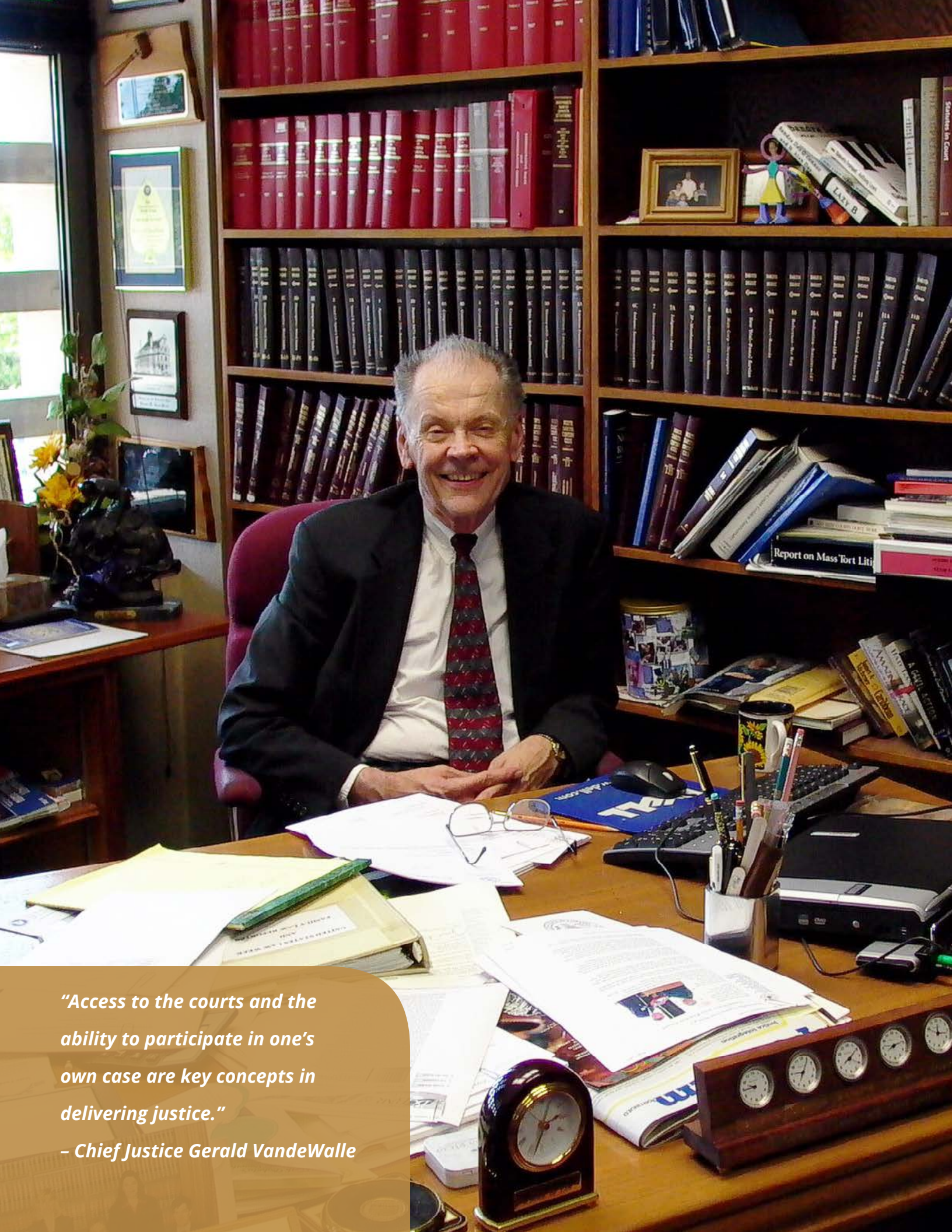


2014 North Dakota Court System Annual Report



MISSION STATEMENT

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



“Access to the courts and the ability to participate in one’s own case are key concepts in delivering justice.”

– Chief Justice Gerald VandeWalle

MESSAGE FROM CHIEF JUSTICE VANDEWALLE

As I begin my 23rd year as Chief Justice of the North Dakota Supreme Court, I am pleased our court system continues to move forward to address the needs of the citizens of North Dakota, ensure due process, and improve access to justice. However, progress does demand additional resources.

In the past 10 years, we have seen the caseload in our courts increase dramatically, particularly in oil-impacted counties. We added three judgeships following the 2013 legislative session to help address this trend and we are asking for additional judges and personnel in 2015. The rule of law depends on courts being available in a timely manner, and without additional resources we will lose the ability to meet on a timely basis the needs of those who come to the court for help. In addition to the new positions, we have also had turnover in judgeships. In fact, approximately one-third of the current judges have less than five years on the bench. This has resulted in the need for additional continuing education, orientation programs, and mentorships.

Increased caseloads come with an increased need for attorneys, particularly in rural areas. Partnering with the University of North Dakota School of Law and the State Bar Association, we saw the successful implementation of the Rural Law Clerk Program take place in the summer of 2014. Interns were placed with judges in Rugby and New Rockford. The goal is to expose students to the law and lifestyle in communities of fewer than 15,000. This pilot program was a success and we plan to continue supporting efforts to make legal counsel available in all parts of the state.

Being able to understand what takes place in court is essential to due process and access. To that end we offered our first statewide orientation training for interpreters in 2014 and have a centralized roster of available in-state interpreters. Thirty-eight individuals took part in the one-day training. Languages represented ranged from Spanish, Bosnian, Hindi, Chinese and German to American Sign Language. A total of 18 different languages were spoken by the participants. The purpose of the training was to introduce participants to court interpreting as a profession. We plan to continue offering training for interpreters.

In the last biennium, funds were provided to establish a legal self-help center. The program is up and running and busier than one might have imagined. The program provides direct support for callers, as well as indirect support through the court's website, brochures, and forms. The program is intended to serve a growing and underserved population—those that cannot afford a lawyer but make enough money that they are not eligible for free or reduced-fee legal services. In 2015, we are asking for an addition to the staff so it can provide more assistance to more people.

After the 2013 legislative session, I established a workgroup to study guardianship issues. This workgroup is chaired by District Court Judge Cynthia Feland. The group studied the national probate court model standards for guardianship as well as the report on guardianship that the legislature commissioned two years ago. The workgroup has submitted several recommended statutory changes for consideration in the 2015 legislative session. Those changes are intended to clarify the guardianship process, and more importantly, to safeguard the interests of those who are subject to guardianship proceedings.

In addition to the statutory changes, the workgroup has proposed a pilot project that would allow the court to monitor guardianships more closely. This pilot project would provide the resources to investigate suspicious financial activity and to do follow up on the physical well-being of wards after the guardianship has been in place for a time. The Court also organized the first North Dakota Adult Guardianship/Elder Justice Symposium, slated for early 2015 to draw attention to elder issues and highlight efforts being made in the state to improve guardianship services. Topics to be addressed include guardianship standards, prosecuting elder abuse cases, investigating fraud and abuse, recognizing capacity, court monitoring, and the removal of guardians.

In previous years, I have mentioned the need for additional space for the Supreme Court and, in particular, the administrative side of the Court. The Governor has included \$40 million in the 2015-2017 budget for the remodeling and expansion of the Liberty Memorial Building. The Supreme Court has a long-ago history with this classically beautiful building. We were original tenants in the building, occupying the 2nd floor along with the state library. We remained there until the court moved to the 2nd floor of the new state capitol in 1934. At the time the Liberty Memorial Building was erected in 1924, plans were made to build a Temple of Justice to house the Supreme Court which would be matched in exterior design to the Liberty Memorial Building. This future home of the Supreme Court was never built. It seems fitting that the Court return to Liberty Memorial Building and make it our permanent home.

In addition to these highlights, the annual report provides a statistical overview of the caseload and budget of the North Dakota Court System for the past year. I gratefully recognize the daily contributions of our court staff and judges who work tirelessly to fulfill our mission of providing the people equal access to fair and timely resolution of disputes under law.

