

2013 SENATE APPROPRIATIONS

SB 2002

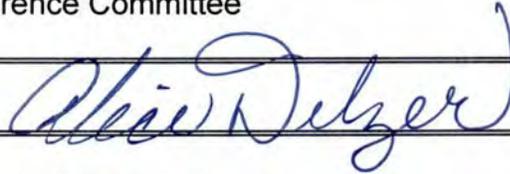
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2002
01-24-2013
Job # 17687

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an appropriation for the Judicial Branch

Minutes:

See attached testimony

Chairman Holmberg called the committee to order on Thursday, January 24, 2013 at 9:30 in regards to SB 2002. All committee members were present. Sheila Peterson, Laney Herauf of OMB and Brittani Reim, Legislative Council were also present.

Chairman Holmberg: stated that there are a number of committee members that have other hearings so they will be coming and going throughout the hearing.

Chief Justice Gerald W. VandeWalle presented the budget for the court system to the committee. This budget covers all the courts statewide with the exception of the municipal courts whose jurisdiction is limited to city ordinances. He notes that two of his people are absent due to the flu. The major part of the budget that will be looked at are the 15 new full-time equivalent employees they are requesting statewide. This was cut from the 29 that their studies show they need. There is another bill asking for 3 new judges accompanied by 3 court reporters that he understands senate Judiciary has passed out. SB 2002 contains increases for judges/justices salaries and they used 5% when the bill was prepared in Nov. In Montana, a bill was introduced on judge's salaries that required the controller to take the five highest paid public employees and divide it by 7 to get the justices salaries. State Court Administrator, Sally Holewa, was then introduced to the committee.

Chairman Holmberg reminded the new members of the committee that, of all the budgets they get, two of them do not go through the filter of OMB. They get what the Judiciary puts in and what the legislative branch puts in. It is not cuts.

Senator Warner referred to the alarming testimony in the corrections budget that Burleigh and Morton counties together send 3 times the people to the state prison system over other counties. It seemed to be an unequal distribution of justice and has a fiscal impact because it seems like significant cost shifting from county budget to state budget as far as who is going to house and care for prisoners. Mr. Chief Justice was asked for his thoughts on this.

Mr. Chief Justice stated that it's been problem since before he was Chief Justice and explained that each judge has their own sentencing practices and that they are not uniform. Sentencing alone is not the only product of the courts in this day and age when plea bargains are very much a part of what is happening so the prosecution and defense have to be looked at. As long as the sentences are in the parameters set by the legislature, they do not review sentences at the Supreme Court level.

Senator Wanzek referred to the other bill he mentioned that is requesting the 3 new judges and asked if the funding for that is in that bill.

Mr. Chief Justice stated that it is in that bill and are in addition to the 15 FTE's here.

Vice Chairman Grindberg referred back to the question on the corrections budget and described a conversation he had with the Cass county sheriff regarding DUI laws. Senator Grindberg believes that the public is expecting the legislature to do something given the amount of accidents that have occurred and is trying to get an understanding of the cause and effect. He would like to talk to someone in the district court level about some of the cultural things that are going on (the culture of acceptance of drinking in this state).

Mr. Chief Justice stated that judges are not totally immune from public opinion when it comes to sentencing. These are very difficult issues. At the same time the department was concerned about the increasing population, the legislature was enacting more mandatory sentences. He thinks the judges are the solution to part of the problem but not alone. Most of the judges now come from a larger city so they don't necessarily know the rural community and local people.

Chairman Holmberg added that it's the prosecutor that lives in the county and there is a lack of prosecution of those cases as DUI cases.

(0:12:20) Sally Holewa, State Court Administrator provided a general overview of the Judicial Branch budget request - Tab #1 from testimony # 1.

(0:23:06) Senator Gary Lee stated that he missed the Chief Justice's remarks but questioned the 5%.

Ms. Holewa explained that they were not part of the Hay group study, but they are following what the legislative branch has done. Page 5, second bullet point, is the recommendation of OMB for a 3-5% variable based on performance. The market adjustment for employee salaries is based on a 3% pay scale. It's the same concept as what the executive branch is doing.

Ms. Holewa continues reading from her testimony where she left off on Page 7.

(0:26:31) Senator Gary Lee referenced when she mentioned drug courts and asked what information they are using to quantify that change in behavior.

Ms. Holewa stated that they had an evaluation done last year where they took a control group that looked at children who had gone through/completed drug court and compared it

to a control group of kids that were charged with similar crimes but did not get through drug court and also with a comparison group of kids who had started drug court but discontinued. They measured the number of repeat offenders and clean and dirty drug tests between them. On a national level, ND appears to be doing somewhat better. Per the request of Senator Lee, Ms. Holewa states that she will get the report on this to the committee.

Chairman Holmberg informed the committee that SB 2075 (request for 3 new judges) was passed out of committee with a Do Pass as Amended with an emergency clause. When it arrives to Appropriations, it will be assigned to the same subcommittee that has SB 2002.

Senator Robinson referred back to the discussion on drug courts and asked for the status on the Valley City/Jamestown drug court, as well as wants to know what other area of the state are still not covered.

Ms. Holewa stated that the court in Valley City/Jamestown is looking for an attorney to represent the children in the Valley City area. She defers the timeline question to Justice Mary.

Mary Muehler Maring, ND Supreme Court stated that they are hoping to have the teams put together within the next couple of months and then they have to train so it's probably about 6 months down the road before they would be able to implement.

Senator Wanzek asked Ms. Holewa to explain the difference between a drug court and a regular court.

Ms. Holewa first got back to Senator Robinson's question and stated that when they are done with the Valley City/Jamestown area, they will still be missing the southeast region and north central area.

(0:32:30) Ms. Holewa then proceeded to explain the difference between the two courts.

(0:34:18) Justice Dale V. Sandstrom read his testimony on Technology Coordinators - Tab #2 from testimony #1.

(0:39:14) Carolyn Probst, Trial Court Administrator for the NWJD, provided a general overview of the budget request as it relates to Full Time Employee's, or FTE's - Tab #4 (District Court Personnel) from testimony # 1.

Senator Mathern asked if the full range of services are available in her judicial district.

Ms. Holewa stepped up to answer and stated that the full range of services are generally available in the northwest as far as restorative justice (they are provided statewide through a contract with Lutheran Social Services). Where the northwest is lacking, is that they are missing some of the physiological services because there are no providers up there.

(0:45:38) Ms. Probst followed by giving examples of some of the direct ways that this workload has impacted both clerks and judges.

Chairman Holmberg asked Ms. Probst to leave copies of the district report for the subcommittee to review.

(0:49:00) Donna Wunderlich, Child Court Administrator, continued testimony from Tab #4 (District Court Personnel) from testimony #1.

Senator Mathern asked for her professional background.

Ms. Wunderlich stated that her undergraduate degree is in Accounting and she worked many years at the Supreme Court before the trial court to work in administration. She has a Master's degree in Public Administration and has attended the Court Executive Development Program through the National Center for state courts.

(0:56:11) Rod Olson, Court Administrator for Unit II, continued testimony from Tab #4 (District Court Personnel) from testimony #1.

(1:05:00) Vice Chairman Bowman asked how much technology has helped in speeding up the processes that have been talked about.

Mr. Olson stated that the technology when he started was typewriter. They are serving the public much faster and better than they ever have before and just moved to electronic records. It's going to take some time before they see the true benefits of this.

Vice Chairman Bowman followed by asking how much more training the people need to have in order to understand the program and if they are getting something for the investment.

Mr. Olson stated that they do need to concentrate on the new programs and further explained the programs.

Vice Chairman Bowman asked if there is something in our education system that trains them before they go to work so that they are ready when they enter the environment.

Mr. Olson explains that they take it piece by piece and gradually work the employees into more tasks once they are comfortable. This is unique to the court system and not something that you can learn in college. He uses an example to better explain.

Chairman Holmberg asks Bill Newman to testify next for time purposes and stated that they can get back to Mr. Olson if the committee has other questions.

(1:08:50) Bill Newman, Executive Director of the State Bar Association of ND, briefly states their strong support for this bill and the appropriations that are a part of it. It is desperately needed to continue to facilitate the growing economic activity that ND is experiencing.

Chairman Holmberg commended the bar association and the court for their active support and hard work on behalf of We the People and the Civic Education program that is handled in the high schools.

(1:10:00) Don Wolf, Director of Finance for the court system, provided testimony on the Judicial Branch budget - Tab #5 (Detailed Budget Presentation) from testimony #1.

(1:15:32) Senator Carlisle: Discussion with Mr. Wolf about the funding for SB 2075 and housing for the judges and the clerks in that area.

Mr. Wolf continued reading his testimony.

(1:18:08) Chairman Holmberg jumped in and explained that when they had testimony on the budget of IT, they talked about their budget and Cjas, as well as testimony from the attorney general's office about what they felt was a lack of sufficient money in the IT budget for the work on Cjas and asked Mr. Wolf how they interact with what they are saying.

Mr. Wolf stated that this is their portion of the cost of the project. He deferred more details to Sally Holewa.

Chairman Holmberg stated that they have subcommittee that dealing with this in SB 2021.

Ms. Holewa stated that she is also Vice Chair of the Cjas Committee and proceeded to explain what happened with the Cjas money. There is a broker project that will allow information to flow from law enforcement to state's attorneys to the court that will all run through the Cjas piece. The attorney general's office got funding and started their half of the project this biennium and the court is asking to finish their piece of it. The Cjas piece got cut out of the budget before it got to the legislature.

Chairman Holmberg stated that they just have to make sure the two subcommittees (Judicial and IT) communicate and work together about this issue.

Mr. Wolf continued his testimony. (Ends at 1.23.21)

Senator Mathern stated that after hearing the budget there are more and more programs that sound like human services and asked if there is money in the budget that measures impact in a way that is used in health and or human services.

(1:24:00) Discussion between Senator Mathern, Mr. Wolf, and Mr. Chief Justice on this issue.

Senator Warner asked Ms. Holewa to talk about the citizen access coordinator program and also about the cases coming in from the prison system of appeals that are done by inmates on their own.

Ms. Holewa stated that they have seen a significant increase in people representing themselves because they can't afford to hire someone, the shortage of attorneys in this state, and people just doing things for themselves. This citizen access coordinator (originally called a court facilitator) was changed because they wanted to make sure the people looking for help could figure out where to go by this new title. It's a dual role position. As far as the appeals, the letters from the prisoners are a daily event.

Senator Warner followed by asking how the anticipate delivering this citizen access coordinator program.

Ms. Holewa stated that they are anticipating that this person would be housed in the law library so there would be some walk-in services if people needed it, but they are significantly looking at using the live chat lines and toll free numbers. They want to ramp up the number of forms and information brochures as well as possibly explore the use of youtube videos.

Mr. Chief Justice explained that Justice Crothers testimony (that was provided) will answer some of these questions and apologized that he wasn't able to be at the hearing. The number of self-represented people is growing. Even the bright ones need help navigating the system and when they come in unprepared it just takes more time. It's an experimental program. He also addressed the concern about technology and stated that if it wasn't for technology they would be asking for way more FTE's.

Chairman Holmberg closed the hearing on 2002.

Testimony # 2 - Kathy Ferderer - Evaluation of ND Juvenile Drug Court was submitted to the clerk after the hearing was completed.

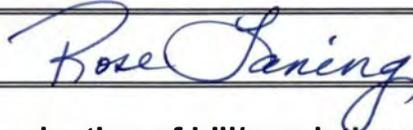
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2002 subcommittee
January 30, 2013
Job # 18007

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

This is a subcommittee hearing on the budget of the Judicial Branch.

Minutes:

You may make reference to "attached testimony."

Legislative Council - Brady Larson
OMB - Laney Herauf

Senator Kilzer opened the hearing on the SB 2002 subcommittee. Also present are **Senator Carlisle** and **Senator Warner**.

Sally Holewa, State Court Administrator

We are asking for a \$9 million dollar increase which of course is a big increase. Two thirds of that is FTE's, asking for 15 new employees. They're for different purposes so there not interchangeable in that way. Like the 4IT people have to work IT, they can't do juvenile court probation.

The increases are pretty minimal; there is a steep increase in IT, part of that is the cost of the equipment we're doing digital storage of audio records and electronic filing, so electronic documents and that takes a lot of storage space so we're having to expand. The expansion unit to put the servers in cost \$205,000.

Senator Warner: Where do you keep the servers?

Sally: downstairs next to the lunch room.

Senator Warner: Are they associated with the I-TV?

Sally: They're in a separate room. I-

TV had to build that separate server room and there right next to each other, but they couldn't put our servers in their room because of HIPPA requirements. We can't have access to their data and they can't have access to ours. They house it and we rent it from them.

Senator Warner There is talk elsewhere in the Legislature is moving IT off campus. I assume it's in another building would that mean that your servers would follow? **Sally** replied no, I asked Lisa Feldner about that and she said they would stay. In fact theirs would stay also.

Senator Carlisle However, on SB 2021 between Council and OMB if we could coordinate so there isn't any doubling up.

Sally Is that the CJIS?

Senator Carlisle It might be CJIS; you might be right or is it the IT budget.

Senator Kilzer CJIS is probably with each one of these three agencies, the Attorney General, the ITT and this budget. **Senator Carlisle** So there is coordination so there isn't any duplication between them.

Senator Carlisle This 5% - when we settled the governors pay package that if its 4% of whatever the court should be the same as the rest of the state employees.

Senator Kilzer We try not to mess with the different branches as far as how they run their business. But I think in the salary line we all three do try to stay reasonably close. Is that what you're seeing?

Senator Carlisle replied, I would like to see it the same. In other words it is hard for me in Bismarck to go tell one department head that their salaries is going 3% and 2 merit in years to 5%. That is just my personal opinion if I get it sold fine, I would like to see what's the leaders in both settle a pay package that's kind of where their at too. That is what my intention.

Senator Kilzer As an individual I do agree with you most of the way and probably all the way, although as you recall, in previous sessions, we've had requests from the judges to be near or at SD level salaries for the regionalization and then I don't think we should just totally exclude that argument when setting the salaries. But I think this will meld together at the end of the session.

Senator Warner - Could we ask staff to research the SD levels? Sally replied we can easily collect that. There is a data base that the National Center for State Court maintains up to date so it's a matter of accessing it and printing it off.

Senator Carlisle Where are you going to house new judges? Do you have a plan?

Sally - Trying to get our law students to move into parents basements. We hope they could be lawyers already living in the area.

Senator Carlisle It would be off the table then if you're betting on it because of the local people that may get the job are already there.

Sally replied it is less space. They would get an ample salary to rent if they had to, too fill the position. **Senator Kilzer** Do you have your eye on somebody who you fell is non-lawyer positions? **Sally** replied up there. I do not. We've had a lot of turnover in the Williston area. But so far, we have not had any problem at least filling them initially; it's usually been local people or else a trailing spouse. They've got a spouse already here

working in the oil fields and they are looking for opportunities. We have not had to worry about housing or anything, except for the law clerks who are moving home.

Senator Carlisle: That bill we heard yesterday where you heard the Ward and Burleigh County attorneys - if that bill goes down, what is the net effect on your office? **Sally** replied it really has no effect if it goes down because we would just continue the status quo.

Senator Warner: We've spoken about housing in residences, but if we could speak floor space for housing in the offices. Where would you have adequate supplies and maybe some indication of exactly where the judgeships would go?

Sally replied The A center one is easy that one would go in Fargo and they would be an office built for them in the new addition to the Cass County Courthouse. We planned for that in fact last session would've asked for a judge for Fargo, but for the fact that they didn't have any housing space for them. That has been remedied there. For the NW, one of them will definitely go into Williston and there is office space there, in fact they just remodeled there. Since Nelson built actually two extra Chambers and two extra courtrooms but definitely one would go to Williston; there's a real question about whether the second would go to Stanley in Mountrail County or to Watford City in McKenzie County. Both of those courthouses have chambers. The Clerks offices with the other staff that we're looking for also have made room in the event that they would get staff.

Senator Carlisle: Could she put a note together so we can carry it in on the floor. If we have any questions we would have an answer. So they were kind of open in Watford City and in Stanley.

Senator Warner I recall the last time we had a judgeship open up in Minot because somebody from Watford City transferred into Minot.

Sally replied well earlier than that. What happened was the Watford City, when the court had to reduce down to 42 judges originally back in the 1990's they pulled Judge William McLees who was the Watford City judge and he moved to Minot. That chamber was closed. Just most recently when Judge Holt retired he was chambered in Stanley and they moved that to Minot. Essentially we are undoing what we did.

Senator Kilzer When you prepare Senator Carlisle s graph, maybe you could show the number of judges, you said you started this 42 years in 1991, or 1993 whatever it was, and then if you were to receive all of the things that you requested or even show and make that as a solid line and a dotted line what the governor put in his executive budget. That would bring it up to a total of?

Don Wolf, Financial Officer for Court System: We have 44 it went from 42 to 44.

Senator Kilzer Just give us a line graph that shows that it's pretty simple diagram.

Senator Carlisle The judge we have an office for him does that include for the staff too?
Sally: The chambers are always built with a little antechamber where the court reporter sits

because that's also the secretary. **Senator Carlisle** Both locations Stanley and Watford City.

Senator Carlisle How about living I understand the judge with the higher salary. How about the clerks, where are they going to live in Stanley if it would be Stanley or Watford City are we going to have to look at subsidy like their doing.

Sally Our judicial branch policies don't allow for subsidy so we have not been paying them. We haven't had any requests from new employees.

Senator Warner What is credential requirements to be a court reporter?

Sally replied It is terribly hard to get certified. You have to go to either a 2 year or 4 year college; the two years the older version and mostly their transferring those into a 4 year college. They have to have 220-240 words a minute that they have to be able to take with a 99% accuracy. They do say at least 2/3 of them don't make it through the first year because of they can't get the speed up. It helps if you've got a piano playing background. But, it's a great job and a lot of courts are shedding their court reporters and they're going to tape recording and closed captioning for television is really where most of the court reporters are going now.

Senator Warner is it a competitive field or it a service within the judicial branch?

Sally replied they do in closed captioning t.v., but their also doing close captioning as one of the assisted listening device type things for hearing impaired, that is one area where they are going. So the courts that are still hiring court reporters are competing against those two fields. But those courts that are still hiring court reporters say the fields is getting really, really narrow. I would say anybody going into the court reporter now, in the next 10-15 years they will go online. It's a good field to go into now.

Mr. Wolf - The biggest part of our budget is the 15 added positions. We can go and try to explain to you where those divisions what they would be for, where they would be located at if you would like.

Senator Kilzer Probably not today, but at the next session I would like to hear the details of those 15 positions.

Senator Warner There are 4 IT people moved from WSI to ITD. Yours are actually in your agency? You have the hiring and firing authority? Do you direct all their activities and do they have any relationship with ITD?

Sally replied Yes. **Sally** They are not part of ITD, we work cooperatively with them all the time. They are specifically for our department. The 4 temps are actually called a business analyst. They specialize in a particular software and there would be end users help desk. So when we're stuck on how to do a process that's the people whom we call. **Senator Warner** It says it your help desk, that you're not designing stuff for determinations of architecture or that kind of stuff. **Sally** Our requirement doesn't even require a computer

background for it. Some have had corporate training background. It seems to work best if they do have at least some software background.

Senator Warner Do they actually role out when the courts have new employees? Do these people have a teaching role in teaching the new person? **Sally** replied right.

Senator Carlisle - Looking at the 15 employees, is there any potential for staggered hiring or do they all have to be hired now.

Sally - I would hire the NW deputies for Ward and Williams County right away. I wouldn't wait on those. I'd probably throw if we got two for Burleigh County I could probably stagger one each year to add in and the same for Cass County. Stark County I would hire right away because they are pretty swamped out there.

Senator Carlisle could you put plots on little note, because that is an interesting concept. You've got them in the budget and the Governor approves it I'm just asking because we did that with oil people before a couple of times and we need to figure out if it's got to happen it's got to happen. If there is a potential we need to do it.

Senator Kilzer: With this many employees 344, is there ever a time that you don't need somebody or retirements that come up that you wouldn't really need to fill including some divisions within your department?

Sally: We've done that quite a few times in the past. I just looked back quickly back to 2005, and we had done that with 9 different positions. Five of them we cut altogether, it just never refilled. There we another four of them that we moved one out of Williston, Stanley, moved one out of Jamestown and put them in Cass County, yes we move people like that We moved one out of Jamestown and put them Burleigh County.

Senator Kilzer I ask in all the budgets where the agency has more than 100 people all the way up to Human Services with their 2200 people. The attorney general, I just want to be sure that we are really utilizing people like we should be rather than just keeping the numbers up.

Sally - We've focused on the fact that if we can figure out a different way to do it, or move people and the thing is our districts, our 7 districts and they all know the policy and they all watch the numbers so you can bet if a vacancy comes up and they think they need it, they put in and say transfer here first. So it's pretty competitive out there.

Senator Kilzer asked Brady for questions.

We will probably meet again early next week, I am thinking about Tuesday or there about give or take a day. I don't know how easy or difficult it is for you to keep watching that white board in the Harvest Room downstairs. **Sally** replied we're still struggling with the new site. I promise to get it where the calendars are.

Senator Kilzer closed the hearing on SB 2002.

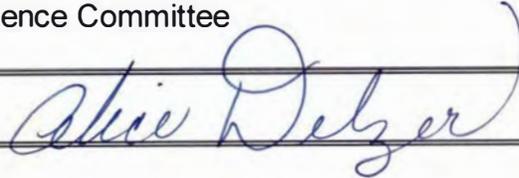
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2002 Subcommittee
02-05-2013
Job # 18302

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Subcommittee hearing for the Judicial Branch of Government.

Minutes:

Chairman Kilzer called the subcommittee to order on Tuesday, February 05, 2013 at 2:00 pm in the Harvest Room in regards to SB 2002. Let the record show that all subcommittee members are present. They are Senator Kilzer, Senator Carlisle and Senator Warner. Laney Herauf from OMB and Becky J. Keller from Legislative Council were present. Documents that were asked for from the first meeting were asked to be brought forward.

Sally Holewa, State Court Administrator, distributed the documents to the committee:
Salary Rankings for Judges and Justices in the 50 states + some territories
Explanation of the 15 FTE's being requested Testimony attached # 1.

Senator Carlisle stated that he still has some heartburn and would be more comfortable if the entire supreme court would be under whatever pay package that the legislature comes up with.

Chairman Kilzer stated that they will visit this issue before the bill gets presented to the whole Appropriations committee.

(0:3:58) Justice Kapsner talked about the saga of the judicial compensation and the difficulties they've had getting what they consider compensation that comes within the norm. She further explained the basis for their 5 on 5 in their proposal this year.

Chairman Kilzer asked them to explain what's happened with SD in the last two years.

Justice Kaspner explained that SD has had a real slow down in its salary from 2008 to 2011 (there were no salary adjustments for SD judges). About 10 years ago, ND was ranked 49th for justices and 48th for trial judges in terms of compensation in the country. SD was a benchmark at that time as they were ranked 42nd. It is suspected that SD would now like to use ND as a benchmark because they are now 49th in the nation for compensation due to not having appropriate incremental adjustments for those years. Montana also had 4 years with no adjustments for its judges. They are grateful that the ND legislature has

adjusted their salaries incrementally. Justice Kapsner offered to provide a list of what has happened to judges around the country for the last 10 years where it shows how the various states have adjusted their judicial salaries.

Chairman Kilzer stated that he would appreciate that.

Senator Carlisle referenced the governor's pay package where the performance based is from 3-5% and stated that he thought it was a pretty good package.

Justice Kapsner explained that the judiciary operates on a step system which has internally built into it an equity assessment for each employee on an annual basis. That longevity is the basis on which people advance through their system in terms of salary increases. Each year, an employee is evaluated by their supervisor as to whether or not they are entitled to a longevity increase.

Chairman Kilzer stated that the salary and compensation thing needs to be mulled over.

Senator Carlisle stated that he had asked before about staggering and wanted a straight answer on it.

Ms. Holewa stated that she tried working with their administrators to decide on what would be an acceptable staggering. They would rather stagger them than not have them, but would not stagger in the northwest because they just can't wait on those.

Senator Carlisle understands and stated that he was just curious.

Donald Wolf, Director of Finance, Court System clarified that the 5 and the 5 percent that Justice Kapsner was talking about is just for the justices and judges. Their salaries are within statute so there is not a lot of give and take as far as the way they are set up.

Chairman Kilzer closed the meeting.

Testimony attached # 2 - Salaries for Appellate & General Jurisdiction Judges chart.

Testimony attached # 3 - Supreme Court Associate Judges - salaries chart.

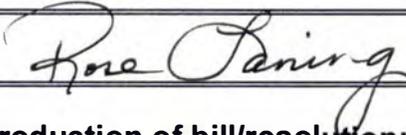
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2002
February 11, 2013
Job # 18691

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch

Minutes:

Legislative Council - Becky J. Keller
OMB - Laney Herauf

Chairman Kilzer called the subcommittee to order on SB 2002. **Senator Carlisle** and **Senator Warner** were present.

Also in attendance:
Don Wolf, Director of Finance, ND Supreme Court

Chairman Kilzer asked for any new ideas, concerns, or questions from committee members.

Senator Carlisle said he would be more comfortable to tie the 5% raise to what state employees are getting. He asked how the language would be in the form of a motion.

Becky responded that they would change sections of code to show the right numbers?

Discussion followed on whether they wanted to change the dollar amounts or if they wanted to put legislative intent. Right now the Senate is passing out budget with the Governor's pay packet which is equivalent amount of money for 4-4 but it has more complicated provisions.

Becky J. Keller felt it would be easier to drop it to the 4-4 in the amount.

Senator Carlisle moved a Do Pass on the 4-4 amendment.

Chairman Kilzer was in agreement.

Senator Warner felt there were three proposals before them: (1) 4-4, (2) 5-5 which the justices recommended, and (3) the South Dakota model. He preferred to stay with the 5-5, the way it was introduced from the judicial package.

Chairman Kilzer was comfortable with 4-4. He asked Ms. Keller if the amendment would include the new figures.

Becky J. Keller said the new numbers would be reflected in the 2 updated sections. That amount would then come out of Section 1 where it shows the actual appropriation.

Senator Warner asked if the extra FTEs would become effective July 1.

Senator Carlisle - she can use them in the Supreme. If they need them, hire them.

Chairman Kilzer any amendments?

Senator Warner said no.

Chairman Kilzer asked if everyone was comfortable with the 15 new FTE's.

Senator Carlisle referred to information he had received with the numbers on case load and said it is self-explanatory. They are going to need more employees.

Senator Warner pointed out that the plus 4 employees are full time temporaries now being changed to full time permanent.

Chairman Kilzer asked for the one amendment and said they would take it to the floor that way.

Senator Carlisle will carry SB 2075 on the floor with the three additional judgeships.

Senator Carlisle moved a Do Pass as Amended on SB 2002

Second by Senator Warner. Senator Kilzer agreed. Motion carried.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2002
February 15, 2013
Job # 19037

Conference Committee

Committee Clerk Signature

Rose Loring

Explanation or reason for introduction of bill/resolution:

A Bill for an appropriation for the Judicial Branch.

Minutes:

Chairman Holmberg opened the hearing on SB 2002.

Senator Kilzer passed out amendment 13.8129.01002 and then deferred to Senator Warner.

Senator Warner (gave an explanation of the amendment). The judicial budget is assembled by the judicial branch on their own without reference to the governor's budget. At the time they were assembling their budget, they weren't sure what the state employees recommended pay raise would be and so they put in a pay raise of 5-5 for themselves. Within the subcommittee, we felt more comfortable with keeping the judicial salaries in line with salaries in other branches of government. The only amendment to the governor's recommendation is to reduce the judicial pay raise to a 4 and 4.

There are significant new FTEs in this bill. The judicial branch has four existing fulltime temporary positions which are at their IT help desk. They want to convert those to full time permanent positions. There isn't a major increase in salaries, but there is in benefits for those four employees. There are 11 further new FTEs. Eight of those are deputy clerks - the frontline employees which work at customer service at the counter and they are also responsible for filing and data input. They've requested an additional two juvenile court officers - one for Cass and one for Burleigh County to try to be more pre-emptive in the work that they do with juvenile offenders in trying to keep them out of the adult system.

The last FTE is for a citizen's access coordinator. They're increasing the alliance of citizens doing their own defense of coming in as amateur lawyers. Part of it is a growing sense of watching too much television and thinking that they know how to do it and maybe part of it may be that it is getting very expensive to hire an attorney in ND. It clogs the court system when you have amateur attorneys who aren't really sure of the process. So the intent is create a one-call access point where they can ask advice in procedural

matters: how to file, when things need to be done, what timelines are, etc. They're not exactly sure how its going to work but it will be one person operating for the entire state to redirect some traffic.

Last year, the number of cases has grown by about 22,000. In 2000, the case load has increased by almost 60,000 cases. The cost of converting the four existing positions into 11 new positions is about \$1.8M.

Chairman Holmberg: As I understand it, all the amendment does is to reduce their salary package down to what the senate has passed. This budget bill does not include anything relating to the three judges. That is separately funded and the costs are in the other bill.

**Senator Warner moved amendment 13.8129.01002.
Senator Carlisle second.**

All in favor of amendment - amendment adopted.

**Senator Warner moved do pass as amended 0n SB 2002
Senator Carlisle seconded the motion.**

**A roll call vote was taken. Yea: 13 Nay: 0 Absent: 0
Senator Warner will carry the bill on the floor.**

2/22/13
TK

PROPOSED AMENDMENTS TO SENATE BILL NO. 2002

Page 1, replace line 14 with:

| | | | |
|---------------------|-------------|-------------|---------------|
| "Salaries and wages | \$9,116,651 | \$3,541,308 | \$12,657,959" |
|---------------------|-------------|-------------|---------------|

Page 1, replace line 17 with:

| | | | |
|--------------------|----------------|-----------------|----------------|
| "Judges retirement | <u>138,105</u> | <u>(62,719)</u> | <u>75,386"</u> |
|--------------------|----------------|-----------------|----------------|

Page 1, replace line 18 with:

| | | | |
|---------------------|--------------|-------------|---------------|
| "Total general fund | \$11,569,874 | \$3,932,725 | \$15,502,599" |
|---------------------|--------------|-------------|---------------|

Page 1, replace line 23 with:

| | | | |
|---------------------|--------------|-------------|---------------|
| "Salaries and wages | \$54,216,144 | \$5,967,754 | \$60,183,898" |
|---------------------|--------------|-------------|---------------|

Page 2, replace line 2 with:

| | | | |
|--------------------|---------|--------|----------|
| "Judges retirement | 478,997 | 24,421 | 503,418" |
|--------------------|---------|--------|----------|

Page 2, replace line 5 with:

| | | | |
|------------------|--------------|--------------|---------------|
| "Total all funds | \$72,303,327 | \$10,548,656 | \$82,851,983" |
|------------------|--------------|--------------|---------------|

Page 2, replace line 7 with:

| | | | |
|---------------------|--------------|--------------|---------------|
| "Total general fund | \$70,446,552 | \$10,597,341 | \$81,043,893" |
|---------------------|--------------|--------------|---------------|

Page 2, replace line 21 with:

| | | | |
|---------------------------|--------------|--------------|---------------|
| "Grand total general fund | \$82,580,882 | \$14,586,698 | \$97,167,580" |
|---------------------------|--------------|--------------|---------------|

Page 2, replace line 23 with:

| | | | |
|------------------------|--------------|--------------|---------------|
| "Grand total all funds | \$84,763,156 | \$14,580,013 | \$99,343,169" |
|------------------------|--------------|--------------|---------------|

Page 3, line 26, replace "forty-five" with "forty-three"

Page 3, line 27, replace "sixty-seven" with "six hundred eighty-five"

Page 3, line 28, replace "fifty-two" with "forty-nine"

Page 3, line 28, replace "three" with "four"

Page 3, line 28, replace "twenty" with "thirty-three"

Page 3, line 30, replace "sixty-six" with "twenty-seven"

Page 3, line 31, replace "three" with "two"

Page 3, line 31, replace "seventy-five" with "ninety-two"

Page 4, line 4, replace "thirty-two" with "thirty-one"

Page 4, line 4, overstrike "nine" and insert immediately thereafter "six"

Page 4, line 5, replace "twenty-seven" with "sixty-one"

Page 4, line 6, replace "thirty-nine" with "thirty-six"

Page 4, line 6, overstrike "five" and insert immediately thereafter "nine"

Page 4, line 6, replace "seventy-three" with "twenty-seven"

Page 4, line 10, replace "forty" with "three"

Page 4, line 11, remove the overstrike over "~~three~~"

Page 4, line 11, remove "four"

Page 4, line 12, replace "thirty-two" with "nine hundred fifty-five"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Senate Action

| | Executive Budget | Senate Changes | Senate Version |
|-----------------------------|-------------------------|-----------------------|-----------------------|
| Supreme Court | | | |
| Total all funds | \$15,530,297 | (\$27,698) | \$15,502,599 |
| Less estimated income | 0 | 0 | 0 |
| General fund | \$15,530,297 | (\$27,698) | \$15,502,599 |
| District Courts | | | |
| Total all funds | \$83,073,957 | (\$221,974) | \$82,851,983 |
| Less estimated income | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | (\$221,974) | \$81,043,893 |
| Judicial Conduct Commission | | | |
| Total all funds | \$988,587 | \$0 | \$988,587 |
| Less estimated income | 367,499 | 0 | 367,499 |
| General fund | \$621,088 | \$0 | \$621,088 |
| Bill total | | | |
| Total all funds | \$99,592,841 | (\$249,672) | \$99,343,169 |
| Less estimated income | 2,175,589 | 0 | 2,175,589 |
| General fund | \$97,417,252 | (\$249,672) | \$97,167,580 |

Senate Bill No. 2002 - Supreme Court - Senate Action

| | Executive Budget | Senate Changes | Senate Version |
|-----------------------|-------------------------|-----------------------|-----------------------|
| Salaries and wages | \$12,684,559 | (\$26,600) | \$12,657,959 |
| Operating expenses | 2,754,254 | | 2,754,254 |
| Capital assets | 15,000 | | 15,000 |
| Judges retirement | 76,484 | (1,098) | 75,386 |
| Total all funds | \$15,530,297 | (\$27,698) | \$15,502,599 |
| Less estimated income | 0 | 0 | 0 |
| General fund | \$15,530,297 | (\$27,698) | \$15,502,599 |
| FTE | 45.00 | 0.00 | 45.00 |

Department No. 181 - Supreme Court - Detail of Senate Changes

| | Reduces Salary Increases for Justices¹ | Reduces Judges Retirement² | Total Senate Changes |
|--------------------|--|--|-----------------------------|
| Salaries and wages | (\$26,600) | | (\$26,600) |

| | | | |
|-----------------------|------------|-----------|------------|
| Operating expenses | | | |
| Capital assets | | | |
| Judges retirement | | (1,098) | (1,098) |
| Total all funds | (\$26,600) | (\$1,098) | (\$27,698) |
| Less estimated income | 0 | 0 | 0 |
| General fund | (\$26,600) | (\$1,098) | (\$27,698) |
| FTE | 0.00 | 0.00 | 0.00 |

¹This amendment reduces the salary increases for the justices of the Supreme Court and the Chief Justice from 5 percent each year of the biennium to 4 percent each year.

²This amendment reduces the increase in judges retirement from 5 percent each year of the biennium to 4 percent each year.

Senate Bill No. 2002 - District Courts - Senate Action

| | Executive Budget | Senate Changes | Senate Version |
|----------------------------|------------------|----------------|----------------|
| Salaries and wages | \$60,398,498 | (\$214,600) | \$60,183,898 |
| Operating expenses | 20,162,413 | | 20,162,413 |
| Capital assets | 833,026 | | 833,026 |
| Judges retirement | 510,792 | (7,374) | 503,418 |
| UND central legal research | 80,000 | | 80,000 |
| Mediation | 1,089,228 | | 1,089,228 |
| Total all funds | \$83,073,957 | (\$221,974) | \$82,851,983 |
| Less estimated income | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | (\$221,974) | \$81,043,893 |
| FTE | 310.00 | 0.00 | 310.00 |

Department No. 182 - District Courts - Detail of Senate Changes

| | Reduces Judges Salary Increases ¹ | Reduces Judges Retirement ² | Total Senate Changes |
|----------------------------|--|--|----------------------|
| Salaries and wages | (\$214,600) | | (\$214,600) |
| Operating expenses | | | |
| Capital assets | | | |
| Judges retirement | | (7,374) | (7,374) |
| UND central legal research | | | |
| Mediation | | | |
| Total all funds | (\$214,600) | (\$7,374) | (\$221,974) |
| Less estimated income | 0 | 0 | 0 |
| General fund | (\$214,600) | (\$7,374) | (\$221,974) |
| FTE | 0.00 | 0.00 | 0.00 |

¹This amendment reduces the salary increases for district judges and presiding judges from 5 percent each year of the biennium to 4 percent each year.

²This amendment reduces the increase in judges retirement from 5 percent each year of the biennium to 4 percent each year.

Date: 2-15-13

Roll Call Vote # 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. ~~2059~~ 2002

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8129.01002

Action Taken _____

Motion Made By Warner Seconded By Carlisle

| Senators | Yes | No | Senator | Yes | No |
|------------------------------|-----|----|-------------------------|-----|----|
| Chairman Ray Holmberg | | | Senator Tim Mathern | | |
| Co-Vice Chairman Bill Bowman | | | Senator David O'Connell | | |
| Co-Vice Chair Tony Grindberg | | | Senator Larry Robinson | | |
| Senator Ralph Kilzer | | | Senator John Warner | | |
| Senator Karen Krebsbach | | | | | |
| Senator Robert Erbele | | | | | |
| Senator Terry Wanzek | | | | | |
| Senator Ron Carlisle | | | | | |
| Senator Gary Lee | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

voice carried

Date: 2-15-13

Roll Call Vote # 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2002

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass as Amended

Motion Made By Warner Seconded By Carlisle

| Senators | Yes | No | Senator | Yes | No |
|------------------------------|-----|----|-------------------------|-----|----|
| Chairman Ray Holmberg | ✓ | | Senator Tim Mathern | ✓ | |
| Co-Vice Chairman Bill Bowman | ✓ | | Senator David O'Connell | ✓ | |
| Co-Vice Chair Tony Grindberg | ✓ | | Senator Larry Robinson | ✓ | |
| Senator Ralph Kilzer | ✓ | | Senator John Warner | ✓ | |
| Senator Karen Krebsbach | ✓ | | | | |
| Senator Robert Erbele | ✓ | | | | |
| Senator Terry Wanzek | ✓ | | | | |
| Senator Ron Carlisle | ✓ | | | | |
| Senator Gary Lee | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 12 No 0

Absent _____

Floor Assignment Warner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, replace line 14 with:

| | | | |
|---------------------|-------------|-------------|---------------|
| "Salaries and wages | \$9,116,651 | \$3,541,308 | \$12,657,959" |
|---------------------|-------------|-------------|---------------|

Page 1, replace line 17 with:

| | | | |
|--------------------|----------------|-----------------|----------------|
| "Judges retirement | <u>138,105</u> | <u>(62,719)</u> | <u>75,386"</u> |
|--------------------|----------------|-----------------|----------------|

Page 1, replace line 18 with:

| | | | |
|---------------------|--------------|-------------|---------------|
| "Total general fund | \$11,569,874 | \$3,932,725 | \$15,502,599" |
|---------------------|--------------|-------------|---------------|

Page 1, replace line 23 with:

| | | | |
|---------------------|--------------|-------------|---------------|
| "Salaries and wages | \$54,216,144 | \$5,967,754 | \$60,183,898" |
|---------------------|--------------|-------------|---------------|

Page 2, replace line 2 with:

| | | | |
|--------------------|---------|--------|----------|
| "Judges retirement | 478,997 | 24,421 | 503,418" |
|--------------------|---------|--------|----------|

Page 2, replace line 5 with:

| | | | |
|------------------|--------------|--------------|---------------|
| "Total all funds | \$72,303,327 | \$10,548,656 | \$82,851,983" |
|------------------|--------------|--------------|---------------|

Page 2, replace line 7 with:

| | | | |
|---------------------|--------------|--------------|---------------|
| "Total general fund | \$70,446,552 | \$10,597,341 | \$81,043,893" |
|---------------------|--------------|--------------|---------------|

Page 2, replace line 21 with:

| | | | |
|---------------------------|--------------|--------------|---------------|
| "Grand total general fund | \$82,580,882 | \$14,586,698 | \$97,167,580" |
|---------------------------|--------------|--------------|---------------|

Page 2, replace line 23 with:

| | | | |
|------------------------|--------------|--------------|---------------|
| "Grand total all funds | \$84,763,156 | \$14,580,013 | \$99,343,169" |
|------------------------|--------------|--------------|---------------|

Page 3, line 26, replace "forty-five" with "forty-three"

Page 3, line 27, replace "sixty-seven" with "six hundred eighty-five"

Page 3, line 28, replace "fifty-two" with "forty-nine"

Page 3, line 28, replace "three" with "four"

Page 3, line 28, replace "twenty" with "thirty-three"

Page 3, line 30, replace "sixty-six" with "twenty-seven"

Page 3, line 31, replace "three" with "two"

Page 3, line 31, replace "seventy-five" with "ninety-two"

Page 4, line 4, replace "thirty-two" with "thirty-one"

Page 4, line 4, overstrike "nine" and insert immediately thereafter "six"

Page 4, line 5, replace "~~twenty-seven~~" with "sixty-one"
 Page 4, line 6, replace "~~thirty-nine~~" with "thirty-six"
 Page 4, line 6, overstrike "five" and insert immediately thereafter "nine"
 Page 4, line 6, replace "~~seventy-three~~" with "twenty-seven"
 Page 4, line 10, replace "~~forty~~" with "three"
 Page 4, line 11, remove the overstrike over "~~three~~"
 Page 4, line 11, remove "four"
 Page 4, line 12, replace "~~thirty-two~~" with "nine hundred fifty-five"
 Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Senate Action

| | Executive Budget | Senate Changes | Senate Version |
|-----------------------------|------------------|----------------|----------------|
| Supreme Court | | | |
| Total all funds | \$15,530,297 | (\$27,698) | \$15,502,599 |
| Less estimated income | 0 | 0 | 0 |
| General fund | \$15,530,297 | (\$27,698) | \$15,502,599 |
| District Courts | | | |
| Total all funds | \$83,073,957 | (\$221,974) | \$82,851,983 |
| Less estimated income | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | (\$221,974) | \$81,043,893 |
| Judicial Conduct Commission | | | |
| Total all funds | \$988,587 | \$0 | \$988,587 |
| Less estimated income | 367,499 | 0 | 367,499 |
| General fund | \$621,088 | \$0 | \$621,088 |
| Bill total | | | |
| Total all funds | \$99,592,841 | (\$249,672) | \$99,343,169 |
| Less estimated income | 2,175,589 | 0 | 2,175,589 |
| General fund | \$97,417,252 | (\$249,672) | \$97,167,580 |

Senate Bill No. 2002 - Supreme Court - Senate Action

| | Executive Budget | Senate Changes | Senate Version |
|-----------------------|------------------|----------------|----------------|
| Salaries and wages | \$12,684,559 | (\$26,600) | \$12,657,959 |
| Operating expenses | 2,754,254 | | 2,754,254 |
| Capital assets | 15,000 | | 15,000 |
| Judges retirement | 76,484 | (1,098) | 75,386 |
| Total all funds | \$15,530,297 | (\$27,698) | \$15,502,599 |
| Less estimated income | 0 | 0 | 0 |
| General fund | \$15,530,297 | (\$27,698) | \$15,502,599 |
| FTE | 45.00 | 0.00 | 45.00 |

Department No. 181 - Supreme Court - Detail of Senate Changes

| | Reduces Salary Increases for Justices ¹ | Reduces Judges Retirement ² | Total Senate Changes |
|--------------------|--|--|----------------------|
| Salaries and wages | (\$26,600) | | (\$26,600) |
| Operating expenses | | | |
| Capital assets | | | |
| Judges retirement | | (1,098) | (1,098) |
| Total all funds | (\$26,600) | (\$1,098) | (\$27,698) |

| | | | |
|-----------------------|------------|-----------|------------|
| Less estimated income | 0 | 0 | 0 |
| General fund | (\$26,600) | (\$1,098) | (\$27,698) |
| FTE | 0.00 | 0.00 | 0.00 |

¹This amendment reduces the salary increases for the justices of the Supreme Court and the Chief Justice from 5 percent each year of the biennium to 4 percent each year.

²This amendment reduces the increase in judges retirement from 5 percent each year of the biennium to 4 percent each year.

Senate Bill No. 2002 - District Courts - Senate Action

| | Executive Budget | Senate Changes | Senate Version |
|----------------------------|------------------|----------------|----------------|
| Salaries and wages | \$60,398,498 | (\$214,600) | \$60,183,898 |
| Operating expenses | 20,162,413 | | 20,162,413 |
| Capital assets | 833,026 | | 833,026 |
| Judges retirement | 510,792 | (7,374) | 503,418 |
| UND central legal research | 80,000 | | 80,000 |
| Mediation | 1,089,228 | | 1,089,228 |
| Total all funds | \$83,073,957 | (\$221,974) | \$82,851,983 |
| Less estimated income | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | (\$221,974) | \$81,043,893 |
| FTE | 310.00 | 0.00 | 310.00 |

Department No. 182 - District Courts - Detail of Senate Changes

| | Reduces Judges Salary Increases ¹ | Reduces Judges Retirement ² | Total Senate Changes |
|----------------------------|--|--|----------------------|
| Salaries and wages | (\$214,600) | | (\$214,600) |
| Operating expenses | | | |
| Capital assets | | | |
| Judges retirement | | (7,374) | (7,374) |
| UND central legal research | | | |
| Mediation | | | |
| Total all funds | (\$214,600) | (\$7,374) | (\$221,974) |
| Less estimated income | 0 | 0 | 0 |
| General fund | (\$214,600) | (\$7,374) | (\$221,974) |
| FTE | 0.00 | 0.00 | 0.00 |

¹This amendment reduces the salary increases for district judges and presiding judges from 5 percent each year of the biennium to 4 percent each year.

²This amendment reduces the increase in judges retirement from 5 percent each year of the biennium to 4 percent each year.

2013 HOUSE APPROPRIATIONS

SB 2002

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

SB2002
March 14, 2013
Jobs 19909 and 19919

Conference Committee

Committee Clerk Signature

Meredith Truhoff

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

Minutes:

You may make reference to "attached testimony."

Recording Job 19909

Chairman Thoreson called the committee to order and all members were present.

Gerald VandeWalle, Chief Justice, ND Supreme Court: We are here today to present the budget request for the ND court unified judicial system. Provided an overview of what would be presented and by whom, see Attachment 1. This is an unremarkable budget, except for our request for additional employees. If past experience is any indication, that is an unwelcome request. However, it's the result of that experience that brings us where we are today. The wisdom of the legislature has been to keep growth of government, including the judicial branch, at an absolute minimum. In the past, we have been able to get by with little or no growth in FTEs, but the problem is that we now have no excess capacity to meet the challenges we face today. The energy impact has had a severe impact on our court system. We've asked for new judges, and that bill is in Judiciary Committee now. We also need the employees that help those judges. I hope you will give serious consideration to our request for new employees.

Rep. Brandenburg: How many new judges are you requesting, and what is the breakdown of support staff?

VandeWalle: We're asking for three new judges. We use a weighted caseload system for the judges; we do the same thing with the employees.

Chairman Thoreson: The additional judges are in SB 2075. Why was that introduced separately, rather than as part of the budget?

VandeWalle: Several sessions ago, that's the way the legislature requested it. The money is included in a lump sum, and they couldn't break out what the costs were. This very carefully sets out the costs.

Chairman Thoreson: It asks for two judgeships in the northwestern part of the state, and one in the east central area. If the policy committee gives that a favorable recommendation, I would guess it will come this way.

VandeWalle: The request for new judges comes along with a request for a court reporter/recorder for each judge. We have two situations in the state. When I've come in and asked for new judges and employees, it's usually been on a trend, not on blips; in the northwest part of the state, the change in caseloads is not a blip and it's not going to go away. In Fargo, they've had a steady increase and the need is now there; we should have asked for a judge two years ago, but the space wasn't available and it is now. Our courts in Bismarck are also feeling the effects of cases being filed here that would have been filed elsewhere in the past, but now they can't handle them.

09:50

Sally Holewa, State Court Administrator: See testimony in Attachment 1.

Chairman Thoreson: Do you have a breakdown of what the technology items are that you would be purchasing with the funds?

Holewa: I do. The IT is disk and server expansion; three interactive television systems; one blade server; two digital audio system.

Rep. Kempenich: Do you back up with the rest of the state or do you hold that yourself?

Larry Zubke, Director of Technology, ND Supreme Court: We do not use ITD's backup. There is no room. We do our own backups every day, and we take those tapes offsite. We have also asked for money for a disaster recovery study, to try to prevent a major catastrophe.

Holewa: Keep in mind we have our Supreme Court offices, 18 state employed clerks' offices, and 12 juvenile court offices that we're staffing. We also have about \$300,000 going to things like copy machines, court reporter steno machines, a microfiche machine, etc.

Chairman Thoreson: Do you have a backup of the microfiche information?

Holewa: We don't have a backup right now. We could convert it to digital, but we haven't invested in that. Resumed testimony minute 14:45.

15:15

Chairman Thoreson: What's the broker project part of that technology expense?

Holewa: With CJIS currently, it's a pointer system. With the broker project, it will allow CJIS to push and pull information automatically.

Zubke: The attorney general's office and CJIS are building that hub or pass through piece of it this biennium. Our money is asking for the publishing piece.

Holewa: Resumed testimony minute 17:15.

23:15

Chairman Thoreson: Why is Williams County juvenile drug court currently inactive?

Holewa: There is an overwhelming load on the judges. They don't have time to invest in it. There's also a referral problem, they are not getting enough referrals there.

VandeWalle: I don't think the need has gone down, that their youth are using less drugs and alcohol, I just expect the authorities are dealing with more serious problems.

Holewa: Resumed testimony minute 24:10.

25:15

Rep. Brandenburg: Is the use of drug court increasing? What's happening there?

Marilyn Moe, Program Manager, Juvenile Drug Court: The drugs maybe are staying at the level they are, but we can't test for it, things like new synthetic drugs. They're always changing the components and we would like to be a step ahead of them, but we're not. By the time we get there, they've come out with another compound. The other issue is prescription drugs, we're seeing a lot of that. That is also hard to track. Alcohol is still the number one issue, marijuana is second, then prescription drugs and synthetics.

Rep. Brandenburg: Are we getting a handle on prescription drugs?

Moe: The nice thing about drug court is we have a little more control over those issues. When you get a participant into drug court, they sign an agreement that they must turn in all their prescriptions from the doctor. If a drug does show up and we don't have a prescription for it, they're sanctioned for overuse. They watch it very closely. We do constantly train. We have to bring in experts all the time.

Holewa: Resumed testimony minute 29:50. Presented testimony from Justice Carol Ronning Kapsner, see Attachment 2, minute 31:45-34:50. Continued her own testimony in Attachment 1.

39:30

Rep. Brandenburg: Do the clerks assist the attorneys working on cases?

Holewa: No, that's not what they do. The chief used a good analogy earlier, when he talked about the surgeon and the nurses that assist. When people think about courts, they think about judges, but there is a whole process with the case that goes on before the judge gets it, while the judge is court, and afterwards, even after the decision on the case is made. Clerks are involved in all of that outside-the-courtroom stuff.

Rep. Brandenburg: Somewhere there has to be all this information for these cases back in history for attorneys to research later. Is that tied into this, or a separate issue?

Holewa: The case law is really a function of the Supreme Court.

VandeWalle: If they're looking for records of past cases, the clerks don't do that. A law clerk might do that for a judge, but lawyers have to do it for their own cases.

Rep. Sanford: These positions are in the state employee system, so they would be in those 12 counties that have state employees. How are things handled if they have a need in the other counties?

Holewa: What happens with those is that we contract with the county for those services and it's based on weighted caseload. We tell the county, this is how many clerks we are willing to pay for. Many of the counties pay for more clerks. When their need grows, they add staff, and when the two-year contract is up, they come in and ask for an increase to cover those new employees. If our workload assessment study says they are needed, we pay whatever fraction they are needed.

Rep. Sanford: What I'm hearing then is there's not a need for extra contracted services in those particular counties in this budget?

Holewa: There's a need; how it's reflected in our budget is that increased services cost when we went over court services. Resumed testimony minute 44:30. Concluded 48:45.

49:20

Dale Sandstrom, Justice, ND Supreme Court: See testimony in Attachment 1.

54:45

Rep. Brandenburg: I see you have 300 court employees and 14 municipal courts, and 2000 stage agency and attorney firm users. If I'm an attorney and I want to get access to the caseloads or past history, this (Odyssey) is where I'd go to get that information to develop my case?

