

STATE OF NORTH DAKOTA  
**NORTH DAKOTA JUDICIAL COUNCIL**

*Annual Report*  
1978

MICROFICHE



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WILLIAM G. BOHN  
*Executive Secretary*

STATE OF NORTH DAKOTA  
**NORTH DAKOTA JUDICIAL COUNCIL**

*Annual Report*

CALENDAR YEAR 1978

WILLIAM G. BOHN  
*Executive Secretary*

**NCJRS**  
**JUN 29 1979**  
**ACQUISITIONS**

*On A Foundation of Justice Are Reared Stones of Trust*

INSCRIPTION APPEARS ON EAST  
ENTRANCE OF WARD COUNTY COURTHOUSE.  
MINOT, N.D.

State of North Dakota  
JUDICIAL COUNCIL

WILLIAM G. BOHN  
EXEC SECY AND TREAS

STATE CAPITOL  
BISMARCK NORTH DAKOTA 58505  
(701) 224-2221

TO THE HONORABLE CHIEF JUSTICE  
AND JUSTICES OF THE SUPREME COURT  
OF THE STATE OF NORTH DAKOTA:

TO THE HONORABLE MEMBERS OF THE  
NORTH DAKOTA JUDICIAL COUNCIL:

In compliance with provisions of Section 27-15-07  
of the North Dakota Century Code (NDCC), I submit the Annual  
Report of the North Dakota Judicial Council for the period  
of January 1 through December 31, 1978.

This report is intended to serve as a reference source  
for statistical information on the operation of the North Dakota  
judicial system.

I take this opportunity to publicly acknowledge the  
valuable assistance and cooperation extended to me by the judges  
and court personnel whose reports provided the information  
contained in the Annual Report. Particular thanks goes to the  
staff of the Court Administrator's office for their diligent  
work in compiling the statistics and designing the format for  
this report.

Respectfully submitted,



WILLIAM G. BOHN  
State Court Administrator and  
Judicial Council Executive Secretary

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## DEDICATION

The 1978 North Dakota Judicial Council Annual Report is dedicated to the Honorable Eugene Allan Burdick of the Fifth Judicial District. Judicial Service (1953-1978).



On December 31, 1978, the Honorable Eugene Allan Burdick retired as district judge of the Fifth Judicial District with chambers in Williston. He has received state and national recognition for his years of service to the legal profession and the judiciary.

Born near Williston in 1912, Judge Burdick was graduated from the University of Minnesota in 1933 with a B.A. degree and a Juris Doctor degree in 1935.

He practiced law in Williston from 1935 until 1953. During this time he served six years as Williams County State's Attorney and as president of the State Bar Association 1951-1952. In 1953, Judge Burdick was appointed to the district court bench by Governor C. Norman Brunsdale and was elected district judge in 1954 and re-elected in 1960, 1966, and 1972.

Following is a partial list of his many contributions to the improvement of the judicial branch of government during his years of service as a district judge:

Served as a commissioner from North Dakota on the National Conference of Commissioners on Uniform State Laws since 1959 and as president from 1971 to 1973 (elected as a life member in 1977); State Coordinator, National Council of Juvenile and Family Court Judges since 1965; Board of Directors, American Judicature Society (1967-1968) (1974-1978); member of the Advisory Council to the State of Alaska on Plea Bargaining in 1977 and 1978; member of teaching team, National Institute for Trial Advocacy, 1972 through 1977; elected member of American Law Institute; member of the Joint Committee on Procedure of the Judicial Council and State Bar Association since 1968; Chairman, Special Advisory Committee on Judicial Education since 1975; and member of the Judicial Council since 1946.

Judge Burdick will continue to make contributions to the judiciary through service on various SBAND, Judicial Council, and judicial-related committees.

Judge Burdick and his wife May continue their residence in Williston.

# NORTH DAKOTA UNIFIED JUDICIAL SYSTEM

By

HARRY J. PEARCE, ESQ.

*Chairman*

*Legislative Subcommittee*

*Citizens Committee on the New Judicial Article*

In September, 1976 the voters approved the new judicial article to the North Dakota Constitution which establishes the unified judicial system as the form through which court services will be provided in North Dakota. The concept of court unification includes accountability through the Chief Justice of the Supreme Court for all court services, a single trial court of general jurisdiction and state financing for court services. Since this mandate for court unification was approved, committees have been at work on proposals for the implementation of the new judicial article through legislation and Supreme Court rule and administrative action.



We have already seen dramatic changes directed toward court service improvement. We can expect to see equally significant improvements in court services in the future as the Legislature and Supreme Court continue to act on the implementation of the unified judicial system concept.

Many committees have studied the issues of court service improvements. The Joint Procedure Committee, Judicial Planning Committee, and the Rules Subcommittee and Legislative Subcommittee of the Citizens Committee on the New Judicial Article have been particularly active in this study and improvement process. Each has had its own part to play. The committees are broadly representative of diverse constituencies.

Several committees place particular emphasis on lay citizen participation. This reflects a historic change in the extent to which the public has been actively involved in the study and proposals for court service improvements. This commitment to openness and to real public participation sets our judicial system apart from other state court systems and reflects the foresight of our citizens who set the court unification process in motion.

The activity produced by the passage of the new judicial article complements a longer period of administrative modernization, which started with the establishment of the Joint Procedure Committee in 1967 and the office of the State Court Administrator in 1974. Modern and practical procedural rules, budgeting, training, information systems, and planning efforts were carefully initiated and have demonstrated their contributions.

The present judicial article activity has moved forward on the track prepared by these prior efforts and has initiated study and reassessment of the organizational structure and procedures for providing court services in North Dakota.

Already the efforts to implement the new judicial article have produced major improvements in the rulemaking processes within the judicial system. The concepts of the presiding judge and the judicial district have been strengthened and broadened to embrace a real structure for decentralized administrative responsibility and accountability for the quality of all local court services.

Legislative proposals for the implementation of the unified judicial system are designed to provide the highest quality of judicial services to all North Dakota citizens wherever they may reside. Under the unified system, judicial discretionary acts will be substantially performed by full-time legally trained judges. The structure of courts will be easier to understand. The unified system is designed to insure that the quality of justice will be uniform from county to county. Hand in hand with the quality of judicial services, the unified system is designed to deliver judicial services to the citizens of North Dakota as conveniently as possible. The circuit riding associate district judge concept assures that our rural citizens will have access to the same high quality of judicial services already enjoyed in many urban centers in the state.

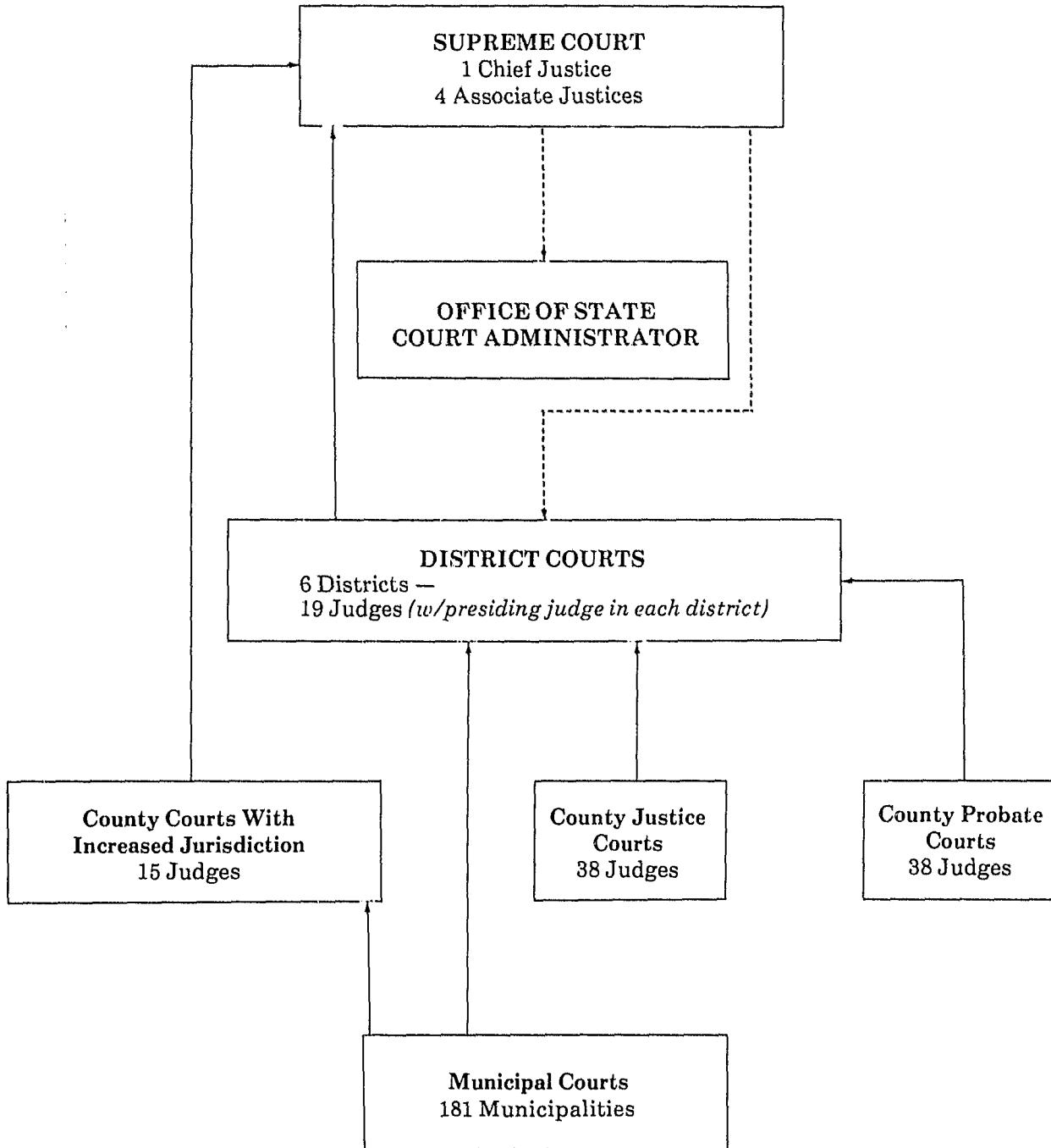
It is fundamental that a unified judicial system is no better than the quality of the judicial officers who serve within it. The legislative implementation of a judicial nominating committee will provide a step toward improving the recruitment of qualified judicial personnel. Provision for temporary judge duty by attorneys, unified budgeting, and modern court records management procedures will enhance the flexibility of judges and court support personnel of the unified judicial system. As a result court services to the citizens will markedly and progressively improve.

These changes come deliberately and responsibly as the open processes of court improvement efforts continue. The process is in motion. The participation is broad and diverse. The collegial wisdom harnessed in these efforts is impressive. The results in improved court services will flow directly to the benefit of the citizens of North Dakota.

# NORTH DAKOTA JUDICIAL SYSTEM

-----  
*Administrative route*

\_\_\_\_\_  
*Appeals route*



# SUPREME COURT OF NORTH DAKOTA



JUSTICE  
Wm. L. Paulson

JUSTICE  
Vernon R. Pederson

CHIEF JUSTICE  
Ralph J. Erickstad

JUSTICE  
Paul M. Sand

JUSTICE  
Gerald W. Vandewalle

The North Dakota Supreme Court is the highest court for the State of North Dakota. It is the "court of last resort" in the state for all disputes or legal controversies concerning state law under the North Dakota State Constitution.

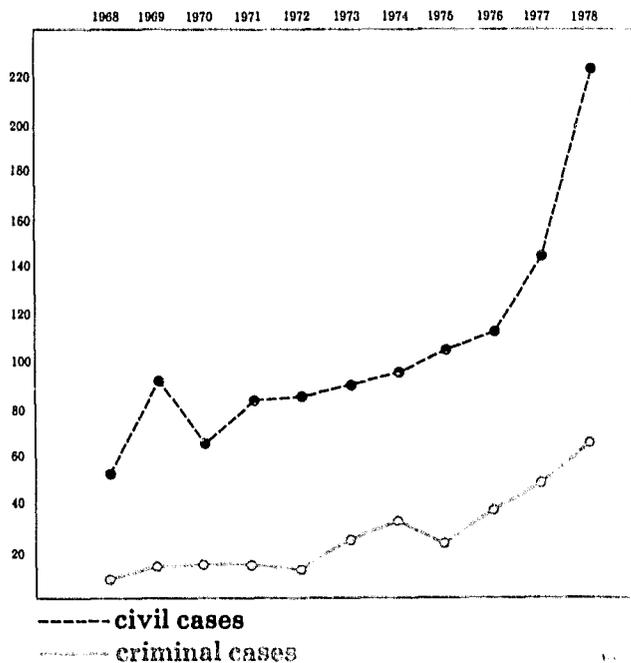
Under constitutional provisions relative to the separation of powers and the court's supervisory

responsibility over all inferior courts, the Supreme Court has administrative responsibility in respect to the judicial branch of government. With the caseload of the system increasing from the standpoint both of numbers and complexity, administrative problems of some considerable magnitude must be addressed.

# REPORT OF THE CLERK OF THE SUPREME COURT

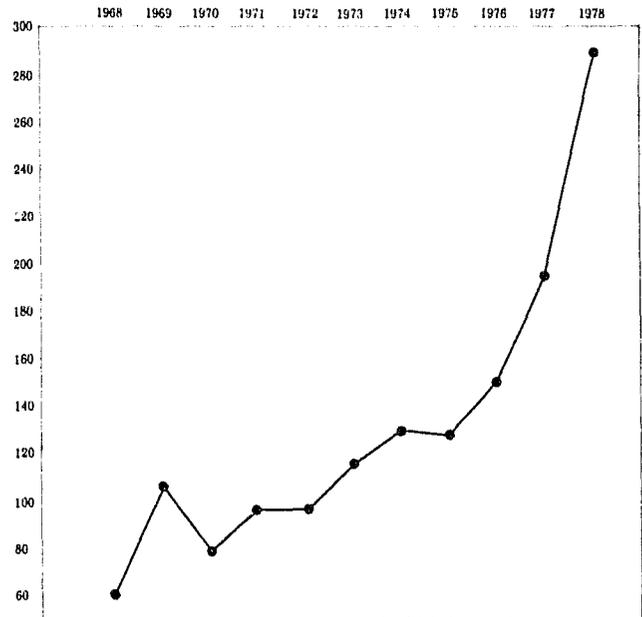
A recordbreaking 289 cases were filed or completed in 1978 by the Supreme Court. During 1977, 194 cases were filed with the Court. A change in the method of reporting the statistics has been implemented this year. Prior to this year, a case was not considered filed until it had been argued before the Court. Consequently, this year's report includes all cases filed this year plus those filed in 1977 but decided by the Court in 1978 and not included in last year's report. Based on the above reporting procedure, the criminal caseload increased from 49 to 66 cases or almost 35 percent and the number of civil cases climbed from 145 to 223 or an increase of approximately 54 percent.

