**Chris Iverson**

Deputy Trial Court Administrator  
– Megan Huffman

### Administrative Unit 3 TRIAL COURT ADMINISTRATOR



**Donna Wunderlich**

Deputy Trial Court Administrator  
– Michele Bring

### Administrative Unit 4 TRIAL COURT ADMINISTRATOR



**Carolyn Probst**



COURT PROGRAMS AND SERVICES

# Clerks of Court

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

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

While the court has assumed the responsibility for the expenses of operating the clerk’s offices statewide, only a portion of the clerks have transferred to state employment. A distinction is made based on number of staff in each office.

In offices of five or more, the clerk and staff are required to become state employees unless the county chooses to keep the clerk functions and forgo any state funds to support the office.

For offices ranging in staff size from one to four, the county retains the option to transfer the clerk and deputies to state employment. Finally, the smallest counties are ineligible to transfer the clerk position to state employment.

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

TOTALS	County-Contract	39
	State-Employed	14
	<b>Total Clerks</b>	<b>53</b>
	Combined Offices	25
	Separate Offices	14
	<b>Total</b>	<b>39</b>
	Elected	27
	Appointed	12
	<b>Total</b>	<b>39</b>

**Eligible for Transfer to State**



- DUNN
- MCHENRY
- MCLEAN
- MERCER
- MOUNTRAIL
- PEMBINA
- TRAILL

**State Employed Clerk of Court Offices**



- BARNES
- BURLEIGH
- CASS
- GRAND FORKS
- MCKENZIE
- MORTON
- RAMSEY
- RICHLAND
- ROLETTE
- STARK
- STUTSMAN
- WALSH
- WARD
- WILLIAMS

## County-Employed Clerks of Court Method of Attaining Office

County Name	Full-Time /Part-Time	Role: Combined / Separate	Elected	Appointed as Clerk	Eligible to be transferred to State Employment
Adams	Part-time	Recorder	as Recorder		No
Benson	Part-time	Separate	as Clerk		No
Billings	Part-time	Recorder	as Recorder/Clerk		No
Bottineau	Full-time	Separate		X	No
Bowman	Part-time	Recorder	as Recorder		No
Burke	Full-time	Recorder	as Recorder/Clerk		No
Cavalier	Full-time	Separate		X	No
Dickey	Full-time	Separate		X	No
Divide	Full-time	Recorder	as Recorder/Clerk		No
Dunn	Full-time	Recorder	as Recorder/Clerk		Yes
Eddy	Part-time	Recorder	as Recorder/Clerk		No
Emmons	Part-time	Recorder	as Recorder/Clerk		No
Foster	Full-time	Separate		X	No
Golden Valley	Part-time	Recorder	as Recorder/Clerk		No
Grant	Part-time	Recorder	as Recorder/Clerk		No
Griggs	Part-time	Recorder	as Recorder/Clerk		No
Hettinger	Part-time	Recorder	as Recorder/Clerk		No
Kidder	Part-time	Recorder	as Recorder		No
Lamoure	Full-time	Separate		X	No
Logan	Part-time	Recorder	as Recorder		No
McHenry	Full-time	Separate	as Clerk		Yes
McIntosh	Part-time	Recorder	as Recorder/Clerk		No
McLean	Full-time	Separate		X	Yes
Mercer	Full-time	Separate		X	Yes
Mountrail	Full-time	Separate		X	Yes
Nelson	Part-time	Recorder	as Recorder/Clerk		No
Oliver	Part-time	Recorder	as Recorder		No
Pembina	Full-time	Recorder	as Recorder/Clerk	X as of 1/01/22	Yes
Pierce	Part-time	Separate		X	No
Ransom	Full-time	Separate		X	No
Renville	Part-time	Recorder	as Recorder		No
Sargent	Part-time	Recorder & Treasurer & Clerk	as Recorder/ Clerk/Treasurer		No
Sheridan	Part-time	Recorder	as Recorder/Clerk		No
Sioux	Part-time	Recorder & Treasurer & Clerk	as Recorder/ Treasurer		No
Slope	Part-time	Recorder	as Recorder/Clerk		No
Steele	Part-time	Recorder		X	No
Towner	Part-time	Recorder	as Recorder		No
Traill	Full-time	Separate	as Clerk		Yes
Wells	Full-time	Separate		X	No