Sandstrom: That's right. The electronic record is not just a benefit for the people inside the system, it's a benefit to the public and those using the information. Lawyers who have been electronically filing are able to access those documents from their office and all of the publically accessible documents in the state. Going forward, lawyers will be able to access non-publically accessible documents in cases they are the lawyer for, as well. Electronic research such as our cases are available on our Supreme Court website.

Rep. Sanford: Because it's electronic records that you're talking about, the relationship to the law school, the library, the nature of that, could you comment on that? Where are we going with this? Is having lots and lots of volumes in a physical structure going to be necessary, or will all of this be electronic?

Sandstrom: A great amount of legal research is of our reference materials available electronically, some through public sources like our website, some through paid sources.

Much of the information available in books these days is also available in electronic form. There are different sources available. Books are electronic and on paper. There are accreditation requirements related to paper books that law schools have to meet. Resumed testimony minute 1:00:50. Concluded 1:03:15.

1:03:45

Daniel Crothers, Justice, ND Supreme Court: See testimony in Attachment 1.

1:12:30

Chairman Thoreson: Are the minutes and findings of your study available online?

Crothers: Yes, they are available on ndcourts.gov under the Court Services Committee. Nobody in the judiciary system understands why we are seeing more self-representation, it could be economic, or self-interest, etc., but the bottom line is people have a constitutional right to represent themselves. We're seeing the exercise of that right, for whatever reason is driving it, and we're trying to accommodate that right by means of the plan before you.

Chairman Thoreson: Did the change in name to Citizen Access Coordinator come from your inquiries into this?

Crothers: No, the name was picked to be descriptive of the position and came out of the Court Administrations office.

Chairman Thoreson: Thank you. We'll take a short break.

Recording Job 19919

Donna Wunderlich, Trial Court Administrator, South Central and Southwest Judicial Districts: See testimony in Attachment 1.

10:15

Rep. Brandenburg: The growth in felony case filings from 2000 to 2012 really sticks out.

Wunderlich: Felony crimes have risen. The problem for us in the courts with that is that felonies take a lot more judge time and a lot more clerk time, because they are more complex cases. Within our caseload and our weighted studies, that was a significant factor in the increased need for staff.

Rep. Guggisberg: Another number that sticks out is mental health; what is considered a mental health case?

Wunderlich: That's when they do civil commitments of mental health individuals. That has increased significantly across the state.

11:35

Don Wolf, Director of Finance, ND Supreme Court: See testimony in Attachment 1.

22:25

Chairman Thoreson: The tape backup in Capital Assets, that's data being backed up on tape? Or is it audio/video? Either. Is a lot of backup being done on tape these days?

Zubke: We still backup from disk to another set of disk, but we back it up to tape as the final resolution, just in case of a disaster.

Chairman Thoreson: How much tape is being stored? Are those designed to last for a long time?

Zubke: We have dozens and dozens of tape cartridges. This model, the LTO5, is state of the art tape cartridge, they are very expensive.

Chairman Thoreson: Is it digital or analog?

Zubke: It could be both. The audio files could be analog, and the files would be digital.

Wolf: Resumed testimony minute 24:03. Concluded 26:35.

Rep. Hawken: There are fees and other things that figure into court costs, and one thing it appears we don't do in the legislature is talk about the revenue side of the ledger. I would like some information on that, please.

Wolf: Absolutely.

Rep. Glassheim: In the four positions going from temporary to permanent, the cost of \$631,000 appears to be about \$79,000 per person per year. Is that the full salary, or the increase, or are we taking money out of the temporary line? How does that work?

Wolf: For the four technology coordinators, it's \$631,444 for total salaries and fringe benefits for those positions.

Rep. Glassheim: Is there some other place in the budget where we're losing costs?

Wolf: Right. We're losing \$424,000 from the temporary salaries and wages line.

Rep. Sanford: Could you describe who does the mediation program?

VandeWalle: The mediation program's purpose is not to reduce the caseload for judges, although it may; its purpose is to try to bring these families into some semblance of order after they've had this division. A mediation coordinator handles the program, and the mediators are private mediators who are paid on a per hour basis by the court system. The people that engage in mediation are entitled to six hours of free mediation; if they want more, they have to pay for it. I think it is serving its purpose very very well. We don't mediate financial matters, it is custody cases. The adversarial system is a system I defend, it works very well, but not in family matters.

Rep. Hawken: I served on a committee called Public Trust and Confidence in the Judiciary, and right off the bat, we figured there wasn't much. One of the suggestions at the time was more service-oriented, which we were able to sort of start. With the increased demand, I'm hearing that is not possible anymore. That's critical to the third branch of our government. We need to make sure our citizens are getting the services that are their right under the law.

Rep. Guggisberg: Regarding the salary increases for the judges, it seems like sometimes the legislation we pass doesn't change reality. While I'm tempted to have an amendment drafted to increase the rate back to 5%, we also need to realize that every other state employee was getting 4%, and that is now also being decreased. We also struggle for justice. I don't know if we'll do anything with that increase.

VandeWalle: I understand your concern, and part of the problem goes back many years. You established a base salary, and there were years when state employees got increases, and judges did not. If they had received those increases at that time, the base would have been higher. It's an unfortunate fact of history, but it's there.

Chairman Thoreson: We're seeing a couple of pieces of legislation dealing with convictions for driving under the influence. There will certainly be impacts on the court and incarceration system. Do you wish to make any comment on that?

VandeWalle: I think it's obvious that it's going to have an impact. We did not testify on those bills, because I don't think the judiciary should be telling the legislature what to do.

Rep. Glassheim: I understand not wanting to put a fiscal note for the judiciary on every bill that goes through, but in something like this, if it's significant, you're going to come before us in two years and tell us your caseload is up and you need more people. Can you foresee all that? Perhaps we might, if you had a sense of what might be significant.

VandeWalle: The judicial branch is reactive, we're not an active branch. It depends solely on the bar and how much they want to litigate some of these issues, and to a certain extent the clients. There is no way we can quantify future cases based on legislative changes.

Chairman Thoreson: Additional comments or questions? Are there others wishing to testify in support of SB 2002? Any opposition or testimony for informational purposes? Seeing none, the hearing was closed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

SB2002
March 19, 2013
Recording Job# 20187

Conference Committee

| |
|---------------------------|
| Committee Clerk Signature |
|---------------------------|

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

Minutes:

Vice Chairman Brandenburg: Opened the discussion on SB2002.

Sally Holewa, Court Administrator, ND Supreme Court: Went through the green sheet.

4:35

Chairman Thoreson: In Fargo there's new furniture?

Sally Holewa: That's correct.

Chairman Thoreson: Is that due to the expansion of the courthouse? That was not included in the initial cost for that?

Sally Holewa: That's correct.

6:09

Vice Chairman Brandenburg: So it's going to the clerk of courts for all the counties also?

Sally Holewa: Correct. There might be going to the juvenile court office.

Representative Kempenich: On your side, how does that fit together?

Sally Holewa: It works the same. Depending on what it is we're buying, it's something we use everywhere and 13% of the cost will be up in the supreme court; and the rest of the cost will be at the bottom.

Representative Kempenich: The one time funding in the district court, for the disaster recovery plan; is that effecting both the supreme and the district courts?

Sally Holewa: Correct. The disaster planning is basically to determine how we're going to protect records or get them back in case of emergencies.

Larry Zubke, Director of Technology, ND Supreme Court: It's true we have our own equipment separate from ITD's equipment. We've talked to them about using the Mandan facility; and they have HIPPA regulations that keep people that shouldn't be in there out of there. They had concerns about that; but, they didn't have room for our equipment.

Representative Kempenich: The only way to take on anything the way it stands right now; is they'd have to have a physical division of it.

Larry Zubke: That's our hope with the disaster recovery. We're getting so much data in an electronic format now.

Representative Kempenich: Have you talked to UND or anyplace to get it out of the capitol?

Larry Zubka: I did do research and the best scenario I found was DCN. They have a facility in Fargo that could have provided storage place for our equipment and network connectivity.

Vice Chairman Brandenburg: You hear about people that are looking at these storage data centers; does that tie into any type of this expansion in the future?

Larry Zubke: It does. One of the places I investigated is based out of Omaha and that's what they do for a living; provide disaster recovery services. They don't have enough equipment to do it for everybody at the same time. That is an option.

Sally Holewa continued with her explanation of the green sheet.

20:08

Vice Chairman Brandenburg: You were talking 3 new judges, is that right?

Sally Holewa: That's correct.

Vice Chairman Brandenburg: Can you explain the support system for a judge?

Sally Holewa: They only get one. They get a court reporter or sometimes a court recorder. The FTE's for those are in that bill.

Vice Chairman Brandenburg: So there are 3 judges and 3 court reporters.

Sally Holewa: That's in SB2075.

Chairman Thoreson: SB2075 had a hearing today in the House judiciary committee. Is that correct?

Sally Holewa: Yes.

Chairman Thoreson: Did the committee take any action on it that you're aware of?

Sally Holewa: No.

Chairman Thoreson: So 6 additional FTE total?

Sally Holewa: Correct.

Vice Chairman Brandenburg: These FTE's here are not support for those 3 new judges.

Sally Holewa: Right.

Vice Chairman Brandenburg: This is a separate issue dealing with the courts.

Sally Holewa: Right.

Representative Kempenich: How many do we have for the state and for the county?

Sally Holewa: We have 12 state employee clerks offices.

Representative Kempenich: These are for those right?

Sally Holewa: These are for those except for the juvenile court positions. There are 2 juvenile court probation officers. Those are state funded also.

Representative Kempenich: Some are in the larger counties aren't they?

Sally Holewa: Right.

Representative Kempenich: Number 11 is the rest of the counties?

Sally Holewa: We contract with the county to provide those services; so it's a contract basis.

Vice Chairman Brandenburg: The judge in Wahpeton he would be a district judge; but the judge in Ellendale would be a county judge.

Sally Holewa: They're all district now.

Vice Chairman Brandenburg: The district judges travel from county to county; but, you also have other judges that fill in with other cases. Am I saying that right?

Sally Holewa: They're all district court judges and they have a rotation; some travel.

Sally Holewa continued with the green sheet.

Vice Chairman Brandenburg: Are those temps also and then going to full-time? Is that what you're doing with juvenile?

Sally Holewa: We're adding two more.

31:24

Chairman Thoreson: Does our ND Bar Association do anything with anybody that want to do pro se representation?

Sally Holewa: They have a service where they reduce fees for some types of cases. They also do some pro bono.

32:17

Vice Chairman Brandenburg: The Guardian Ad Litem?

Sally Holewa: The Guardian Ad Litem program; we use specially trained people, we hire them through Youth Works. If there's a child abuse or neglect case; they get assigned to work with the child and they represent the best interests of the child. There's an increase because we're leaving them on the case longer.

Representative Kempenich: What is the total budget of this?

Don Wolf, Director of Finance, ND Supreme Court: I combined some of these program costs together and the total program cost is about \$2 million for the guardian ad litem. This includes other things also; we have a training grant, data collection grant, these are core improvement grants and that's about \$500,000.00.

Representative Kempenich: How many cases did you have this last biennium?

Louie Hintzen, Assistant State Court Administrator, ND Supreme Court: We get about 700 deprivation cases per year across the state. Termination of parental rights are about 150 cases.

Representative Kempenich: That's the reservations and everything?

Louie Hintzen: That's filed in district court. A deprivation case is really not over until permanency is had; that can mean going back to the parents, adoption, legal guardianship being established and aging out. There are a number of permanent options. We have to have a permanency hearing by federal law every year.

Representative Kempenich: Some of this can drag out for years.

Louie Hintzen: Yes.

Vice Chairman Brandenburg: I know you really want to keep the family together; is it more drugs, more booze or what?

Louie Hintzen: That's not us to decide. That's social service representing those cases. They will have parents going to all sorts of classes to try and correct their behavior. If they have they'll come in and tell us that the family should be reunited. There is a lot of alcohol and drug abuse in these cases.

Vice Chairman Brandenburg: Also divorces and things like that too.

Louie Hintzen: Our juvenile court officers work with the families.

Sally Holewa continued with her explanation of the green sheet.

44:07

Vice Chairman Brandenburg: In Jamestown and Valley City is that going to be right at the courthouse then?

Sally Holewa: They're held right at the courthouse; they're brought into court.

Representative Kempenich: These kids have already been convicted of something; this is more of a secondary intervention?

Sally Holewa: Yes.

47:31

Representative Kempenich: The gifts, grants and donations; what do you usually use that for?

Sally Holewa: That's so we can accept them.

Vice Chairman Brandenburg: Closed the discussion

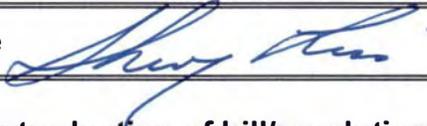
2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

SB2002
April 3, 2013
Recording Job# 20843

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

Minutes:

Chairman Thoreson: Opened the discussion on SB2002.

Vice Chairman Brandenburg: On SB2075 there are four judges and four support people for eight FTE's. In SB2002 we have another 15 FTE's; I'm wondering why we don't have all the FTE's in one bill?

Chairman Thoreson: What we're going to decide if we're going to keep both bills going forward or if the decision would be made to roll the people from SB2075 into SB2002.

Gerald VandeWalle, Chief Justice, ND Supreme Court: The new judgeships would be two in the northwest district and one in the east central district. The judiciary has a chambering rule that we follow when there are chambers established for judgeships. If these new judgeships are authorized, we would hold a hearing. It's fair to say at least one judgeship will go to Williston.

Chairman Thoreson: Let's say we approved it; what is the process for that?

Gerald VandeWalle: We have a rule that requires us to give notice that we're considering chambering the judgeship and the people are entitled to comment. Sometimes we hold a hearing and sometimes we ask for written comments.

Chairman Thoreson: So the general public would have the opportunity to comment.

Gerald VandeWalle: I have heard from some of the sheriff's about the distance they have to drive prisoners to get to a judge. I would particularly want to hear those people on locating a judge. We're required to chamber 30% of the judges in cities of 10,000 or less.

Chairman Thoreson: That's something that happens once this approved. You look at how much work there's being done in each of those?

Gerald VandeWalle: That is one of the considerations, the other consideration is do they have the physical facilities to house a judge. In some courthouses the courtroom is the county commissioner's chamber.

Representative Guggisberg: When did that 30% law go into effect?

Gerald VandeWalle: It went into effect at the time the legislature unified the system and made the county judges district judges; and told us we had to cut the number of judges. Every county had a judge up until that time; they had limited jurisdiction, they couldn't handle felony cases. The reduction meant that some counties had no judges at all. The caseloads have been in the larger cities; that's where the majority of the cases are. We have judges chambered in some smaller cities. There's a judge chambered in Washburn and one in Linton; they both live in Bismarck and they're here except when they have to travel the circuit and go out.

Vice Chairman Brandenburg: This is a big move; I don't remember that we've added that many judges in many years. I was here when the unification happened.

Representative Hawken: When was the unification; was that 1997 or 1999?

Gerald VandeWalle: It was earlier than that. I think it was 1991 and 1995.

Representative Hawken: A lot of time has gone by since then and you haven't requested them. I think that since you haven't, we need to take this seriously. The question is what do we do about the fourth one that was added?

Gerald VandeWalle: There was a provision that required the court on every vacancy. A vacancy is defined by statute as someone who dies or retires; also, if an incumbent doesn't file for re-election creates a vacancy. It required us to look at every judgeship and determine whether it was necessary.

Chairman Thoreson: So if a judge decides there hanging it up; it creates a vacancy?

Gerald VandeWalle: Yes.

Chairman Thoreson: What if they resign during their time?

Gerald VandeWalle: That also creates a vacancy. It's the legislature that sets the number of judges.

Chairman Thoreson: How many judges do we have total right now?

Gerald VandeWalle: We have 49 total judges and justices in the state.

Chairman Thoreson: What does South Dakota have?

Gerald VandeWalle: I'm not sure. I'm not sure they have a unified system.

Representative Glassheim: As I look through your scientific estimation of the needs of the judges, you were over three in the northwest and you were just under two in both the east central and south central. It seemed to me based upon how you decide whether you need you could justify seven. Am I missing something there?

Gerald VandeWalle: It's a weighted caseload study. While it's a good tool and fairly accurate; I can't say that it's precise. We have a WAPSI study which is a weighted assessment for clerk types; that doesn't include court reporters and it also applies to juvenile court officers. That shows we need 29; but I'm asking for 15.

Representative Glassheim: If I see 3.4 justified for the northwest; then we say we'll have 2, it seems to leave room for skepticism. If I see 1.8 in another place and we say you can have 1, it seems to leave room for skepticism; unless there are other factors besides that weighted study that need to be looked at.

Gerald VandeWalle: The weighted caseload study is a good tool; but, it's not mathematically precise to the nth degree. There are some things it captures and some things it doesn't. I don't think it captures rural areas.

Vice Chairman Brandenburg: If you have a person who gets picked up and he has 2 or 3 charges against him; is it one person one case or is it one person three cases for every charge?

Gerald VandeWalle: We tried to do away with that because it was a problem. At one time we had no control over the clerks; they were county people and they still are in most of the counties. In some counties they were doing that. If there were five bad checks, they filed five separate cases. We've done away with that as much as we possibly can.

Sally Holewa, State Court Administrator, ND Supreme Court: In regard to that case count, that was an issue maybe 10 years ago or better. Ever since we've been computerized, we do unique filing. When we count cases and when you see that case file number; we run it through our computer and it looks for the same person's name and plus or minus five days. If it catches them, it counts them as one case; so you can have 15 out there and it's going to catch them as one.

Gerald VandeWalle: When there was paper it varied county to county.

Vice Chairman Brandenburg: What type of criminal activity are we having that we're having all this increase and need for judges and people? How high a level is it? Is it felonies or misdemeanors? What type of activities happen that justify the judges?

Gerald VandeWalle: If you take a look at the statistics; they're up dramatically. If you take a look at the types of cases, the felonies are way up and the misdemeanors are way done. Law enforcement simply can't handle it. We're looking at closing the drug court temporarily in Williston; not only because of judge shortage, but because of referrals. They don't have time to deal with teenage drinking; they have more serious things that they're dealing with out there. That's some of the problems we're seeing. There's a big concern about the level of drugs that are coming in and the drug gangs that are coming on the reservation.

Chairman Thoreson: How do you work with the tribal courts since they're a completely separate system?

Gerald VandeWalle: Ralph Erickstad set up a tribal state forum committee and we have state trial judges and the tribal judges on there and they get together. It's a standing committee of the court and they discuss issues. We try to cooperate with them as much as possible.

Vice Chairman Brandenburg: Does it matter to you if handle these judges in your budget or if we handle them in SB2075?

Gerald VandeWalle: If you authorize them and provide money for them, I don't care how you do it.

Chairman Thoreson: There was some questions about the court reporter versus the clerk position.

Gerald VandeWalle: The court reporter works directly with the judge. The clerks are in the clerk's office.

Representative Glassheim: You have to have a court reporter with a judge?

Gerald VandeWalle: Yes.

Representative Glassheim: It wouldn't operate without them?

Gerald VandeWalle: You have to have someone to take the record. Without the record, there's not appeal. Records are very important in the judicial system; not only in North Dakota, but nationwide.

Representative Sanford: When we were talking about the number of judges we know we would be going from 44 to 47. Do we have a similar comparison for the other positions that we're requesting?

Sally Holewa: (Inaudible)

Chairman Thoreson: Closed the discussion.

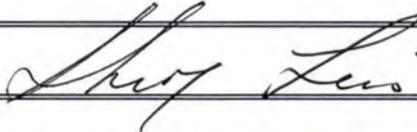
2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

SB2002
April 5, 2013
Recording Job# 20932

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

Minutes:

Chairman Thoreson: Opened the discussion on SB2002. All members were present.

Representative Sanford: Made a motion to put into the 3 judges and support staff.

Representative Hawken: Seconded the motion.

A voice vote was made and carried.

Vice Chairman Brandenburg: I would like to make a motion on item #12. I would like to reduce the 8 deputy clerks to 4 and to reduce the 4 technology coordinators to 2 and the 2 juvenile court officers from 2 to 1 and to remove court citizen access position from 1 to 0. That is my motion.

Representative Kempenich: Seconded the motion.

Representative Hawken: I don't think that in this budget it is appropriate. The chief justice made a very good case with the increase in the state the need for these people.

Chairman Thoreson: Would you like to divide the motion?

Representative Sanford: I would.

Vice Chairman Brandenburg: Made a motion to reduce the 8 deputy clerk positions from 8 to 4.

Representative Kempenich: Seconded the motion.

Representative Glassheim: Is it mainly to save money or is there discussion on whether there are actual legitimate needs out there.

Vice Chairman Brandenburg: We do have some discussions to have with the Senate and some of these issues have some concerns.

Representative Sanford: When I look at the information that was presented to us; the workload is up from 46% to 94%. When the unification took place there was a reduction of staff in a general manner and these are kind of the front line people.

Vice Chairman Brandenburg: Representative Sanford would you feel more comfortable with going from 8 to 6?

Representative Sanford: I would.

Representative Kempenich: There are some pages that were handed out and I'm not arguing that Williams and Stark counties are seeing some increases. When you look at these maps from different areas, we had these numbers 10 years ago.

A voice vote was made and failed.

Vice Chairman Brandenburg: Made a motion to go from 8 to 6.

Representative Sanford: Seconded the motion.

A voice vote was made and carried.

Vice Chairman Brandenburg: Made a motion to reduce the technology coordinators from 4 to 2.

Representative Kempenich: Seconded the motion.

Sheila Peterson, Fiscal Analyst, ND Office of Management and Budget: I do recall the chief justice saying that they currently have these four individuals working for them in temporary positions. So it might put them in an awkward position to be able to make two of them full-time and the others would have to remain temporary.

Representative Glassheim: Since 2009 they've been temporary because of a reluctance to hire FTE's. They've been doing jobs that have been needed apparently.

Vice Chairman Brandenburg: That's my point. They can make it work.

Representative Hawken: They've been working for us for 4 years; almost 5. I don't think they'd be there if they didn't need them. If I were doing a budget, I would have to double the people knowing what happens.

Representative Glassheim: Is that the increase or is that the total and they're being paid out of someplace else?

Representative Kempenich: I think they're county.

Representative Glassheim: Can we find out what they're being paid now?

Sheila Peterson: I'm looking at the budget change narrative. They have grouped in one change all the salaries and wages items; but then they have broken down what it's all made up of. For the four technology coordinators, they are only asking for the FTE; the dollar impact is zero, because they are currently being paid. So, if you took the four FTE out, you wouldn't save any dollars.

Vice Chairman Brandenburg: Withdrew his motion.

Representative Kempenich: Withdrew his second.

Sheila Peterson: The chart that's showing zero for the technology coordinators relates to their operating costs not their salary costs. We do need Don Wolf to tell us the detail on that.

Vice Chairman Brandenburg: Made a motion to remove the citizen access position.

Representative Kempenich: Is that a lawyer?

Chairman Thoreson: Quoted from the previous testimony.

Vice Chairman Brandenburg: Here's the first time we're going to have this position; it's going to grow. There's a better way to do this.

Representative Kempenich: It looks like it's going to be the bar association who's going to be involved in this at certain time frames. They have a website that they're developing.

Representative Glassheim: I think the large issue is can you get justice without money. It's all well to say hire a lawyer; but in fact, people can't. We have the testimony of people who are active in the system and they say 10% of clerk of court staff time is spent assisting self-represented litigants; that's a lot of waste of the clerk of courts time.

Representative Kempenich: I think there should be some type of nominal fee involved in this. With the clerk of courts, I think there should be a fee before they start down this road.

Vice Chairman Brandenburg: I look at indigents where we added 3 new people. They work in that area and help them out; and then we'll have turf territory. I think those people in the indigents are working with them; so why do we want to take care of them here?

Becky Keller, Fiscal Analyst, ND Legislative Council: I just had the answer from Don Wolf on the other FTE.

Representative Guggisberg: People keep coming in and testifying about the spiking crime. We have a constitutional obligation to make sure that people have representation and we have to provide it to them if they can't afford it. This could be an opportunity for us to cut some of those costs.

Representative Kempenich: If this passes, I'm going to move that we charge them \$100.00.

Vice Chairman Brandenburg: You're going to have a run on courts because it's free.

Representative Kempenich: I don't think that there are too many that have legitimate cases or actually representing themselves anyway. I think that would slow up a lot of those internet lawyers.

Representative Glassheim: I think there's a misunderstanding in what this position does. It gives no legal advice, it's not doing research for the litigant, it's not doing their claims; it's to tell them how the court system works. We have made it complicated for good reasons and lawyers know that. You have 6,500 people using it in a year.

Representative Kempenich: I didn't say to give legal advice. They go take it on themselves and they're going to save money on a lawyer.

Vice Chairman Brandenburg: I just can't see how they help filling out the forms. You can't fumble your way through court proceedings with somebody helping you fill out the forms. I don't see how this position is going to help other than they get a little farther in the door.

Representative Glassheim: I don't think that these are mostly cases where other people are suing people; 4,800 of them are criminal cases. These aren't people that are initiating lawsuits. These are people who are accused of something and for whatever reason chose to represent themselves.

Representative Kempenich: I've been informed that they do charge an \$80.00 fee when they start proceedings.

Chairman Thoreson: It says it would refer to indirect services by making referrals to the bar association. I'm not certain if they provide any legal services.

Representative Kempenich: Representative Glassheim brought up that 6,500 use this. If you have 6,000 people accessing; they're looking for about \$216,000.00, it's about \$3,500.00 per person; but that's per year.

Representative Glassheim: If there are 13,000 people assisted, that would be about \$20.00 per case. I don't expect all 6,500 are going to be helped. It's relatively inexpensive if it does anything to take pressure off of the judges and clerks of court.

The motion failed for lack of a second.

Becky Keller, Fiscal Analyst, ND Legislative Council: The judicial branch removed \$424,000.00 from temporary salaries for these positions and added back in the \$631,444.00 to cover salaries and benefits. If you remove the FTE, and you still want them to be able to have technology coordinator services; you'd have to add back in the \$424,000.00 for temps. So it's really costing you \$207,000.00 more to have them as FTE.

Vice Chairman Brandenburg: Explained attachment 2.

Sally Holewa, State Court Administrator, ND Supreme Court: See attachment 2.

Vice Chairman Brandenburg: Moved to have language added to section 6.

Representative Sanford: Seconded the motion.

A voice vote was made and carried.

Representative Kempenich: How much do we have outstanding on uncollected fines or fees? Is there anything we can do to help that along?

Sally Holewa: I don't have the exact number. To the best of my recollection we have about \$13 million outstanding. Collections is one of the things we have stopped doing with any regularity.

Representative Kempenich: If the counties get involved do they get some of that back?

Sally Holewa: They used to send out law enforcement to collect it. The supreme court had a very negative view of the intimidation factor of sending police out to collect bills. The statute says it's the state's attorney's responsibility to enforce that. We do run reports and send notices out. The clerks prepare all of the orders and then hand carry them over to the state's attorney. Some of the money that is outstanding does go to the counties.

Representative Kempenich: I couldn't remember if there was anything we could do to help.

Sally Holewa: One of my goals has been to eventually set up a collections part of the court. We need to get our standard practices done first and then pass it through the legislature.

Representative Sanford: Made a motion for a "Do Pass as Amended".

Vice Chairman Brandenburg: Seconded the motion.

Roll call vote 7 Yeas 0 Nays 0 Absent

Representative Sanford: Carried the bill.

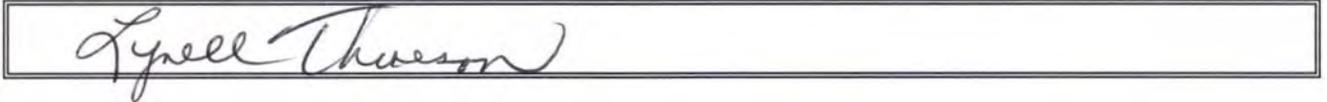
Chairman Thoreson: Closed the discussion.

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

SB 2002
4/9/13
Job 21045

Conference Committee



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

Minutes:



Chairman Delzer: We'll do the budget first, and then look at related SB 2075.

Representative Sanford: Introduced amendment .02001. Each one of the District Court judges is accompanied by a Court Reporter. I **move** the amendments, seconded by Representative Hawken.

Chairman Delzer: How much are we raising the budget for the new people?

4:11 Representative Sanford: The first amendment is \$1,690,000 for the three new judges and their clerks. We reduced it by removing two clerks.

Chairman Delzer: How much was in the governor's budget for the 16 employees? It's on the green sheet.

Representative Sanford: That's all of the new positions, not just the deputy clerk positions.

Chairman Delzer: But all you removed was two deputy clerk positions. You left the four technology ones? What are those for?

Representative Sanford: They are currently temps. The difference in going from temporary to FTEs is about \$206,000.

Chairman Delzer: Further questions?

6:09 Representative Kempenich: There are security issues with their technology. IT doesn't want to take them in because of separation of powers and security reasons. Space is also an issue.

Chairman Delzer: The legislative branches, is that started ITD now?

Representative Kempenich: Yes. We agreed to move it over after some spectacular failures.

Representative Sanford: It's fair to say that every agency we visited with, we reviewed where they get their information technology services from.

8:12 Representative Skarphol: Was it the chief justice that objected, or someone else?

Representative Sanford: Not yet.

Representative Kempenich: The issue is that ITD cannot take the Supreme Court and have it separate because of HIPAA requirements.

Chairman Delzer: Should we be spending that \$600,000 on secure system instead of four FTEs?

Chairman Delzer: All those in favor of amending SB 2002 with .02001?

Motion carries on voice vote.

10:18 Representative Brandenburg: What's the difference if we're hiring IT for support for judiciary or going out and hire in some private vendor for support and pay them full time for their support system. Where's the separation of power?

Chairman Delzer: It seems IT didn't want to blend them with the executive branch information on the same servers and such.

Representative Brandenburg: They're getting into a new building will have more room, and things will happen.

Chairman Delzer: Did you have any discussion about putting a study on the judicial IT? Is it a management study or consultant study?

Representative Kempenich: It's a study that Justice Sandstrom is ahead of.

Representative Streyle: I would suggest a mandatory study about the location of the services and the desirability of consolidating. You can easily segment networks. This is a large project.

12:32 Representative Sanford: Went through the green sheet.

16:10 Chairman Delzer: Did you have any discussion about if they are updating a lot of IT equipment, should they be doing that before the study?

Representative Sanford: I don't think we had that exact conversation, but most of what they are doing is normal replacement.

Representative Streyle: The things they are doing, if they are going into ITD, I don't know that it makes sense.

Representative Kempenich: The discussion on the study part is more about security; we did not get into their plan for the equipment.

18:11 Representative Skarphol: We have two different segments in the security area of ITD. Help me understand what the potential conflict would be with branches of government, separation of powers with requiring a physical location of the equipment belong to the Supreme Court inside the same room.

Representative Streyle: The technology is such that I don't see any issues. The physical location shouldn't be a security problem, so long as it is locked down.

20:18 Representative Sanford: Resumed on green sheet #9.

Chairman Delzer: That was general fund on the ITD side.

Representative Sanford: This morning it was the ITD's cost to get that set up. This would be the agency's cost to participate with that. Resumed on green sheet #10.

Chairman Delzer: Does the district technology talk to the technology here at Supreme Court headquarters? Do they share information from the districts to the Supremes? They are on one network, not separate?

Representative Sanford: Yes, that's correct. Resumed on green sheet #11.

23:54 Rep. Bellew: I thought the judges had their own clerks.

Representative Sanford: They do, but the state pays for it on a contract basis.

Representative Bellew: Are you saying the three new clerks you are getting aren't necessary?

Chairman Delzer: The personnel that went with the new judges is the court reporter. These are the District clerks.

Representative Sanford: Resumed discussion of green sheet.

25:53 Chairman Delzer: Are the contract employees in PERS or in the judges' retirement system?

Representative Sanford: I believe the county establishes the pay package, and we contract for that. They can get additional personnel based on case load. Resumed discussion on green sheet #12.

Chairman Delzer: How many of those do we have a year?

Representative Sanford: 1500-2000

30:20 Representative Thoreson: Last year they had over 1700 people who represented themselves. The total number is over 6500 annually.

Representative Sanford: Resumed green sheet on #13 and #17 which are self-explanatory. #14, #15 and #16 was explained.

Representative Sanford: I move approval as amended on SB 2002. Seconded by Representative Hawken.

33:29 Representative Bellew: How many new employees are in the budget?

Representative Sanford: 15

Representative Bellew: It was 21 and you took 2 of the deputy clerks away.

Representative Bellew: Yes

Chairman Delzer: 13 + 6 is 19.

A Do Pass as amended Roll Call vote: Yes = 15, No = 5, Absent = 2. Carrier: Representative Sanford.

VR
4/10/13
1085

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 2, replace "sections" with "section"

Page 1, line 2, after "27-02-02" insert "; subsection 1 of section 27-05-02.1;"

Page 1, line 2, after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and disposition of vacant judgeships"

Page 1, replace lines 14 through 18 with:

| | | | |
|------------------------|----------------|-----------------|---------------|
| "Salaries and wages | \$9,116,651 | \$1,811,745 | \$10,928,396 |
| Accrued leave payments | 0 | 531,696 | 531,696 |
| Operating expenses | 2,315,118 | 439,136 | 2,754,254 |
| Capital assets | 0 | 15,000 | 15,000 |
| Judges' retirement | <u>138,105</u> | <u>(63,809)</u> | <u>74,296</u> |
| Total general fund | \$11,569,874 | \$2,733,768 | \$14,303,642" |

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

| | | | |
|----------------------------|------------------|-----------------|------------------|
| "Salaries and wages | \$54,216,144 | \$4,661,897 | \$58,878,041 |
| Accrued leave payments | 0 | 2,399,277 | 2,399,277 |
| Operating expenses | 16,658,522 | 3,604,415 | 20,262,937 |
| Capital assets | 0 | 833,026 | 833,026 |
| Judges' retirement | 478,997 | 17,094 | 496,091 |
| UND central legal research | 80,000 | 0 | 80,000 |
| Mediation | <u>869,664</u> | <u>219,564</u> | <u>1,089,228</u> |
| Total all funds | \$72,303,327 | \$11,735,273 | \$84,038,600 |
| Less estimated income | <u>1,856,775</u> | <u>(48,685)</u> | <u>1,808,090</u> |
| Total general fund | \$70,446,552 | \$11,783,958 | \$82,230,510" |

Page 2, replace lines 21 through 24 with:

| | | | |
|--------------------------------|------------------|----------------|------------------|
| "Grand total general fund | \$82,580,882 | \$14,574,358 | \$97,155,240 |
| Grand total special funds | <u>2,182,274</u> | <u>(6,685)</u> | <u>2,175,589</u> |
| Grand total all funds | \$84,763,156 | \$14,567,673 | \$99,330,829 |
| Full-time equivalent positions | 344.00 | 19.00 | 359.00" |

Page 3, after line 22, insert:

"SECTION 5. DISTRICT JUDGES. The appropriation provided in subdivision 2 of section 1 of this Act provides for two additional district court judges in the northwest judicial district and one additional district court judge in the east central judicial district to be assigned pursuant to section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies created by this section must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the Constitution of North Dakota, each judge appointed to fill a vacancy created by this section continues in the office

until the next general election immediately following two years of service after the appointment. The individual then elected holds office for the remainder of the term and until a successor is elected and duly qualified."

Page 3, line 26, replace "forty-three" with "forty-two"

Page 3, line 27, replace "six hundred eighty-five" with "three hundred four"

Page 3, line 28, replace "forty-nine" with "forty-six"

Page 3, line 28, replace "four" with "five"

Page 3, line 28, replace "thirty-three" with "seventy-three"

Page 3, line 30, remove "one"

Page 3, line 30, overstrike "hundred"

Page 3, line 30, replace "twenty-seven" with "eighty-seven"

Page 4, line 1, replace "ninety-two" with "nine"

Page 4, after line 2, insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
 - a. The vacancy be filled in the manner provided pursuant to chapter 27-25; ~~or~~
 - b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district; or
 - c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3."

Page 4, line 6, replace "thirty-one" with "thirty"

Page 4, line 7, replace "six" with "three"

Page 4, line 7, replace "sixty-one" with "ninety-five"

Page 4, line 8, replace "thirty-six" with "thirty-four"

Page 4, line 8, replace "nine" with "three"

Page 4, line 8, replace "twenty-seven" with "seven"

Page 4, line 12, replace "eight" with "seven"

Page 4, line 13, replace "three" with "sixty-six"

Page 4, line 14, replace "nine hundred fifty-five" with "eight hundred seventy-nine"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|-----------------------------|------------------|----------------|---------------|---------------|
| Supreme Court | | | | |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| District Courts | | | | |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,186,617 | \$84,038,600 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,186,617 | \$82,230,510 |
| Judicial Conduct Commission | | | | |
| Total all funds | \$988,587 | \$988,587 | \$0 | \$988,587 |
| Less estimated income | 367,499 | 367,499 | 0 | 367,499 |
| General fund | \$621,088 | \$621,088 | \$0 | \$621,088 |
| Bill total | | | | |
| Total all funds | \$99,592,841 | \$99,343,169 | (\$12,340) | \$99,330,829 |
| Less estimated income | 2,175,589 | 2,175,589 | 0 | 2,175,589 |
| General fund | \$97,417,252 | \$97,167,580 | (\$12,340) | \$97,155,240 |

Senate Bill No. 2002 - Supreme Court - House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|------------------------|------------------|----------------|---------------|---------------|
| Salaries and wages | \$12,684,559 | \$12,657,959 | (\$1,729,563) | \$10,928,396 |
| Operating expenses | 2,754,254 | 2,754,254 | | 2,754,254 |
| Capital assets | 15,000 | 15,000 | | 15,000 |
| Judges retirement | 76,484 | 75,386 | (1,090) | 74,296 |
| Accrued leave payments | | | 531,696 | 531,696 |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| FTE | 45.00 | 45.00 | 0.00 | 45.00 |

Department No. 181 - Supreme Court - Detail of House Changes

| | Adjusts State Employee Compensation and Benefits Package ¹ | Provides Separate Line Item for Accrued Leave Payments ² | Adjusts Salaries for Justices ³ | Adjusts Justices' Retirement ⁴ | Total House Changes |
|------------------------|---|---|--|---|---------------------|
| Salaries and wages | (\$1,171,387) | (\$531,696) | (\$26,480) | | (\$1,729,563) |
| Operating expenses | | | | | |
| Capital assets | | | | | |
| Judges retirement | | | | (1,090) | (1,090) |
| Accrued leave payments | | 531,696 | | | 531,696 |
| Total all funds | (\$1,171,387) | \$0 | (\$26,480) | (\$1,090) | (\$1,198,957) |
| Less estimated income | 0 | 0 | 0 | 0 | 0 |
| General fund | (\$1,171,387) | \$0 | (\$26,480) | (\$1,090) | (\$1,198,957) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market equity component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

² A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment reduces the salary increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁴ This amendment reduces the retirement increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

A section is added to amend Section 27-05-02.1 relating to vacancies in judgeships.

Senate Bill No. 2002 - District Courts - House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|----------------------------|---------------------|---------------------|--------------------|---------------------|
| Salaries and wages | \$60,398,498 | \$60,183,898 | (\$1,305,857) | \$58,878,041 |
| Operating expenses | 20,162,413 | 20,162,413 | 100,524 | 20,262,937 |
| Capital assets | 833,026 | 833,026 | | 833,026 |
| Judges retirement | 510,792 | 503,418 | (7,327) | 496,091 |
| UND central legal research | 80,000 | 80,000 | | 80,000 |
| Mediation | 1,089,228 | 1,089,228 | | 1,089,228 |
| Accrued leave payments | | | 2,399,277 | 2,399,277 |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,186,617 | \$84,038,600 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,186,617 | \$82,230,510 |
| FTE | 310.00 | 310.00 | 4.00 | 314.00 |

Department No. 182 - District Courts - Detail of House Changes

| | Provides Separate Line Item for Accrued Leave Payments ¹ | Adds Three New Judgeships ² | Removes Two Deputy Clerk Positions ³ | Adjusts Salaries for Judges ⁴ | Adjusts Judges' Retirement ⁵ | Total House Changes |
|----------------------------|---|--|---|--|---|---------------------|
| Salaries and wages | (\$2,399,277) | \$1,575,522 | (\$268,822) | (\$213,280) | | (\$1,305,857) |
| Operating expenses | | 115,428 | (14,904) | | | 100,524 |
| Capital assets | | | | | | |
| Judges retirement | | | | | (7,327) | (7,327) |
| UND central legal research | | | | | | |
| Mediation | | | | | | |
| Accrued leave payments | 2,399,277 | | | | | 2,399,277 |
| Total all funds | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$7,327) | \$1,186,617 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$7,327) | \$1,186,617 |
| FTE | 0.00 | 6.00 | (2.00) | 0.00 | 0.00 | 4.00 |

¹ A portion of salaries and wages funding from the general fund (\$2,351,291) and other funds (\$47,986) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

² Funding is added to add three new judgeships--two for the Northwest judicial district and one for the East Central judicial district. The funding includes three new judge FTE positions and three new court reporter FTE positions.

³ Funding is removed for two deputy clerk FTE positions included in the executive budget recommendation.

⁴ This amendment reduces the salary increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁵ This amendment reduces the retirement increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

Date: 4/9/13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2002**

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number .02001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Sanford Seconded By Rep. Hawken

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------|-----|----|-----------------|-----|----|
| Chairman Delzer | | | Rep. Streyle | | |
| Vice Chairman Kempenich | | | Rep. Thoreson | | |
| Rep. Bellew | | | Rep. Wieland | | |
| Rep. Brandenburg | | | | | |
| Rep. Dosch | | | | | |
| Rep. Grande | | | Rep. Boe | | |
| Rep. Hawken | | | Rep. Glassheim | | |
| Rep. Kreidt | | | Rep. Guggisberg | | |
| Rep. Martinson | | | Rep. Holman | | |
| Rep. Monson | | | Rep. Williams | | |
| Rep. Nelson | | | | | |
| Rep. Pollert | | | | | |
| Rep. Sanford | | | | | |
| Rep. Skarphol | | | | | |

Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice vote carrier

Date: 4/9/13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2002**

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8129.02001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Sanford Seconded By Rep. Hawken

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------|-----|----|-----------------|-----|----|
| Chairman Delzer | | X | Rep. Streyle | X | |
| Vice Chairman Kempenich | X | | Rep. Thoreson | X | |
| Rep. Bellew | | X | Rep. Wieland | | X |
| Rep. Brandenburg | | X | | | |
| Rep. Dosch | X | | | | |
| Rep. Grande | X | | Rep. Boe | | |
| Rep. Hawken | X | | Rep. Glassheim | X | |
| Rep. Kreidt | | X | Rep. Guggisberg | X | |
| Rep. Martinson | X | | Rep. Holman | X | |
| Rep. Monson | X | | Rep. Williams | X | |
| Rep. Nelson | X | | | | |
| Rep. Pollert | | | | | |
| Rep. Sanford | X | | | | |
| Rep. Skarphol | X | | | | |

Total Yes 15 No 5

Absent 2

Floor Assignment Rep. Sanford

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2002, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "sections" with "section"

Page 1, line 2, after "27-02-02" insert "; subsection 1 of section 27-05-02.1;"

Page 1, line 2, after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and disposition of vacant judgeships"

Page 1, replace lines 14 through 18 with:

| | | | |
|------------------------|----------------|-----------------|---------------|
| "Salaries and wages | \$9,116,651 | \$1,811,745 | \$10,928,396 |
| Accrued leave payments | 0 | 531,696 | 531,696 |
| Operating expenses | 2,315,118 | 439,136 | 2,754,254 |
| Capital assets | 0 | 15,000 | 15,000 |
| Judges' retirement | <u>138,105</u> | <u>(63,809)</u> | <u>74,296</u> |
| Total general fund | \$11,569,874 | \$2,733,768 | \$14,303,642" |

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

| | | | |
|----------------------------|------------------|-----------------|------------------|
| "Salaries and wages | \$54,216,144 | \$4,661,897 | \$58,878,041 |
| Accrued leave payments | 0 | 2,399,277 | 2,399,277 |
| Operating expenses | 16,658,522 | 3,604,415 | 20,262,937 |
| Capital assets | 0 | 833,026 | 833,026 |
| Judges' retirement | 478,997 | 17,094 | 496,091 |
| UND central legal research | 80,000 | 0 | 80,000 |
| Mediation | <u>869,664</u> | <u>219,564</u> | <u>1,089,228</u> |
| Total all funds | \$72,303,327 | \$11,735,273 | \$84,038,600 |
| Less estimated income | <u>1,856,775</u> | <u>(48,685)</u> | <u>1,808,090</u> |
| Total general fund | \$70,446,552 | \$11,783,958 | \$82,230,510" |

Page 2, replace lines 21 through 24 with:

| | | | |
|--------------------------------|------------------|----------------|------------------|
| "Grand total general fund | \$82,580,882 | \$14,574,358 | \$97,155,240 |
| Grand total special funds | <u>2,182,274</u> | <u>(6,685)</u> | <u>2,175,589</u> |
| Grand total all funds | \$84,763,156 | \$14,567,673 | \$99,330,829 |
| Full-time equivalent positions | 344.00 | 19.00 | 359.00" |

Page 3, after line 22, insert:

"SECTION 5. DISTRICT JUDGES. The appropriation provided in subdivision 2 of section 1 of this Act provides for two additional district court judges in the northwest judicial district and one additional district court judge in the east central judicial district to be assigned pursuant to section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies created by this section must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the Constitution of North Dakota, each judge appointed to fill a vacancy created by this section continues in the office until the next general election immediately following two years of service after the appointment. The individual then elected holds office for the remainder of the term and until a successor is elected and duly qualified."

Page 3, line 26, replace "forty-three" with "forty-two"

Page 3, line 27, replace "six hundred eighty-five" with "three hundred four"

Page 3, line 28, replace "forty-nine" with "forty-six"

Page 3, line 28, replace "four" with "five"

Page 3, line 28, replace "thirty-three" with "seventy-three"

Page 3, line 30, remove "one"

Page 3, line 30, overstrike "hundred"

Page 3, line 30, replace "twenty-seven" with "eighty-seven"

Page 4, line 1, replace "ninety-two" with "nine"

Page 4, after line 2, insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
 - a. The vacancy be filled in the manner provided pursuant to chapter 27-25; ~~or~~
 - b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district; or
 - c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3.

Page 4, line 6, replace "thirty-one" with "thirty"

Page 4, line 7, replace "six" with "three"

Page 4, line 7, replace "sixty-one" with "ninety-five"

Page 4, line 8, replace "thirty-six" with "thirty-four"

Page 4, line 8, replace "nine" with "three"

Page 4, line 8, replace "twenty-seven" with "seven"

Page 4, line 12, replace "eight" with "seven"

Page 4, line 13, replace "three" with "sixty-six"

Page 4, line 14, replace "nine hundred fifty-five" with "eight hundred seventy-nine"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|-----------------------------|------------------|----------------|---------------|---------------|
| Supreme Court | | | | |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| District Courts | | | | |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,186,617 | \$84,038,600 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,186,617 | \$82,230,510 |
| Judicial Conduct Commission | | | | |
| Total all funds | \$988,587 | \$988,587 | \$0 | \$988,587 |
| Less estimated income | 367,499 | 367,499 | 0 | 367,499 |
| General fund | \$621,088 | \$621,088 | \$0 | \$621,088 |
| Bill total | | | | |
| Total all funds | \$99,592,841 | \$99,343,169 | (\$12,340) | \$99,330,829 |
| Less estimated income | 2,175,589 | 2,175,589 | 0 | 2,175,589 |
| General fund | \$97,417,252 | \$97,167,580 | (\$12,340) | \$97,155,240 |

Senate Bill No. 2002 - Supreme Court - House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|------------------------|------------------|----------------|---------------|---------------|
| Salaries and wages | \$12,684,559 | \$12,657,959 | (\$1,729,563) | \$10,928,396 |
| Operating expenses | 2,754,254 | 2,754,254 | | 2,754,254 |
| Capital assets | 15,000 | 15,000 | | 15,000 |
| Judges retirement | 76,484 | 75,386 | (1,090) | 74,296 |
| Accrued leave payments | | | 531,696 | 531,696 |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| FTE | 45.00 | 45.00 | 0.00 | 45.00 |

Department No. 181 - Supreme Court - Detail of House Changes

| | Adjusts State Employee Compensation and Benefits Package ¹ | Provides Separate Line Item for Accrued Leave Payments ² | Adjusts Salaries for Justices ³ | Adjusts Justices' Retirement ⁴ | Total House Changes |
|------------------------|---|---|--|---|---------------------|
| Salaries and wages | (\$1,171,387) | (\$531,696) | (\$26,480) | | (\$1,729,563) |
| Operating expenses | | | | | |
| Capital assets | | | | | |
| Judges retirement | | | | (1,090) | (1,090) |
| Accrued leave payments | | 531,696 | | | 531,696 |
| Total all funds | (\$1,171,387) | \$0 | (\$26,480) | (\$1,090) | (\$1,198,957) |
| Less estimated income | 0 | 0 | 0 | 0 | 0 |
| General fund | (\$1,171,387) | \$0 | (\$26,480) | (\$1,090) | (\$1,198,957) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market equity component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first

- quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

² A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment reduces the salary increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁴ This amendment reduces the retirement increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

A section is added to amend Section 27-05-02.1 relating to vacancies in judgeships.

Senate Bill No. 2002 - District Courts - House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|----------------------------|------------------|----------------|---------------|---------------|
| Salaries and wages | \$60,398,498 | \$60,183,898 | (\$1,305,857) | \$58,878,041 |
| Operating expenses | 20,162,413 | 20,162,413 | 100,524 | 20,262,937 |
| Capital assets | 833,026 | 833,026 | | 833,026 |
| Judges retirement | 510,792 | 503,418 | (7,327) | 496,091 |
| UND central legal research | 80,000 | 80,000 | | 80,000 |
| Mediation | 1,089,228 | 1,089,228 | | 1,089,228 |
| Accrued leave payments | | | 2,399,277 | 2,399,277 |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,186,617 | \$84,038,600 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,186,617 | \$82,230,510 |
| FTE | 310.00 | 310.00 | 4.00 | 314.00 |

Department No. 182 - District Courts - Detail of House Changes

| | Provides Separate Line Item for Accrued Leave Payments ¹ | Adds Three New Judgeships ² | Removes Two Deputy Clerk Positions ³ | Adjusts Salaries for Judges ⁴ | Adjusts Judges' Retirement ⁵ | Total House Changes |
|----------------------------|---|--|---|--|---|---------------------|
| Salaries and wages | (\$2,399,277) | \$1,575,522 | (\$268,822) | (\$213,280) | | (\$1,305,857) |
| Operating expenses | | 115,428 | (14,904) | | | 100,524 |
| Capital assets | | | | | | |
| Judges retirement | | | | | (7,327) | (7,327) |
| UND central legal research | | | | | | |
| Mediation | | | | | | |
| Accrued leave payments | 2,399,277 | | | | | 2,399,277 |
| Total all funds | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$7,327) | \$1,186,617 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$7,327) | \$1,186,617 |
| FTE | 0.00 | 6.00 | (2.00) | 0.00 | 0.00 | 4.00 |

¹ A portion of salaries and wages funding from the general fund (\$2,351,291) and other funds (\$47,986) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

² Funding is added to add three new judgeships--two for the Northwest judicial district and one for the East Central judicial district. The funding includes three new judge FTE positions

and three new court reporter FTE positions.

³ Funding is removed for two deputy clerk FTE positions included in the executive budget recommendation.

⁴ This amendment reduces the salary increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁵ This amendment reduces the retirement increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

2013 CONFERENCE COMMITTEE

SB 2002

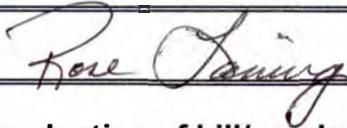
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2002 conference committee
April 19, 2013
Job # 21309

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch.

Minutes:

Legislative Council - Adam Mathiak
OMB - Sheila Peterson

Senator Kilzer opened the conference committee hearing on SB 2002. **Senators Carlisle** and **Warner** were present as well as **Representatives Sanford, Brandenburg** and **Guggisberg**.

Rep. Sanford: The actions of the House started with the adjustments with the salary and accrued leave and retirement. We're awaiting direction on that issue.

The House removed 2 deputy clerk positions from the 8 that were requested and included in the Senate version. We took it down to 6.

The addition of the 3 new judges ended up staying at the 3 the Senate approved.

Senator Kilzer: Were the 2 deputy clerks you removed from a certain location?

Rep. Sanford: They were not. (02:40) Discussion followed on the thoughts behind that decision and also not shifting people around.