**CIVIL AND CRIMINAL CASES FILED OR COMPLETED DURING 1978**



Notwithstanding the increase in the number of cases filed, the Court began its September term with no cases pending or undecided, the fifth consecutive year the members of the Supreme Court have cleared the docket by September 1st. This indicates the justices have kept up with the additional workload; however, the output per judge will have to increase considerably to keep pace with the increased caseload.

**TOTAL CASES FILED OR COMPLETED DURING 1978**



It is anticipated the caseload will continue to increase at the present rate or higher in the next few years. Coal and oil development in North Dakota during the past few years has accelerated and has resulted in an increased amount of litigation in certain portions of the state. The impact of this has not been felt fully by the appellate court. In all probability, the Court will have to consider the adoption of procedures such as screening of cases, limiting the time for oral argument or other methods in order to cope with the increasing caseload.

The Clerk of the Supreme Court monitors all cases from the time of filing of the Notice of Appeal and attempts to keep the cases moving according to the time prescribed by the Rules of Appellate Procedure. Motions for extensions of time are granted only in cases where sufficient proof has been established. Likewise, when cases are ready to be heard and are scheduled for argument, only a stipulation or motion by counsel will effect a postponement of the hearing.

**TABLE I**  
**COMPARISON OF THE TIME PRESCRIBED IN THE RULES FOR**  
**PERFECTING AN APPEAL AND THE ACTUAL TIME USED**

DESCRIPTION	PRESCRIBED BY RULES		AVERAGE OF ACTUAL TIME USED	
	CIVIL	CRIMINAL	CIVIL	CRIMINAL
From filing Entry of Judgment to filing Notice of Appeal	60*	10*	41	25
From filing Notice of Appeal to filing of Complete Record	50	50	44	38
From filing of Complete Record to filing Appellant's Briefs	40	40	43	46
From filing Appellant's Briefs to filing Appellee's Briefs	30	30	32	30
From At Issue (case ready for calendaring) to Hearing	N/A	N/A	38	43
From Hearing to Decision	N/A	N/A	49	54

ALL TIME IS COMPUTED IN DAYS

\* It should be noted certain motions may stay the time as prescribed.

The individual justices averaged from 26 to 32 written decisions each for a total of 133 majority opinions. In addition, written dissenting opinions were filed in 24 cases and special concurring opinions in 21 cases. The total number of opinions filed by the Court during 1978 was 178. This figure does not include cases which were disposed of by other means. The Court considered 38 petitions for rehearing and seven writs requesting original jurisdiction during the year. The Court decided 385 motions. Three disciplinary actions against attorneys were referred to the Supreme Court. This resulted in two suspensions and one public reprimand. The Judicial Qualifications Commission referred one formal complaint to the Court. In that case the Court issued a public reprimand and directed the judge to file proof of additional study of the Code of Judicial Conduct.

Raw statistics do not reflect the varying complexity of the cases heard by the Supreme Court. Some cases require many more judge hours prior to disposition. Statistics relating to judge hours per case are not available, but the increased number of complex cases together with the mounting caseload is of serious concern to the judiciary and the members of the bar.

During the year, the Supreme Court adopted an order allowing cameras and electronic recording equipment in the appellate court on a one-year experimental basis. The order contemplates a "pool" arrangement with media personnel so that a limit of one camera and one recorder are in the courtroom at a given time. Objections to coverage may be made by counsel at the time briefs are filed. A notice prohibiting coverage by the Court must be furnished to the media at least 24 hours in advance of the hearing.

District court judges served as temporary justices of the Supreme Court in 31 cases in which members of the Supreme Court were disqualified. The Supreme Court acknowledges with thanks the assistance of the Honorable Douglas B. Heen, the Honorable Eugene A. Burdick, the Honorable Roy A. Ilvedson, the Honorable Norbert J. Muggli, the Honorable Larry Hatch, the Honorable William M. Beede, the Honorable Benny A. Graff, the Honorable Gerald G. Glaser, the Honorable William F. Hodny, the Honorable Kirk Smith, the Honorable Norman J. Backes, the Honorable James H. O'Keefe, and the Honorable Lyle G. Stuart.

# OFFICE OF STATE COURT ADMINISTRATOR

In 1978, programs established in prior years were continued and new efforts initiated. With passage of the New Judicial Article in September 1976, staff was assigned to committees working on draft legislation for court redistricting and the development of new procedural rules. Further reference to the various committee activity commences on page 42.

## Judicial Planning

Funds were received through a grant from the North Dakota Combined Law Enforcement Council to continue staffing for the Supreme Court comprehensive planning activities. The Planning Division worked with committees on proposed legislation for court unification, redistricting, docket currency standards, and administrative rules. Progress toward implementing goals and objectives contained in the **North Dakota Judicial Master Program** were monitored and reviewed.

## Judicial Training

Judicial training programs were conducted for all levels of the judiciary. This included seminars for clerks of court, juvenile court personnel, court reporters, and appellate law clerks. Four hundred sixty judges and court officers received 4,760 hours of training at instate seminars.

This was the first year multi-state programs were conducted. In May, North Dakota co-sponsored a program on judicial writing with Minnesota. The American Academy of Judicial Education provided assistance in this effort. In August, a program for appellate law clerks was held for the states of North Dakota, South Dakota, and Wyoming. The Appellate Judges Conference of the American Bar Association assisted on the program.

Multi-state programming provides economies of scale not possible when conducting some instate specialty programs. A multi-state approach also provides a setting for a collegial exchange of ideas. Many times this collegial exchange is difficult to obtain at instate functions, especially in a rural state.

In the spring of the year a two-day seminar on records management was conducted for municipal, county, and district court clerks. There was a high degree of interest to design a clerks of court pro-

cedural manual. As a result of this first seminar, a number of small group sessions have been conducted for clerks of district and county court personnel. Using play script procedures learned at the first seminar, the clerks are writing their own internal procedures manual. Once the manual is completed it will provide the basis for standardization of procedures and future training for clerks' office personnel.

In 1978, thirty-five judges and court officers attended a wide range of out-of-state seminars. Attendance at out-of-state basic orientation programs is encouraged for newly-elected or appointed full-time judges. With a very low turnover in these offices, it is not cost effective to conduct instate programs in this area.

## Administrative Activity

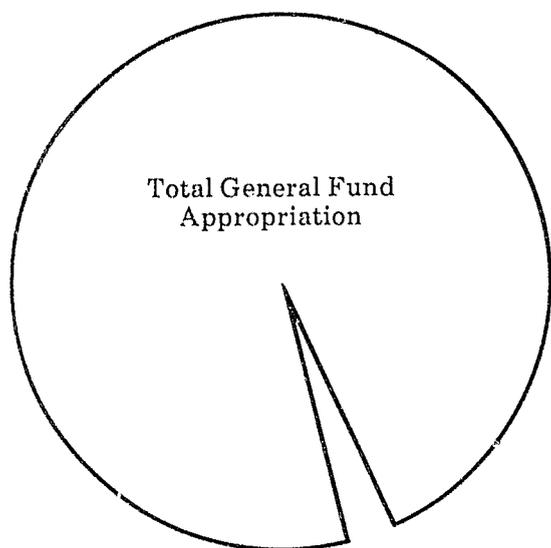
Planning for the new judicial/general government building continued. The proposed structure will be located to the east of the capitol and provide housing for all operations of the Supreme Court.

An entirely new juvenile court information system was implemented during the year. Since 1949 the North Dakota Department of Social Services has administered statistical reporting for juvenile courts. Now, this function has been taken over by the Office of State Court Administrator. The new system calls for case by case reporting. Management reports are sent to each juvenile court monthly. Data contained in the reports inform juvenile supervisors of probation officer assignment, expiration date of orders, and when social agency reports are due the courts. Data to monitor sealing and destruction of juvenile records is also provided. Statistics are available as a by-product of providing meaningful management information on a timely basis.

## Summary

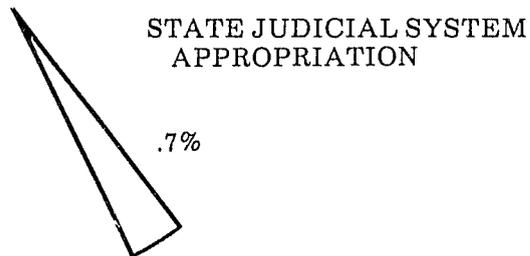
The list of activities for 1978 is not a comprehensive list of all activities of the Office of State Court Administrator. It does highlight activities of the office. With continuing support from the Supreme Court and Judicial Council, North Dakota citizens can continue to be proud of the programs implemented as national trends are being set by the judiciary.

**STATE JUDICIAL SYSTEM  
APPROPRIATION  
1977-79 BIENNIUM**



TOTAL GENERAL FUND APPROPRIATION:  
\$573,132,411

JUDICIAL SYSTEM GENERAL FUND APPROPRIATION:  
\$3,961,597



**DISTRIBUTION OF JUDICIAL SYSTEM  
APPROPRIATION  
1977-79 BIENNIUM**

**SUPREME COURT:**  
\$1,873,038

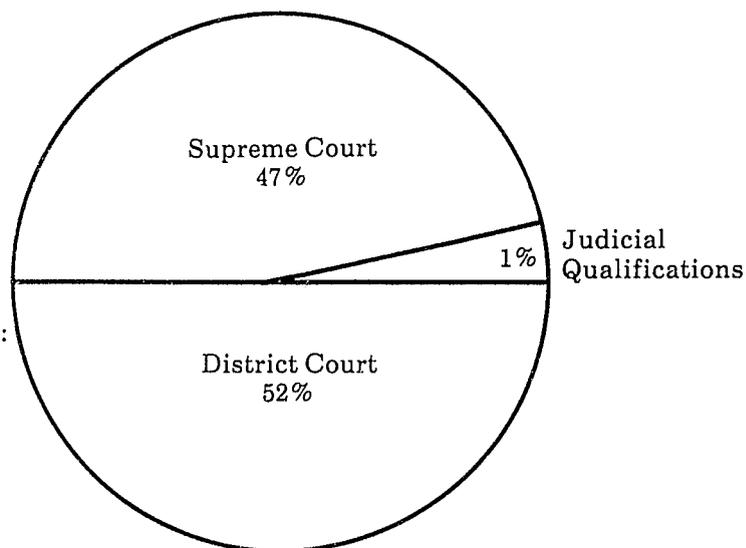
Includes: Office of State Court Administrator  
Clerk of Court and Justices  
Law Library

**DISTRICT COURT:**  
\$2,038,982

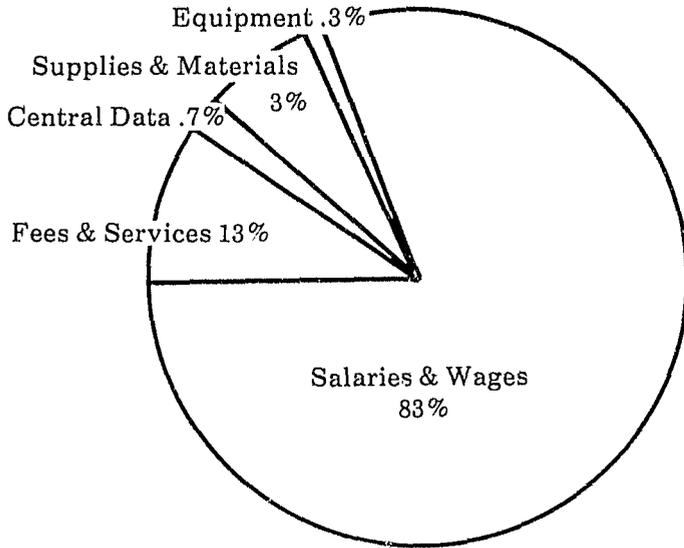
Includes: Judges' Salaries  
Retirement  
Travel and Per Diem

**JUDICIAL QUALIFICATIONS COMMISSION:**  
\$49,577

Includes: Staff Salaries and Services



**STATE JUDICIAL SYSTEM  
APPROPRIATION  
1977-79 BIENNIUM**



**TOTAL JUDICIAL SYSTEM GENERAL  
FUND APPROPRIATION**

\$3,961,597

**Includes:**

Salaries & Wages .....	\$3,288,647
Fees & Services .....	515,700
Central Data Processing .....	32,500
Supplies & Materials .....	111,250
Equipment .....	13,500

**SUPREME COURT APPROPRIATION**

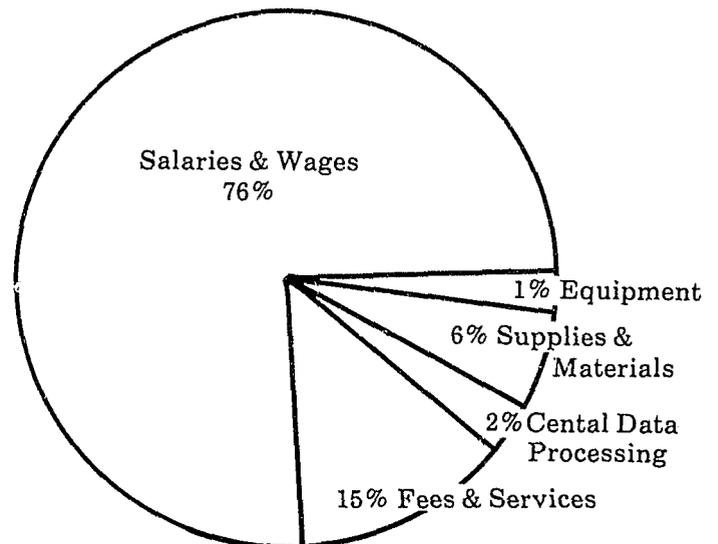
**1977-79 BIENNIUM**

**TOTAL GENERAL FUND APPROPRIATION:**

\$1,873,038

**Includes:**

Salaries & Wages .....	\$1,434,538
Fees & Services .....	283,000
Central Data Processing .....	32,500
Supplies & Materials .....	110,000
Equipment .....	13,000



