

STATE OF NORTH DAKOTA
NORTH DAKOTA JUDICIAL COUNCIL

Annual Report
1977



1913 - 1962
GRASSY BUTTE POST OFFICE

WILLIAM G. BOHN
Executive Secretary

47408

GRASSY BUTTE POST OFFICE

This sod-log structure was an operating U. S. Post Office from 1913 to 1962. Grassy Butte, south of the north unit of Theodore Roosevelt National Memorial Park, is on US Highway 85.

Cover drawing by Deborah Knuth, State Court Administrator's Office, Bismarck, N. Dak.

STATE OF NORTH DAKOTA
NORTH DAKOTA JUDICIAL COUNCIL

Annual Report

CALENDAR YEAR 1977

WILLIAM G. BOHN
Executive Secretary

NCJRS

MAY 23 1978

ACQUISITIONS

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 ASSOCIATE JUSTICES OF THE
SUPREME COURT OF THE STATE OF
NORTH DAKOTA:

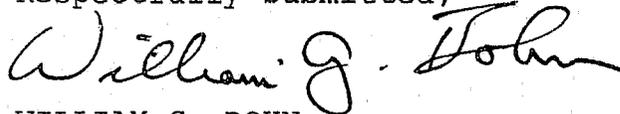
TO THE HONORABLE MEMBERS OF THE
NORTH DAKOTA JUDICIAL COUNCIL:

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, 1977.

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

TABLE OF CONTENTS

Judicial Planning in North Dakota.....	6
North Dakota Judicial System	8
Supreme Court.....	9
Office of State Court Administrator.....	15
District Courts	19
County Courts with Increased Jurisdiction.....	28
County Justice Courts.....	30
County Courts	32
Municipal Courts.....	34
Fourth Judicial District Trial Court Administrative Activities.....	35
Supreme Court Law Library	36
Joint Procedure Committee	37
Disciplinary Board of the Supreme Court	38
Judicial Qualifications Commission	39
Judicial Council.....	40

Judicial Planning in North Dakota:

SYSTEMATIZED ANTICIPATION FOR BALANCED PROGRESS

by

VERNON R. PEDERSON

Associate Justice

North Dakota Supreme Court

*A prudent man forsees the
difficulties ahead and prepares
for them; the simpleton goes
blindly on and suffers the
consequences.*

PROVERBS 22:3
Tyndale Translation

*My interest is in the future,
because I'm going to spend the
rest of my life there.*

Charles F. Ketterling

The tools that we use in solving today's court service problems are, in general, products of yesterday's planners. Some planning is essential to all activity or change. Most planning is informal and intuitive. But as court services become more complex in response to public demand for more varied services and as caseloads increase, the need for a more formal planning process increases.



The judicial system has generally served us well in North Dakota. But social change and public opinion are raising public expectations for the quality, variety and quantity of court services. The new Judicial Article, the Uniform Probate Code, the Small Claims Act, the Uniform Jury Selection Act, the North Dakota Criminal Code, and the North Dakota Auto Accident Reparations Act all indicate demands by the public for judicial services on a different plane than in the past. These are efforts with wide impact. They all required more formalized planning for effective results.

The New Judicial Article

Judicial planning for the new judicial article is a current activity in a number of forums in North Dakota: The Judicial Planning Committee, the Rules Subcommittee and Legislative Subcommittee of the Citizens Committee on the New Judicial Article, and the Interim Judicial Systems Committee of the Legislative Council and Judicial Council.

The Judicial Planning Committee

The Judicial Planning Committee is, and will be, the long-range forum for all formal, judicial planning in North Dakota. Created by the North Dakota

Supreme Court in December 1976, the Committee represents all levels of judges, court personnel, attorneys, legislators and the public. It is staffed by the Office of the State Court Administrator.

The Judicial Planning Committee has undertaken a review of all areas of court services in North Dakota. The result of the work has been published as *The North Dakota Judicial Master Program for the FY 1977-1979 Biennium* (299 pages) (June, 1977).

The Judicial Master Program was issued for public comment in May, 1977. Over 300 copies were distributed to judges, attorneys, court personnel, civic organizations, media groups, and university teachers in many related fields. After reviewing the comments, the Judicial Planning Committee approved the revised Judicial Master Program and recommended it for approval by the North Dakota Supreme Court. In June, 1977 the Supreme Court accepted the document as the North Dakota judicial program for the biennium period and the Chief Justice designated the State Court Administrator to supervise its implementation.

The Judicial Planning Committee monitors and reviews the Judicial Master Program implementation process and will make appropriate revision of the Judicial Master Program in FY 1978.

The Judicial Master Program was prepared by the Judicial Planning Committee as an understandable working document, and its first goal was to communicate clearly. That means the use of plain English. Laymen and lawyers alike will understand the language in the Judicial Master Program.

Those who have expressed views on the Judicial Master Program during the comment period indicated general support of the overall goals expressed therein. Those goals are: (1) to strengthen the North Dakota judicial system; (2) to increase accessibility to and improve the services of all courts to the public; (3) to improve communication among courts and between courts and citizens; and (4) to increase the professional excellence of all court personnel. For clarification and to facilitate implementation, the goals are each subdivided into more specific objectives which, in turn, are subdivided into a series of specific tasks.

The Local Judicial District Planning Progress.

State judicial planning is only part of effective planning in a unified judicial system. Of equal im-

portance is the coordination of efforts for court service improvement within the several judicial districts. It is in the individual judicial districts that effective improvement of local court services will be directed. It is in the judicial districts that administrative planning and implementation of the unified judicial system will largely occur.

The Judicial Planning Committee assists local judicial districts in establishing and implementing the local judicial district planning processes. The local planning process varies from district to district in response to the particular situation in each area but should include the following characteristics:

1. A judicial district planning board or committee, chaired by the presiding judge;
2. Representation on the planning board of all full-time judges from all court levels and representatives of local attorneys;
3. Mechanisms for including the suggestions and comments of part-time judges, court personnel, and the public;
4. Regular meetings, usually quarterly;
5. Formulation of a simple, practical plan for local court service improvement which is reviewed and revised regularly as implementation progresses.

In this local judicial planning process, the many participants in court services can consult and contribute to a coordinated improvement of local court services. Subject areas for this process can include budgets, bailiffs, jury management, jury orientation, juror amenities, case calendaring, case monitoring, court facilities, law library and research services, administrative staff, local court rules, records management, and public information and education. In these subject areas concrete, visible improvements can be made in every judicial district.

The Judicial District and the Presiding Judge.

Fundamental to the new unified judicial system and central to the structure of the judicial planning process are the two concepts of the judicial district and the presiding judge.

The judicial district can no longer be viewed as a category of one kind of court, the district court. The judicial district is now a geographical area in which all court services, at all court levels, are administered. The judicial district is the primary administrative unit of the unified judicial system.

Similarly, the presiding judge is the key administrative official within the judicial district within the unified judicial system, with final responsibility for all court services and personnel in that geographical area. The presiding judge is the channel for the broad, progressive delegation of Supreme Court authority and the focus of local judicial planning and administration. The presiding judges, with the responsibility for local judicial planning, and with their membership on the Judicial Planning Committee, are becoming central to the administration of the unified judicial system.

The Citizens Committee on the New Judicial Article and Its Subcommittees.

The Citizens Committee on the New Judicial Article was established in 1975 to provide a broad spectrum of public information programs on the then proposed judicial article. Upon the passage of the new judicial article on September 7, 1976, the Citizens Committee created two Subcommittees, the Rules Subcommittee and the Legislative Subcommittee, to initiate discussion and study of judicial article implementation by Supreme Court rule and legislation.

The Legislative Subcommittee has undertaken the study of those subject areas in the new judicial article which would be implemented by statute. These areas include court structure and jurisdiction, judicial selection, judicial compensation and court financing.

In June, 1977, the Legislative Council and Judicial Council established a joint Judicial System Committee pursuant to Senate Concurrent Resolution 4021 to study judicial article implementation and to propose appropriate legislation for the 1979 Legislature.

The Rules Subcommittee has undertaken the study of those subject areas in the new judicial article which would be implemented by rules and administrative action of the North Dakota Supreme Court. These areas include state and local court rule-making processes, and mechanisms for equalizing judicial caseloads, including, if necessary, redistricting of judicial districts.

The Rules Subcommittee has prepared a North Dakota Rule on Procedural Rules, Administrative Rules and Administrative Orders of the North Dakota Supreme Court which proposes a flexible, practical, participatory, and economic mechanism for comprehensive rule-making for the unified judicial system. A companion proposal for a Rule on Local Court Procedural Rules and Administrative Rules provides an analogous rule-making process for the local judicial district rule-making process.

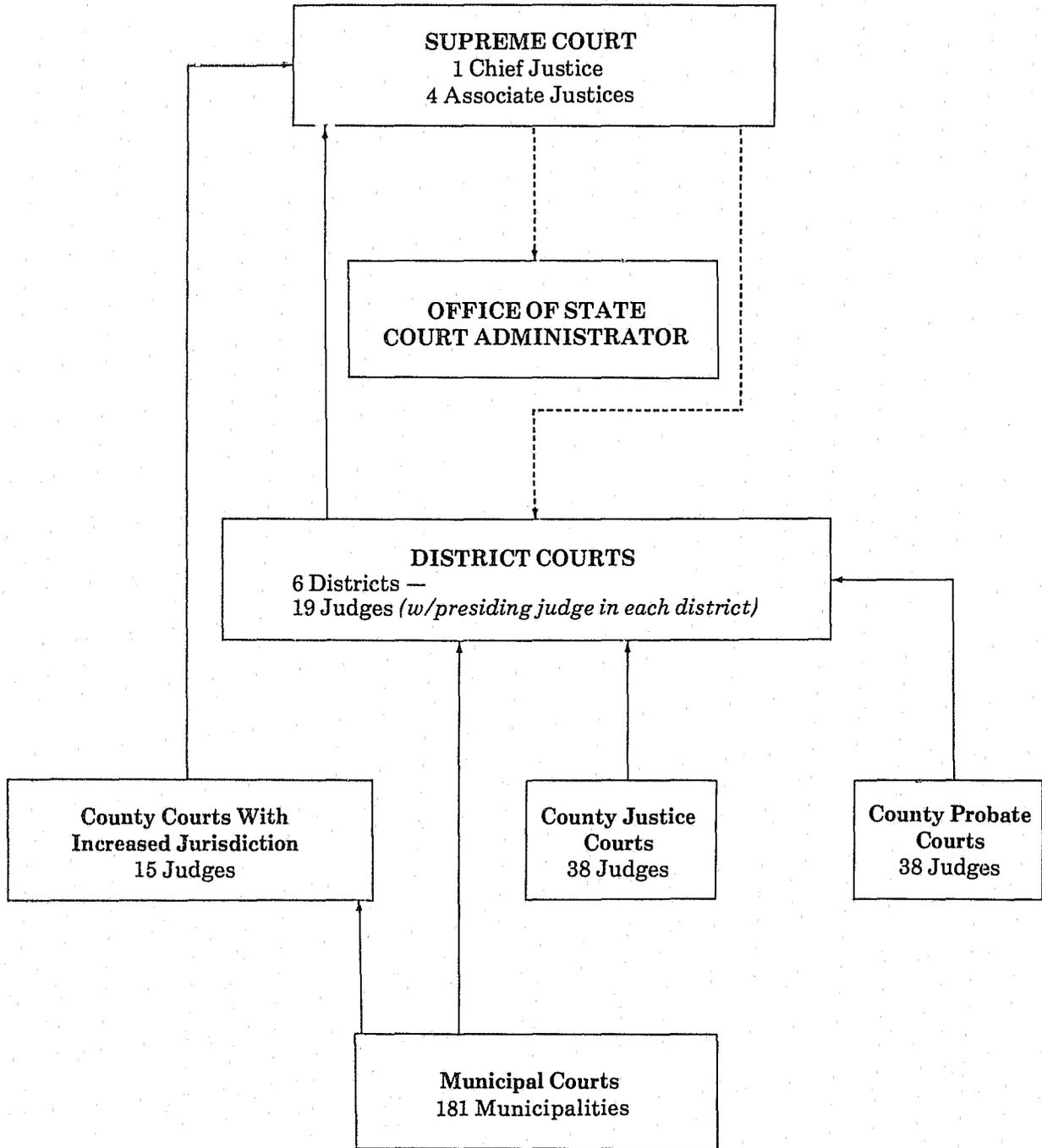
Balanced Progress Through Sustained, Participatory Planning.

Judicial planning in North Dakota is the process for systematized anticipation and formulation of change for balanced progress in improving court services. The committees presently at work are broadly representative, adequately staffed, and active. The mechanisms for broad public input are in place and working. During the next few years a new judicial article will produce an effective, unified judicial system and visible improvements in court services at all levels. During the indefinite future, the Judicial Planning Committee will assist judicial leaders in harnessing the cooperative efforts and wisdom of judges, attorneys, court personnel, and public leaders in deliberate progress in providing effective court services to the people of North Dakota.