Senator Warner asked for clarification about the judges salaries. **Rep. Sanford** responded that the House did the standard that they have done on every budget - further reduced from the Senate. It is actually an increase from the present biennium. (4:30)

Rep. Guggisberg: Right now in Section 7 vacancies can be filled in judgeships but they can't get rid of a judgeship if there are too many. We added language that allows them to get rid of a judgeship.

(06:05) **Rep. Brandenburg** pointed out that judges are based on the caseload. If the oil play goes backward, the language would be in place and if the judge is not needed, they could take a look at that issue. He also spoke about the supreme positions. There was a request for a total of 16 FTE's and the House granted 14. In SB 2075 the House granted 6

FTE's (3 judges and 3 clerks). That's a total of 20 FTE's added to this budget. That's quite an increase from years past.

Senator Carlisle asked if the South Central made a pitch for the deputy clerks at the House hearing.

Rep. Brandenburg responded that the policy committee is where the extra judge was added.

Rep. Sanford: Burliegh county was one of 2 that had the most intense needs for the deputy clerk positions.

Senator Carlisle: They have the numbers to put this subject in place. This judicial district is very busy. A lot of cases are getting moved into it from out west.

Senator Warner: Would the House be open to the idea that the percentage of increase in the judicial salaries should match whatever is negotiated for the other employees? Or is this a separate issue?

Rep. Sanford replied that they haven't had that discussion

Senator Carlisle asked if it would be the intent that when they have the salary issue resolved, they would meet again and talk about the deputy clerk positions.

Senator Kilzer said they should mull over the deputy clerk issue and salaries and then they wouldn't need to meet again they have the salary resolution taken care of.

The conference committee meeting was closed.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2002
04-23-2013
Job # 21459

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Conference Committee Hearing for the Judicial Branch

Minutes:

You may make reference to "attached testimony."

Senator Kilzer called the Conference Committee hearing to order on Tuesday, April 23, 2013 at 4:00 pm in the Harvest Room. Let the record show that all conferees are present.

SENATE: Senators: Ralph Kilzer, Chair; Ron Carlisle, John Warner

HOUSE: Representatives: Mark Sanford, Mike Brandenburg, Ron Guggisberg

Becky J. Keller - Legislative Council
Sheila Peterson and Laney Herauf - OMB

Senator Kilzer of course the one glaring problem is the two deputy clerks.

Senator Carlisle: I see the commander is here. You see the emails from the various judges. I would move to put those two deputy clerks positions in. 2nd by **Senator Warner**.

Senator Kilzer We have a motion and a 2nd to restore the two deputy clerk positions making a total of 8.

Senator Carlisle The way the case load, the numbers are up, the last two years the cases have grown by 22,000. Since 2000, it's almost 60,000 cases more. If you want to convert the 4 existing positions and add the eleven new, we know how much that is but the main thing they asked for a lot more clerks, and then the governor settled for a number of clerks, based on the numbers why wouldn't we want to put them back in.

Representative Sanford: There is a little bit of difference in the data we received as to what we received now. The big thing there is 20 new FTE's that would be going into the system, in a variety of positions, clearly they are going to have a significant impact on the case load for the judiciary, so we balanced that off with the concern that the growth has been rapid in the west, we don't know when we will switch from exploration to production, but rather than over commit we would like to continue with the practices the judiciary has

been doing which is to be a little bit conservative. For example, the clerks spent about 10% of their time helping people who wanted to represent themselves. Now there is a position designed to assist with that. We don't know what the impact of that will be, it's a new position. So that is kind of the thinking we were going through.

Senator Kilzer Did I hear you right, an increase in FTE's causes an increase in caseload?

Representative Sanford No, what I meant was the increase in FTE;s should make an significant impact on the caseload evening out for the current personal because of the extra people to help them with the caseload.

Senator Carlisle Obviously I am from the judicial district here in Burleigh County, when we had our side, the eight clerks, two Burleigh, two Cass which their loads picked up; and the others are William, Stark and Ward and of course Ward is on the edge of the oil patch and the counties out west. I think they can move folks around, they go where the work load is, I can speak for Burleigh County our numbers are way up, and it's because they can't get a hearing or a trial or whatever the legal process in Dickinson, so they are sending them into our district. History has shown if it tails off, the judge lets us know, if he doesn't need them, he won't ask for them. We are loading up in the Industrial Commission, Health Department Highway Patrol, and Attorney General, that is where the Senate is coming from.

Senator Warner These are low cost high value employees, they allow us to get the most value out of our more expensive judges and reporters. The expenditure of 2 more is more than justified.

Senator Kilzer Call the roll on a do pass for adding 2 more deputy clerks.

Kilzer - Yes
Carlisle - Yes
Warner - Yes
Sanford - No
Brandenburg - No
Guggisberg - Yes
It failed.

Senator Kilzer What are your wishes?

Representative Sanford I make a motion we authorize 2 contracted clerk positions, rather than the FTE's. 2nd by **Representative Brandenburg**.

Senator Kilzer The motion would be to allow a contracted service?

Representative Brandenburg With appropriate funding is that your motion? What I meant Senator Kilzer for comment yes we do have a 2nd. Could I ask Sally if contracts work if that is okay with you?

Sally Holewa, State Court Administrator We have these contracted employees in the past, it works depending on the region that we put them in. There is a high turnover rate in

some, just recently for example we tried to do that here in Burleigh County and they've gone back to the agency now twice, all they've gotten so far is one applicant. It can work depending on the region and I suppose who happens to be out looking for a job. It certainly is better than not having any authorization to go. **Senator Kilzer** Have you done this very often in the past? **Sally Holewa** We've done this with a clerk in Cass, Burleigh and now two up in Williston. There was a high turnover rate in Williston. **Senator Kilzer** How expensive are their services? Do you go through a local temps company of some kind? **Sally Holewa** We go through Dakota Staffing and we use them statewide. But we budget per clerk is \$63,000. **Senator Kilzer** \$63,000 for a year's work roughly? **Sally Holewa** It would be for the biennium. **Senator Kilzer** Then Dakota Staffing pays their benefits and things? **Sally Holewa** What's happened with Dakota Staffing in order to try to attract our workers to get them to stay; normally Dakota Staffing pays no benefits. No sick leave or vacation leave, but we've built it into our contract to pay a percentage of their insurance that they offer through there and to also offer a limited amount of vacation days. We pay the staffing company to give them those. **Senator Kilzer** You would prefer contracting to hiring temporary employees? **Sally Holewa** I would prefer temporary employees but would accept either one, we would rather have something than nothing.

Senator Kilzer Any further questions. I am not experienced with legal contracting services like I am with medical. I know medical staffing is twice as high in medical when contracting the clinics or the hospitals that sign a contract with these headhunter organizations as their called; the expenses are about twice as high as if your able to recruit somebody to come live and work in your area.

Senator Carlisle You said some work better than others. You've got Burleigh, Cass, Stark, Ward and Williams to work with, so if you want out of this pool of the full time ones, you can staff them in the areas that don't have the turnover and could use a contract in the areas that might not have as much turnover, relatively to these counties.

Sally Holewa Our best bet would be contracting over in Cass County.

Senator Carlisle You have the ability to move them? **Sally** replied yes, that's correct.

Representative Sanford I would revise the motion to either contract or temp.

Senator Kilzer Is that ok with the person who seconded it. The answer was yes.

Senator Kilzer We have a new motion to give them an option. Further discussion. 2nd by Representative Brandenburg.

Senator Warner The money will show up in the same line?

Becky J. Keller It will it is dependent on the committee if you want the same amount that we have for the two clerk positions or if you want to name a new amount?

Senator Warner I assume the cost of temporaries is about the same as full time isn't it? I think we are required under new federal law, to cover health insurance on temporaries.

Senator Carlisle We have this motion in front of us. We don't have to act on it today right?

Senator Kilzer I would prefer that we vote on it. Any further discussion?

Senator Carlisle Becky you said the funding, what would that include now? So I understand this.

Becky J. Keller Right now we are showing \$268,822 in the salaries line item, it is a total of \$14,904 in operating costs so it's a total of \$283,726 and that is all general fund, if that is the amount you wish to convert over that is fine.

Senator Kilzer Further discussion?

Representative Brandenburg With the temporary salaries, you say it's \$268, are the salaries the same with the temp as the FTEs?

Sheila Peterson, OMB It depends on where if they go with a contract, or if they go with temporary, where these are and how much they will need to pay either a staffing company or a temporary person. I don't think we know what the cost would be.

Representative Brandenburg I am not sure we should really write a number down at this point until we know that.

Senator Carlisle In the motion, you said you would go to contract or temp and we've got money, sufficient money to pay them. That is what Becky is asking.

Representative Brandenburg With contract it was \$61,000 a biennium.

Senator Carlisle Yes, but temp changes. I would be inclined to support the motion if all the money stays in there so they can pay them and still move people around.

Representative Brandenburg I am not sure they need \$260,000 for two temporary employees. That's my point.

Senator Carlisle I am inclined to support the motion if all that money stays in there so they have room to move on contract or temps is my theory. That is the figure she quoted.

Representative Brandenburg If that's the number is \$260,000, I am not sure I would support it at this time. I might next meeting but I think I need to do a little research on that because it sounds like that's \$130,000 a year, doubling your costs from contract to temp.

Senator Carlisle You heard on some of the contract folks there is a high turnover rate and a high administrative rate.

Senator Kilzer I am going to vote no. If we want to try the same motion next time with more information next time that is okay with me. Call the roll.

Kilzer - No

Carlisle - No
Warner - Yes
Sanford - Yes
Bandenburg - No
Guggisberg - No
Motion failed.

Senator Carlisle We can agree on the salary package, I think everybody understands that whole part of it. The only other issue is the disposition of the two clerks we moved from the House.

Sally Holewa The other issue has to do with judicial salaries if you want to specify something on that.

Senator Carlisle That would be adjusted to the state employees' compensation in a 4 and a 3. Becky is that right?

Becky J. Keller That would be correct. It's what we've been doing with all the elected officials is going to a 4/3 and it would be up to you if you want the judges salaries to follow that.

Senator Kilzer The pension contributions. The judges have their own pension plan. Would the contributions be the same as the state employees?

Becky J. Keller We would reduce those also by the percentage.

Senator Kilzer But it would be the same as state employees? We will close the meeting today but we have a couple of things to maul over

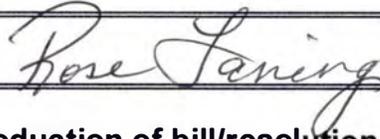
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2002 conference committee
April 24, 2013
Job # 21479

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Conference Committee Hearing for the Judicial Branch

Minutes:

Testimony attached # 1

Legislative Council - Adam Mathiak
OMB - Sheila Peterson

Senator Kilzer opened the conference committee hearing on SB 2002. All conference committee members were present: **Senators Carlisle, Warner, Representatives Sanford, Brandenburg and Guggisberg.**

Senator Kilzer: It appears that our hang up is on the 2 FTEs that were removed by the House version. Last time we had a couple motions that were defeated.

Rep. Sanford: I was hoping we'd have information relative to the cost.

Senator Kilzer: When you mentioned costs, can you be more specific.

Rep. Sanford: I was referring to the cost of using a contract or temporary employees versus employees that are permanent.

Sally Holewa, State Court Administrator: Handed out an attachment that showed the cost of two temporary positions. The difference between the temporary and fulltime equates to \$39,198 (attachment # 1).

Senator Warner: Speaking of quantity in terms of dollars, what are the quality differences between temporary and contract workers?

Sally Holewa: The difference between temporary and contract have to do with background skills and motivation for seeking employment. There are good contract workers with good skills. Usually a person that takes a temporary job is on the lookout for a fulltime job. They tend to work hard and will stick with you until a better opportunity comes along. A contract worker is a day laborer. They want to pick and choose their own schedule. Many of those workers come with a background of manufacturing. When we hire we generally look for someone with experience in legal secretary work or some other skills they would bring to

the job. We put them in areas that are minimal type of work where they don't have to understand the process. With the contract people there tends to be a high turnover.

Senator Kilzer: In both these categories have you hired and used a lot of people in the past?

Sally Holewa: I think we've had 4 contract positions and we've used temporary positions only in juvenile court. The temporary positions were juvenile secretaries and probation officers.

Senator Carlisle: I am curious if the House would be amenable to the FTEs after we have seen the comparison.

Senator Kilzer: I'm willing to go that route, but it's not my first choice or the agencies choice. I can't deny the statistics or the need.

Senator Carlisle moved to put the 2 positions back in but they would be temporary FTEs, with the appropriate funding that was brought forth by the Supreme Court.

Rep. Sanford seconded the motion.

A roll call vote was taken. Yea: 6 Nay: 0 Absent: 0

Senator Carlisle: We can move the budget with the appropriate salary package that is in there and the temporaries.

Rep. Sanford moved House recede and further amended.

Brandenburg seconded.

Sally Holewa: When you talked about the salary package it has not been real clear for us on the intent behind it. The judicial branch was not part of the compensation study and we have a separate compensation plan. She explained their performance plan. I wanted to be clear that we're not part of that study. It's the semantics of it.

Roll call vote: **Yea: 6 Nay: 0 Absent: 0**

Motion carried.

EB
4-26-13
lof5

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

That the House recede from its amendments as printed on pages 1379-1383 of the Senate Journal and pages 1367-1371 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 2, replace "sections" with "section"

Page 1, line 2, after "27-02-02" insert ", subsection 1 of section 27-05-02.1,"

Page 1, line 2, after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and disposition of vacant judgeships"

Page 1, replace lines 14 through 18 with:

| | | | |
|------------------------|----------------|-----------------|---------------|
| "Salaries and wages | \$9,116,651 | \$2,642,404 | \$11,759,055 |
| Accrued leave payments | 0 | 531,696 | 531,696 |
| Operating expenses | 2,315,118 | 439,136 | 2,754,254 |
| Capital assets | 0 | 15,000 | 15,000 |
| Judges' retirement | <u>138,105</u> | <u>(63,088)</u> | <u>75,017</u> |
| Total general fund | \$11,569,874 | \$3,565,148 | \$15,135,022" |

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

| | | | |
|----------------------------|------------------|-----------------|------------------|
| "Salaries and wages | \$54,216,144 | \$4,891,521 | \$59,107,665 |
| Accrued leave payments | 0 | 2,399,277 | 2,399,277 |
| Operating expenses | 16,658,522 | 3,619,319 | 20,277,841 |
| Capital assets | 0 | 833,026 | 833,026 |
| Judges' retirement | 478,997 | 21,939 | 500,936 |
| UND central legal research | 80,000 | 0 | 80,000 |
| Mediation | <u>869,664</u> | <u>219,564</u> | <u>1,089,228</u> |
| Total all funds | \$72,303,327 | \$11,984,646 | \$84,287,973 |
| Less estimated income | <u>1,856,775</u> | <u>(48,685)</u> | <u>1,808,090</u> |
| Total general fund | \$70,446,552 | \$12,033,331 | \$82,479,883" |

Page 2, replace lines 21 through 24 with:

| | | | |
|--------------------------------|------------------|----------------|------------------|
| "Grand total general fund | \$82,580,882 | \$15,655,111 | \$98,235,993 |
| Grand total special funds | <u>2,182,274</u> | <u>(6,685)</u> | <u>2,175,589</u> |
| Grand total all funds | \$84,763,156 | \$15,648,426 | \$100,411,582 |
| Full-time equivalent positions | 344.00 | 19.00 | 363.00" |

Page 3, after line 22, insert:

"SECTION 5. DISTRICT JUDGES. The appropriation provided in subdivision 2 of section 1 of this Act provides for two additional district court judges in the northwest judicial district and one additional district court judge in the east central judicial district to be assigned pursuant to section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies created by this section must be filled in accordance with section 13 of article VI of the

2 of 5

Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the Constitution of North Dakota, each judge appointed to fill a vacancy created by this section continues in the office until the next general election immediately following two years of service after the appointment. The individual then elected holds office for the remainder of the term and until a successor is elected and duly qualified."

Page 3, line 28, replace "forty-nine" with "forty-seven"

Page 3, line 28, replace "four" with "nine"

Page 3, line 28, replace "thirty-three" with "ninety-six"

Page 4, line 1, replace "ninety-two" with "fifty"

Page 4, after line 2, insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
 - a. The vacancy be filled in the manner provided pursuant to chapter 27-25;
 - b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district; or
 - c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3.

Page 4, line 8, replace "thirty-six" with "thirty-five"

Page 4, line 8, replace "nine" with "six"

Page 4, line 8, replace "twenty-seven" with "eleven"

Page 4, line 14, replace "fifty-five" with "seventeen"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Conference Committee Action

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|------------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Supreme Court | | | | | | |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$367,577) | \$15,135,022 | \$14,303,642 | \$831,380 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$367,577) | \$15,135,022 | \$14,303,642 | \$831,380 |

| | | | | | | |
|------------------------------------|--------------|--------------|-------------|---------------|--------------|-------------|
| District Courts | | | | | | |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,435,990 | \$84,287,973 | \$84,038,600 | \$249,373 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 | 1,808,090 | 0 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,435,990 | \$82,479,883 | \$82,230,510 | \$249,373 |
| Judicial Conduct Commission | | | | | | |
| Total all funds | \$988,587 | \$988,587 | \$0 | \$988,587 | \$988,587 | \$0 |
| Less estimated income | 367,499 | 367,499 | 0 | 367,499 | 367,499 | 0 |
| General fund | \$621,088 | \$621,088 | \$0 | \$621,088 | \$621,088 | \$0 |
| Bill total | | | | | | |
| Total all funds | \$99,592,841 | \$99,343,169 | \$1,068,413 | \$100,411,582 | \$99,330,829 | \$1,080,753 |
| Less estimated income | 2,175,589 | 2,175,589 | 0 | 2,175,589 | 2,175,589 | 0 |
| General fund | \$97,417,252 | \$97,167,580 | \$1,068,413 | \$98,235,993 | \$97,155,240 | \$1,080,753 |

Senate Bill No. 2002 - Supreme Court - Conference Committee Action

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|------------------------|------------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Salaries and wages | \$12,684,559 | \$12,657,959 | (\$898,904) | \$11,759,055 | \$10,928,396 | \$830,659 |
| Operating expenses | 2,754,254 | 2,754,254 | | 2,754,254 | 2,754,254 | |
| Capital assets | 15,000 | 15,000 | | 15,000 | 15,000 | |
| Judges retirement | 76,484 | 75,386 | (369) | 75,017 | 74,296 | 721 |
| Accrued leave payments | | | 531,696 | 531,696 | 531,696 | |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$367,577) | \$15,135,022 | \$14,303,642 | \$831,380 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$367,577) | \$15,135,022 | \$14,303,642 | \$831,380 |
| FTE | 45.00 | 45.00 | 0.00 | 45.00 | 45.00 | 0.00 |

Department No. 181 - Supreme Court - Detail of Conference Committee Changes

| | Adjusts State Employee Compensation and Benefits Package ¹ | Provides Separate Line Item for Accrued Leave Payments ² | Adjusts Salaries for Justices ³ | Adjusts Justices' Retirement ⁴ | Total Conference Committee Changes |
|------------------------|---|---|--|---|------------------------------------|
| Salaries and wages | (\$353,985) | (\$531,696) | (\$13,223) | | (\$898,904) |
| Operating expenses | | | | | |
| Capital assets | | | | | |
| Judges retirement | | | | (369) | (369) |
| Accrued leave payments | | 531,696 | | | 531,696 |
| Total all funds | (\$353,985) | \$0 | (\$13,223) | (\$369) | (\$367,577) |
| Less estimated income | 0 | 0 | 0 | 0 | 0 |
| General fund | (\$353,985) | \$0 | (\$13,223) | (\$369) | (\$367,577) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

² A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment provides for a salary increase for justices of 4 percent the first year and 3 percent the second year. The executive budget included a 5 percent increase each year, the Senate provided a

4 percent increase each year, and the House provided a 3 percent increase each year.

⁴ This amendment adjusts the retirement payments for retired justices consistent with the compensation package provisions for current justices.

A section is added to amend Section 27-05-02.1 relating to vacancies in judgeships, the same as the House version.

Senate Bill No. 2002 - District Courts - Conference Committee Action

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|----------------------------|-------------------------|-----------------------|-------------------------------------|-------------------------------------|----------------------|----------------------------|
| Salaries and wages | \$60,398,498 | \$60,183,898 | (\$1,076,233) | \$59,107,665 | \$58,878,041 | \$229,624 |
| Operating expenses | 20,162,413 | 20,162,413 | 115,428 | 20,277,841 | 20,262,937 | 14,904 |
| Capital assets | 833,026 | 833,026 | | 833,026 | 833,026 | |
| Judges retirement | 510,792 | 503,418 | (2,482) | 500,936 | 496,091 | 4,845 |
| UND central legal research | 80,000 | 80,000 | | 80,000 | 80,000 | |
| Mediation | 1,089,228 | 1,089,228 | | 1,089,228 | 1,089,228 | |
| Accrued leave payments | | | 2,399,277 | 2,399,277 | 2,399,277 | |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,435,990 | \$84,287,973 | \$84,038,600 | \$249,373 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 | 1,808,090 | 0 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,435,990 | \$82,479,883 | \$82,230,510 | \$249,373 |
| FTE | 310.00 | 310.00 | 4.00 | 314.00 | 314.00 | 0.00 |

Department No. 182 - District Courts - Detail of Conference Committee Changes

| | Provides Separate Line Item for Accrued Leave Payments¹ | Adds Three New Judgeships² | Removes Two Deputy Clerk Positions³ | Adjusts Salaries for Judges⁴ | Adjusts Judges' Retirement⁵ | Adds Funding for Temporary Employees⁶ |
|----------------------------|---|--|---|--|---|---|
| Salaries and wages | (\$2,399,277) | \$1,575,522 | (\$268,822) | (\$213,280) | | \$229,624 |
| Operating expenses | | 115,428 | (14,904) | | | 14,904 |
| Capital assets | | | | | | |
| Judges retirement | | | | | (2,482) | |
| UND central legal research | | | | | | |
| Mediation | | | | | | |
| Accrued leave payments | 2,399,277 | | | | | |
| Total all funds | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$2,482) | \$244,528 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$2,482) | \$244,528 |
| FTE | 0.00 | 6.00 | (2.00) | 0.00 | 0.00 | 0.00 |

| | Total Conference Committee Changes |
|----------------------------|---|
| Salaries and wages | (\$1,076,233) |
| Operating expenses | 115,428 |
| Capital assets | |
| Judges retirement | (2,482) |
| UND central legal research | |
| Mediation | |
| Accrued leave payments | 2,399,277 |
| Total all funds | \$1,435,990 |
| Less estimated income | 0 |
| General fund | \$1,435,990 |

FTE

4.00

SofS

¹ A portion of salaries and wages funding from the general fund (\$2,351,291) and other funds (\$47,986) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

² Funding is added to add 3 new judgeships--2 for the Northwest judicial district and 1 for the East Central judicial district. The funding includes 3 new judge FTE positions and 3 new court reporter FTE positions.

³ Funding is removed for 2 deputy clerk FTE positions included in the executive budget recommendation, same as the House version.

⁴ This amendment provides for a salary increase for judges of 4 percent the first year and 3 percent the second year. The executive budget included a 5 percent increase each year, the Senate provided a 4 percent increase each year, and the House provided for a 3 percent increase each year.

⁵ This amendment adjusts the retirement payments for retired judges consistent with the compensation package provisions for current judges.

⁶ Funding is added to provide for two temporary employees for deputy clerk duties.

Senate Bill No. 2002 - Judicial Conduct Commission - Conference Committee Action

The House did not change the Senate version for the Judicial Conduct Commission. The conference committee did not change the House or Senate version for the Judicial Conduct Commission.

Date 4-23-13

Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2002 as (re) engrossed

Senate Appropriations Committee

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amends
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amends as follows
 - Unable to agree**, recommends that the committee be discharged and a new committee be appointed and 2 FTE.

Motion Made by: Carlisle Seconded by: Warner

| Senators | 4/19 | 4/23 | Yes | No | Representatives | 4/19 | 4/23 | Yes | No |
|-------------------|------|------|-----|----|-----------------|------|------|-----|----|
| Senator Kilzer | ✓ | ✓ | ✓ | | Rep. Sanford | ✓ | ✓ | | ✓ |
| Carlisle | ✓ | ✓ | ✓ | | Brandenburg | ✓ | ✓ | | ✓ |
| Warner | ✓ | ✓ | ✓ | | Guggisberg | ✓ | ✓ | ✓ | |
| | | | | | | | | | |
| | | | | | | | | | |
| Total Senate Vote | | | 3 | | Total Rep. Vote | | | 1 | 2 |

Vote Count Yes: 4 No: 2 Absent: 0

Senate Carrier _____ House Carrier foils

LC Number _____ of amendment

LC Number _____ of engrossment

Date 4-23-13

Roll Call Vote # 2

**2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2002 as (re) engrossed

Senate _____ Committee

- Action Taken**
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amends
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amends as follows

Unable to agree, recommends that the committee be discharged and a new committee be appointed *Motion is here 2 contingent to allow the opters, clerks temp*

Motion Made by: Sanford Seconded by: Brandenburg

| Senators | | | | Yes | No | Representatives | | | | Yes | No |
|-------------------|--|--|--|-----|----|-----------------|--|--|--|-----|----|
| | | | | | ✓ | | | | | ✓ | |
| | | | | | ✓ | | | | | | ✓ |
| | | | | ✓ | | | | | | | ✓ |
| | | | | | | | | | | | |
| Total Senate Vote | | | | | | Total Rep. Vote | | | | | |

Vote Count Yes: _____ No: _____ Absent: _____

Senate Carrier _____ House Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Date 4-24-13

Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2002 as (re) engrossed

Senate Appropriations Committee

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amends
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amends as follows

Unable to agree, recommends that the committee be discharged and a new committee be appointed

to add 2 FTEs

Motion Made by: Carlisle Seconded by: Sanford

| Senators | | 4/24 | Yes | No | Representatives | | 4/24 | Yes | No |
|-------------------|--|------|-----|----|-----------------|--|------|-----|----|
| Senator Kilzer | | ✓ | ✓ | | Rep. Sanford | | ✓ | ✓ | |
| Carlisle | | ✓ | ✓ | | Braidenburg | | ✓ | ✓ | |
| Warner | | ✓ | ✓ | | Guggiloy | | ✓ | ✓ | |
| Total Senate Vote | | | 3 | | Total Rep. Vote | | | 3 | |

Vote Count Yes: 3 No: 0 Absent: 0

Senate Carrier Carlisle House Carrier Sanford

LC Number _____ of amendment

LC Number _____ of engrossment

Date 4-24-13

Roll Call Vote # 2

**2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2002 as (re) engrossed

Senate Appropriations Committee

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amends
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amends as follows
 - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sanford Seconded by: Brandenburg

| Senators | | | Yes | No | Representatives | | | Yes | No |
|-----------------------|--|--|-----|----|--------------------|--|---|-----|----|
| <u>Senator Kilzer</u> | | | ✓ | | <u>Rep Sanford</u> | | ✓ | | |
| <u>Carlisle</u> | | | ✓ | | <u>Brandenburg</u> | | ✓ | | |
| <u>Warner</u> | | | ✓ | | <u>Suggsberry</u> | | ✓ | | |
| | | | | | | | | | |
| | | | | | | | | | |
| Total Senate Vote | | | | | Total Rep. Vote | | | | |

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier _____ House Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

REPORT OF CONFERENCE COMMITTEE

SB 2002, as engrossed: Your conference committee (Sens. Kilzer, Carlisle, Warner and Reps. Sanford, Brandenburg, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1379-1383, adopt amendments as follows, and place SB 2002 on the Seventh order:

That the House recede from its amendments as printed on pages 1379-1383 of the Senate Journal and pages 1367-1371 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 2, replace "sections" with "section"

Page 1, line 2, after "27-02-02" insert ", subsection 1 of section 27-05-02.1,"

Page 1, line 2, after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and disposition of vacant judgeships"

Page 1, replace lines 14 through 18 with:

| | | | |
|------------------------|----------------|-----------------|---------------|
| "Salaries and wages | \$9,116,651 | \$2,642,404 | \$11,759,055 |
| Accrued leave payments | 0 | 531,696 | 531,696 |
| Operating expenses | 2,315,118 | 439,136 | 2,754,254 |
| Capital assets | 0 | 15,000 | 15,000 |
| Judges' retirement | <u>138,105</u> | <u>(63,088)</u> | <u>75,017</u> |
| Total general fund | \$11,569,874 | \$3,565,148 | \$15,135,022" |

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

| | | | |
|----------------------------|------------------|-----------------|------------------|
| "Salaries and wages | \$54,216,144 | \$4,891,521 | \$59,107,665 |
| Accrued leave payments | 0 | 2,399,277 | 2,399,277 |
| Operating expenses | 16,658,522 | 3,619,319 | 20,277,841 |
| Capital assets | 0 | 833,026 | 833,026 |
| Judges' retirement | 478,997 | 21,939 | 500,936 |
| UND central legal research | 80,000 | 0 | 80,000 |
| Mediation | <u>869,664</u> | <u>219,564</u> | <u>1,089,228</u> |
| Total all funds | \$72,303,327 | \$11,984,646 | \$84,287,973 |
| Less estimated income | <u>1,856,775</u> | <u>(48,685)</u> | <u>1,808,090</u> |
| Total general fund | \$70,446,552 | \$12,033,331 | \$82,479,883" |

Page 2, replace lines 21 through 24 with:

| | | | |
|--------------------------------|------------------|----------------|------------------|
| "Grand total general fund | \$82,580,882 | \$15,655,111 | \$98,235,993 |
| Grand total special funds | <u>2,182,274</u> | <u>(6,685)</u> | <u>2,175,589</u> |
| Grand total all funds | \$84,763,156 | \$15,648,426 | \$100,411,582 |
| Full-time equivalent positions | 344.00 | 19.00 | 363.00" |

Page 3, after line 22, insert:

"SECTION 5. DISTRICT JUDGES. The appropriation provided in subdivision 2 of section 1 of this Act provides for two additional district court judges in the northwest judicial district and one additional district court judge in the east central judicial district to be assigned pursuant to section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies created by this section must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the Constitution of North Dakota, each judge appointed to fill a vacancy created by this section continues in the office until the next general election

immediately following two years of service after the appointment. The individual then elected holds office for the remainder of the term and until a successor is elected and duly qualified."

Page 3, line 28, replace "forty-nine" with "forty-seven"

Page 3, line 28, replace "four" with "nine"

Page 3, line 28, replace "thirty-three" with "ninety-six"

Page 4, line 1, replace "ninety-two" with "fifty"

Page 4, after line 2, insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
 - a. The vacancy be filled in the manner provided pursuant to chapter 27-25;
 - b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district; or
 - c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3.

Page 4, line 8, replace "thirty-six" with "thirty-five"

Page 4, line 8, replace "nine" with "six"

Page 4, line 8, replace "twenty-seven" with "eleven"

Page 4, line 14, replace "fifty-five" with "seventeen"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Conference Committee Action

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------------|------------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Supreme Court | | | | | | |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$367,577) | \$15,135,022 | \$14,303,642 | \$831,380 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$367,577) | \$15,135,022 | \$14,303,642 | \$831,380 |
| District Courts | | | | | | |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,435,990 | \$84,287,973 | \$84,038,600 | \$249,373 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 | 1,808,090 | 0 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,435,990 | \$82,479,883 | \$82,230,510 | \$249,373 |
| Judicial Conduct Commission | | | | | | |

| | | | | | | |
|-----------------------|--------------|--------------|-------------|---------------|--------------|-------------|
| Total all funds | \$988,587 | \$988,587 | \$0 | \$988,587 | \$988,587 | \$0 |
| Less estimated income | 367,499 | 367,499 | 0 | 367,499 | 367,499 | 0 |
| General fund | \$621,088 | \$621,088 | \$0 | \$621,088 | \$621,088 | \$0 |
| Bill total | | | | | | |
| Total all funds | \$99,592,841 | \$99,343,169 | \$1,068,413 | \$100,411,582 | \$99,330,829 | \$1,080,753 |
| Less estimated income | 2,175,589 | 2,175,589 | 0 | 2,175,589 | 2,175,589 | 0 |
| General fund | \$97,417,252 | \$97,167,580 | \$1,068,413 | \$98,235,993 | \$97,155,240 | \$1,080,753 |

Senate Bill No. 2002 - Supreme Court - Conference Committee Action

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|------------------------|------------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Salaries and wages | \$12,684,559 | \$12,657,959 | (\$898,904) | \$11,759,055 | \$10,928,396 | \$830,659 |
| Operating expenses | 2,754,254 | 2,754,254 | | 2,754,254 | 2,754,254 | |
| Capital assets | 15,000 | 15,000 | | 15,000 | 15,000 | |
| Judges retirement | 76,484 | 75,386 | (369) | 75,017 | 74,296 | 721 |
| Accrued leave payments | | | 531,696 | 531,696 | 531,696 | |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$367,577) | \$15,135,022 | \$14,303,642 | \$831,380 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$367,577) | \$15,135,022 | \$14,303,642 | \$831,380 |
| FTE | 45.00 | 45.00 | 0.00 | 45.00 | 45.00 | 0.00 |

Department No. 181 - Supreme Court - Detail of Conference Committee Changes

| | Adjusts State Employee Compensation and Benefits Package ¹ | Provides Separate Line Item for Accrued Leave Payments ² | Adjusts Salaries for Justices ³ | Adjusts Justices' Retirement ⁴ | Total Conference Committee Changes |
|------------------------|---|---|--|---|------------------------------------|
| Salaries and wages | (\$353,985) | (\$531,696) | (\$13,223) | | (\$898,904) |
| Operating expenses | | | | | |
| Capital assets | | | | | |
| Judges retirement | | | | (369) | (369) |
| Accrued leave payments | | 531,696 | | | 531,696 |
| Total all funds | (\$353,985) | \$0 | (\$13,223) | (\$369) | (\$367,577) |
| Less estimated income | 0 | 0 | 0 | 0 | 0 |
| General fund | (\$353,985) | \$0 | (\$13,223) | (\$369) | (\$367,577) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

² A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment provides for a salary increase for justices of 4 percent the first year and 3 percent the second year. The executive budget included a 5 percent increase each year, the Senate provided a 4 percent increase each year, and the House provided a 3 percent increase each year.

⁴ This amendment adjusts the retirement payments for retired justices consistent with the compensation package provisions for current justices.

A section is added to amend Section 27-05-02.1 relating to vacancies in judgeships, the same as the House version.

Senate Bill No. 2002 - District Courts - Conference Committee Action

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|----------------------------|------------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Salaries and wages | \$60,398,498 | \$60,183,898 | (\$1,076,233) | \$59,107,665 | \$58,878,041 | \$229,624 |
| Operating expenses | 20,162,413 | 20,162,413 | 115,428 | 20,277,841 | 20,262,937 | 14,904 |
| Capital assets | 833,026 | 833,026 | | 833,026 | 833,026 | |
| Judges retirement | 510,792 | 503,418 | (2,482) | 500,936 | 496,091 | 4,845 |
| UND central legal research | 80,000 | 80,000 | | 80,000 | 80,000 | |
| Mediation | 1,089,228 | 1,089,228 | | 1,089,228 | 1,089,228 | |
| Accrued leave payments | | | 2,399,277 | 2,399,277 | 2,399,277 | |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,435,990 | \$84,287,973 | \$84,038,600 | \$249,373 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 | 1,808,090 | 0 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,435,990 | \$82,479,883 | \$82,230,510 | \$249,373 |
| FTE | 310.00 | 310.00 | 4.00 | 314.00 | 314.00 | 0.00 |

Department No. 182 - District Courts - Detail of Conference Committee Changes

| | Provides Separate Line Item for Accrued Leave Payments ¹ | Adds Three New Judgeships ² | Removes Two Deputy Clerk Positions ³ | Adjusts Salaries for Judges ⁴ | Adjusts Judges' Retirement ⁵ | Adds Funding for Temporary Employees ⁶ |
|----------------------------|---|--|---|--|---|---|
| Salaries and wages | (\$2,399,277) | \$1,575,522 | (\$268,822) | (\$213,280) | | \$229,624 |
| Operating expenses | | 115,428 | (14,904) | | | 14,904 |
| Capital assets | | | | | | |
| Judges retirement | | | | | (2,482) | |
| UND central legal research | | | | | | |
| Mediation | | | | | | |
| Accrued leave payments | 2,399,277 | | | | | |
| Total all funds | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$2,482) | \$244,528 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$2,482) | \$244,528 |
| FTE | 0.00 | 6.00 | (2.00) | 0.00 | 0.00 | 0.00 |

| | Total Conference Committee Changes |
|----------------------------|------------------------------------|
| Salaries and wages | (\$1,076,233) |
| Operating expenses | 115,428 |
| Capital assets | |
| Judges retirement | (2,482) |
| UND central legal research | |
| Mediation | |
| Accrued leave payments | 2,399,277 |
| Total all funds | \$1,435,990 |
| Less estimated income | 0 |
| General fund | \$1,435,990 |
| FTE | 4.00 |

¹ A portion of salaries and wages funding from the general fund (\$2,351,291) and other funds (\$47,986) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

² Funding is added to add 3 new judgeships--2 for the Northwest judicial district and 1 for the East Central judicial district. The funding includes 3 new judge FTE positions and 3 new court reporter FTE positions.

³ Funding is removed for 2 deputy clerk FTE positions included in the executive budget recommendation, same as the House version.

⁴ This amendment provides for a salary increase for judges of 4 percent the first year and 3 percent the second year. The executive budget included a 5 percent increase each year, the Senate provided a 4 percent increase each year, and the House provided for a 3 percent increase each year.

⁵ This amendment adjusts the retirement payments for retired judges consistent with the compensation package provisions for current judges.

⁶ Funding is added to provide for two temporary employees for deputy clerk duties.

Senate Bill No. 2002 - Judicial Conduct Commission - Conference Committee Action

The House did not change the Senate version for the Judicial Conduct Commission. The conference committee did not change the House or Senate version for the Judicial Conduct Commission.

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

2013 TESTIMONY

SB 2002

Judicial Branch Budget Hearing

SB 2002

Senate Appropriations Committee

January 24, 2013

Harvest Room

9:30 a.m.

Opening Remarks Chief Justice Gerald W. VandeWalle
General Overview Sally Holewa
Technology Coordinators Justice Dale V. Sandstrom
Citizen Access Coordinator Justice Daniel J. Crothers
District Court Personnel Carolyn Probst, Donna Wunderlich, Rod Olson
Detailed Budget Presentation Don Wolf

/

General Overview

Senate Bill 2002
Senate Appropriations Committee
Presented by Sally Holewa, State Court Administrator
January 24, 2013

Good morning, Chairman Holmberg and members of the Committee. For the record, my name is Sally Holewa. I am the State Court Administrator. I will be providing a general overview of the Judicial Branch budget request.

The Judicial Branch appropriation funds the personnel, programs, and operating costs of the supreme court, the district courts, and the Judicial Conduct Commission and Disciplinary Board. Our budget request for the 2013-2015 biennium is \$99,592,841. This is an increase of \$14,829,685 (or 17.5%) over our current base budget. Two-thirds of the increase (66%) comes in the area of salaries and benefits. The remainder of the increase is in court services (16%), technology (9%), capital assets (6%) and incremental increases across various line items (3%).

Capital Assets

We are requesting an increase of \$848,026 for the purchase of capital assets. The majority of that request, \$516,556, is for technology for our district courts and includes infrastructure upgrades and expansion to store our electronic and digital audio records. We are also continuing to rollout digital audio and interactive television equipment to courtrooms across the state.

Technology

We are requesting an increase of \$1,271,665 for technology. These costs include funding for:

- Maintenance fees and software licenses - \$946,815
- Court's portion of the CJIS broker project - \$139,850
- Disaster Recovery Planning - \$95,000
- Viability Study of the Juvenile Case Management System - \$90,000

Court Services

We are requesting \$2,455,662 for court services. The increase includes clerk of court services for 41 counties, the mediation program and programs for juveniles and their families.

- Clerk of Court Services - \$1,276,250
- Mediation - \$219,564
- Services for abused and neglected children - \$525,537
- Services for delinquent children and their families - \$247,508
- Juvenile Drug Court - \$165,300

Clerk of Court Services: Since 2001, clerk of court services are delivered in two ways in North Dakota. In twelve counties,¹ the state employs the personnel for this office. In the remaining 41 counties, the state contracts with the county to perform those duties under NDCC 27-05.2-02. The contracts for those counties are calculated using the court's workload assessment formula. This formula determines the amount of work required based on number and types of cases filed using a two-year average. The

¹ The twelve counties where clerk offices are state employees are: Burleigh, Cass, Grand Forks, Morton, Ramsey, Richland, Rolette, Stark, Stutsman, Walsh, Ward and Williams. Eleven counties are eligible to transfer clerk services to the state but have elected to retain those services. Those eleven counties are: Barnes, Bottineau, Dunn, McHenry, McKenzie, McLean, Mercer, Mountrail, Pembina, Ransom and Traill.

\$1,275,250 increase in clerk of court services is due to increased case filings over the past four years² and increased county salaries over the past two years.

Family Mediation Program: The mediation program provides up to six hours of mediation services to newly divorcing parents, never-married parents, parents returning to court over parenting time and residential issues, and guardianship cases. The program is available statewide and has a satisfaction rate of more than 85%. Sixty-seven percent of cases settle through mediation. Mediation has also proven beneficial in speeding up the time it takes to reach settlement and in reducing the number of times cases are re-opened due to new issues once the case has been closed. The additional costs of the program are the result of more cases being filed and increased use of the program for post-judgment issues.

Services for Abused and Neglected Children: North Dakota statute requires that a guardian *ad litem* be appointed for all children who are the subject of a petition alleging abuse or neglect. Guardian *ad litem* means a guardian appointed by the court for the child. They are specially trained community members who work with the child from the beginning to the end of the case. This is a service we contract through Youthworks. The increased funding for this program is due to increased need for guardians *ad litem* and to contract for quality assurance monitors. There are strict federal and state guidelines for how cases involving abused and neglected children move through the court system. We are not always meeting these guidelines. Our goal in contracting for monitoring services

² During the course of the 4-year transition to a new case management system, the court froze the clerk of court contracts at the 2009 level for work required. The 2011 contracts did include increased wages and benefits of county employees as provided for by statute.

is to improve both our timeliness in deciding cases and ensuring that we are meeting all of the required investigation and considerations of the case as required by law.

Services for Delinquent Children: Probation services for delinquent children are the responsibility of the judicial branch. We fund numerous educational, behavior modification, and therapeutic programs throughout the state to address the needs of juveniles and their families to prevent further delinquent behavior. The increased funding for delinquent services reflects increased contract costs, expanded intensive in-home services for families, and funding for restorative justice programs.

Juvenile Drug Court: We continue to expand the use of juvenile drug court throughout the state. We currently have drug courts in Bismarck, Grand Forks, Devils Lake, Fargo, Minot and Williston.³ We are now in the process of starting a drug court for the Jamestown – Valley City region. Drug Courts have been proven to make permanent, positive changes in the lives of those who come before them. Our drug court program was evaluated last year and the study confirmed that our program is reducing drug and alcohol use and recidivism rates. We are pleased to be able to expand this service and appreciate your continued support of drug courts. Justice Mary Muehlen Maring was instrumental in bringing juvenile drug courts to North Dakota and she continues to nurture their growth and success. She is present today and is available to answer any questions you may have.

³ The Williams County juvenile drug court is currently inactive. There are also adult drug courts operating in Bismarck, Grand Forks, Fargo and Minot. Adult drug courts are funded through the Department of Corrections and Rehabilitation.

Salaries and Benefits

The majority of the increases in this budget request are related to salaries and benefits.

These increases include:

- Add 11 new FTEs and convert 4 existing temporary positions to regular FTEs - \$1,841,507
- Performance adjustments for employee salaries - \$2,599,325
- Market adjustment for employee salaries - \$1,313,756
- Maintain 2011-2013 salary increases - \$1,529,682
- Increased cost of health and retirement benefits - \$1,339,640
- Provide a 5% per year salary increase for justices and judges - \$1,181,020

The judicial branch has always been frugal in requesting new staff. We utilize weighed workload formulas for judges, clerk of court staff and juvenile court officers to determine the need for additional judges and personnel. To better utilize our staff, we assign some district-wide work to staff and we send juvenile court officers to work in counties outside their district. We scrutinize every vacancy to determine if it should be re-filled, moved to another location, or eliminated altogether. When the state's population was shrinking and caseloads were dropping, it seemed the best way to address our needs, or at least to equalize the shortages across the state to some degree. Doing this over a long period of time has left us with no excess capacity to handle the changes that have come to North Dakota over the past 3 to 5 years. That is why today we are asking for 11 new positions and the conversion of 4 temporary positions to regular positions. They include:

- 8 deputy clerk of court positions (2 each for Burleigh, Cass and Williams county; 1 each for Stark and Ward counties)
- 2 Juvenile court officers (1 each for Burleigh and Cass County)
- 1 Citizen Access Coordinator (Law Library)

There are others here today who will provide a greater explanation of the need for these new positions, so I will just take a moment to briefly explain each one.

Deputy Clerk of Court: Earlier I talked about how we provide clerk of court services. The deputy clerk positions we are requesting are for 5 of our state-employed clerk offices. This is a front-line customer service position as well as the primary position for data entry and case management. An adequate number of deputy clerks is essential to the court being able to operate on a day-to-day basis. Our workload assessment for clerks of court shows we have a statewide shortage of 18 deputy clerks in our state-employed clerk's offices. We are asking to fill just 8 of those positions. We are being cautious in our expansion of staff but we do feel that this is the minimum number of staff necessary to continue operations.

Juvenile Court Officer: Juvenile court officers are probation officers who work one-on-one with children who have been brought into the juvenile court system. Their primary responsibility is to provide monitoring, rehabilitation, education and assistance to children who have been charged with a crime.

I have with me today three of our trial court administrators who will provide additional testimony regarding the deputy clerk and juvenile court positions.

Citizen Access Coordinator: The citizen access coordinator is a position that is new to North Dakota but is based on a successful model used in several other states. The position has two purposes: First and foremost it exists to assist self-represented litigants navigate the court system. Secondly, we expect it to alleviate some of the pressure on our system. We estimate that about 10% of staff time is spent assisting individuals who do

not have an attorney. This position will be able to answer questions and develop resources that will allow individuals to help themselves. Justice Crothers, who chairs our Court Services Administration Committee, is here today and will provide more testimony about the need this position will fill.

Court Technology Coordinators: The 4 positions we are asking to be converted from full-time temporary to full-time regular employees are the technology coordinators who work in our technology department. These are our “Help Desk” positions. They currently support 310 court employees and more than 2,000 users of our secure public access service. They were first authorized in 2008. Since then we have had a 300% turnover in the positions. Justice Dale Sandstrom, who chairs our Court Technology Committee, is here today and will be providing more testimony on why these positions are vital to our organization and the problems that are created by the constant turnover in them.

I want to touch on just two other initiatives that have very little impact on the budget but are key components in our quest to ensure access to justice.

Task Force to Study Racial and Ethnic Bias in the Courts

Recently, Justice Carol Ronning Kapsner, along with Judge Donovan Foughty from Devils Lake, co-chaired a task force to study racial and ethnic bias. The task force found a pervasive perception of bias in the courts and the criminal justice system. To address the issues they found, the task force presented the court with 74 recommendations covering everything from jury selection, to use of court interpreters, to criminal

sentencing practices. We believe that it is vital to follow through on as many of these recommendations as we can. To that end, we have established an implementation committee to prioritize and oversee these efforts.

Rural Law Clerk Program

Finally, I want to mention the Rural Law Clerk program that we are implementing in partnership with the UND School of Law and the State Bar Association. Right now, there are 4 counties in the state that have no attorneys at all, and another 21 counties with 3 or fewer attorneys. Ready access to someone who understands the law is a critical need for our counties, our municipalities, and for individuals. Our goal is to place 3 law clerks in 6-week internships this summer.

Conclusion

The rest of the increases in the budget are attributable to incremental increases across a wide array of operating costs. Don Wolf, our Director of Finance, will provide more detail about those in his presentation. Before we get there, I will call on two of our justices and three of our administrators to provide you more information on our requests for additional personnel.

Thank you for your time this morning. I will be happy to answer any questions you may have.

**Technology
Coordinators**

Senate Bill 2002
Senate Appropriations Committee
Testimony of Justice Dale Sandstrom
January 24, 2013

Mr. Chairman, members of the committee, I'm Dale Sandstrom, one of the Justices of the Supreme Court.

As Chairman of the Court Technology Committee, I have been asked to explain our request that four Technology Coordinator positions currently categorized as temporary positions be made into full-time, regular positions.

As most of you know, on April 11, 2011, North Dakota became the first State in the United States to have all its trial courts on an electronic record, improving efficiency and effectiveness in dealing with dramatically growing workloads. Although a huge undertaking, the Odyssey case management system which you funded was brought in on schedule and under budget.

To support the system, we have needed these four Technology Coordinators since we began implementation of the Odyssey case management system. Since July 2009, these positions have been filled as temporary positions, primarily because of a reluctance to add FTEs. Technology Coordinators are responsible for user support and training for the Odyssey case management system and the E-file & Serve system. They currently support more than 300 court employees, 14 municipal courts, and over 2,000 state agency and attorney firm users. In addition to providing direct customer support, the coordinators are responsible for testing system patches and new releases. Once testing is completed and the new patch or release is accepted, the coordinators are responsible for creating documentation on new functionality and providing training to users to acquaint them with changes to the updated system.

As of April 1, 2013, with few exceptions all filings except initial filings with our courts will be required to be filed electronically. As of June 1, all initiating filings with the exception of criminal cases and a few others will also be required to be filed electronically. While this will result in increased efficiency, it will continue to result in a significant increase in new users to be trained and also support to be provided. In addition, we anticipate additional user groups. For example, we recently met with the North Dakota sheriff's deputy association, and they are looking to file court documents, written returns of service, and the like electronically.

These four Technology Coordinator positions have been continued as temporary positions since 2009. We have recognized from the beginning that these positions are needed on a permanent basis. The continued classification of these as temporary positions is resulting in increased costs to the State. The biggest problem, because these positions are temporary, is that the people filling them are constantly looking for jobs that are considered permanent or ongoing. We spend substantial sums of money training these Technology Coordinators, and then when an opportunity comes along, they leave to take jobs that provide regular, full-time status and benefits. As a result, we have had very high turnover in these positions. Since 2009, the turnover rate has been 300%.

Because we believe the state will save money by classifying these positions as regular, full-time positions, and greater continuity and skill will be provided for these positions, we are asking that they be moved from temporary positions to regular, full-time positions.

Thank you very much for your consideration.

**Citizen Access
Coordinator**

Testimony of Daniel J. Crothers
Justice, North Dakota Supreme Court
Regarding Citizen Access Coordinator
January 24, 2013

The Judicial Branch budget includes requested funding for a Citizen Access Coordinator. The Chief Justice mentioned this program in his State of the Judiciary address by noting:

“Every year, more people come to court without an attorney either by choice or because they are unable to afford one. Last year, we saw over 1,700 people who represented themselves in court in civil, family and juvenile cases. If we count the number of people who represented themselves in felony, misdemeanor and infraction cases, that number jumps to over 6,500. As you might realize, navigating the court system is not a simple task. Too often these individuals are confused by the process and unable to proceed, requiring paperwork to be redone and hearings to be reset. This causes a great deal of frustration for the person and for the court. To confront this issue, we are proposing a new Citizen Access Coordinator position that will work under the auspices of the state law library. The Citizen Access Coordinator will be able to provide procedural advice and education to self-represented litigants. This in turn will help us to keep the wheels of justice turning.”

The Citizen Access Coordinator proposal came to the Supreme Court from its Court Services Administration Committee, which I chair. That Committee is comprised of lawyers, judges, citizens and legislators Senator Karen Kresbach of Minot and Representative Nancy Johnson of Dickinson.

The Committee held a series of meetings and deliberations before recommending the coordinator position. Those proceedings included input from judges, clerks of district and appellate courts and other consumers of court services. To inform its discussion, the Committee also reviewed background information regarding self-help centers established by court systems in other states. These centers often combine walk-in locations to provide in-person assistance with assistance available through email, toll-free telephone numbers or online resources. Some jurisdictions also

designate a “coordinator” or “facilitator” to provide more direct information and assistance to self-represented litigants. The coordinator typically will provide more case-specific information, as opposed to “legal advice,” regarding forms to be completed, court processes and how a case proceeds through the system.

After study, the Committee recommended and ultimately the Court decided to seek funding to develop a free statewide service by the North Dakota Court System to assist persons representing themselves in court cases in understanding court processes and completing court forms. Our decisions were based on the estimation that statewide 10 percent of clerk of court staff time is spent assisting self-represented litigants. Judges reported spending time in court explaining court procedures and rules to litigants, as well as explaining how to address deficiencies in documents that have been presented to the court. They also reported having to cancel, postpone and reschedule numerous court proceedings because necessary documents or information were lacking or insufficient to conclude scheduled matters. Those deficiencies required judges unnecessarily scheduling and rescheduling matters to the exclusion of other cases and adding cost and expense to both the judicial system and opposing parties. Judges and law clerks also reported spending significant time outside of court reviewing self-represented litigant’s documents for completeness.