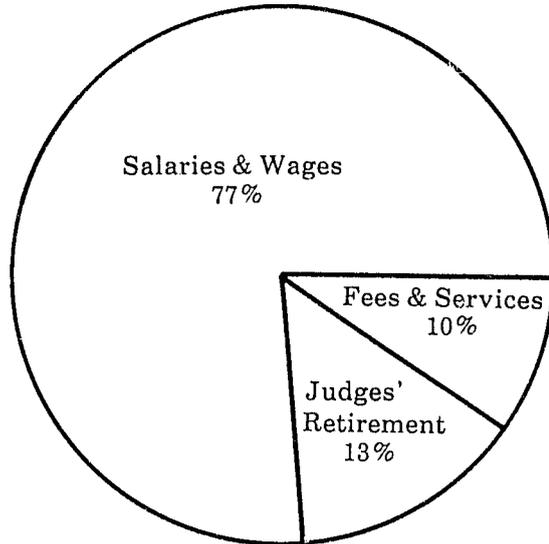
**DISTRICT COURT APPROPRIATION  
1977-79 BIENNIUM**

**TOTAL GENERAL FUND APPROPRIATION:**

\$2,038,982

**Includes:**

Salaries & Wages .....	\$1,561,728
Judges' Retirement .....	262,954
Fees & Services .....	214,300



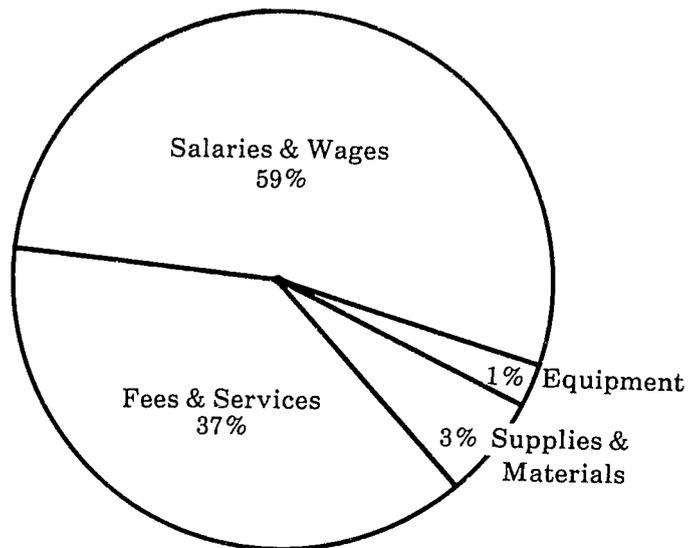
**JUDICIAL QUALIFICATIONS APPROPRIATION  
1977-79 BIENNIUM**

**TOTAL GENERAL FUND APPROPRIATION:**

\$49,577

**Includes:**

Salaries & Wages	\$29,427
Fees & Services .....	\$18,400
Supplies & Materials .....	1,250
Equipment .....	500



# FEDERAL GRANT ASSISTANCE TO THE JUDICIARY

The North Dakota Combined Law Enforcement Council (SPA) and the Division of Traffic Safety Programs of the North Dakota Highway Department provided funds to the State's Judiciary to implement new programs and continue existing programs. Efforts were directed toward district court administration, computer aided legal research, the juvenile court information system, judicial education and comprehensive judicial planning. In addition to funds received directly by the Supreme Court, grant funds were also provided to the judiciary.

## CALENDAR YEAR 1978

### North Dakota Combined Law Enforcement Council (SPA) Grants

#### Judicial Education \$38,276

During 1978, \$38,276 of Combined Law Enforcement Council grant funds were expended for judicial education activities. Eighteen in-state seminars were conducted for judges and support personnel. Over four hundred sixty people participated in one of the seminars. There were 4,760 man-hours of training provided. Thirty-five individuals attended a wide range of out-of-state programs. Emphasis on out-of-state attendance continued to be placed on newly-elected or appointed judges and court officers.

During 1979, public television will be the medium used for a series of programs on recent United States and North Dakota Supreme Court decisions. A first annual Bar Association and Judicial seminar will be conducted in the fall of 1979.

#### Procedures Committee \$32,952

Assistance was provided for staff assistance for the Joint Procedures Committee. The committee is charged with study and promulgation of procedural rules for the effective administration of the courts. During the year, specific rules contained in the appellate rules, civil rules, and criminal rules were studied. Another matter under consideration are contempt proceedings. This study will carry on into 1979.

#### Court Planning \$91,675

Funding was continued in 1978 for judicial planning activities. Two professional planners and a secretary make up the planning division staff.

Staff prepared legislation and related materials for benefit of the Legislative Subcommittee of the Citizen's Committee. Based on the committee activity, a bill was prepared for submission to the Interim Legislative/Judiciary study committee.

Staff worked with the Rules Subcommittee of the Citizen's Advisory Committee on a number of critical areas. The subcommittee studied and recommended a redistricting plan for submission to the Supreme Court. Drafts of rules on local

rules, state court administration, and the process of drafting rules by the Supreme Court were considered.

A major function of the planning staff is to provide assistance to the Judicial Planning Committee. This committee reviews all aspects of comprehensive planning for the judiciary. Forecasting possible impact on the judiciary in the future years, reviewing federal grant applications to the judiciary, and the publishing of a comprehensive plan are important ongoing activities.

#### District Court Administration

##### Fourth Judicial District \$40,723

Funds were appropriated to continue activities of court administration in the Fourth Judicial District. The Court Administrator provides administrative support for the judges of the district. During the year, central calendaring and case scheduling for counties in the district was initiated. A new process for combining the drivers license list and voters lists for preparation of the master jury list was implemented. A new juror summons and qualifications questionnaire was devised to improve juror processing. Under the direction of the Court Administrator, a juror information pamphlet was designed.

##### First Judicial District \$7,836

In October, funds were received to provide staff assistance to the judges of the First Judicial District located in Grand Forks and Fargo. A high priority for the district court administrator will be to take over the case scheduling function.

##### Fair Trial—Free Press \$ 290

Limited funds are passed through the Supreme Court to assist activities of the Fair Trial-Free Press Council. The Council studies ways to improve communication between the various groups providing news and media coverage and the judiciary. The Council publishes a newsletter for dissemination statewide.

##### Juvenile Court Information System \$4,283

A new management information component for juvenile courts was initiated statewide September 1, 1978. Through this system, management information is provided to all juvenile courts. Data on probation assignments, expiration dates of orders and information on sealing and destruction of records is provided monthly.

##### Computer Aided Legal Research \$13,420

In 1977 Westlaw, a computer aided legal research system was installed in the Supreme Court. Through Westlaw, law clerks can do extensive research in all areas of the law. The system is tied to state statutes and case law on record with the West Publishing Company.

**Subtotal** ..... **\$229,455**

**NORTH DAKOTA HIGHWAY DEPARTMENT  
Traffic Safety Funds**

**Judicial Training** **\$12,106**

During 1978, funds from the National Highway Traffic Administration were used for training traffic court personnel. A select number of judges attended traffic training programs out of state. The bulk of the training effort occurred instate. Five instate seminars were conducted for traffic court judges. This included three inservice programs for lay judges, one for legally-trained judges, and an orientation program for new judges. A similar for-

mat for providing training will be continued in 1979.

**Personnel Inventory** **\$19,943**

Public Administrative Services completed a comprehensive inventory of the costs of county courts. Following the inventory of all county court personnel, a study of the full-time equivalency needs for state financing consideration was completed. This study was the first time a comprehensive study of county courts has been concluded.

**Subtotal** ..... **\$ 32,049**  
**Total Grant Support 1978** ..... **\$261,501**

## SUPREME COURT LAW LIBRARY

In 1977, the Forty-fifth Legislative Assembly appropriated sufficient funds for the Supreme Court Law Library so that the library was able to purchase additional state codes that were not previously available. The law library now has all of the state codes except Louisiana. The Louisiana Code, based on French Law, will be purchased in the near future.

The staff consists of the State Law Librarian, two full-time employees and one part-time employee. Their responsibility is to administer operation of the State Supreme Court Law Library. As the library holdings increase, this task becomes more demanding. With limited space available, priorities must be set to include resources that are in greatest demand. Due to this space shortage, the decision was made to move some of the Government Depository materials to another location. The North Dakota State University Library was selected as it is classified as a Regional Depository Library for the Government. The law library will provide referral services upon request.

A new photocopier machine was purchased for the law library. This means library users need to check out fewer books enhancing the availability of the texts in greatest demand.

A microfilm-microfiche reader and printer were added for use in the law library. With more fiche material being made available, the critical shortage of space will be eased somewhat. The Congressional Record will be added in microfiche in the near future, thus expanding materials available for research purposes.

The Supreme Court Law Library presently has a total inventory of 91,030 issues and volumes consisting of 83,573 hardbound volumes and 7,457 paperback issues as of December 31, 1978.

A West/Law Computer installation has been in operation just over a year. The terminal is connected with West Publishing Company. Automated legal research provides faster service in researching recent cases reported throughout the 50 states plus federal court decisions.

# DISTRICT COURTS

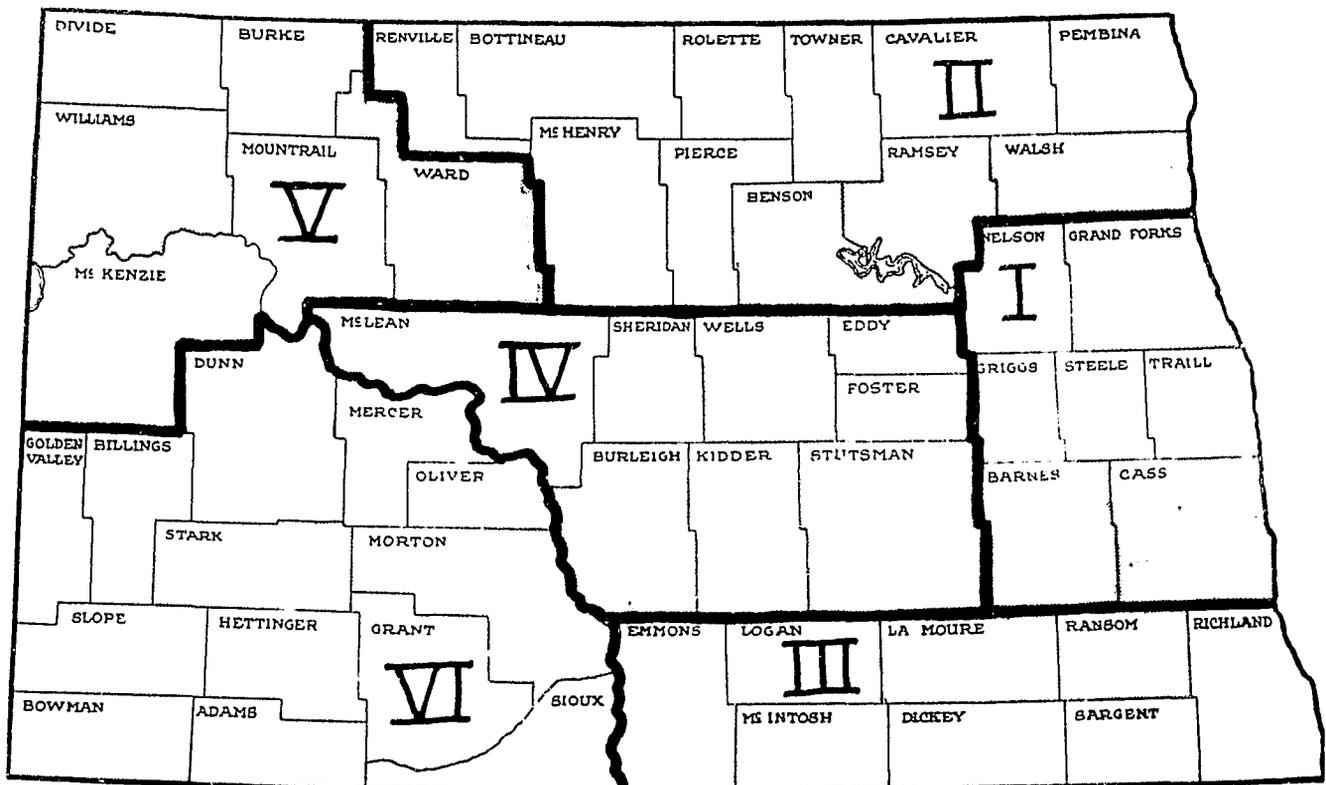
The district court of North Dakota has original jurisdiction of all cases, both civil and criminal, except as otherwise provided by law. The district court has original jurisdiction over all juvenile matters, as well as jurisdiction to hear and the power to issue original and remedial writs. All criminal felony cases are tried in the district court, and the district court has concurrent original jurisdiction with the county courts with increased jurisdiction concerning criminal misdemeanor cases and civil cases up to \$1,000.

Appeals from municipal courts, county justice courts, county courts, and in some instances, administrative tribunals are heard by the district courts. Administrative appeals involve a review of the record, but an appeal from one of the lower courts involves a complete "retrial" (de novo) of the case as those courts are not "courts of record."

Effective April 1, 1978, Administrative Order XII of the Supreme Court came into being. The Order provides for counties with courts with increased jurisdiction to hear appeals from municipal courts pursuant to Section 40-18-19, NDCC, and Rule 37, North Dakota Rules of Criminal Procedure.

There are 19 district judges in the six judicial districts of North Dakota. Each district judge is elected to a six-year term of office. Through Administrative Order I of the Supreme Court, a presiding judge has been named in each of the judicial districts. The presiding judge is responsible for the assignment of terms of court and the assignment of cases among the judges of the district.

MAP OF NORTH DAKOTA WITH JUDICIAL DISTRICTS



JUDICIAL DISTRICT BOUNDARY

COUNTY COURTS WITH INCREASED JURISDICTION

**V** JUDICIAL DISTRICT NUMBER

COUNTY COURTS AND COUNTY JUSTICE COURTS

## CIVIL CASELOAD

The number of cases filed and disposed of in district courts in the state continues to increase. Case filings may be attributable to increased governmental and commercial activity. Another theory is that as our society becomes more impersonal there is a greater inclination to have courts resolve disputes.