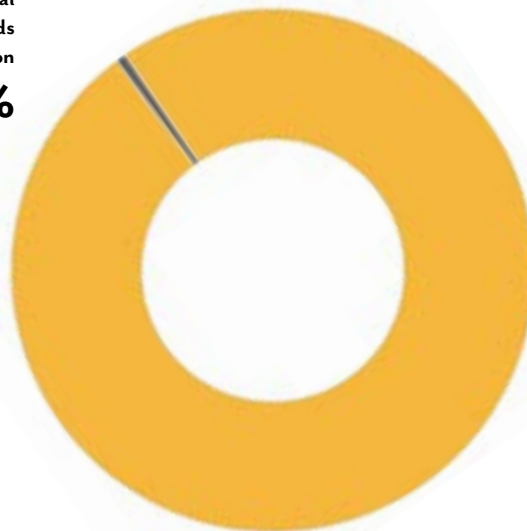
NORTH DAKOTA COURT ADMINISTRATION  
**Judicial Portion of the State’s Budget**  
**2021-23 Biennium**  
 JULY 1, 2021- JUNE 30, 2023

**Total State General and Special Funds Appropriation**  
 \$17,846,695,497

**Executive and Legislative Branch General and Special Funds Appropriation**  
 \$17,730,945,644 (99.4%)

**Judicial Branch General and Special Funds Appropriation**  
 \$115,749,853 (.6%)

Judicial Branch General and Special Funds Appropriation  
**0.6%**



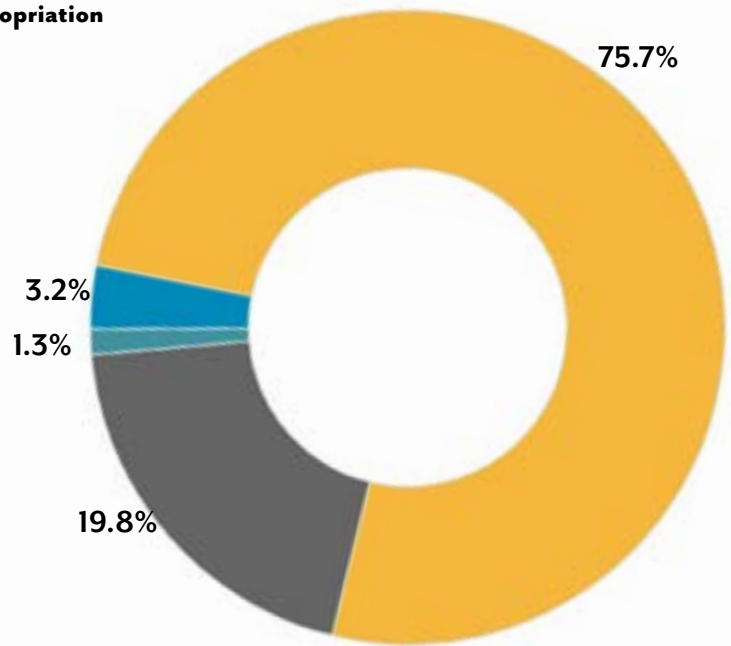
Executive and Legislative Branch General and Special Funds Appropriation  
**99.4%**

Funding:	Total	Judicial	Net
General Fund	\$ 5,010,457,330	\$ 112,312,790	\$ 4,898,144,540
Special Funds	\$ 12,836,238,167	\$ 3,437,063	\$ 12,832,801,104
<b>Total</b>	<b>\$ 17,846,695,497</b>	<b>\$ 115,749,853</b>	<b>\$ 17,730,945,644</b>

NORTH DAKOTA COURT ADMINISTRATION  
**State Judicial Branch Appropriation**  
**By Appropriated Line Item**  
 JULY 1, 2021- JUNE 30, 2023

**Total Judicial Branch General and Special Funds Appropriation**  
 \$115,749,853

- Salaries and Benefits**  
 \$87,648,809 (75.7%)
- Operating Expenses**  
 \$22,886,317 (19.8%)
- Special Purposes**  
 \$1,454,727 (1.3%)
- Capital Assets**  
 \$ 3,760,000 (3.2%)



**Special purposes:**

Judge's retirement	\$137,246
JCC/DB	\$1,317,481
<b>Total</b>	<b>\$ 1,454,727</b>

NORTH DAKOTA COURT ADMINISTRATION  
**State Judicial Branch Appropriation**  
**By Type of Activity**  
 JULY 1, 2021- JUNE 30, 2023