It is anticipated that having a Citizen Access Coordinator Program would:

1. Reduce the amount of time individual judges and court staff spend working with individual litigants;
2. Provide for consistent instruction to litigants regarding court rules and procedures;
3. Better prepare self-represented litigants for court;
4. Reduce the number of times cases involving self-represented litigants are re-scheduled due to missing or incorrect documents or other procedural errors;

5. Reduce the number of documents that are rejected because they are prepared incorrectly or missing required information; and
6. Establish a central point of contact for reviewing and updating forms and informational brochures and developing new forms and brochures.

The Program would be staffed by a neutral person providing legal information and educational materials as a public service. The Citizen Access Coordinator Program would not provide legal advice or represent any litigant. No attorney-client relationship will be created between the coordinator and individuals they serve. Communication with the coordinator would not be confidential, and the coordinator would be available to help any party involved in a case.

We anticipate the program would provide direct services through the use of:

1. The North Dakota Court website to host forms and guides for some types of cases, as well as links to court rules, North Dakota Century Code, and other legal resources;
2. A statewide toll-free telephone helpline;
3. A live chat service operated during specific time periods during the regular work day;
4. Video explanations or forms or procedures posted to the court website and posted to some social media sites.

We also believe the program would provide indirect services by making referrals to:

1. The North Dakota State Bar Association's pro bono and reduced fee programs;
2. Legal Services of North Dakota;
3. Migrant Legal Services Program; and
4. State agencies or non-profit organizations that may be able to provide additional information or services to the person seeking assistance.

Conclusion

The Judicial Branch seeks funding to create a Citizen Access Coordinator position. Through the relatively modest funding of \$216,733 for two years plus \$7,452 for operating costs for this

position, we aim to achieve the multiple goals of (1) helping self-represented litigants better prepare for their court proceeding and (2) reducing the amount of unproductive clerk of court and judge time expended on those matters. We respectfully request your support in funding the Citizen Access Coordinator position.

**District Court
Personnel**

Senate Bill 2002
Senate Appropriations

Presented by Carolyn Probst, NWJD Trial Court Administrator, Unit 4
January 24, 2013

Good morning, Chairman Holmberg and members of the Committee:

My name is Carolyn Probst. I am the Trial Court Administrator for the NWJD. I will be providing a general overview of our budget request as it relates to Full Time Employee's, or FTE's.

The NW is comprised of six counties, Burke, Divide, McKenzie, Mountrail, Ward and Williams, all of which are directly impacted by the oil boom and the population surge. As stated by Chief Justice VandeWalle in his State of the Judiciary, "We have now reached a crisis point where judicial services are suffering throughout the state." As Governor Dalrymple noted in his State of the State address, the oil boom and population surge has created a dramatic need for additional resources in these communities. As concluded by the State Bar Association Energy Impact Task Force, in order to meet the needs of northwestern North Dakota, additional resources are needed across the board. And finally, the weighted caseload study conducted by the National Center for State Courts, which demonstrated an overall shortage of 5.4 staff between Williams and Ward counties. I concur with Chief Justice VandeWalle, Governor Dalrymple, with the State Bar Association, and with NCSC. One might think my job here today should be easy considering the consensus of the leaders of the state in their respective capacities and the insight of these professional organizations. But, I too will appeal to your

sensibility, understanding of the situation, and careful consideration in discussions to come.

Neither Minot nor Williston have received additional FTE's through Legislative Action in well over 10 years. However, the state does continue to re-evaluate its districts and move FTE's as needed in hopes of maintaining a more equitable workforce.

I have included charts, graphs, and maps to illustrate the statistical trends, case types, and population surge for your review. The attached charts and graphs reflect data dating back to 2003. The last column on the graphs displays the percentage increase from 2011 to 2012 for a more recent representation of the impact in the NW.

Even though recovery in Minot from the 2011 Souris River Flood has been slow, felonies and probates continue to be at an all-time high. These cases are more time intensive and require far more resources. A prevalent upswing in overall case filings can be seen in 2012. Williston has seen a 71% increase in felony cases alone from 2010 to 2011 and an additional 51% increase in 2012. Williston has ultimately experienced an increase of over 92% in their total caseload since 2003 with the same number of staff.

Administration has implemented band aid solutions, such as closing offices to the public, seeking the support of other counties both in the NW and statewide and prioritizing case types for processing. The State Court's have temporarily approved accrual of Overtime opposed to Compensatory Time for employees. Overtime is a solution that must remain temporary not only for budgetary reasons, but also for

employee morale and well-being. All of these solutions are less than popular and come with grave concerns to the courts.

As a result of continued staffing shortages the clerk's offices are backlogged up to six weeks at a time for processing paper filings and court orders.

The end result is that we have sacrificed the public's access to justice due to time constraints and the inability to assist when necessary. We do not have consistent collections and enforcement efforts in either county. We can increase fees and fines; we can implement new laws and more stringent sentencing requirements, but without the ability to enforce because of a lack of manpower, those efforts go by the wayside. The Clerks must prioritize their workload, which is driven significantly by the State and Federal Constitutional rights of criminal offenders. At the bottom of their list of duties is to track the enforcement of the Court's Orders. Therefore, defendants are not being held accountable for their actions. Victims of crimes are not being acknowledged. Fines and fees are not being collected. A critical aspect of the courts is its ability to provide the appropriate attention deserved and needed by its litigants, and our ability to uphold the reputation and trust of the judiciary in the eyes of the public.

Thank you for giving me the opportunity to address this committee and to express our needs and concerns. These are certainly exciting times for the State of North Dakota. Unfortunately, as we are all aware, with this economic growth come many challenges and a need for additional resources. It is the court's intent to remain fiscally responsible, having evaluated our needs and identified the minimum amount of resources required to maintain our judicial services to the public. While we are not

asking to address the full realm of the Northwest's needs, we are asking for a minimum of 3 deputy clerks. One position to be located in Minot and two in Williston.

The NW Judicial District is fortunate to have experienced staff, with a strong work ethic. I ask that you review the documentation provided to you carefully and approve the necessary staffing request.

Thank you again for your time and consideration.

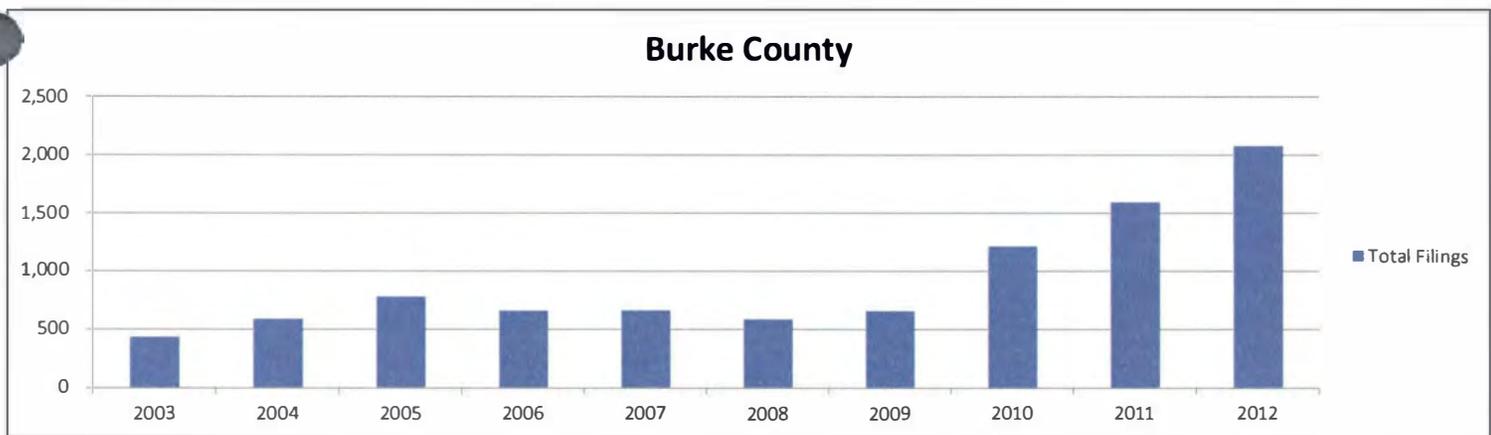
Clerk of District Court
Burke County
2003 Through 2012 Comparison of Case Filings

| Civil | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/11 Change % |
|--------------------------|-----------|------------|------------|-----------|-----------|------------|------------|------------|------------|------------|---------------------|
| Divorce | 7 | 5 | 5 | 1 | 4 | 3 | 2 | 4 | 4 | 5 | 25.0% |
| Child Support | 0 | 6 | 1 | 1 | 1 | 0 | 2 | 5 | 6 | 4 | -33.3% |
| Domestic - other | 6 | 3 | 1 | 1 | 4 | 7 | 7 | 6 | 5 | 3 | -40.0% |
| Small Claims | 27 | 29 | 12 | 11 | 21 | 14 | 28 | 17 | 13 | 16 | 23.1% |
| Probate and Trust | 26 | 35 | 38 | 35 | 28 | 63 | 54 | 88 | 108 | 136 | 25.9% |
| Mental Health | 1 | 3 | 3 | 0 | 1 | 1 | 2 | 0 | 3 | 1 | -66.7% |
| Administrative Appeal | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Other Civil | 23 | 43 | 39 | 34 | 32 | 46 | 62 | 54 | 51 | 45 | -11.8% |
| Juvenile | 3 | 0 | 1 | 0 | 0 | 1 | 5 | 1 | 1 | 2 | 100.0% |
| Total Civil Cases | 93 | 124 | 101 | 84 | 91 | 135 | 162 | 175 | 191 | 212 | 11.0% |

| Criminal | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/11 Change % |
|-----------------------------|------------|------------|------------|------------|------------|------------|-----------|------------|------------|------------|---------------------|
| Felony | 13 | 22 | 7 | 11 | 15 | 25 | 12 | 14 | 15 | 24 | 60.0% |
| Misdemeanor | 89 | 111 | 135 | 117 | 116 | 80 | 69 | 90 | 156 | 242 | 55.1% |
| Infraction | 34 | 13 | 8 | 1 | 2 | 6 | 3 | 6 | 9 | 9 | 0.0% |
| Total Criminal Cases | 136 | 146 | 150 | 129 | 133 | 111 | 84 | 110 | 180 | 275 | 52.8% |

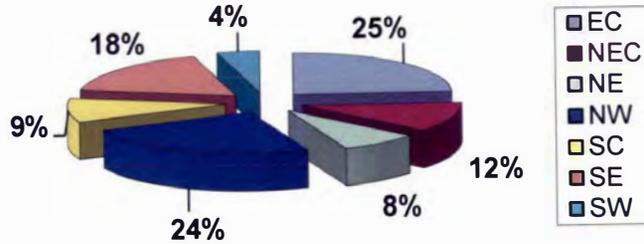
| Traffic | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/11 Change % |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|--------------|---------------------|
| Total Traffic Cases | 206 | 320 | 530 | 448 | 441 | 342 | 414 | 931 | 1,226 | 1,592 | 29.9% |

| Total Filings | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/11 Change % |
|---------------------------|------------|------------|------------|------------|------------|------------|------------|--------------|--------------|--------------|---------------------|
| Total Burke County | 435 | 590 | 781 | 661 | 665 | 588 | 660 | 1,216 | 1,597 | 2,079 | 30.2% |

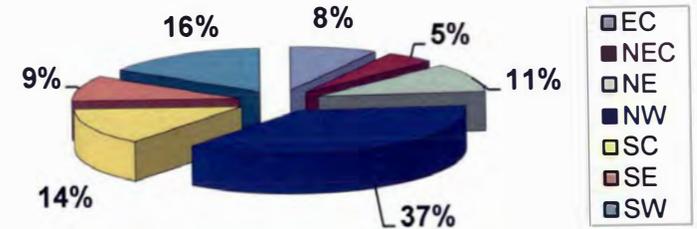


Statewide Mental Health and Probate Cases

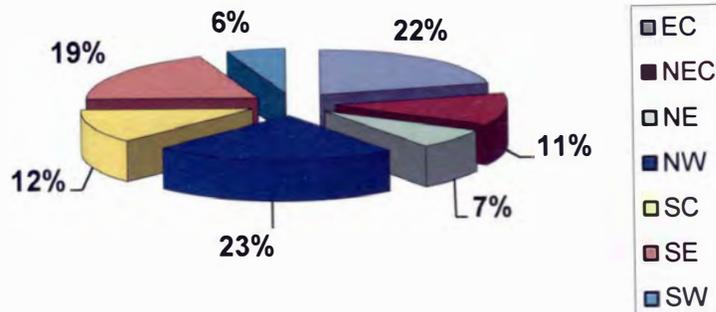
2011 Statewide Mental Health



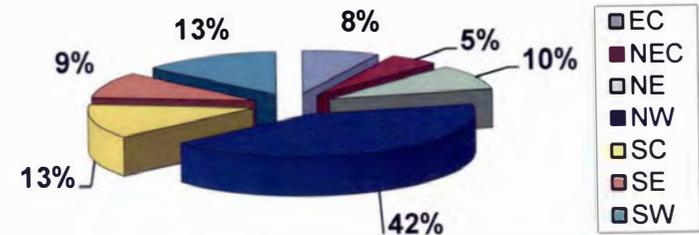
2011 Statewide Probate



2012 Statewide Mental Health



2012 Statewide Probate



EC – East Central

NEC – North East Central

NE – North East

NW – Northwest

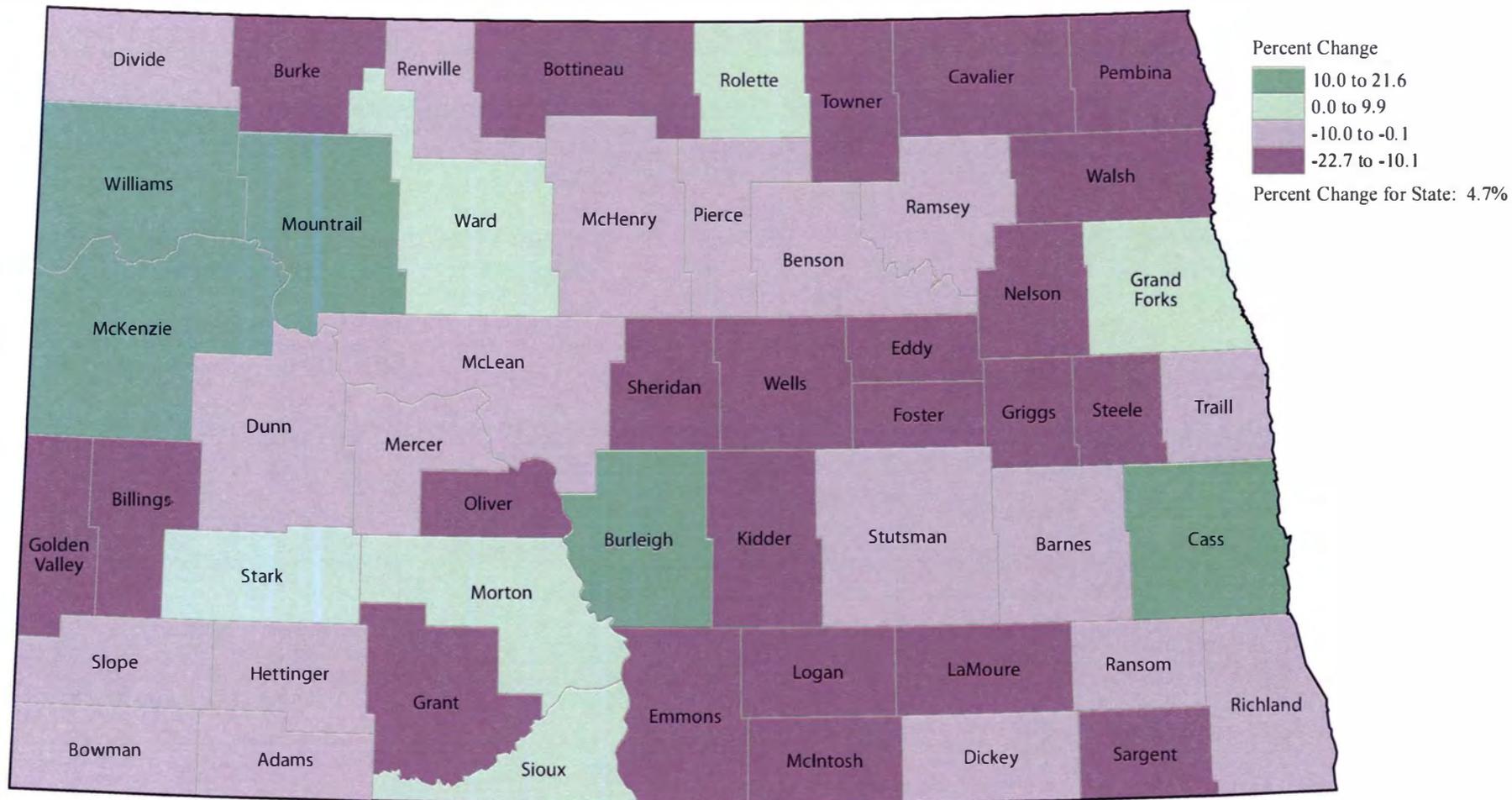
SC – South Central

SE – South East

SW – South West

NORTH DAKOTA - 2010 Census Results

Percent Change in Population by County: 2000 to 2010



Source: U.S. Census Bureau, Census 2000 and 2010 Census Redistricting Data Summary File
 For more information visit www.census.gov.

SB 2002
Senate Appropriations Committee
Testimony of Donna Wunderlich
January 24, 2013

Chairman Holmberg and members of the appropriations committee. For the record, my name is Donna Wunderlich. I am employed by the North Dakota Court System as the trial court administrator for the South Central and Southwest Judicial Districts.

As North Dakota population grows and shifts into our larger cities, it is having an unfortunate impact on employees of the court system. Our staff is stressed from the increased workload and the difficulty they experience in attempting to keep court documents processed timely.

State courts assumed responsibility for clerk of court offices from the counties nearly thirteen years ago when, based on a National Center for State Courts staffing study, we only assumed the number of county employees deemed necessary to perform the work at that time. In several counties this meant that the number of employees which had been employed by the county for clerk services were reduced or moved to other departments. The staffing study has been updated to account for the efficiencies of electronic records but it continues to show growing need for deputy clerks. Despite growing workloads, Burleigh and Stark County clerk offices are still allotted the same number of FTEs that were assumed in 2000. At the same time, our workload has increased by 46% and 56% since 2000. Based on the 2012 weighted caseload study, Burleigh County has a shortage of 5.16 deputy clerks and Stark County

has a shortage of 1.17 deputy clerks. Case filing data and charts are attached to this testimony.

Our staff has been forced to cut corners in order to complete their growing workload. Unfortunately this means that staff no longer has time assure quality of the data in the electronic record system we manage. They do not have time to monitor conditions ordered by judges or to aggressively pursue collecting fines and fees. They do not have time to scrutinize applications for court appointed attorneys to ensure that only those court patrons who are truly indigent receive counsel at public expense.

Although we are well aware of the need for these services, we are simply no longer able to provide them.

Increased population has also meant that rent and other costs of living have increased to where there is a growing sector of society that is financially caught in the middle. They do not meet federal poverty level criteria which qualify for court appointed counsel yet they cannot afford the retainer fees being charged by attorneys. These people are forced to represent themselves in court, requiring additional time from judges and court staff. Where we once had a reputation for being a resource to the public, our staff no longer has the time to assist this growing number of self-represented litigants at the counter. Too often, staff must push away individuals with questions so they can assist the next patron in line and get back to the increasing volume of filings that must be managed daily.

Another issue we are dealing with is that attorneys in the north and western parts of the state are so busy that litigants from those areas are forced to hire attorneys from

Bismarck or elsewhere and file their cases in the city in which their attorney lives. This brings even more work into already overburdened offices.

As a taxpayer, I appreciate that state and local law enforcement entities have increased the number of peace officers on the roads and in our communities to protect and serve the public. We have heard reports of the intent to increase these numbers even more. These officers are needed, but a direct effect of the increased officer presence is an increase in workload for the courts – not only for judges – but for the staff behind the scenes who process all of the court documents, schedule all of the hearings, and manage all of the cases. Without additional staff in our clerk of court offices, we will not be able to sustain even the level of service we currently provide.

Our juvenile courts are in need of probation staff. Current caseloads are being managed but there is no time for in-depth service to children and their families or to tackle issues related to community safety and victim impact. An additional juvenile officer in the South Central juvenile court would allow us to manage our own community service projects and teach cognitive restructuring skills, which research shows has an impact on behavior change in juvenile delinquents. For many years, we have handled the shortage in the South Central office by using juvenile officers from the Southwest office. Continued growth in the Dickinson area will no longer allow us to take staff from the Southwest juvenile office to provide services in South Central counties. Without an adequate number of juvenile officers, we may be faced with having to shorten the length of time children are on probation or forego probation altogether in some cases. Research shows that properly managing kids in juvenile court can reduce recidivism and cut long term costs in adult court.

Chief Justice VandeWalle referred to 'conveyor belt justice' during his State of the Judiciary speech, and testimony was provided on Monday about the impact of the increased population on the need for judges. We also want to impress upon you the crisis levels at which our support staff operates. Steady growth over time has created a chronic need for clerk staff. Staffing study levels have gotten so far out of proportion with allotted FTEs in Stark and Burleigh Counties that each clerk is required to process the recommended workload of between 1.23 and 1.47 FTEs. This results in staff "drowning" in work and rushing through documents so quickly that the quality of the record is in jeopardy. We continually evaluate processes to identify practices that can be streamlined, but we have done this for so long that we have unfortunately reached the point at which our only available alternative is to cut back the time spent assisting the public.

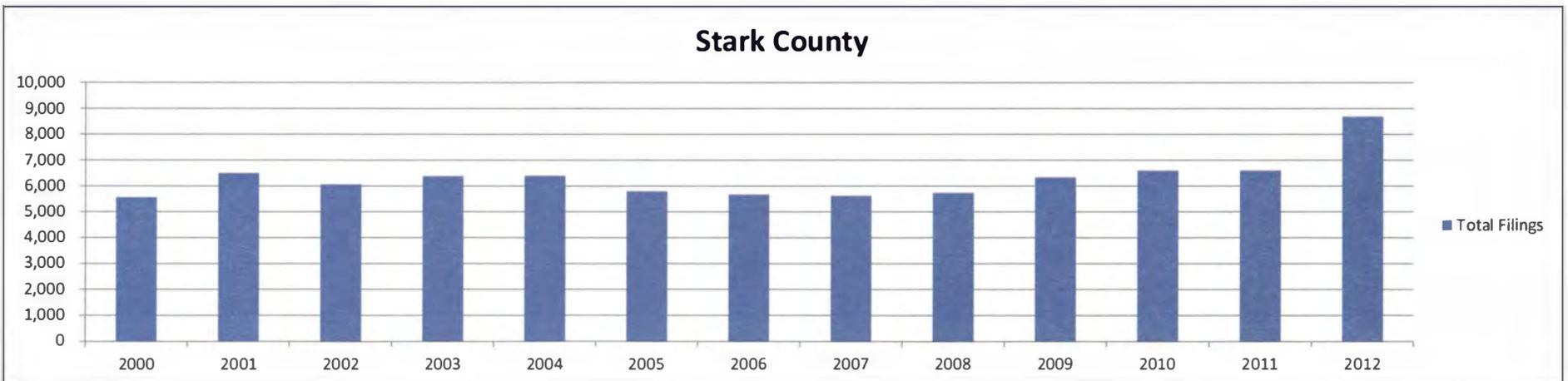
2000 Through 2012 Comparison of Case Filings

| Civil | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Divorce | 87 | 109 | 98 | 97 | 76 | 80 | 92 | 89 | 88 | 108 | 110 | 119 | 118 | 35.6% |
| Child Support | 109 | 151 | 133 | 158 | 181 | 197 | 176 | 176 | 172 | 162 | 143 | 109 | 137 | 25.7% |
| Domestic - other | 56 | 86 | 85 | 87 | 63 | 103 | 90 | 84 | 84 | 93 | 96 | 98 | 123 | 119.6% |
| Small Claims | 199 | 162 | 154 | 157 | 209 | 155 | 180 | 120 | 113 | 124 | 130 | 120 | 100 | -49.7% |
| Probate and Trust | 119 | 126 | 124 | 113 | 125 | 132 | 129 | 120 | 144 | 153 | 170 | 296 | 253 | 112.6% |
| Mental Health | 24 | 20 | 17 | 19 | 24 | 29 | 31 | 38 | 29 | 44 | 31 | 44 | 67 | 179.2% |
| Administrative Appeal | 7 | 15 | 14 | 17 | 25 | 17 | 18 | 27 | 24 | 23 | 10 | 7 | 24 | 242.9% |
| Other Civil | 394 | 359 | 420 | 422 | 414 | 522 | 550 | 564 | 596 | 556 | 722 | 751 | 791 | 100.8% |
| Juvenile | 79 | 119 | 93 | 93 | 75 | 80 | 68 | 70 | 65 | 66 | 51 | 60 | 66 | -16.5% |
| Total Civil Cases | 1,074 | 1,147 | 1,138 | 1,163 | 1,192 | 1,315 | 1,334 | 1,288 | 1,315 | 1,329 | 1,463 | 1,604 | 1,679 | 56.3% |

| Criminal | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Felony | 76 | 65 | 130 | 134 | 141 | 189 | 132 | 144 | 136 | 149 | 160 | 251 | 226 | 197.4% |
| Misdemeanor | 908 | 1,029 | 1,123 | 1,259 | 1,161 | 1,034 | 1,090 | 1,003 | 876 | 877 | 974 | 1,023 | 1,219 | 34.3% |
| Infraction | 494 | 333 | 448 | 455 | 409 | 337 | 322 | 169 | 123 | 136 | 151 | 76 | 96 | -80.6% |
| Total Criminal Cases | 1,478 | 1,427 | 1,701 | 1,848 | 1,711 | 1,560 | 1,544 | 1,316 | 1,135 | 1,162 | 1,285 | 1,350 | 1,541 | 4.3% |

| Traffic | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Total Traffic Cases | 3,021 | 3,948 | 3,244 | 3,398 | 3,519 | 2,948 | 2,823 | 3,048 | 3,310 | 3,867 | 3,871 | 3,665 | 5,493 | 81.8% |

| Total Filings | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|---------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Total Stark County | 5,573 | 6,522 | 6,083 | 6,409 | 6,422 | 5,823 | 5,701 | 5,652 | 5,760 | 6,358 | 6,619 | 6,619 | 8,713 | 56.3% |



SB 2002
Senate Appropriations Committee
Testimony of Rodney Olson
January 24, 2013

Good morning, I am Rod Olson, the Court Administrator for Unit II. Unit II consists of 14 counties in the Southeast corner of North Dakota. I want to thank you for the opportunity to speak with you this morning regarding our request for two deputy clerk of court positions and a juvenile court officer. A short summary of my background—I have been in Court Administration for over 27 years and began working in the court system as a Clerk of Court.

The western part of North Dakota has been in the news the last few years due to their population growth. However there is a population growth that has occurred and will continue to occur in the eastern part of the state; specifically in Cass County. As you can see from *Attachment A* I have shown this growth since 1990. This growth occurred on top of a substantial population that already existed. The demographic forecast prepared for the Fargo region in December of 2012 indicates continuing significant growth. This would be like adding the current population of Stutsman, Richland, and Barnes Counties. When communities expect long-term, stable growth, they build schools, sewers and other infrastructure. *Attachment B* shows the increase in school age children that Cass County has experienced in the last six years. Cass County currently has over 21,000 children in the school systems. This attachment also shows that Cass County has grown from forty K-12 schools in 1990 to fifty-one in these 20 years. By 2014 there will be fourteen high schools.

Attachment C shows the number of New American refugees who have arrived in Cass County each year. It does not include New Americans who have relocated to be with family or other immigrants. This impacts the court because many of these parties require an interpreter resulting in hearings and probation visits taking longer. *Attachment D* shows the numbers of interpreters we used in 2012 and the number of different languages we encounter on a daily basis. Interpreters for many of

these languages are very hard to find which takes time. For example in the last six weeks, we have hired interpreters for, Swahili, Somali, Liberian, Arabic, Dinka, Albanian, Bosnian, Sudanese, Bhutanese, Spanish, Kirundi, and Vietnamese.

We are requesting two deputy clerk of court positions and one juvenile officer. I will discuss the two deputy clerk of court positions first. At the present time we have twenty-two deputy clerk of court positions in Cass County. This is a decrease of 1 FTE position from 2001 levels. *Attachment E* shows the history of changes to staffing in the Clerk's Office. According to our latest staffing study we are in need of 6 additional positions.

At the present time, according to our clerk of court manual, we have two days to file documents we receive. *Attachment F* shows the percentage of documents being filed within the two-day timeframe for the case types of criminal, civil, family and probate. As you can see from these charts, due to our staff shortage we cannot comply with our own policy. Court records are clearly important to everyone who is involved in the legal system – parties, attorneys, law enforcement, probation, victims, service providers, interpreters, and domestic violence advocates, who all rely on them for a variety of reasons. Court records are also important to the general public, businesses, and you.

If court records are not accurate, people's lives and livelihoods will be negatively impacted. When child support orders/judgments are not timely or accurately filed, families may not receive needed income, employers will not initiate proper automatic income withholding on those who owe child support, health care/insurance for kids may be at risk; when civil judgments are not timely or accurately filed, landlords may rent to people who have a history of not paying bills, banks may grant loans to those same people – resulting in lost income for both, and abstract companies will not be aware of judgments that impact the sale of real estate when updating abstracts, which sets off a chain of consequences. On the flip side, if satisfaction of judgments are not timely or accurately filed, people may not be allowed to rent property, get a bank loan, or sell a home; when evictions are not timely or

accurately processed, landlords cannot move a tenant out who is delinquent on rent, and then they lose additional rent income; when criminal charges and dispositions are not filed timely or accurately, employers may hire and landlords may rent to someone contrary to their policies, or may not hire or rent to people who are entitled to positive consideration.

If any of the above consequences happen, there are liability risks to the State of North Dakota because of the potential for serious harm to someone impacted by these errors. And lastly, the public's trust and confidence in the court's ability to effectively and fairly administer justice for everyone is diminished. In short if the clerk's office makes a mistake it could deprive someone of their freedom.

We have tried to solve the staff shortage problem ourselves; we have cross-trained the clerk of court deputies to work in all case types and we have shifted the majority of the jury work to a neighboring county. Cass County was chosen 3 years ago as the pilot site for our new case management system called Odyssey and we have made every attempt to use the full capabilities of this system. As you are probably aware, the system has allowed us to move to electronic records. Cass County set a goal that no physical paper would leave the clerk's office. We created a business practice to share information with our customers such as law enforcement, probation, newspapers, title companies, and of course law firms. We have gone so far as if someone calls the clerk's office asking for a copy of a court document, we ask for their e-mail address so we can e-mail this document to them instead of printing and mailing.

One item is difficulty in finding time to provide adequate training to staff. I am not talking about self-improvement type of training rather hands-on daily task training. The lack of this training causes us to be inconsistent.

I would like to use the rest of my time to discuss our request for a juvenile probation officer. Juvenile Court also has a staffing study which shows that we are in need of additional FTE's. I feel these

positions are some of the most important that we have in the judicial system. For every success that our juvenile officers have with an adolescent there is a direct tie that we will probably not see that person in our adult system. My juvenile court officers engage young offenders in behavior change, hold them accountable for their actions, and increase their competency at one-tenth of the cost of out-of-home placements. Our community safety relies upon our juvenile court officers maintaining weekly supervision with high risk adolescent offenders. While the number of juvenile referrals have been steady, in the last two years we have seen a concerning growth in the number of violent person crimes. For example, in 2012 there were seven armed robberies and twenty-eight sex offenses committed in Cass County by juveniles.

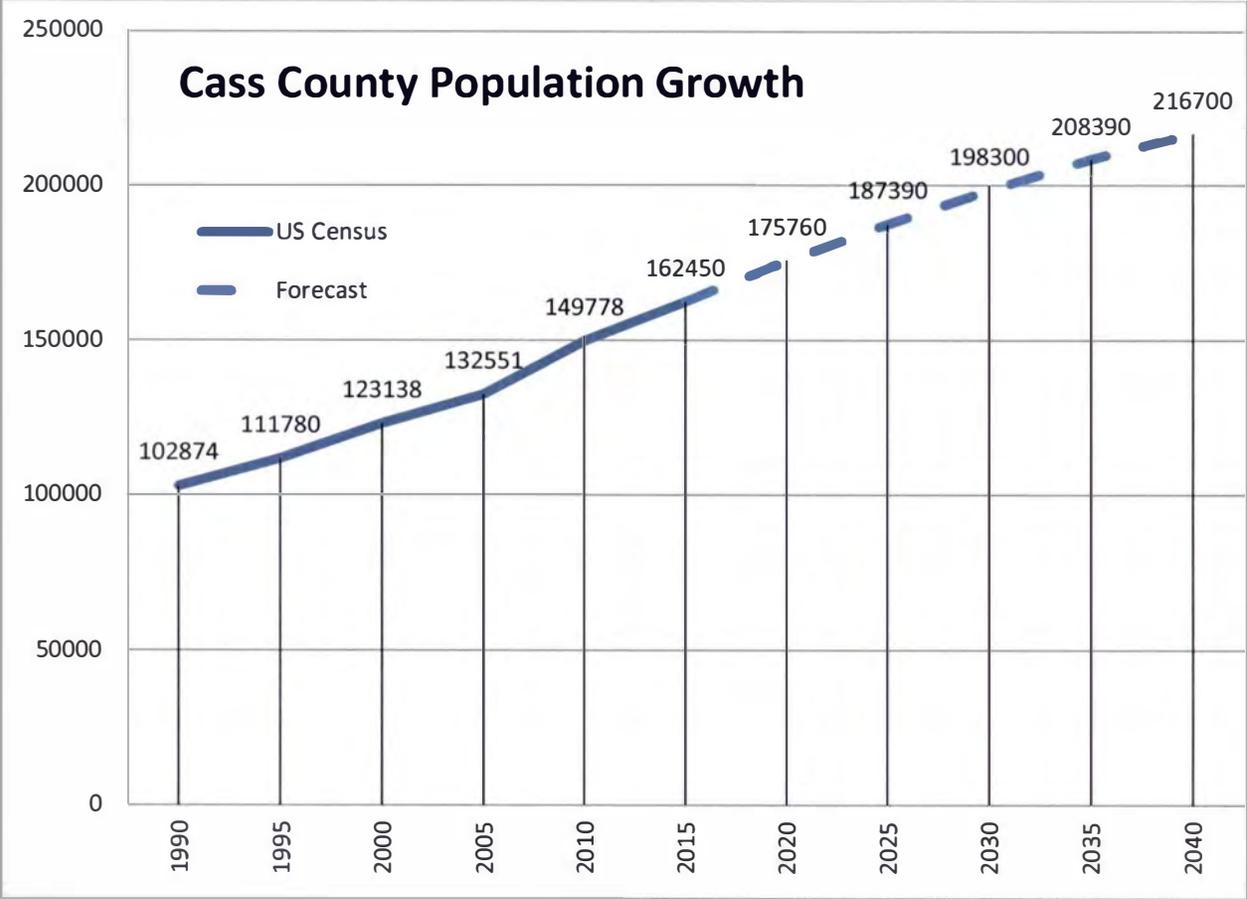
One of our goals is that our juvenile officers teach the vast majority of the juvenile delinquency prevention programs offered in in our region. We do this in order to reduce costs, maximize contact between court officers and their probation youth and thereby enhance the quality of the relationship between these youth and a positive adult who cares about them. Research shows that positive relationships change behavior and we create that environment for our youth within their own communities which saves tax payer dollars. We believe this is reason for our low rate of out of home placement. Quality probation work with teenage offenders is cost effective. Not having this position could result in a rise in costly residential, foster care, or correctional center placements.

We have attempted to solve our staffing problems in juvenile court by transferring positions into Cass County and shifting work where possible. However there are no further positions we can move to Fargo. To use the words from the Chief Justice's State of the Judiciary address, I can no longer cannibalize one office to save another.

In short, based upon my 27 years in Court Administration, I feel that we have done everything we can think of to be as efficient as possible. I compare my staff to standing in a pool on their tiptoes

with water just below their noses, this can be done for a period of time but if a wave comes or you go off your tiptoes due to fatigue the water is above your nose and you will likely drown.

Thank you for your time today, I am more than happy to answer any questions that you may have.



Prepared by Ulteig and McKibben Demographics Research

Cass County Public and Private Schools 2013-2014

Elementary (K-5)

South Elementary
 Centennial
 Clara Barton Hawthorne
 Horace Mann Roosevelt
 Lewis and Clark
 Lincoln
 Longfellow
 Madison
 McKinley
 Washington
 Eastwood
 Freedom
 Harwood
 Horace
 Kindred
 Maple Valley
 Northern Cass
 Central Cass
 Page
 Mapleton

Oak Grove (K-6)
 Osgood Kindergarten Center *
 Aurora *
 Grace Lutheran (K-9)
 Holy Spirit Elementary
 Nativity Elementary
 Unnamed WF Elementary for 2014-2015 **
 L.E. Berger
 Bennett*
 Westside Elementary
 Lodoen Kindergarten Center
 Jefferson*
 Kennedy*

Middle School (6-8)

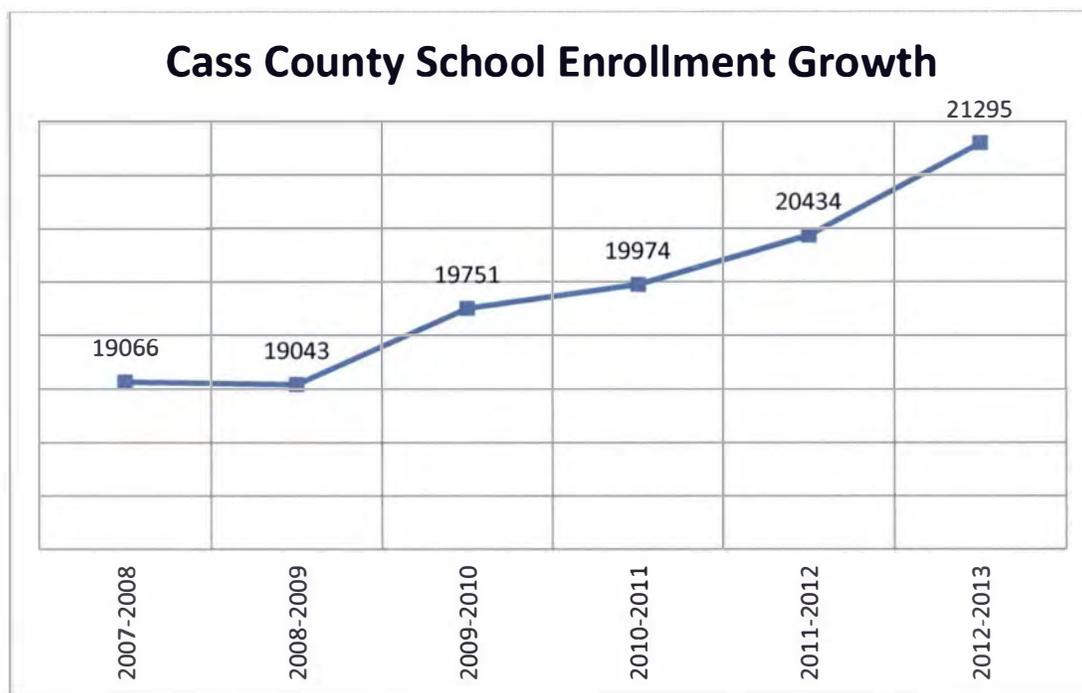
Sheyenne Ninth Grade Center*
 Liberty Middle School **
 STEM Center *
 Sullivan Middle School

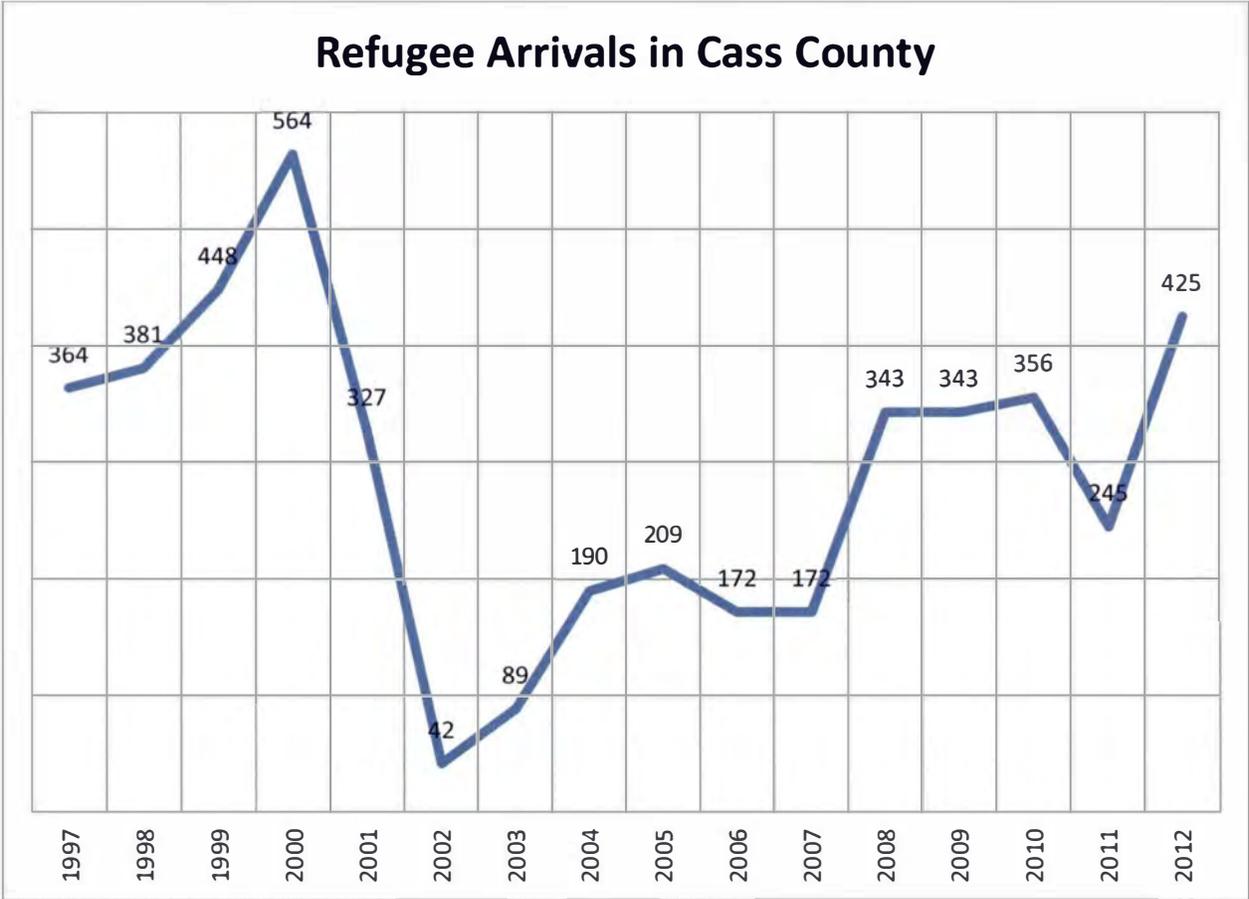
High School (9-12)

North High School
 South High School
 Agassiz/Woodrow Wilson
 Shanley
 Oak Grove
 West Fargo High School
 West Fargo Community High
 Kindred
 Maple Valley
 Northern Cass
 Central Cass
 Page
 Davies High School*
 Sheyenne High School **

***Schools built since 1990**

****Schools opening in the next two years**





Information provided by Lutheran Social Services

Interpreters Statistics

Date Range: 01/01/2012 to 12/31/2012

Languages: ALL

Detail Sort Order: Language

Report Options: Detail

Cass County

Cass County

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|---------------------|-------------|---|----------|--------------------------------------|
| 01/09/2012 9:30 AM | Cass County | State of North Dakota vs. Bisaran Radne Hattim/ Felony Change of Plea (Steven E McCullough) | Arabic | . International Translation Services |
| 04/24/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Susan Solheim) | Arabic | . Tele Interpreters |
| 05/22/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Arabic | . International Translation Services |
| 05/22/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Arabic | . International Translation Services |
| 05/24/2012 1:30 PM | Cass County | State of North Dakota vs. SANTINO MANJA MARIAL/ Preliminary Hearing and/or Arraignment (Wade L Webb) | Arabic | . International Translation Services |
| 08/20/2012 2:00 PM | Cass County | State of North Dakota vs. Peter Makuey Makuach/ Arraignment (John C Irby) | Arabic | mirc MIRC |
| 09/05/2012 9:00 AM | Cass County | State of North Dakota vs. SANTINO MANJA MARIAL/ Felony Jury Trial (Wade L Webb) | Arabic | . International Translation Services |
| 09/06/2012 9:00 AM | Cass County | State of North Dakota vs. SANTINO MANJA MARIAL/ Felony Jury Trial (Wade L Webb) | Arabic | . International Translation Services |
| 11/07/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Arabic | . Tele Interpreters |
| 12/28/2012 11:00 AM | Cass County | State of North Dakota vs. Ishag Arabab Abbaker Idris/ Arraignment (Douglas Herman) | Arabic | . International Translation Services |
| 02/21/2012 3:00 PM | Cass County | City Of Fargo vs. Dzema Hasimovic/ Misdemeanor Dispositional Conference (Douglas Herman) | Bosnian | mirc MIRC |
| 04/24/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Review Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 04/26/2012 1:30 PM | Annex | In the Interest of [REDACTED] Juvenile Shelter Care Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 05/01/2012 9:00 AM | Cass County | City Of Fargo vs. Dzema Hasimovic/ Misdemeanor Jury Trial (Douglas Herman) | Bosnian | . International Translation Services |
| 05/29/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Scott Griffeth) | Bosnian | . International Translation Services |
| 06/26/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffeth) | Bosnian | . International Translation Services |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012

Languages: ALL

Detail Sort Order: Language

Report Options: Detail

Cass County

Cass County continued...

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|---------------------|-------------|--|----------|--------------------------------------|
| 07/03/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Review Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/03/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/03/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/06/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/06/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/06/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/10/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Scott Griffeth) | Bosnian | . International Translation Services |
| 07/10/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Scott Griffeth) | Bosnian | . International Translation Services |
| 07/13/2012 11:15 AM | Cass County | In the Interest of [REDACTED] Juvenile Motions (Susan Solheim) | Bosnian | . International Translation Services |
| 07/17/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/17/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Review Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/17/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Review Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/17/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Review Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/19/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 07/24/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Scott Griffeth) | Bosnian | . International Translation Services |
| 07/31/2012 11:30 AM | Annex | In the Interest of [REDACTED] Juvenile Motions (Susan Solheim) | Bosnian | . International Translation Services |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012
 Detail Sort Order: Language

Languages: ALL
 Report Options: Detail

Cass County

Cass County continued...

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|---------------------|-------------|--|----------|--------------------------------------|
| 08/21/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffith) | Bosnian | . International Translation Services |
| 08/21/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffith) | Bosnian | . International Translation Services |
| 08/21/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffith) | Bosnian | . International Translation Services |
| 08/21/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffith) | Bosnian | . International Translation Services |
| 09/11/2012 10:45 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Bosnian | . International Translation Services |
| 09/17/2012 9:00 AM | Annex | In the Interest of [REDACTED] Juvenile Change of Plea (Scott Griffith) | Bosnian | . International Translation Services |
| 10/25/2012 1:30 PM | Annex | In the Interest of [REDACTED] Juvenile Shelter Care Hearing (Susan Solheim) | Bosnian | . International Translation Services |
| 11/06/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Susan Solheim) | Bosnian | . Tele Interpreters |
| 12/04/2012 3:00 PM | Cass County | State of North Dakota vs. ISO BULBUL/ Misdemeanor Dispositional Conference (Wade L Webb) | Bosnian | . International Translation Services |
| 12/18/2012 9:00 AM | Cass County | State of North Dakota vs. SEFIKA OSMANOVIC/ Arraignment (Steven E McCullough) | Bosnian | mirco MIRC |
| 12/31/2012 2:00 PM | Cass County | State of North Dakota vs. Hadzim Dzafeni/ Arraignment (Wade L Webb) | Bosnian | . International Translation Services |
| 05/03/2012 1:30 PM | Cass County | State of North Dakota vs. Thon Akuany Chol/ Preliminary Hearing and/or Arraignment (Frank L Raocik) | Dinka | mirco MIRC |
| 05/31/2012 1:30 PM | Cass County | State of North Dakota vs. Thon Akuany Chol/ Preliminary Hearing and/or Arraignment (John C Irby) | Dinka | mirco MIRC |
| 07/25/2012 3:00 PM | Cass County | State of North Dakota vs. Thon Akuany Chol/ Felony Dispositional Conference (Wickham Conwin) | Dinka | . International Translation Services |
| 08/22/2012 3:00 PM | Cass County | State of North Dakota vs. Thon Akuany Chol/ Felony Dispositional Conference (John C Irby) | Dinka | mirco MIRC |
| 10/17/2012 3:00 PM | Cass County | State of North Dakota vs. Thon Akuany Chol/ Felony Dispositional Conference (John C Irby) | Dinka | mirco MIRC |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012

Languages: ALL

Detail Sort Order: Language

Report Options: Detail

Cass County

Cass County continued...

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|---------------------|-------------|---|---------------|--|
| 11/13/2012 10:00 AM | Annex | In the Interest of [REDACTED] Status Conference (Scott Griffeth) | Dinka | . Tele Interpreters |
| 11/28/2012 3:00 PM | Cass County | State of North Dakota vs. Thon Akuany Chol/ Felony Dispositional Conference (Douglas Herman) | Dinka | mirco MIRC |
| 08/07/2012 9:00 AM | Cass County | State of North Dakota vs. Heera Singh Kahlon/ Arraignment (Douglas Herman) | Hindi | mirco MIRC |
| 08/08/2012 9:00 AM | Cass County | State of North Dakota vs. Heera Singh Kahlon/ Arraignment (Douglas Herman) | Hindi | mirco MIRC |
| 04/05/2012 10:30 AM | Cass County | NDSH vs. [REDACTED] Preliminary Hearing (Lisa K Fair McEvers) | Kirundi | Language Link CTS |
| 11/29/2012 1:30 PM | Cass County | State of North Dakota vs. Snah Dweh Yonly/ Preliminary Hearing and/or Arraignment (Douglas Herman) | Krahn | mirco MIRC |
| 05/31/2012 1:30 PM | Cass County | State of North Dakota vs. Bisaran Radne Hattim/ Preliminary Hearing and/or Arraignment (John C Irby) | Kurdish | . Intemational Translation Services |
| 07/25/2012 3:00 PM | Cass County | State of North Dakota vs. Bisaran Radne Hattim/ Felony Dispositional Conference (Wickham Corwin) | Kurdish | . Intemational Translation Services |
| 09/19/2012 3:00 PM | Cass County | State of North Dakota vs. Bisaran Radne Hattim/ Felony Dispositional Conference (John C Irby) | Kurdish | . Intemational Translation Services |
| 10/17/2012 3:00 PM | Cass County | State of North Dakota vs. Bisaran Radne Hattim/ Felony Dispositional Conference (John C Irby) | Kurdish | . Intemational Translation Services |
| 07/13/2012 10:30 AM | Cass County | Sanford Health vs. [REDACTED] Preliminary Hearing (Steven L. Marquart) | Nepali | . Tele Interpreters |
| 07/27/2012 10:30 AM | Cass County | Sanford Health vs. [REDACTED] Treatment Hearing (Lisa K Fair McEvers) | Nepali | Language Link CTS |
| 05/30/2012 9:00 AM | Cass County | City Of Fargo vs. NATALYA A SHMYREVA/ Arraignment (John C Irby) | Russian | mirco MIRC |
| 12/17/2012 11:00 AM | Cass County | State of North Dakota vs. Ortis Nashon Alderman/ Arraignment (Steven E McCullough) | Sign Language | David Coon |
| 12/17/2012 11:00 AM | Cass County | State of North Dakota vs. Ortis Nashon Alderman/ Arraignment (Steven E McCullough) | Sign Language | David Coon |
| 01/10/2012 9:00 AM | Cass County | State of North Dakota vs. Rahmo Mohamed Sirad/ Arraignment (Frank L Racek) | Somali | . Intemational Translation Services |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012

Languages: ALL

Detail Sort Order: Language

Report Options: Detail

Cass County

Cass County continued...