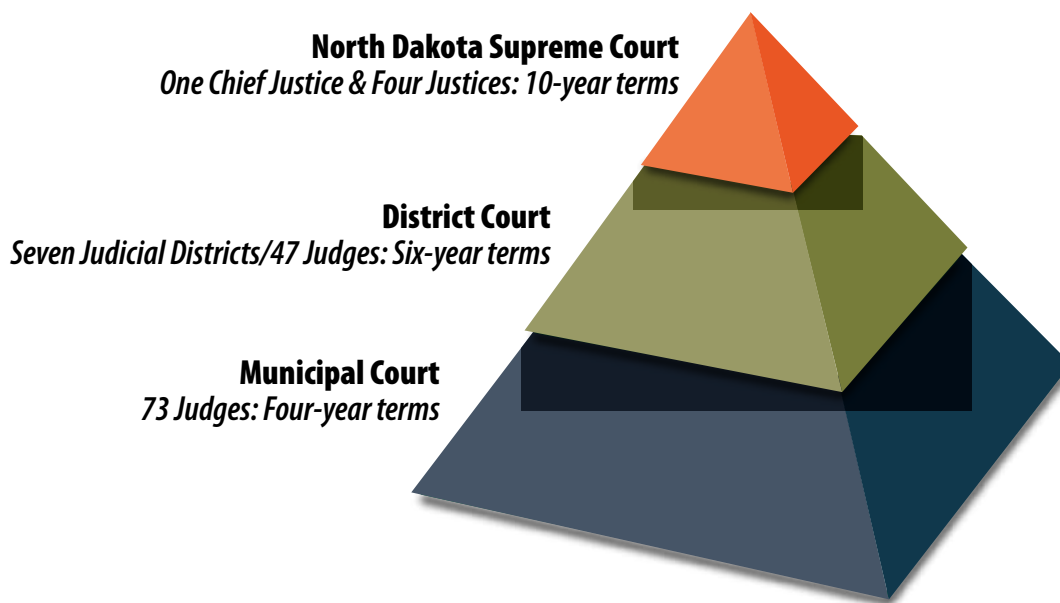
I am pleased to commend the 2014 Annual Report to you.

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North Dakota

Courts



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

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

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



North Dakota Supreme Court



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

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

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

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

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

2014

Caseload Highlights

The number of cases on appeal reached an all-time high in 2014. The number of cases on appeal and trend since 2001 are reflected on the chart to the right.

The increase in appeals across all case types can be attributed to increased economic and business activity, population and law enforcement throughout the state.

Civil Filings Appeals involving administrative proceedings, contracts, landlord/tenant, personal injury, civil commitment of sexually dangerous individuals, guardianship and conservatorship, the department of transportation and post-conviction relief increased in 2014. Appeals in family related cases accounted for 18% of the civil caseload, and 12% of the overall caseload. Appeals in post-conviction relief matters, which are by statute civil, accounted for 17% of the civil caseload.

Criminal Filings Appeals involving drug and sexual offenses and driving under the influence accounted for 55% of the criminal caseload, which is an increase over last year. The increase in DUI appeals and civil appeals involving the department of transportation can largely be attributed to challenges to the state's criminal refusal statute.

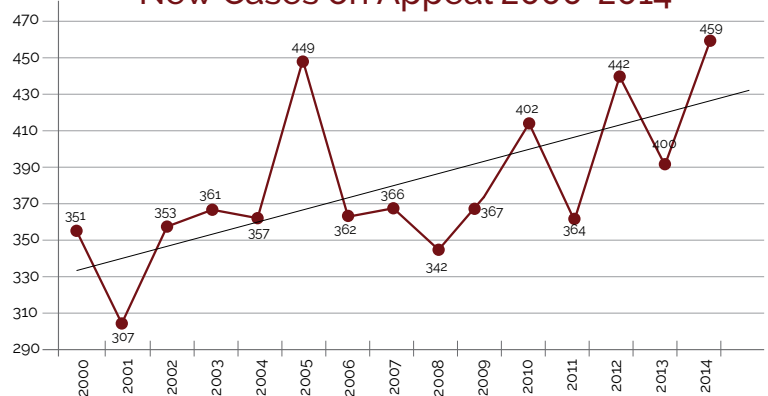
Oral arguments were scheduled in 246 cases, an increase over last year, with approximately 38% of those arguments being waived, in whole or part, by either the parties or the Court, and submitted on the briefs and the record.

The justices each authored an average of 49 majority opinions, with another 65 separate concurrences and/or dissents written.

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

In 17% of the cases filed in 2014, at least one party was self-represented.

New Cases on Appeal 2000-2014



Administrative Filings The Court's consideration of whether to fill, abolish or transfer seven district judge vacancies is not reflected in the caseload synopsis, nor are the six requests for amendment of various procedural rules and policies, or the regular conferences to consider motions and other administrative matters.

One major procedural change the Court adopted effective October 1, 2014, was requiring notices of appeal to be filed with the Clerk of the Supreme Court rather than the Clerk of District Court, and in civil and post-conviction relief proceedings requiring a preliminary statement of issues. These steps should assist with managing the caseload at the initial filing of an appeal. Additional amendments incorporated the e-filing pilot program into the appellate rules.

The Supreme Court continued the "Taking the Court to Schools" program with a visit to Trenton Public School in western North Dakota, and Wahpeton High School in conjunction with the rededication of the Richland County Courthouse.

Caseload Synopsis of the Supreme Court For the 2014 and 2013 Calendar Years

	2014	2013	Percent Difference
New Filings	459	400	14.75
Civil	314	297	5.72
Criminal	145	103	40.78
Dispositions	390	387	0.78
Civil	288	281	2.49
Criminal	102	106	-3.77
Transferred to Court of Appeals	0	0	0
Civil	0	0	0
Criminal	0	0	0

Case Dispositions 2014

	Civil	Criminal
BY OPINION:		
• Affirmed; Affirmed & Modified	91	28
• Affirmed in Part & Reversed in Part; Affirmed in Part & Dismissed in Part, Affirmed in Part & Vacated in Part	14	0
• Affirmed by Summary Disposition	42	18
• Reversed	9	0
• Reversed & Remanded	18	10
• Remanded	2	0
• Dismissed	5	2
• Discipline Imposed	29	-
• Transfer to Disability Inactive Status	1	-
• Original Jurisdiction--Granted	2	0
Dispositions by Opinion	213	58
BY ORDER:		
• Dismissed	54	34
• Original Jurisdiction--Denied	12	10
• Original Jurisdiction--Granted	7	0
• NOA Voided - No Filing Fee	1	--
• NOA Ext. Denied - NOA Not Filed	1	0
Dispositions by Order	75	44
Total Dispositions for 2014	288	102



North Dakota District Courts



There are district court services in each of the state's 53 counties. North Dakota is a fully unified and consolidated court system and all district courts are under the administrative authority of the Chief Justice and funded by the state of North Dakota.

The district courts have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal cases and have general jurisdiction for civil cases. There are 47 district judges in the state.

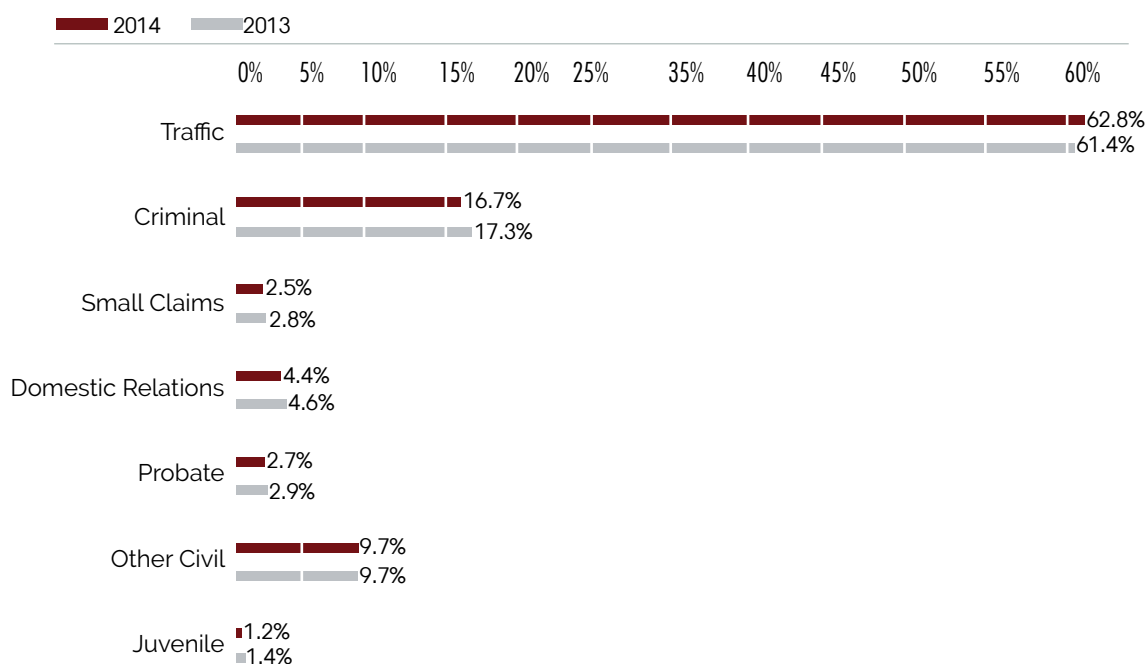
Judges in the district courts also serve on statewide committees, boards, and commissions; participate in state and local bar association activities; and provide law-related public education to students and community members.