NORTH DAKOTA JUDICIAL SYSTEM

Administrative route

Appeals route



SUPREME COURT OF NORTH DAKOTA



JUSTICE Wm. L. Paulson

CHIEF JUSTICE Ralph J. Erickstad

JUSTICE Paul M. Sand

JUSTICE Vernon R. Pederson

JUSTICE Robert Vogel

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. These functions are primarily performed by the State Court Administrator, who serves at the pleasure of the Court.

The Supreme Court is charged with the adoption of rules governing practice and procedure in all courts in the state. During 1977, the Court held hearings to consider North Dakota Rules of Disciplinary Procedure, Amendments to the rule for Limited Practice of Law by Law Students, Continuing Professional Education rules for the State Bar Association, Procedural Rules of the Disciplinary Board, and Procedural Rules for Inquiry Committees of the State Bar Association. In addition, amendments to the Rules of Criminal and Civil Procedure were considered. All rules considered by the Supreme Court were adopted.

In the fall of 1974, the Supreme Court was current for the first time in years. That is, all cases submitted to the Court had been decided. The Supreme Court has been current a number of times since 1974. As the statistics for 1977 indicate, a total of fifteen cases had been argued, but not decided by the court at the end of the year, none were over six months in age. Even with the increasing workload it should be noted that the Court has been able to process the cases in a timely fashion.

The Court's appellate jurisdiction extends to all district court decisions and all decisions from county courts with increased jurisdiction. During 1977, 194 cases were filed with the Supreme Court. This included 145 civil actions and 49 criminal proceedings. The filings increased 29 percent over 1976 and 145 percent since 1970. The civil case fil-

ings increased 29 percent over 1976 and the criminal case filings increased 28 percent. The court decided a total of 179 cases during 1977. The breakdown was 135 civil and 44 criminal cases. The number of dispositions increased 38 percent from 144 in 1976. Even more dramatic was the increase in dispositions of 101 percent from 99 percent in 1970.

The graph on page 14 highlights the increase in appellate workload over the last seven years.

The reasons for increases in the appellate caseload may be attributable to:

- 1) A growth in appealable dispositions from the district courts.
- 2) The increase in the number of licensed attorneys in the state.
- 3) New classes of civil and criminal proceedings resulting from legislative authorization.
- 4) Changing attitudes toward appellate review.
- 5) General population increases may also be factors.

As is the case in many states, the North Dakota Supreme Court may have to institute administrative procedures to address the significant increase in the volume of work. Two concepts that may be considered are initial screening of cases and central staff attorneys. Other states have implemented variations of these concepts with success.

The Supreme Court has original jurisdiction over cases of strictly public concern and deals with other cases such as discipline of attorneys, proceedings concerning the discipline, removal, or retirement of any justice or judge upon review of recommendations of the Disciplinary Board or Judicial Qualifications Commission.

The Supreme Court has original jurisdiction in proceedings seeking writs of mandamus and prohibition against all state officers, boards and commissions as well as in proceedings seeking other extraordinary writs. In 1977, 18 original proceedings were filed in the Supreme Court compared with 10 during the preceding year, an increase of 80 percent.

Following is the report of the clerk of the Supreme Court. The report contains appellate case information for calendar year 1977.

TABLE I
SUMMARY OF SUPREME COURT BUSINESS
 (Calendar Year 1977)

CIVIL

In this civil category are included appeals, certified questions, original proceedings, applications to exercise original jurisdiction or supervisory powers.

Submitted, but pending at beginning of reporting period 8
 Submitted during reporting period 137

TOTAL ACTIVE CIVIL CASES DURING PERIOD 145

Civil Cases Completed

Opinion entered, and remittitur sent down during reporting period (APPEALS) 93
 Final decision during reporting period (ORIGINAL JURISDICTION) 10
 Opinion entered on motion argued 9
 Dismissal on motion argued 5
 Dismissed on stipulation 18

TOTAL CIVIL CASES COMPLETED DURING PERIOD 135

Cases submitted and undisposed of at end of period 10

CRIMINAL

In this criminal category are included appeals, certified questions, original proceedings, applications to exercise original jurisdiction or supervisory powers.

Submitted, but pending at beginning of reporting period 0
 Submitted during reporting period 49

TOTAL ACTIVE CASES DURING PERIOD 49

Criminal Cases Completed

Opinion entered, and remittitur sent down during reporting period (APPEALS) ... 26
 Dismissed during reporting period 11
 Opinion on motion granted or denied 7
 (Not dismissed)

TOTAL CRIMINAL CASES COMPLETED DURING PERIOD 44

Criminal cases submitted and undisposed of at end of reporting period 5

PETITIONS FOR REHEARING
 (Civil and Criminal)

Pending at beginning of reporting period 7
 Filed during reporting period 25

TOTAL PETITIONS BEFORE SUPREME COURT 32

Rehearing granted 0

Rehearing denied 24

TOTAL 24

Petitions for rehearing pending at end of reporting period 8

Age of Pending Cases

Age of Cases	Civil	Criminal
Under six months	10	5
Six to twelve months	0	0
Twelve to eighteen months	0	0
Over eighteen months	0	0
TOTAL	10	5

DISPOSITIONS

Appeals

	Civil	Criminal
Affirmed	57	17
Modified	2	1
Reversed	23	6
Part Reversed, part affirmed, part modified	8	1
Certified questions	2	0
Dismissed	23	11
Opinion on motion granted or denied (not dismissed)	8	2

Original Jurisdiction

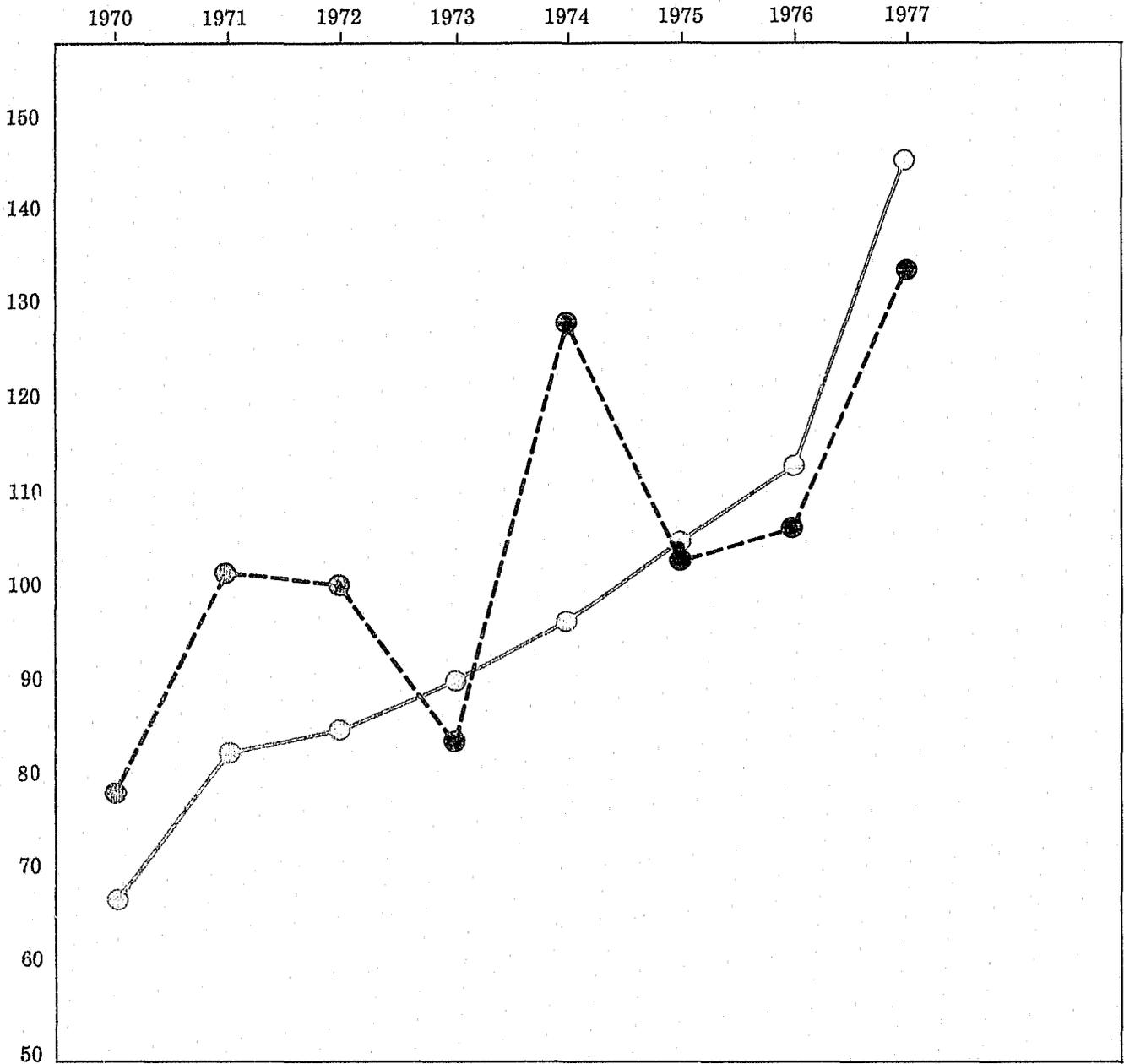
Final decision and order	4	0
Writs (quashed, granted, denied)	4	6
Attorney disciplinary decisions	4	0
TOTAL DISPOSITIONS	135	44

JUDICIAL OPINIONS *

Justice	Opinions*	Special Concur.	Dissent	On Rehearing
Mr. Chief Justice Erickstad	28	1	1	0
Mr. Justice Paulson	28	0	1	0
Mr. Justice Vogel	32	4	14	1
Mr. Justice Pederson	26	3	7	0
Mr. Justice Sand	29	2	1	0
PER CURIAM (5 Judge Panel)	0	0	0	0
(Orders for Disposition)	36	0	0	0
TOTAL	179	10	24	1

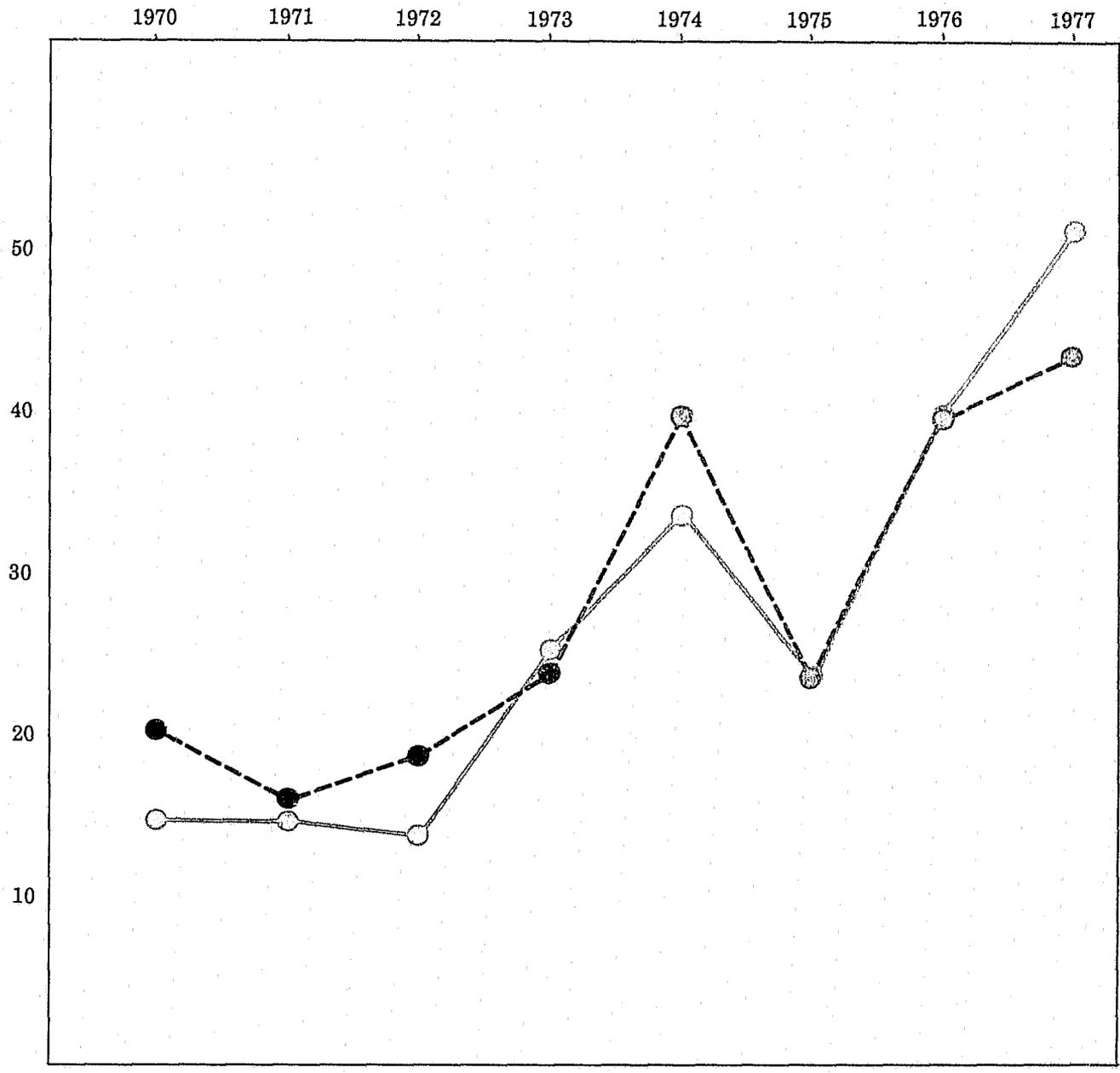
**Supreme Court opinions for the purposes of this report are regarded as issued when the opinion is signed and filed with the Clerk.*