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|---------------------|-------------|---|----------|--------------------------------------|
| 01/10/2012 11:30 AM | Annex | In the Interest of [REDACTED] Juvenile Disposition Hearing (Scott Griffeth) | Somali | . International Translation Services |
| 01/24/2012 3:00 PM | Cass County | State of North Dakota vs. Abdihakim Ahmed Sulub/ Misdemeanor Dispositional Conference (Douglas Herman) | Somali | . International Translation Services |
| 01/27/2012 9:00 AM | Cass County | State Of North Dakota, Ex. Rel., et al. vs. Abdihakim Sulub/ Motion/Hearing (Susan Solheim) | Somali | . Tele Interpreters |
| 02/09/2012 1:30 PM | Cass County | State of North Dakota vs. Rahmo Mohamed Sirad/ Preliminary Hearing and/or Arraignment (Frank L Racek) | Somali | . International Translation Services |
| 02/21/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Review Hearing (Scott Griffeth) | Somali | mirco MIRC |
| 03/05/2012 1:30 PM | Cass County | State of North Dakota vs. Abdihakim Ahmed Sulub/ Misdemeanor Court Trial (Douglas Herman) | Somali | . International Translation Services |
| 04/17/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Permanency Hearing (Scott Griffeth) | Somali | . International Translation Services |
| 04/17/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Permanency Hearing (Scott Griffeth) | Somali | . International Translation Services |
| 04/17/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Permanency Hearing (Scott Griffeth) | Somali | . International Translation Services |
| 04/17/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffeth) | Somali | . International Translation Services |
| 04/17/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffeth) | Somali | . International Translation Services |
| 04/17/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffeth) | Somali | . International Translation Services |
| 06/05/2012 9:00 AM | Cass County | State of North Dakota vs. BASHIR ABDI NOOR/ Arraignment (Steven E McCullough) | Somali | Language Link CTS |
| 06/28/2012 1:30 PM | Cass County | State of North Dakota vs. Abdirahman Muhudin/ Preliminary Hearing and/or Arraignment (John C Irby) | Somali | Language Link CTS |
| 07/05/2012 1:30 PM | Cass County | State of North Dakota vs. BASHIR ABDI NOOR/ Preliminary Hearing and/or Arraignment (Steven E McCullough) | Somali | Language Link CTS |
| 08/13/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Somali | . Tele Interpreters |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012

Languages: ALL

Detail Sort Order: Language

Report Options: Detail

Cass County

Cass County continued...

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|---------------------|-------------|---|----------|--------------------------------------|
| 08/14/2012 10:30 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Susan Solheim) | Somali | . Tele Interpreters |
| 08/14/2012 10:30 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Susan Solheim) | Somali | . Tele Interpreters |
| 08/27/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Somali | . Tele Interpreters |
| 08/28/2012 11:30 AM | Annex | In the Interest of [REDACTED] Juvenile Motions (Susan Solheim) | Somali | . Tele Interpreters |
| 09/07/2012 2:30 PM | Cass County | State of North Dakota vs. Abdirahman Mohamed Abdi/ Arraignment (Douglas Herman) | Somali | mirco MIRC |
| 09/10/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Somali | . Tele Interpreters |
| 09/11/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Somali | . Tele Interpreters |
| 09/11/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Somali | . Tele Interpreters |
| 09/12/2012 2:00 PM | Annex | In the Interest of [REDACTED] Juvenile Trial (Susan Solheim) | Somali | . Tele Interpreters |
| 09/17/2012 9:30 AM | Cass County | State of North Dakota vs. BASHIR ABDI NOOR/ Felony Change of Plea (Steven E McCullough) | Somali | mirco MIRC |
| 09/25/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Susan Solheim) | Somali | . International Translation Services |
| 09/25/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Somali | . Tele Interpreters |
| 09/25/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Somali | . Tele Interpreters |
| 09/27/2012 1:30 PM | Cass County | State of North Dakota vs. Abdirahman Mohamed Abdi/ Preliminary Hearing and/or Arraignment (John C Irby) | Somali | mirco MIRC |
| 10/01/2012 2:00 PM | Cass County | State of North Dakota vs. Fatumo Mahamed Abdi/ Arraignment (Douglas Herman) | Somali | mirco MIRC |
| 10/04/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Scott Griffeth) | Somali | . Tele Interpreters |
| 10/04/2012 1:30 PM | Cass County | State of North Dakota vs. Abdirahman Mohamed Abdi/ Preliminary Hearing and/or Arraignment (Douglas Herman) | Somali | mirco MIRC |
| 10/10/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Somali | . Tele Interpreters |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012
 Detail Sort Order: Language

Languages: ALL
 Report Options: Detail

Cass County

Cass County continued...

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|---------------------|-------------|---|----------|--------------------------------------|
| 10/11/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Susan Solheim) | Somali | . Tele Interpreters |
| 10/23/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Susan Solheim) | Somali | . Tele Interpreters |
| 10/23/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Somali | . Tele Interpreters |
| 10/24/2012 3:00 PM | Cass County | State of North Dakota vs. Abdirahman Mohamed Abdi/ Felony Dispositional Conference (Lisa K Fair McEvers) | Somali | mirc MIRC |
| 10/25/2012 2:00 PM | Annex | In the Interest of [REDACTED] Juvenile Change of Plea (Susan Solheim) | Somali | . Tele Interpreters |
| 10/25/2012 2:00 PM | Annex | In the Interest of [REDACTED] Juvenile Change of Plea (Susan Solheim) | Somali | . Tele Interpreters |
| 10/30/2012 3:00 PM | Cass County | State of North Dakota vs. Fatumo Mahamed Abdi/ Misdemeanor Dispositional Conference (Douglas Herman) | Somali | mirc MIRC |
| 11/20/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Somali | . Tele Interpreters |
| 11/20/2012 10:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Susan Solheim) | Somali | . Other |
| 11/27/2012 3:00 PM | Cass County | State of North Dakota vs. Fatumo Mahamed Abdi/ Misdemeanor Dispositional Conference (Douglas Herman) | Somali | . International Translation Services |
| 11/28/2012 3:00 PM | Cass County | State of North Dakota vs. Abdirahman Mohamed Abdi/ Felony Dispositional Conference (Douglas Herman) | Somali | . International Translation Services |
| 12/05/2012 3:00 PM | Cass County | State of North Dakota vs. Abdirahman Muhudin/ Felony Dispositional Conference (Wade L Webb) | Somali | . International Translation Services |
| 12/10/2012 9:30 AM | Cass County | State of North Dakota vs. Abdirahman Mohamed Abdi/ Felony Change of Plea (Steven E McCullough) | Somali | . International Translation Services |
| 12/11/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Permanency Hearing (Scott Griffith) | Somali | . International Translation Services |
| 12/11/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Permanency Hearing (Scott Griffith) | Somali | . International Translation Services |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012

Languages: ALL

Detail Sort Order: Language

Report Options: Detail

Cass County

Cass County continued...

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|---------------------|-----------------|--|----------|--------------------------------------|
| 12/11/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Permanency Hearing (Scott Griffith) | Somali | . International Translation Services |
| 12/18/2012 8:45 AM | Cass County | State of North Dakota vs. Abdurahman Muhudin/ Pretrial Conference (Wade L Webb) | Somali | . International Translation Services |
| 12/18/2012 9:00 AM | Cass County | State of North Dakota vs. Abdurahman Muhudin/ Felony Jury Trial (Wade L Webb) | Somali | . International Translation Services |
| 12/26/2012 3:00 PM | Cass County | State of North Dakota vs. Fatumo Mahamed Abdi/ Felony Dispositional Conference (Douglas Herman) | Somali | . International Translation Services |
| 01/04/2012 3:00 PM | Cass County | State of North Dakota vs. Felipe Estrada/ Felony Dispositional Conference (Wade L Webb) | Spanish | . International Translation Services |
| 01/24/2012 9:00 AM | Cass County | State of North Dakota vs. Felipe Estrada/ Felony Jury Trial (Wade L Webb) | Spanish | . International Translation Services |
| 02/07/2012 9:00 AM | Cass County | State of North Dakota vs. Vicente Erasno Chacano/ Felony Jury Trial (Steven E McCullough) | Spanish | . International Translation Services |
| 02/08/2012 9:00 AM | Cass County | State of North Dakota vs. Vicente Erasno Chacano/ Felony Jury Trial (Steven E McCullough) | Spanish | . International Translation Services |
| 02/09/2012 9:00 AM | Cass County | State of North Dakota vs. Vicente Erasno Chacano/ Felony Jury Trial (Steven E McCullough) | Spanish | . International Translation Services |
| 02/29/2012 1:30 PM | Cass County | State of North Dakota vs. Felipe Estrada/ Felony Dispositional Conference (Wade L Webb) | Spanish | . International Translation Services |
| 03/08/2012 11:00 AM | Burleigh County | State of North Dakota vs. Vicente Erasno Chacano/ Motion/Hearing (Steven E McCullough) | Spanish | . Tele Interpreters |
| 03/13/2012 9:00 AM | Cass County | State of North Dakota vs. Felipe Estrada/ Felony Jury Trial (Wade L Webb) | Spanish | . International Translation Services |
| 03/14/2012 9:00 AM | Cass County | State of North Dakota vs. Felipe Estrada/ Felony Jury Trial (Wade L Webb) | Spanish | . International Translation Services |
| 03/15/2012 9:00 AM | Cass County | State of North Dakota vs. Felipe Estrada/ Felony Jury Trial (Wade L Webb) | Spanish | . International Translation Services |
| 03/16/2012 9:00 AM | Cass County | State of North Dakota vs. Felipe Estrada/ Felony Jury Trial (Wade L Webb) | Spanish | . International Translation Services |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012
 Detail Sort Order: Language

Languages: ALL
 Report Options: Detail

Cass County

Cass County continued...

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|---------------------|-----------------|--|----------|--------------------------------------|
| 03/27/2012 3:00 PM | Cass County | State of North Dakota vs. Levin Cortez/ Misdemeanor Dispositional Conference (Wade L Webb) | Spanish | . International Translation Services |
| 03/29/2012 2:00 PM | Burleigh County | State of North Dakota vs. Vicente Erasno Chacano/ Sentencing (Steven E McCullough) | Spanish | . Other |
| 06/04/2012 1:30 PM | Cass County | State of North Dakota vs. Felipe Estrada/ Sentencing (Wade L Webb) | Spanish | . International Translation Services |
| 06/11/2012 2:30 PM | Cass County | State of North Dakota vs. Felipe Estrada/ Sentencing (Wade L Webb) | Spanish | . International Translation Services |
| 07/10/2012 9:00 AM | Cass County | State of North Dakota vs. De Jesus-Roy Renan Diaz/ Arraignment (Douglas Herman) | Spanish | . International Translation Services |
| 02/07/2012 11:00 AM | Annex | In the Interest of [REDACTED] Juvenile Disposition Hearing (Scott Griffith) | Swahili | Language Link CTS |
| 02/07/2012 11:00 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffith) | Swahili | Language Link CTS |
| 02/21/2012 11:00 AM | Cass County | State of North Dakota vs. NDABISHURIYE ANISETHI/ Arraignment (Douglas Herman) | Swahili | Language Link CTS |
| 03/06/2012 11:45 AM | Annex | In the Interest of [REDACTED] Juvenile Disposition Hearing (Scott Griffith) | Swahili | . International Translation Services |
| 03/06/2012 11:45 AM | Annex | In the Interest of [REDACTED] Juvenile Pretrial (Scott Griffith) | Swahili | . International Translation Services |
| 04/30/2012 9:00 AM | Annex | In the Interest of [REDACTED] Juvenile Change of Plea (Scott Griffith) | Swahili | Language Link CTS |
| 10/02/2012 3:00 PM | Cass County | State of North Dakota vs. Ndabishuriye Anisethi/ Misdemeanor Dispositional Conference (Douglas Herman) | Swahili | mirco MIRC |
| 10/02/2012 3:00 PM | Cass County | State of North Dakota vs. NDABISHURIYE ANISETHI/ Misdemeanor Dispositional Conference (Douglas Herman) | Swahili | mirco MIRC |
| 10/09/2012 9:00 AM | Cass County | State of North Dakota vs. Honoree Kabatesi/ Arraignment (Wade L Webb) | Swahili | mirco MIRC |
| 10/30/2012 3:00 PM | Cass County | State of North Dakota vs. Ndabishuriye Anisethi/ Misdemeanor Dispositional Conference (Douglas Herman) | Swahili | mirco MIRC |
| 10/30/2012 3:00 PM | Cass County | State of North Dakota vs. NDABISHURIYE ANISETHI/ Misdemeanor Dispositional Conference (Douglas Herman) | Swahili | mirco MIRC |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012

Languages: ALL

Detail Sort Order: Language

Report Options: Detail

Cass County

Cass County continued...

| Date/Time | Location | Case Style / Setting Information | Language | Interpreter/Agency |
|--------------------|-------------|--|------------|---|
| 03/27/2012 3:00 PM | Cass County | State of North Dakota vs. Mulugeta Degefa/ Misdemeanor Dispositional Conference (Wade L Webb) | Tigrinya | Language Link CTS |
| 01/03/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Initial Hearing (Susan Solheim) | Vietnamese | . Tele Interpreters |
| 01/03/2012 8:30 AM | Annex | In the Interest of [REDACTED] Juvenile Review Hearing (Susan Solheim) | Vietnamese | . Tele Interpreters |
| 01/09/2012 1:00 PM | Annex | In the Interest of [REDACTED] Juvenile Detention Hearing (Scott Griffeth) | Vietnamese | . Tele Interpreters |
| 05/31/2012 1:30 PM | Cass County | State of North Dakota vs. Dung Tan Nguyen/ Preliminary Hearing and/or Arraignment (John C Irby) | Vietnamese | . International Translation Services |
| 06/07/2012 1:30 PM | Cass County | State of North Dakota vs. Bay Phan/ Preliminary Hearing and/or Arraignment (Steven E McCullough) | Vietnamese | . International Translation Services |
| 06/26/2012 3:00 PM | Cass County | State of North Dakota vs. Hai Duy Nguyen/ Misdemeanor Dispositional Conference (John C Irby) | Vietnamese | . International Translation Services |
| 07/24/2012 3:00 PM | Cass County | State of North Dakota vs. Hai Duy Nguyen/ Misdemeanor Dispositional Conference (Steven E McCullough) | Vietnamese | . International Translation Services |
| 07/25/2012 3:00 PM | Cass County | State of North Dakota vs. Dung Tan Nguyen/ Felony Dispositional Conference (Wickham Corwin) | Vietnamese | . International Translation Services |
| 08/01/2012 3:00 PM | Cass County | State of North Dakota vs. Bay Phan/ Felony Dispositional Conference (Steven E McCullough) | Vietnamese | . International Translation Services |
| 11/06/2012 9:00 AM | Cass County | State of North Dakota vs. Dung Tan Nguyen/ Felony Jury Trial (John C Irby) | Vietnamese | . International Translation Services |

Grand Total: 155

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012 Languages: ALL

Report Options: Summary

Cass County

Cass County

| Month and Year | Language | Number of Assignments | Total |
|----------------|------------|-----------------------|-------|
| January 2012 | Arabic | 1 | |
| | Somali | 4 | |
| | Spanish | 2 | |
| | Vietnamese | 3 | 10 |
| February 2012 | Bosnian | 1 | |
| | Somali | 2 | |
| | Spanish | 4 | |
| March 2012 | Swahili | 3 | 10 |
| | Somali | 1 | |
| | Spanish | 7 | |
| | Swahili | 2 | |
| April 2012 | Tigrinya | 1 | 11 |
| | Arabic | 1 | |
| | Bosnian | 2 | |
| | Kirundi | 1 | |
| May 2012 | Somali | 6 | |
| | Swahili | 1 | 11 |
| | Arabic | 3 | |
| | Bosnian | 2 | |
| | Dinka | 2 | |
| | Kurdish | 1 | |
| June 2012 | Russian | 1 | 10 |
| | Vietnamese | 1 | |
| | Bosnian | 1 | |
| | Somali | 2 | |
| | Spanish | 2 | |
| July 2012 | Vietnamese | 2 | 7 |
| | Bosnian | 16 | |
| | Dinka | 1 | |
| | Kurdish | 1 | |
| | Nepali | 2 | |
| | Somali | 1 | |
| | Spanish | 1 | |
| August 2012 | Vietnamese | 2 | 24 |
| | Arabic | 1 | |
| | Bosnian | 4 | |
| | Dinka | 1 | |
| | Hindi | 2 | |
| | Somali | 5 | |
| September 2012 | Vietnamese | 1 | 14 |
| | Arabic | 2 | |
| | Bosnian | 2 | |
| | Kurdish | 1 | |

Interpreters Statistics

NDODYPROD

Date Range: 01/01/2012 to 12/31/2012 Languages: ALL

Report Options: Summary

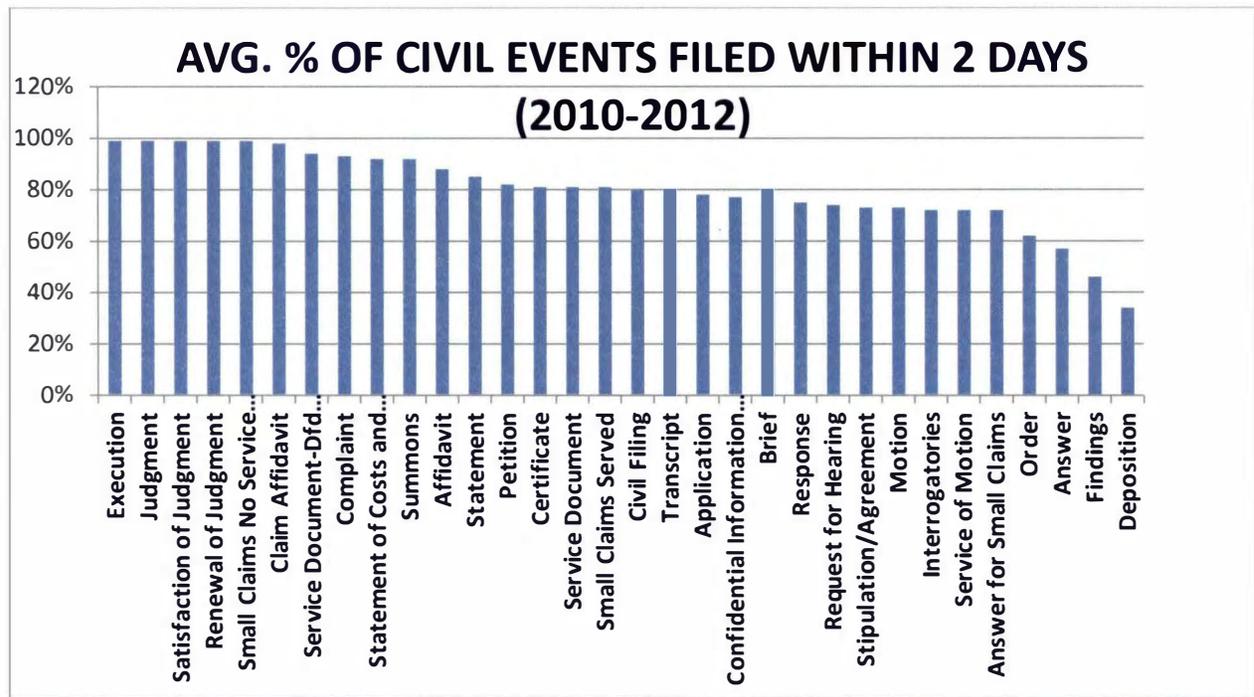
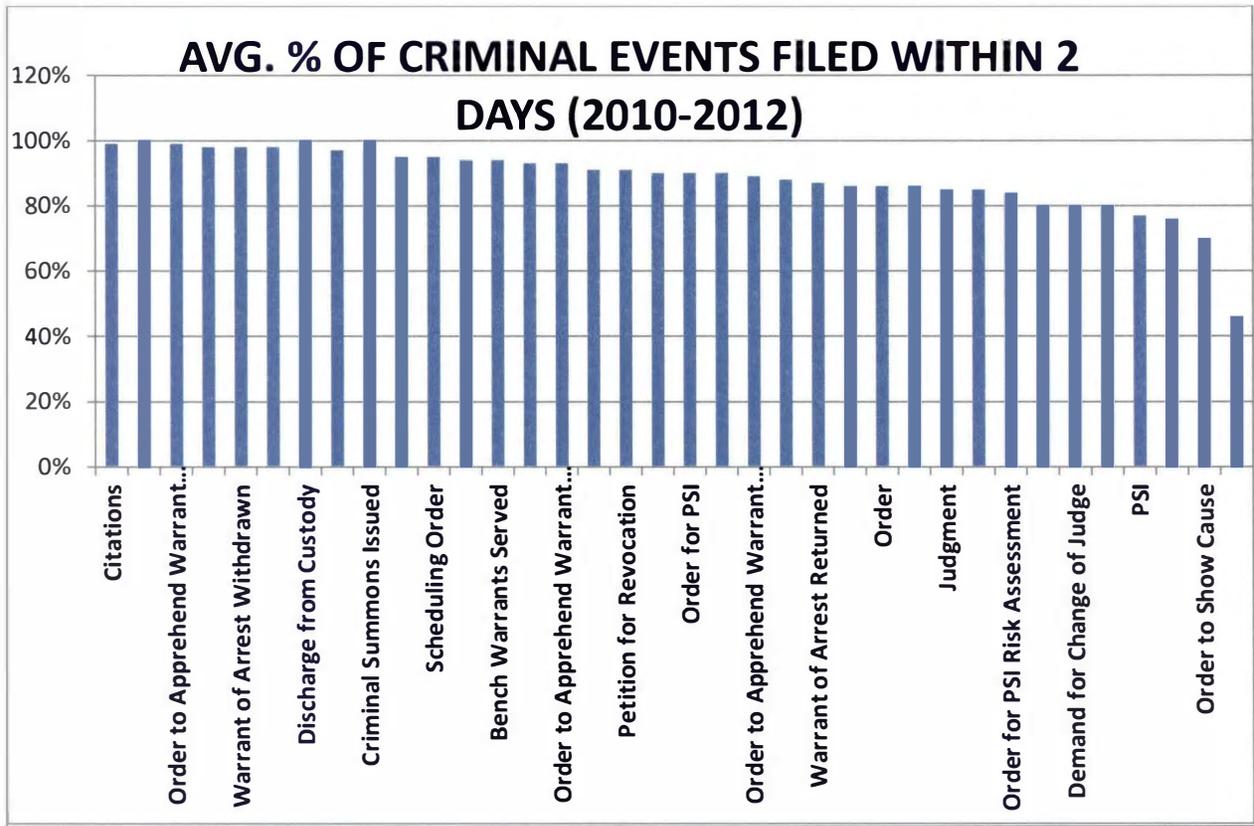
Cass County

Cass County continued...

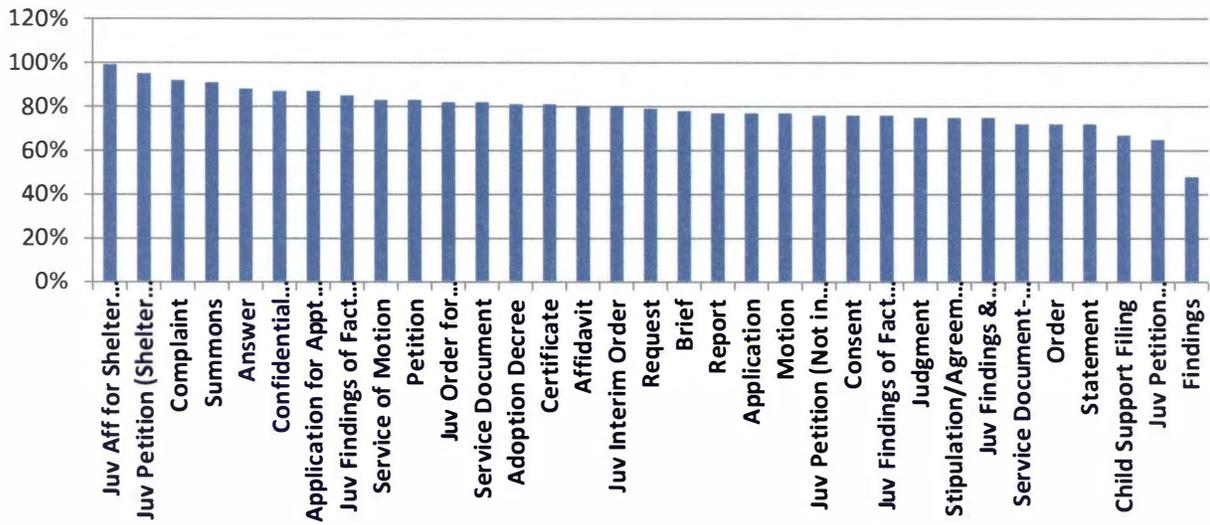
| Month and Year | Language | Number of Assignments | Total |
|---------------------|---------------|-----------------------|------------|
| | Somali | 10 | 15 |
| October 2012 | Bosnian | 1 | |
| | Dinka | 1 | |
| | Kurdish | 1 | |
| | Somali | 11 | |
| | Swahili | 5 | 19 |
| November 2012 | Arabic | 1 | |
| | Bosnian | 1 | |
| | Dinka | 2 | |
| | Krahn | 1 | |
| | Somali | 4 | |
| | Vietnamese | 1 | 10 |
| December 2012 | Arabic | 1 | |
| | Bosnian | 3 | |
| | Sign Language | 2 | |
| | Somali | 8 | |
| Grand Total: | | | 155 |

History of Staffing Changes in Cass County Clerk of Court Office

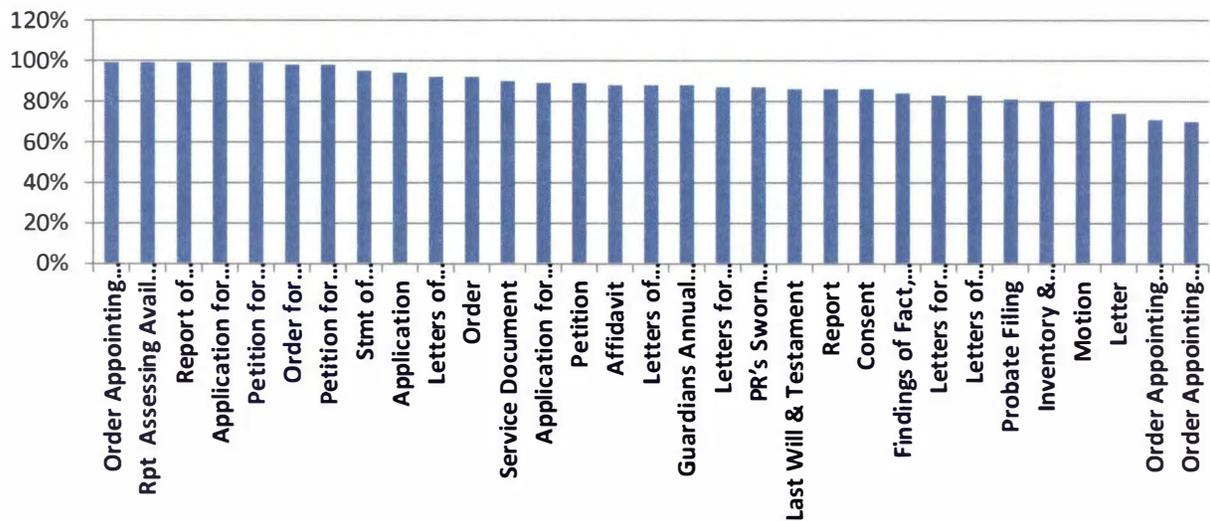
| Number of FTE's | Description |
|-----------------|--|
| 23 | Clerk positions started with on 4/1/2001 |
| -1 | One clerk position moved to Calendar Control Division |
| -1 | Deputy Clerk position eliminated for budget reasons. |
| <u>+1</u> | Deputy clerk position transferred from Jamestown Clerk of Court Office |
| 22 | Clerk positions as of 12/1/2012 |



AVG. % OF FAMILY EVENTS FILED WITHIN 2 DAYS (2010-2012)



AVG. % OF PROBATE/MH EVENTS FILED WITHIN 2 DAYS (2010-2012)



Senate Bill 2002
Senate Appropriations

Presented by Carolyn Probst, NWJD Trial Court Administrator, Unit 4
January 24, 2013

Good morning, Chairman Holmberg and members of the Committee:

My name is Carolyn Probst. I am the Trial Court Administrator for the NWJD. I will be providing a general overview of our budget request as it relates to Full Time Employee's, or FTE's.

The NW is comprised of six counties, Burke, Divide, McKenzie, Mountrail, Ward and Williams, all of which are directly impacted by the oil boom and the population surge. As stated by Chief Justice VandeWalle in his State of the Judiciary, "We have now reached a crisis point where judicial services are suffering throughout the state." As Governor Dalrymple noted in his State of the State address, the oil boom and population surge has created a dramatic need for additional resources in these communities. As concluded by the State Bar Association Energy Impact Task Force, in order to meet the needs of northwestern North Dakota, additional resources are needed across the board. And finally, the weighted caseload study conducted by the National Center for State Courts, which demonstrated an overall shortage of 5.4 staff between Williams and Ward counties. I concur with Chief Justice VandeWalle, Governor Dalrymple, with the State Bar Association, and with NCSC. One might think my job here today should be easy considering the consensus of the leaders of the state in their respective capacities and the insight of these professional organizations. But, I too will appeal to your

sensibility, understanding of the situation, and careful consideration in discussions to come.

Neither Minot nor Williston have received additional FTE's through Legislative Action in well over 10 years. However, the state does continue to re-evaluate its districts and move FTE's as needed in hopes of maintaining a more equitable workforce.

I have included charts, graphs, and maps to illustrate the statistical trends, case types, and population surge for your review. The attached charts and graphs reflect data dating back to 2003. The last column on the graphs displays the percentage increase from 2011 to 2012 for a more recent representation of the impact in the NW.

Even though recovery in Minot from the 2011 Souris River Flood has been slow, felonies and probates continue to be at an all-time high. These cases are more time intensive and require far more resources. A prevalent upswing in overall case filings can be seen in 2012. Williston has seen a 71% increase in felony cases alone from 2010 to 2011 and an additional 51% increase in 2012. Williston has ultimately experienced an increase of over 92% in their total caseload since 2003 with the same number of staff.

Administration has implemented band aid solutions, such as closing offices to the public, seeking the support of other counties both in the NW and statewide and prioritizing case types for processing. The State Court's have temporarily approved accrual of Overtime opposed to Compensatory Time for employees. Overtime is a solution that must remain temporary not only for budgetary reasons, but also for

employee morale and well-being. All of these solutions are less than popular and come with grave concerns to the courts.

As a result of continued staffing shortages the clerk's offices are backlogged up to six weeks at a time for processing paper filings and court orders.

The end result is that we have sacrificed the public's access to justice due to time constraints and the inability to assist when necessary. We do not have consistent collections and enforcement efforts in either county. We can increase fees and fines; we can implement new laws and more stringent sentencing requirements, but without the ability to enforce because of a lack of manpower, those efforts go by the wayside. The Clerks must prioritize their workload, which is driven significantly by the State and Federal Constitutional rights of criminal offenders. At the bottom of their list of duties is to track the enforcement of the Court's Orders. Therefore, defendants are not being held accountable for their actions. Victims of crimes are not being acknowledged. Fines and fees are not being collected. A critical aspect of the courts is its ability to provide the appropriate attention deserved and needed by its litigants, and our ability to uphold the reputation and trust of the judiciary in the eyes of the public.

Thank you for giving me the opportunity to address this committee and to express our needs and concerns. These are certainly exciting times for the State of North Dakota. Unfortunately, as we are all aware, with this economic growth come many challenges and a need for additional resources. It is the court's intent to remain fiscally responsible, having evaluated our needs and identified the minimum amount of resources required to maintain our judicial services to the public. While we are not

asking to address the full realm of the Northwest's needs, we are asking for a minimum of 3 deputy clerks. One position to be located in Minot and two in Williston.

The NW Judicial District is fortunate to have experienced staff, with a strong work ethic. I ask that you review the documentation provided to you carefully and approve the necessary staffing request.

Thank you again for your time and consideration.

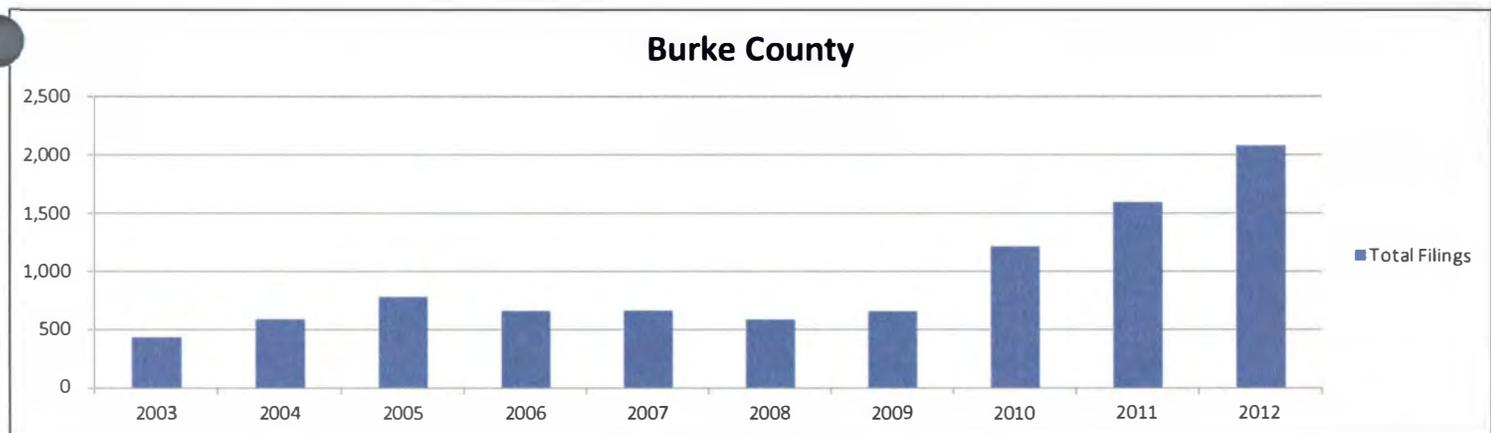
Clerk of District Court
Burke County
2003 Through 2012 Comparison of Case Filings

| Civil | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/11 Change % |
|--------------------------|-----------|------------|------------|-----------|-----------|------------|------------|------------|------------|------------|---------------------|
| Divorce | 7 | 5 | 5 | 1 | 4 | 3 | 2 | 4 | 4 | 5 | 25.0% |
| Child Support | 0 | 6 | 1 | 1 | 1 | 0 | 2 | 5 | 6 | 4 | -33.3% |
| Domestic - other | 6 | 3 | 1 | 1 | 4 | 7 | 7 | 6 | 5 | 3 | -40.0% |
| Small Claims | 27 | 29 | 12 | 11 | 21 | 14 | 28 | 17 | 13 | 16 | 23.1% |
| Probate and Trust | 26 | 35 | 38 | 35 | 28 | 63 | 54 | 88 | 108 | 136 | 25.9% |
| Mental Health | 1 | 3 | 3 | 0 | 1 | 1 | 2 | 0 | 3 | 1 | -66.7% |
| Administrative Appeal | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Other Civil | 23 | 43 | 39 | 34 | 32 | 46 | 62 | 54 | 51 | 45 | -11.8% |
| Juvenile | 3 | 0 | 1 | 0 | 0 | 1 | 5 | 1 | 1 | 2 | 100.0% |
| Total Civil Cases | 93 | 124 | 101 | 84 | 91 | 135 | 162 | 175 | 191 | 212 | 11.0% |

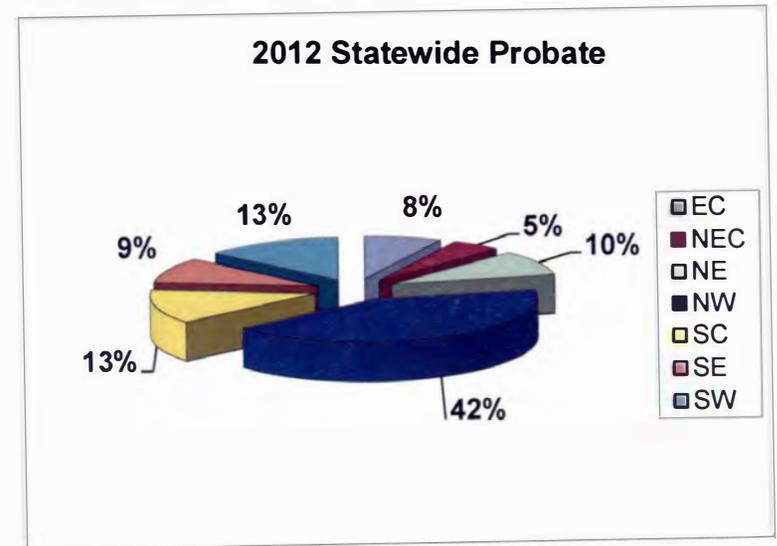
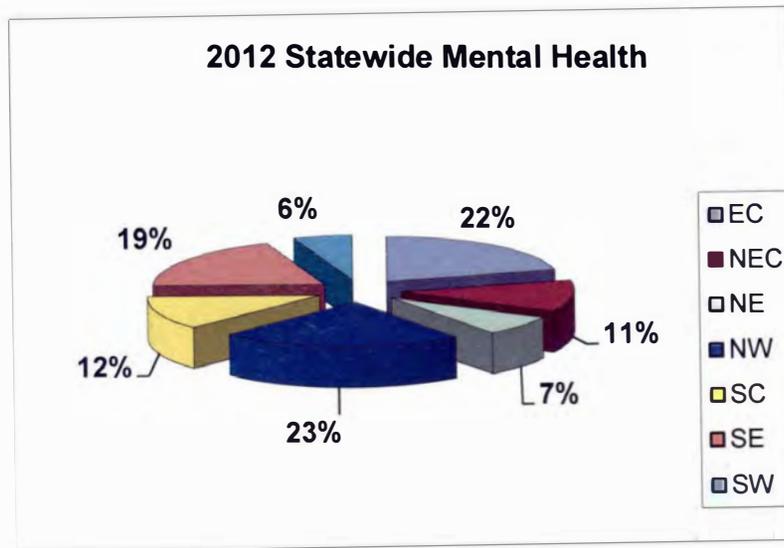
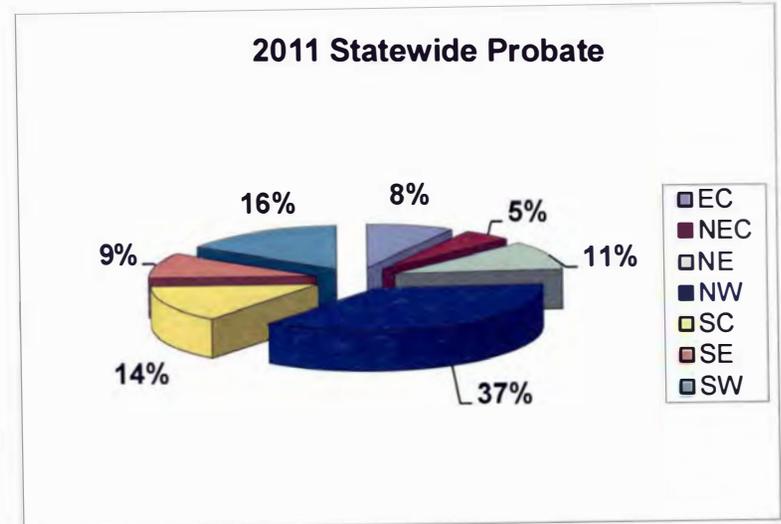
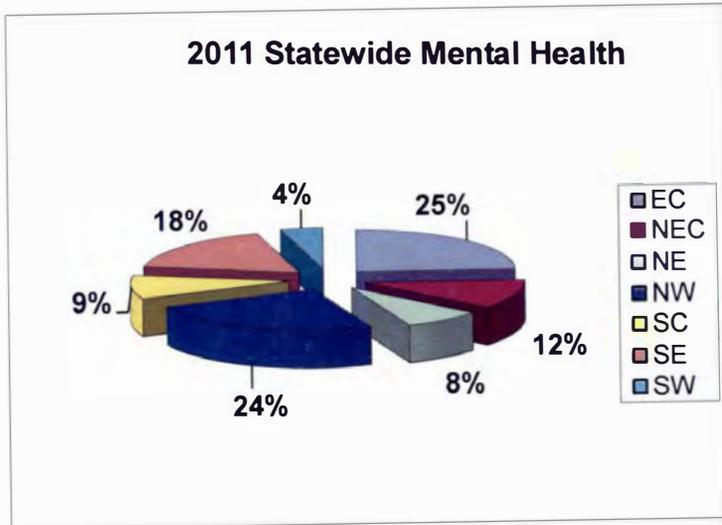
| Criminal | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/11 Change % |
|-----------------------------|------------|------------|------------|------------|------------|------------|-----------|------------|------------|------------|---------------------|
| Felony | 13 | 22 | 7 | 11 | 15 | 25 | 12 | 14 | 15 | 24 | 60.0% |
| Misdemeanor | 89 | 111 | 135 | 117 | 116 | 80 | 69 | 90 | 156 | 242 | 55.1% |
| Infraction | 34 | 13 | 8 | 1 | 2 | 6 | 3 | 6 | 9 | 9 | 0.0% |
| Total Criminal Cases | 136 | 146 | 150 | 129 | 133 | 111 | 84 | 110 | 180 | 275 | 52.8% |

| Traffic | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/11 Change % |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|--------------|---------------------|
| Total Traffic Cases | 206 | 320 | 530 | 448 | 441 | 342 | 414 | 931 | 1,226 | 1,592 | 29.9% |

| Total Filings | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/11 Change % |
|---------------------------|------------|------------|------------|------------|------------|------------|------------|--------------|--------------|--------------|---------------------|
| Total Burke County | 435 | 590 | 781 | 661 | 665 | 588 | 660 | 1,216 | 1,597 | 2,079 | 30.2% |



Statewide Mental Health and Probate Cases



EC – East Central

NEC – North East Central

NE – North East

NW – Northwest

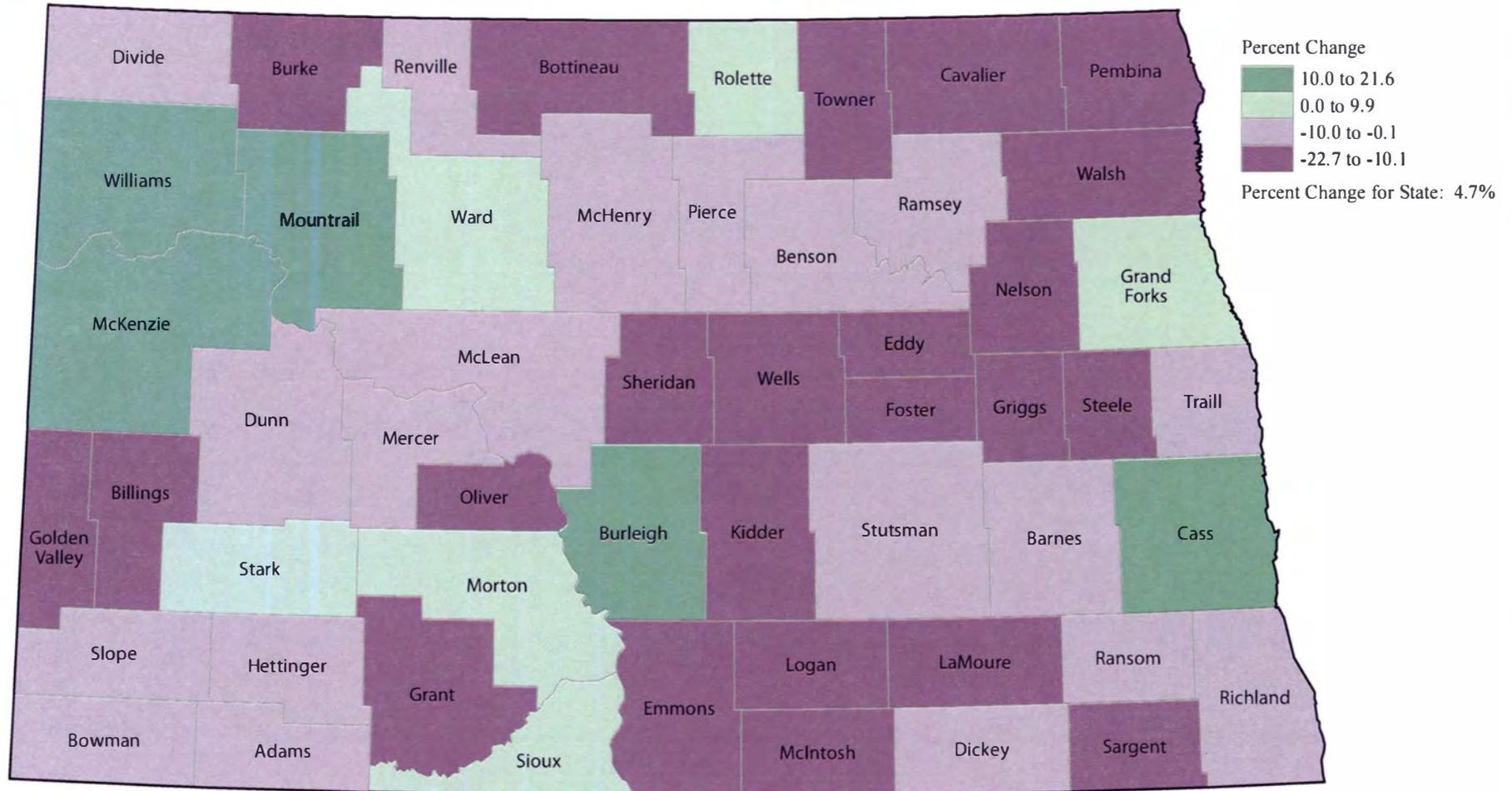
SC – South Central

SE – South East

SW – South West

NORTH DAKOTA - 2010 Census Results

Percent Change in Population by County: 2000 to 2010



Source: U.S. Census Bureau, Census 2000 and 2010 Census Redistricting Data Summary File
For more information visit www.census.gov.

**Detailed Budget
Presentation**

Senate Bill 2002
Senate Appropriations - Government Operations
 Don Wolf, Director of Finance
 January 24, 2013

Mr. Chairman, members of the committee, good morning. For the record my name is Don Wolf and I am the Director of Finance for the court system. I will be providing you with the details regarding the Judicial Branch budget request.

| JUDICIAL BRANCH | 2011-13 Biennium | 2013-15 Biennium | Increase (Decrease) |
|---|-------------------------|-------------------------|----------------------------|
| Total | \$85,664,636 | \$99,592,841 | \$13,928,205 |
| 2011-13 Biennium one-time funding items | (901,480) | 0 | 901,480 |
| Total base budget | \$84,763,156 | \$99,592,841 | \$14,829,685 |

The total **2011-13 biennium** appropriation for the Judicial Branch is \$85,664,636. Pursuant to Section 6 of 2011 House Bill No. 1002, the 2011-13 biennium one-time funding amounts were not included as part of the base budget for the 2013-15 biennium. The 2011-13 biennium one-time items included the Work Assessment Policy Committee (WAPC) study to assess clerk of court staffing and weighted caseload (WCL) study of judicial resources and workload (\$200,000) and capital assets (\$701,480). The total 2011-13 biennium judicial branch base budget is **\$84,763,156**.

The **2013-15 biennium** Judicial Branch budget request is **\$99,592,841**, which is an increase of \$14,829,685 or 17.5 percent over the 2011-13 biennium base budget. The appropriation includes funding for the Supreme Court, District Courts and the Judicial Conduct Commission and Disciplinary Board.

| Subdivision | 2011-13 Biennium | 2013-15 Biennium | Increase (Decrease) |
|--------------------|-------------------------|-------------------------|----------------------------|
| Supreme Court | \$11,569,874 | \$15,530,297 | \$ 3,960,423 |
| District Court | 72,303,327 | 83,073,957 | 10,770,630 |
| JCC/DB | 889,955 | 988,587 | 98,632 |
| Total | \$84,763,156 | \$99,592,841 | \$14,829,685 |

| Line Item | 2011-13 Biennium | 2013-15 Biennium | Increase (Decrease) |
|---------------------------------|---------------------|---------------------|------------------------|
| Salaries and Wages | \$63,332,795 | \$73,083,057 | \$ 9,750,262 |
| Operating | 18,973,640 | 22,916,667 | 3,943,027 |
| Capital Assets | 0 | 848,026 | 848,026 |
| Mediation | 869,664 | 1,089,228 | 219,564 |
| Judges Retirement | 617,102 | 587,276 | (29,826) |
| UND – Central Legal Research | 80,000 | 80,000 | 0 |
| JCC/DB | <u>889,955</u> | <u>988,587</u> | <u>98,632</u> |
| Total | \$84,763,156 | \$99,592,841 | \$14,829,685 |

The budget per funding source is as follows:

| | 2011-13 Biennium | 2013-15 Biennium | Increase (Decrease) |
|---------------|---------------------|---------------------|------------------------|
| General fund | \$82,580,882 | \$97,417,252 | \$14,836,370 |
| Special funds | 325,499 | 367,499 | 42,000 |
| Federal funds | <u>1,856,775</u> | <u>1,808,090</u> | <u>(48,685)</u> |
| Total | \$84,763,156 | \$99,592,841 | \$14,829,685 |

The 2013-15 biennium special funds budget includes **\$367,499** of funding from the State Bar Association. Seventy-five dollars of each license issued is allocated for the attorney discipline system. The 2013-15 biennium federal funds budget includes **\$1,222,938** from a federal child support grant and **\$585,152** from federal Court Improvement Project grants. The child support funds are received as a pass-through from the Department of Human Services as a reimbursement for the time referees and clerks spend on child support cases. The federal Court Improvement Project grants provide assistance to state courts in the processing of child welfare and deprivation cases.

Salaries and Wages:

The total salaries and wages budget request of \$73.1 million is 73 percent of the total court system budget. The budget increase is \$9.8 million as compared to the current appropriation. Details of the increase are as follows:

- The court system budget request includes salary increases of 5 percent per year for judges and justices. The cost of this proposed increase, including retirement, is **\$1,181,020**.
- The total request includes funding for employee market salary and benefit adjustments (\$1,313,756) and to continue the second year of the 2011-13 biennium salary increase (\$1,529,682) totaling **\$2,843,438**. The Judicial Branch was not included in the market salary study conducted by the Hay Group. The request for market salary and benefit adjustment is based on 3 percent of our total base salary excluding the salaries for justices and judges and employee health insurance.
- The executive budget recommendation added **\$3,938,965** for employee performance salary (\$2,599,325) and health insurance and retirement benefit adjustments (\$1,339,640).
- The court system is requesting **15 new FTE positions**, including 4 technology coordinator positions which are currently temporary positions. The 11 remaining positions requested include 2 juvenile court officers for Cass (1) and Burleigh (1) Counties; 8 deputy clerks of court for Cass (2), Burleigh (2), Stark (1), Ward (1) and Williams (2) Counties; and 1 citizen access coordinator position to assist individuals who present their own cases without a lawyer. The total funding requested for these new positions, net of \$424,050 within the current appropriation for the temporary technology coordinators, is **\$1,841,507**.
- Senate Bill No. 2075 provides an appropriation of \$1,690,950 to the court system for the purpose of establishing 3 additional district judgeships. If approved, this bill would provide 6 additional FTE positions, including 3 judges and 3 court reporters. Two of the judgeships would be located in the

Northwest Judicial District (Ward, Williams, Divide, Burke, Mountrail and McKenzie Counties) and one judgeship would be located in the East Central Judicial District (Cass, Steele and Traill Counties).

Operating:

The operating budget of \$22.9 million is 23 percent of the total court system budget. The operating budget request is an increase of \$3.9 million as compared to the current base budget. Details of the increase are as follows:

- **Disaster recovery planning** – The District Court budget request includes one-time funding of **\$95,000** for information technology disaster recovery planning for the purpose of developing in-depth plans for continuity of business operations in case of a disaster.
- **Juvenile Case Management System (JCMS) replacement study** – One-time funding of **\$90,000** is requested for a JCMS replacement study. The JCMS was implemented in 1997 for the purpose of tracking cases from the point of intake through disposition. It also serves as a repository for juvenile history. The purpose of the study is to review continued viability of the JCMS platform and to determine if the JCMS, as it is currently or in an updated form, is able to meet the functional standards for juvenile case management systems adopted by the National Center for State Courts. The study would entail on-site interviews with current users, an analysis of the technological framework for the system and a request for information from vendors of juvenile case management systems.
- **Criminal Justice Information Sharing (CJIS) publisher project** – The District Court budget includes one-time funding of **\$139,850** for the CJIS publisher project. This project will integrate the court management system (Odyssey) with CJIS in order to share data with other state agencies.
- **Payments to contract counties for clerk of court services** – After surveying county auditors for salary information and applying the WAPC

formula based on cases filed in each county, the amount budgeted for contract payments for clerk services increased by \$1,182,809. This increase reflects changes in caseload since 2008 and salary increases given to county employees from January 2010 to January 2012. The contract clerks of court are county employees and their salaries are determined at the county level. Currently, 41 counties contract with the Supreme Court to provide for clerk of court services. Pursuant to North Dakota Century Code Section 27-05.2-02, county board of commissioners may elect to have their county's clerk of district court and staff become employees of the state judicial system. In order to make the election, the county is required to have a need for a minimum of one full-time court employee based on the WAPC formula. A total of 12 counties have made this election. No additional counties made the election for the 2013-15 biennium. Total contract payments to counties for the 2013-15 biennium will be \$4,615,301. In addition, payments to counties for travel, technology and other operating costs are estimated to be \$222,572. The total budget for contract clerks is \$4,837,873 or **\$1,276,250** more than the 2011-13 biennium.