**Supreme Court**

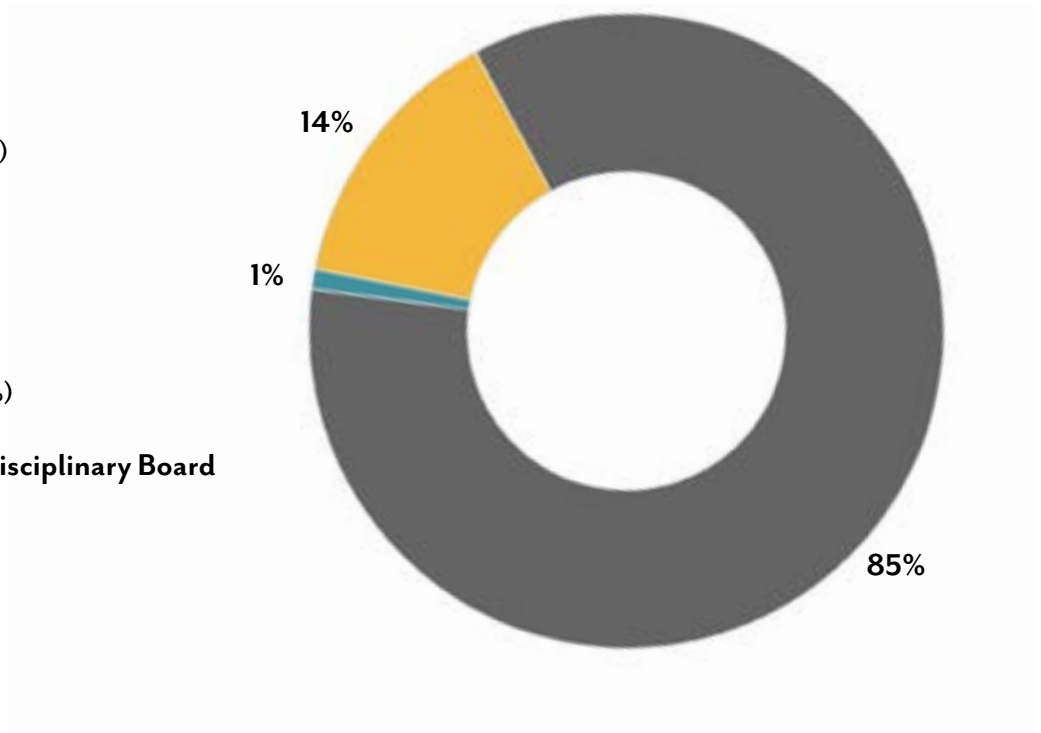
	General Fund	\$13,839,097	
	Federal Funds	\$2,020,000	
	<b>TOTAL</b>	<b>\$15,859,097</b>	<b>(14%)</b>

**District Courts**

	General Fund	\$97,658,712	
	Special Funds	\$0	
	Federal Funds	\$914,563	
	<b>TOTAL</b>	<b>\$98,573,275</b>	<b>(85%)</b>


**Judicial Conduct Commission & Disciplinary Board**

	General Fund	\$814,981	
	Special Funds	\$502,500	
	<b>TOTAL</b>	<b>\$1,317,481</b>	<b>(1%)</b>



# *Committees, Commissions & Boards*



## **OVERVIEW**



In its administrative capacity, the Supreme Court has major responsibilities for ensuring the efficient and effective operation of all courts in the state, except federal and tribal courts; maintaining high standards of judicial conduct; supervising the legal profession; and promulgating procedural rules that allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility, the court has general rulemaking authority.

The court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises authority to admit and license attorneys through the State Board of Law Examiners. Supervision of legal ethics is exercised through the Disciplinary Board of the Supreme Court and supervision of judicial conduct is exercised through the Judicial Conduct Commission. Continuing review and study of specific subject areas within its administrative jurisdiction are provided through five advisory committees: the Joint Procedure Committee, the Joint Committee on Attorney Standards, the Judiciary Standards Committee, the Court Services Administration Committee, and the Judicial Planning Committee. Other committees, such as the Continuing Judicial Branch Education Commission and Personnel Policy Board, also provide valuable assistance to the Supreme Court in important administrative areas.

Information about the activities of the committees can be found on the Court's website at <https://www.ndcourts.gov/supreme-court/committees>.



## NORTH DAKOTA COURTS COMMITTEES, COMMISSIONS &amp; BOARDS

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

## ADMINISTRATIVE COUNCIL

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

## ADVISORY COMMISSION ON ELECTRONIC MEDIA IN THE COURTROOM

The Advisory Commission on Electronic Media in the Courtroom is established by Supreme Court Administrative Rule 21 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.

## CASEFLOW MANAGEMENT COMMITTEE

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

## COMMISSION ON JUDICIAL BRANCH EDUCATION

The Judicial Branch Education Commission was established by Supreme Court Administrative Rule 36 in 1993. The responsibilities of the Commission are to establish policies that effect the implementation of the mandatory education provision of the rule; develop judicial education programs for judges and court personnel; develop and recommend to the North Dakota Supreme Court a biennial budget for judicial education activities; and provide resource materials for judges and court support personnel.