CIVIL
SUPREME COURT CASELOAD COMPARISON



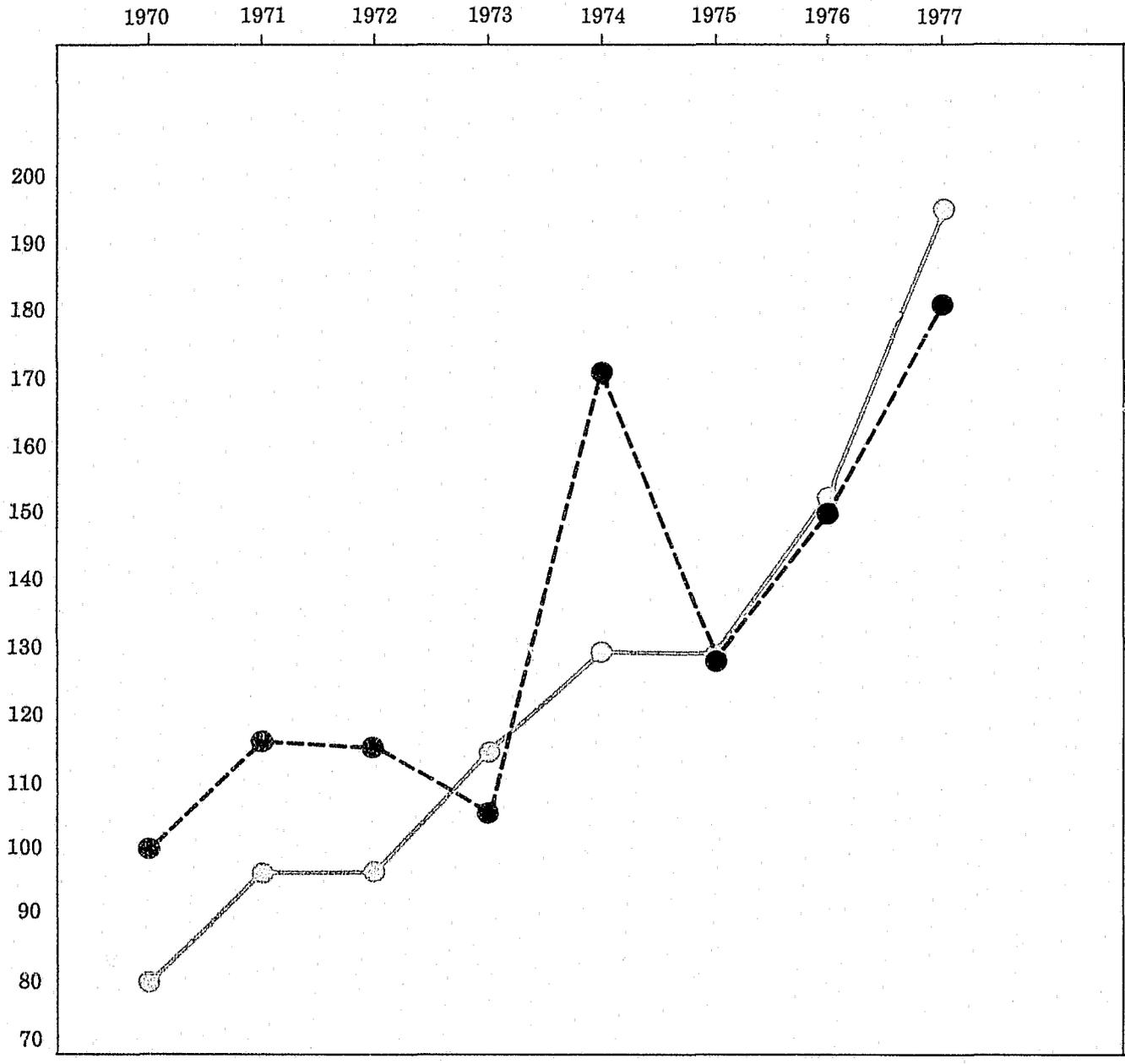
—○— Filed
- - - ● - - Disposed

CRIMINAL
SUPREME COURT CASELOAD COMPARISON



— Filed
- - - Disposed

CIVIL AND CRIMINAL
SUPREME COURT TOTAL CASELOAD COMPARISON



————— Filed
----- Disposed

OFFICE OF STATE COURT ADMINISTRATOR

In 1977, there were a host of activities related to the area of court administration. With passage of the new judicial article occurring in September 1976, work commenced to implement this article. This included activities of the legislative subcommittee directed toward preparation of legislation for the 1979 legislative assembly for restructuring of the North Dakota judiciary. Work by the Rules Subcommittee included procedures for changes that can be effected by the judiciary, through the Supreme Court.

With additional funding received through a discretionary grant from the Law Enforcement Assistance Administration (LEAA), the planning effort initiated in 1976 was continued. The planning division provides staff assistance to a number of committees of the Supreme Court and has provided position papers on issues such as redistricting, rulemaking authority of the Supreme Court, and the procedure to be utilized by district courts in the adoption of local rules. The staff served in a costaff capacity with legislative council staff to a joint interim judicial, legislative committee. The interim committee will draft legislation for implementation of the judicial article in 1979.

Staff of the office of state court administrator prepared the first biennial North Dakota Judicial Master Program. Four specific goals were addressed in the Master Program and each of the goals were divided into more specific objectives which, in turn, were divided into a series of specific tasks. The Master Program provides guidelines for: implementation of programs to improve communications between the courts and citizens of North Dakota, the increase of professional excellence of all court personnel, the strengthening of the North Dakota judicial system, and the increase of accessibility to provide services of all courts to the public.

During the 1977 legislative session, funds for a new general purpose government building were approved. Funding provided for an identifiable portion of the building to be dedicated to the judicial branch of government. Collaboration with a local Bismarck architectural firm and Dr. Michael Wong, President of Space Management Consultants, Inc., continued toward the design of that portion of the building that will be used by the judicial branch of government.

Public Administration Services conducted a comprehensive court study during the year. The study included determining the number of employees at all levels of the judiciary, salary information, revenues taken in by various courts, and the cost of operating the courts. The data will assist a variety of committees in making decisions regarding the funding of the judiciary under the judicial article.

Judicial training programs were conducted for every level of the judiciary, court reporters, juvenile supervisors, and probation officers. Dur-

ing the year, 18 instate seminars were conducted for judges and support personnel. Over 440 North Dakota judges and staff were provided in excess of 4,850 manhours of training. To provide this training 53 individuals served as faculty for the instate seminars. This represented 15 North Dakota judges, 11 attorneys, nine court officers and support personnel, and six faculty from other organizations in the state. Twelve faculty members were from out of state.

Two video tapes on basic legal research and rules of evidence were produced for lay judges through Minot State College. Video tapes on hearsay and cross examination were purchased from the American Academy of Judicial Education. The discussion guides were rewritten on North Dakota Rules of Evidence procedures and citing North Dakota case law. The project was through the University of North Dakota School of Law.

Twenty-six judges and court officers attended a wide range of out-of-state educational programs. The programs ranged from four week general trial judges seminars, sponsored by the National Judicial College, to one week programs sponsored by this organization and specialty programs conducted by the American Academy of Judicial Education, and the Institute for Court Management.

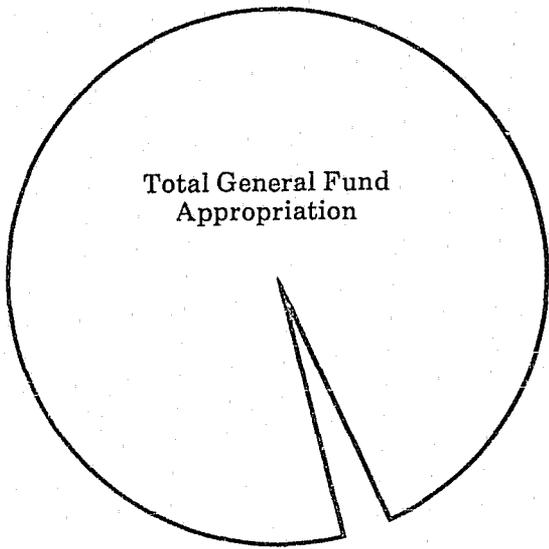
A complete analysis of the records management procedures of the Fargo Municipal Court was conducted by Peat, Marwick, Mitchell and Company. The project addressed current record-keeping practices in that court with recommendations to simplify and improve the recordkeeping consistent with their very rapidly increasing traffic caseload. In addition, record management procedures that could be utilized in other traffic courts throughout the state were developed and disseminated to all traffic courts in North Dakota.

Modifications were made to the district court case reporting component to provide more management information to the district judges and clerks of district court which were implemented statewide in November following the pilot project which represented a sample of the courts of the state.

Plans to develop a juvenile court case reporting component were initiated during the year. The bulk of the activity for the design and implementation of a case by case monitoring system for all juvenile court proceedings will occur in 1977.

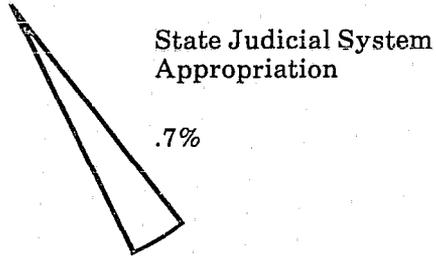
The list of activities engaged in during 1977 is not a comprehensive list of all the activities of the office of state court administrator. It does, however, highlight many of the undertakings of staff of the office. The judiciary has seen a need and is supportive of innovative programs to address problems faced by the judiciary in a rural setting. With the support of the supreme court and judicial council, North Dakota can continue to develop the programs to establish trends in the field of court administration.

**STATE JUDICIAL SYSTEM
APPROPRIATION REQUEST
1979-1981 BIENNIUM**



TOTAL GENERAL FUND APPROPRIATION
\$573,132,411

JUDICIAL SYSTEM APPROPRIATION
\$4,011,174



**DISTRIBUTION OF JUDICIAL APPROPRIATION
1979-1981 BIENNIUM**

SUPREME COURT:

\$1,873,038

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

DISTRICT COURT:

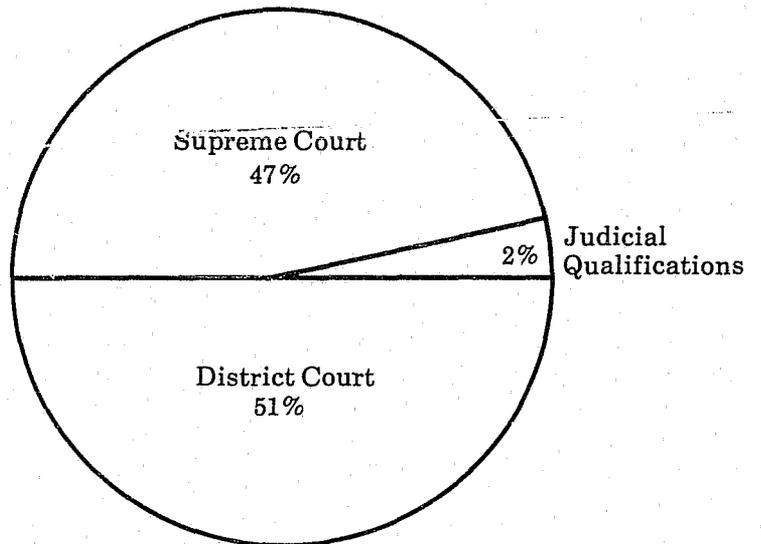
\$2,038,982

Includes: Judges' Salaries
Retirement
Travel and Per Diem

JUDICIAL QUALIFICATIONS COMMISSION

\$99,154

Includes: Disciplinary Board
Judicial Qualifications Commission



FEDERAL GRANT ASSISTANCE TO THE COURTS

In 1977 a number of programs for the judiciary were initiated or continued with the assistance of federal grant funds. The North Dakota Combined Law Enforcement Council (SPA) and the division of Highway Safety Programs of the North Dakota Highway Department provided federal grant assistance to the North Dakota Supreme Court for projects to address the impact of court unification, upgrade the judiciary and address training and education needs of judges and court officers. In addition to funds received directly by the supreme court, grant funds were also provided to district, county, and municipal courts in the state.