- **Lay Guardian ad Litem program** – The Lay Guardian ad Litem (GAL) Project was born out of the Court Improvement Program, which was created in the mid-1990's by Congress to address the roles of the courts in abuse and neglect cases involving children and their families. The role of the lay GAL is to represent the best interests of a child or children at juvenile court hearings pertaining to deprivation and at other child welfare proceedings and meetings. The court system contracts with Youthworks to employ GALs and administer the program. Over the last few years there has been an increase in demand for GAL services. The total budget request for GAL and child welfare programs is \$2,089,950, of which \$1,504,798 is from the General Fund and \$585,152 is from federal Court Improvement Program grants. This is a total increase of **\$525,237** as compared to the current biennium. The additional funding is requested for

an anticipated increase in costs to contract with Youthworks and for GAL quality assurance monitoring of the court systems processing of child deprivation cases.

- **Juvenile drug courts** – Juvenile drug court provides alcohol and drug testing and chemical treatment programs along with judicial supervision of offenders. Juvenile drug courts are currently operated in Grand Forks, Fargo, Bismarck, Minot, Williston and Devils Lake. The budget request includes funding to add a juvenile drug court that would serve Jamestown and Valley City. The total juvenile drug court budget is \$963,300 or approximately \$68,800 per drug court per year. This is an increase in operating costs of **\$165,350** as compared to the 2011-13 biennium appropriation.
- **Juvenile Court services** – Juvenile Court contracts with both public and private entities to provide innovative programs designed to change behavior of delinquent, unruly, and deprived children charged with a serious offense. The budget request for contracted juvenile services programs is \$1,409,816 or **\$247,508** more than the 2011-13 budget of \$1,162,308. The budget increase is requested to provide intensive in-home programs and provide additional funding for restorative justice programs due to lost funding from the Department of Juvenile Services.
- **Technology fees** – The budget request includes an additional **\$946,815** for technology costs and fees. Based on historical trends maintenance agreements are anticipated to increase approximately 15 to 20 percent per year. The total budget request for maintenance contracts and software updates is \$2,072,044 or an increase of \$736,408 as compared to the current appropriation. The largest maintenance/support agreement is for the Odyssey case management system, which is \$1,045,082 for the biennium or an increase of \$342,842 as compared to the current contract.

Capital Assets:

The judicial budget for capital assets is **\$848,026**, of which \$15,000 is for the Supreme Court and \$833,026 is for district courts. The total budget for equipment over \$5,000 is **\$331,470**. The budget request includes funding for workstations/desks (\$41,500), copy machines (\$202,500), steno machines (\$70,980), folding machine (\$7,500) and microfiche machine (\$8,990).

The total budget for IT capital assets over \$5,000 is **\$516,556**. The budget request includes funding for the replacement of three digital audio mid-tier servers (\$63,000), continued roll out of digital recording equipment and sound systems to two courthouses (\$57,556), installation of interactive television systems in three courthouses (\$102,000), a Cybernetics LTO5 tape unit to supplement existing tape backup units (\$54,000) and disk and server expansion to house Odyssey document images (\$240,000).

Mediation Program:

In March 2008, the North Dakota Judicial Branch began offering a new court-administered family law mediation program for civil proceedings involving custody and visitation disputes. The purpose of this program is not to divert cases out of the court, but to alleviate the emotional distress caused by the adversarial process.

The mediation program was initially piloted during the 2007-09 biennium in the South Central Judicial District and the Northeast Central Judicial District. During the 2009-11 biennium the program was expanded statewide.

In 2009, there was an average of 15.2 cases per month accepted into the mediation program. During the reporting period starting March 1, 2010 and ending August 31, 2011, an average of 30.3 cases per month were accepted into the program. For the most recent reporting period starting September 1, 2011

and ending August 31, 2012, the average caseload has increased to 38.0 per month.

The budget request for the mediation program is **\$1,089,228**, which is \$219,564 more than the 2011-13 biennium appropriation for the program. The budget increase reflects continued growth in the program.

Judge Retirement (NDCC Chapter 27-17 Old Retirement System):

The judges' retirement line item provides for the state's general fund portion of retirement payments to eligible retirees under the old retirement system. There is 1 remaining participant within the Supreme Court budget and 8 remaining participants within the district court budget. The budget for judges' retirement is **\$587,276**, of which \$76,484 is for the Supreme Court and \$510,792 is for District Court. The average age of the recipients as of December 31, 2012 was 87.

Judicial Conduct Commission and Disciplinary Board (JCC/DB):

The Judicial Conduct Commission and Disciplinary Board is responsible for investigating complaints against North Dakota judges and attorneys. Total funding of **\$988,587** is requested for the operations of JCC/DB of which \$621,088 is from the General Fund and \$367,499 are lawyer disciplinary funds. This is an increase of \$98,632 as compared to the current biennium. The request includes additional funding for website development (\$12,000), continuing education for board members (\$15,000) and to contract for a hearing panel research assistant (\$20,000). No capital assets are being requested.

In conclusion, I would be happy to answer any questions.

SB 2002

Cathy Ferderer

Evaluation of North Dakota Juvenile Drug Court

February, 2012

Abstract

The mission of the North Dakota Juvenile Drug Court is to reduce juvenile crime and substance abuse by referring youth to a court-managed treatment program which holds juveniles accountable for their behavior and emphasizes personal responsibility (North Dakota Juvenile Court, 2007). This study is an attempt to gain a better understanding of the success of the Juvenile Drug Court Program in North Dakota by addressing whether the North Dakota Juvenile Drug Court Program is successful in reducing subsequent crime and drug/alcohol use in North Dakota teenagers. To assess the effect of participating in the North Dakota Juvenile Drug Court Program, this study provides a comparison of those students who graduate from drug court, enter drug court, but do not graduate and those in the juvenile court systems who were eligible for the program, but never entered a drug court. This study includes drug court participants from 2008 and 2009. Participants are analyzed in terms of districts, gender, race, and age. The results of this study show that the North Dakota Drug Court Program is effective at reducing subsequent drug/alcohol use and criminal activity. In addition, the program appears to provide an opportunity for juveniles to take advantage of a structured program to help them reduce their criminal involvement and their substance abuse problems. I find that graduates of the North Dakota Drug Court Program have less subsequent criminal and drug/alcohol offenses than those who were terminated or who never entered the program. In addition, those who were terminated or who never entered the program appear to reoffend at approximately the same rate.

Drug courts were established to help address the growing drug problem in the United States. Though drug courts are flourishing across the United States, we still do not fully understand how effective they are at reducing subsequent drug and alcohol use as well as criminal behavior. This study will help to provide a greater understanding of the success the Juvenile Drug Court Program in North Dakota by addressing whether the North Dakota Juvenile Drug Court Program is successful in reducing subsequent crime and drug/alcohol use in North Dakota teenagers.

Effects of Drug Use on Juveniles

Young people who persistently abuse substances often experience an array of problems, including academic difficulties, physical and mental health-related problems, poor peer relationships, and involvement with the juvenile justice system. Additionally, there are consequences for family members, the community, and society. Substance abuse has propelled millions of young Americans into juvenile justice systems across the country (The National Center on Addiction and Substance Abuse, 2004). It fills the juvenile courts, overcrowds juvenile detention centers and ruins many young lives (The National Center on Addiction and Substance Abuse, 2004). On any given day 3,400 substance-involved juveniles face juvenile court (The National Center on Addiction and Substance Abuse, 2004).

According to the National Institute of Justice (1999), substance-involved youth are more likely than those who do not use these substances to commit juvenile offenses and go on as adults to commit criminal acts. Juvenile alcohol and drug use also increases the risk of adult substance dependence, which increases the likelihood of criminal involvement.

According to a study by the National Center on Addiction and Substance Abuse (2001), juveniles who have been arrested once in the past year are: more than twice as likely to have

used alcohol; more than 3.5 times likelier to have used marijuana; more than three times likelier to have used prescription drugs for non-medical purposes; more than seven times likelier to have used Ecstasy; more than nine times likelier to have used cocaine, and more than 20 times likelier to have used heroin than juveniles who have not been arrested. In addition, juvenile drug and alcohol abuse is implicated in 64 percent of violent offenses, 72 percent of property offenses and 81 percent of assaults, vandalism and disorderly conduct. The study also finds that 1.9 million of the 2.4 million juvenile arrests had substance abuse and addiction involvement, but that only 68,600 of juveniles arrested received substance abuse treatment.

Substance abuse is a problem that places a tremendous toll on communities. The negative impact of substance abuse can be witnessed in family violence and criminal activity. The economic costs to society are significant and include those related to arresting and jailing substance abusers, the expense of treating substance abuse, and the cost of health care.

Nationally, the estimated cost of the immediate health and social consequences of underage drinking is estimated to be \$578 per household per year (Office of National Drug Control Policy, 2000).

Emergence of Drug Courts

The emergence of crack cocaine in the mid-1980s had an unprecedented and dramatic impact on the nation's criminal justice system. In response, the Regan administration initiated the "war on drugs" (Listwan, Sundt, Holsinger, and Latessa, 2003). As a result of the "war on drugs," unprecedented numbers of drug offenders were arrested, charged with felonies, prosecuted, convicted, and incarcerated (Belenko, 2001). This strained the courts, forcing some to the brink of collapse. In an effort to address growing caseloads, courts used various strategies such as ordering individual treatment and drug testing, but none seemed to address the complex

issues underlying substance abuse (Listwan, Sundt, Holsinger, and Latessa, 2003). As frustrations grew, a small number of innovative jurisdictions began to reexamine the relationship between criminal justice processing and services for alcohol and other drugs. They discovered that treatment and justice practitioners share the same essential goals—stopping the illicit use and abuse of all addictive substances and curtailing related criminal activity (Roman, Townsend & Singh Bhati, 2003). The two systems brought unique capabilities and resources that complemented and enhanced the effectiveness of the other. From this partnership drug courts emerged.

The first drug court began in Dade County Florida in 1989 as a diversion program for drug offenders (Listwan, Sundt, Holsinger, and Latessa, 2003). Since that time, the number of drug courts has significantly increased. As of December 2009, there were nearly 2,459 drug courts in the United States (Huddleston & Marlowe, 2011).

In its simplest form, a drug court uses the power and authority of a judge to keep a drug offender in treatment, providing rewards for successes and sanctions for failures. The focus is on treatment rather than incarceration. In most drug courts, a judge closely monitors the progress of a drug offender and doles out sanctions for drug use relapse, failure to attend treatment, or other drug court infractions. Sanctions can include letters of apology, increased drug testing, residential treatment, etc. Judges also reinforce successes through praise and encouragement to keep working hard, and possibly a reduction in a juvenile's sentence, such as reduced community service hours. Depending on the structure of the drug court, successful completion in a drug rehabilitation program may be accompanied with dropping the charges that brought the offender before the court or expunging the offense from the juvenile's record (North Dakota Juvenile Court, 2007). Many drug courts also have a formal graduation ceremony for those successfully

completing the program. The atmosphere of the drug court is non-adversarial and provides a case management function, connecting drug abusers with appropriate treatment programs. Programs are anywhere from 12 to 18 months in duration (Huddleston & Marlowe, 2011).

North Dakota began the development of their juvenile drug court in 1998. A committee of the North Dakota Supreme Court studied models of juvenile drug courts and made recommendations regarding policies and procedures. The first juvenile drug courts in North Dakota were established in Fargo and Grand Forks, in 2000. Currently, there are six drug courts in North Dakota (Thompson, 2004).

The mission of the North Dakota Juvenile Drug Court is to reduce juvenile crime and substance abuse by referring youth to a court-managed treatment program which holds them accountable and emphasizes personal responsibility. The program is aimed at intervening in alcohol and/or drug using and criminal behavior through intense supervision and participation in recovery services (North Dakota Juvenile Court, 2007).

Review of Literature

Although there has been a rapid expansion of drug courts throughout the United States, as well as in North Dakota, there is limited solid empirical evidence establishing the effectiveness of drug courts in achieving their aims of reduced drug use and criminal behavior. A review of the twenty drug court evaluations conducted in 1997 by the U. S. General Accounting Office (GAO) concluded that the existing evidence was insufficient to draw any firm conclusions on the effectiveness of these drug court programs. The GAO identified several limitations including a failure to examine outcomes after the conclusion of the program and a failure to use a comparison group design. The twenty court evaluations only evaluate certain parts of the programs, such as graduation rates and program design. In addition, they do not follow

participants after they completed the drug court's requirements. This is problematic as we do not gain any information on the long-term effects of drug courts.

In 2011, Belenko reviewed 37 drug court evaluations and finds evidence of a decrease in subsequent criminal activity and long-term drug use in drug court participants. However, Belenko is critical of the lack of post-program evaluations. For example, only six of the thirty-seven drug court evaluations he reviews examine the long-term effects of these programs. The process data, such as partner surveys, case notes, etc, Belenko reviews suggests that "drug courts have achieved considerable local support and have provided intensive, long-term treatment services to offenders with long histories of drug use and criminal justice contacts, previous treatment failures, and high rates of health and social problems" (Belenko, 2001 pg 7). This indicates that further research regarding the long term effects of drug court programs is necessary. Without additional research, it will be difficult to understand the outcomes and effectiveness of drug courts.

A 2005 study by the GAO examines twenty-seven evaluations and concludes that adult drug court programs reduce recidivism while participants are enrolled in the program. The evidence on the effectiveness of drug courts to reduce substance use, however, is mixed. Several of the evaluations find a decline in alcohol use, while others find no change in alcohol use. However, the GOA provides a cost-benefit evaluation and concludes that drug courts do yield a net benefit. That is, the benefits to each participant in a drug court program exceed the costs associated with managing juvenile offenders.

Other studies find several factors that influence the extent to which participants successfully complete drug court programs. In their research, Peter & Murrin (199) suggest that participants who have fewer arrests graduate at a higher rate than those who have more arrests at

the entry into drug courts. Saum et al. (202) find that graduates are also significantly more likely to be first-time offenders than non-graduates. Belenko (2001) concludes that offenders who are charged with misdemeanors are more likely to be successful in drug courts than those charged with felonies. The drug used by the participant also appears to be a significant factor in their success in a drug court program. Participants with charges relating to cocaine and crack cocaine are less likely to graduate as compared to those whose primary drug of choice is alcohol or marijuana (Belenko, 2001, Peters, Haas, & Murrin, 1999). This research reveals that early interventions may be critical to the success of drug court participants. In other words, once an individual becomes deeply involved in drugs and criminal behavior, interventions are not as successful. In addition, motivation appears to be a factor in the graduation rate of drug court participants. Graduates who indicate they enter drug court programs to improve their own lives and/or avoid criminal justice consequences are more likely to graduate (Saum et. al., 2002).

The structure of a drug court program also affects the outcome of participants. Harrell, Cavanagh and Roman (1998) find that drug court participants whose programs include judicial monitoring, drug testing, and sanctions are less likely to be arrested during the year following sentencing than those that only have judicial monitoring and drug testing. Incentives also have a positive influence on the success of the drug court participants. Furthermore, receiving encouragement in the courtroom seems to serve as a powerful motivator for achievement (Goldkamp, White, & Robinson, 2001). For example, Senjo and Leip (2001) note that participants who receive supportive comments during court monitoring are more likely to graduate from a drug court program than those participants who receive fewer supportive comments.

Model
for adult
&
juvenile
drug
courts

not juvenile court model

Finally, treatment for addiction or mental health problems is essential to the success of participants in drug courts. Drug courts with treatment options have better outcomes than those who did not. For example, participants who participate in a treatment program with drug testing, judicial monitoring in addition to an added component of sanctions, are more likely to test drug free and less likely to be arrested within a year compared to those in a comparison program of drug testing and judicial monitoring alone (Harrell, Cavanagh, & Roman, 2001).

Thompson's studies of the North Dakota Juvenile Drug Court in 2002 and 2004 suggest that drug court graduates have a lower recidivism rate than those who did not participate in drug court programs. The 2004 study also finds that the East Central Judicial District has the highest recidivism rate while the Northeast Central Judicial District has the lowest. Thompson (2002) draws two conclusions regarding these results. First, the length of time in a drug court in some districts is not long enough. He finds that participants in districts with longer average stays in a drug court have lower recidivism rates. Second, juveniles were often admitted too late. After a juvenile has gotten so deep in to drugs and crime it becomes difficult to reverse this behavior.

Thompson recommends that juveniles be identified and screened earlier so they are not so deep in the system at entry into drug court. These conclusions are supported by other studies (see, e.g. Listwan, Sundt, Holsinger, and Latessa, 2003 and Saum et. al., 2002.)

drug court refusal policy changed to implement recommendation

The rapid adoption of drug courts throughout the United States during the past 22 years has been phenomenal and reflects widespread belief in the effectiveness of drug courts at reducing criminal behavior. Prior research on drug courts, however, draws inconclusive conclusions regarding the effectiveness of these programs. This is primarily due to the fact that the studies are not longitudinal. That is, they only look at the time period when the juvenile is in drug court. Often no information is obtained about the effectiveness of a juvenile drug court

long term, after the juvenile has graduated or been terminated from the drug court program. My research will examine juveniles who participate in a drug court in North Dakota between the years 2008 and 2009. This will provide a better understanding of recidivism rates of participants in drug courts after they are no longer in a drug court.

This study examines the success of the North Dakota Juvenile Drug Court Program. More specifically, I analyze whether the North Dakota Juvenile Drug Court Program is successful in reducing crime and alcohol use in North Dakota teenagers. I assess the recidivism rates among North Dakota drug court graduates as compared to those who do not graduate, as well as a group of juveniles who did not enter a drug court.

Hypotheses

I have formulated the following hypothesis based on my review of drug court literature:

H1: Completion of a North Dakota Juvenile Drug Court Program will reduce subsequent criminal/alcohol behavior in North Dakota teenagers.

This research will contribute to the North Dakota Court System's understanding of how to effectively use its resources as well as court systems nationally. It will increase the North Dakota Court Systems knowledge regarding the success and failures of the drug court program. This will allow the North Dakota Court System to make the necessary adjustments to increase success and better serve juveniles.

Data & Methods

The objective of this study is to determine the effectiveness of the North Dakota Juvenile Drug Court by addressing whether the North Dakota Juvenile Drug Court Program is successful in reducing subsequent crime and drug/alcohol use in North Dakota teenagers. To assess the effect of participating in the North Dakota Juvenile Drug Court Program, this study provides a

comparison of juveniles in the six juvenile drug courts in North Dakota who graduated from a drug court, entered a drug court, but do not graduate and those in the juvenile court system who were eligible but never entered a drug court. My data comes from the Odyssey case management system, the juvenile court case management system and the North Dakota Juvenile Drug Court Program. More specifically, my data includes all juveniles in 2008 and 2009 who graduated from the North Dakota Juvenile Drug Court Program, entered the North Dakota Juvenile Drug Court Program, but did not graduate and those in the North Dakota Juvenile Court system who were eligible to enter drug court but did not.

Data from the North Dakota Juvenile Court provides information to identify juveniles who meet the criteria for entry into a drug court, but were not placed in the program for the years 2008 and 2009. The criteria for eligibility in drug court include: (1) Referring offence was drug or alcohol related; (2) Juvenile must be between the age of 13-17 at the time of entry into the Juvenile court system; (3) No prior violent felony level adjudications or pending petitions alleging violent felony level delinquent acts. (4) No prior termination from juvenile drug court; (5) No prior or pending charges for selling and/or manufacturing controlled substances. The evaluator reviewed the files to determine whether or not the juveniles met the criteria. Juveniles who met the criteria are randomly selected to be placed in the comparison group in order to have similar numbers in each group, juveniles who participated in drug court and those who were eligible but did not participate.

In order to examine whether the North Dakota Juvenile Drug Court Program is successful in reducing subsequent crime and drug/alcohol use in North Dakota teenagers, I employ logistic regression. My dependent variable is whether a juvenile graduated from a drug court (0= juvenile did not graduate from a drug court; 1= juvenile graduated from a drug court). To

determine the extent to which the North Dakota Juvenile Drug Court Program is successful in reducing subsequent crime and drug/alcohol use, it is essential to examine an array of explanatory factors that may influence success in drug court.

It is possible that gender influences whether a juvenile graduates from a drug court. Thus, I include an independent variable that measures the sex of the juvenile (1= female; 2=male). The second independent variable is race (1=Caucasian; 2=Native American; 3=Hispanic; 4=African American). Schiff and Terry (1997) find that race is a significant predictor of program completion; white offenders were more likely to complete the drug court program than were non-white offenders. I would expect to find similar results. In order to evaluate whether the age of the juvenile affects the likelihood of whether a juvenile graduates from a drug court I control for the age of the juvenile (1= 10 to 12 years of age; 2=13-14 years of age; 3=15-16 years of age; 4=17-18 years of age). The next independent variable is the duration of time the juvenile spent in drug court (1=0 to 3 month; 2=3 to 6 months; 4=9-12 months; 5=12 to 15 months). Thompson 2004 found that the longer the length of stay for graduates of juvenile drug court programs, the lower the probability that juvenile would recidivate as an adult. Finally, I control for the court district in which the juvenile entered the juvenile court system (1=Northwest; 2=Northeast; 3=Northeast Central; 4=Southwest; 5=South Central; 6=Southeast; 7=East Central). I expect to find differences in the outcomes for drug court participants in various districts due to the varying treatment and law enforcement resources available in each district.

Results

In order to understand whether the North Dakota Juvenile Drug Court Program is successful in reducing subsequent crime and drug/alcohol use in North Dakota teenagers, I begin by analyzing whether differences are apparent between juveniles who graduated from a drug

court, juveniles that were terminated from a drug court, and juveniles that were eligible, but never entered a drug court program. This study includes 129 participants. More specifically, I examine thirty-three juveniles who graduated from the North Dakota Drug Court Program, forty-nine juveniles who were terminated from the North Dakota Drug Court Program and forty-seven juveniles who never entered the North Dakota Drug Court Program although they were eligible. To determine whether the sex of the juvenile influences their participation in a drug court program, I analyze the number of male and female juveniles that graduated from a drug court, were terminated from a drug court, or who never entered a drug court. Table 1 displays these descriptive statistics.

Table 1 – Sex of Drug Court Participants and Non-participants

| Sex | Graduated from a Drug Court | Terminated from a Drug Court | Never Entered a Drug Court | Total |
|----------------------|-----------------------------|------------------------------|----------------------------|----------|
| Female | 13 | 23 | 21 | 57 (44%) |
| Male | 20 | 26 | 26 | 72 (56%) |
| Overall Total | 33 | 49 | 47 | 129 |

There are slightly more males than females in this study with fifty-seven of the participants being female and seventy-two male. Twenty-eight percent of the males graduated from drug court while twenty-three percent of females graduated from drug court. However, the results suggest that there is not a significant relationship between the sex of a juvenile and participation in a drug court.

I also examine whether a relationship exists between the race of a juvenile and their participation in a drug court. The results are displayed in Table 2.

Table 2 – Race of Drug Court Participants and Non-participants

| Race | Graduated from a Drug Court | Terminated from a Drug Court | Never Entered a Drug Court | Total |
|----------------------|-----------------------------|------------------------------|----------------------------|-------------------|
| Caucasian | 31 | 34 | 36 | 101 (78%) |
| Native American | 2 | 12 | 8 | 22 (17%) |
| Hispanic | 0 | 2 | 2 | 4 (3%) |
| African American | 0 | 1 | 1 | 2 (2%) |
| Overall Total | 33 | 49 | 47 | 129 (100%) |

Four categories for race were utilized in the study: Caucasian, Native American, Hispanic and African American. The majority of the participants were Caucasian. More specifically, seventy-eight percent of the participants were Caucasian, seventeen percent Native American, three percent Hispanic, two percent African American. When looking at rates of graduation from drug court, forty-eight percent of Caucasian participants and one percent of Native American participants graduated. Notably, Native American participants were terminated at a much higher rate than Caucasian participants. It is not clear why this is the case, but this should be further examined as it seems to indicate that there may be a problem in terms of drug courts with meeting the needs of Native American youth. No Hispanic or African American participants graduated. Again, it is not clear why this none of the Hispanic or African-American participants graduated, but this should be further examined as it seems to indicate that there may be a problem in terms of drug courts with meeting the needs of Hispanic or African-American youth. However, the findings indicate that the race of a juvenile does not significantly influence their participation in a drug court.

Next, I analyze whether a relationship exists between the age of a juvenile and their participation in a drug court. The results are reported in Table 3.

Table 3 – Age of Drug Court Participants and Non-participants

| Age | Graduated from a Drug Court | Terminated from a Drug Court | Never Entered a Drug Court | Total |
|----------------------|-----------------------------|------------------------------|----------------------------|-------------------|
| 13 | 0 | 0 | 1 | 1 (1%) |
| 14 | 1 | 5 | 6 | 12 (9%) |
| 15 | 9 | 22 | 12 | 43 (33%) |
| 16 | 13 | 9 | 8 | 30 (24%) |
| 17 | 10 | 13 | 20 | 43 (33%) |
| Overall Total | 33 | 49 | 47 | 129 (100%) |

This study includes one 13 year old, twelve 14 year olds, forty-three 15 year olds, thirty 16 year olds and forty-three 17 year olds. Juveniles fifteen and seventeen were the most frequently recorded ages of those entering the juvenile justice system. The majority of juveniles entering the juvenile court system were 15 years old or older. The findings suggest that there is not a significant relationship between the age of a juvenile and participation in a drug court.

I also examine juvenile participation in drug court by examining each judicial district. Table 4 displays the results.

Table 4 – Judicial District of Drug Court Participants and Non-participants

| Judicial District | Graduated from a Drug Court | Terminated from a Drug Court | Never Entered a Drug Court | Total |
|-------------------|-----------------------------|------------------------------|----------------------------|----------|
| Northwest | 5 | 13 | 4 | 22 (17%) |
| Northeast | 0 | 4 | 4 | 8 (6%) |

| | | | | |
|----------------------|-----------|-----------|-----------|-------------------|
| Northeast Central | 6 | 12 | 5 | 23 (18%) |
| Southwest | 0 | 0 | 3 | 3 (2%) |
| South Central | 10 | 9 | 11 | 30 (23%) |
| Southeast | 0 | 0 | 2 | 2 (2%) |
| East Central | 12 | 11 | 18 | 41 (32%) |
| Overall Total | 33 | 49 | 47 | 129 (100%) |

Twenty-eight percent of participants who entered the Northwest District's drug court program graduated. Fifty percent of the participants who entered the Northeast Central's drug court program graduated. Fifty-three percent of the participants who entered the South Central's drug court program graduated. Fifty-two percent of the participants who entered the East Central's drug court program graduated. No participants who entered the Northeast' drug court program graduated. The Norwest and Northeast Judicial Districts have much lower rates of graduation than the other three districts. This may be due to the fact that these are relatively new programs. These districts may need to examine what has been successful in other districts in order for these districts to have more of their participants graduate. It also may be useful for these districts to evaluate whether the juveniles that participate in their drug courts differ from participants in the drug courts of other districts. It is important to note that the Southwest and Southeast districts do not have drug court programs available. The findings suggest that there is not a significant relationship between the court district and participation in a drug court.

In the following section, I examine the subsequent criminal alcohol behavior by juveniles in each district. The results are reported in Table 5

Table 5 – Percent of Juveniles who Reoffend by District

| District | Percent of Juveniles Who Reoffended |
|-------------------|-------------------------------------|
| Northwest | 68% |
| Northeast | 88% |
| Northeast Central | 39% |
| Southwest | 67% |
| South Central | 53% |
| Southeast | 50% |
| East Central | 59% |

The Northeast Central has the lowest recidivism rate at thirty-nine percent while the Northeast had the highest at eighty-eight percent. These numbers maybe a bit unreliable due to the small sample size from the Northeast, Southeast, and Southwest judicial districts. Thus, it is possible these findings are not representative of the larger population. It should also be noted that the Southwest and Southeast districts do not have drug court programs available. The findings suggest that there is not a significant relationship between the court district and committing a subsequent drug/alcohol or criminal offence.

I also examine the relationship between a juvenile's participation in a drug court and whether he/she committed a subsequent crime. As Table 6 shows, seventy-six percent of all drug court graduates did not reoffend while only thirty-one percent of terminated and thirty-two percent of those who never entered did not reoffend. This finding supports my hypothesis that graduation from a juvenile drug court reduces subsequent criminal/alcohol behavior in North Dakota teenagers. In addition, this suggests that the drug court program in North Dakota is successful.

*24% recidivism for DC graduates
68-69% recidivism for comparison groups*

Table 6 – Subsequent Alcohol/Criminal Behavior of Participants and Non-participants

| Subsequent Alcohol/Criminal Behavior | Graduated from a Drug Court | Terminated from a Drug Court | Never Entered a Drug Court | Total |
|--------------------------------------|-----------------------------|------------------------------|----------------------------|------------|
| Yes | 8(24%) | 34(69%) | 32(68%) | 74 |
| No | 25(76%) | 15(31%) | 15(32%) | 55 |
| Overall Total | 33 | 49 | 47 | 129 |

To provide a more comprehensive picture of the relationship between a juvenile's participation in a drug court and recidivism, I examine the number of subsequent crimes committed by juveniles in the juvenile justice system. Table 7 reports these descriptive statistics.

Table 7 – Number of Subsequent Alcohol/Criminal Behavior of Participants and Non-participants

| No. of Subsequent Alcohol/Criminal Behavior | Graduated from a Drug Court | Terminated from a Drug Court | Never Entered a Drug Court | Total |
|---|-----------------------------|------------------------------|----------------------------|------------|
| 0 | 25 | 15 | 15 | 55 |
| 1-2 | 6 | 23 | 16 | 45 |
| 3-4 | 2 | 6 | 10 | 18 |
| 5-6 | 0 | 1 | 4 | 3 |
| More than 6 | 0 | 4 | 4 | 8 |
| Overall Total | 33 | 49 | 47 | 129 |

The findings suggest that juveniles who were terminated from a drug court or who never entered a drug court were significantly more likely to commit more subsequent crimes and/or

have alcohol charges brought against them. The results suggest that participation in a drug court significantly influences whether a juvenile commits a subsequent crime.

To further evaluate the success of the North Dakota Drug Courts, logistic regression is employed, it being the appropriate methodology when one wishes to regress a dichotomous dependent variable on a series of independent variables. My data includes only those juveniles in 2008 and 2009 who enrolled in a drug court. The dependent variable is whether a juvenile enrolled in a drug court graduated (0= juvenile did not graduate from the drug court, 1= juvenile graduated from the drug court). The results of this model are presented in Table 8.

Table 8 - Logit Estimation of the Likelihood of a Juvenile Graduating from Drug Court.

| Variable | Coefficient (Robust Standard Error) |
|-----------------------------|-------------------------------------|
| Age | 0.148 (0.321) |
| Race | -2.69 (1.31)* |
| Gender | 0.153 (0.631) |
| Duration | 0.319 (0.348) |
| District | 0.172 (0.135) |
| Recidivism | 4.26 (1.59)** |
| Number of Subsequent Crimes | -0.538 (0.408) |
| Constant | -4.72 (0.408) |

| | |
|------------------------|----|
| Number of Observations | 82 |
| | |

| | |
|-----------------------|-------|
| Pseudo R-Squared | 0.355 |
| % Correctly Predicted | 76.8 |

Note: * p < .05 ** p < .01 *** p < .000

The results suggest that the race of the juvenile and whether the juvenile commits an additional crime after entering the drug court significantly influences whether a juvenile graduates from the drug court. Given the nature of logistic regression, it is difficult to interpret the substantive effects of the individual variables. Thus, to provide more intuitive results, I calculate the predicted probabilities of observing whether a juvenile will graduate from the drug court (based on different values of the independent variables). The predicted probabilities are displayed in Table 9.

Table 9 - Predicted Probabilities that a Juvenile Will Graduate from a Drug Court

| Variable | Probability that Juvenile Graduated from the Drug Court |
|--|---|
| All at Mean | 0.298 |
| Caucasian Juvenile | 0.456 |
| African-American Juvenile | 0.003 |
| Juvenile Committed a Subsequent Crime After they Entered the Drug Court | 0.050 |
| Juvenile Did Not Commit a Subsequent Crime After they Entered the Drug Court | 0.790 |

As shown in Table 9, when all of the independent variables are held at their mean, there is 0.298 probability that a juvenile will graduate from the drug court. The findings suggest that there is a greater probability of a Caucasian juvenile graduating from a drug court than an African-American juvenile. More specifically, the probability of a Caucasian juvenile graduating from a drug court is 0.456, while there is a 0.003 probability of an African-American juvenile graduating from a drug court. This suggests that North Dakota drugs court programs are not meeting the needs of African-American participants and further research should be pursued to better understand why.

As expected, juveniles who do not commit a subsequent crime after entering the drug court have a greater likelihood of graduating from the drug court than juveniles who commit an additional crime while enrolled in the drug court. The probability of a juvenile graduating from the drug court who has not committed a subsequent crime is 0.790. In contrast, a juvenile that has committed a subsequent crime after entering the drug court has a 0.050 probability of graduating from the drug court. Thus, it is critical for drug courts to closely monitor juveniles while participating in the drug court program. Supports and sanctions need to be put in place, in order to discourage further criminal or drug/alcohol behavior.

Interestingly, the age and sex of a juvenile does not significantly influence whether a juvenile will graduate from a drug court. In addition, the length of time a juvenile is in a drug court, the district of the drug court, and the number of subsequent crimes a juvenile commits does not significantly affect whether a juvenile will graduate from the drug court.

Summary and Discussion

The mission of drug courts is to stop the abuse of alcohol and other drugs related to criminal activity. Drug courts are unique in the criminal justice environment because they build a

close collaborative relationship between criminal justice and drug treatment professionals. Within a cooperative courtroom atmosphere, the judge heads a team of court staff, attorneys, probation officers, substance abuse evaluators, and treatment professionals all working together to support and monitor a participant's recovery. Together, they maintain a critical balance of authority, supervision, support, and encouragement. Drug court programs are rigorous, requiring intensive supervision based on frequent drug testing and court appearances, along with tightly structured regimens of treatment and recovery services. This level of supervision permits the program to actively support the recovery process and react swiftly to impose appropriate therapeutic sanctions or to reinstate criminal proceedings when participants cannot comply with the program.

This study examines whether the North Dakota Juvenile Drug Court Program is successful in reducing subsequent crime and drug/alcohol use in North Dakota teenagers. In order to address this question, I compare juveniles who graduate from drug court, enter a drug court, however do not graduate, and those in the juvenile court system who were eligible, but never entered a drug court. I also examine the likelihood that a juvenile will graduate from a drug court by examining juveniles in 2008 and 2009 that were enrolled in a drug court in North Dakota.

The results of this study suggest that the North Dakota Drug Court Program is effective at reducing subsequent drug/alcohol use and criminal activity. The North Dakota Drug Court Programs appears to provide an opportunity for juveniles to take advantage of a structured program to help them reduce their criminal involvement and their substance abuse problems. Graduates of the North Dakota Drug Court Program have less subsequent criminal and alcohol offenses than those who did not graduate or who never entered the drug court. Juveniles

terminated from a drug court and that never entered the drug court appear to reoffend at roughly the same rate. These findings suggest that it is critical for juveniles to complete the drug court program and that drug court programs do, in fact, reduce subsequent alcohol and criminal behavior.

When examining graduation from the North Dakota Drug Court Program, I find that Caucasians are more likely to graduate from the program than other races. In addition, juveniles that do not commit a subsequent crime after he/she enter the drug court are more likely to graduate from the drug court than juveniles that commit an additional crime after they are enrolled in a drug court program.

In addition to the finding that drug court does have an effect on subsequent criminal/alcohol behavior, several other findings warrant discussion. First, Native American participants are graduating at a much lower rate than Caucasian participants. Second, several districts had low rates of participants graduating from drug court. These findings suggest that the North Dakota Drug Court Program should pay close attention to the way in which individuals of different races respond to the drug court program. The implication here being that drug courts are not a one-size-fits-all solution to the juvenile drug problem.

It is important to note some of the limitations of this study. First, this study includes a small number of African American and Hispanic participants. In order to be able to systematically examine the influence race has on drug court participation it is essential to have a sample that includes a greater number of minority participants. Thus, since my sample includes a small number of minority participants it is possible that race may not have such a significant influence on whether a juvenile graduates from a drug court. A second limitation of this study relates to how the recidivism variable is measured. It only includes criminal/alcohol behavior

committed in North Dakota. It is possible that participants may have committed criminal acts in other states. Finally, I only examine drug courts in one state, therefore this study has little generalizability. To gain a more comprehensive understanding of the effectiveness of drug courts it is necessary to study drug courts in several states.

This study suggests that the drug courts in North Dakota are effective in reducing recidivism and subsequent substance abuse. Yet, there still are additional questions relating to drug courts that need to be addressed. For example, future research examining the effectiveness of drug courts may want to consider including additional measures of success in addition to criminal recidivism. Further, such additional measures of success may want to concentrate on changes in substance use and increases in measures of social stability (i.e., school improvement, family, employment). Future evaluations should also assess how programmatic and non-programmatic features of the drug court impact effectiveness. There is a need for more information about the types of rewards, sanctions, treatments and durations of time juveniles spend in a drug court to determine the most effective methods in reducing subsequent criminal and alcohol behavior in juveniles. To date, drug court evaluations have generally focused on basic demographics, criminal history, and substance abuse history when assessing predictors of graduation or recidivism. This is problematic because it does not progress to the level of examination necessary to determine whether or not these problems are successfully reducing the alcohol and criminal activity of juveniles in the juvenile court system.

Drug courts have been in existence for the better part of a decade. The results of previous evaluations conducted reinforce the view that drug courts can be effective in reducing recidivism. As drug courts evolve and mature over the coming years they should continue to internally evaluate their policies and approaches. Future research should examine the impact of

these courts both in terms of their costs and their ability to reduce subsequent criminal behavior in serving offenders.

References

- Arrestee Drug Abuse Monitoring Program. (2000). 1999 Annual Report on Drug Use Among Adult and Juvenile Arrestees. *Washington, DC: U.S. Government Printing Office.*
- Belenko, S. (2001). *Research on Drug Courts: A Critical Review.* The National Center on Addiction and Substance Abuse at Columbia University.
- Breaking the Cycle of Drug Use Among Juvenile Offenders.* (1999). National Institute of Justice.
- Criminal Neglect: Substance Abuse, Juvenile Justice and the Child Left Behind.* (2004). National Center on Addiction and Substance Abuse.
- Drug courts: Overview of growth, characteristics, and results.* (1997) Washington, DC: U.S. General Accounting Office.
- Goldkamp, J. S., M. D. White, and J. B. Robinson. *Do Drug Courts Work? Getting Inside the Drug Court Black Box.* *Journal of Drug Issues*, vol. 31, no. 1 (2001): 27-72.
- Harrell, A., S. Cavanagh, and J. Roman. (1998). *Final Report: Findings from the Evaluation of the D.C. Superior Court Drug Intervention Program.* Washington D.C.: Urban Institute.
- Huddleston, W. and Marlowe, D., Ph.D. (2011). *Painting the Current Picture: A National Report on Drug Courts and other Problem-Solving Court Programs in the United States.* National Drug Court Institute.
- Listwan, S. J., J. L. Sundt, A. M. Holsinger, and E. J. Latessa. (2003). *Effect of Drug Court Programming on Recidivism: The Cincinnati Experience.* *Crime & Delinquency*, vol. 49, no. 3 (2003): 389-441.
- Office of National Drug Control Policy. (2000). *Data Snapshot: Drug Abuse in America.* Accessed online at <http://www.whitehousedrugpolicy.gov/drugfact/presentations.html>.
- Peters, R. H., A. L. Haas, and M. R. Murrin. (1999) *Predictors of Retention and Arrest in Drug Courts.* National Drug Court Institute Review, vol. II, no. I 30-57.
- Roman, J., Townsend, W. & Singh Bhati, A., Ph.D. (2003). *Recidivism Rates for Drug Court Graduates: Nationally Based Estimates.* Washington D.C.: The Urban Institute.
- Saum, C. A., Scarpitti, F. R., & Robbins, C. A. (2001). *Violent offenders in drug court.* *Journal of Drug Issues*, 31, 107-128.

Schiff, M. and Terry W. C. 1997. "Predicting Graduation from Broward County's Dedicated Drug Treatment Court Based Upon Individual Participant Characteristics." *The Justice System Journal* 19(3): 291-310.

Senjo, S. R., and L. A. Leip. (2001). *Testing and Developing Theory in Drug Court: A Four-Part Logit Model to Predict Program Completion*. *Criminal Justice Policy Review*, vol. 12, no.1: 66-87.

Thompson, K., (2002). *Recidivism Outcome Evaluation of the North Dakota Juvenile Drug Court*. Fargo, ND: North Dakota State University, Department of Criminal Justice and Political Science.

Thompson, K., (2004). *An Adult Recidivism Outcome Evaluation of the North Dakota Juvenile Drug Court*. Fargo, ND: North Dakota State University, Department of Criminal Justice and Political Science.

Thornberry, T. P. (1999). *Violent families and youth violence*. [On-line]. Retrieved September 9, 2011 from the World Wide Web: <http://www.ncjrs.org>.

SB 2002 Judicial Branch Appropriation

Explanation of FTE Requests

The Judicial Branch is requesting **4 Technology Coordinators** positions that are currently full-time temporary positions be converted to full-time regular positions. Technology Coordinators are “HELP DESK” staff. These positions are comparable to what other departments call “Business Analysts”. They specialize in understanding the court’s specialized case management software and do all the testing of new software, writing procedural manuals and training people. They are responsible for assisting 310 court employees and more than 2,000 users of our secure public access. Since the positions were first authorized in 2008, we have had a 300% turnover rate. Without exception, all of them quit in order to take a full-time job with benefits. It is critically important that we get a stable workforce in these positions. We were able to bring our new case management system on time and under budget but without the ability to build some expertise in how the system works, we lose our ability to use the system effectively.

The Judicial Branch is also requesting 11 new FTE positions. These positions include:

8 - deputy clerks of court: This is a front-line customer service position as well as the primary position for data entry and case management. An adequate number of deputy clerks is essential to the court being able to operate on a day-to-day basis. Our workload assessment for clerks of court shows we have a statewide shortage of 18 deputy clerks in our state-employed clerk’s offices

These positions would be placed in 5 different offices throughout the state, as follows:

- 2 - Williams County
- 1 - ward County
- 1 - Stark County
- 2 - Burleigh County
- 2 - Cass County

2- Juvenile Court Officers: Juvenile court officers are probation officers who work one-on-one with children who have been brought into the juvenile court system. Their primary responsibility is to provide monitoring, rehabilitation, education and assistance to children who have been charged with a crime. One of our top goals for the juvenile court is to bring our probation caseloads closer to the maximum caseload recommended by the National Center for Juvenile Justice. They recommend a maximum juvenile caseload of 35 cases per officer. The average monthly caseload is 46 for Burleigh County and 44 for Cass County. The new positions we are requesting would be placed as follows:

- 1-Cass County
- 1-Burleigh County

1 – Citizen Access Coordinator: This position would be located in the Law Library at the Supreme Court and is intended to help self-represented litigants throughout the state through telephone and email. They would also be responsible for developing forms and video tutorials to teach people how to navigate the court system and understand court processes. Last year, there were over 6,500 people who represented themselves in court and this number continues to grow.

SALARY RANKINGS

The table below lists the salaries for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general jurisdiction trial courts as of October 1, 2004. Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available—either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of “1.” The lowest salary has a rank of “51” except for intermediate appellate courts, which exist in only thirty-nine states. The mean, median, and salary range for each of the positions are also shown.

Salary data for the federal government and several U.S. territories are also included. Salaries at the limited jurisdiction level are not ranked because the large number and diverse workload of these courts makes them less comparable. Furthermore, many of these salaries vary considerably within given states because they are set locally.

Salaries for Appellate and General Jurisdiction Judges

| | Highest Court | Rank | Intermediate Appellate Court | Rank | General Trial Court | Rank |
|----------------------|-------------------|------|------------------------------|------|---------------------|------|
| Alabama | \$152,027 | 8 | \$151,027 | 5 | \$111,973 | 25 |
| Alaska | 117,900 | 33 | 111,384 | 30 | 109,032 | 30 |
| Arizona | 126,525 | 23 | 123,900 | 16 | 120,750 | 15 |
| Arkansas | 128,669 | 19 | 124,652 | 14 | 120,632 | 16 |
| California | 175,575 | 1 | 164,604 | 1 | 143,838 | 4 |
| Colorado | 116,251 | 34 | 111,647 | 29 | 107,044 | 34 |
| Connecticut | 138,404 | 13 | 129,988 | 11 | 125,000 | 11 |
| Delaware | 152,000 | 9 | | | 145,000 | 3 |
| District of Columbia | 167,600 | 3 | | | 158,100 | 1 |
| Florida | 155,150 | 6 | 143,363 | 8 | 134,650 | 8 |
| Georgia | 153,086 | 7 | 152,139 | 3 | 121,938 | 14 |
| Hawaii | 115,547 | 35 | 110,618 | 31 | 106,922 | 35 |
| Idaho | 104,168 | 48 | 103,168 | 36 | 97,632 | 44 |
| Illinois | 173,261 | 2 | 163,070 | 2 | 149,636 | 2 |
| Indiana | 115,000 | 37 | 110,000 | 32 | 90,000 | 49 |
| Iowa | 122,500 | 28 | 117,850 | 21 | 112,010 | 24 |
| Kansas | 118,212 | 32 | 114,118 | 25 | 103,232 | 40 |
| Kentucky | 126,276 | 24 | 121,176 | 17 | 116,064 | 21 |
| Louisiana | 118,301 | 30 | 112,041 | 28 | 105,780 | 37 |
| Maine | 104,929 | 47 | | | 98,377 | 43 |
| Maryland | 132,352 | 18 | 124,552 | 15 | 120,352 | 17 |
| Massachusetts | 126,943 | 21 | 117,467 | 22 | 112,777 | 23 |
| Michigan | 164,610 | 4 | 151,441 | 4 | 139,919 | 6 |
| Minnesota | 133,564 | 16 | 125,852 | 13 | 118,141 | 19 |
| Mississippi | 132,530 | 41 | 105,050 | 35 | 104,170 | 39 |
| Missouri | 123,000 | 27 | 115,000 | 24 | 108,000 | 32 |
| Montana | 95,493 | 50 | | | 88,164 | 51 |
| Nebraska | 119,276 | 29 | 113,312 | 26 | 110,330 | 26 |
| Nevada | 140,000 | 12 | | | 130,000 | 9 |
| New Hampshire | 113,266 | 39 | | | 106,187 | 36 |
| New Jersey | 158,500 | 5 | 150,000 | 6 | 141,000 | 5 |
| New Mexico | 105,120 | 45 | 99,864 | 39 | 94,870 | 47 |
| New York | 151,200 | 10 | 144,000 | 7 | 136,700 | 7 |
| North Carolina | 118,219 | 31 | 113,293 | 27 | 107,136 | 33 |
| North Dakota | 99,122 | 49 | | | 90,671 | 48 |
| Ohio | 128,400 | 20 | 119,700 | 20 | 110,050 | 28 |
| Oklahoma | 106,716 | 42 | 101,714 | 38 | 95,898 | 45 |
| Oregon | 105,200 | 44 | 102,800 | 37 | 95,800 | 46 |
| Pennsylvania | 142,936 | 11 | 138,459 | 9 | 124,135 | 13 |
| Rhode Island | 132,816 | 17 | | | 119,579 | 18 |
| South Carolina | 123,095 | 26 | 120,017 | 19 | 116,940 | 20 |
| South Dakota | 105,765 | 43 | | | 98,787 | 42 |
| Tennessee | 126,528 | 22 | 120,636 | 18 | 115,428 | 22 |
| Texas | 113,000 | 40 | 107,350 | 34 | 109,158 | 29 |
| Utah | 115,250 | 36 | 110,000 | 33 | 104,700 | 38 |
| Vermont | 114,689 | 38 | | | 109,030 | 31 |
| Virginia | 135,505 | 15 | 128,730 | 12 | 125,795 | 10 |
| Washington | 137,276 | 14 | 130,678 | 10 | 124,411 | 12 |
| West Virginia | 95,000 | 51 | | | 90,000 | 50 |
| Wisconsin | 123,876 | 25 | 116,865 | 23 | 110,250 | 27 |
| Wyoming | 105,000 | 46 | | | 100,000 | 41 |
| Mean | 127,169 | | 128,629 | | 114,431 | |
| Median | 123,095 | | 119,700 | | 110,330 | |
| Range | 95,000 to 175,575 | | 99,864 to 164,604 | | 88,164 to 158,100 | |
| Federal System | 193,000 | | 165,500 | | 157,000 | |
| Guam | 128,000 | | | | 100,000 | |
| Northern Mariana Is. | 126,000 | | | | 120,000 | |
| Puerto Rico | 120,000 | | 90,000 | | 80,000 | |
| Virgin Islands | | | | | 135,000 | |