## COMMITTEE ON TRIBAL AND STATE COURT AFFAIRS

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

## COURT SERVICES ADMINISTRATION COMMITTEE

The Court Services Administration Committee, established under Section 8 of the Rule on Procedural Rules, is responsible for the study and review of all rules and orders relating to the administrative supervision of the judicial system.

## COURT TECHNOLOGY COMMITTEE

The Court Technology Committee is established by Administrative Order 9 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.

## INFORMAL COMPLAINT PANEL

The Informal Complaint Panel is established by Supreme Court Administrative Rule 44. 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.

## INTERDISCIPLINARY SPECIALIZED DOCKET COMMITTEE

Established by Administrative Rule 60, the interdisciplinary committee on specialized dockets is established as a collaborative mechanism to acquire and analyze relevant information related to the need for and feasibility of establishing specialized dockets. A "specialized docket" is a

juvenile or district court that oversees a therapeutic program comprised of interdisciplinary teams, enhanced judicial involvement, court-supervised treatment programs, and other components designed to achieve effective alternatives to traditional case dispositions.

### **JOINT COMMITTEE ON ATTORNEY STANDARDS**

The Joint Committee on Attorney Standards, established by Supreme Court Administrative Rule 38, 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.

### **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.

### **JUDICIAL PLANNING COMMITTEE**

The Judicial Planning Committee is established under Section 8 of the Rule on Procedural Rules. The Committee studies the judicial system and makes recommendations concerning long-range and strategic planning and future improvements for the system.

### **JUDICIARY STANDARDS COMMITTEE**

The Judiciary Standards Committee, established under Section 8 of the Rule on Procedural Rules, studies and reviews all rules relating to the supervision of the judiciary, including judicial discipline, judicial ethics, and the judicial nominating process.

### **JURY STANDARDS COMMITTEE**

The Jury Standards Committee, established in 2006 by Supreme Court Administrative Rule 53 and repealed in 2022, 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.

### **JUVENILE POLICY BOARD**

The Juvenile Policy Board is established by Supreme Court Administrative Rule 35 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.

### **MINORITY JUSTICE IMPLEMENTATION COMMITTEE**

The Minority Justice Implementation Committee was established by Supreme Court Administrative Order 21 to oversee the implementation of the recommendations of the North Dakota Commission to Study Racial and Ethnic Bias in the Courts.

### **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.

### **PARENTING INVESTIGATOR REVIEW BOARD**

The Parenting Investigator Review Board is established by Rule of Court 8.6. 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.

### **PATTERN JURY INSTRUCTION COMMISSION**

The Pattern Jury Instruction Commission, established by Supreme Court Administrative Rule 23, is composed of six lawyer members appointed by the State Bar Association of North Dakota Board of Governors and six judge members appointed by the chair of the Judicial Conference after consultation with the Executive Committee. In addition to revising and developing instructions corresponding to current law, the Commission is engaged in an extensive review of all pre-1986 civil and criminal instructions. A primary goal is rewriting the instructions using plain English, that is, language that is understandable by jurors without a legal background.

### **PERSONNEL POLICY BOARD**

The Personnel Policy Board is established by Supreme Court Administrative Rule 33. 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.



NORTH DAKOTA COURTS COMMITTEES, COMMISSIONS & BOARDS

# North Dakota Board of Law Examiners – 2022

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

In 2022, Board members were Jane Dynes, Fargo; Lawrence King, Bismarck; and Bradley Beehler, Grand Forks. Dynes served as President of the Board. The Director of Admissions, Laurie Guenther, assists the Board in its statutory responsibilities.

The 2022 Character and Fitness Committee members were Chair Scott K. Porsborg, Bismarck attorney; Paul F. Richard, Fargo attorney; Lisa K. Edison-Smith, Fargo attorney; Dr. Naveed Haider, Fargo psychiatrist; and Rebecca L. Ternes, Bismarck.

## ADMISSION

The total number of newly admitted attorneys remained consistent in 2022 as compared to 2021. The figure below shows the number of admissions by type for the last five years.

Forty-three motions for admission based on practice or test score were filed, compared to 34 in 2021, an increase of 26%. Ninety-seven percent of motions for admission on test score were filed based on the transfer of a Uniform Bar Examination score received in another jurisdiction.

Motion applications increased 15% as compared to 2021.