CALENDAR YEAR 1977

Law Enforcement Administration and The North Dakota Combined Law Enforcement Council Grants

Judicial Education \$61,994

There was an increase in instate training activities during 1977 over the previous year. Seven statewide seminars were conducted. In addition, seven regional seminars for municipal judges and four regional seminars for clerks of district court were held. Over 440 North Dakota judges and support personnel attended the programs. In excess of 4,850 manhours of instate training were provided. Thirteen judges and support personnel attended out-of-state programs through this grant.

The North Dakota Supreme and District Court judges hosted the 1977 Six State Judicial Conference. Over 100 judges and court administrative personnel from Alaska, Idaho, Montana, North Dakota, South Dakota, and Wyoming attended the four-day conference.

During the year, two video training tapes for lay judges were produced through the Multi Media Center at Minot State College. An overview of the North Dakota Rules of Evidence and An Introduction to Basic Legal Research are now available for local use. Video tape vignettes on hearsay and cross examination were purchased from the American Academy of Judicial Education. The accompanying discussion guides were rewritten based on North Dakota Rules of Evidence and appropriate North Dakota and Federal case citations.

Procedures Committee \$20,980

Third year funding was approved for activities of the Procedures Committee. The joint committee of the State Bar Association and the judiciary is charged with a continual update of various North Dakota procedural rules. Amendments to the Rules of Civil and Criminal Procedures were considered. Rules for mandatory continuing legal education were adopted as were Rules of Disciplinary Procedure. Staff counsel assisted in the preparation of procedures and appropriate forms for mental health hearings.

Court Planning \$85,899

Second year funding for the court planning division was received. During the year the Judicial Planning Committee reviewed and approved a

comprehensive biennial master program. The staff assisted in studies for the implementation of the judicial article, researched proposals for redistricting, and studied areas where change can be accomplished through the rule-making authority of the supreme court.

**Court Administrator,
Fourth Judicial District** \$21,115

Continuation funding was provided for the position of court administrator in the Fourth Judicial District. In 1977 a districtwide central calendaring system was instituted. Work on improved jury management procedures was addressed, a districtwide trial court planning capability was established, and Stutsman County received assistance for the assessment of a new courthouse.

Juvenile Court Case Reporting System \$9,143

Funds were received to design and implement a juvenile court reporting component. Presently, summary statistics on all juvenile court cases are reported to the Department of Social Services. The clerks of district court report all formal petitions filed through the district court case reporting system. These two reporting systems will be replaced by the new system. The new case-by-case monitoring system will fix accountability for statistics with the juvenile court. It will allow management reports to be generated statewide to assist personnel of the juvenile courts.

Jury Information Handbook \$4,232

A project to design a juror information handbook was initiated. The handbook will provide basic information for prospective jurors on the judicial system and their role as a juror. Once printed the handbook will be disseminated statewide.

Computer Assisted Legal Research \$20,128

The supreme court installed the West/Law system of automated legal research. The computer library contains headnotes and full text from the federal reporter systems from 1961 and recent decisions contained in regional reporter systems.

SUBTOTAL..... \$223,491

HIGHWAY SAFETY PROGRAMS

Judicial Education \$10,000

The supreme court received funds to assist in conducting instate and out-of-state training for courts with jurisdiction of traffic related cases. Specifically, seven regional one-day sessions were conducted for municipal judges. The regional sessions were complemented by a statewide one-day session. Four judges attended out-of-state specialty programs.

Uniform Records \$3,000

Funds to code traffic citations that were dismissed or where the defendant was acquitted was provided. The Division of Safety Responsibility enters all convictions. With the entry of acquittals and dismissals, complete statistics on criminal and non-criminal traffic disposition data is available.

Video Training Tapes \$7,000

During the year, two video training tapes were produced for use by lay judges. An introduction to legal research and an overview of the North Dakota Rules of Evidence were produced through Minot State College Multi Media Center.

Judicial Article Implementation \$40,000

A major undertaking in 1977 was a study of the traffic-related courts of North Dakota. Data was secured on the personnel, operating costs, and revenues of our state's traffic courts. This information will assist the various committees of the

judiciary and legislature in studying alternatives for court structure under the new judicial article.

Fargo Municipal Court

Records Management Project \$25,000

A complete analysis of the Fargo Municipal Court records system was conducted. Recommendations were made for the improvement of their system. A second phase of the project was the preparation of procedures and forms that can be used in other traffic courts in the state.

SUBTOTAL..... \$85,000

TOTAL \$308,491

DISTRICT COURTS

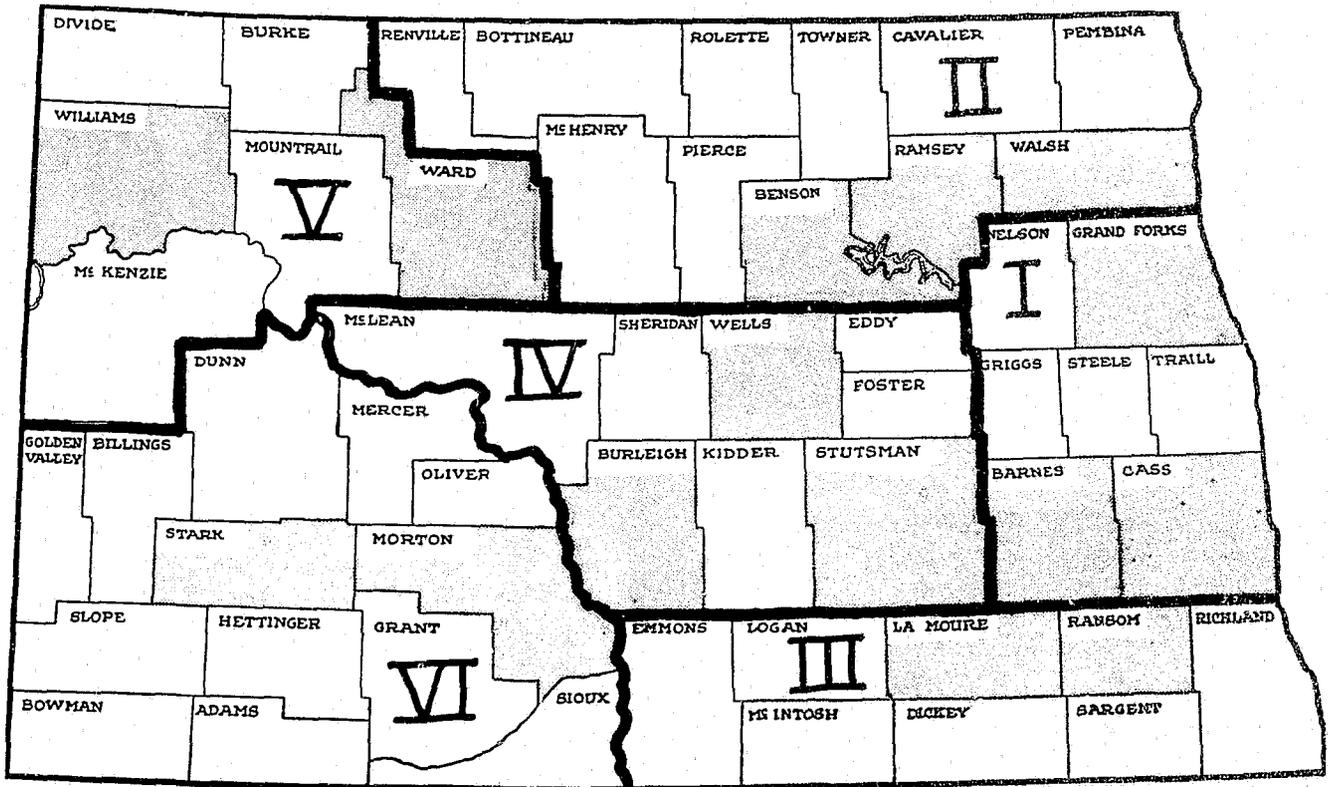
The district court of North Dakota has original jurisdiction of all cases, both civil and criminal, except as otherwise provided by law. The district court has original jurisdiction over all juvenile matters, as well as jurisdiction to hear and the power to issue original and remedial writs. All criminal 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 courts, county justice courts, and, in some cases, 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".

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 within their respective judicial district. The Supreme Court, in Administrative Order No. 1, named a presiding judge in each judicial district. 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

JUDICIAL DISTRICT NUMBER

COUNTY COURTS AND COUNTY JUSTICE COURTS

CIVIL CASELOAD

There has been continued increases in a number of civil case filings in district courts in North Dakota. The increases are resulting not only from increase in population, primarily in the larger cities, but also from increased governmental and commercial activities which now pervade our every day life.

In 1977 there were 8,881 civil cases filed in district court. Five years earlier in 1972, there were 5,739 civil cases filed. During this five-year period case filings have increased 54 percent. In 1976, 7,630 civil cases were filed. The one-year increase was 16 percent. The First Judicial District continues to have the highest volume of civil case activity in the state. In 1977, 3,731 cases were filed in this district. This represented 42 percent of the total civil case filings in the state.

There were 7,728 civil cases disposed of during the year. This compared with 6,784 cases disposed of in 1976 for a 13 percent increase in dispositions for the two years. Even more dramatic was the increase in dispositions or productivity from 1972. In 1972, the district courts disposed of 4,802. The disposition rate increased 33 percent over five years with no increase in the number of judges.

The number of civil cases pending provides some insight into the change in caseload of the

district courts. On December 31, 1977, there were 4,779 civil cases pending. This represented a 27 percent increase from 3,752 cases pending on December 31, 1976. Statewide, the number of civil cases pending on December 31, 1977, is 251 cases per judge. The First Judicial District had an average of 404 cases pending per judge for the highest number, and the Third Judicial District had 120 civil cases pending per judge.

The number of older civil cases increased quite dramatically during 1977. On December 31, 1976, there were 720 civil cases pending that were 18 months in age from date of filing. This number increased to 1,117 cases pending over 18 months of age on December 31, 1977, for a 55% increase in the older cases. This total does not include the few trust cases that are currently open over 18 months from the date of filing. This increase would suggest that there is a rather significant backlog developing in our district courts. Of the total 1,117 civil cases pending over 18 months, the highest number is in the First Judicial District with 471 cases, followed by the Fourth Judicial District with 275 civil cases pending. These two districts have 67% of the total number of civil cases pending.

**TABLE II
DISTRICT COURT CIVIL
FILINGS AND DISPOSITIONS
Calendar Year 1977**

	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.....	304	214	101	72	43	37	153	161	89	99	83	89	773	672
Collection Action.....	838	699	471	448	163	158	619	543	435	427	184	151	2710	2426
Real-Estate Matter....	144	106	70	56	76	91	63	60	121	101	74	70	548	484
Divorce.....	1092	938	238	234	130	126	461	432	466	484	213	179	2600	2393
Support Proceedings...	431	204	103	79	65	52	158	133	200	170	62	47	1019	685
Adoption.....	214	207	48	49	25	24	80	79	88	85	46	41	501	485
Appeal-Admin. Hearing.	7	12	4	4	2	0	28	43	6	7	5	5	52	71
Appeal-Other.....	12	11	6	6	3	3	6	12	8	10	8	4	43	46
Special Remedy.....	10	5	7	4	1	3	104	53	4	1	3	6	129	72
Trusts.....	15	10	5	0	2	2	2	1	9	2	8	2	41	17
Foreign Judgment.....	20	20	1	1	2	1	9	6	1	0	0	0	33	28
Other Civil.....	133	118	49	46	37	41	54	44	73	73	36	27	382	349
TOTAL.....	3220	2544	1103	999	549	539	1737	1567	1500	1459	722	621	8831	7728
Per Judge Average.....	644	508	367	333	274	269	579	522	500	486	240	207	464	406