In 1978, 9,913 civil cases were filed in district court. Five years earlier, in 1973, there were 6,060 cases filed. This represented a 63% increase in civil filings in five years. In 1977, 8,831 civil cases were filed. The one-year increase was 12%. The First, Fourth, and Fifth Judicial Districts continue to have the largest numeric increases in case filings. In 1978, 3,600 were filed in the First Judicial District, representing 36% of the total civil filings.

There were 9,268 cases disposed of in 1978. This compared with 6,080 civil dispositions in 1972, or a dramatic 52% increase in judicial productivity. Even from 1977, there was an increase of 19% in civil case dispositions from 7,728 in 1977. The increase of judicial work is with no increase in the number of district judges. In the fall, a district court administrator was employed in Fargo and an individual promoted to handle case calendaring in Grand Forks. The addition of support staff in the

First Judicial District should enable the judges to spend more time on judicial duties and relieve them of some of the administrative matters.

The number of civil cases pending provides insight into the workload available to the district courts. On December 31, 1978, there were 5,834 civil cases pending (excluding trust proceedings). This represented a 22% increase from 4,779 cases pending on December 31, 1977. This averages 307 cases pending per judge. The highest average of civil cases pending continues to be in the First Judicial District with 512 per judge, and the lowest 157 per judge in the Third Judicial District.

The number of civil cases pending, 18 months old from date of filing, increased 19% from December 31, 1977 to December 31, 1978. The increase was from 1,117 to 1,330. Over 50% of these cases are in the First District. This total does not include the few trust cases currently open. This backlog of older pending cases suggests the district courts are reaching the maximum level of productivity, especially in the more heavily populated districts. The Third Judicial District has the lowest number of civil cases over 18 months with 32. There is a direct correlation between total civil cases pending in a district and the number of civil cases over 18 months.

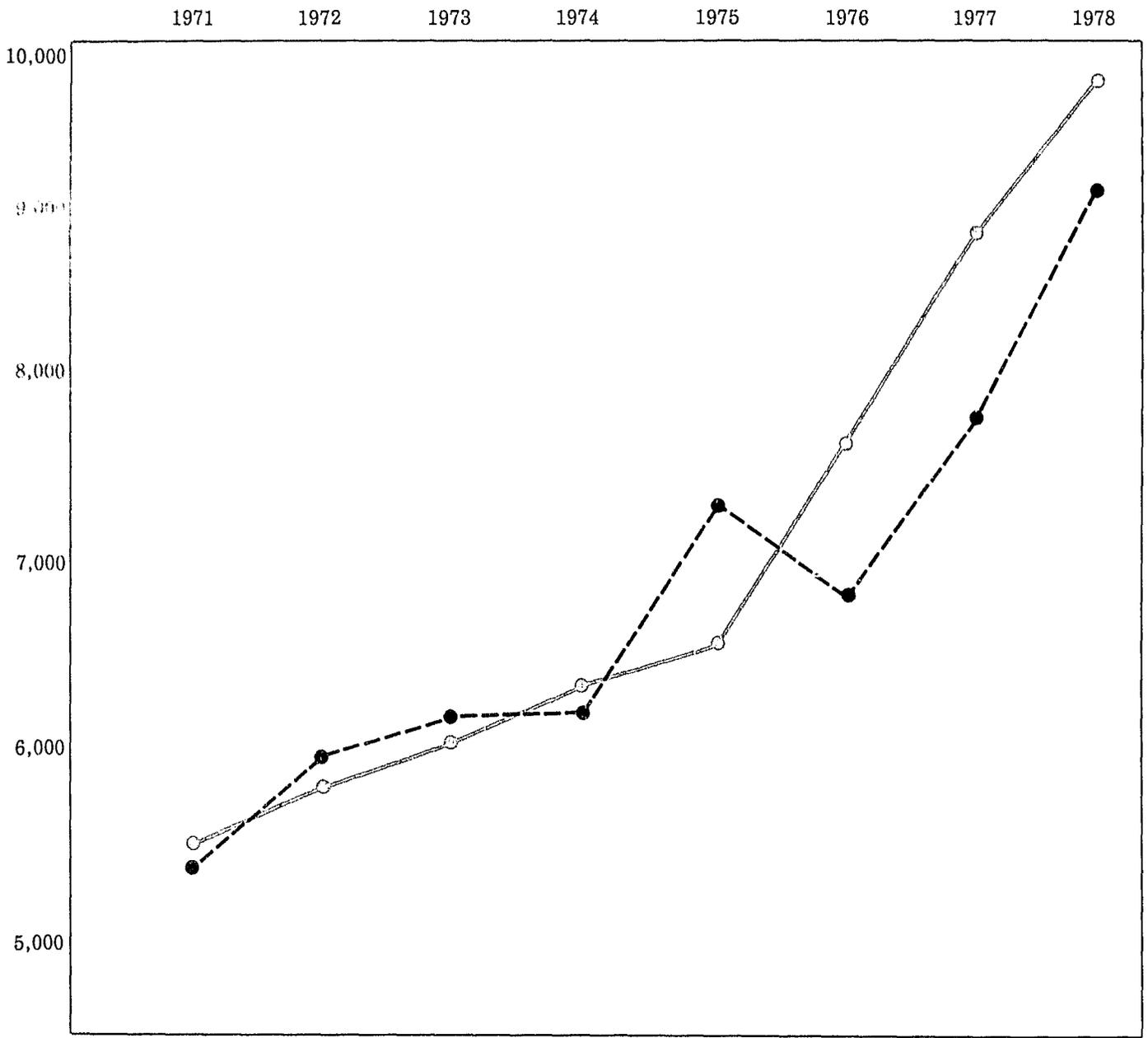
**TABLE II**  
**DISTRICT COURT CIVIL**  
**FILINGS AND DISPOSITIONS**  
**Calendar Year 1978**

	First Judicial District		Second Judicial District		Third Judicial District		Fourth Judicial District		Fifth Judicial District		Sixth Judicial District		Statewide	
	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)
Damages .....	281	246	77	86	45	42	144	188	94	93	91	84	732	739
Collection Action .....	976	892	430	421	228	209	656	596	505	508	300	288	3095	2914
Real-Estate Matter .....	116	103	67	60	56	67	49	54	127	111	86	94	501	489
Divorce .....	912	937	236	231	99	101	480	487	472	497	223	231	2422	2484
Support Proceedings .....	903	632	189	175	154	120	340	284	279	218	108	80	1973	1509
Adoption .....	163	158	52	58	41	41	83	74	97	99	51	45	487	475
Appeal-Admin. Hearing.....	13	12	4	4	1	1	25	39	12	9	4	5	59	70
Appeal-Other .....	19	12	9	4	4	4	15	11	8	6	17	8	72	45
Special Remedy .....	14	12	4	7	4	4	51	66	3	4	7	8	83	101
Trusts .....	9	5	3	3	3	0	7	2	3	1	10	4	35	15
Foreign Judgment .....	120	119	8	6	7	6	20	19	6	5	1	0	162	155
Other Civil .....	74	70	26	19	25	19	65	58	73	83	29	23	292	272
<b>TOTAL .....</b>	<b>3600</b>	<b>3198</b>	<b>1105</b>	<b>1074</b>	<b>667</b>	<b>614</b>	<b>1935</b>	<b>1878</b>	<b>1679</b>	<b>1634</b>	<b>927</b>	<b>870</b>	<b>9913</b>	<b>9268</b>
Per Judge Average .....	720	639	368	358	333	307	645	626	559	544	309	290	521	487

(F) — Filed (D) — Disposed

Source: District court reporting system — Office of State Court Administrator.

**CIVIL  
DISTRICT COURT CASELOAD COMPARISON**



\_\_\_\_\_ Filed  
 - - - - - Closed

1978 Filings ..... 9913

1978 Dispositions ..... 9268

## CRIMINAL CASELOAD

In criminal cases, the majority of defendants enter the district courts following the filing of a criminal information with the State's Attorney. The preliminary hearing is conducted by a county justice or county judge with increased jurisdiction. Grand juries are used in only rare instances. All statistics reported for criminal cases are reported on an individual case basis rather than an individual defendant basis. If multiple defendants are charged with a crime, the matter may be handled as one case unless a decision is made to sever the case and try the defendants separately.

From 1973 through 1978, criminal case filings have remained constant. In 1973, there were 1,077

and in 1978, there were 1,057. There was a decrease of 1% from 1977 to 1978.

On December 31, 1978, there were 173 criminal cases pending that were 120 days old from date of filing. Seventy-eight of the cases were in the Fourth Judicial District. Part of the reason for this is that the state penitentiary and state farm are located in the Fourth District. Criminal cases receive a higher priority than civil cases to be set for trial. The First and Fourth Judicial Districts process approximately half of all criminal cases filed in the state. During 1978, the First District had 286 criminal filings and the Fourth Judicial District had 244 filings.

**TABLE III  
DISTRICT COURT CRIMINAL  
CASE FILINGS AND DISPOSITIONS  
Calendar Year 1978**

	First Judicial District		Second Judicial District		Third Judicial District		Fourth Judicial District		Fifth Judicial District		Sixth Judicial District		Statewide	
	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)
Felony A.....	8	6	1	3	3	2	4	1	6	4	2	2	24	18
Felony B.....	50	44	8	8	10	10	45	20	30	31	12	6	155	119
Felony C.....	184	200	106	109	51	50	166	149	133	123	97	66	737	697
Misdemeanor A.....	1	1	2	4	1	1	1	1	2	2	6	6	13	15
Misdemeanor B.....	3	4	0	1	1	1	1	0	3	3	1	2	9	11
Infraction.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Special Remedy.....	3	3	1	1	0	0	6	10	1	1	1	1	12	16
Appeal.....	8	10	9	11	12	12	14	26	2	4	11	13	56	76
Other Criminal.....	29	15	3	4	3	3	7	4	4	4	5	5	51	35
<b>TOTAL.....</b>	<b>286</b>	<b>283</b>	<b>130</b>	<b>141</b>	<b>81</b>	<b>79</b>	<b>244</b>	<b>211</b>	<b>181</b>	<b>172</b>	<b>135</b>	<b>101</b>	<b>1057</b>	<b>987</b>
Per Judge Average.....	57	56	43	47	40	39	81	70	60	57	45	33	55	51

(F) — Filed (D) — Disposed

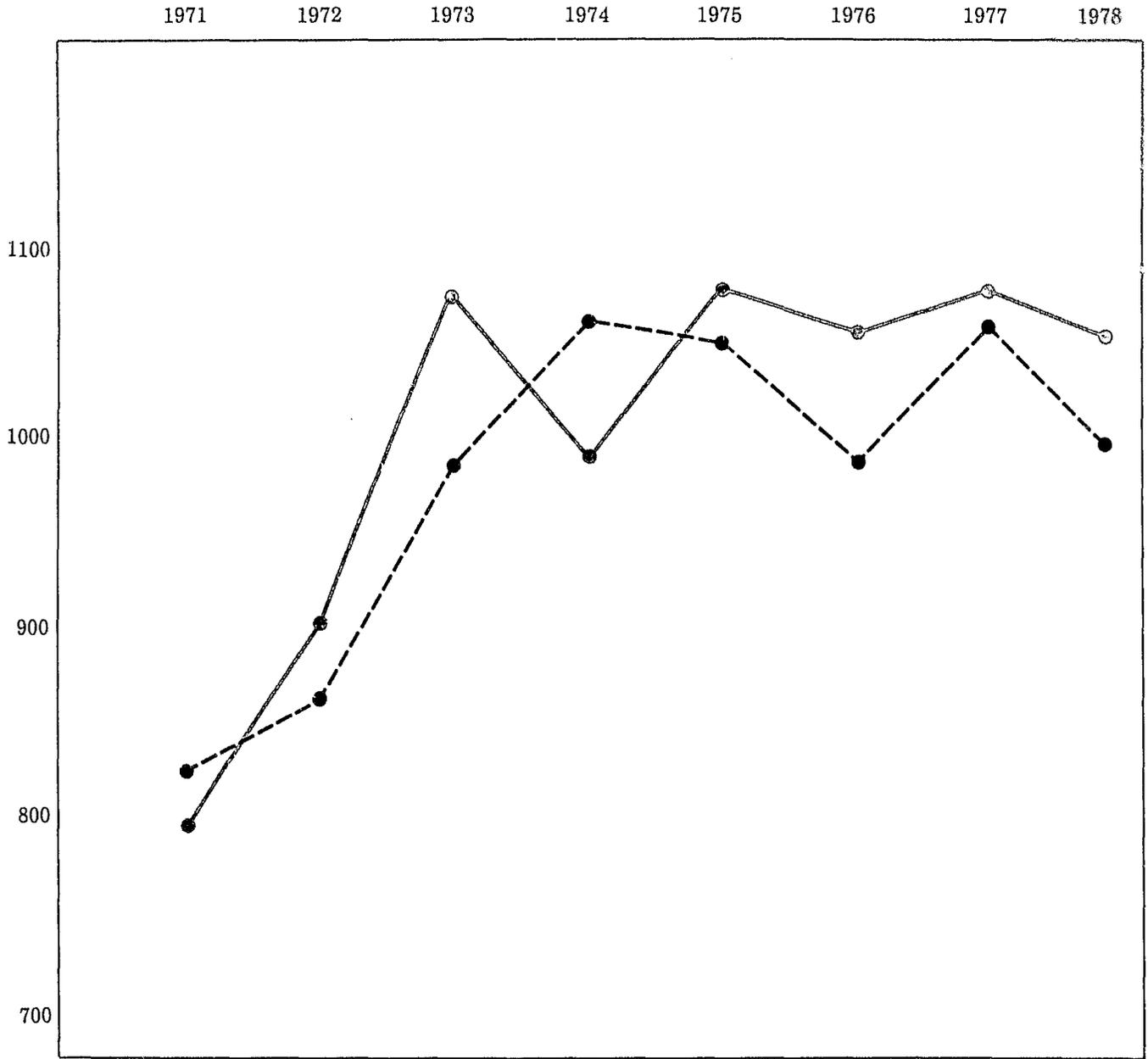
Source: District court case reporting system -- Office of State Court Administrator.