| <u>Supreme Court Associate Judges</u> | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | Ranking |
|---------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---------|
| California | \$175,575 | \$175,575 | \$182,071 | \$209,521 | \$218,237 | \$218,237 | \$218,237 | \$218,237 | \$218,237 | \$218,237 | 1 |
| Illinois | \$158,103 | \$177,073 | \$173,073 | \$182,739 | \$189,135 | \$196,322 | \$201,819 | \$207,066 | \$209,344 | \$211,228 | 2 |
| Alaska | \$117,900 | \$117,900 | \$125,520 | \$165,204 | \$165,204 | \$179,520 | \$184,908 | \$188,604 | \$192,372 | \$196,224 | 3 |
| Pennsylvania | \$139,585 | \$142,936 | \$155,783 | \$175,236 | \$181,371 | \$186,450 | \$186,450 | \$189,620 | \$195,309 | \$195,309 | 4 |
| Delaware | \$147,000 | \$152,000 | \$179,670 | \$184,300 | \$185,050 | \$185,050 | \$185,050 | \$185,050 | \$188,751 | \$190,639 | 5 |
| New Jersey | \$158,500 | \$158,500 | \$158,500 | \$158,500 | \$176,488 | \$185,482 | \$185,482 | \$185,482 | \$185,482 | \$185,482 | 6 |
| District of Columbia | \$164,000 | \$167,600 | \$175,100 | \$175,100 | \$179,500 | \$184,500 | \$184,500 | \$184,500 | \$184,500 | \$184,500 | 7 |
| Virginia | \$132,523 | \$135,505 | \$148,682 | \$154,629 | \$166,999 | \$183,839 | \$183,839 | \$183,839 | \$183,839 | \$183,839 | 8 |
| Alabama | \$152,027 | \$152,027 | \$152,027 | \$171,031 | \$175,440 | \$180,005 | \$180,005 | \$180,005 | \$180,005 | \$180,005 | 9 |
| New York | \$151,200 | \$151,200 | \$151,200 | \$151,200 | \$151,200 | \$151,200 | \$151,200 | \$151,200 | \$151,200 | \$151,200 | 10 |
| Nevada | \$140,000 | \$140,000 | \$140,000 | \$139,200 | \$140,000 | \$170,000 | \$170,000 | \$170,000 | \$170,000 | \$170,000 | 11 |
| Tennessee | \$123,684 | \$126,528 | \$129,948 | \$150,000 | \$154,800 | \$159,288 | \$165,336 | \$165,336 | \$167,976 | \$167,976 | 12 |
| Georgia | \$153,086 | \$153,086 | \$157,779 | \$162,340 | \$167,210 | \$167,210 | \$167,210 | \$167,210 | \$167,210 | \$167,210 | 13 |
| Rhode Island | \$132,816 | \$132,816 | \$143,654 | \$147,964 | \$152,403 | \$152,403 | \$152,403 | \$160,889 | \$165,726 | \$165,726 | 14 |
| Wyoming | \$105,000 | \$105,000 | \$111,400 | \$115,300 | \$119,300 | \$126,500 | \$131,500 | \$131,500 | \$131,500 | \$131,500 | 15 |
| Michigan | \$164,610 | \$164,610 | \$164,610 | \$164,610 | \$164,610 | \$164,610 | \$164,610 | \$164,610 | \$164,610 | \$164,610 | 16 |
| Washington | \$134,584 | \$137,276 | \$141,394 | \$145,636 | \$155,557 | \$164,221 | \$164,221 | \$164,221 | \$164,221 | \$164,221 | 17 |
| Iowa | \$120,100 | \$122,500 | \$128,000 | \$144,000 | \$146,890 | \$163,200 | \$163,200 | \$163,200 | \$163,200 | \$163,200 | 18 |
| Connecticut | \$138,404 | \$138,404 | \$154,047 | \$162,520 | \$162,520 | \$162,520 | \$162,520 | \$162,520 | \$162,520 | \$162,520 | 19 |
| Maryland | \$131,600 | \$132,352 | \$136,852 | \$144,352 | \$153,352 | \$162,352 | \$162,352 | \$162,352 | \$162,352 | \$162,352 | 20 |
| Florida | \$153,750 | \$155,150 | \$160,375 | \$161,200 | \$161,200 | \$161,200 | \$157,976 | \$157,976 | \$157,976 | \$157,976 | 21 |
| Indiana | \$115,000 | \$115,000 | \$133,600 | \$138,844 | \$146,562 | \$151,328 | \$151,328 | \$151,328 | \$151,328 | \$156,667 | 22 |
| Arizona | \$126,525 | \$126,525 | \$126,525 | \$142,300 | \$142,300 | \$155,000 | \$155,000 | \$155,000 | \$155,000 | \$155,000 | 23 |
| Hawaii | \$115,547 | \$115,547 | \$135,000 | \$139,725 | \$153,696 | \$159,072 | \$151,118 | \$151,118 | \$151,118 | \$151,118 | 24 |
| Louisiana | \$118,301 | \$118,301 | \$118,301 | \$123,625 | \$131,069 | \$136,967 | \$143,131 | \$149,572 | \$150,772 | \$150,772 | 25 |
| Texas | \$113,000 | \$113,000 | \$150,000 | \$150,000 | \$150,000 | \$150,000 | \$150,000 | \$150,000 | \$150,000 | \$150,000 | 26 |
| Missouri | \$123,000 | \$123,000 | \$123,000 | \$123,000 | \$133,043 | \$137,034 | \$137,034 | \$137,034 | \$137,034 | \$147,591 | 27 |
| New Hampshire | \$113,266 | \$113,266 | \$128,000 | \$133,554 | \$139,258 | \$146,917 | \$146,917 | \$146,917 | \$146,917 | \$146,917 | 28 |
| Utah | \$114,050 | \$115,250 | \$122,150 | \$125,850 | \$138,450 | \$145,350 | \$145,350 | \$145,350 | \$145,350 | \$146,800 | 29 |
| Massachusetts | \$126,943 | \$126,943 | \$126,943 | \$145,984 | \$145,984 | \$145,984 | \$145,984 | \$145,984 | \$145,984 | \$145,984 | 30 |
| Minnesota | \$129,674 | \$133,564 | \$135,567 | \$137,601 | \$141,729 | \$145,981 | \$145,981 | \$145,981 | \$145,981 | \$145,981 | 31 |
| Nebraska | \$119,276 | \$119,276 | \$122,854 | \$126,847 | \$131,285 | \$135,881 | \$139,278 | \$142,760 | \$142,760 | \$145,615 | 32 |
| Arkansas | \$126,054 | \$128,669 | \$131,509 | \$134,392 | \$137,080 | \$139,821 | \$139,821 | \$145,204 | \$145,204 | \$145,204 | 33 |
| Wisconsin | \$122,418 | \$123,876 | \$126,358 | \$134,389 | \$140,163 | \$141,566 | \$144,495 | \$144,495 | \$144,495 | \$144,495 | 34 |
| Ohio | \$125,500 | \$128,400 | \$135,450 | \$137,750 | \$141,600 | \$141,600 | \$141,600 | \$141,600 | \$141,600 | \$141,600 | 35 |
| South Carolina | \$119,510 | \$123,095 | \$128,018 | \$131,858 | \$135,813 | \$137,171 | \$137,171 | \$137,171 | \$137,171 | \$141,286 | 36 |
| Colorado | \$113,637 | \$116,251 | \$119,739 | \$122,972 | \$129,207 | \$139,660 | \$139,660 | \$139,660 | \$139,660 | \$139,660 | 37 |
| North Carolina | \$115,336 | \$118,219 | \$120,583 | \$127,215 | \$133,576 | \$137,249 | \$137,249 | \$137,249 | \$137,249 | \$138,896 | 38 |
| North Dakota | \$99,122 | \$99,122 | \$103,087 | \$107,210 | \$113,578 | \$118,121 | \$118,121 | \$130,228 | \$134,135 | \$138,159 | 39 |
| Oklahoma | \$106,716 | \$106,716 | \$113,531 | \$131,100 | \$131,100 | \$137,655 | \$137,655 | \$137,655 | \$137,655 | \$137,655 | 40 |
| West Virginia | \$95,000 | \$95,000 | \$121,000 | \$121,000 | \$121,000 | \$121,000 | \$121,000 | \$121,000 | \$121,000 | \$136,000 | 41 |
| Kansas | \$114,769 | \$118,212 | \$121,167 | \$123,590 | \$132,590 | \$135,905 | \$135,905 | \$135,905 | \$135,905 | \$135,905 | 42 |
| Kentucky | \$124,415 | \$126,276 | \$132,012 | \$132,412 | \$132,812 | \$134,160 | \$135,504 | \$135,504 | \$135,504 | \$135,504 | 43 |
| Vermont | \$109,771 | \$114,689 | \$119,254 | \$124,000 | \$129,245 | \$129,245 | \$129,245 | \$129,245 | \$129,245 | \$132,928 | 44 |
| Oregon | \$105,200 | \$105,200 | \$105,199 | \$105,200 | \$122,028 | \$125,688 | \$125,688 | \$125,688 | \$125,688 | \$125,688 | 45 |
| New Mexico | \$96,283 | \$105,120 | \$106,960 | \$115,040 | \$120,792 | \$123,691 | \$123,691 | \$123,691 | \$123,691 | \$123,691 | 46 |
| Idaho | \$102,125 | \$104,168 | \$104,168 | \$110,500 | \$116,025 | \$119,506 | \$119,506 | \$119,506 | \$119,506 | \$121,900 | 47 |
| South Dakota | \$102,684 | \$105,765 | \$108,145 | \$111,389 | \$114,731 | \$118,173 | \$118,173 | \$118,173 | \$118,173 | \$121,718 | 48 |
| Montana | \$95,493 | \$95,493 | \$100,884 | \$100,884 | \$106,185 | \$106,185 | \$113,964 | \$113,964 | \$113,964 | \$121,434 | 49 |
| Maine | \$104,929 | \$104,929 | \$108,498 | \$112,300 | \$114,992 | \$119,594 | \$119,476 | \$119,476 | \$119,476 | \$119,476 | 50 |
| Mississippi | \$102,300 | \$112,530 | \$112,530 | \$112,530 | \$112,530 | \$112,530 | \$112,530 | \$112,530 | \$112,530 | \$112,530 | 51 |
| United States Average | \$125,292 | \$127,169 | \$133,602 | \$140,150 | \$145,194 | \$150,042 | \$150,674 | \$151,616 | \$152,459 | \$154,695 | |



| <u>General Jurisdiction</u> | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | Ranking |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-----------|
| Illinois | \$136,546 | \$149,638 | \$152,930 | \$157,824 | \$163,348 | \$169,555 | \$174,303 | \$178,835 | \$180,802 | \$182,429 | 1 |
| Alaska | \$109,032 | \$109,032 | \$116,076 | \$152,760 | \$156,258 | \$156,996 | \$170,976 | \$174,396 | \$177,888 | \$181,440 | 2 |
| Delaware | \$140,200 | \$145,000 | \$163,850 | \$168,100 | \$168,850 | \$168,850 | \$168,850 | \$168,850 | \$178,449 | \$180,233 | 3 |
| California | \$143,838 | \$143,838 | \$149,160 | \$171,648 | \$178,789 | \$178,789 | \$178,789 | \$178,789 | \$178,789 | \$178,789 | 4 |
| District of Columbia | \$154,700 | \$158,100 | \$165,200 | \$165,200 | \$169,300 | \$174,000 | \$174,000 | \$174,000 | \$174,000 | \$174,000 | 5 |
| Pennsylvania | \$121,225 | \$124,135 | \$135,293 | \$152,115 | \$157,441 | \$161,850 | \$161,850 | \$164,602 | \$169,541 | \$169,541 | 6 |
| New Jersey | \$141,000 | \$141,000 | \$141,000 | \$141,000 | \$157,000 | \$165,000 | \$165,000 | \$165,000 | \$165,000 | \$165,000 | 7 |
| Nevada | \$130,000 | \$130,000 | \$130,000 | \$144,300 | \$144,500 | \$160,000 | \$160,000 | \$160,000 | \$160,000 | \$160,000 | 8 |
| New York | \$136,700 | \$136,700 | \$136,700 | \$136,700 | \$136,700 | \$136,700 | \$136,700 | \$136,700 | \$136,700 | \$160,000 | 9 |
| Virginia | \$123,027 | \$125,795 | \$138,028 | \$143,549 | \$155,033 | \$158,134 | \$158,134 | \$158,134 | \$158,134 | \$158,134 | 10 |
| Tennessee | \$112,836 | \$115,428 | \$118,546 | \$140,000 | \$144,480 | \$148,668 | \$154,320 | \$154,320 | \$156,792 | \$156,792 | 11 |
| Wyoming | \$100,000 | \$100,000 | \$106,100 | \$109,800 | \$113,600 | \$120,400 | \$125,200 | \$125,200 | \$125,200 | \$150,000 | 12 |
| Rhode Island | \$119,579 | \$119,579 | \$129,336 | \$133,216 | \$137,212 | \$137,212 | \$140,642 | \$144,861 | \$149,207 | \$149,207 | 13 |
| Georgia | \$121,938 | \$121,938 | \$113,470 | \$116,749 | \$120,252 | \$120,252 | \$144,752 | \$149,873 | \$149,873 | \$148,891 | 14 |
| Washington | \$121,972 | \$124,411 | \$128,143 | \$131,988 | \$140,979 | \$148,832 | \$148,832 | \$148,832 | \$148,832 | \$148,832 | 15 |
| Connecticut | \$125,000 | \$125,000 | \$139,128 | \$146,780 | \$146,780 | \$146,780 | \$146,780 | \$146,780 | \$146,780 | \$146,780 | 16 |
| Arizona | \$120,750 | \$120,750 | \$120,750 | \$135,800 | \$135,824 | \$145,000 | \$145,000 | \$145,000 | \$145,000 | \$145,000 | 17 |
| Florida | \$133,250 | \$134,650 | \$139,497 | \$145,080 | \$145,080 | \$145,080 | \$142,178 | \$142,178 | \$142,178 | \$142,178 | 18 |
| Maryland | \$119,600 | \$120,352 | \$123,352 | \$128,352 | \$134,352 | \$140,352 | \$140,352 | \$140,352 | \$140,352 | \$140,352 | 19 |
| Michigan | \$139,919 | \$139,919 | \$139,919 | \$139,919 | \$139,919 | \$139,919 | \$139,919 | \$139,919 | \$139,919 | \$139,919 | 20 |
| New Hampshire | \$106,187 | \$106,187 | \$120,000 | \$125,208 | \$130,620 | \$137,084 | \$137,084 | \$137,804 | \$137,804 | \$137,804 | 21 |
| Louisiana | \$105,780 | \$105,780 | \$105,780 | \$110,964 | \$118,289 | \$124,085 | \$130,165 | \$136,544 | \$137,744 | \$137,744 | 22 |
| Iowa | \$109,810 | \$112,010 | \$117,040 | \$126,020 | \$128,544 | \$137,700 | \$137,700 | \$137,700 | \$137,700 | \$137,700 | 23 |
| Arkansas | \$118,128 | \$120,632 | \$123,351 | \$126,111 | \$128,633 | \$131,206 | \$136,257 | \$136,257 | \$136,257 | \$136,257 | 24 |
| Hawaii | \$106,922 | \$106,922 | \$121,600 | \$125,856 | \$138,444 | \$143,292 | \$136,127 | \$136,127 | \$136,127 | \$136,127 | 25 |
| Alabama | \$111,973 | \$111,973 | \$111,973 | \$111,973 | \$130,379 | \$134,943 | \$134,943 | \$134,943 | \$134,943 | \$134,943 | 26 |
| Nebraska | \$110,330 | \$110,330 | \$113,640 | \$117,333 | \$121,439 | \$125,690 | \$128,832 | \$132,053 | \$132,053 | \$134,694 | 27 |
| South Carolina | \$113,535 | \$116,940 | \$121,617 | \$125,265 | \$129,022 | \$130,312 | \$130,312 | \$130,312 | \$130,312 | \$134,221 | 28 |
| Utah | \$103,700 | \$104,700 | \$111,050 | \$114,400 | \$125,850 | \$132,150 | \$132,150 | \$132,150 | \$132,150 | \$133,450 | 29 |
| Indiana | \$90,000 | \$90,000 | \$110,500 | \$115,282 | \$121,680 | \$125,647 | \$125,647 | \$125,647 | \$125,647 | \$130,080 | 30 |
| Massachusetts | \$112,777 | \$112,777 | \$112,777 | \$129,694 | \$129,694 | \$129,694 | \$129,694 | \$129,694 | \$129,694 | \$129,694 | 31 |
| Minnesota | \$114,700 | \$118,141 | \$119,913 | \$121,712 | \$125,363 | \$129,124 | \$129,124 | \$129,124 | \$129,124 | \$129,124 | 32 |
| Wisconsin | \$108,950 | \$110,250 | \$112,457 | \$119,605 | \$124,744 | \$125,992 | \$128,600 | \$128,600 | \$128,600 | \$128,600 | 33 |
| Colorado | \$104,637 | \$107,044 | \$110,255 | \$113,232 | \$118,973 | \$128,598 | \$128,598 | \$128,598 | \$128,598 | \$128,598 | 34 |
| Missouri | \$108,000 | \$108,000 | \$108,000 | \$108,000 | \$116,975 | \$120,484 | \$120,484 | \$120,484 | \$120,484 | \$127,020 | 35 |
| North Dakota | \$90,671 | \$90,671 | \$94,298 | \$98,070 | \$104,073 | \$108,236 | \$113,648 | \$119,330 | \$119,330 | \$126,597 | 36 |
| Vermont | \$104,355 | \$109,030 | \$113,369 | \$117,881 | \$122,867 | \$122,867 | \$122,867 | \$122,867 | \$122,867 | \$126,369 | 37 |
| West Virginia | \$90,000 | \$90,000 | \$116,000 | \$116,000 | \$116,000 | \$116,000 | \$116,000 | \$116,000 | \$126,000 | \$126,000 | 38 |
| North Carolina | \$104,523 | \$107,136 | \$109,279 | \$115,289 | \$121,053 | \$124,382 | \$124,382 | \$124,382 | \$124,382 | \$125,875 | 39 |
| Texas | \$109,158 | \$109,158 | \$125,000 | \$132,500 | \$132,500 | \$132,500 | \$132,500 | \$132,500 | \$132,500 | \$125,000 | 40 |
| Kentucky | \$114,348 | \$116,064 | \$121,344 | \$121,744 | \$122,144 | \$123,384 | \$124,620 | \$124,620 | \$124,620 | \$124,620 | 41 |
| Oklahoma | \$95,898 | \$95,898 | \$102,529 | \$118,450 | \$118,450 | \$124,373 | \$124,373 | \$124,373 | \$124,373 | \$124,373 | 42 |
| Ohio | \$107,600 | \$110,050 | \$116,100 | \$118,050 | \$121,350 | \$121,350 | \$121,350 | \$121,350 | \$121,350 | \$121,350 | 43 |
| Kansas | \$100,255 | \$103,232 | \$105,813 | \$114,813 | \$117,109 | \$120,037 | \$120,037 | \$120,037 | \$120,037 | \$120,037 | 44 |
| Oregon | \$95,800 | \$95,800 | \$95,800 | \$95,800 | \$111,132 | \$114,468 | \$114,468 | \$114,468 | \$114,468 | \$114,468 | 45 |
| Idaho | \$95,718 | \$97,632 | \$97,632 | \$103,600 | \$108,780 | \$112,043 | \$112,043 | \$112,043 | \$112,043 | \$114,300 | 46 |
| Montana | \$88,164 | \$88,164 | \$94,093 | \$94,093 | \$99,234 | \$99,234 | \$106,870 | \$106,870 | \$106,870 | \$113,928 | 47 |
| South Dakota | \$95,910 | \$98,787 | \$101,010 | \$104,041 | \$107,162 | \$110,377 | \$110,377 | \$110,377 | \$110,377 | \$113,688 | 48 |
| Maine | \$98,377 | \$98,377 | \$101,732 | \$105,300 | \$107,816 | \$112,145 | \$111,969 | \$111,969 | \$111,969 | \$111,969 | 49 |
| New Mexico | \$86,896 | \$94,870 | \$96,531 | \$103,824 | \$109,015 | \$111,631 | \$111,631 | \$111,631 | \$111,631 | \$111,631 | 50 |
| Mississippi | \$94,700 | \$104,170 | \$104,170 | \$104,170 | \$104,170 | \$104,170 | \$104,170 | \$104,170 | \$104,170 | \$104,170 | 51 |
| United States Average | \$112,724 | \$114,431 | \$119,630 | \$125,787 | \$130,533 | \$134,207 | \$135,561 | \$136,268 | \$137,013 | \$138,783 | |

*SB 2002
March 14, 2013
Attachment 1*

Judicial Branch Budget Hearing

SB 2002

Government Operations Division

House Appropriations Committee

March 14, 2013

Medora Room

9:00 a.m.

Opening Remarks Chief Justice Gerald W. VandeWalle
General Overview Sally Holewa
Technology Coordinators Justice Dale V. Sandstrom
Citizen Access Coordinator Justice Daniel J. Crothers
District Court Personnel Donna Wunderlich
Detailed Budget Presentation Don Wolf

General Overview

Senate Bill 2002
House Government Operations Division
Presented by Sally Holewa, State Court Administrator
March 14, 2013

Good morning, Chairman Thoreson and members of the Committee. For the record, my name is Sally Holewa. I am the State Court Administrator. I will be providing a general overview of the Judicial Branch budget request.

The Judicial Branch appropriation funds the personnel, programs, and operating costs of the supreme court, the district courts, and the Judicial Conduct Commission and Disciplinary Board. Our budget request for the 2013-2015 biennium is \$99,343,169. This is an increase of \$14,580,013 (or 17.2%) over our current base budget. Two-thirds of the increase (66%) comes in the area of salaries and benefits. The remainder of the increase is in court services (16%), technology (9%), capital assets (6%) and incremental increases across various line items (3%).

Capital Assets

We are requesting an increase of \$848,026 for the purchase of capital assets. The majority of that request, \$516,556, is for technology for our district courts and includes infrastructure upgrades and expansion to store our electronic and digital audio records. We are also continuing to rollout digital audio and interactive television equipment to courtrooms across the state.

Technology

We are requesting an increase of \$1,271,665 for technology. These costs include funding for:

- Maintenance fees and software licenses - \$946,815
- Court's portion of the CJIS broker project - \$139,850
- Disaster Recovery Planning - \$95,000
- Viability Study of the Juvenile Case Management System - \$90,000

Court Services

We are requesting \$2,455,662 for court services. The increase includes clerk of court services for 41 counties, the mediation program and programs for juveniles and their families.

- Clerk of Court Services - \$1,276,250
- Mediation - \$219,564
- Services for abused and neglected children - \$525,537
- Services for delinquent children and their families - \$247,508
- Juvenile Drug Court - \$165,300

Clerk of Court Services: Since 2001, clerk of court services are delivered in two ways in North Dakota. In twelve counties,¹ the state employs the personnel for this office. In the remaining 41 counties, the state contracts with the county to perform those duties under NDCC 27-05.2-02. The contracts for those counties are calculated using the court's workload assessment formula. This formula determines the amount of work required based on the number and types of cases filed using a two-year average. The

¹ The twelve counties where clerk offices are state employees are: Burleigh, Cass, Grand Forks, Morton, Ramsey, Richland, Rolette, Stark, Stutsman, Walsh, Ward and Williams. Eleven counties are eligible to transfer clerk services to the state but have elected to retain those services. Those eleven counties are: Barnes, Bottineau, Dunn, McHenry, McKenzie, McLean, Mercer, Mountrail, Pembina, Ransom and Traill.

\$1,275,250 increase in clerk of court services is due to increased case filings over the past four years² and increased county salaries over the past two years.

Family Mediation Program: The mediation program provides up to six hours of mediation services to newly divorcing parents, never-married parents, parents returning to court over parenting time and residential issues, and guardianship cases. The program is available statewide and has a satisfaction rate of more than 85%. Sixty-seven percent of cases settle through mediation. Mediation has also proven beneficial in speeding up the time it takes to reach settlement and in reducing the number of times cases are re-opened due to new issues once the case has been closed. The additional costs of the program are the result of more cases being filed and increased use of the program for post-judgment issues.

Services for Abused and Neglected Children: North Dakota statute requires that a guardian *ad litem* be appointed for all children who are the subject of a petition alleging abuse or neglect. Guardian *ad litem* means a guardian appointed by the court for the child. They are specially trained community members who work with the child from the beginning to the end of the case. This is a service we contract through Youthworks. The increased funding for this program is due to increased need for guardians *ad litem* and to contract for quality assurance monitors. There are strict federal and state guidelines for how cases involving abused and neglected children move through the court system. We are not always meeting these guidelines. Our goal in contracting for monitoring services

² During the course of the 4-year transition to a new case management system, the court froze the clerk of court contracts at the 2009 level for work required. The 2011 contracts did include increased wages and benefits of county employees as provided for by statute.

is to improve both our timeliness in deciding cases and ensuring that we are meeting all of the required investigation and considerations of the case as required by law.

Services for Delinquent Children: Probation services for delinquent children are the responsibility of the Judicial Branch. We fund numerous educational, behavior modification, and therapeutic programs throughout the state to address the needs of juveniles and their families to prevent further delinquent behavior. The increased funding for delinquent services reflects increased contract costs, expanded intensive in-home services for families, and funding for restorative justice programs.

Juvenile Drug Court: We continue to expand the use of juvenile drug court throughout the state. We currently have drug courts in Bismarck, Grand Forks, Devils Lake, Fargo, Minot and Williston.³ We are now in the process of starting a drug court for the Jamestown – Valley City region. Drug Courts have been proven to make permanent, positive changes in the lives of those who come before them. Our drug court program was evaluated last year, and the study confirmed that our program is reducing drug and alcohol use and recidivism rates. We are pleased to be able to expand this service and appreciate your continued support of drug courts. Justice Mary Muehlen Maring was instrumental in bringing juvenile drug courts to North Dakota, and she continues to nurture their growth and success. Unfortunately, she is not here today, but we do have Marilyn Moe, our drug court coordinator, present and she is available to answer any questions you may have.

³ The Williams County juvenile drug court is currently inactive. There are also adult drug courts operating in Bismarck, Grand Forks, Fargo and Minot. Adult drug courts are funded through the Department of Corrections and Rehabilitation.

Salaries and Benefits

The majority of the increases in this budget request are related to salaries and benefits.

These increases include:

- Convert 4 existing temporary positions to regular FTEs and add 11 new positions- \$1,841,507
- Performance adjustments for employee salaries - \$2,599,325
- Market adjustment for employee salaries - \$1,313,756
- Maintain 2011-2013 salary increases - \$1,529,682
- Increased cost of health and retirement benefits - \$1,339,640
- Provide a 5% per year salary increase for justices and judges - \$1,181,020

Judicial Salaries: The Senate reduced our judicial salary request from 5% to year to 4% per year. We are asking the House to consider reinstating the 5% per year rate. Justice Kapsner chairs the Compensation Committee of the North Dakota Judge's Association. She has prepared testimony in support of the 5% per year judicial salary increase.

Because she is not able to attend the hearing this morning, I would like to incorporate her testimony into mine at this time.

FTE Requests: The Judicial Branch has always been frugal in requesting new staff. We utilize weighed workload formulas for judges, clerk of court staff and juvenile court officers to determine the need for additional judges and personnel. To better utilize our staff, we assign some district-wide work to staff and we send juvenile court officers to work in counties outside their district. We scrutinize every vacancy to determine if it should be re-filled, moved to another location, or eliminated altogether. When the state's population was shrinking and caseloads were dropping, it seemed the best way to address our needs, or at least to equalize the shortages across the state to some degree. Doing this over a long period of time has left us with no excess capacity to handle the changes that have come to North Dakota over the past 3 to 5 years. That is why today we are asking

for 11 new positions and the conversion of 4 temporary positions to regular positions.

They include:

- 4 court technology coordinator positions from full-time temporary to full-time regular positions
- 8 deputy clerk of court positions (2 each for Burleigh, Cass and Williams County; 1 each for Stark and Ward County)
- 2 juvenile court officers (1 each for Burleigh and Cass County)
- 1 citizen access coordinator (Law Library)

There are others here today who will provide a greater explanation of the need for these new positions, but I will take just a moment to briefly explain each one.

Court Technology Coordinators: The 4 positions we are asking to be converted from full-time temporary to full-time regular employees are the technology coordinators who work in our technology department. These are our “Help Desk” positions. They currently support 310 court employees and more than 2,000 users of our secure public access service. They were first authorized in 2009. Since then, we have had a 300% turnover in the positions. Justice Dale Sandstrom, who chairs our Court Technology Committee, is here today and will be providing more testimony on why these positions are vital to our organization and the problems that are created by the constant turnover in them.

Deputy Clerk of Court: Earlier I talked about how we provide clerk of court services. The deputy clerk positions we are requesting are for 5 of our state-employed clerk offices. This is a front-line customer service position as well as the primary position for data entry and case management. An adequate number of deputy clerks is essential to the court being able to operate on a day-to-day basis. Our workload assessment for clerks of court shows we have a statewide shortage of 18 deputy clerks in our state-employed

clerk's offices. We are asking to fill just 8 of those positions. We are being cautious in our expansion of staff, but we do feel that this is the minimum number of staff necessary to continue operations.

Juvenile Court Officer: Juvenile court officers are probation officers who work one-on-one with children who have been brought into the juvenile court system. Their primary responsibility is to provide monitoring, rehabilitation, education and assistance to children who have been charged with a crime. One of our main goals for the juvenile court is to bring our probation caseloads closer to the maximum caseload recommended by the National Center for Juvenile Justice. They recommend a maximum juvenile caseload of 35 cases per officer. The average monthly caseload is 46 for Burleigh County and 44 for Cass County.

Donna Wunderlich is one of our trial court administrators who is here today to provide testimony regarding the need for additional deputy clerk and juvenile court positions.

Citizen Access Coordinator: The citizen access coordinator is a position that is new to North Dakota but is based on a successful model used in several other states. The position has two purposes: first and foremost it exists to assist self-represented litigants navigate the court system. Secondly, we expect it to alleviate some of the pressure on our system. We estimate that about 10% of staff time is spent assisting individuals who do not have an attorney. This position will be able to answer questions and develop resources that will allow individuals to help themselves. Justice Crothers, who chairs our Court Services Administration Committee, is here today and will provide more testimony about the need this position will fill.

I want to touch on just two other initiatives that have very little impact on the budget but are key components in our quest to ensure access to justice.

Task Force to Study Racial and Ethnic Bias in the Courts

Recently, Justice Carol Ronning Kapsner, along with Judge Donovan Foughty from Devils Lake, co-chaired a task force to study racial and ethnic bias. The task force found a pervasive perception of bias in the courts and the criminal justice system. To address the issues they found, the task force presented the court with 74 recommendations covering everything from jury selection, to use of court interpreters, to criminal sentencing practices. We believe that it is vital to follow through on as many of these recommendations as we can. To that end, we have established an implementation committee to prioritize and oversee these efforts.

Rural Law Clerk Program

Finally, I want to mention the Rural Law Clerk program that we are implementing in partnership with the UND School of Law and the State Bar Association. Right now, there are 5 counties in the state that have no attorneys at all,⁴ and another 21 counties with 3 or fewer attorneys. Ready access to someone who understands the law is a critical need for our counties, our municipalities, and for individuals. Our goal is to place 3 law clerks in 6-week internships this summer.

⁴ The 5 counties are Burke, Dunn, Sioux, Slope and Steele

Conclusion

The rest of the increases in the budget are attributable to incremental increases across a wide array of operating costs. Don Wolf, our Director of Finance, will provide more detail about those in his presentation. Before we get there, I want to call on two of our justices and one of our administrators to provide you more information on our requests for additional personnel.

Thank you for your time this morning. I will be happy to answer any questions you may have.

**Technology
Coordinators**

**Senate Bill 2002
Government Operations Division
House Appropriations Committee
Testimony of Justice Dale Sandstrom
March 14, 2013**

Mr. Chairman, members of the committee, I'm Dale Sandstrom, one of the Justices of the Supreme Court.

As Chairman of the Court Technology Committee, I have been asked to explain our request that four Technology Coordinator positions currently categorized as temporary positions be made into full-time, regular positions. These four are part of the 15 FTEs being requested in our Judicial Branch budget.

As most of you know, on April 11, 2011, North Dakota became the first State in the United States to have all its trial courts on an electronic record, improving efficiency and effectiveness in dealing with dramatically growing workloads. Although a huge undertaking, the Odyssey case management system which you funded was brought in on schedule and under budget.

To support the system, we have needed these four Technology Coordinators since we began implementation of the Odyssey case management system. Since July 2009, these positions have been filled as temporary positions, primarily because of a reluctance to add FTEs. Technology Coordinators are responsible for user support and training for the Odyssey case management system and the E-file & Serve system. They currently support more than 300 court employees, 14 municipal courts, and over 2,000 state agency and attorney firm users. In addition to providing direct customer support, the coordinators are responsible for testing system patches and new releases. Once testing is completed and the new patch or release is accepted, the coordinators

are responsible for creating documentation on new functionality and providing training to users to acquaint them with changes to the updated system.

As of April 1, 2013, with few exceptions, all filings except initial filings with our courts will be required to be filed electronically. As of June 1, all initiating filings with the exception of criminal cases and a few others will also be required to be filed electronically. While this will result in increased efficiency, it will continue to result in a significant increase in new users to be trained and also support to be provided. In addition, we anticipate additional user groups. For example, we have met with the North Dakota sheriff's deputy association, and they are looking to file court documents, written returns of service, and the like electronically. Anticipated increased efficiency from the Odyssey case management system is one of the reasons our budget requests 17.74 fewer FTEs than the number identified as needed in the North Dakota District Court Clerk Staff Workload Needs Assessment Study when our budget was prepared.

These four Technology Coordinator positions have been continued as temporary positions since 2009. We have recognized from the beginning that these positions are needed on a permanent basis. The continued classification of these as temporary positions is resulting in increased costs to the State. The biggest problem, because these positions are temporary, is that the people filling them are constantly looking for jobs that are considered permanent or ongoing. We spend substantial sums of money training these Technology Coordinators, and then when an opportunity comes along, they leave to take jobs that provide regular, full-time status and benefits. As a result, we have had very high turnover in these positions. Since 2009, the turnover rate has been 300%.

Because we believe the state will save money by classifying these positions as regular, full-time positions, and greater continuity and skill will be provided for these positions, we are asking that they be moved from temporary positions to regular, full-time positions.

Thank you very much for your consideration.

**Citizen Access
Coordinator**

**Testimony of Daniel J. Crothers
Justice, North Dakota Supreme Court**

**Regarding Citizen Access Coordinator Component of the North Dakota
Judicial Branch Budget SB 2002**

March 14, 2013

The Judicial Branch budget requests funding for a Citizen Access Coordinator. The Chief Justice mentioned this program in his State of the Judiciary address by noting:

“Every year, more people come to court without an attorney either by choice or because they are unable to afford one. Last year, we saw over 1,700 people who represented themselves in court in civil, family and juvenile cases. If we count the number of people who represented themselves in felony, misdemeanor and infraction cases, that number jumps to over 6,500. As you might realize, navigating the court system is not a simple task. Too often these individuals are confused by the process and unable to proceed, requiring paperwork to be redone and hearings to be reset. This causes a great deal of frustration for the person and for the court. To confront this issue, we are proposing a new Citizen Access Coordinator position that will work under the auspices of the state law library. The Citizen Access Coordinator will be able to provide procedural advice and education to self-represented litigants. This in turn will help us to keep the wheels of justice turning.”

The Citizen Access Coordinator proposal came to the Supreme Court from its Court Services Administration Committee, which I chair. That Committee is comprised of lawyers, judges, citizens and legislators Senator Karen Kresbach of Minot and Representative Nancy Johnson of Dickinson.

The Committee held a series of meetings and deliberations before recommending the coordinator position. Those proceedings included input from judges, clerks of district and appellate courts and other consumers of court services. To inform its discussion, the Committee also reviewed background information regarding self-help centers established by court systems in other states. These centers often combine walk-in locations to provide in-person assistance with assistance available through email, toll-free telephone numbers or online resources. Some jurisdictions also

designate a “coordinator” or “facilitator” to provide more direct information and assistance to self-represented litigants. A coordinator typically provides more case-specific information, as opposed to “legal advice,” regarding forms to be completed, court processes and how a case proceeds through the system.

After study, the Committee recommended and ultimately the Court decided to seek funding to develop a free statewide service by the North Dakota Court System to assist persons representing themselves in court cases in understanding court processes and completing court forms. Our decisions were based on the estimation that statewide 10 percent of clerk of court staff time is spent assisting self-represented litigants. Judges reported spending time in court explaining court procedures and rules to litigants, as well as explaining how to address deficiencies in documents that have been presented to the court. They also reported having to cancel, postpone and reschedule numerous court proceedings because necessary documents or information were lacking or insufficient to conclude scheduled matters. Those deficiencies required judges to unnecessarily scheduling and rescheduling matters to the exclusion of other cases and adding cost and expense to both the judicial system and opposing parties. Judges and law clerks also reported spending significant time outside of court reviewing self-represented litigant’s documents for completeness.

It is anticipated that having a Citizen Access Coordinator Program would:

1. Reduce the amount of time judges and court staff spend working with individual litigants;
2. Provide for consistent instruction to litigants regarding court rules and procedures;
3. Better prepare self-represented litigants for court proceedings and appearances;
4. Reduce the number of times cases involving self-represented litigants are re-scheduled due to missing or incorrect documents or other procedural errors;

5. Reduce the number of documents that are rejected because they are prepared incorrectly or are missing required information; and
6. Establish a central point of contact for reviewing and updating forms and informational brochures and developing new forms and brochures to assist those using judicial services.

The Program would be staffed by a neutral person providing legal information and educational materials as a public service. The Citizen Access Coordinator Program would not provide legal advice or represent any litigant. No attorney-client relationship will be created between the coordinator and individuals they serve. Communication with the coordinator would not be confidential, and the coordinator would be available to help any party involved in a case.

We anticipate the program would provide direct services through the use of:

1. The North Dakota Court website to host forms and guides for some types of cases, as well as links to court rules, North Dakota Century Code and other legal resources;
2. A statewide toll-free telephone helpline;
3. A live chat service operated during specific time periods during the regular work day; and
4. Video explanations about forms or procedures posted to the court website and posted to some social media sites.

We also believe the program would provide indirect services by making referrals to:

1. The North Dakota State Bar Association's pro bono and reduced fee programs;
2. Legal Services of North Dakota;
3. Migrant Legal Services Program; and
4. State agencies or non-profit organizations that may be able to provide additional information or services to the person seeking assistance.

Conclusion

The Judicial Branch seeks funding to create a Citizen Access Coordinator position. Through the relatively modest funding of \$216,733 for two years plus \$7,452 for operating costs for this position, we aim to achieve the multiple goals of (1) helping self-represented litigants better prepare for their court proceeding and (2) reducing the amount of unproductive clerk of court and judge time expended on those matters. We respectfully request your support in funding the Citizen Access Coordinator position.

**District Court
Personnel**

SB2002
House Appropriations Committee
Government Operations Division
Testimony of Donna Wunderlich
March 14, 2013

Chairman Thoreson and members of the committee: for the record, my name is Donna Wunderlich. I am employed by the Court System as the trial court administrator for the South Central and Southwest judicial districts.

North Dakota is now the fastest growing state in the nation according to the US Census Bureau's December report. Our 2.17% growth rate last year was the fastest of any state - nearly three times faster than the nation as a whole. As our population grows it is having an unfortunate impact on employees of the court system. Our staff is stressed from increased workloads and the difficulty of trying to keep court documents processed timely. When papers don't get filed and hearing dates aren't set, it causes delay throughout the criminal justice system.

The state assumed responsibility for clerk of court offices from the counties in 2000 when we only assumed the number of employees deemed necessary to perform the work at that time based on a staffing study by the National Center for State Courts. In several counties this meant that the number of staff which had been employed by the county were reduced or moved to other departments. The staffing study has now been updated to account for the efficiencies of electronic records but continues to show growing need for clerks due to large increases in the number of cases filed. Despite growing workloads, most offices are still allotted the same number of FTEs that were assumed in 2000 while at the same time, workloads have increased dramatically; 46%, 56%, and 94% in Bismarck, Dickinson, and Williston, for example.

Clerk offices are in need of additional staff all across the state. Some needs are the result of oil impact and some are the result of steadily increasing case filings that have resulted in chronic staff shortages. Our needs are also impacted by new Americans who frequently require interpreters, particularly in the Fargo area where we routinely hire interpreters for twelve languages.

You may wonder how we've managed to accommodate these dramatic increases. We have implemented 'Band-Aid' solutions such as asking clerks across the state to assist counties in need with jury services and e-filing work queues, closing offices to the public, and temporarily paying overtime, but overtime is a solution that must remain temporary for both budgetary and employee morale reasons. We now use our case management system to generate reports for attorneys who use the secure system to get copies of documents themselves. We cross-trained staff to become as efficient as possible, but we have also been forced to cut corners in order to complete the growing workload. Unfortunately this means that our staff no longer has time to ensure the quality of the data in the electronic record. They do not have time to monitor conditions ordered by judges or to aggressively pursue collecting fines, fees, and restitution. They do not have time to scrutinize applications for court appointed attorneys to ensure that only those court patrons who are truly indigent receive counsel at public expense. Although we are well aware of the need for these services, we are simply no longer able to provide them.

Population growth has also meant that rent and other costs of living have increased to where there is a growing sector of society that is financially caught in the middle. They do not meet federal poverty criteria to qualify for court appointed counsel

yet they cannot afford the retainer fees being charged by attorneys. These people are forced to represent themselves in court, requiring additional time from judges and court staff. Where we once had a reputation for being a resource to the public, our staff no longer has the time to assist this growing number of self-represented litigants at the counters. Too often, staff must push away individuals with questions so they can assist the next patron in line and get back to the increasing volume of documents that must be managed daily.

If court records are delayed or inaccurate, people's lives and livelihoods are impacted. When child support orders are not filed timely or accurately, families may not receive needed income, employers may not initiate income withholding on those who owe support, and health insurance for kids may be at risk. When civil judgments are not filed timely or accurately, abstract companies may not be aware of the judgments, causing landlords to rent to people who have a history of not paying bills and banks to grant loans to those same people – resulting in lost income for both. On the flip side, if satisfactions of judgments are not filed timely and accurately, people may not be allowed to rent property, obtain loans, or purchase homes. When evictions are not processed timely or accurately, landlords face loss of rental income. When criminal charges and dispositions are not filed timely or accurately, employers and landlords may hire or rent to someone contrary to their policies or they may not hire or rent to people who are entitled to positive consideration.

When these things happen, there are liability risks to the state and potential harm to those impacted. Access to justice is sacrificed and public trust and confidence in the court's ability to effectively and fairly administer justice is diminished.

Another issue we are dealing with is that attorneys in the north and western parts of the state are so busy that litigants from those areas are forced to hire attorneys from Bismarck or Fargo and file their cases in the city in which their attorney lives. This brings even more work into already overburdened offices.

As a taxpayer, I appreciate that state and local law enforcement entities have increased the number of officers on our roads and in our communities to protect and serve us. We have heard reports of the intent to increase these numbers even more. These officers are needed, but a direct effect of increased officer presence is an increase in workload for the courts – not only for judges – but for the staff behind the scenes who process court documents, schedule hearings, and manage cases. Without additional staff in our clerk offices, we will not be able to sustain even the level of service we currently provide.

Some of our juvenile courts are also in need of probation staff. Current caseloads are being managed but there is no time for in-depth service to children and their families or to tackle issues related to community safety and victim impact. An additional juvenile officer in the Bismarck and Fargo juvenile courts would allow us to manage our own community service projects and teach cognitive restructuring skills, which research shows has an impact on behavior change in juvenile delinquents. For many years, we have handled the staff shortages by using juvenile officers from other districts. Continued growth no longer allows us to take staff from one office to provide services in others. Without an adequate number of juvenile officers, we may be faced with having to shorten the length of time children are on probation or forego probation altogether in some cases. Quality probation work with teenage offenders is cost

effective. Research shows that properly managing kids in juvenile court can reduce recidivism and cut long term costs in adult court.

Chief Justice VandeWalle referred to 'conveyor belt justice' during the State of the Judiciary and you've heard testimony about the need for more judges. We also want to impress upon you the crisis levels at which our support staff operates. Staffing needs have gotten so far out of proportion with allotted FTEs that each clerk is required to process the recommended workload of as many as 1.47 FTEs in Bismarck and 1.93 FTEs in Williston. This results in staff "drowning" in work and rushing through documents so quickly that the quality of the record is in jeopardy. We have described this as watching staff stand in a swimming pool on their tiptoes with water just below their noses. This can be done for a while but if a wave comes along they must tread water in order to breathe. We can handle a wave or two, but continued waves are creating fatigue levels that are increasingly unmanageable. That said, we are not asking for everything we need - only that which will help keep our heads above water.

I have provided the most recent population and filing data available, but I'm certain that even that information is outdated because housing shortages evolved or worsened after the census data was prepared and 2013 year-to-date data indicates that our case filings are continuing to grow at alarming rates.

We are doing our best to be good stewards of the taxpayers' dollars. We continually evaluate processes to identify practices that can be streamlined, but we have done this for so long that we have unfortunately reached the point at which our only available alternative is to cut back the time spent assisting the public.

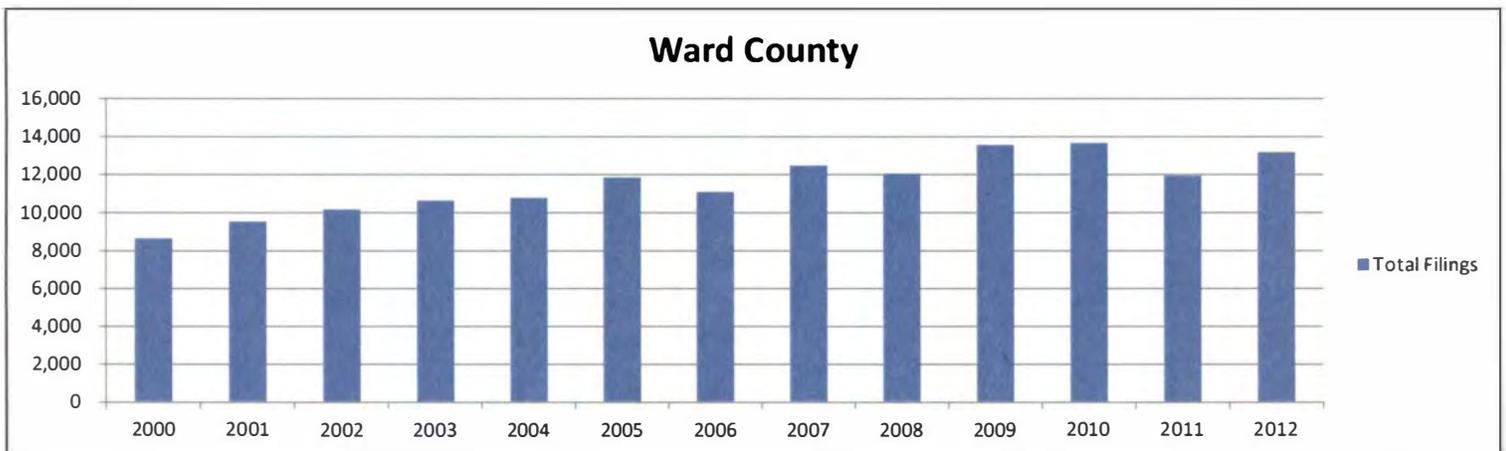
Clerk of District Court
Ward County
2000 Through 2012 Comparison of Case Filings

| Civil | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Divorce | 445 | 388 | 396 | 360 | 356 | 328 | 322 | 318 | 308 | 318 | 400 | 354 | 368 | -17.3% |
| Child Support | 474 | 293 | 341 | 331 | 337 | 327 | 270 | 290 | 328 | 403 | 391 | 257 | 279 | -41.1% |
| Domestic - other | 246 | 250 | 261 | 296 | 316 | 275 | 320 | 375 | 282 | 303 | 298 | 320 | 340 | 38.2% |
| Small Claims | 370 | 383 | 582 | 588 | 508 | 478 | 445 | 416 | 360 | 365 | 354 | 292 | 274 | -25.9% |
| Probate and Trust | 245 | 273 | 240 | 245 | 203 | 239 | 215 | 231 | 277 | 267 | 278 | 250 | 302 | 23.3% |
| Mental Health | 139 | 190 | 169 | 157 | 237 | 252 | 216 | 221 | 225 | 231 | 219 | 231 | 226 | 62.6% |
| Administrative Appeal | 20 | 17 | 23 | 9 | 18 | 9 | 14 | 14 | 10 | 13 | 19 | 24 | 23 | 15.0% |
| Other Civil | 899 | 927 | 1,091 | 1,197 | 1,203 | 1,245 | 1,224 | 1,567 | 1,517 | 1,422 | 1,361 | 1,290 | 1,217 | 35.4% |
| Juvenile | 138 | 213 | 140 | 183 | 165 | 176 | 186 | 169 | 134 | 157 | 208 | 181 | 151 | 9.4% |
| Total Civil Cases | 2,976 | 2,934 | 3,243 | 3,366 | 3,343 | 3,329 | 3,212 | 3,601 | 3,441 | 3,479 | 3,528 | 3,199 | 3,180 | 6.9% |

| Criminal | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Felony | 168 | 241 | 261 | 327 | 344 | 444 | 358 | 343 | 300 | 338 | 350 | 384 | 476 | 183.3% |
| Misdemeanor | 1,514 | 1,775 | 2,040 | 2,271 | 2,175 | 2,171 | 2,215 | 2,269 | 2,131 | 2,188 | 2,142 | 2,174 | 2,212 | 46.1% |
| Infraction | 384 | 440 | 405 | 244 | 238 | 144 | 198 | 198 | 141 | 79 | 76 | 62 | 74 | -80.7% |
| Total Criminal Cases | 2,066 | 2,456 | 2,706 | 2,842 | 2,757 | 2,759 | 2,771 | 2,810 | 2,572 | 2,605 | 2,568 | 2,620 | 2,762 | 33.7% |

| Traffic | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Total Traffic Cases | 3,617 | 4,148 | 4,220 | 4,432 | 4,702 | 5,774 | 5,112 | 6,070 | 6,044 | 7,483 | 7,567 | 6,125 | 7,237 | 100.1% |

| Total Filings | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|--------------------------|--------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------------------|
| Total Ward County | 8,659 | 9,538 | 10,169 | 10,640 | 10,802 | 11,862 | 11,095 | 12,481 | 12,057 | 13,567 | 13,663 | 11,944 | 13,179 | 52.2% |



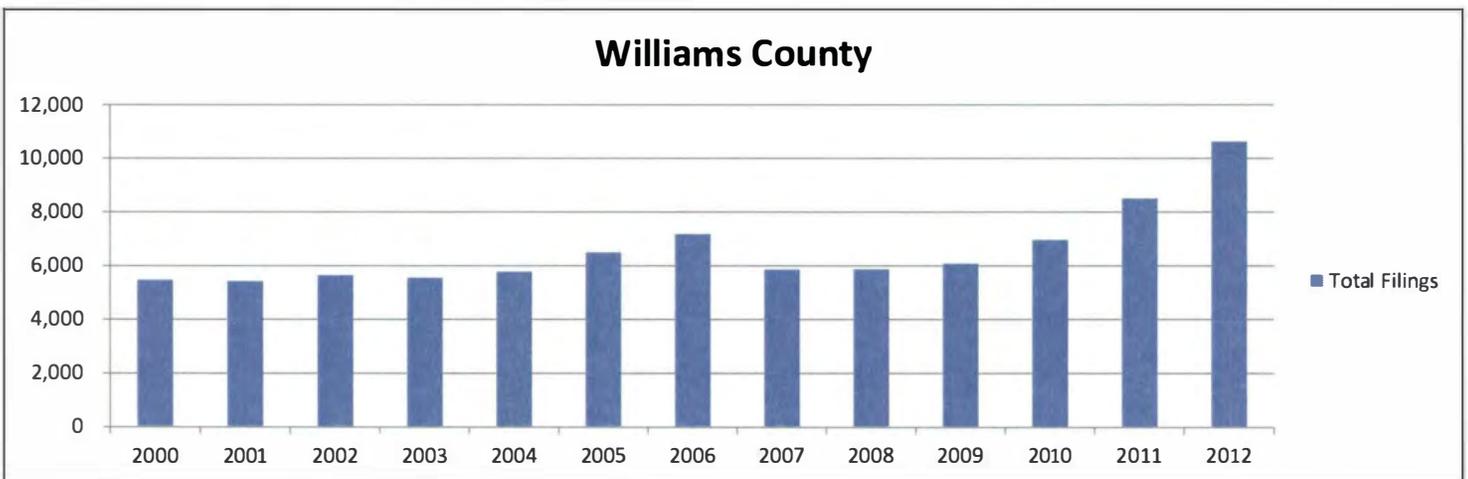
Clerk of District Court
Williams County
2000 Through 2012 Comparison of Case Filings

| Civil | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Divorce | 117 | 85 | 89 | 80 | 86 | 79 | 78 | 82 | 72 | 91 | 114 | 121 | 98 | -16.2% |
| Child Support | 184 | 167 | 157 | 174 | 167 | 157 | 137 | 196 | 158 | 209 | 248 | 150 | 182 | -1.1% |
| Domestic - other | 156 | 131 | 165 | 139 | 152 | 147 | 127 | 128 | 168 | 186 | 194 | 188 | 256 | 64.1% |
| Small Claims | 225 | 173 | 155 | 173 | 143 | 106 | 128 | 102 | 86 | 157 | 165 | 123 | 136 | -39.6% |
| Probate and Trust | 148 | 172 | 143 | 155 | 159 | 182 | 200 | 180 | 228 | 264 | 438 | 493 | 674 | 355.4% |
| Mental Health | 38 | 37 | 42 | 46 | 46 | 62 | 47 | 56 | 60 | 58 | 52 | 64 | 75 | 97.4% |
| Administrative Appeal | 9 | 7 | 4 | 3 | 4 | 10 | 9 | 9 | 10 | 7 | 19 | 30 | 27 | 200.0% |
| Other Civil | 348 | 379 | 457 | 551 | 475 | 585 | 586 | 777 | 781 | 769 | 908 | 906 | 913 | 162.4% |
| Juvenile | 85 | 71 | 62 | 88 | 79 | 94 | 87 | 115 | 145 | 128 | 134 | 125 | 118 | 38.8% |
| Total Civil Cases | 1,310 | 1,222 | 1,274 | 1,409 | 1,311 | 1,422 | 1,399 | 1,645 | 1,708 | 1,869 | 2,272 | 2,200 | 2,479 | 89.2% |

| Criminal | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|-----------------------------|--------------|--------------|--------------|------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Felony | 146 | 143 | 176 | 201 | 226 | 192 | 192 | 189 | 214 | 192 | 215 | 367 | 554 | 279.5% |
| Misdemeanor | 839 | 754 | 712 | 724 | 812 | 948 | 1,274 | 994 | 963 | 894 | 1,193 | 1,856 | 2,116 | 152.2% |
| Infraction | 147 | 121 | 112 | 39 | 80 | 59 | 85 | 105 | 77 | 52 | 59 | 67 | 88 | -40.1% |
| Total Criminal Cases | 1,132 | 1,018 | 1,000 | 964 | 1,118 | 1,199 | 1,551 | 1,288 | 1,254 | 1,138 | 1,467 | 2,290 | 2,758 | 143.6% |

| Traffic | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Total Traffic Cases | 3,028 | 3,179 | 3,380 | 3,180 | 3,354 | 3,881 | 4,236 | 2,933 | 2,909 | 3,082 | 3,232 | 4,029 | 5,398 | 78.3% |

| Total Filings | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|-----------------------|
| Total Williams County | 5,470 | 5,419 | 5,654 | 5,553 | 5,783 | 6,502 | 7,186 | 5,866 | 5,871 | 6,089 | 6,971 | 8,519 | 10,635 | 94.4% |