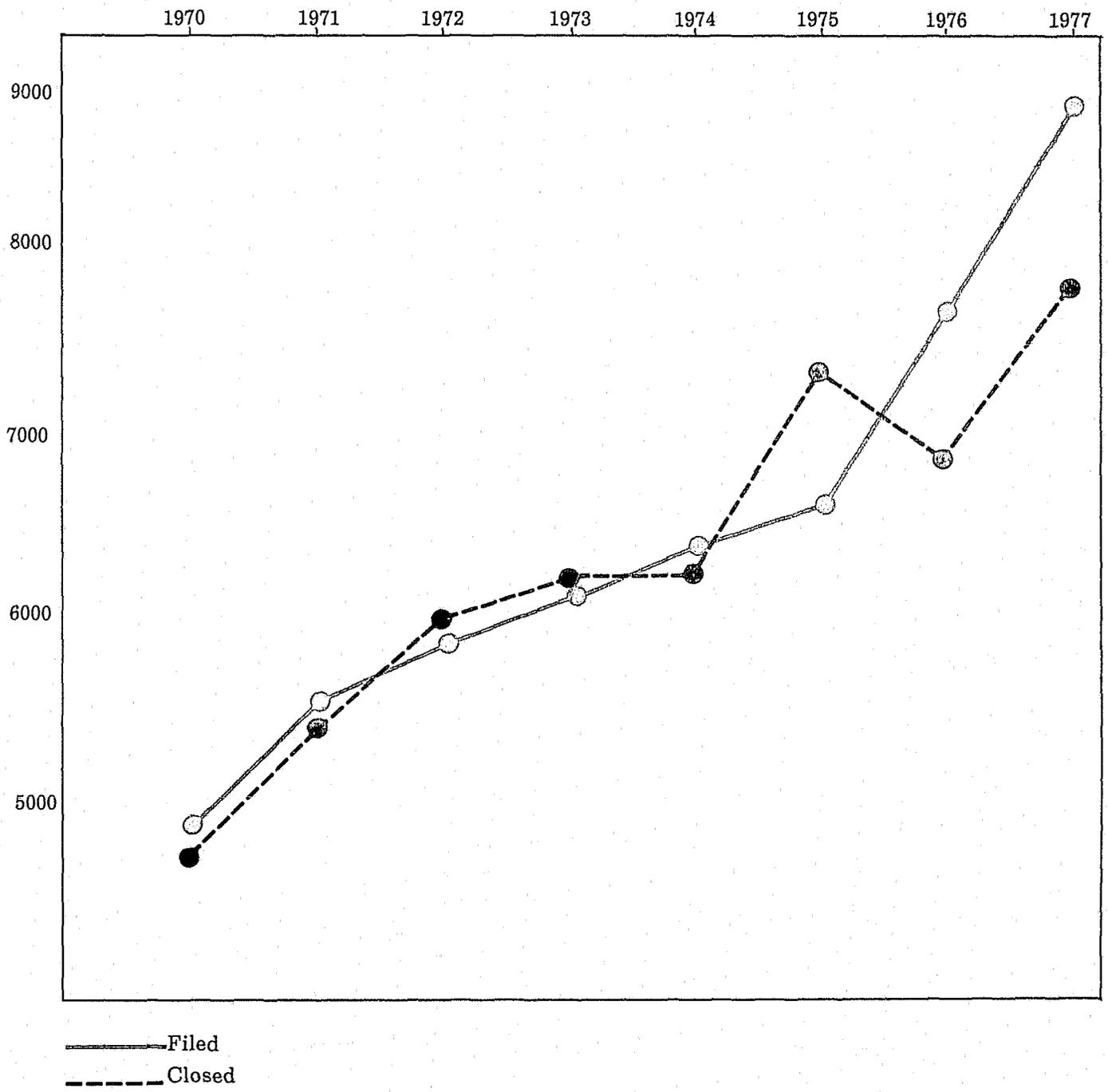
(F) — Filed (D) — Disposed

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

In the time period from 1970 through 1977, the district courts experienced a 77% increase in civil

filings. These figures reflect the number of filings and final dispositions.

CIVIL
DISTRICT COURT CASELOAD COMPARISON



CRIMINAL CASELOAD

In the area of criminal litigation, the vast majority of defendants enter the district court system after a criminal information has been filed by the state's attorney. The preliminary hearing is conducted by either a county justice or a county judge with increased jurisdiction. Only in very rare instances would a grand jury be impaneled. Statistics reported for criminal cases are on an individual case basis rather than an individual defendant basis. If two or more defendants are charged with a crime arising out of one incident the matter is handled as one case unless a decision is made by the district court to sever the case and try the defendants separately.

In the five year period from 1972 through 1977, the district courts had an increase from 903 criminal cases filed to 1,085 criminal cases filed.

This represented a 20 percent increase in the filings. The increase from 1976 to 1977 was from 1,054 criminal cases filed for a 2 percent increase.

On December 31, 1977, there were 166 criminal cases pending over 120 days from date of filing. This was an increase from 149 on the same date in 1976 for an 11 percent increase in the number of older criminal cases. The First and Fourth Judicial Districts make up approximately half of the total criminal filings in the state. During 1977 the First Judicial District had 294 criminal cases filed while the Fourth Judicial District had 278 criminal cases filed. Part of the reason that the Fourth Judicial District has such a high case volume is the fact that the State Penitentiary and State Farm are both located in this district.

**TABLE III
DISTRICT COURT CRIMINAL
CASE FILINGS AND DISPOSITIONS
Calendar Year 1977**

	First Judicial District (F) (D)		Second Judicial District (F) (D)		Third Judicial District (F) (D)		Fourth Judicial District (F) (D)		Fifth Judicial District (F) (D)		Sixth Judicial District (F) (D)		Statewide (F) (D)	
Felony A.....	7	6	3	2	0	0	4	4	5	5	0	1	19	18
Felony B.....	42	44	14	15	15	15	46	48	20	27	11	18	148	167
Felony C.....	215	196	105	97	41	40	182	145	111	114	80	88	734	680
Misdemeanor A.....	0	2	4	3	2	2	1	1	7	11	4	6	18	25
Misdemeanor B.....	1	1	3	4	2	1	1	1	3	2	5	5	15	14
Infraction.....	0	0	0	0	0	0	0	0	0	0	2	4	2	4
Special Remedy.....	1	1	0	0	1	1	8	9	0	0	2	2	12	13
Appeal.....	19	16	15	14	14	12	33	28	6	10	13	14	100	94
Other Criminal.....	9	12	12	11	0	0	3	8	8	8	5	6	37	45
TOTAL.....	294	278	156	146	75	71	278	244	160	177	122	144	1085	1060
Per Judge Average...	58	55	52	48	37	35	92	81	53	59	40	48	57	55

(F)—Filed (D)—Disposed

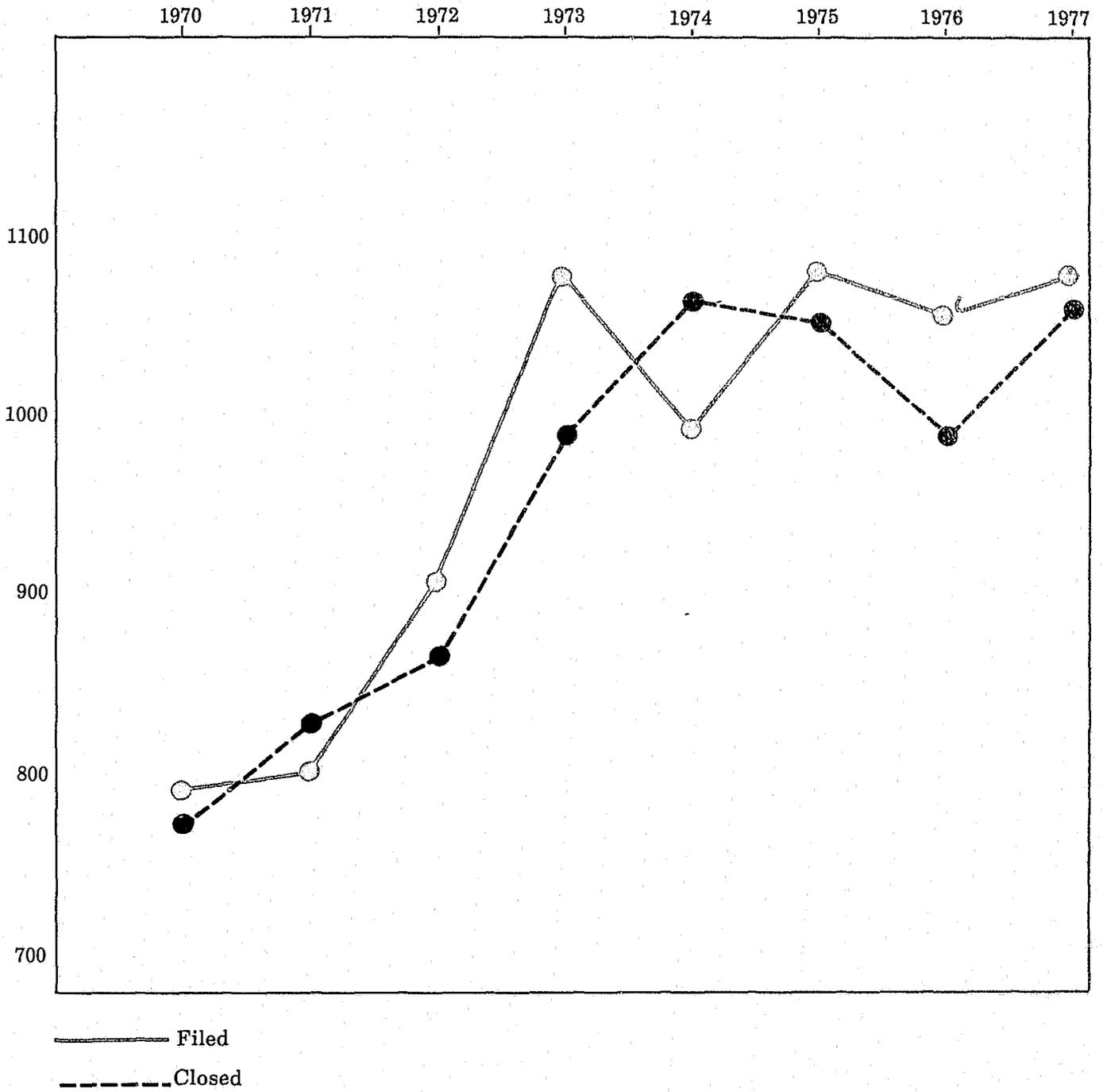
Source: District court case reporting system — Office of State Court Administrator

METHOD OF DISPOSITION

Judgment on Guilty Plea.....	382
Judgment After Trial	
Court-Guilty.....	219
Court-Acquittal.....	2
Jury-Guilty.....	35
Jury-Acquittal.....	14
Dismissal.....	200
Post Conviction Remedy.....	4
Change of Venue.....	4
Other.....	200
TOTAL CRIMINAL DISPOSITIONS.....	1060

Few criminal trials are before a jury. In 1977, of the 1060 criminal cases disposed of, only 80 were tried to a jury.

CRIMINAL
DISTRICT COURT CASELOAD COMPARISON



JUVENILE CASELOAD

One of the most significant activities performed by the district courts in terms of long-range impact of criminal recidivism is the courts role in the juvenile justice area. In North Dakota, the juvenile courts 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 jurisdiction over any juvenile who is alleged to be either deprived, unruly, or delinquent. Since the juvenile court system 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. In addition to juvenile supervisors, district judges may appoint probation officers as provided in Section 27-20-07, NDCC.

Statistics contained in this annual report are of formal juvenile proceedings that have been filed with the clerk of district court.

In the time period from 1972 through 1977, the district courts experienced a 43 percent increase in formal juvenile case filings. The filings increased from 802 to 1,149. In 1976 there were 1,001 formal juvenile actions filed. This means there was a 14 percent increase from 1976 through 1977. It should be noted as is the case with criminal actions, juvenile proceedings are handled very expeditiously. While there were 1,085 juvenile cases filed, there were 1,060 disposed of during the year.

On December 31, 1976 there were 85 formal juvenile actions that were 120 days in age from the date the petition was filed with the clerk of court. This increased to 123 on December 31, 1977 for a 44 percent increase. While there was a substantial increase in the number of cases over 120 days in age, it should be noted that all juvenile cases must be heard by the juvenile court within 30 days of the date the petition has been filed unless a motion is made to the district court for an extension of time in the matter.