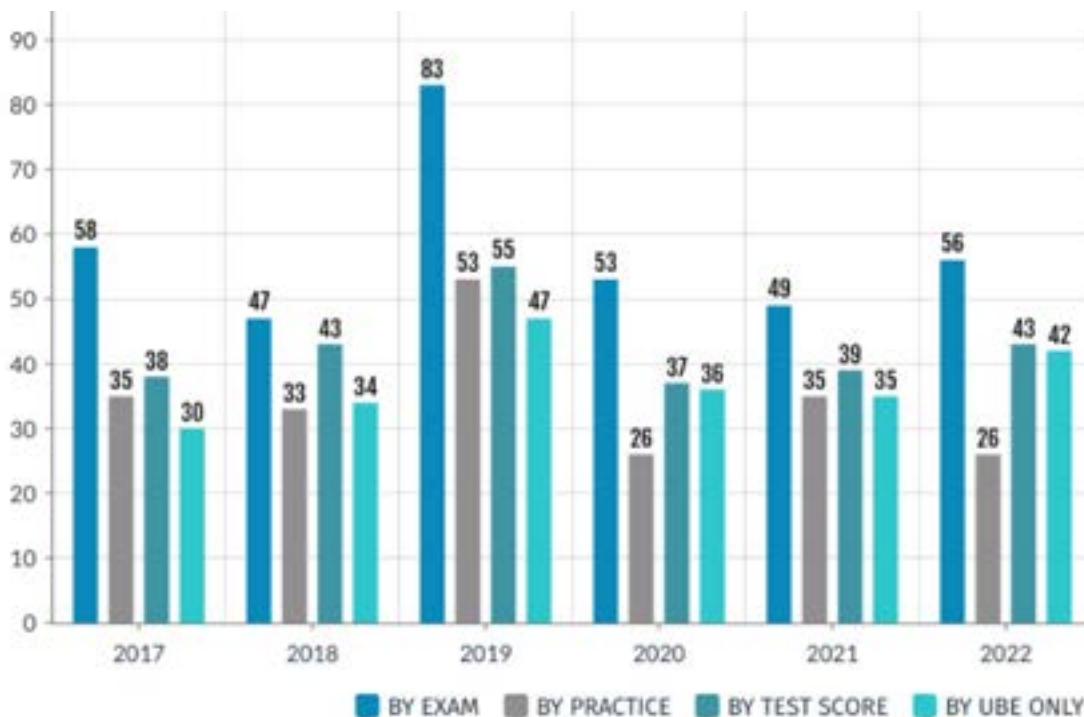
## LICENSING

In 2022, 3,082 licenses were issued, which is slightly increased from 2021. Licenses issued remain greater than the 10-year average and more than 3,000 licenses have been issued annually since 2016. Below are the total licenses issued for the last 10 years.

Three-hundred and sixty eight nonresident attorneys appeared pro hac vice in North Dakota courts under Admission to Practice Rule 3, which increased 11% from 2021. Pro hac vice admissions dipped in 2020, likely related to the global COVID-19 pandemic. Pro hac appearances in 2022 were the second highest in 10 years, as shown below.

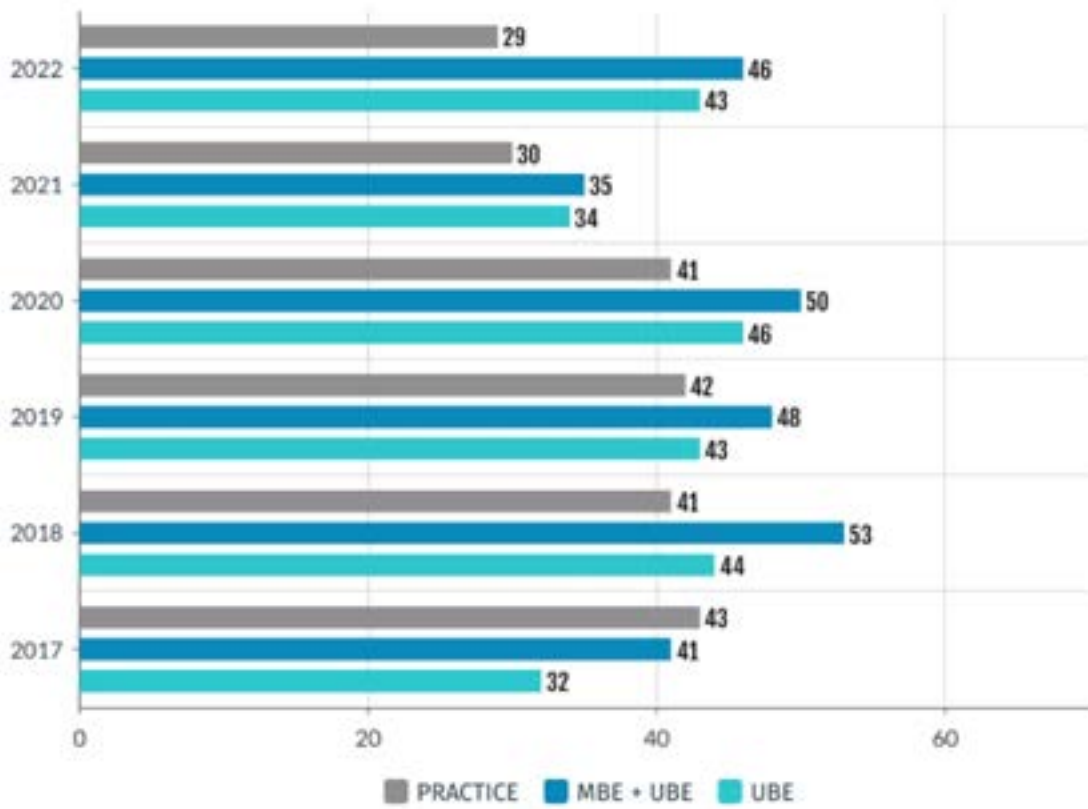
The fees received under this rule are distributed in the same manner as license fees: \$75 for the lawyer disciplinary system sent to the State Bar Association, with the remainder split 80% to the State Bar Association and 20% to the State Board of Law Examiners.