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

Total District Court Caseload For calendar years 2014 & 2013

CASE FILINGS/ DISPOSITIONS	2014			2013			2014/2013	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	31,449	8,586	39,256	31,485	9,071	39,760	-0.11%	-1.27%
Small Claims	4,700	146	4,805	5,122	290	5,159	-8.24%	-6.86%
Criminal	31,372	11,754	46,885	31,787	10,390	44,983	-1.31%	4.23%
Traffic	117,848	300	119,489	112,736	199	115,125	4.53%	3.79%
Juvenile	2,290	1,659	3,494	2,518	1,368	3,508	-9.05%	-0.40%
Total	187,659	22,445	213,929	183,648	21,318	208,535	2.18%	2.59%

Types of Cases Filed in District Court For calendar years 2014 & 2013



Jury Trials for Judicial District For calendar years 2014 & 2013

District	2014	2013
Northeast	11	9
Northeast Central	18	30
East Central	30	30
Southeast	45	37
South Central	99	104
Southwest	19	13
Northwest	15	12
North Central	55	40
Total	292	275

Based on jury trials paid

2014

Civil Caseload

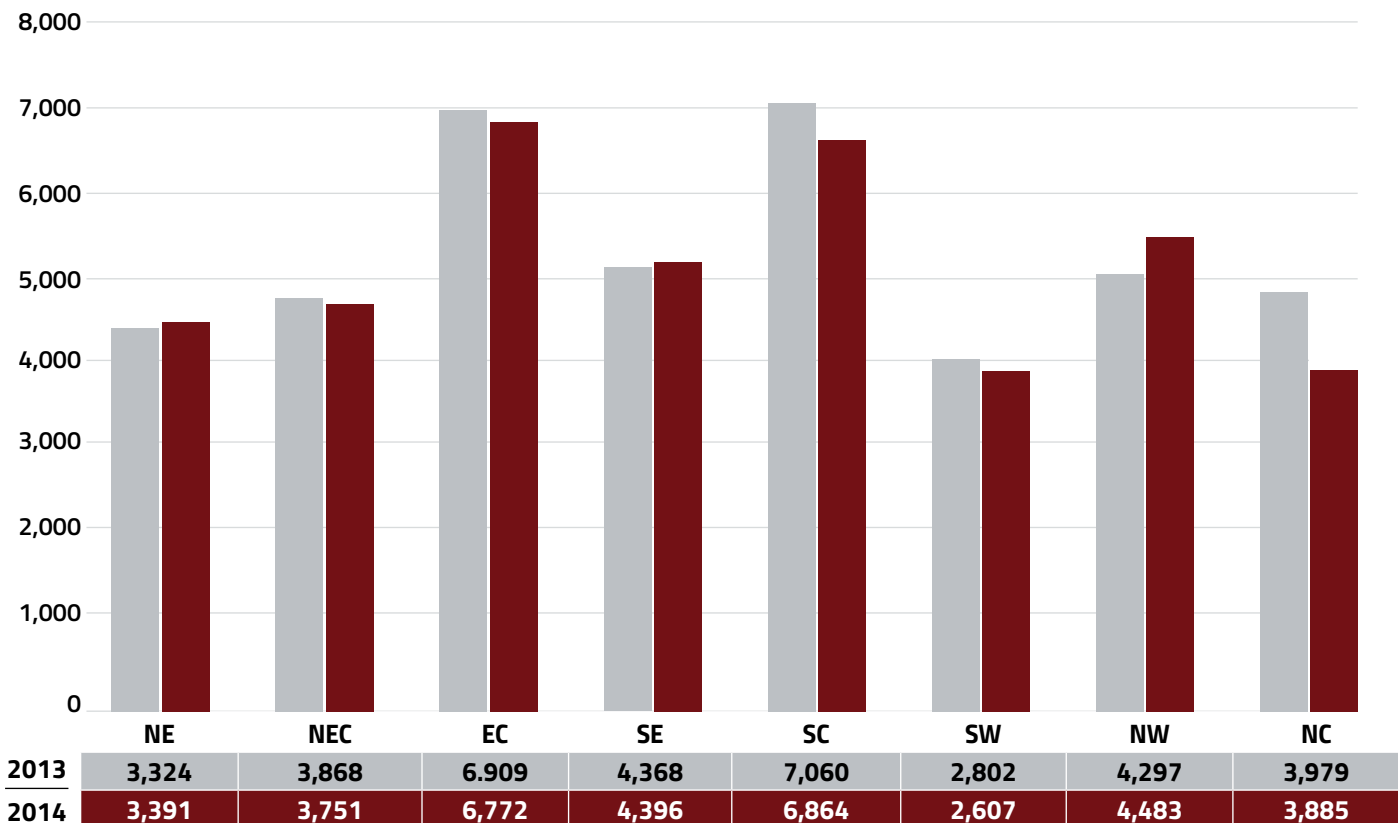
Civil filings decreased by 1.3% in 2014 compared to 2013 with total case filings of 36,149. There were 4,700 small claims cases in 2014, which is a decrease of 422 or 8.2%. Domestic relations cases decreased by 145 or 1.7%, probate/guardianship cases decreased by 255 or 4.9%, and other civil cases increased by 364 or 2% in 2014.

Contract/collection (67%) civil commitment (9%) and forcible detainer (8%) cases account for the majority of the 18,253 other civil case types. Contract/collection decreased by 134 cases or 1.1% compared to 2013.

There were 8,230 domestic relations case filings in 2014, consisting of the following: support proceedings (33%); divorce (29%); protection/retraining orders (26%); paternity (5%); adoption (3%); parenting responsibility filings (4%) and termination of parental rights (less than 1%).

Total divorce filings in 2014 were 2,349 compared to 2,408 in 2013. Support proceedings decreased by 7.2% with 2,686 cases filed, and protections/restraining order filings increased by 9.1% with 2,127 cases filed.

ND Civil Caseload for District Courts for 2013 and 2014

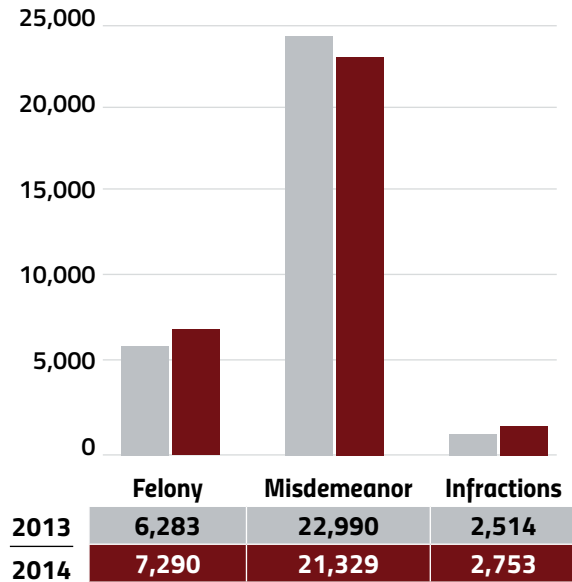


2014

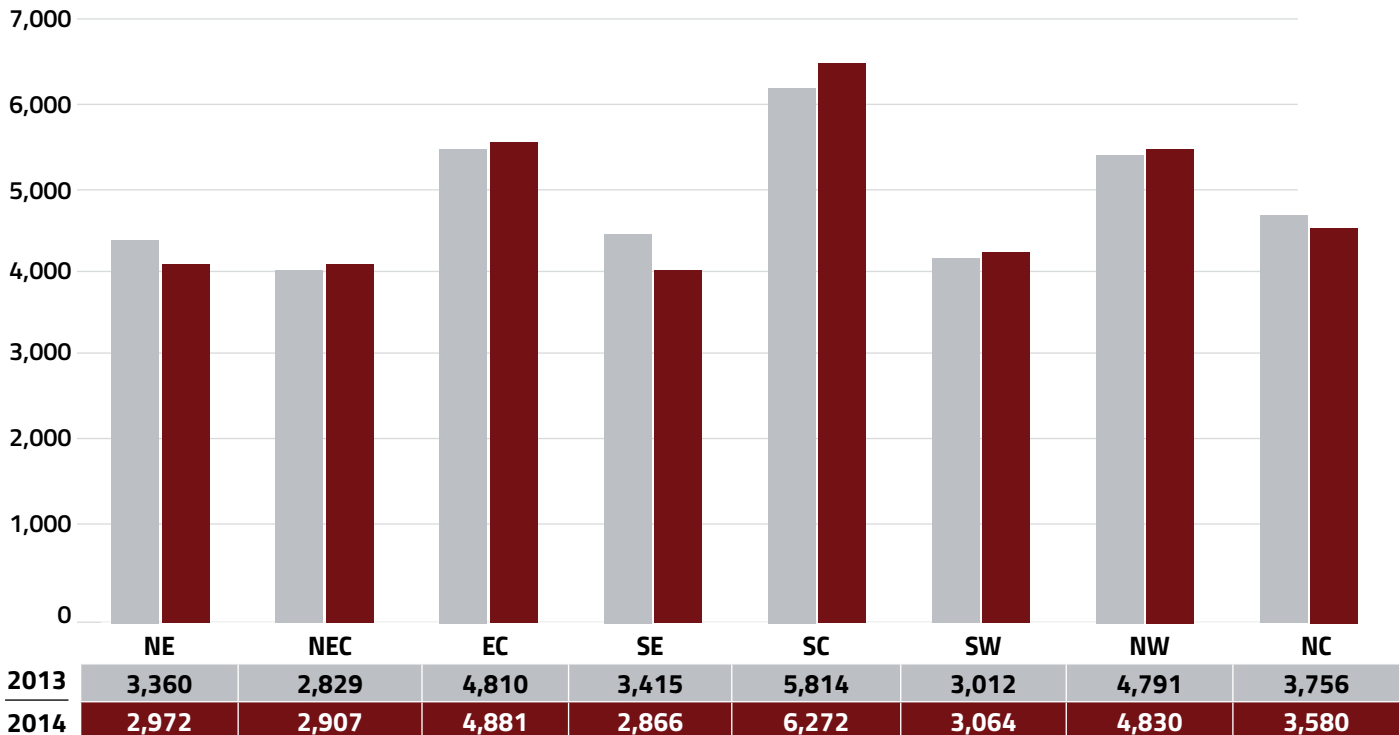
Criminal Caseload

Total criminal filings decreased by 1.3% from 2013 to 2014 with 31,372 cases filed compared to 31,787. Felony filings increased by 16%; misdemeanors decreased by 7.2%; and infractions increased by 9.5%. Misdemeanors made up 68% of total criminal filings; felony 23%; and infractions 9%.