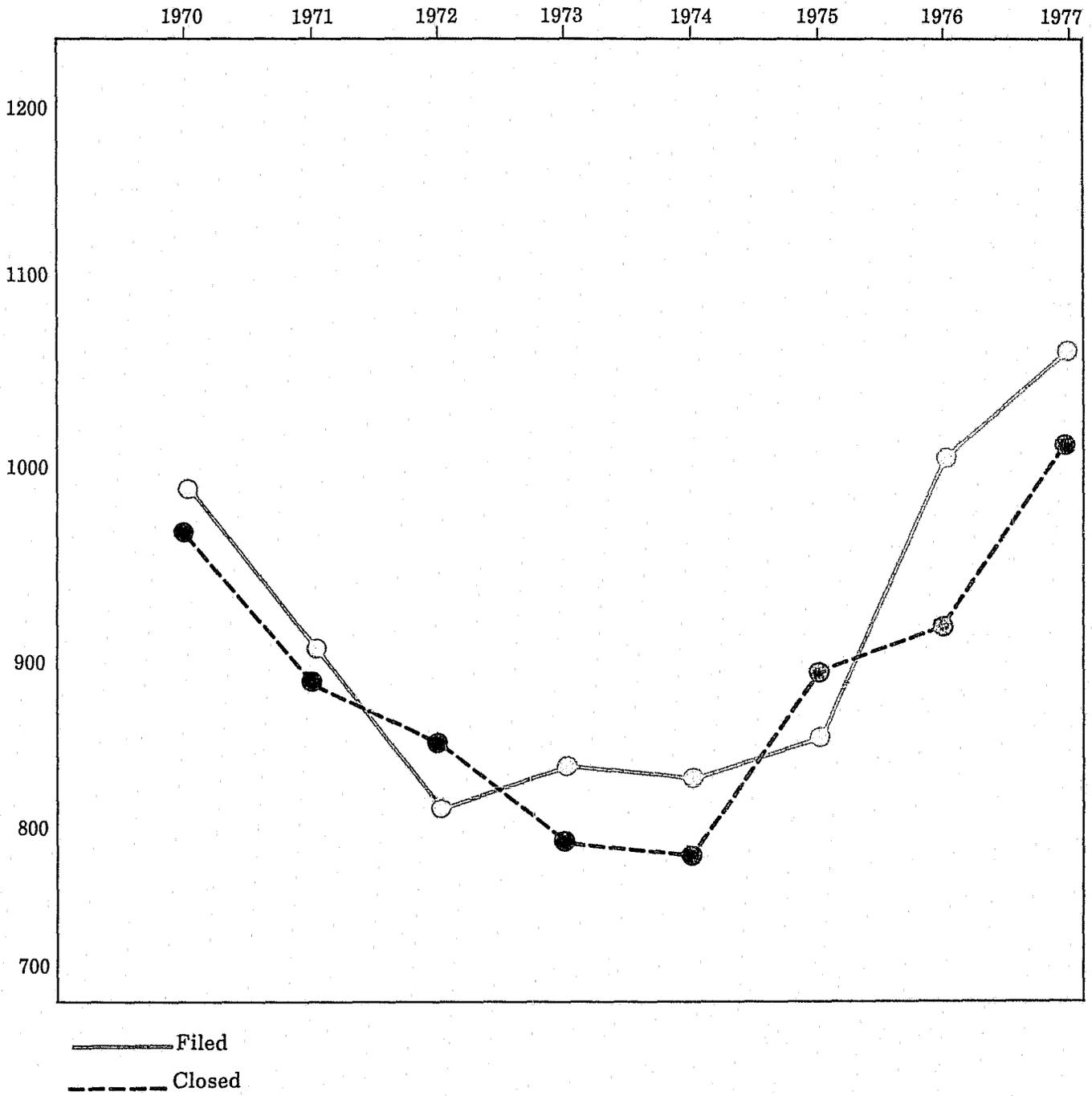
**TABLE IV
FORMAL JUVENILE CASE
FILINGS AND DISPOSITIONS
Calendar Year 1977**

	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)
Delinquency.....	262	244	75	72	50	45	78	76	52	52	25	24	542	513
Unruly.....	120	100	27	24	13	13	42	39	24	22	11	12	237	210
Deprived Child.....	58	43	20	17	9	8	9	6	45	47	18	13	159	134
Special Proceedings...	2	3	1	1	4	1	0	0	1	0	0	0	8	5
Termination of														
Parental Rights.....	83	81	11	8	4	4	29	29	38	38	10	11	175	171
Other Juvenile.....	4	4	3	3	0	1	16	13	3	5	2	0	28	26
TOTAL.....	529	475	137	125	80	72	174	163	163	164	66	60	1149	1059
Per Judge Average....	105	95	45	41	40	36	58	54	54	54	22	20	60	55

(F)—Filed (D)—Disposed

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

FORMAL JUVENILE PROCEEDINGS
DISTRICT COURT CASELOAD COMPARISON



TOTAL DISTRICT COURT CASELOAD

In the time period from 1972 through 1977, the district courts experienced a 49 percent increase in the total filings. During this same period the number of dispositions increased by 31 percent from 7,500 in 1972 to 9,847 in 1977. Even though the productivity of the judges has increased, the workload is increasing at a more rapid rate. This means that the district courts are not able to keep up with the significant increase in workload and the backlog is beginning to develop especially in the First Judicial District. The problem of the increasing workload may be addressed through a change in

the district boundaries to more adequately balance the workloads throughout the state.

The statistics contained within this section of the report must be viewed with some caution as the figures presented do not take into consideration travel time of judges, length of trials conducted, administrative matters that judges must address, and other considerations. They do, however, give some benchmark of problems that relate to present judicial district boundaries and the workload situation.

**TABLE V
DISTRICT COURT
Calendar Year 1977
WORKLOAD STATISTICS**

Jud. Dist.	No. of Counties	Population*	No. of Judges	Average No. of Cases Disposed of Per Judge in 1977	No. Cases Pending Per Judge on Dec. 31, 1977
1st	7	182,200	5	659	453
2nd	11	106,700	3	423	173
3rd	8	61,000	2	340	143
4th	8	106,300	3	658	356
5th	6	104,400	3	600	233
6th	13	82,500	3	275	183
STATEWIDE AVERAGE				518	283

*July 1976 estimate of North Dakota population prepared by the United States Bureau of the Census.

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

**TABLE VI
DISTRICT COURT
TOTAL CASES FILED AND
DISPOSED OF IN 1977**

	First Judicial District (F) (D)	Second Judicial District (F) (D)	Third Judicial District (F) (D)	Fourth Judicial District (F) (D)	Fifth Judicial District (F) (D)	Sixth Judicial District (F) (D)	Statewide (F) (D)
Total Civil, Criminal, and Juvenile Cases	4043 3297	1396 1270	704 682	2189 1974	1823 1800	910 825	11065 9847

(F) — Filed (D) — Disposed

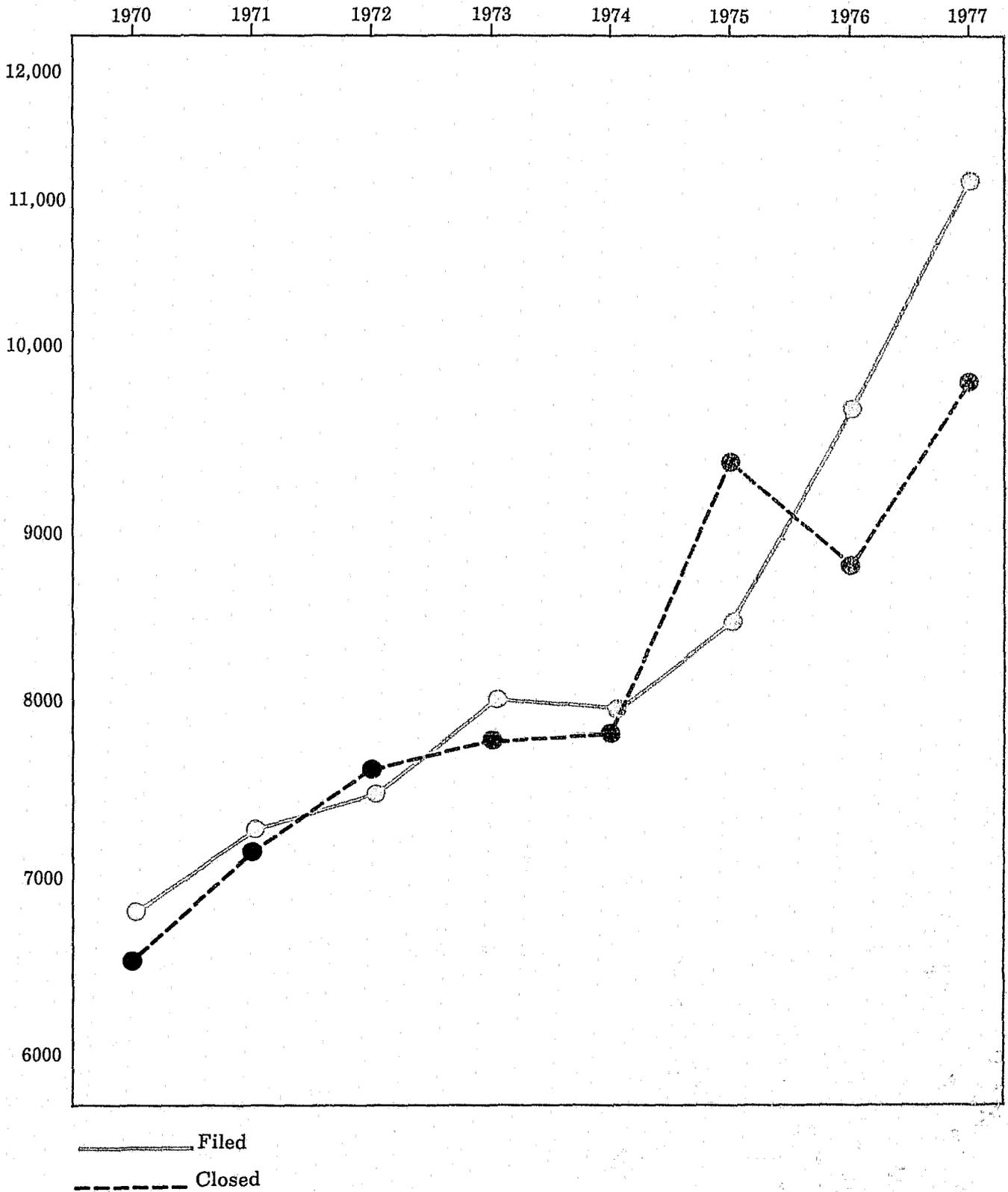
Source: District court case reporting system — Office of State Court Administrator.

**TABLE VII
DISTRICT COURT
TOTAL CASES PENDING ON
DECEMBER 31, 1977**

	First Judicial District	Second Judicial District	Third Judicial District	Fourth Judicial District	Fifth Judicial District	Sixth Judicial District	Statewide
Total Cases Pending . . .	2269	519	287	1068	699	549	5391

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

TOTAL DISTRICT COURT CASELOAD
COMPARISONS
Civil, Criminal, and
Juvenile Proceedings



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. 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. 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.

The number of preliminary hearings conducted in felony matters increased slightly in 1977. The increase was from 821 cases in 1976 to 838 cases in 1977. During 1977 there were 11,030 misdemeanor

cases filed compared to 9,939 in 1976 for a 10 percent increase. The disposition rate fell slightly from 8,616 cases in 1976 to 8,538 cases in 1977. During 1977 there were a total of 42,032 non-criminal traffic cases disposed of. This compared to 30,031 cases being disposed of in 1976. The highest volume of non-criminal cases being processed occurred in Grand Forks County. While many traffic cases are disposed of with a bond forfeiture, the volume still represents a 39 percent increase over 1976 and impacts significantly on the administration of the courts. One reason for the dramatic increase in non-criminal traffic cases processed by our county courts with increased jurisdiction is that the 1977 Legislative Assembly removed traffic cases from juvenile courts where the juvenile has either a drivers permit or license and gave the jurisdiction to the municipal and county courts.

There were 2,929 civil cases filed in 1977 compared to 2,736 filed in 1976. The county courts with increased jurisdiction disposed of 2,808 civil cases compared to 2,647 in 1976 for a 6 percent increase in the number of dispositions. It should be noted that 58 percent of the civil cases filed in 1977 were filed in Burleigh County. The reason for this occurring is that three collection agencies maintain offices in Bismarck. However, in March, 1978, civil cases are to be filed in the county of residence of the defendant. In future years there will be a more equitable distribution of civil case filings statewide because of this action.

In 1977 there were 3,220 small claims actions filed compared to 1,090 in 1976 for a 195 percent increase. The county courts with increased jurisdiction disposed of 3,094 small claims cases compared to 1,080 in 1976. One reason for the significant increase in the filings of small claims actions may be that effective July 1, 1977 the small claims jurisdiction of the county courts with increased jurisdiction was increased from \$500 to \$1,000.

TABLE VIII
COUNTY COURTS WITH INCREASED JURISDICTION
CASE FILINGS AND DISPOSITIONS
CALENDAR YEAR 1977

	Felony		Misdemeanor		Non-Criminal Traffic			Civil		Small Claims	
	(F)	(D)	(F)	(D)	Convictions	Acquittals	Dismissals	(F)	(D)	(F)	(D)
Barnes	54	41	674	567	1851	6	8	12	10	313	260
Benson	5	4	233	200	870	6	15	15	11	50	18
Burleigh	158	145	707	651	3383	34	39	1697	1656	430	409
Cass	156	126	1819	1229	4606	50	58	261	236	789	783
Grand Forks	199	114	1544	1172	6127	37	42	147	133	376	341
LaMoure	1	1	43	42	525	4	1	1	1	34	33
Morton	35	35	360	357	3059	0	2	23	18	282	282
Ramsey	24	21	936	800	2420	26	52	15	14	124	114
Ransom	13	13	344	281	773	10	8	9	9	33	30
Stark	48	33	660	532	3378	33	11	99	82	187	182
Stutsman	96	89	809	757	3494	2	1	38	36	137	130
Walsh	40	35	719	696	2293	27	21	0	0	201	206
Ward	162	145	1111	968	5278	61	71	511	505	280	276
Wells	0	0	408	407	298	0	0	0	0	240	21
Williams	40	36	933	879	3035	9	8	101	97	10	9
TOTAL	1031	838	11030	8538	41390	305	337	2929	2808	3270	3094

(F)—Filed (D)—Disposed

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

TABLE IX
COUNTY COURTS WITH
INCREASED JURISDICTION
CASE FILINGS AND DISPOSITIONS
Calendar Year 1977

	Probate		Guardianship/Conservatorship		Mental Health Hearings Held	Emergency Commitments	Total
	F	D	F	D			
Barnes	60	13	7	17	0	12	12
Benson	41	6	3	1	6	2	8
Burleigh	146	94	20	26	38	35	73
Cass	245	126	61	56	52	127	179
Grand Forks	172	71	30	34	67	15	82
LaMoure	45	83	3	3	1	3	4
Morton	71	22	11	1	20	4	24
Ramsey	79	96	12	8	4	4	8
Ransom	49	13	3	1	7	3	10
Stark	86	24	1	0	16	0	16
Stutsman	117	45	11	0	118	14	132
Walsh	98	65	11	9	58	5	63
Ward	200	145	28	32	58	17	75
Wells	57	12	7	1	3	3	6
Williams	144	22	10	2	38	4	42
TOTAL	1610	842	218	191	486	248	734

(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.