Eight temporary licenses were approved while applicants licensed in another jurisdiction awaited the review and approval of their North Dakota applications. Two attorneys were registered as in-house counsel under Admission to Practice Rule 3.

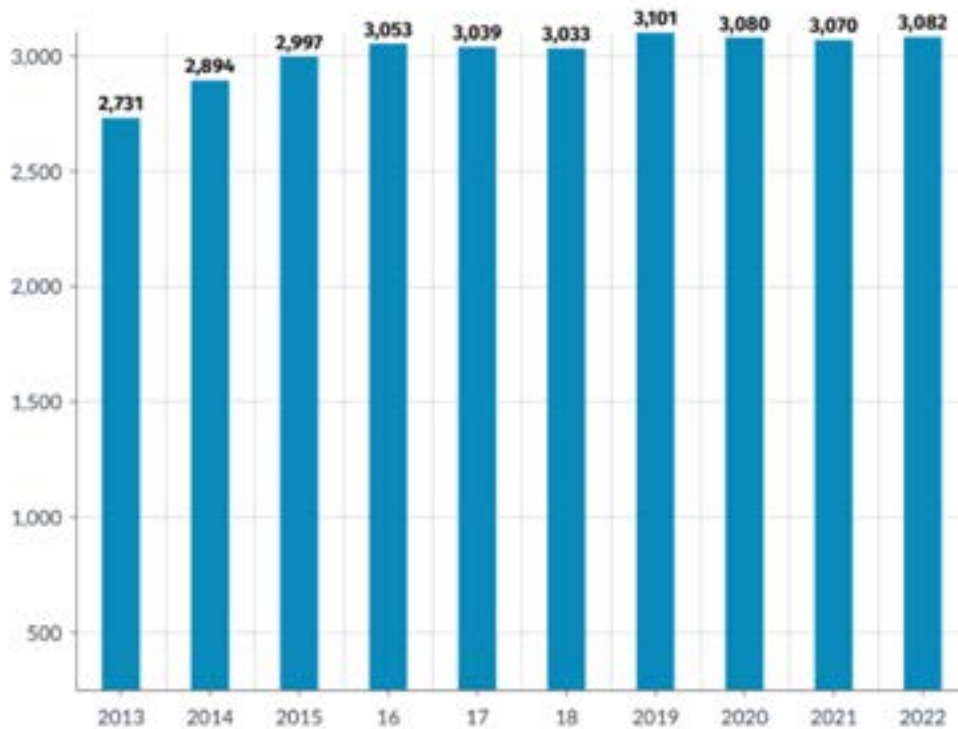


NORTH DAKOTA COURTS COMMITTEES, COMMISSIONS & BOARDS

### Bar Applications By Type Of Motion



### Law Licenses Issued 2013-2022



NORTH DAKOTA COURTS COMMITTEES, COMMISSIONS & BOARDS

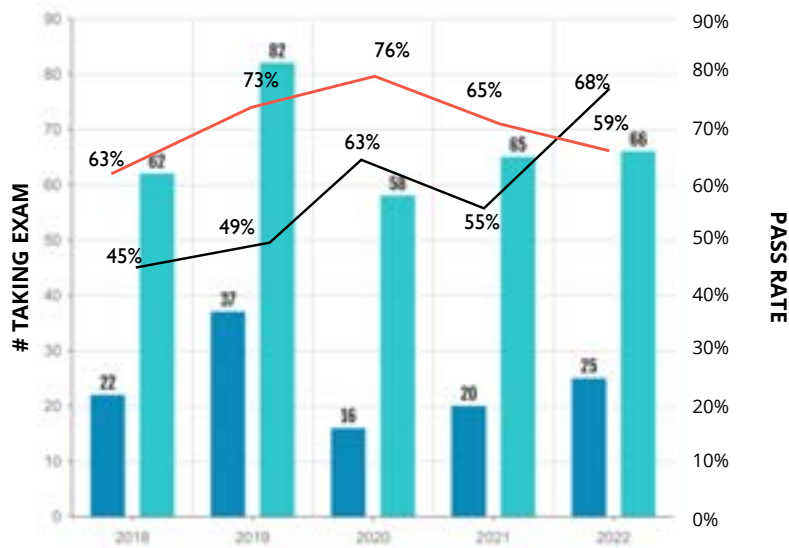
# North Dakota Board of Law Examiners – 2022

### Exams

The number of February and July examinees (columns) and the passage rates (lines) for 2018-2022 are shown in the figure below. The number of examinees for both exams rose for the third year.

## Law Examinees and Passage Rates

# Feb Examinees   # July Examinees   %Pass Feb   %Pass July



## NORTH DAKOTA COURTS COMMITTEES, COMMISSIONS &amp; BOARDS

# Lawyer Disciplinary Board 2022

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

A summary of the workload under consideration in the lawyer discipline system in 2022 is below.

## General Nature of Complaints

Client Funds & Property	1
Conflict of Interest	2
Criminal Convictions	0
Disability/Incapacity to Practice Law	1
Excessive Fees	5
Failure to Communicate/Cooperate with Client	38
Improper Conduct	49