### METHOD OF DISPOSITION

Judgment on Guilty Plea.....	131
Judgment After Trial	
Court-Guilty.....	15
Court-Acquittal.....	0
Jury-Guilty.....	355
Jury-Acquittal.....	0
Dismissal.....	159
Post Conviction Remedy.....	5
Change of Venue.....	8
Other.....	332
<b>TOTAL CRIMINAL DISPOSITIONS.....</b>	<b>1005</b>

*The case filings and dispositions chart uses only those segments of the reporting system. The method of disposition chart uses events also which explains the discrepancy.*

**CRIMINAL  
DISTRICT COURT CASELOAD COMPARISON**



————— Filed  
 - - - - - Closed

1978 Filings ..... 1057  
 1978 Dispositions ..... 987

## TOTAL CIVIL AND CRIMINAL DISTRICT CASELOAD

Since 1973 civil and criminal case filings have increased substantially. Even with the increase in filings, 1978 was only the third year out of the past eight years that total dispositions have exceeded total filings. This becomes more revealing when it is understood that no new judicial positions have been created in the last eight years and the workload has increased to such an extent.

The Supreme Court, by order, assigned three district judges to the First Judicial District to assist in reducing the backlog of work. While the assignments were for only thirty days, the added manpower was able to process a number of cases.

The workload statistics do highlight the imbalance in caseloads between the various districts. This problem will be addressed if the proposed redistricting plan goes into effect in 1979.

The statistics contained in this section of the report must be viewed with some caution, as they do not take into consideration the complexity of the litigation, length of trial, travel time of judges and the administrative matters that judges must address. The data does, however, provide some benchmark of the caseload situation statewide by judicial districts.

**TABLE IV  
DISTRICT COURT  
Calendar Year 1978  
WORKLOAD STATISTICS**

Jud. Dist.	No. of Counties	Population*	No. of Judges	Average No. of Cases Disposed of Per Judge in 1978	No. Cases Pending Per Judge on Dec. 31, 1978
1st.....	7	182,200	5	767	512
2nd.....	11	106,700	3	439	171
3rd.....	8	61,000	2	379	157
4th.....	8	106,300	3	729	364
5th.....	6	104,400	3	648	248
6th.....	13	82,500	3	346	202
<b>STATEWIDE AVERAGE .....</b>				<b>583</b>	<b>307</b>

\* July 1976 estimate of North Dakota Population prepared by the United States Bureau of Census. Source: District court case reporting system -- Office of the State Court Administrator.

**TABLE V  
DISTRICT COURT  
TOTAL CASES FILED AND  
DISPOSED OF IN 1978**

	First Judicial District		Second Judicial District		Third Judicial District		Fourth Judicial District		Fifth Judicial District		Sixth Judicial District		Statewide	
	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)
Total Civil and Criminal Cases.....	3886	3481	1235	1215	748	693	2179	2089	1860	1806	1062	971	10,907	10,255

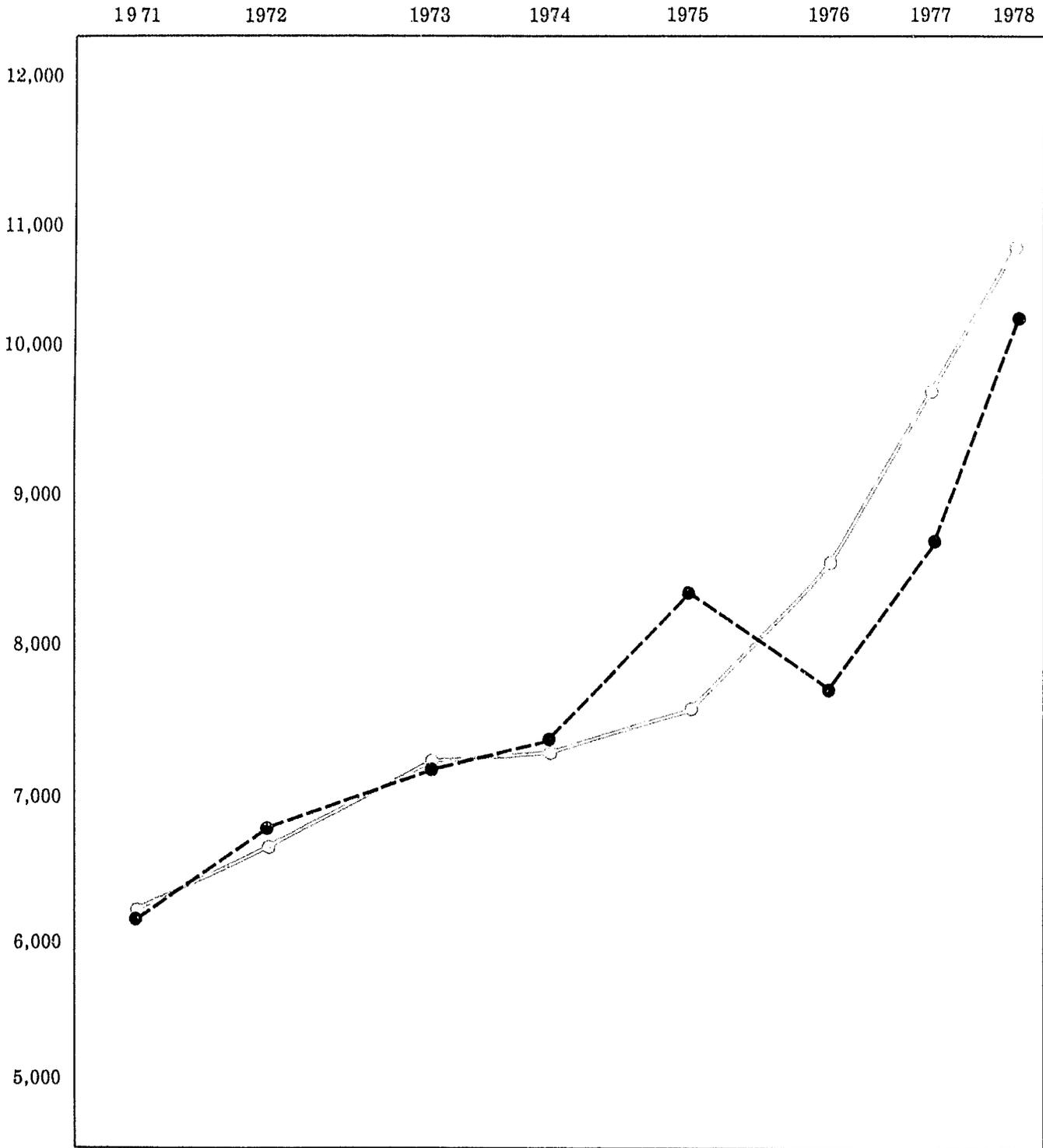
(F) — Filed (D) — Disposed

Source: District court case reporting system -- Office of State Court Administrator.

**TABLE VI  
DISTRICT COURT  
TOTAL CIVIL AND CRIMINAL PENDING  
DECEMBER 31, 1978**

	First Judicial District	Second Judicial District	Third Judicial District	Fourth Judicial District	Fifth Judicial District	Sixth Judicial District	Statewide
Total Cases Pending .....	2561	514	315	1093	744	607	5834

**TOTAL DISTRICT COURT CASELOAD  
COMPARISONS  
Civil and Criminal  
Filings and Dispositions**



..... Filed  
 ----- Closed  
 1978 Filings ..... 10970  
 1978 Dispositions ..... 10255

## JUVENILE CASELOAD

One of the most significant activities performed by the district courts, in terms of long range impact of criminal recidivism, is the court's role in the juvenile justice area. Juvenile courts in North Dakota function under the Uniform Juvenile Court Act as provided in Chapter 27-20, NDCC. This Act, passed in 1969, creates a separate juvenile court system. The juvenile court has exclusive original jurisdiction over any juvenile who is alleged to be unruly, delinquent, or deprived. Since the juvenile court is a division of the district court, the 19 district judges serve as juvenile court judges.

District judges may appoint one or more juvenile supervisors. The duties and responsibilities of the juvenile supervisors are outlined in Section 27-20-06, NDCC. District judges may also appoint probation officers as provided in Section 27-20-07, NDCC.

Statistics contained in this annual report are of both formal and informal proceedings processed by the juvenile courts of our state. Formal juvenile proceedings filed with the clerk of district court make up less than 20% of all juvenile cases processed. The vast majority of juvenile proceedings are handled informally. That is, there is no petition filed in district court.

Prior to 1978, statistics on the processing of informal cases were only available from the State Department of Social Services. Starting in 1978, reporting for all cases, both formal and informal,

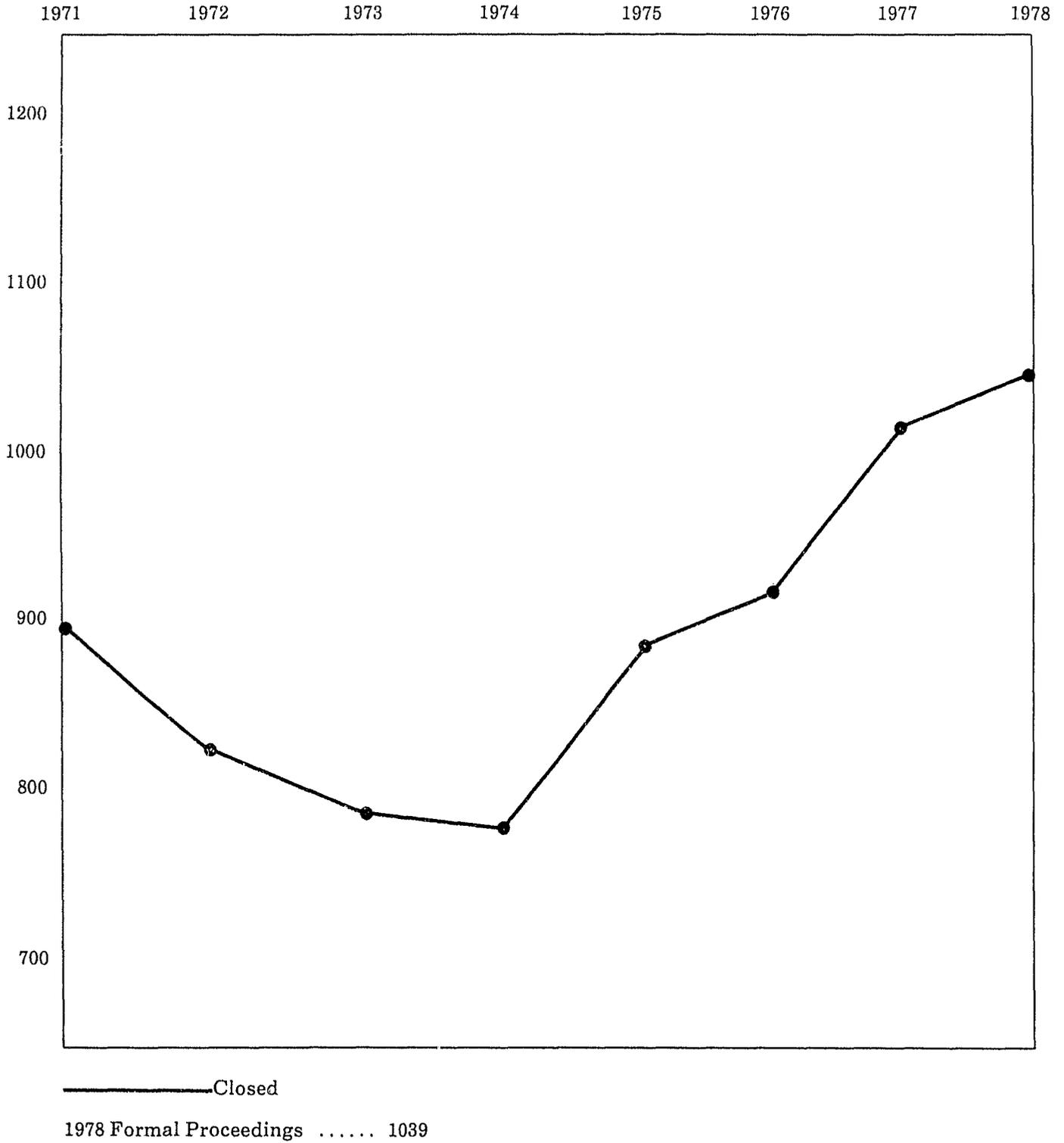
was through the Office of State Court Administrator. The new juvenile court case reporting system will provide timely statistical data to the local juvenile courts and overall data on juvenile court functions to the Supreme Court. Juvenile courts receive individual case data monthly from the Office of State Court Administrator.

From 1973 to 1978, formal case dispositions have increased from 799 to 1039. However, there was a slight decrease from 1059 formal petitions processed by the courts in 1977. Formal actions are processed in a very timely matter. All cases must have a hearing within 30 days of filing unless the district judge enters an order for extension. Formal juvenile proceedings have remained fairly constant over the last few years.

The bulk of juvenile court cases are handled informally. Of the total 6,464 dispositions in 1978, 5,425 or 83% were processed informally. Nearly half, or 2,429, of all informal proceedings are disposed of by counseling the juvenile and adjusting the matter with no terms of probation being established. In 2,996 informal proceedings, some term of supervision was provided by the juvenile courts.

It should be noted that before any juvenile case can be adjudicated informally, there must be an admission to the charge by the juvenile. If there is no voluntary admission to the offense, a petition is prepared and a formal hearing held on the matter.