Overall ND Criminal Caseload for District Courts for 2013 and 2014



ND Criminal Caseload for District Courts for 2013 and 2014



2014

Administrative Traffic Cases

Administrative traffic filings increased by 5,112 (4.5%) from 2013. These cases make up 63% of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

Case Filings	2014	2013
Admin. Traffic	117,848	112,736
Case Re-opens	2014	2013
Admin. Traffic	300	199
Case Dispositions	2014	2013
Admin. Traffic	119,489	115,125

District Court Judges

Serving in 2014 & Chambered Cities

Norm Anderson- Fargo

Sonna M. Anderson - Bismarck

Zane Anderson - Dickinson

Karen K. Braaten – Grand Forks
(Passed away October 2014)

Lee A. Christofferson – Devils Lake

Sonja Clapp – Grand Forks
(Retired December 2014)

Wickham Corwin – Fargo
(Left office December 2014)

Todd Cresap - Minot

Brad Cruff - Wahpeton

Cynthia Feland - Bismarck

Laurie A. Fontaine – Cavalier/Langdon

Donovan Foughty – Devils Lake

M. Richard Geiger - Grafton

Dann Greenwood - Dickinson

John E. Greenwood - Jamestown

Richard L. Hagar - Minot

Gail Hagerty - Bismarck

Bruce B. Haskell - Bismarck

William Herauf - Dickinson

Douglas R. Herman – Fargo

Jim Hill - Mandan

James D. Hovey – New Rockford

John C. Irby - Fargo

Paul Jacobson - Williston

Lawrence E. Jahnke – Grand Forks

Jon Jensen – Grand Forks

Donald L. Jorgensen – Linton
(Retired July 2014)

Debbie G. Kleven – Grand Forks

Gary H. Lee – Minot

Stacy Louser - Minot

Steven L. Marquart - Fargo

Douglas L. Mattson - Minot

John C. McClintock, Jr.- Rugby

Steven E. McCullough - Fargo

William McLees – Minot
(Retired June 2014)

Thomas E. Merrick - Jamestown

Daniel D. Narum - Ellendale

David W. Nelson – Williston

Thomas R. Olson - Fargo

John T. Paulson – Valley City
(Retired June 2014)

Frank Racek - Fargo

David E. Reich - Bismarck

Bruce A. Romanick - Washburn

Robin Schmidt – Watford City

Joshua Rustad - Williston

Jay Schmitz – Valley City

Thomas J. Schneider - Mandan

Michael Sturdevant – Bottineau

Jerod Tufte – Valley City

Wade L. Webb -Hillsboro

Judicial Referees Serving in 2014

Wayne D. Goter - Bismarck

Scott Griffeth - Fargo

John Grinsteiner - Bismarck

Connie Portscheller - Minot

John Thelan – Grand Forks

Susan Solheim - Fargo

Dale A. Thompson - Bottineau

David H. Vigeland- Grand Forks
(Retired December 2014)

Family Mediation

The Family Mediation Program is a statewide program that began as a pilot program in two districts in 2008. In 2014, the Family Mediation Program accepted 579 cases. Four hundred and sixty cases were completed as of December 31, 2014.

Data for those completed cases indicates 50% reached full agreement, while an addition 28% reached partial agreements for a positive impact on 78% of cases.

There are currently 25 mediators on the Family Mediation Roster.

Family Mediation Cases

January 1, 2014 through December 31, 2014

Total cases referred to the mediation program		958
Cases rejected or dropped out		379
Custody issues settled prior to mediation	119	
Existence of domestic violence restraining order in case record or domestic violence issues identified	84	
One party resides outside of North Dakota	58	
Default divorce	31	
One party incarcerated	15	
Mediation attempted prior to filing divorce action	3	
One or both parties did not comply with order	43	
Parties reconciled	8	
Dismissed	11	
Miscellaneous	7	
Cases accepted into the Program		579
Cases completed as of December 31, 2014		460
Cases pending as of December 31, 2014		119

Judicial Districts and Units

Northwest Judicial District
Number of Counties: 3

North Central Judicial District
Number of Counties: 3

Northeast Judicial District
Number of Counties: 11

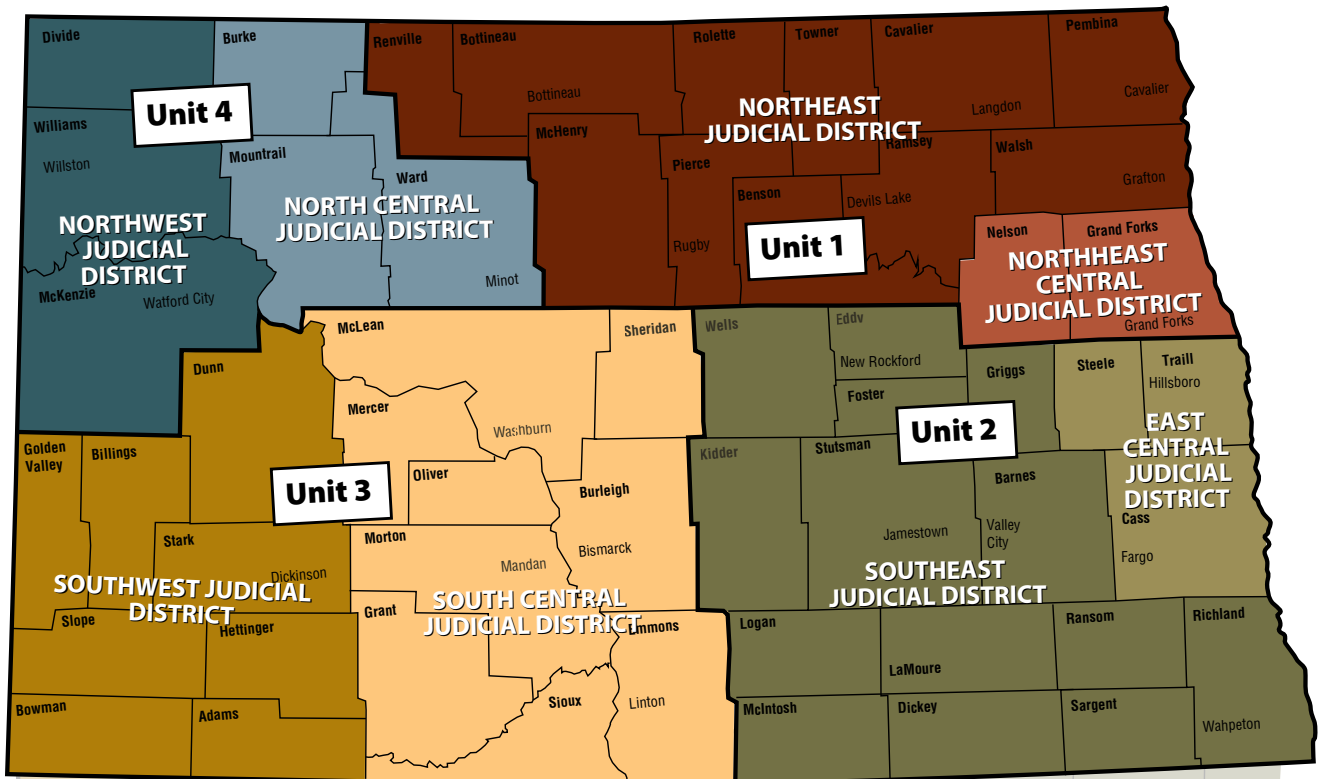
Northeast Central Judicial District
Number of Counties: 2