Incompetent Representation	2
Misappropriation/Fraud	0
Neglect/Delay	0
Petition for Reinstatement	1
Unauthorized Practice of Law	2
Solicitation	1
Reciprocal Discipline	3
<b>Total New Complaints</b>	<b>105</b>
Formal Proceedings Pending From Prior Years	6
Other Complaint Files Pending From Prior Years	28
Appeals Filed with Disciplinary Board	8
Appeals Allowed by Supreme Court	0
<b>Total Formal Matters</b>	<b>42</b>
<b>TOTAL FILES AVAILABLE FOR CONSIDERATION</b>	<b>147</b>

## Dispositions

<b>Inquiry Committees</b>	Dismissal	34
	Summary Dismissal	47
	Admonition	11
	Referral to Lawyer Assistance Program	2
	Consent Probation	4
	Dismissal Without Prejudice	0
	No Action - Referred to Another State	0
<b>Disciplinary Board</b>	Approve Inquiry Committee Dismissal	7
	Approve Inquiry Committee Admonition	0
	Approve Inquiry Committee Consent Probation	1
	Disapprove Inquiry Committee Disposition	0
	Diversion by Hearing Panel of the Board	0
	Dismissal by Hearing Panel/Disciplinary Board	0
	Reprimand by Hearing Panel/Disciplinary Board	1
	Consent Probation by Hearing Panel of the Board	0
	<b>Supreme Court</b>	Reprimand
Suspension		0
Disbarment		4
Interim Suspension		0
Reinstatement		0
Court Vacated Interim Suspension		0
Transfer to Disability Inactive Status (No DB File)		0
Dismisses/Disapproves Petition for Discipline		0
<b>TOTAL DISPOSITIONS</b>		<b>111</b>