FORMAL JUVENILE PROCEEDINGS  
DISTRICT COURT CASELOAD COMPARISON



**TABLE VII**  
**JUVENILE COURT CASE DISPOSITIONS**  
**Calendar Year 1978**

Jud. Dist.	Formal	Informal	Counsel/ Adjusted	Total Disposed
<b>FIRST</b>				
Barnes .....	50	133	132	315
Cass .....	257	443	82	782
Grand Forks .....	167	256	246	669
Griggs .....	2	12	7	21
Nelson .....	9	48	40	97
Steele .....	8	11	7	26
Trail .....	5	31	22	58
<b>Dist. Total .....</b>	<b>498</b>	<b>934</b>	<b>536</b>	<b>1968</b>
<b>SECOND</b>				
Benson .....	5	18	82	105
Bottineau .....	13	33	33	79
Cavalier .....	5	30	72	107
McHenry .....	16	15	16	47
Pembina .....	10	36	35	81
Pierce .....	21	33	25	79
Ramsey .....	11	72	113	196
Renville .....	3	2	8	13
Rolette .....	12	49	104	165
Towner .....	0	14	20	34
Walsh .....	31	86	126	243
<b>Dist. Total .....</b>	<b>127</b>	<b>388</b>	<b>634</b>	<b>1149</b>
<b>THIRD</b>				
Dickey .....	3	44	14	61
Emmons .....	6	21	8	35
LaMoure .....	0	12	6	18
Logan .....	1	17	11	29
McIntosh .....	9	20	3	32
Ransom .....	11	23	5	39
Richland .....	46	146	83	275
Sargent .....	5	10	8	23
<b>Dist. Total .....</b>	<b>81</b>	<b>293</b>	<b>138</b>	<b>512</b>
<b>FOURTH</b>				
Burleigh .....	64	128	122	314
Eddy .....	4	25	28	57
Foster .....	3	33	91	127
Kidder .....	0	3	21	24
McLean .....	5	10	46	61
Sheridan .....	3	7	7	17
Stutsman .....	33	170	121	324
Wells .....	4	45	28	77
<b>Dist. Total .....</b>	<b>116</b>	<b>421</b>	<b>464</b>	<b>1001</b>
<b>FIFTH</b>				
Burke .....	0	23	7	30
Divide .....	6	13	17	36
McKenzie .....	14	39	29	82
Mountrail .....	3	21	13	37
Ward .....	49	442	154	645
Williams .....	64	209	108	381
<b>Dist. Total .....</b>	<b>136</b>	<b>747</b>	<b>328</b>	<b>1211</b>
<b>SIXTH</b>				
Adams .....	0	20	20	40
Billings .....	0	0	0	0
Bowman .....	1	10	7	18
Dunn .....	1	12	6	19
Golden Valley .....	7	15	6	28
Grant .....	0	1	5	6
Hettinger .....	0	3	3	6
Mercer .....	6	13	33	52
Morton .....	39	60	156	255
Oliver .....	3	5	15	23
Sioux .....	0	0	5	5
Slope .....	0	7	2	9
Stark .....	24	67	71	162
<b>Dist. Total .....</b>	<b>81</b>	<b>213</b>	<b>329</b>	<b>623</b>
<b>Total Disposed .....</b>	<b>1039</b>	<b>2996</b>	<b>2429</b>	<b>6464</b>

**TABLE VIII  
JUVENILE COURT  
REASON FOR REFERRAL  
Calendar Year 1978**

REFERRAL REASON	First Judicial District	Second Judicial District	Third Judicial District	Fourth Judicial District	Fifth Judicial District	Sixth Judicial District	Statewide Total
<b>UNRULY</b>							
Poss. or Pur. Alcoholic Bev.....	421	311	128	270	277	104	1,511
Runaway-Instate.....	131	8	6	40	50	13	248
Runaway-Out of State.....	21	0	4	9	14	11	59
Pregnancy.....	57	64	7	27	7	42	204
Un-governable Behavior.....	50	26	7	58	23	18	182
Conduct/Control Violation.....	20	5	8	4	7	10	54
Curfew Violation.....	12	12	1	99	61	2	187
Other.....	12	8	2	1	14	5	42
<b>DELINQUENCY</b>							
<b>Offense Against Person</b>							
Assault.....	17	15	1	7	8	6	54
Homicide.....	0	0	0	0	1	0	1
Kidnapping.....	0	0	0	0	0	0	0
Sex Offense.....	6	2	0	2	6	1	17
Other.....	6	6	0	3	2	2	19
<b>Offense Against Property</b>							
Arson.....	1	6	0	0	0	0	7
Burglary.....	39	69	19	31	31	25	214
Criminal Mischief.....	79	83	39	63	48	47	359
Criminal Trespass.....	8	12	10	4	5	1	40
Forgery.....	27	12	2	6	2	4	53
Robbery.....	2	2	0	1	2	3	10
Theft-Misdemeanor.....	340	129	49	71	193	76	858
Theft-Felony.....	93	29	14	46	64	14	260
Unauthorized Use of Vehicle.....	42	16	11	10	21	15	115
Other.....	24	13	2	18	26	15	98
<b>Traffic Offenses</b>							
Driving W/O License.....	93	114	59	48	102	35	451
Negligent Homicide.....	0	0	0	0	0	0	0
Other.....	19	8	13	6	15	6	67
<b>Other Offenses</b>							
Disorderly Conduct.....	79	22	10	44	17	12	184
Firearms.....	11	8	6	4	5	9	43
Game & Fish Violation.....	20	48	32	12	26	32	170
Obstruct of Law Enforce/Escape.....	3	0	2	2	0	1	8
Controlled Substance Violation.....	55	46	9	45	86	37	278
Other.....	7	3	3	10	9	3	35
<b>DEPRIVATION</b>							
Abandoned.....	2	0	2	1	3	6	14
Abuse/Neglect.....	34	3	11	6	18	15	87
Deprived.....	73	31	21	18	30	24	197
Other.....	17	0	2	0	7	5	31
<b>SPECIAL PROCEEDINGS</b>							
Termination Parent. Rights Invol.....	8	0	2	2	0	0	12
Termination Parent. Rights Vol.....	14	4	2	17	12	1	50
Other.....	39	23	0	1	0	7	70
<b>TOTAL.....</b>	<b>1,882</b>	<b>1,138</b>	<b>484</b>	<b>986</b>	<b>1,192</b>	<b>607</b>	<b>6,289</b>

Source: Juvenile court case reporting system — Office of State Court Administrator

## **FOURTH JUDICIAL DISTRICT**

HONORABLE BENNY GRAFF, *Presiding Judge*  
DEE J. HANSON, *District Court Administrator*

In 1978 the Fourth Judicial District continued to implement many programs which were adopted the previous year. Among these, local management planning played an important role in the administrative activities in the Court. By the end of 1978, implementation of the Judicial District Management Plan FY 1977-79 was proceeding on schedule. As of the end of the year, 13 of the 24 individual tasks outlined in the implementation schedule of the management plan were complete. Individual tasks included such projects as a bailiff training handbook; district-wide calendaring information system; and evaluation and revision of local court rules.

### **Advisory Board Activity**

The Judicial District Advisory Board has been the impetus behind local planning. In addition, the Advisory Board provided Presiding District Judge Benny A. Graff with valuable input from judges and attorneys within the district. The Advisory Board having met on several occasions, discussed such topics as Stutsman County court facilities, local rules, management plan implementation, redistricting, proposed legislation, and caseload information. One of the major accomplishments of the Advisory Board was the revision and adoption of proposed local court rules. The proposed new local court rules are now being circulated to attorneys for their comment. The new rules, when adopted, will strengthen the Court's control of caseflow within the district and provide the practicing bar with a practical reference regarding many local procedures.

### **Caseflow Management**

Caseflow management within the district took up a major portion of the Court Administrator's time throughout the year. Beginning in 1978, the entire district began continuous court and jury terms. Through the Court Administrator's Office the district operated under a centralized calendaring system. In June and July of 1978, Presiding District Judge Benny A. Graff requested feedback from attorneys and court support personnel regarding the new calendaring system. Judge Graff received several comments, all of which were

favorable and supportive of new procedures. At each Advisory Board meeting, caseflow within the district was discussed which provided Judge Graff with valuable information from other judges as well as from attorneys on the board.

### **Jury Selection Changed**

Another area of significant activity within the Court Administrator's office was jury system management. Part of this activity centered around master list jury selection which is required every two years under North Dakota State Law. Burleigh and McLean Counties use the Kadane/Lehoczyk method of selecting names of prospective jurors from the two source lists of drivers license list and voters poll books. This method eliminates the necessity of combining both source lists in order to eliminate duplication. In conjunction, the services of the state Central Data Processing were used to make part of the master list selection from registered drivers in the county.

Burleigh County revised their total panel selection process by eliminating several qualifying, summoning and information forms. Summoning and qualification of jurors has been combined into one step. A one-page form was designed which includes the jury summons and qualification questionnaire on the front side and general information about jury duty along with specific voir dire information on the backside.

Looking forward to 1979, a major portion of the court's administrative activity will focus on transition into the new judicial district and possibly in to a new court structure under proposed unification legislation. Administrative programs that are presently in existence within the district will continue to be evaluated by the Presiding Judge and Advisory Board. The Court and Advisory Board will soon be considering new goals, objectives and tasks which will be presented in a new Management Plan FY 1979-81. Most important, the court is looking forward to continuing a "team approach" to the management of both judicial and non-judicial resources.

## COUNTY COURTS WITH INCREASED JURISDICTION

Chapter 27-08, NDCC, provides for the establishment and operation of the county courts with increased jurisdiction. A special election to establish or abolish a county court with increased jurisdiction must be held if a petition requesting that election and containing the names of at least ten percent of the county's total vote cast for governor in the last election is presented to the board of county commissioners.

The majority vote in this election determines whether such a court is to be established or abolished. Presently, fifteen of North Dakota's 53 counties have established county courts with increased jurisdiction. If a majority of the county voters agree to grant increased jurisdiction to the county court, the offices of county judge and county justice are merged into one court referred to as the county court with increased jurisdiction. Effective Jan. 1, 1979, Mercer & Richland Counties will become County Courts with Increased Jurisdiction. This court has original concurrent jurisdiction with the district court in all civil cases where the amount in controversy does not exceed \$1,000 and in all criminal misdemeanor cases. The county court with increased jurisdiction has exclusive original jurisdiction in probate, testamentary and guardianship matters. This court has concurrent appellate jurisdiction with the district court in municipal court appeals.

The judge of the county court with increased jurisdiction has the authority to issue warrants and complaints, to determine whether an individual accused of a felony should be held for trial, and perform other standard judicial functions.

The county courts with increased jurisdiction have authority as small claims courts. The jurisdiction of the small claims court is limited to cases for recovery of not more than \$1,000. This is the same monetary limit for their civil jurisdiction.

As of April 1, 1978 county courts with increased jurisdiction hear all municipal court cases on appeal. Prior to this date, district courts and county courts with increased jurisdiction had concurrent jurisdiction for appeals originating in municipal court. The effect has been a slight increase in the traffic workload of increased jurisdiction counties.

The number of preliminary hearings conducted in felony matters increased by 12% from 1977 to 1978. The increase was from 838 to 940 in one calendar year.

Misdemeanor filings increased from 11,030 to 11,784 in one year for a 6% increase. The disposition rate increased from 8,538 to 9,469. This is the largest number of misdemeanor dispositions for any year. During 1978 a total of 59,548 noncriminal traffic cases were disposed of by county courts with increased jurisdiction. This represents an increase from 47,037 in 1977. Grand Forks County Court with Increased Jurisdiction continues to hear the largest volume of cases. Grand Forks and Stutsman Counties had high volumes of traffic-related cases, due in part, to a special saturation enforcement program of the highway patrol. While the majority of the cases are disposed of with a forfeiture of bond, the volume still represents a 26% increase over 1977. This increase impacts significantly on the administration of the courts.

There were 2,529 civil cases filed in 1978 compared with 2,929 in 1977. County courts with increased jurisdiction have civil jurisdiction up to \$1,000.

In 1978, 4,305 small claims cases were filed, up from 3,270 filings in 1977. This was a 31% increase statewide. The county courts with increased jurisdiction disposed of 4,265 cases compared to 3,094 the preceding year. One reason for the continued increase in filings of small claims actions may be that small claims jurisdiction is \$1,000 or the same amount as civil jurisdiction.

**TABLE IX  
COUNTY COURTS WITH INCREASED JURISDICTION\*  
CASE FILINGS AND DISPOSITIONS  
CALENDAR YEAR 1978**

	Felony		Misdemeanor		Non-Criminal Traffic			Civil		Small Claims	
	(F)	(D)	(F)	(D)	Convictions	Acquittals	Dismissals	(F)	(D)	(F)	(D)
Barnes .....	42	28	586	484	2386	9	0	15	14	343	365
Benson.....	1	1	171	153	781	13	2	16	14	74	69
Burleigh.....	202	156	1041	788	6233	36	1	1134	1080	625	633
Cass .....	201	162	2279	1386	7612	58	1	388	325	1101	1019
Grand Forks.....	195	138	1306	903	9525	61	1	63	60	483	512
LaMoure.....	1	1	33	33	1261	1	0	0	0	46	45
Morton.....	38	37	272	270	4507	3	0	123	115	264	264
Ramsey.....	43	31	1048	923	3011	34	2	25	24	122	126
Ransom.....	14	12	297	228	771	6	0	10	10	45	47
Stark .....	86	55	692	509	4128	15	0	153	142	316	304
Stutsman .....	84	74	897	845	6324	12	0	67	64	225	222
Walsh .....	47	46	630	589	3206	9	4	0	0	279	282
Ward .....	168	155	928	799	5223	65	2	419	400	379	372
Wells .....	0	0	703	699	764	0	0	0	0	31	33
Williams .....	47	44	900	860	3469	12	0	116	111	11	11
<b>TOTAL.....</b>	<b>1169</b>	<b>940</b>	<b>11,784</b>	<b>9469</b>	<b>59,201</b>	<b>334</b>	<b>13</b>	<b>2529</b>	<b>2359</b>	<b>4305</b>	<b>4265</b>

(F) — Filed (D) — Disposed

Source: County court case reporting system—Office of State Court Administrator

\*Mercer and Richland were added as increased jurisdictions effective Jan. 1979.

**TABLE X  
COUNTY COURTS WITH  
INCREASED JURISDICTION\*  
CASE FILINGS AND DISPOSITIONS  
Calendar Year 1978**

	Probate		Guardianship/Conservatorship		Mental Health Hearings Held	Emergency Commitments	Mental Health and Commitments Total
	F	D	F	D			
Barnes .....	66	11	8	16	6	27	33
Benson.....	49	22	7	3	7	1	8
Burleigh.....	145	84	19	22	32	36	68
Cass .....	248	129	49	42	123	163	286
Grand Forks.....	156	127	28	40	90	8	98
LaMoure.....	51	66	1	0	1	1	2
Morton.....	100	13	34	46	24	3	27
Ramsey.....	90	73	11	6	11	1	12
Ransom.....	62	31	5	1	6	1	7
Stark .....	128	8	9	0	50	0	50
Stutsman .....	110	54	17	1	132	0	132
Walsh .....	114	87	9	3	63	10	73
Ward .....	208	105	26	21	57	43	100
Wells .....	59	38	10	3	0	0	3
Williams .....	119	70	13	2	54	4	58
<b>TOTAL.....</b>	<b>1695</b>	<b>921</b>	<b>244</b>	<b>203</b>	<b>645</b>	<b>298</b>	<b>957</b>

(F) — Filed (D) — Disposed

Source: County court case reporting system — Office of State Court Administrator.