Southwest Judicial District
Number of Counties: 8

South Central Judicial District
Number of Counties: 9

Southeast Judicial District
Number of Counties: 14

East Central Judicial District
Number of Counties: 3



Case Filings by Judicial District 2014 & 2013

Northeast District Court Caseload For calendar years 2014 & 2013

CASE FILINGS/ DISPOSITIONS	2014			2013			2014/2013	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,935	1,397	4,485	2,910	1,258	4,215	0.86%	6.41%
Small Claims	456	13	482	414	6	372	10.14%	29.57%
Criminal	2,972	1,190	4,757	3,360	1,141	5,147	-11.55%	-7.58%
Traffic	12,919	29	12,929	12,086	25	12,571	6.89%	2.85%
Juvenile	236	203	401	282	187	406	-16.31%	-1.23%
Total	19,518	2,832	23,054	19,052	2,617	22,711	2.45%	1.51%

Northeast Central District Court Caseload For calendar years 2014 & 2013

CASE FILINGS/ DISPOSITIONS	2014			2013			2014/2013	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,840	733	3,603	2,745	772	3,843	3.46%	-6.25%
Small Claims	911	11	916	1,123	11	1,079	-18.88%	-15.11%
Criminal	2,907	1,721	4,956	2,829	1,438	4,414	2.76%	12.28%
Traffic	9,301	19	9,243	7,697	13	7,997	20.84%	15.58%
Juvenile	371	329	615	391	234	508	-5.12%	21.06%
Total	16,330	2,813	19,333	14,785	2,468	17,841	10.45%	8.36%

Case Filings by Judicial District 2014 & 2013

East Central District Court Caseload For calendar years 2014 & 2013

CASE FILINGS/ DISPOSITIONS	2014			2013			2014/2013	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	5,681	1,719	7,131	5,670	2,052	7,541	0.19%	-5.44%
Small Claims	1,091	37	1,124	1,239	159	1,365	-11.95%	-17.66%
Criminal	4,881	1,060	6,804	4,810	1,087	6,897	1.48%	-1.35%
Traffic	14,302	24	14,372	14,251	21	14,701	0.36%	-2.24%
Juvenile	597	238	842	730	232	976	-18.22%	-13.73%
Total	26,552	3,078	30,273	26,700	3,551	31,480	-0.55%	-3.83%

Southeast District Court Caseload For calendar years 2014 & 2013

CASE FILINGS/ DISPOSITIONS	2014			2013			2014/2013	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,686	948	4,421	3,671	1,021	4,499	0.41%	-1.73%
Small Claims	710	29	729	697	37	721	1.87%	1.11%
Criminal	2,866	1,082	4,259	3,415	1,272	5,157	-16.08%	-17.41%
Traffic	14,420	54	14,577	14,806	35	15,112	-2.61%	-3.54%
Juvenile	182	95	248	185	114	260	-1.62%	-4.62%
Total	21,864	2,208	24,234	22,774	2,479	25,749	-4.00%	-5.88%

Case Filings by Judicial District 2014 & 2013

South Central District Court Caseload For calendar years 2014 & 2013

CASE FILINGS/ DISPOSITIONS	2014			2013			2014/2013	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	6,156	1,446	7,543	6,280	1,632	7,857	-1.97%	-4.00%
Small Claims	708	17	688	780	44	786	-9.23%	-12.47%
Criminal	6,272	2,639	9,387	5,814	2,329	8,386	7.88%	11.94%
Traffic	22,490	37	22,657	20,367	29	20,801	10.42%	8.92%
Juvenile	436	365	672	460	299	725	-5.22%	-7.31%
Total	36,062	4,504	40,947	33,701	4,333	38,555	7.01%	6.20%

Southwest District Court Caseload For calendar years 2014 & 2013

CASE FILINGS/ DISPOSITIONS	2014			2013			2014/2013	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	2,419	725	3,095	2,621	617	3,164	-7.71%	-2.18%
Small Claims	188	9	201	181	3	169	3.87%	18.93%
Criminal	3,064	1,026	4,296	3,012	801	3,895	1.73%	10.30%
Traffic	15,325	43	15,644	16,175	34	16,274	-5.26%	-3.87%
Juvenile	121	81	174	114	64	174	6.14%	0.00%
Total	21,117	1,884	23,410	22,103	1,519	23,676	-4.46%	-1.12%

Case Filings by Judicial District 2014 & 2013

Northwest District Court Caseload For calendar years 2014 & 2013

CASE FILINGS/ DISPOSITIONS	2014			2013			2014/2013	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	4,236	633	4,650	4,065	656	4,233	4.21%	9.85%
Small Claims	247	23	289	232	15	212	6.47%	36.32%
Criminal	4,830	913	6,553	4,791	401	5,448	0.81%	20.28%
Traffic	14,581	48	15,262	13,373	16	13,443	9.03%	13.53%
Juvenile	144	156	255	199	117	241	-27.64%	5.81%
Total	24,038	1,773	27,009	22,660	1,205	23,577	6.08%	14.56%

North Central District Court Caseload For calendar years 2014 & 2013

CASE FILINGS/ DISPOSITIONS	2014			2013			2014/2013	
	Filed	Reopen	Disp.	Filed	Reopen	Disp.	Change in Filings	Change in Dispositions
Civil	3,496	985	4,328	3,523	1,063	4,408	-0.77%	-1.81%
Small Claims	389	7	376	456	15	455	-14.69%	-17.36%
Criminal	3,580	2,123	5,873	3,756	1,921	5,639	-4.69%	4.15%
Traffic	14,510	46	14,805	13,981	26	14,226	3.78%	4.07%
Juvenile	203	192	287	157	121	218	29.30%	31.65%
Total	22,178	3,353	25,669	21,873	3,146	24,946	1.39%	2.90%

Presiding Judges

Each of the judicial districts has a presiding judge. Each presiding judge is elected by the judges within their district. The presiding judge is the chief administrative officer of all courts in the district and is responsible for all court services within the geographical area of the judicial district. The presiding judge provides leadership within his or her judicial district.

Northeast Judicial District

Judge Laurie Fontaine

Northeast Central Judicial District

Judge Lawrence Jahnke

East Central Judicial District

Judge Frank Racek

Southeast Judicial District

Judge John Greenwood

South Central Judicial District

Judge Gail Hagerty

Southwest Judicial District

Judge William Herauf

Northwest Judicial District

Judge David Nelson

Northwest Central Judicial District

Judge William McLees & Judge Gary Lee



North Dakota Juvenile Court



Mission Statement: To carry out the mission of Balanced and Restorative Justice, the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. In carrying out this mission, the courts will empower victims and encourage community participation and parental responsibility.

Juvenile Court

Juvenile Court referrals are received from law enforcement, schools, social services agencies, and parents. Juvenile Court Officers screen referrals from law enforcement, schools, and agencies determining how they should be processed; making detention or emergency shelter care decisions on some of them, preparing court recommendations on those that proceed to the formal courts, and processing the majority of the delinquent and unruly cases (78%) via an informal adjustment conference or diversion.

Informal adjustment offers an opportunity to admit to the charge and accept conditions of probation with no formal charges or conviction being entered. A juvenile may deny the charge and that usually results in a referral of the charges to a prosecutor for determination as to whether to formally charge the juvenile with the alleged offense. Juvenile probation is one of the most widely used tools to ensure court requirements are met. Court goals often include repairing the harm to the victim, compliance with programming geared at reducing risk factors for the offender and increasing the overall competency of the offender to contribute to society.

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

There are four juvenile court directors who oversee offices in Grand Forks, Devils Lake, Bottineau, Grafton, Fargo, Jamestown, Valley City, Wahpeton, Bismarck, Dickinson, Minot and Williston.

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

2014 Referrals to Juvenile Court

Delinquent and Unruly Case Referrals:

In North Dakota, the Juvenile Court has exclusive jurisdiction over youth ages seven to eighteen who are alleged to have committed a delinquent or an unruly act. A delinquent act would be a crime if committed by an adult. An unruly act is behavior that is an offense because of the age of the offender. Examples include truancy from school, runaway, ungovernable behavior, or minor consuming alcohol, all of which are based on age.

Deprived Case Referrals:

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

Total referrals to Juvenile Court have declined 9% in the past year to 9,274. Nationally, both adult and juvenile crime is at an all-time low. North Dakota has seen similar decreases in unruly and delinquent referrals. The chart reflects the total number of charges referred to Juvenile Court in the three legal categories of unruly, delinquent, and deprived cases over the past five years.

Note the increase in deprivation referrals from 2010 through 2013 with a slight decrease in 2014. Even with the slight decrease in deprivation filings in 2014, it should be noted that overall (within the last five years) the trend of an increase in deprivation filings has been significant with a 32% increase over that time period.

Total Referrals By Year			
	Unruly	Delinquent	Deprivation
2010	4055	6075	1556
2011	3469	5678	1879
2012	3510	5473	1969
2013	2792	4817	2282
2014	2572	4433	2269

The chart below reflects the total number of charges referred to the juvenile courts, grouped by case type over the past five years. In 2014, unruly offenses made up 28% of juvenile court referrals, while deprivation referrals made up 25%. Property offenses comprised 15%; drug related offenses 12 %; public order offenses 10%; offenses against persons 7 %; and traffic offenses 3% of the total referrals to juvenile court.