Effective July 1, 1977 the jurisdiction of small claims court was increased from \$200 to \$500. This may indicate why the number of filings increased from 270 in 1976 to 906 in 1977 for a 235 percent increase. The number of civil case filings decreased from 163 in 1976 to 60 in 1977. The reason for the reduction in civil case filings may be due in part to the fact that county justice courts only have the \$200 limit.

During 1977, the thirty-eight county justice courts in the state disposed of 270 preliminary hearings. This was an increase from 228 in 1976 for an 18 percent increase. The number of filings increased from 289 in 1976 to 344 in 1977. There were 5,291 misdemeanor cases filed compared to 4,498 in 1976 for a 17 percent increase. During the same period, county justice courts disposed of 4,722 misdemeanor cases compared to 4,028 in 1976.



TABLE X
COUNTY JUSTICE COURT
CASE FILINGS AND DISPOSITIONS
Calendar Year 1977

	Felony		Misdemeanor		Non-Criminal Traffic			Civil		Small Claims	
	F	D	F	D	Convictions	Acquittals	Dismissals	F	D	F	D
Adams.....	3	3	37	37	375	6	9	9	9	10	10
Billings.....	8	8	33	28	245	0	1	0	0	3	3
Bottineau.....	14	10	115	79	565	4	16	0	0	52	4
Bowman.....	4	4	58	55	329	3	2	0	0	0	0
Burke.....	3	3	437	435	297	0	3	8	8	0	0
Cavalier.....	3	3	96	94	705	24	22	0	0	10	5
Dickey.....	10	10	55	55	583	2	6	0	0	58	41
Divide.....	2	2	49	47	274	8	4	0	0	0	0
Dunn.....	1	1	59	55	222	2	5	0	0	12	11
Eddy.....	9	8	12	10	114	1	4	0	0	21	18
Emmons.....	4	4	105	104	254	2	1	0	0	25	24
Foster.....	2	2	32	25	308	0	0	0	0	15	15
Golden Valley.....	0	0	1	1	553	3	3	0	0	27	27
Grant.....	3	3	75	75	176	0	2	0	0	20	20
Griggs.....	8	7	309	284	633	0	3	0	0	9	7
Hettinger.....	6	5	196	192	122	1	9	0	0	15	15
Kidder.....	4	2	59	55	370	3	5	0	0	15	15
Logan.....	1	1	27	27	137	1	1	0	0	11	11
McHenry.....	43	32	240	205	835	2	6	0	0	48	43
McIntosh.....	8	7	83	72	514	1	0	0	0	7	7
McKenzie.....	20	10	297	203	580	2	8	0	0	49	40
McLean.....	17	14	284	264	1537	21	34	0	0	26	25
Mercer.....	22	21	171	153	362	4	8	2	1	18	15
Mountrail.....	3	3	212	211	689	6	4	0	0	10	8
Nelson.....	11	8	164	159	780	9	21	0	0	3	3
Oliver.....	6	4	109	94	175	1	2	4	3	0	0
Pembina.....	27	20	72	62	752	11	18	4	4	20	20
Pierce.....	25	19	343	261	604	3	3	0	0	86	80
Renville.....	0	0	16	43	153	2	0	0	0	5	5
Richland.....	29	22	321	242	1910	10	14	0	0	111	98
Rolette.....	25	14	513	443	479	8	18	0	0	98	93
Sargent.....	0	0	374	361	247	3	3	32	29	29	28
Sheridan.....	6	6	36	36	58	0	0	0	0	14	14
Sioux.....	0	0	3	3	2	0	0	0	0	5	4
Slope.....	1	1	20	20	88	1	1	0	0	0	0
Steele.....	0	0	13	13	236	2	2	0	0	5	7
Towner.....	1	1	114	114	414	4	0	1	1	2	2
Trail.....	15	12	151	136	477	2	1	0	0	67	70
TOTAL.....	344	270	5291	4722	17154	152	239	60	55	906	788

(F) — Filed (D) — Disposed

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

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 County voters elected to increase their courts jurisdiction 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. At the present time there is one law-trained county judge.

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 will not be heard by the county judge any longer. The new legislation provides for more astringent requirements for a person to be committed through emergency commitment procedures. As a result, it can be anticipated that the number of emergency commitments will decrease significantly.

Following are statistics for calendar year 1977.

TABLE XI
COUNTY COURT
CASE FILINGS AND DISPOSITIONS
Calendar Year 1977

	Probate		Guardianship/Conservatorship		Mental Health Hearings Held	Emergency Commitments	Total
	F	D		D			
Adams.....	38	13	1	0	0	4	4
Billings.....	12	6	1	0	0	0	0
Bottineau.....	67	65	10	4	11	2	13
Bowman.....	39	28	3	0	3	2	5
Burke.....	38	24	1	0	1	1	2
Cavalier.....	61	34	5	0	2	0	2
Dickey.....	48	11	2	1	7	1	8
Divide.....	50	40	8	3	3	1	4
Dunn.....	33	18	5	4	0	0	0
Eddy.....	13	28	1	7	3	2	5
Emmons.....	34	21	10	7	0	0	0
Foster.....	27	9	0	0	0	2	2
Golden Valley.....	40	19	2	16	1	1	2
Grant.....	31	32	1	0	0	0	0
Griggs.....	39	18	39	18	0	2	2
Hettinger.....	38	12	8	0	4	0	4
Kidder.....	26	11	5	4	0	1	1
Logan.....	19	19	0	0	4	1	5
McHenry.....	58	63	5	5	2	1	3
McIntosh.....	20	9	0	0	0	0	0
McKenzie.....	71	41	3	3	2	5	7
McLean.....	73	31	12	4	1	4	5
Mercer.....	53	24	6	2	0	2	2
Mountrail.....	71	53	10	7	0	0	0
Nelson.....	31	30	3	0	2	2	4
Oliver.....	11	36	2	0	1	2	3
Pembina.....	82	88	7	7	4	1	5
Pierce.....	41	23	7	8	5	6	11
Renville.....	41	1	2	1	0	0	0
Richland.....	72	42	44	5	4	15	19
Rolette.....	29	14	3	11	5	0	5
Sargent.....	47	42	2	0	2	5	7
Sheridan.....	26	16	1	1	0	0	0
Sioux.....	9	9	0	0	0	0	0
Slope.....	21	8	6	6	0	2	2
Steele.....	20	2	0	0	0	0	0
Towner.....	31	20	3	1	5	0	5
Trail.....	68	31	2	0	1	3	4
TOTAL.....	1498	991	220	125	73	68	141

(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.

At the present time there are 359 incorporated municipalities in North Dakota. Of this number, 181 have municipal courts. There are 163 judges serving these municipalities. Seventeen of the municipal judges are attorneys. 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 1977 the traffic-related caseload varied from one case in very small municipalities to 6,600 cases in Minot. There were 41,014 traffic related cases disposed of statewide. The four largest cities of Bismarck, Fargo, Grand Forks, and Minot, disposed of 22,560 of these cases, or 55 percent of the total number of traffic-related cases. As can be seen from the data, non-criminal administrative traffic cases make up the majority of the judicial volume. Bond forfeitures account for the largest part of the cases processed by the municipal courts.

Following is a breakdown of the traffic cases processed by the nine largest municipalities in the state. These municipalities process 64 percent of the entire criminal traffic caseload. They also process 73 percent of the entire non-criminal traffic caseload in the state.

TABLE XII
SELECTED MUNICIPAL COURT STATISTICS
TRAFFIC CASE DISPOSITIONS
Calendar Year 1977

Municipalities With Highest Case Volume	CRIMINAL DISPOSITIONS				NON-CRIMINAL DISPOSITIONS			
	Convictions	Acquittals	Dismissals	Total	Convictions	Acquittals	Dismissals	Total
Bismarck	275	7	8	290	3438	45	42	3525
Devils Lake ..	130	0	0	130	771	0	0	771
Dickinson . . .	48	0	2	50	1009	6	11	1026
Fargo	239	0	0	239	5418	2	1	5421
Grand Forks .	540	9	12	561	5465	181	278	5924
Jamestown . . .	132	10	2	144	1593	63	35	1691
Mandan	216	8	4	228	1089	11	13	1113
Minot	369	12	24	405	5792	180	223	6195
Williston	188	0	1	189	1609	7	10	1626
TOTAL . . .	2137	46	53	2236	26184	495	613	27292

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

TABLE XIII
TOTAL NUMBER OF TRAFFIC RELATED
CASES PROCESSED STATEWIDE
Calendar Year 1977

CRIMINAL TRAFFIC CASES		NON-CRIMINAL TRAFFIC CASES	
Convictions	3328	Convictions	36,061
Acquittals	66	Acquittals	635
Dismissals	90	Dismissals	834
TOTAL	3484	TOTAL	37,530

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

FOURTH JUDICIAL DISTRICT TRIAL COURT ADMINISTRATIVE ACTIVITIES

In 1977, the Fourth Judicial District implemented several new administrative programs which have proven to be both innovative and supportive of the concept of trial court administration. The programs were developed because of a demonstrated need for improvement in each area that changes were made.

Management planning on the local trial court level has not in the past been a recognizable activity. With the advent of a formal planning process on the state level, the judges within the Fourth Judicial District embarked upon a formal planning activity on the local level. The presiding judge spearheaded the process by forming a Fourth Judicial District Advisory Board comprised of the six full-time judges (district and county court with increased jurisdiction) within the district and three attorneys appointed from three geographical areas within the district. A biennium management plan was developed and the board approved an implementation schedule. In addition to the formalized planning process, the advisory board meets quarterly to discuss common problems and alternative solutions. One of the primary administrative effects of this program has been to bring the judges together to form a team approach to management within the district.

The second administrative program which has had a significant effect on the court is in the area of jury management. The judges, realizing that jurors are one of the single most important areas of public relations for the courts, have established several procedures directed toward improving the image of the court. One procedure is providing the jurors with a "Certificate of Appreciation". Along with the certificate, the jurors are asked to fill out a Jury Exit Questionnaire which is designed to monitor the impressions of jurors and solicit their candid remarks concerning the improvement of jury service. Jurors are also furnished a Jury Information Sheet which outlines practical information often requested by them such as length of service, court hours, parking, available facilities, jury fees, and etc. This information sheet helps orientate the jurors and answer many of their questions prior to when they have to report. Another important pro-

cedural change deals with the jurors length and time of service. Since panels of jurors are called each month, the court has liberalized its temporary excuse policy in order to accommodate the jurors schedule as much as possible. If a juror requests to be excused from a panel because of normal inconveniences such as vacation plans or business trips, he or she is usually temporarily excused for one or two months with the understanding that they will be required to report for jury duty later. This gives individual jurors an opportunity to schedule their personal and business affairs around the court schedule. In conjunction with this, jurors are required to be "on call" for only one month regardless of the number of times they had to report. However, since the court has a fairly high rate of settlement prior to trial, some jury panels are required to come in only a couple of times during the month. At the end of each month the court offers the juror a choice of whether or not they wish to extend their duty for another month. The jury panel is then supplemented with new names for those who are excused so that a number of new jurors are exposed to the Court system each month.

In 1977, the Fourth Judicial District investigated the feasibility of implementing a completely centralized calendaring operation managed by the district court administrator's office. This procedure has been established as of January 1, 1978, in conjunction with abolishing the set terms of court in all eight counties within the district in favor of a continuous court and jury term. The purpose of this new calendaring procedure is to provide faster trial service to the nonchambered counties and make better use of judge time. Under the district-wide continuous court and jury term policy, a centralized calendaring operation was necessary in order to monitor all cases within the district and in order to adjust judge workload when necessary. It is too early to tell the full impact that this procedure will have, however, it is anticipated that a smoother caseflow will result along with faster disposition rate of cases particularly in the nonchambered counties.