## COUNTY JUSTICE COURTS

County justices have jurisdiction to hear misdemeanor and civil money claims not exceeding \$200 in value. They also act as committing magistrates in determining whether a person accused of a felony should be held for trial. The criminal jurisdiction of a county justice court is the same as that of a county court with increased jurisdiction. The civil jurisdiction of a county justice court is limited not only by the amount of the claim, but by its nature. A mechanic's lien, for example, could not be foreclosed in county justice court even though the claim was less than \$200.

A county justice court is not a court of record. An appeal means that the entire proceeding is tried anew. Appeals are taken to the district court.

County justice court also serves as the small claims court. The jurisdiction of the small claims court is confined to the cases for the recovery of money, or the cancellation of any agreement involving fraud, deception, misrepresentation, or false promise. The jurisdictional limitation in county justice court is \$500. Cases filed in the small claims court cannot be appealed to any other jurisdiction. The finding is final.

In 1978 the thirty-eight county justice courts conducted 254 preliminary hearings in felony matters. Both filings and dispositions of preliminary hearings were slightly less than in 1977. The reduc-

tion in filings was from 344 to 311. The reduction in dispositions was 09% from 270 to 254.

The less serious or misdemeanor criminal offenses filed in county justice court decreased in 1978 over the preceding year. Filings decreased 16% from 5,291 to 4,398. Misdemeanor dispositions decreased 19% from 4,722 to 3,779.

While there was a reduction in preliminary hearings and misdemeanor actions, there was a substantial increase in noncriminal traffic actions. In 1977 there were 17,545 traffic citations processed in county justice courts. This number increased to 27,664 in 1978 for a 57% increase. The vast majority of the cases are disposed of through forfeiture of bond proceedings. While this lightens the judges workload, the cases still must be accounted for by support personnel within that court.

Very few civil cases are filed in county justice court. In 1978 only 40 cases were filed, compared to 60 in 1977. Since the small claims jurisdiction is now \$500, more cases are being filed as small claims actions.

In 1978, 1091 small claims actions were filed, an increase of 20% over the 906 filings in 1977. There were 1026 cases disposed of, an increase from 788 dispositions in 1977. As is the case with other jurisdictions, there continues to be a general increase with case filings statewide.

**TABLE XI**  
**COUNTY JUSTICE COURT**  
**CASE FILINGS AND DISPOSITIONS**  
**Calendar Year 1978**

	Felony		Misdemeanor		Non-Criminal Traffic			Civil		Small Claims	
	F	D	F	D	Convictions	Acquittals	Dismissals	F	D	F	D
Adams .....	8	8	38	37	406	15	0	0	0	14	14
Billings .....	0	0	0	0	671	0	0	0	0	2	2
Bottineau .....	3	3	34	18	985	10	2	1	0	64	64
Bowman .....	1	1	42	41	383	1	0	0	0	38	38
Burke .....	0	0	306	306	217	4	0	27	27	8	9
Cavalier .....	2	2	48	48	814	21	0	0	0	22	22
Dickey .....	12	12	55	52	1204	5	2	0	0	63	59
Divide .....	0	0	49	49	535	13	0	1	1	3	3
Dunn .....	0	0	75	74	522	8	0	0	0	12	7
Eddy .....	15	15	9	5	281	14	0	0	0	19	17
Emmons .....	8	8	71	67	537	3	1	0	0	35	36
Foster .....	4	3	35	26	618	0	0	0	0	36	35
Golden Valley .....	0	0	0	0	1005	18	0	0	0	13	13
Grant .....	3	3	41	41	220	1	1	0	0	11	11
Griggs .....	10	9	250	236	1155	3	0	0	0	20	22
Hettinger .....	4	4	221	219	163	6	1	0	0	*	*
Kidder .....	1	1	30	30	212	1	0	0	0	15	14
Logan .....	1	1	13	13	189	3	0	0	0	6	6
McHenry .....	20	15	220	186	1531	2	3	0	0	44	45
McIntosh .....	9	8	88	81	454	2	1	0	0	6	6
McKenzie .....	31	20	318	207	1468	8	0	0	0	36	36
McLean .....	16	10	350	331	2881	55	5	0	0	58	57
Mercer .....	19	17	159	136	872	30	3	0	0	36	35
Mountrail .....	1	1	164	164	931	8	0	0	0	15	15
Nelson .....	14	13	167	165	1038	0	0	0	0	21	21
Oliver .....	10	8	73	50	231	3	0	3	3	12	11
Pembina .....	8	8	25	23	1775	12	5	0	0	28	23
Pierce .....	15	9	209	159	745	5	1	0	0	47	59
Renville .....	0	0	2	1	151	2	0	0	0	0	0
Richland .....	32	25	198	63	2435	25	3	0	0	145	118
Rolette .....	41	29	481	348	601	11	11	0	0	94	95
Sargent .....	0	0	312	312	265	4	0	5	5	29	8
Sheridan .....	1	1	9	9	67	0	0	0	0	17	17
Sioux .....	0	0	6	5	14	0	0	0	0	6	2
Slope .....	1	1	12	11	95	0	0	0	0	0	0
Steele .....	4	4	5	5	208	0	0	0	0	5	5
Towner .....	6	6	109	109	560	2	0	0	0	10	10
Traill .....	11	9	174	152	983	8	0	0	0	101	91
<b>TOTAL .....</b>	<b>311</b>	<b>254</b>	<b>4398</b>	<b>3779</b>	<b>27,322</b>	<b>303</b>	<b>39</b>	<b>40</b>	<b>39</b>	<b>1091</b>	<b>1026</b>

(F) — Filed (D) — Disposed

Source: County court case reporting system -- Office of State Court Administrator.

\*County Justice did not supply data.

## COUNTY COURTS

County courts have exclusive original jurisdiction in probate and testamentary matters, including the appointment of administrators and guardians. Thirty-eight counties have county courts. Mercer and Richland county voters elected to increase the jurisdiction of their courts effective January 1, 1979.

The jurisdiction of the county court is limited strictly by statute and case law. Matters which are closely related to probate and testamentary issues and may arise in a probate case cannot be tried in a county court.

By statutes, appeals are taken from the county court to the district court. North Dakota statutes appear to require the probate proceedings in the county court to be on the record; the current practice is to the contrary. Verbatim transcripts or records of the proceedings are not compiled. The usual method of appeal is a trial de novo in district court and not a trial on the record or transcript of testimony.

There is no requirement that the judge of the county court be trained in the law and the office is usually filled by a lay judge. All county judges run for election every four years. The duty of county judge is combined with the office of clerk of the district court in the rural counties.

With passage of the Uniform Probate Code (UPC) effective July 1, 1975, there has been a reduction in the number of filings of probate proceedings in the county courts of North Dakota. The number of guardianships and conservatorships has remained fairly constant over the years.

Effective July 1, 1977, North Dakota implemented a new mental health hearing and commitment law. As a result of the passage of this legislation, mental health hearings are now heard by county judges with increased jurisdiction. The case is filed before the clerk of district court but heard by one of the 15 county judges with increased jurisdiction. The hearing request is filed in the county of residence but is no longer heard by the county judge. The new legislation provides for more stringent requirements for a person to be committed through emergency commitment procedures. As a result, the number of emergency commitments have decreased significantly.

In 1978 probate filings increased 8% to 1,624 from 1,498 in 1977. The disposition of probate proceedings increased from 991 in the preceding year to 1,369 for a 38% increase. The number of guardianships and conservatorships has remained fairly constant over the years.

**TABLE XII  
COUNTY COURT  
CASE FILINGS AND DISPOSITIONS  
Calendar Year 1978**

	Probate		Guardianship/Conservatorship		Mental Health Hearings Held	Emergency Commitments	Total
	F	D	F	D			
Adams .....	31	34	3	2	0	0	70
Billings .....	12	3	2	0	0	0	17
Bottineau .....	82	54	4	5	0	0	145
Bowman .....	51	40	5	3	0	0	99
Burke .....	39	41	1	0	0	0	81
Cavalier .....	65	56	13	7	0	0	141
Dickey .....	46	53	5	3	0	0	107
Divide .....	50	47	12	6	4	4	123
Dunn .....	44	22	0	1	0	0	67
Eddy .....	37	33	0	0	4	1	75
Emmons .....	34	19	5	7	5	7	77
Foster .....	40	22	1	0	0	0	63
Golden Valley .....	18	23	10	2	0	0	53
Grant .....	39	16	5	0	0	0	60
Griggs .....	20	13	4	9	0	2	48
Hettinger .....	28	15	4	2	1	0	50
Kidder .....	33	24	7	4	0	0	68
Logan .....	17	23	3	0	0	0	43
McHenry .....	67	44	4	5	0	0	120
McIntosh .....	25	70	0	0	0	0	95
McKenzie .....	70	67	6	1	0	0	144
McLean .....	83	94	7	6	0	0	190
Mercer .....	28	7	4	3	0	0	42
Mountrail .....	63	66	7	4	0	0	140
Nelson .....	52	22	1	0	0	0	75
Oliver .....	20	19	0	2	0	0	41
Pembina .....	84	91	9	3	0	0	187
Pierce .....	24	30	3	8	7	0	72
Renville .....	31	15	3	1	0	0	49
Richland .....	131	136	9	12	0	0	288
Rolette .....	45	23	1	0	8	0	77
Sargent .....	31	39	4	0	0	3	77
Sheridan .....	24	14	3	4	0	0	45
Sioux .....	10	3	1	0	0	0	14
Slope .....	71	13	0	1	0	0	25
Steele .....	28	23	0	0	0	0	51
Towner .....	39	22	8	2	1	0	72
Traill .....	72	33	9	0	0	0	114
<b>TOTAL .....</b>	<b>1624</b>	<b>1369</b>	<b>163</b>	<b>103</b>	<b>30</b>	<b>17</b>	<b>3305</b>

(F) — Filed (D) — Disposed

Source: County court case reporting system — Office of State Court Administrator

## MUNICIPAL COURTS

The municipal courts have exclusive original jurisdiction to hear all cases involving violations of municipal ordinances, including motor vehicle violations by juveniles. Effective July 1, 1978, municipal courts hear all motor vehicle violations of juveniles. If the juvenile has a drivers license or permit, the violation is heard by the juvenile court. Ordinance violations are punishable by up to 30 days imprisonment and \$500 fine or both. The defendant is entitled to the right of counsel if incarceration is contemplated. If the defendant is indigent, the court can appoint counsel. Municipal courts are not courts of record, which means no formal record of the testimony is kept. An appeal from a municipal court decision requires a new trial to be conducted in either the district court or the county court with increased jurisdiction, if the municipality is in a county having an increased jurisdiction court.

Presently there are 359 incorporated municipalities in North Dakota. Of this total, 184 cities have municipal courts. There are 172 judges serving these municipalities. Of the total number of municipal judges, 23 are legally trained. Section 40-18-01, NDCC, requires the municipal judge in a city having a population of 3,000 or more to be an

attorney, unless a licensed attorney is not available. The section also permits an individual to serve more than one city as municipal judge.

In 1978 the traffic-related caseload varied from one case in very small jurisdictions to 7,091 in Minot. Statewide, there were 44,748 cases disposed of in all municipal courts. This was a 09% increase from 41,014 dispositions in 1977. The ten highest volume municipalities disposed of 2,910 criminal matters and 31,935 administrative traffic actions. Thus, 5% of the communities process 33% of the total criminal case volume and 27% of the total number of administrative traffic cases.

Of the entire caseload of municipal courts, over 90% are administrative traffic cases. Administrative traffic cases can be processed in less time than it takes to dispose of criminal traffic matters. There is a lesser degree of burden of proof for administrative traffic cases. In addition, the vast majority of the less serious traffic cases are disposed of with bond forfeitures. While no judge time is needed to process bond forfeitures, support personnel in the office of clerk of municipal court must account for every citation received by the court.

**TABLE XIII**  
**SELECTED MUNICIPAL COURT STATISTICS**  
**TRAFFIC CASE DISPOSITIONS**  
**Calendar Year 1978**

Municipalities With Highest Case Volume	CRIMINAL DISPOSITIONS				NON-CRIMINAL DISPOSITIONS			
	Convictions	Acquittals	Dismissals	Total	Convictions	Acquittals	Dismissals	Total
Bismarck.....	325	27	10	362	4149	48	1	4198
Devils Lake.....	190	15	1	206	1042	30	2	1074
Dickinson.....	70	6	2	78	1701	5	0	1706
Fargo.....	239	1	0	240	5725	0	0	5725
Grand Forks.....	636	60	2	698	5957	428	8	6393
Jamestown.....	148	18	0	166	2514	75	1	2590
Mandan.....	219	15	3	237	1322	11	3	1336
Minot.....	440	32	13	485	5773	220	38	6031
Wahpeton.....	223	13	2	238	1265	39	2	1306
Williston.....	196	3	1	200	1563	10	3	1576
<b>TOTAL.....</b>	<b>2686</b>	<b>190</b>	<b>34</b>	<b>2910</b>	<b>31,011</b>	<b>866</b>	<b>58</b>	<b>31,935</b>

Source: Municipal court case reporting system — Office of State Court Administrator

**TABLE XIV**  
**TOTAL NUMBER OF TRAFFIC RELATED**  
**CASES PROCESSED STATEWIDE**  
**Calendar Year 1978**

CRIMINAL TRAFFIC CASES		NON-CRIMINAL TRAFFIC CASES	
Convictions.....	3635	Convictions.....	39,762
Acquittals.....	216	Acquittals.....	1027
Dismissals.....	38	Dismissals.....	70
<b>TOTAL.....</b>	<b>3889</b>	<b>TOTAL.....</b>	<b>40,859</b>

Source: Municipal court case reporting system — Office of State Court Administrator

# REPORT OF THE JUDICIAL QUALIFICATIONS COMMISSION



Seated left to right: Judge William M. Beede; Dr. Glenn Smith; Greg Morris, Staff Attorney; Ronald Klecker; Lowell Lundberg, Vice Chairman; Judge Harold B. Herseth.  
 Standing left to right: Kathy Creighton; Jane Knecht, Chairman.