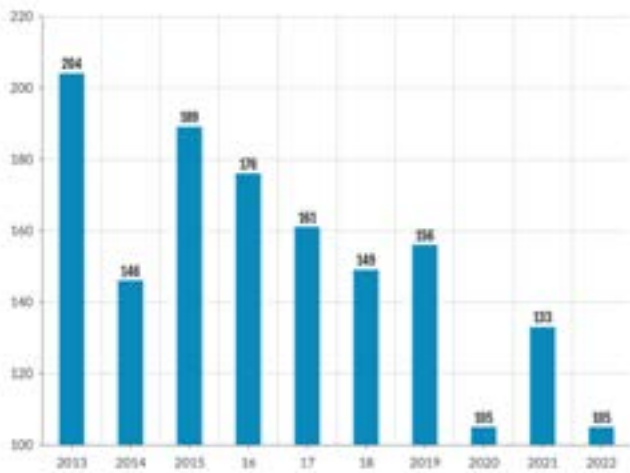
NORTH DAKOTA COURTS COMMITTEES, COMMISSIONS & BOARDS

# Lawyer Disciplinary Board 2022

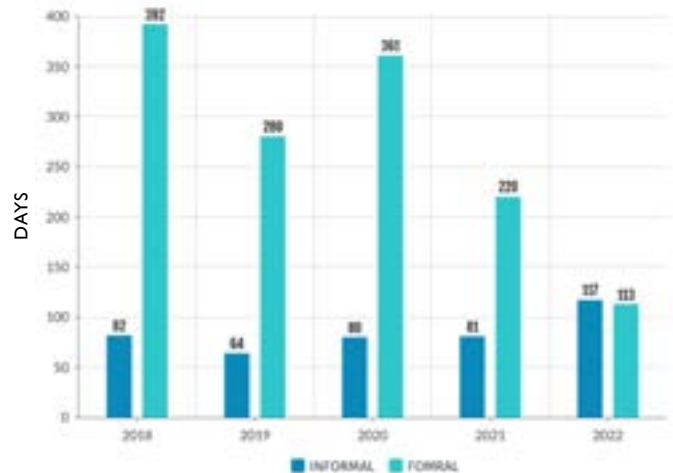
In 2022, 105 new complaints were filed, which is a 21% decrease from 2021 and is consistent with 2020. This represented 69% of the 10-year average of new complaints filed.

The time to disposition for formal and informal matters from the past five years is below. Disposition time is staying consistent or decreasing.

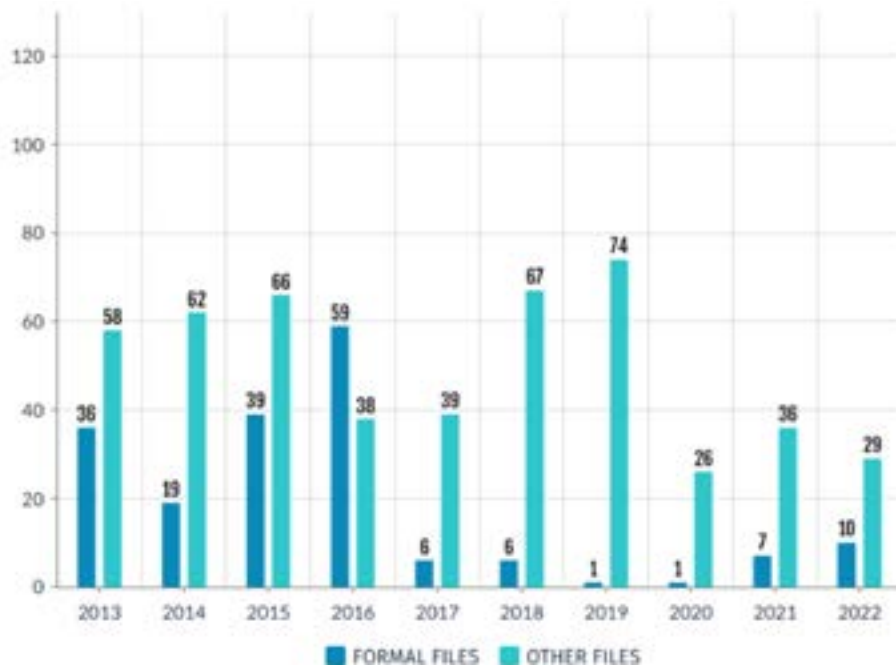
**New Complaints**



**Time To Disposition**



**Comparison of Pending Informal/Formal Files 2013-2022**



## NORTH DAKOTA COURTS COMMITTEES, COMMISSIONS &amp; BOARDS

# Judicial Conduct Commission 2022

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

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

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

Of the new complaints filed in 2022:

- 29 were against 21 District Court Judges
- 3 were against 3 Municipal Judges
- 2 were against 2 Judicial Referees
- 10 were against 5 Supreme Court Justices

<b>New Complaints Opened in 2022</b>	<b>44</b>
<b>General Nature of Complaints:</b>	
Bias, discrimination/partiality	23
Improper decision/ruling	17
Failure to follow law/procedure	1
Improper conduct	3
<b>Complaint Files Carried Over from 2021</b>	<b>10</b>
<b>Total Files Pending Consideration in 2022</b>	<b>54</b>
<b>Disposition of Complaints:</b>	
Summary Dismissal	50
Dismissed	1
Formal	1
<b>Total 2022 Dispositions</b>	<b>52</b>
<b>Complaint Files Pending as of 12/31/2022</b>	<b>2</b>