Total Referrals by Case Type

	2010	2011	2012	2013	2014
Against Person Offenses	911	845	886	845	684
Property Offenses	2354	2137	1996	1676	1380
Public Order	1355	1163	1177	960	942
Unruly	4055	3469	3510	2792	2572
Deprivation	1556	1879	1969	2282	2269
Traffic	470	418	413	365	315
Drug Related Offenses	985	1115	1001	971	1112

For more detailed information on Juvenile Court services and outcomes, please see the 2014 Juvenile Court Annual Report at <http://www.ndcourts.gov/court/juvenile.htm>.

2014 Juvenile Drug Court Program Highlights

The North Dakota Juvenile Drug Court Program is now under the leadership of Justice Lisa Fair McEvers who became Chair of the Juvenile Drug Court Advisory Committee effective January 2014. Justice McEvers was not new to the drug court model and brought substantial experience to the program having previously served as a juvenile and adult drug court prosecutor and as a former district judge who presided over adult drug court.

In 2014, the Juvenile Drug Court Advisory Committee completed an in-depth review of the North Dakota Juvenile Drug Court Program Manual and made revisions to ensure its policies, procedures, and practices remain responsive to the program's current needs and growth. Among numerous other considerations, the committee reviewed the target population and eligibility criteria and explored options to increase referrals which would provide more individuals an opportunity to participate in the program. The committee also reviewed a wide-range of additional incentives and sanctions and explored remedies to address concerns regarding limited resources for treatment of addiction and mental health issues.

The committee also adopted a new juvenile drug court mission statement: “[T]o reduce juvenile delinquency and substance abuse by referring youth who are less likely to achieve a positive result in traditional juvenile court, into treatment court which holds them accountable and emphasizes personal responsibility.”

The program's commitment to ongoing training and collaboration was highlighted as juvenile drug court team members from across the state gathered for training focused on the importance of team building, behavior modification (through incorporation of incentives and sanctions) and the 16 Strategies in Practice. The strategies were created to address the unique considerations confronting juvenile drug court practitioners by a diverse group of practitioners, researchers, and educators from across the country who were brought together by the Bureau of Justice Assistance, the National Council of Juvenile and Family Court Judges, the National Drug Court Institute, and the Office of Juvenile Justice and Delinquency Prevention.

Six North Dakota Juvenile Drug Courts continued operation in 2014.

Juvenile Drug Court

2014 STATISTICS

Statistics by Individual Courts for 2014

Court	Current	Graduations	Terminations	Suspended	Totals	Court Sessions
Grand Forks	7	3	8	0	18	42
Fargo	5	3	14	1	23	39
Bismarck	9	5	4	0	18	40
Minot	4	2	5	0	11	44
Devils Lake	3	1	6	3	13	44
Stutsman/Barnes	6	0	5	0	11	44
Totals	34	14	42	4	94	

Race and Gender for Individual Courts

Court	Caucasian	Native American	Hispanic	African American	Other	Male	Female
Grand Forks	12	4	0	1	1	9	9
Fargo	16	0	2	5	0	17	6
Bismarck	10	5	0	0	3	12	6
Minot	8	1	0	0	2	8	3
Devils Lake	9	4	0	0	0	12	1
Stutsman/Barnes	10	1	0	0	0	7	4
Totals	65	15	2	6	6	65	29

Overall Statistics from Start Date

Started	Court	Graduations	Terminations	Deceased	Total
May - 2000	Grand Forks	73	87	0	160
May - 2000	Fargo	73	107	1	181
Oct - 2003	Bismarck	55	59	0	114
Jan - 2007	Minot	18	24	0	42
Jan - 2008	Williston	2	8	1	11
Jan - 2009	Devils Lake	11	15	0	26
Jan - 2013	Stutsman/Barnes	0	5	0	5
Totals		232	305	2	539



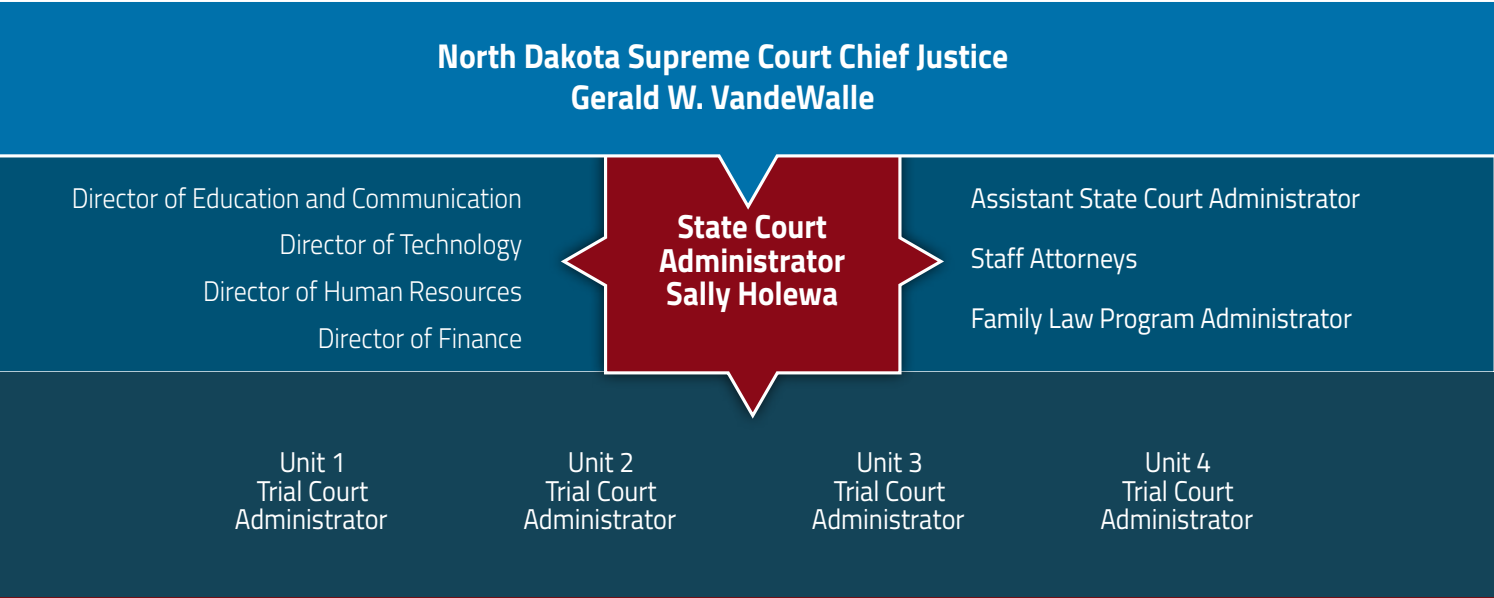
Administration of the Court

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.



Sally Holewa
State Court Administrator

North Dakota Administrative Office of the Court



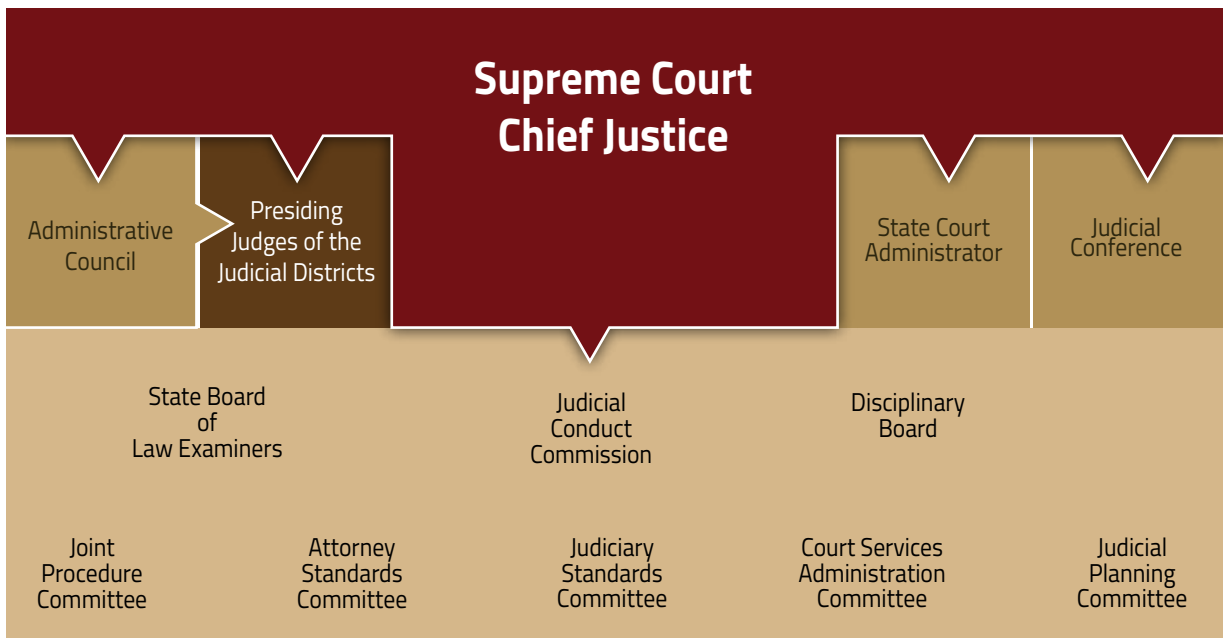
Office of State Court Administrator

Article VI, Section 3, of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications, and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation and administration of the judicial budget, providing for judicial education services, coordinating technical assistance to all levels

of courts, planning for statewide judicial needs, and administering a personnel system. The Assistant State Court Administrator for Trial Courts and trial court administrators in each unit assist the state court administrator. Also assisting are directors and personnel who work in finance, general counsel, human resources, technology, and judicial education.