The Judicial Qualifications Commission was created by statute enacted by the 1975 Legislature. Ms. Jane Knecht of Bismarck presently serves as chairman of the Commission. Lowell W. Lundberg of Fargo, representing the State Bar Association of North Dakota, serves as vice chairman. Other members are: William M. Beede, District Judge, Dr. Glenn Smith, Mr. Ron Klecker, Harold Herseth, County Judge, and Ms. Kathy Creighton. Four of the seven members are lay persons. Ms. Creighton was appointed by Governor Link in July 1978 to replace Irene Dodge of Fargo, whose term expired.

A summary of the activity of the Judicial Qualifications Commission during 1978 follows:

Total number of complaints filed during 1978 ..... 22

Nature of Complaint	NUMBER
Failure to comply with the law .....	3
Questionable judicial campaign practices .....	1
Delay .....	3
Lack of judicial temperament .....	3
Improper conduct .....	2
Lack of communication .....	1
Biased decision .....	4
Misuse of county funds .....	1
Failure to inform complainants of his rights .....	1

Total number of Dispositions during 1978 ..... 18

Nature of Disposition	NUMBER
Dismissed .....	14
Private censure .....	3
Public reprimand .....	1

At the close of the year there were four complaints awaiting disposition by the Commission.

## REPORT OF THE DISCIPLINARY BOARD OF THE SUPREME COURT

Thirteen years ago on October 22, 1965, the Grievance Commission of the Supreme Court of North Dakota held its first meeting. On July 1, 1977, the Grievance Commission of the Supreme Court became the Disciplinary Board of the Supreme Court with new rules of procedure. The revised rules increased the membership from six to nine members with three lay members being added to the Board.

Mr. H. G. Ruemmele of Grand Forks served a second year as chairman of the Disciplinary Board. The lawyer members are: Jake C. Hodny, Maurice E. Cook, Frederick E. Whisenand, Jr., Malcolm H. Brown, Ronald G. Splitt, and the lay members are: Ruth Meiers, Alice Olson and Bea Peterson.

Mr. Maurice E. Cook concluded six years of service as a member of the Disciplinary Board. Prior to that time he had served as a member of the Bar Association's disciplinary Inquiry Committee West. Mr. Gregory D. Morris serves the Disciplinary Board as staff counsel on a part-time basis.

The Disciplinary Board began the year with 13 cases undecided. During the year 61 new complaints were filed. For the past three years an average of five complaints has been filed per month.

A total of 74 complaints were completed by the Disciplinary Board during 1978. The nature of the complaints and the disposition are listed below.

Nature of Complaint	NUMBER
Neglect, delay or incompetent representation .....	14
Alleged criminal conduct, fraud, use of trust funds .....	4
Excessive fees or failure to account for expenses .....	9
Failure to communicate .....	9
Probate problems .....	11
Conflict of interest, multiple clients .....	4
Threats, improper conduct .....	10

Nature of Disposition	NUMBER
Dismissed .....	46
Private reprimand .....	10
Public reprimand .....	1
Suspension .....	1

At the close of business in 1978 there were 16 complaints which had been filed and were being investigated. No decision had been reached as to the disposition of these complaints.

## JOINT PROCEDURE COMMITTEE



First Row seated left to right David L. Peterson, Leonard H. Bucklin, Judge Robert Vogel.

Second Row seated left to right Ward M. Kirby, James L. Lamb, Professor Larry Kraft, Richard A. McKennett, Calvin N. Rolfson, Eveleen Klautt.

Standing left to right William S. Murray, Honorable Paul M. Sand, Chairman; Keith Magnusson and Honorable Eugene A. Burdick.

The Joint Procedure Committee is composed of ten judges representing the North Dakota Judicial Council, and ten attorneys representing the State Bar Association. It is chaired by Justice Paul M. Sand, North Dakota Supreme Court. Keith Magnusson serves as full-time staff counsel for the committee. The committee is an advisory committee to the Supreme Court. The North Dakota Constitution, Section 87, authorizes the Supreme Court to "promulgate rules of procedure, including appellate procedure to be followed by all courts of this state . . ." The committee's duties include study, discussion, and revision of the procedural rules of North Dakota, including the Rules of Civil Procedure, Criminal Procedure, Appellate Procedure, Evidence, and other rules of pleading, practice, and procedure. The committee proposes the adoption of new procedural rules when appropriate.

During 1978, the committee completed an extensive study of the North Dakota appellate process. This resulted in substantial revision of the North Dakota Rules of Appellate Procedure, especially to Rules 10 and 11, and the accompanying Procedure Committee Notes. Recommendations were also made on superseding procedural statutes inconsistent with the rules. The revised rules were

adopted, and recommended statutes superseded, by the Supreme Court in August, to be effective January 1, 1979.

The Joint Procedure Committee undertook a study of the North Dakota Rules of Criminal Procedure. Since the 1973 promulgation of these rules, few changes have been made. But, during that time, numerous amendments have been made to the Federal Rules of Criminal procedure, after which the North Dakota rules are patterned, and to sections of the North Dakota Century Code which have an effect on the rules. The committee is in the process of a comprehensive review of the criminal rules to determine whether amendments are necessary and should be recommended to the Supreme Court for adoption, especially in the discovery area. Final action by the Joint Procedure Committee and a hearing in the Supreme Court can be expected sometime in 1979.

Another activity initiated during the year was an indepth examination of contempt proceedings. The present statutes and rules will be examined and compared with those of other jurisdictions. The committee will make any necessary recommendations for rules changes to the Supreme Court or statutory changes to the Legislative Assembly.

# JUDICIAL PLANNING COMMITTEE ACTIVITIES

CHAIRMAN HONORABLE VERNON A. PEDERSON

The Judicial Planning Committee (JPC) is the forum for overall planning for judicial services in North Dakota. Established in 1976 by the Supreme Court and chaired by Justice Vernon R. Pederson, the Judicial Planning Committee membership includes all presiding judges and representatives of attorneys, all categories of judges, court support personnel, and the public.

The Judicial Planning Committee prepared the **North Dakota Judicial Master Program for the FY 1977-1979 Biennim** and has monitored the implementation of the **Judicial Master Program** through the **North Dakota Judicial Master Program Implementation Plan**.

In addition, the Judicial Planning Committee has reviewed studies for the improvement of appellate court case processing, and reviewed long range goals relating to prosecution and indigent defense services. It has reviewed progress relating to proposed legislative implementation of the new judicial article. The Judicial Planning Committee reviews future grant plans related to court services, and provides a general forum for discussion of problems and issues relating to court services in North Dakota.

The Judicial Planning Committee is currently preparing the **Judicial Master Program for the Biennium Ending June 30, 1981** for submission to the North Dakota Supreme Court.

## CITIZEN'S COMMITTEE ON THE NEW JUDICIAL ARTICLE

The Citizen's Committee on the New Judicial Article was formed in 1975 to provide information to the public regarding the then proposed new judicial article to the North Dakota Constitution. The membership of the Citizen's Committee includes legislators, judges, court support personnel, and citizens with a wide diversity of public responsibilities.

After the passage of the new judicial article by the voters in September, 1976, the Citizen's Committee formed two subcommittees, a Legislative Subcommittee and a Rules Subcommittee to provide forums for study and recommendations regarding the implementation of the new judicial article by legislative action and by Supreme Court rule and administrative action.

## LEGISLATIVE SUBCOMMITTEE Chairman Harry Pearce

The Legislative Subcommittee is a subcommittee of the Citizen's Committee on the New Judicial Article with responsibility for advising the Supreme Court regarding the implementation of the new judicial article by legislative action.

The Legislative Subcommittee prepared the basic working documents and proposals from which the Interim Judicial Systems Committee of

the Legislative Council and Judicial Council formulated the comprehensive proposals for implementation of the new judicial article for submission to the 1979 Legislature. The subcommittee members have provided liaison to the legislature and judiciary in the development of substantial consensus regarding these proposals.

## RULES SUBCOMMITTEE Chairman William Strutz

The Rules Subcommittee is a subcommittee of the Citizen's Committee on the New Judicial Article with responsibility for advising the Supreme Court regarding the implementation of the new judicial article by Supreme Court rule and administrative action.

The immediate work plan of the Rules Subcommittee is nearly complete. A Rules Subcommittee proposal for a **Rule on Procedural Rules and Administrative Rules and Administrative Orders of the North Dakota Supreme Court (NDRPR)**, was approved by the Supreme Court effective April 1, 1978. It provides for an open and efficient rulemaking process for the unified judicial system.

A Rules Subcommittee proposal for a **Rule on Local Court Procedural and Administrative Rules (ND Local CtR)** was approved by the Supreme Court effective April 1, 1978. It provides for an effective rulemaking process for local judicial district rulemaking which is separate from but compatible with the statewide rulemaking process.

The **Rule on Procedural Rules** provides for the establishment of four standing committees of the Supreme Court through which all areas of rulemaking can be continuously reviewed. These are the Joint Procedure Committee, Court Services Administration Committee, Attorney Standards Committee, and Judiciary Standards Committee.

A Rules Subcommittee proposal for an administrative rule relating to the duties of presiding judges (AR 2-1978) was approved by the Supreme Court on July 6, 1978. This rule delegates significant authority for the administration of court services within each judicial district to the presiding judges.

Judicial redistricting was also the subject of a Rules Subcommittee proposal. After months of study and several hearings, the Supreme Court entered a provisional order approving a plan for new judicial districts effective July 1, 1979. Most notably, these districts separate the counties of Cass and Grand Forks into separate districts and combine the counties of Burleigh and Morton into a single district, while adjusting overall boundaries to provide more effective access by district court judges to rural counties.

The Rules Subcommittee also proposed an administrative rule relating to the State Court Ad-

ministrator (AR 1-1978) which was approved by the Supreme Court on May 12, 1978.

The Rules Subcommittee is presently studying trial court docket currency standards at the suggestion of the Chief Justice. Surveys of judges and

attorneys are in progress regarding appropriate time standards for the processing of civil and criminal cases. A specific proposal is anticipated in early spring, 1979.

## JUDICIAL COUNCIL

The North Dakota Judicial Council was established as an arm of the judicial branch of state government in 1927. Present statutory language governing the Judicial Council is found in Chapter 27-15, NDCC.

The Council is composed of the following members:

1. All judges of the supreme court, district courts, and county courts with increased jurisdiction of the state;

2. The attorney general;

3. The dean of the school of law of the university;

4. Five members of the bar who are engaged in the practice of law who shall be chosen by the executive committee of the state bar association;

5. All retired judges of the supreme and district courts of the state; and

6. Two judges of the county court without increased jurisdiction; two county justices, and two municipal judges, selected by the North Dakota Supreme Court.

In general, the Judicial Council is given the duty

to make a continuous study of the judicial system of the state to the end that procedure may be simplified, business expedited and justice better administered. The fifty-nine (59) members of the Council serve without compensation, but are allowed necessary expenses which are incurred in the discharge of their duties. The Chief Justice of the North Dakota Supreme Court serves as Chairman of the Judicial Council.

There are two regular meetings of the Judicial Council held each year and the chairman may call special meetings from time to time.

The Judicial Council employs an executive secretary to assist in its duties. Through the Council, the executive secretary is empowered to gather and publish statistical data concerning the courts, judges, and officers, thereof; to make recommendations to the Council for improvement of the judicial system; hold public hearings on behalf of the Council; and in general to lend any assistance to the Council in its efforts to improve the state's judicial system.

# NORTH DAKOTA JUDICIAL COUNCIL

*Membership as of November 1978*

## JUSTICES OF THE SUPREME COURT

Ralph J. Erickstad, Chief Justice, Bismarck  
Wm. L. Paulson, Justice, Bismarck  
Vernon R. Pederson, Justice, Bismarck  
Paul M. Sand, Justice, Bismarck  
Gerald W. VandeWalle, Justice, Bismarck

## JUDGES OF THE DISTRICT COURT

\*A.C. Bakken, Grand Forks  
Norman J. Backes, Fargo  
Hamilton E. Englert, Valley City  
John O. Garaas, Fargo  
Kirk Smith, Grand Forks

\*Douglas B. Heen, Devils Lake  
Ray R. Friederich, Rugby  
James H. O'Keefe, Grafton

\*Larry M. Hatch, Linton  
Robert L. Eckert, Wahpeton

\*Benny A. Graff, Bismarck  
Martin C. Fredricks, Jamestown  
Gerald G. Glaser, Bismarck

\*Roy A. Ilvedson, Minot  
Wm. M. Beede, Minot  
Eugene A. Burdick, Williston

\*Norbert J. Muggli, Dickinson  
Wm. F. Hodny, Mandan  
Lyle G. Stuart, Hettinger

## JUDGES OF THE COUNTY COURT WITH INCREASED JURISDICTION

C. James Cieminski, Valley City  
Ronald M. Dosch, Devils Lake  
George E. Duis, Fargo  
Wm. G. Engelter, Mandan  
Thomas D. Ewing, Dickinson  
Halvor L. Halvorson, Minot  
Harold B. Herseth, Jamestown  
Frank J. Kosanda, Grand Forks

Samuel D. Krause, Fessenden  
George Margulies, Lisbon  
Joel Medd, Minnewaukan  
Thomas W. Nielsen, LaMoure  
Lawrence O'Connell, Williston  
Dennis A. Schneider, Bismarck  
Theodore Weisenburger, Grafton

## JUDGES OF THE COUNTY JUSTICE COURT

R.C. Heinley, Carrington

Dale McMichael, Wahpeton

## JUDGES OF THE COUNTY COURT WITHOUT INCREASED JURISDICTION

R.M. Lundberg, Washburn

Ross McNea, Bottineau

## JUDGES OF THE MUNICIPAL COURT

Robert Brown, Mayville

Daniel Buchanan, Jamestown

## RETIRED JUDGES OF THE SUPREME AND DISTRICT COURT

Emil A. Giese, Hettinger  
Clifford Jansonius, Bismarck  
C.F. Kelsch, Mandan  
Harvey Miller, Glendive, Montana

James Morris, Bismarck  
Roy K. Redetzke, Fargo  
Wallace E. Warner, Wahpeton

## ATTORNEY GENERAL

Allen I. Olson, Bismarck

## U.N.D. SCHOOL OF LAW

Dean Robert Rushing, Grand Forks

## MEMBERS OF THE BAR

Harold Anderson, Bismarck  
John C. McClintock, Rugby  
Hugh McCutcheon, Minot

Lavern C. Neff, Williston  
Alan B. Warcup, Grand Forks

## EXECUTIVE SECRETARY

William G. Bohn

*\*Designates Presiding Judge*

**END**