SUPREME COURT LAW LIBRARY

The past year was a busy year for staff of the Supreme Court Law Library. One of the projects undertaken was the design and implementation of a new recordkeeping system for insurance and replacement costs of texts contained within the library. A second undertaking was the design of a new bookkeeping system for the exchange of government depository material. The feasibility of an automated law library inventory system was explored during 1977. Based on the feasibility study, staff will work with Central Data Processing to design and implement an automated book control system to assist in the inventory process of the law library.

The Supreme Court Law Library and the University of North Dakota Law School Library have an interlibrary loan agreement. Law reviews that are not purchased and inventoried in the Supreme Court Library are usually available through the law school library. This interlibrary loan arrangement has worked well for not only the court but other state agencies located in the capitol building. With limited resources greater accessibility to certain texts can be achieved.

During 1977, West/Law, an automated legal research system, was installed for use by supreme court justices and their law clerks. The computer terminal is located on the second floor of the law library. The terminal is connected through telephone lines to West Publishing Company in St. Paul, Minnesota.

The Supreme Court Law Library maintains catalogs of research material by subject and author/publisher to assist researchers in locating pertinent documents for research purposes. At the end of 1977, the library holdings were as follows:

Bound volumes	58,745
Paperback volumes	27,883
Law reviews (34)	650
Microfiche	150
Tape cassettes	73

The library has current codes from 46 states. Codes are not currently available from the states of Georgia, Louisiana, New Jersey, and West Virginia. The four states just cited do not have extra volumes of their codes for exchange with other states.

In 1977, \$28,792 was expended to purchase resources for the law library. Of the total, \$26,590 was used for hard-bound law books. Expenditures to maintain subscriptions to law-related periodicals during 1977 totaled \$2,202.

With plans to move into the new supreme court building in 1980, the shortage of space of the library will be alleviated. The new accommodations will allow the Supreme Court Law Library to grow with the state of North Dakota. Modern facilities for staff of the supreme court, governmental agency use, and an increase in the research materials will be available.

JOINT PROCEDURE COMMITTEE

The Joint Procedure Committee is composed of ten judges, representing the State Judicial Council, and ten attorneys representing the State Bar Association. It is chaired by Associate Justice Paul M. Sand, North Dakota Supreme Court, and employs full-time staff counsel. 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...." It is the informed implementation of this rulemaking power which forms the basis of committee responsibilities. Its duties include study, discussion, and revision, if necessary, of the procedural rules of North Dakota, including the North Dakota Rules of Civil Procedure, the North Dakota Rules of Criminal Procedure, the North Dakota Rules of Appellate Procedure, and the recently promulgated North Dakota Rules of Evidence.

Early in the year, the committee and staff took steps to familiarize the judiciary and the bar with the North Dakota Rules of Evidence, which became effective February 15, 1977. Members of the committee, in conjunction with the court administrator's office, presented a seminar on the Rules of Evidence for all supreme court, district court, and county court with increased jurisdiction

judges. In addition an overview of the Rules of Evidence was prepared by the staff and published in "The Gavel," official newsletter of the State Bar Association.

The procedural effects of certain statutes passed by the 1977 Legislative Assembly were studied and action was taken by the Supreme Court. Statutory change often necessitates procedural change. Amendments to Rules 38 and 48, N.D.R.Civ.P., and Rule 23, N.D.R.Crim.P., have been promulgated by the supreme court in response to the statutory six-person jury options now found in §§ 28-14-03.1 and 29-17-12, NDCC.

The North Dakota appellate process, as codified in the North Dakota Rules of Appellate Procedure, has been the subject of extensive study by the committee. At the time of promulgation of these rules in 1972, no specific procedural statutes were superseded by the supreme court. The committee has reviewed and will recommend supreme court action on all statutes which are inconsistent with present appellate practice. In addition, certain rules are under study for revision in light of the increasing appellate caseload and the need for clear, cogent appellate rules. Final action by the Joint Procedure Committee and a hearing in the supreme court can be expected sometime in 1978.

DISCIPLINARY BOARD OF THE SUPREME COURT

In 1977 the North Dakota Supreme Court adopted new Rules of Disciplinary Procedure which became effective July 1, 1977.

A Disciplinary Board comprised of six lawyers and three non-lawyers replaces the former six lawyer-member Grievance Commission. The Board is charged with the responsibility of investigating the professional conduct of lawyers in this state.

Complaints against attorneys are initially investigated by an Inquiry Committee of the State Bar Association. Under the new rules, complaints may be dismissed at the committee level if the investigation discloses no evidence to support a charge of misconduct. Only those complaints which a committee determines require further disciplinary action are considered by the Disciplinary Board.

If a proceeding reaches the formal stage, the new rules provide that the Disciplinary Board assign a hearing body to conduct hearings into the charges of misconduct. The hearing body may consist of a three-member hearing panel of the Disciplinary Board, the Board as a whole, or a hearing officer designated by the Board.

Recommendations for public forms of discipline

such as public reprimand, suspension or disbarment are referred by the Board to the Supreme Court for final action.

Following is a review of the Disciplinary Board activity for the year 1977.

COMPLAINTS PENDING

JANUARY 1, 1977 17

COMPLAINTS FILED DURING 1977:

Neglect, delay or incompetent representation.....18
 Excessive fees or failure to account for expenses.....6
 Failure to communicate4
 Probate problems.....14
 Conflict of interest, multiple clients.....8
 Threats, improper conduct10

TOTAL.....77

DISPOSITION OF COMPLAINTS

Dismissed.....52
 Private reprimand.....8
 Formal proceeding.....1
 Suspension.....3
 Pending.....13

TOTAL.....77

JUDICIAL QUALIFICATIONS COMMISSION

The year 1977 saw the joint funding of the Judicial Qualifications Commission with the Disciplinary Board of the Supreme Court by the State Bar Association of North Dakota and by the state itself. The joint staff offices for these two bodies moved from the former Rosser Avenue location to a Fourth Street address, sharing space with the new Bar Association offices.

Although only thirteen new complaints were received in 1977 by the Commission, for the first time in its history the Commission initiated a formal proceeding against a North Dakota judge. This proceeding had not come to a conclusion by the end of the year.

Mr. LeRoy Loder, the first chairman of the Judicial Qualifications Commission, stepped down from office after having guided the Commission through its birth years. He was honored at a midwinter Bar Association meeting for his participation with the Commission. Assuming the role of chairman of the Judicial Qualifications Com-

mission was the first lay person to obtain that position, Mrs. Jane Knecht.

Following is a summary of the Commission's activities for the year.

COMPLAINTS PENDING
 JANUARY 1, 1977 3
COMPLAINTS FILED DURING 1977:

Failure to comply with the law 5
 Questionable judicial campaign practices.... 1
 Delay 2
 Conflict of Interest 2
 Lack of judicial temperament..... 1
 Improper conduct..... 2

TOTAL 16

DISPOSITION OF COMPLAINTS:

Dismissed..... 9
 Private censure..... 3
 Formal Proceeding 1
 Pending..... 3

TOTAL 16

JUDICIAL QUALIFICATIONS COMMISSION IN SESSION



Seated left to right: Gregory Morris, Staff Attorney, Irene Doge, Ronald Klecker, Lowell Lundberg, Dr. Glenn Smith, Judge Harold Herseth, Jane Knecht, Judge Wm. Beede, Not pictured -- Luella Dunn, Clerk of the Supreme Court and Secretary of the Judicial Qualifications Commission.

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 sixty (60) 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.

MEMBERS OF THE NORTH DAKOTA JUDICIAL COUNCIL

Supreme Court

Ralph J. Erickstad, Chief Justice, Bismarck, Chairman
Wm. L. Paulson, Associate Justice, Bismarck
Robert Vogel, Associate Justice, Mandan
Vernon R. Pederson, Associate Justice, Bismarck
Paul M. Sand, Associate Justice, Bismarck

District Court

Roy K. Redetzke, Fargo
Hamilton E. Englert, Valley City
Ralph B. Maxwell, Fargo
A.C. Bakken, Grand Forks
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

Martin C. Fredricks, Jamestown
Benny A. Graff, Bismarck
Gerald G. Glaser, Bismarck
Eugene A. Burdick, Williston
Roy A. Iivedson, Minot
Wm. M. Beede, Minot
Norbert J. Muggli, Dickinson
Wm. F. Hodny, Mandan
Lyle G. Stuart, Hettinger

County Courts 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

County Justice Court

R.C. Heinley, Carrington

Dale McMichael, Wahpeton

County Court without Increased Jurisdiction

R.M. Lundberg, Washburn

Ross McNea, Bottineau

Municipal Court

Robert Brown, Mayville

Daniel Buchanan, Jamestown

Retired Judges of the Supreme and District Courts

Clifford Jansonius, Bismarck
Harvey B. Knudson, Bismarck
C.F. Kelsch, Mandan
Wallace E. Warner, Wahpeton

Harvey J. Miller, Glendive, Montana
James Morris, Bismarck
Obert C. Teigen, Bismarck
Emil A. Giese, Hettinger

Attorney General

Allen I. Olson, Bismarck

U.N.D. School of Law

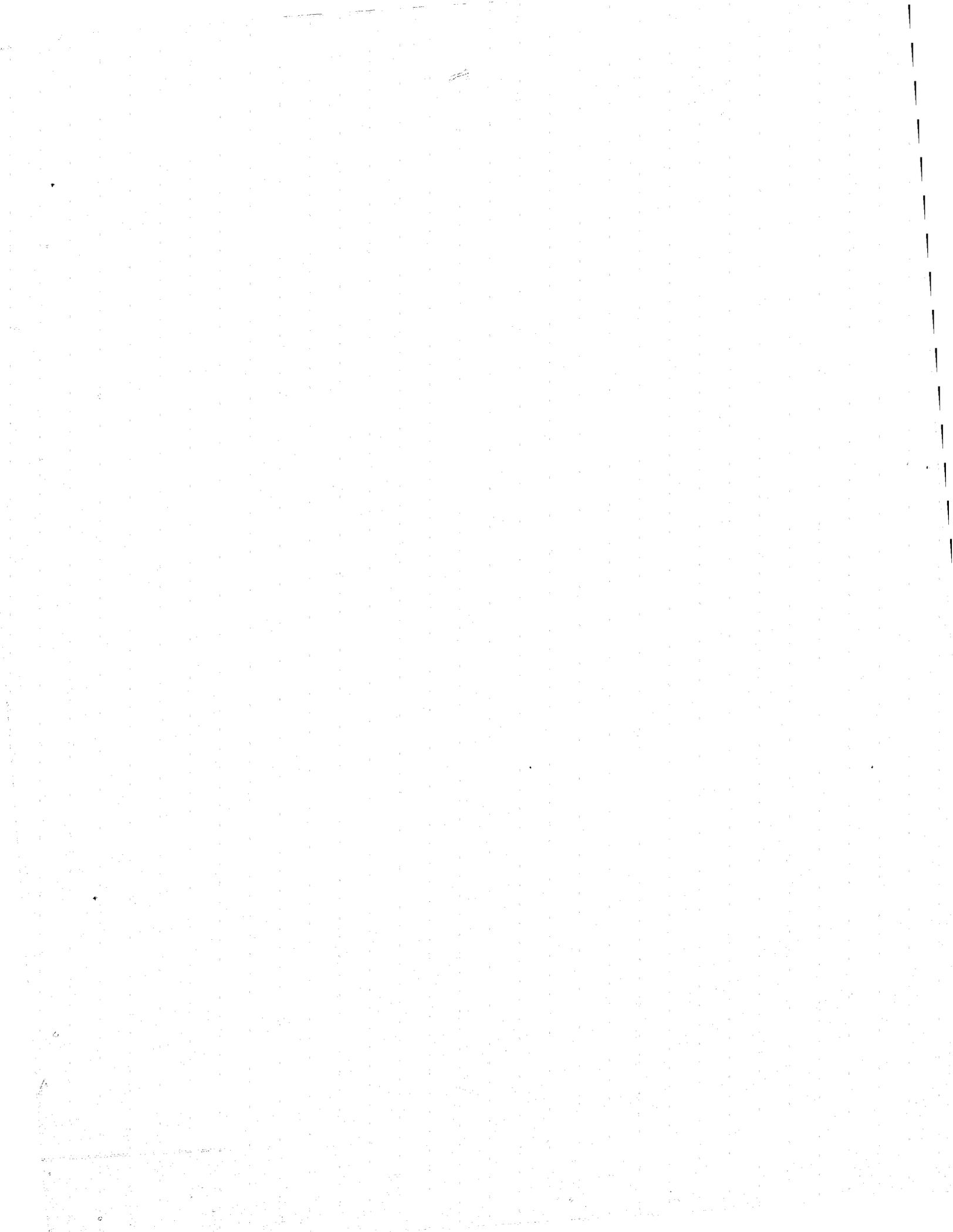
Dean Robert Rushing, Grand Forks

Members of the Bar

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

Clinton Ottmar, Jamestown
Alan B. Warcup, Grand Forks

William G. Bohn
Executive Secretary



END