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

Administrative Organization of the North Dakota Court System.



2014 Trial Court Administration

Trial Court Administrator

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

Assistant Trial Court Administrators

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

Director of Juvenile Court Services

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

Administrative Unit 1

Trial Court Administrator
Merylee Castellanos

Assistant Trial Court Administrator
Kimberly D. Nelsen

Director of Juvenile Court
Shawn Peterson

Administrative Unit 2

Trial Court Administrator
Rod Olson

Assistant Trial Court Administrator
Chris Iverson

Director of Juvenile Court
Karen Kringlie

Administrative Unit 3

Trial Court Administrator
Donna Wunderlich

Assistant Trial Court Administrator
Ross Munns

Director of Juvenile Court
Cory Pedersen

Administrative Unit 4

Trial Court Administrator
Carolyn Probst

Director of Juvenile Court
Scott Hopwood



Clerk of District 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.

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
Barnes	Full-time	Separate		X	Yes
Benson	Part-time	Separate	as Clerk		No
Billings	Part-time	Recorder	as Recorder/Clerk		No
Bottineau	Full-time	Separate		X	Yes
Bowman	Part-time	Recorder	as Recorder/Clerk		No
Burke	Part-time	Recorder	as Recorder		No
Cavalier	Full-time	Separate		X	No
Dickey	Full-time	Separate		X	No
Divide	Full-time	Recorder	as Recorder		Yes
Dunn	Part-time	Recorder	as Recorder/Clerk		Yes
Eddy	Part-time	Recorder	as Recorder/Clerk		No
Emmons	Part-time	Recorder	as Recorder/Clerk		No
Foster	Part-time	Separate		X	No
Golden Valley	Part-time	Recorder	as Recorder/Clerk		No
Grant	Part-time	Recorder	as Recorder/Clerk		No
Griggs	Part-time	Recorder	as Recorder		No
Hettinger	Part-time	Recorder	as Recorder/Clerk		No
Kidder	Part-time	Recorder	as Recorder		No
Lamoure	Part-time	Separate		X	No
Logan	Part-time	Recorder	as Recorder		No
McHenry	Full-time	Separate	as Clerk		Yes
McIntosh	Part-time	Recorder	as Recorder/Clerk		No
McKenzie	Full-time	Separate		X	Yes
McLean	Full-time	Separate		X	Yes
Mercer	Full-time	Separate		X	Yes
Mountrail	Full-time	Separate		X	Yes
Nelson	Part-time	Recorder	as Recorder/Clerk		No
Oliver	Part-time	Recorder	as Recorder		No
Pembina	Full-time	Recorder	as Recorder/Clerk		Yes
Pierce	Part-time	Separate	as Clerk		No
Ransom	Full-time	Separate		X	Yes
Renville	Part-time	Recorder	as Recorder		No
Sargent	Part-time	Recorder & Treasurer & Clerk	as Recorder/Clerk/ Treasurer		No
Sheridan	Part-time	Recorder	as Recorder		No
Sioux	Part-time	Recorder & Treasurer & Clerk	as Recorder/ Treasurer/Clerk		No
Slope	Part-time	Recorder	as Recorder/Clerk		No
Steele	Part-time	Recorder	as Recorder/Clerk	X	No
Towner	Part-time	Recorder	as Recorder		No
Traill	Full-time	Separate	as Clerk		Yes
Wells	Part-time	Separate		X	No

State Employed Clerk of Court Offices

Burleigh
 Cass
 Grand Forks
 Morton
 Ramsey
 Richland
 Rolette
 Stark
 Stutsman
 Walsh
 Ward
 Williams

Total 12

Eligible for Transfer to State

Barnes
 Bottineau
 Divide
 Dunn
 McHenry
 McKenzie
 McLean
 Mercer
 Mountrail
 Pembina
 Ransom
 Traill

Total 12

Totals

County-Contract	41
State-Employed	12
Total Clerks	53

Combined Offices	25
Separate Offices	16
Total	41

Appointed	28
Elected	13
Total	41

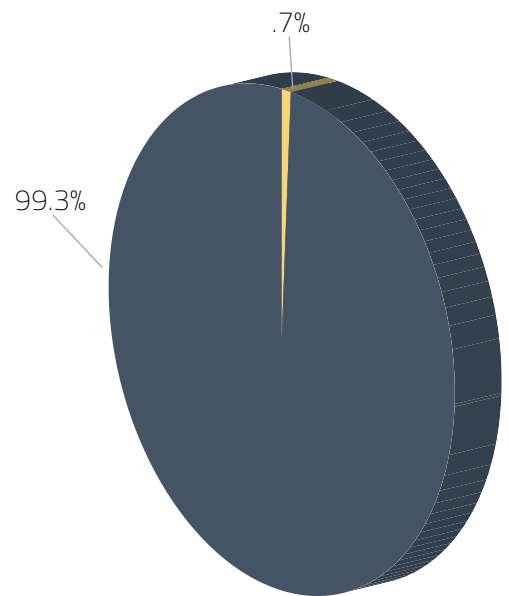
JUDICIAL PORTION OF THE STATE'S BUDGET 2013-2015 BIENNIUM

July 1, 2013 - June 30, 2015

Total State General and Special Funds Appropriation
\$13,744,262,310

Executive And Legislative Branch General
And Special Funds Appropriation
\$13,643,780,728 (99.3%)

Judicial Branch General and
Special Funds Appropriation
\$100,481,582 (.7%)



STATE JUDICIAL BRANCH APPROPRIATION BY APPROPRIATED LINE ITEM

2013-2015 BIENNIUM

Total State General and Special Funds Appropriation
\$100,481,582

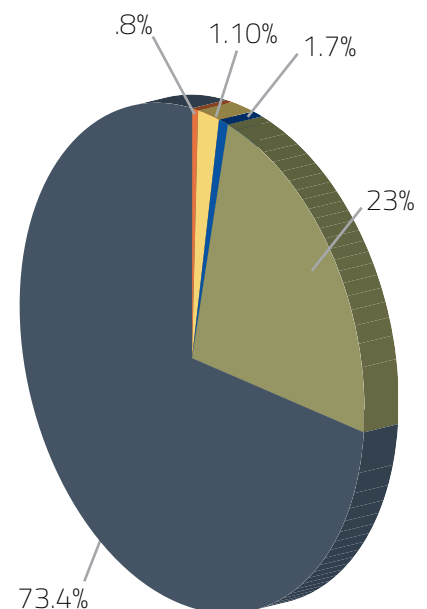
Salaries and Benefits
\$73,752,019 (73.4%)

Operating Expenses
\$23,102,095 (23.0%)

Mediation
\$ 1,102,615 (1.10%)

Capital Assets
\$ 848,026 (.8%)

Special Purposes
\$ 1,676,827 (1.7%)



STATE JUDICIAL BRANCH APPROPRIATION BY TYPE OF ACTIVITY 2013-2015 BIENNIUM

Supreme Court

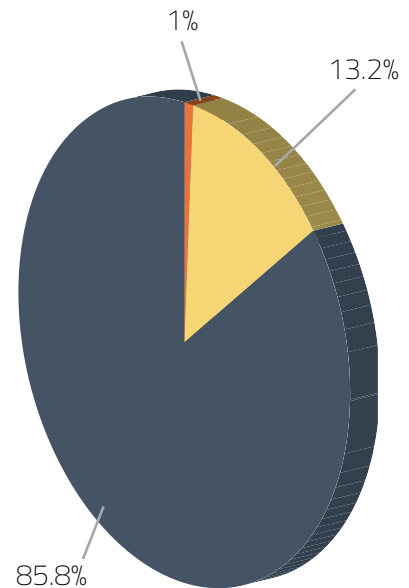
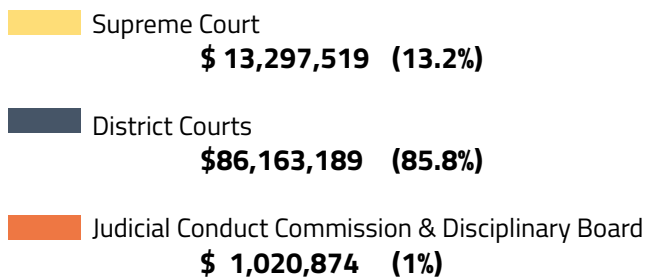
General Fund	\$ 13,297,519
Special Funds	-
TOTAL	\$ 13,297,519 (13.2%)

District Courts

General Fund	\$84,355,099
Federal Funds	1,808,090
TOTAL	\$86,163,189 (85.8%)

Judicial Conduct Commission & Disciplinary Board

General Fund	\$ 653,375
Special Funds	367,499
TOTAL	\$ 1,020,874 (1%)





[Committees, Commissions & Boards]

Within the North Dakota Court System, a system of committees, commissions, boards, and councils has been established to develop new ideas and evaluate proposals for improving public services and to recommend policy and best practices for the judicial system. Citizens, legislators, lawyers, district court judges, municipal court judges, court personnel and members of the Supreme Court serve on these committees.

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

North Dakota Judicial System Committees, Councils, Commissions and Boards

Administrative Council

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

Judicial Planning Committee

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

Joint Procedure Committee

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

Informal Complaint Panel

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

Joint Committee on Attorney Standards

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

Judiciary Standards Committee

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

Court Services Administration Committee

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

Committee on Tribal and State Court Affairs

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

Personnel Policy Board

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

Court Technology Committee

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

Jury Standards Committee

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

and management, and reviewing the operation management, and administration of the state's jury system.

North Dakota Judicial Conference

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

Committee on Legislation

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

Advisory Commission on Cameras in the Courtroom

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

Pattern Jury Instruction Commission

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

Commission on Judicial Branch Education

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

Juvenile Policy Board

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

Court Improvement Program Committee

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

Parenting Investigator Review Board

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

Caseflow Management Committee

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

Judicial Conduct Commission

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

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

member is appointed by the State Bar Association.

(<http://www.ndcourts.gov/court/committees/JudCond/Commission.asp>)

Of the new complaints filed in 2014:

- 37 were against 22 District Court Judges
- 17 were against 6 Supreme Court Justices
- 1 was against 1 Surrogate Judge
- 3 were against 2 Judicial Referees

New Complaints Opened in 2014	58
General Nature of Complaints:	
Bias, discrimination/partiality	6
Corruption	29
Delay Court Business	3
Failure to follow the law/procedure	1
Failure to perform duties	2
Ex-Parte Communication	2
Improper decision/ruling	12
Other	3
Complaint Files Carried Over from 2013	9
Total Files Pending Consideration in 2014	67
Disposition of Complaints:	
Complaint Withdrawn	1
Admonition	3
Formal Proceedings	0
Dismissed	3
Summarily Dismissed	53
Total 2014 Dispositions	60
Complaint Files Pending as of 12/31/2014	7

State Board of Law Examiners

By Penny Miller, Secretary-Treasurer

The 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 2014, Board members were Alice Senechal of the Robert Vogel Law Office in Grand Forks; Lawrence King of Zuger Kirmis and Smith in Bismarck; and Jane Dynes of the Serkland Law Firm in Fargo. Senechal served as President of the Board. The Director of Admissions, Laurie Guenther, is assisted by full-time Administrative Assistant, Kathy Erickson.

North Dakota's thriving economy continues to impact the work of the Board. The 2014 statistics are below.

- 2894 licenses were issued, a 6% increase from 2013, and a 45% increase from 2008.
- 225 new attorneys were admitted to the Bar, a 19.6% decrease from 2013, but a 112% increase from 2008.
- 173 motions for admission based on practice or test score were filed, a 3% decrease from 2013, but a 239% increase from 2008.
 - 84 motions for admission based on practice were filed, a 15% decrease from 2013, but a 189.7% increase from 2008.
 - 89 motions for admission on test score were filed, an 11% increase from 2013, but a 305% increase from 2008. The Uniform Bar Examination (UBE) was first given as the North Dakota Bar Examination in February 2011 and accounted for 55 motions in 2014, a 175% increase over last year.
- 320 nonresident attorneys appeared in North Dakota courts under Rule 3, Admission to Practice Rules, a 13.5% increase from 2013, and an 106.5% increase from 2008. In 2014, \$121,600 was collected in pro hac vice fees.
- 30 temporary licenses were approved, while applicants licensed in another jurisdiction awaited the review and approval of their North Dakota applications

Passage rates for the February and July 2014 North Dakota bar examinations:

Exam	# Apps.	% Pass	# UND Grads	UND %Pass
2/14	42	62%	18	50% (1st time 55%)
7/14	78	63%	50	56% (1st time 56%)

In addition, the Character and Fitness Committee, other resources and technology were used more frequently to assist the Board with its heavy workload. The 2014 Character and Fitness Committee members were Sherry Mills Moore, Bismarck attorney; Dr. Robert Olson, Fargo psychiatrist; Paul Richard, Fargo attorney; Daniel Ulmer, Bismarck; and Michael Williams, Fargo attorney.

At year end, Alice Senechal's term on the Board expired, and she did not seek reappointment due to her appointment as a full-time federal magistrate judge. Bradley Beehler of the Morley Law Firm in Grand Forks was appointed by the Court to replace Senechal.

Disciplinary

Board

By Penny Miller, Secretary of the Disciplinary Board

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

A summary of the workload under consideration in the lawyer discipline system in 2014, as well as a comparison of new complaints filed since 2008, appear on this page.

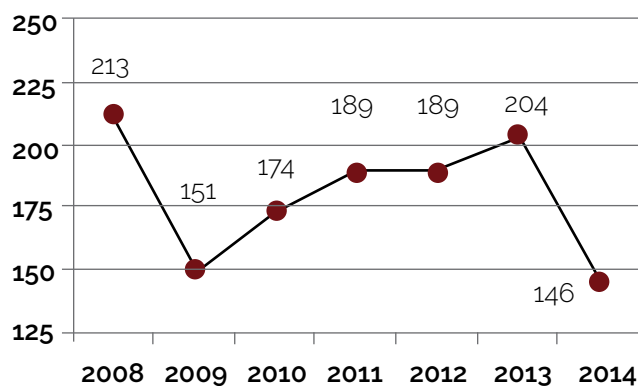
Highlights of 2014 include:

- A 28.5% decrease in new complaints received in 2014.
- A 47% decrease in formal proceedings pending at the end of 2014, due to the efforts of the Disciplinary Board to resolve files opened in previous years involving currently suspended or disbarred lawyers.
- Due to judicial redistricting, the Disciplinary Board increased to eleven members, with three non-lawyer and eight lawyer members. The non-lawyer members are appointed from around the state by the Supreme Court from a list submitted by the State Bar Association, the Attorney General, and the President of the Judicial Conference. One lawyer member is appointed by the Supreme Court from each of the eight judicial districts.

- Daniel M. Traynor of Devils Lake served as Chair of the Board in 2014.
- A review of the disciplinary system by a subcommittee of the American Bar Association's Standing Committee on Professional Discipline was conducted with a report and recommendations referred to the Joint Committee on Attorney Standards.

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

New Complaints 2008-2014



Workload Summary of Attorney Discipline System

General Nature of Complaints:	
Client Funds & Property	5
Conflict of Interest	3
Criminal Convictions	1
Disability/Incapacity to Practice Law	0
Excessive Fees	7
Failure to Communicate/Cooperate with Client	15
Improper Conduct	74
Incompetent Representation	31
Misappropriation/Fraud	3
Neglect/Delay	4
Petition for Reinstatement	1
Unauthorized Practice of Law	0
Reciprocal Discipline	2
Total New Complaints Opened in 2014	146
Formal Proceedings Pending From Prior Years	36
Other Complaint Files Pending From Prior Years	58
Appeals Filed with Disciplinary Board in 2014	30
Appeals Allowed by Supreme Court in 2014	1
Total Files Available for Consideration in 2014	271
Inquiry Committees Actions	
Dismissal	100
Summary Dismissal	38
Admonition	11
Referral to Lawyer Assistance Program	1
Consent Probation	5
Dismissal Without Prejudice	0
No Action - Referred to Another State	0
Disciplinary Board Actions	
Approve Inquiry Committee Dismissal	19
Approve Inquiry Committee Admonition	3
Approve Inquiry Committee Consent Probation	1
Disapprove Inquiry Committee Disposition	7
Dismissal by Hearing Panel of the Board	0
Reprimand by Hearing Panel of the Board	5
Consent Probation by Hearing Panel of the Board	0
Supreme Court Actions	
Reprimand	1
Suspension	*9
Disbarment	*17
Interim Suspension	1
Reinstatement	1
Court Vacated Interim Suspension	1
Transfer to Disability Inactive Status (No DB File)	1
Formal Proceedings Pending 12/31/14	19
Other Complaint Files Pending 12/31/14	62

* 9 files resulted in the suspension of 5 attorneys; and 19 files resulted in the disbarment of 3 attorneys.