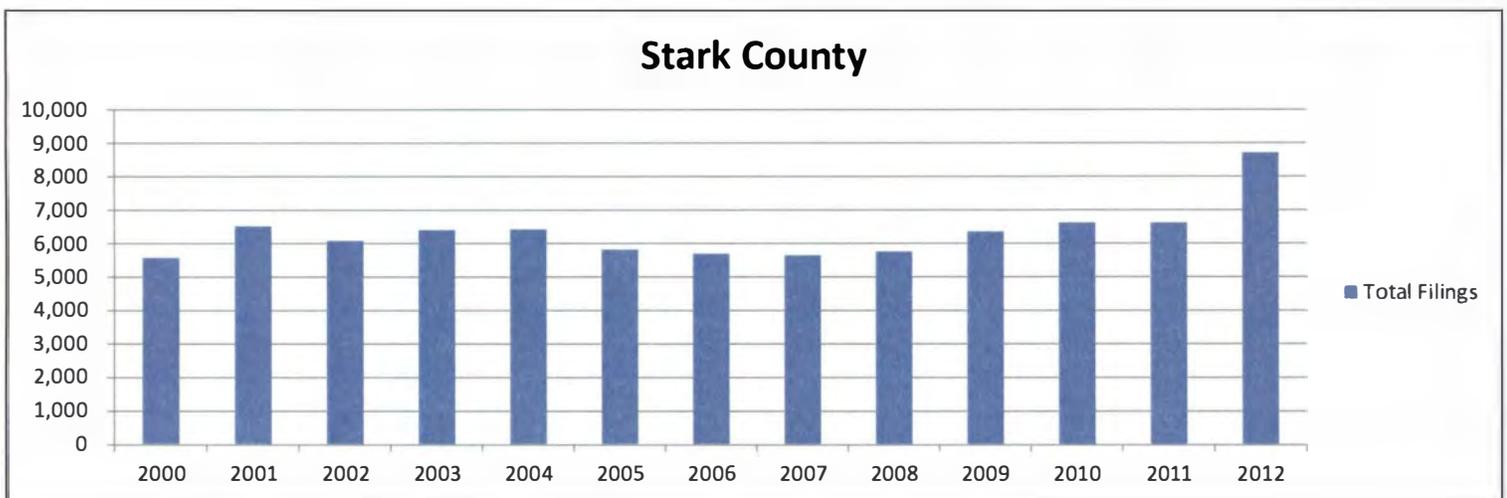
**Clerk of District Court
Stark
2000 Through 2012 Comparison of Case Filings**

| Civil | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Divorce | 87 | 109 | 98 | 97 | 76 | 80 | 92 | 89 | 88 | 108 | 110 | 119 | 118 | 35.6% |
| Child Support | 109 | 151 | 133 | 158 | 181 | 197 | 176 | 176 | 172 | 162 | 143 | 109 | 137 | 25.7% |
| Domestic - other | 56 | 86 | 85 | 87 | 63 | 103 | 90 | 84 | 84 | 93 | 96 | 98 | 123 | 119.6% |
| Small Claims | 199 | 162 | 154 | 157 | 209 | 155 | 180 | 120 | 113 | 124 | 130 | 120 | 100 | -49.7% |
| Probate and Trust | 119 | 126 | 124 | 113 | 125 | 132 | 129 | 120 | 144 | 153 | 170 | 296 | 253 | 112.6% |
| Mental Health | 24 | 20 | 17 | 19 | 24 | 29 | 31 | 38 | 29 | 44 | 31 | 44 | 67 | 179.2% |
| Administrative Appeal | 7 | 15 | 14 | 17 | 25 | 17 | 18 | 27 | 24 | 23 | 10 | 7 | 24 | 242.9% |
| Other Civil | 394 | 359 | 420 | 422 | 414 | 522 | 550 | 564 | 596 | 556 | 722 | 751 | 791 | 100.8% |
| Juvenile | 79 | 119 | 93 | 93 | 75 | 80 | 68 | 70 | 65 | 66 | 51 | 60 | 66 | -16.5% |
| Total Civil Cases | 1,074 | 1,147 | 1,138 | 1,163 | 1,192 | 1,315 | 1,334 | 1,288 | 1,315 | 1,329 | 1,463 | 1,604 | 1,679 | 56.3% |

| Criminal | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Felony | 76 | 65 | 130 | 134 | 141 | 189 | 132 | 144 | 136 | 149 | 160 | 251 | 226 | 197.4% |
| Misdemeanor | 908 | 1,029 | 1,123 | 1,259 | 1,161 | 1,034 | 1,090 | 1,003 | 876 | 877 | 974 | 1,023 | 1,219 | 34.3% |
| Infraction | 494 | 333 | 448 | 455 | 409 | 337 | 322 | 169 | 123 | 136 | 151 | 76 | 96 | -80.6% |
| Total Criminal Cases | 1,478 | 1,427 | 1,701 | 1,848 | 1,711 | 1,560 | 1,544 | 1,316 | 1,135 | 1,162 | 1,285 | 1,350 | 1,541 | 4.3% |

| Traffic | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Total Traffic Cases | 3,021 | 3,948 | 3,244 | 3,398 | 3,519 | 2,948 | 2,823 | 3,048 | 3,310 | 3,867 | 3,871 | 3,665 | 5,493 | 81.8% |

| Total Filings | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|---------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Total Stark County | 5,573 | 6,522 | 6,083 | 6,409 | 6,422 | 5,823 | 5,701 | 5,652 | 5,760 | 6,358 | 6,619 | 6,619 | 8,713 | 56.3% |



Clerk of District Court
Burleigh County
2000 Through 2012 Comparison of Case Filings

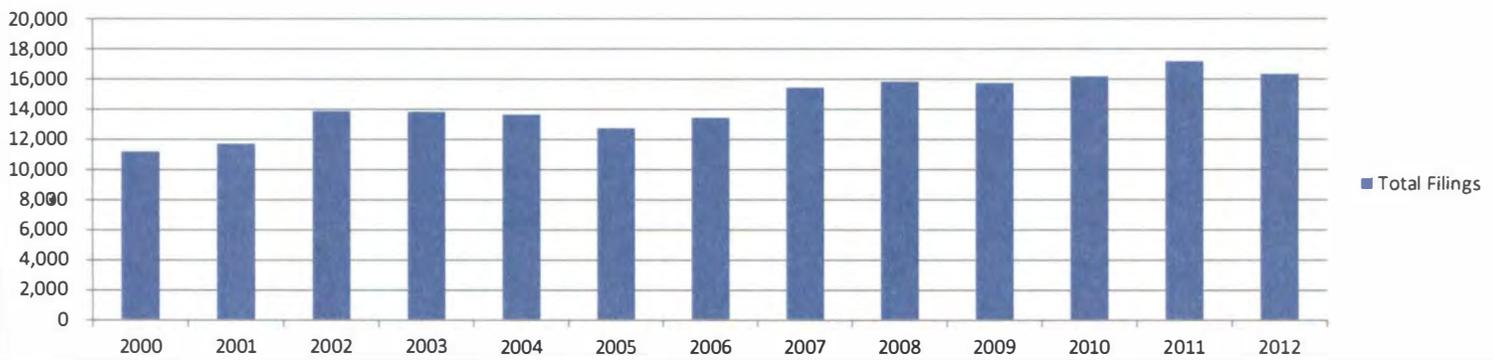
| Civil | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Divorce | 286 | 241 | 267 | 272 | 264 | 261 | 282 | 297 | 272 | 287 | 314 | 332 | 328 | 14.7% |
| Child Support | 366 | 425 | 377 | 492 | 492 | 543 | 500 | 460 | 539 | 422 | 466 | 316 | 257 | -29.8% |
| Domestic - other | 324 | 326 | 319 | 303 | 371 | 408 | 386 | 408 | 410 | 467 | 442 | 486 | 465 | 43.5% |
| Small Claims | 476 | 583 | 586 | 577 | 572 | 482 | 406 | 442 | 392 | 401 | 420 | 393 | 380 | -20.2% |
| Probate and Trust | 242 | 219 | 267 | 248 | 227 | 235 | 236 | 239 | 268 | 302 | 262 | 289 | 279 | 15.3% |
| Mental Health | 72 | 76 | 75 | 61 | 51 | 50 | 72 | 72 | 64 | 78 | 80 | 89 | 140 | 94.4% |
| Administrative Appeal | 26 | 32 | 34 | 51 | 52 | 48 | 75 | 62 | 46 | 42 | 36 | 39 | 42 | 61.5% |
| Other Civil | 1,246 | 1,247 | 1,427 | 1,533 | 1,639 | 1,755 | 1,796 | 2,109 | 2,411 | 2,246 | 2,338 | 2,384 | 2,166 | 73.8% |
| Juvenile | 230 | 203 | 221 | 205 | 180 | 230 | 277 | 287 | 339 | 350 | 369 | 352 | 294 | 27.8% |
| Total Civil Cases | 3,268 | 3,352 | 3,573 | 3,742 | 3,848 | 4,012 | 4,030 | 4,376 | 4,741 | 4,595 | 4,727 | 4,680 | 4,351 | 33.1% |

| Criminal | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Felony | 355 | 406 | 540 | 508 | 604 | 655 | 572 | 605 | 637 | 614 | 565 | 749 | 916 | 158.0% |
| Misdemeanor | 1,286 | 1,539 | 1,794 | 1,985 | 1,901 | 1,857 | 1,875 | 2,179 | 1,958 | 1,762 | 2,003 | 2,056 | 2,168 | 68.6% |
| Infraction | 381 | 236 | 233 | 171 | 156 | 102 | 107 | 123 | 111 | 91 | 44 | 23 | 71 | -81.4% |
| Total Criminal Cases | 2,022 | 2,181 | 2,567 | 2,664 | 2,661 | 2,614 | 2,554 | 2,907 | 2,706 | 2,467 | 2,612 | 2,828 | 3,155 | 56.0% |

| Traffic | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Total Traffic Cases | 5,910 | 6,186 | 7,741 | 7,448 | 7,143 | 6,116 | 6,860 | 8,168 | 8,407 | 8,700 | 8,865 | 9,677 | 8,852 | 49.8% |

| Total Filings | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------------------|
| Total Burleigh County | 11,200 | 11,719 | 13,881 | 13,854 | 13,652 | 12,742 | 13,444 | 15,451 | 15,854 | 15,762 | 16,204 | 17,185 | 16,358 | 46.1% |

Burleigh County



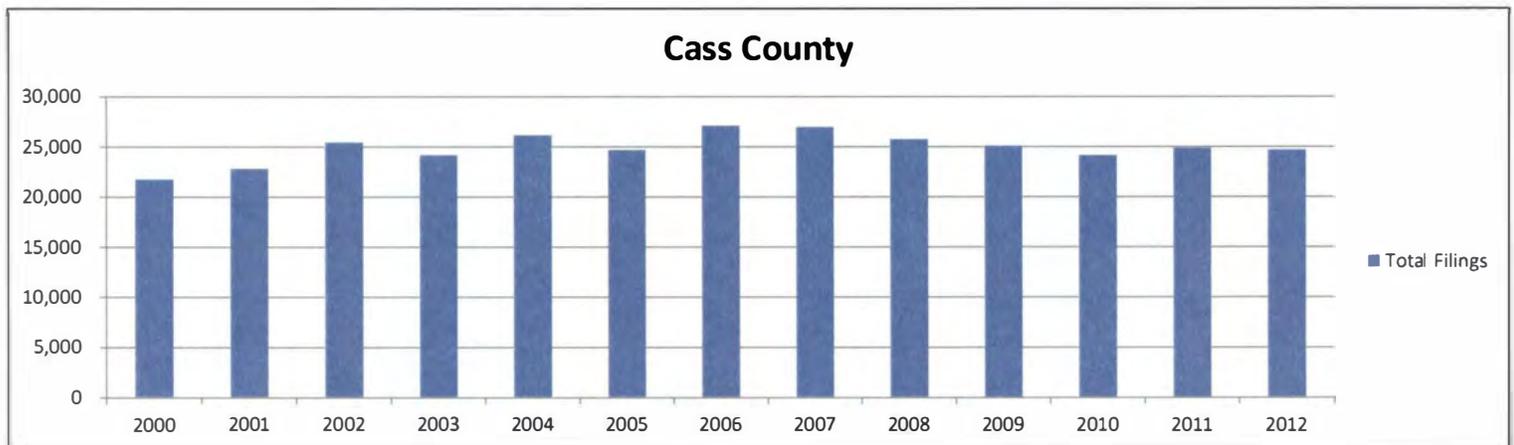
Clerk of District Court
Cass County
2000 Through 2012 Comparison of Case Filings

| Civil | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Divorce | 770 | 717 | 694 | 453 | 517 | 451 | 540 | 535 | 487 | 507 | 534 | 496 | 569 | -26.1% |
| Child Support | 2,354 | 2,413 | 1,507 | 1,203 | 1,226 | 1,102 | 1,197 | 1,102 | 1,011 | 925 | 545 | 507 | 479 | -79.7% |
| Domestic - other | 560 | 523 | 529 | 305 | 302 | 372 | 358 | 405 | 378 | 372 | 358 | 385 | 331 | -40.9% |
| Small Claims | 1,313 | 1,465 | 1,835 | 1,488 | 1,388 | 1,185 | 1,176 | 1,123 | 1,035 | 1,150 | 1,263 | 1,275 | 1,156 | -12.0% |
| Probate and Trust | 304 | 356 | 247 | 362 | 343 | 328 | 292 | 323 | 336 | 373 | 364 | 349 | 327 | 7.6% |
| Mental Health | 188 | 241 | 192 | 170 | 220 | 213 | 248 | 279 | 264 | 336 | 347 | 324 | 319 | 69.7% |
| Administrative Appeal | 21 | 14 | 26 | 14 | 22 | 13 | 17 | 36 | 38 | 42 | 35 | 43 | 41 | 95.2% |
| Other Civil | 2,416 | 2,624 | 2,846 | 2,601 | 3,049 | 3,162 | 2,894 | 3,820 | 4,279 | 4,049 | 4,432 | 4,122 | 3,529 | 46.1% |
| Juvenile | 572 | 530 | 633 | 728 | 812 | 735 | 712 | 703 | 766 | 685 | 795 | 801 | 746 | 30.4% |
| Total Civil Cases | 8,498 | 8,883 | 8,509 | 7,324 | 7,879 | 7,561 | 7,434 | 8,326 | 8,594 | 8,439 | 8,673 | 8,302 | 7,497 | -11.8% |

| Criminal | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| Felony | 800 | 911 | 1,013 | 864 | 1,156 | 1,114 | 1,026 | 1,013 | 950 | 968 | 1,043 | 915 | 1,113 | 39.1% |
| Misdemeanor | 3,044 | 3,152 | 3,418 | 3,165 | 3,579 | 3,606 | 3,558 | 3,959 | 3,756 | 3,373 | 3,309 | 3,397 | 3,286 | 8.0% |
| Infraction | 140 | 117 | 305 | 392 | 237 | 361 | 285 | 271 | 290 | 219 | 172 | 207 | 218 | 55.7% |
| Total Criminal Cases | 3,984 | 4,180 | 4,736 | 4,421 | 4,972 | 5,081 | 4,869 | 5,243 | 4,996 | 4,560 | 4,524 | 4,519 | 4,617 | 15.9% |

| Traffic | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|----------------------------|--------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------------------|
| Total Traffic Cases | 9,273 | 9,779 | 12,207 | 12,449 | 13,341 | 12,051 | 14,842 | 13,442 | 12,183 | 12,113 | 10,957 | 12,073 | 12,581 | 35.7% |

| Total Filings | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2012/2000 Change % |
|--------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------------------|
| Total Cass County | 21,755 | 22,842 | 25,452 | 24,194 | 26,192 | 24,693 | 27,145 | 27,011 | 25,773 | 25,112 | 24,154 | 24,894 | 24,695 | 13.5% |



Detailed Budget Presentation

Senate Bill 2002
House Appropriations - Government Operations
 Don Wolf, Director of Finance
 March 14, 2013

Mr. Chairman, members of the committee, good morning. For the record my name is Don Wolf and I am the Director of Finance for the court system. I will be providing you with the details regarding the Judicial Branch budget request.

| JUDICIAL BRANCH | 2011-13 Biennium | 2013-15 Biennium | Increase (Decrease) |
|---|-------------------------|-------------------------|----------------------------|
| Total | \$85,664,636 | \$99,592,841 | \$13,928,205 |
| 2011-13 Biennium one-time funding items | (901,480) | 0 | 901,480 |
| Total base budget | \$84,763,156 | \$99,592,841 | \$14,829,685 |
| Senate changes | 0 | (249,672) | (249,672) |
| Engrossed SB 2002 | \$84,763,156 | \$99,343,169 | \$14,580,013 |

The **2013-15 biennium** Judicial Branch budget request with Senate amendments is **\$99,343,169**, which is an increase of \$14,580,013 or 17.2 percent over the 2011-13 biennium base budget. The appropriation includes funding for the Supreme Court, District Courts and the Judicial Conduct Commission and Disciplinary Board.

| Subdivision | 2011-13 Biennium | 2013-15 Biennium | Increase (Decrease) |
|--------------------|-------------------------|-------------------------|----------------------------|
| Supreme Court | \$11,569,874 | \$15,502,599 | \$ 3,932,725 |
| District Court | 72,303,327 | 82,851,983 | 10,548,656 |
| JCC/DB | 889,955 | 988,587 | 98,632 |
| Total | \$84,763,156 | \$99,343,169 | \$14,580,013 |

| Line Item | 2011-13 Biennium | 2013-15 Biennium | Increase (Decrease) |
|--------------------|-------------------------|-------------------------|----------------------------|
| Salaries and Wages | \$63,332,795 | \$72,841,857 | \$ 9,509,062 |
| Operating | 18,973,640 | 22,916,667 | 3,943,027 |
| Capital Assets | 0 | 848,026 | 848,026 |

| | | | |
|---------------------------------|---------------------|---------------------|---------------------|
| Mediation | 869,664 | 1,089,228 | 219,564 |
| Judges Retirement | 617,102 | 578,804 | (38,298) |
| UND – Central Legal Research | 80,000 | 80,000 | 0 |
| JCC/DB | 889,955 | 988,587 | 98,632 |
| Total | \$84,763,156 | \$99,343,169 | \$14,580,013 |

The budget per funding source is as follows:

| | 2011-13 Biennium | 2013-15 Biennium | Increase (Decrease) |
|---------------|-----------------------------|-----------------------------|--------------------------------|
| General fund | \$82,580,882 | \$97,167,580 | \$14,586,698 |
| Special funds | 325,499 | 367,499 | 42,000 |
| Federal funds | <u>1,856,775</u> | <u>1,808,090</u> | <u>(48,685)</u> |
| Total | \$84,763,156 | \$99,343,169 | \$14,580,013 |

Salaries and Wages:

The total salaries and wages budget request of \$72.8 million is 73 percent of the total court system budget. The budget increase is \$9.5 million as compared to the current appropriation. Details of the increase are as follows:

- The court system budget request included salary increases of 5 percent per year for judges and justices. The cost of this proposed increase, including retirement, is **\$1,181,020**. The Senate reduced this salary increase to 4 percent per year and adjusted the salaries and wages line item by \$241,200.
- The total request includes **\$1,529,682** to continue the second year of the 2011-13 biennium salary increase and **\$1,313,756** for employee market salary and benefit adjustments. The Judicial Branch was not included in the market salary study conducted by the Hay Group. The request for market salary and benefit adjustment is based on 3 percent of our total base salary excluding the salaries for justices and judges and employee health insurance.

- The executive budget recommendation added **\$2,599,325** for employee performance salary and **\$1,399,640** for health insurance and retirement benefit adjustments.
- The court system is requesting **15 new FTE positions**, including 4 technology coordinator positions which are currently temporary positions. The 11 remaining positions requested include 2 juvenile court officers for Cass (1) and Burleigh (1) Counties; 8 deputy clerks of court for Cass (2), Burleigh (2), Stark (1), Ward (1) and Williams (2) Counties; and 1 citizen access coordinator position to assist individuals statewide who present their own cases without a lawyer. The total funding requested for these new positions, net of \$424,050 within the current appropriation for the temporary technology coordinators, is **\$1,841,507**.
- **Senate Bill No. 2075** provides an appropriation of \$1,690,950 to the court system for the purpose of establishing 3 additional district judgeships. If approved, this bill would provide 6 additional FTE positions, including 3 judges and 3 court reporters. Two of the judgeships would be located in the Northwest Judicial District (Ward, Williams, Divide, Burke, Mountrail and McKenzie Counties) and one judgeship would be located in the East Central Judicial District (Cass, Steele and Traill Counties).

Operating:

The operating budget of \$22.9 million is 23 percent of the total court system budget. The operating budget request is an increase of \$3.9 million as compared to the current base budget. Details of the increase are as follows:

- **Disaster recovery planning** – The District Court budget request includes one-time funding of **\$95,000** for information technology disaster recovery planning for the purpose of developing in-depth plans for continuity of business operations in case of a disaster.
- **Juvenile Case Management System (JCMS) replacement study** – One-time funding of **\$90,000** is requested for a JCMS replacement study. The

JCMS was implemented in 1997 for the purpose of tracking cases from the point of intake through disposition. It also serves as a repository for juvenile history. The purpose of the study is to review continued viability of the JCMS platform and to determine if the JCMS, as it is currently or in an updated form, is able to meet the functional standards for juvenile case management systems adopted by the National Center for State Courts.

- **Criminal Justice Information Sharing (CJIS) publisher project** – The District Court budget includes one-time funding of **\$139,850** for the CJIS publisher project. This project will integrate the court management system (Odyssey) with CJIS in order to share data with other state agencies.
- **Payments to contract counties for clerk of court services** – After surveying county auditors for salary information and applying the Work Assessment Policy Committee (WAPC) formula based on cases filed in each county, the amount budgeted for contract payments for clerk services increased by \$1,182,809. This increase reflects changes in caseload since 2008 and salary increases given to county employees from January 2010 to January 2012. The contract clerks of court are county employees and their salaries are determined at the county level. Currently, 41 counties contract with the Supreme Court to provide for clerk of court services. Total contract payments to counties for the 2013-15 biennium will be \$4,615,301. In addition, payments to counties for travel, technology and other operating costs are estimated to be \$222,572. The total budget for contract clerks is \$4,837,873 or **\$1,276,250** more than the 2011-13 biennium.
- **Lay Guardian ad Litem program** – The Lay Guardian ad Litem (GAL) Project was created in the mid-1990's by Congress to address the roles of the courts in child abuse and neglect cases. The role of the lay GAL is to represent the best interests of children at court hearings pertaining to deprivation and at other child welfare proceedings and meetings. The court system contracts with Youthworks to employ GALs and administer the program. Over the last few years there has been an increase in demand for GAL services. The total budget request for GAL and child welfare

programs is \$2,089,950, of which \$1,504,798 is from the General Fund and \$585,152 is from federal Court Improvement Program grants. This is a total increase of **\$525,237** as compared to the current biennium. The additional funding is requested for an anticipated increase in costs to contract with Youthworks and for GAL quality assurance monitoring of the court systems processing of child deprivation cases.

- **Juvenile drug courts** – Juvenile drug court provides alcohol and drug testing and chemical treatment programs along with judicial supervision of offenders. The budget request includes funding to add a juvenile drug court that would serve Jamestown and Valley City. The total juvenile drug court budget is \$963,300 or approximately \$68,800 per drug court per year. This is an increase in operating costs of **\$165,350** as compared to the 2011-13 biennium appropriation.
- **Juvenile court services** – Juvenile Court contracts with both public and private entities to provide innovative programs designed to change behavior of delinquent and unruly children. The budget request for contracted juvenile services programs is \$1,409,816 or **\$247,508** more than the 2011-13 budget of \$1,162,308. The budget increase is requested to provide intensive in-home programs and provide additional funding for restorative justice programs due to lost funding from the Department of Juvenile Services.
- **Technology fees** – The budget request includes an additional **\$946,815** for technology costs and fees. Based on historical trends maintenance agreements are anticipated to increase approximately 15 to 20 percent per year. The budget includes \$1,045,082 for the Odyssey case management system maintenance/support agreement, which is an increase of \$342,842 as compared to the current biennium. This increase includes \$268,800 for the recently implemented file and serve module.

Capital Assets:

The judicial budget for capital assets is **\$848,026**, of which \$15,000 is for the Supreme Court and \$833,026 is for district courts. The total budget for equipment over \$5,000 is **\$331,470**. The budget request includes funding for workstations/desks (\$41,500), copy machines (\$202,500), steno machines (\$70,980), folding machine (\$7,500) and microfiche machine (\$8,990).

The total budget for IT capital assets over \$5,000 is **\$516,556**. The budget request includes funding for the replacement of three digital audio mid-tier servers (\$63,000), digital recording equipment and sound systems for two courthouses (\$57,556), installation of interactive television systems in three courthouses (\$102,000), a Cybernetics LTO5 tape backup unit (\$54,000) and disk and server expansion to house Odyssey document images (\$240,000).

Mediation Program:

In March 2008, the North Dakota Judicial Branch began offering a court-administered family law mediation program for civil proceedings involving custody and visitation disputes.

In 2009, there was an average of 15.2 cases per month accepted into the mediation program. During the reporting period starting March 1, 2010 and ending August 31, 2011, an average of 30.3 cases per month were accepted into the program. For the most recent reporting period starting September 1, 2011 and ending August 31, 2012, the average caseload has increased to 38.0 per month.

The budget request for the mediation program is **\$1,089,228**, which is \$219,564 more than the 2011-13 biennium appropriation for the program. The budget reflects an increase in the number of cases and use of the program.

Judge Retirement (NDCC Chapter 27-17 Old Retirement System):

The judges' retirement line item provides for the state's general fund portion of retirement payments to eligible retirees under the old retirement system. There is 1 remaining participant within the Supreme Court budget and 8 remaining participants within the district court budget. The judge's retirement benefit increase is tied to the judges and justices salary increase. The budget for judges' retirement *net of Senate amendments* is **\$578,804**, of which \$75,386 is for the Supreme Court and \$503,418 is for District Court. The average age of the recipients as of December 31, 2012 was 87.

Judicial Conduct Commission and Disciplinary Board (JCC/DB):

The Judicial Conduct Commission and Disciplinary Board is responsible for investigating complaints against North Dakota judges and attorneys. Total funding of **\$988,587** is requested for the operations of JCC/DB of which \$621,088 is from the General Fund and \$367,499 are lawyer disciplinary funds. This is an increase of \$98,632 as compared to the current biennium. The request includes additional funding for website development (\$12,000), continuing education for board members (\$15,000) and to contract for a hearing panel research assistant (\$20,000). No capital assets are being requested.

In conclusion, I would be happy to answer any questions.

Sheri Lewis
House Govt Ops

JD 2000
March 14, 2013
Attachment 2

Holewa, Sally

From: Holewa, Sally
Sent: Thursday, March 14, 2013 3:39 PM
To: bthoreson@nd.gov; 'mbrandenburg@nd.gov'; 'Khawken@nd.gov'; 'kkempenich@nd.gov'; 'msanford@nd.gov'; 'eglassheim@nd.gov'; 'rguggisberg@nd.gov'; 'slewis@nd.gov'
Cc: VandeWalle, Justice Gerald; Sandstrom, Justice Dale V.; Crothers, Justice Daniel J.
Subject: Follow-up to testimony on SB 2002 - Judicial Branch Appropriation
Attachments: Justice Kapsner testimony.pdf; Findings and Recommendations - bias commission.pdf; Court System revenues.xlsx

Chairman Thoreson and members of the committee:

I am sending the additional information the committee requested this morning.

I've attached the following:

- Justice Kapsner's testimony regarding judicial salaries which includes a chart of judicial salaries for all states.
- A summary of the recommendations made by the Commission to Study Race and Ethnic Bias in the Courts.
- A document showing court system revenue. The first document is a pie chart showing overall judicial branch revenue for July 1, 2009 – June 30, 2011. The second page in the document shows the historical collection of revenues by category from 2001 – 2012. That document has an explanation of each category.

I attached the summary of the recommendations made by the Commission to study Race and Ethnic Bias in the Courts. Here is a link to the full report:

http://www.ndcourts.gov/court/committees/bias_commission/FinalReport20122.pdf

Here are the main minutes of the Court Services Administration Committee recommendation regarding the Citizen Access Coordinator:

<http://www.ndcourts.gov/court/committees/Service/MinutesAug2012.htm>

Here is a link to other minutes about pro se accommodations, which were preliminary to recommending the Citizen Access Coordinator position

<http://www.ndcourts.gov/court/committees/Service/MinutesMar2008.htm>

To give you more of an idea about what a Citizen Access Coordinator would do, here are links to the self-help programs in Alaska, Minnesota and Utah. The Alaska and Minnesota programs are more than 10 years old. Utah's program is only 3 years old.

Alaska: <http://courts.alaska.gov/selfhelp.htm>

Minnesota: <http://www.mncourts.gov/selfhelp/>

Utah: <http://www.utcourts.gov/selfhelp/contact/>

Thank you for your time this morning.

Sally A. Holewa

State Court Administrator
600 E. Boulevard, Mail Stop 160
Bismarck, ND 58505-0530
Phone: 701-328-4216
Fax: 701-328-2092
E-Mail: sholewa@ndcourts.gov

SB 2002
Judicial Compensation

Chair Thoreson and members of the Government Operation Subcommittee of the House Appropriations Committee:

I am Justice Carol Ronning Kapsner and I am Chair of the Judicial Compensation Committee of the North Dakota Judges Association. I offer these written comments as I am not able to be present at the scheduled hearing of this bill.

SB 2002, as originally submitted, included judicial pay increases of 5% and 5% in each of the biennial years. The Senate has adjusted that request to 4% and 4% in each year but we continue to believe that 5% and 5% is a reasonable request. There are two main reasons for the inclusion of this increase.

The 5% and 5% adjustment was in keeping with the proposal for adjustment to salaries by Governor Dalrymple who has recognized that state employee salaries are generally below market and present significant problems in the retention of state employees. Judicial salaries are unlikely to have a similar problem of retaining existing judges but lack of adequate compensation can have an effect on attracting new judges in the future.

The second reason the raise is requested is it represents a reasonable effort to adjust judicial salaries to bring North Dakota compensation within market parameters of judicial compensation.

In 2004, North Dakota trial judges were ranked 48th and North Dakota Supreme Court justices were ranked 49th in the nation in terms of compensation. Since that time the legislature has made definite efforts to adjust those salaries. Despite the increases, North Dakota judges salaries today are not yet at the average of judicial salaries in the country; our salaries remain in the bottom third of the nation. This is despite the fact that most states outside of North Dakota have been operating in difficult budgetary circumstances. I have attached the salaries of state courts as prepared by the National Center for State Courts as of July 2012. This chart shows that Wyoming, a state that is geographically, demographically and fiscally similar to North Dakota, compensates both trial and appellate judges considerably higher than North Dakota. Wyoming's current rates exceed the proposed rates after the 5% and 5% increases.

The mean salary for Supreme Court justices in the nation is \$154,695; the median is \$150,000. The budgetary increases of 5% and 5% would not bring justices to the current median even after the adjustment in 2014. The mean salary for trial judges in courts of general jurisdiction throughout the nation is \$138,783; the median salary is \$134,943. The requested increases of 5% and 5% would only bring our trial judges to the current median after the second increase.

Our judiciary is and has been “lean” and hard-working. We feel that our compensation ought to reflect the value of our efforts. The legislature has made sincere efforts to address what has been under-compensation in the past and we ask that you continue in that effort by increasing judicial compensation by 5% and 5% in each year of the next biennium.

Thank you.

Salaries and Rankings for Appellate and General-Jurisdiction Judges - Listed Alphabetically by State Name

The table below lists the salaries and rankings for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general-jurisdiction trial courts (actual salaries and cost-of-living-adjusted salaries) as of July 1, 2012. Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available—either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of “1.” The lowest salary has a rank of “51” except for intermediate appellate courts, which exist in only 39 states. The mean, median, and salary range for each of the positions are also shown.

| | Highest Court | | Intermediate Appellate Court | | General-Jurisdiction Trial Court | | | | |
|----------------------|------------------------|------|------------------------------|------|----------------------------------|------|-------------------|-----------------|---------------|
| | Salary | Rank | Salary | Rank | Adjusted for Cost of Living | | | | |
| | | | | | Salary | Rank | Adjustment Factor | Adjusted Salary | Adjusted Rank |
| Alabama | \$180,005 | 9 | \$178,878 | 5 | \$134,943 | 26 | 93.04 | \$145,031 | 14 |
| Alaska | \$196,224 | 3 | \$185,388 | 3 | \$181,440 | 2 | 134.95 | \$134,453 | 26 |
| Arizona | \$155,000 | 23 | \$150,000 | 16 | \$145,000 | 17 | 102.61 | \$141,314 | 19 |
| Arkansas | \$145,204 | 33 | \$140,732 | 20 | \$136,257 | 24 | 91.24 | \$149,336 | 9 |
| California | \$218,237 | 1 | \$204,599 | 1 | \$178,789 | 4 | 127.94 | \$139,747 | 20 |
| Colorado | \$139,660 | 37 | \$134,126 | 30 | \$128,598 | 34 | 100.88 | \$127,475 | 32 |
| Connecticut | \$162,520 | 19 | \$152,637 | 12 | \$146,780 | 16 | 133.50 | \$109,950 | 46 |
| Delaware | \$190,639 | 5 | | | \$180,233 | 3 | 107.34 | \$167,914 | 4 |
| District of Columbia | \$184,500 | 7 | | | \$174,000 | 5 | 147.20 | \$118,205 | 39 |
| Florida | \$157,976 | 21 | \$150,077 | 15 | \$142,178 | 18 | 98.60 | \$144,198 | 16 |
| Georgia | \$167,210 | 13 | \$166,186 | 9 | \$148,891 | 14 | 94.03 | \$158,340 | 7 |
| Hawaii | \$151,118 | 24 | \$139,924 | 22 | \$136,127 | 25 | 168.74 | \$60,674 | 51 |
| Idaho | \$121,900 | 47 | \$120,900 | 37 | \$114,300 | 46 | 91.70 | \$124,642 | 36 |
| Illinois | \$211,226 | 2 | \$196,605 | 2 | \$162,429 | 1 | 96.31 | \$189,426 | 1 |
| Indiana | \$156,667 | 22 | \$152,293 | 13 | \$130,080 | 30 | 91.39 | \$142,333 | 18 |
| Iowa | \$163,200 | 18 | \$147,900 | 18 | \$137,700 | 23 | 94.46 | \$145,760 | 12 |
| Kansas | \$135,905 | 42 | \$131,518 | 33 | \$120,037 | 44 | 92.43 | \$129,861 | 29 |
| Kentucky | \$135,504 | 43 | \$130,044 | 35 | \$124,620 | 41 | 90.97 | \$136,985 | 23 |
| Louisiana | \$150,772 | 25 | \$143,647 | 19 | \$137,744 | 22 | 95.96 | \$143,547 | 17 |
| Maine | \$119,476 | 50 | | | \$111,969 | 49 | 111.74 | \$100,207 | 50 |
| Maryland | \$162,352 | 20 | \$149,552 | 17 | \$140,352 | 19 | 124.44 | \$112,766 | 44 |
| Massachusetts | \$145,984 | 30 | \$135,067 | 28 | \$129,694 | 31 | 122.90 | \$105,529 | 46 |
| Michigan | \$164,610 | 16 | \$151,441 | 14 | \$139,919 | 20 | 95.15 | \$147,052 | 10 |
| Minnesota | \$145,961 | 31 | \$137,552 | 25 | \$129,124 | 32 | 102.47 | \$126,011 | 35 |
| Mississippi | \$112,530 | 51 | \$105,050 | 39 | \$104,170 | 51 | 92.77 | \$112,293 | 45 |
| Missouri | \$147,591 | 27 | \$134,685 | 29 | \$127,020 | 35 | 92.98 | \$136,607 | 24 |
| Montana | \$121,434 | 49 | | | \$113,928 | 47 | 100.16 | \$113,721 | 43 |
| Nebraska | \$145,615 | 32 | \$136,334 | 23 | \$134,694 | 27 | 91.86 | \$146,594 | 11 |
| Nevada | \$170,000 | 11 | | | \$160,000 | 9 | 95.10 | \$168,243 | 3 |
| New Hampshire | \$146,917 | 28 | | | \$137,804 | 21 | 120.16 | \$114,683 | 41 |
| New Jersey | \$185,482 | 6 | \$175,534 | 6 | \$165,000 | 7 | 130.26 | \$126,667 | 34 |
| New Mexico | \$123,691 | 46 | \$117,506 | 36 | \$111,631 | 50 | 96.06 | \$113,637 | 42 |
| New York | \$177,000 | 10 | \$168,600 | 7 | \$160,000 | 8 | 129.09 | \$123,946 | 37 |
| North Carolina | \$136,696 | 36 | \$133,109 | 31 | \$125,875 | 39 | 96.16 | \$130,676 | 26 |
| North Dakota | \$138,159 | 39 | | | \$126,597 | 36 | 99.82 | \$126,619 | 33 |
| Ohio | \$141,600 | 35 | \$132,000 | 32 | \$121,350 | 43 | 93.75 | \$129,446 | 31 |
| Oklahoma | \$137,655 | 40 | \$130,410 | 34 | \$124,373 | 42 | 90.34 | \$137,674 | 22 |
| Oregon | \$125,686 | 45 | \$122,620 | 36 | \$114,466 | 45 | 107.48 | \$106,497 | 47 |
| Pennsylvania | \$195,309 | 4 | \$184,282 | 4 | \$169,541 | 6 | 101.66 | \$166,773 | 5 |
| Rhode Island | \$165,726 | 14 | | | \$149,207 | 13 | 124.29 | \$120,051 | 36 |
| South Carolina | \$141,266 | 36 | \$137,753 | 24 | \$134,221 | 26 | 96.22 | \$139,500 | 21 |
| South Dakota | \$121,716 | 48 | | | \$113,668 | 46 | 98.03 | \$115,975 | 40 |
| Tennessee | \$167,976 | 12 | \$162,396 | 10 | \$156,792 | 11 | 89.99 | \$174,235 | 2 |
| Texas | \$150,000 | 26 | \$137,500 | 26 | \$125,000 | 40 | 91.65 | \$136,383 | 25 |
| Utah | \$146,600 | 29 | \$140,100 | 21 | \$133,450 | 29 | 92.49 | \$144,260 | 15 |
| Vermont | \$132,926 | 44 | | | \$126,369 | 37 | 121.08 | \$104,370 | 49 |
| Virginia | \$163,639 | 8 | \$166,322 | 8 | \$156,134 | 10 | 96.31 | \$164,200 | 6 |
| Washington | \$164,221 | 17 | \$156,326 | 11 | \$148,832 | 15 | 102.16 | \$145,690 | 13 |
| West Virginia | \$136,000 | 41 | | | \$126,000 | 36 | 97.17 | \$129,665 | 30 |
| Wisconsin | \$144,495 | 34 | \$136,316 | 27 | \$126,600 | 33 | 97.91 | \$131,342 | 27 |
| Wyoming | \$165,000 | 15 | | | \$150,000 | 12 | 99.24 | \$151,150 | 8 |
| Mean | \$154,695 | | \$148,265 | | \$138,783 | | | | |
| Median | \$150,000 | | \$140,732 | | \$134,943 | | | | |
| Range | \$112,530 to \$218,237 | | \$105,050 to \$204,599 | | \$104,170 to \$182,429 | | | | |

Using the ACCRA Cost-of-Living Index

The Council for Community and Economic Research—C2ER (formerly the ACCRA organization)—is the most widely accepted U.S. source for cost-of-living indices, with nearly 400 reporting jurisdictions across America. The cost-of-living indices used in this report were developed by examining the average costs of goods and services for the latest four running fiscal quarters. The factors reflect an average of the reporting jurisdictions in a particular state (i.e., the cost-of-living-index for Virginia is the average of the cost-of-living indices for each of the nine reporting jurisdictions in Virginia). More detailed information can be found at www.accra.org or www.c2er.org.

Salaries and Rankings for Appellate and General-Jurisdiction Judges - Listed in Order of State Rank

The tables below list the salaries for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general-jurisdiction trial courts (actual salaries and cost-of-living-adjusted salaries) as of July 1, 2012. Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available—either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. The listings are in rank order from highest to lowest salary. The mean, median, and salary range for each of the positions are also shown.

| Highest Court | | Intermediate Appellate Court | | General-Jurisdiction Trial Court | | | |
|----------------------|-------------------------------|-------------------------------|-----------|----------------------------------|-----------------------------|------------------------------|-----------|
| | | | | Salary | Adjusted for Cost of Living | | |
| California | \$218,237 | California | \$204,599 | Illinois | \$182,429 | Illinois | \$189,428 |
| Illinois | \$211,228 | Illinois | \$198,805 | Alaska | \$181,440 | Tennessee | \$174,235 |
| Alaska | \$196,224 | Alaska | \$185,388 | Delaware | \$180,233 | Nevada | \$168,243 |
| Pennsylvania | \$195,309 | Pennsylvania | \$184,282 | California | \$178,789 | Delaware | \$167,914 |
| Delaware | \$190,639 | Alabama | \$178,878 | District of Columbia | \$174,000 | Pennsylvania | \$166,773 |
| New Jersey | \$185,482 | New Jersey | \$175,534 | Pennsylvania | \$169,541 | Virginia | \$164,200 |
| District of Columbia | \$184,500 | New York | \$168,600 | New Jersey | \$165,000 | Georgia | \$158,340 |
| Virginia | \$183,639 | Virginia | \$168,322 | New York | \$160,000 | Wyoming | \$151,150 |
| Alabama | \$180,005 | Georgia | \$166,186 | Nevada | \$160,000 | Arkansas | \$149,338 |
| New York | \$177,000 | Tennessee | \$162,396 | Virginia | \$158,134 | Michigan | \$147,052 |
| Nevada | \$170,000 | Washington | \$156,328 | Tennessee | \$156,792 | Nebraska | \$146,594 |
| Tennessee | \$167,976 | Connecticut | \$152,637 | Wyoming | \$150,000 | Iowa | \$145,780 |
| Georgia | \$167,210 | Indiana | \$152,293 | Rhode Island | \$149,207 | Washington | \$145,690 |
| Rhode Island | \$165,726 | Michigan | \$151,441 | Georgia | \$148,891 | Alabama | \$145,031 |
| Wyoming | \$165,000 | Florida | \$150,077 | Washington | \$148,832 | Utah | \$144,280 |
| Michigan | \$164,610 | Arizona | \$150,000 | Connecticut | \$146,780 | Florida | \$144,198 |
| Washington | \$164,221 | Maryland | \$149,552 | Arizona | \$145,000 | Louisiana | \$143,547 |
| Iowa | \$163,200 | Iowa | \$147,900 | Florida | \$142,178 | Indiana | \$142,333 |
| Connecticut | \$162,520 | Louisiana | \$143,647 | Maryland | \$140,352 | Arizona | \$141,314 |
| Maryland | \$162,352 | Arkansas | \$140,732 | Michigan | \$139,919 | California | \$139,747 |
| Florida | \$157,976 | Utah | \$140,100 | New Hampshire | \$137,804 | South Carolina | \$139,500 |
| Indiana | \$156,667 | Hawaii | \$139,924 | Louisiana | \$137,744 | Oklahoma | \$137,674 |
| Arizona | \$155,000 | Nebraska | \$138,334 | Iowa | \$137,700 | Kentucky | \$136,985 |
| Hawaii | \$151,118 | South Carolina | \$137,753 | Arkansas | \$136,257 | Missouri | \$136,607 |
| Louisiana | \$150,772 | Minnesota | \$137,552 | Hawaii | \$136,127 | Texas | \$136,383 |
| Texas | \$150,000 | Texas | \$137,500 | Alabama | \$134,943 | Alaska | \$134,453 |
| Missouri | \$147,591 | Wisconsin | \$136,316 | Nebraska | \$134,694 | Wisconsin | \$131,342 |
| New Hampshire | \$146,917 | Massachusetts | \$135,087 | South Carolina | \$134,221 | North Carolina | \$130,876 |
| Utah | \$146,800 | Missouri | \$134,685 | Utah | \$133,450 | Kansas | \$129,861 |
| Massachusetts | \$145,984 | Colorado | \$134,128 | Indiana | \$130,080 | West Virginia | \$129,665 |
| Minnesota | \$145,981 | North Carolina | \$133,109 | Massachusetts | \$129,694 | Ohio | \$129,446 |
| Nebraska | \$145,615 | Ohio | \$132,000 | Minnesota | \$129,124 | Colorado | \$127,475 |
| Arkansas | \$145,204 | Kansas | \$131,518 | Wisconsin | \$128,600 | North Dakota | \$126,819 |
| Wisconsin | \$144,495 | Oklahoma | \$130,410 | Colorado | \$128,598 | New Jersey | \$126,667 |
| Ohio | \$141,600 | Kentucky | \$130,044 | Missouri | \$127,020 | Minnesota | \$126,011 |
| South Carolina | \$141,286 | Oregon | \$122,820 | North Dakota | \$126,597 | Idaho | \$124,642 |
| Colorado | \$139,660 | Idaho | \$120,900 | Vermont | \$126,369 | New York | \$123,946 |
| North Carolina | \$138,896 | New Mexico | \$117,506 | West Virginia | \$126,000 | Rhode Island | \$120,051 |
| North Dakota | \$138,159 | Mississippi | \$105,050 | North Carolina | \$125,875 | District of Columbia | \$118,205 |
| Oklahoma | \$137,655 | | | Texas | \$125,000 | South Dakota | \$115,975 |
| West Virginia | \$136,000 | | | Kentucky | \$124,620 | New Hampshire | \$114,683 |
| Kansas | \$135,905 | | | Oklahoma | \$124,373 | New Mexico | \$113,837 |
| Kentucky | \$135,504 | | | Ohio | \$121,350 | Montana | \$113,721 |
| Vermont | \$132,928 | | | Kansas | \$120,037 | Maryland | \$112,786 |
| Oregon | \$125,688 | | | Oregon | \$114,468 | Mississippi | \$112,293 |
| New Mexico | \$123,691 | | | Idaho | \$114,300 | Connecticut | \$109,950 |
| Idaho | \$121,900 | | | Montana | \$113,928 | Oregon | \$106,497 |
| South Dakota | \$121,718 | | | South Dakota | \$113,688 | Massachusetts | \$105,529 |
| Montana | \$121,434 | | | Maine | \$111,969 | Vermont | \$104,370 |
| Maine | \$119,476 | | | New Mexico | \$111,631 | Maine | \$100,207 |
| Mississippi | \$112,530 | | | Mississippi | \$104,170 | Hawaii | \$80,674 |
| Mean | \$154,695 | \$148,265 | | \$138,783 | | \$133,967 | |
| Median | \$150,000 | \$140,732 | | \$134,943 | | \$134,453 | |
| Range | \$112,530 to \$218,237 | \$105,050 to \$204,599 | | \$104,170 to \$182,429 | | \$80,674 to \$189,428 | |

Information in this Survey is collected from designated representatives in each state. The National Center for State Courts has protocols in place to help ensure the accuracy of the data that are collected, analyzed, and ultimately reported.

COMPILED RECOMMENDATIONS FOR ALL CHAPTERS

GENERAL RECOMMENDATIONS

1. The Commission study and other relevant materials from the study should be placed online and made accessible to the public.
2. The Supreme Court should establish an implementation committee or another appropriate group to ensure implementation of Commission recommendations.
3. The courts should publicize existing methods of reporting perceived bias, such as the Informal Complaint Panel, internal complaints, and methods for providing feedback on judges.
4. The Commission on Judicial Branch Education should provide diversity and cultural training, including training on the history of minority groups in North Dakota, for all judges and court employees, both at the time of their hiring and at regular periods. Comparable training should also be made available for law enforcement and correctional officers.
5. The implementation committee should partner with State Bar Association of North Dakota, the University of North Dakota School of Law, law enforcement, tribal, state, and county governments, and community groups to develop community outreach initiatives to broaden access to and improve public understanding of legal issues and the legal system, especially for Native Americans and other minorities in the state.
6. The implementation committee should develop court- and bar-sponsored programs to make courts more accessible to citizens from all cultures and should concentrate on using technology to improve public understanding and participation in the court system.
7. The Implementation Committee should study ways to advance the protection and recognition of human rights, including the establishment of an independent human rights commission in North Dakota.
8. The Implementation Committee should monitor demographic changes in North Dakota to with the goal of ensuring the continued effectiveness of efforts introduced to eliminate racial and ethnic bias.

JURIES: FINDINGS

1. The lack of racial and ethnic information on master lists makes jury composition challenges difficult.
2. Jury source-list expansion poses fewer problems than it has in the past with improvements in technology.
3. Limited data on minority representation in jury source lists has been generated from the Commission's Jury Master List Survey. Further study is necessary to accurately assess representation.
4. North Dakota juror qualifications appear sufficiently broad to prevent discrimination and the grounds for disqualification appear to be adequate.
5. Counties with the largest concentrations of minority populations in the state are not the same as those with the highest percentages of undeliverable summonses.
6. Non-response rates to jury summons measured from 2008 to 2010 appear to show several counties consistently higher than the state average. Counties showing high rates for all years examined overlapped with Indian reservations. This correlation calls for further study.
7. Minorities in North Dakota occupy a disproportionate percentage of individuals at or near the poverty level. Factors associated with poverty may make it difficult to appear for jury service.
8. While North Dakota juror compensation and travel reimbursement is above average for states, it is below the minimum wage and below the North Dakota average wage.
9. Limited survey information suggests that jurors who have completed service have a positive perception of the experience.
10. Based on the data collected, more minorities than Whites believe that juries are not representative of the community.
11. A substantial proportion, though not a majority, of attorneys perceive that juries in some areas of the state do not adequately represent minorities.

JURIES: RECOMMENDATIONS

1. A long-term or permanent study on jury panels must be undertaken before firm statistical conclusions on minority representation can be reached. Such study would

provide information for the review of jury source lists. Courts should be required to request racial and ethnic information from all persons summoned, selected for, or granted excuses and deferrals from jury duty. This data must be collected, preserved, and reported yearly to the State Court Administrator.

2. Courts should pursue a dialogue with the Indian tribes for access to sources of information which may be useful to supplement jury lists.
3. Jury lists should be refreshed at least once per year to reduce undeliverable mailings.
4. Courts should ensure uniform treatment and adequate follow-up for undeliverable addresses in jury summonses throughout the state.
5. Courts should pursue uniform treatment of non-response throughout the state. Further study should concentrate on counties with consistent, high rates of non-response.
6. Courts should increase compensation for jury service.
7. Reimbursement should be paid to jurors for dependent care expenses incurred because of jury service.
8. A pilot project should be conducted to pay jurors by debit card immediately upon completion of jury service.
9. Public education programs should be promoted to increase awareness about the purpose, operation, and importance of juries.
10. Jury challenges based on Batson v. Kentucky, 476 U.S. 79 (1986), should be a topic for continuing research and education.

INTERPRETERS: FINDINGS

1. North Dakota faces many problems typical of interpreter services in other states such as scarcity of qualified interpreters and unpredictable workloads for specialists in particular languages.
2. North Dakota courts need interpreters in a considerable number of languages and dialects.
3. Problems arise when judges, court personnel, or interpreters fail to understand the need for effective interpretation, standards of adequate interpretation, role boundaries in the courtroom, or adequate accommodation for interpreters to work.

4. Interpreters are needed at all stages of a person's contact with the legal system.
5. North Dakota does not have a certification process for interpreters.

INTERPRETERS: RECOMMENDATIONS

1. Judges, attorneys, and law enforcement should be educated on the importance, necessity, and functional requirements of interpreters at all stages of a person's contact with the justice system. Administrative Unit 2 efforts provide a model of education programs that can be developed throughout the state.
2. The courts should develop a court-approved voir dire, such as the one developed by the National Center for State Courts, to determine the qualifications of an uncertified interpreter.
3. Court Administrators should compile a list of interpreter resources and the languages they provide, and make this list accessible throughout the state, including it on the North Dakota Supreme Court website.
4. Courts should hire qualified multilingual court personnel.
5. Courts should provide a periodic statewide training program for interpreters, covering court processes and the role of interpreters. Administrative Unit 2 can provide a model training program.
6. The Courts should explore translating judicial forms and documents commonly used in court proceedings into frequently spoken foreign languages.
7. Courts should publish and encourage discussion of existing policies regarding payment for interpreter services outside of court.
8. Courts should investigate and improve outreach and communication with New American communities.
9. The State Bar Association of North Dakota and courts should engage in outreach programs with leaders of local immigrant and culturally diverse communities to educate their members on the role and processes of the court system.
10. Courts should use an interpreter certified by the National Center for State Courts Consortium for State Court Interpreter Certification, whenever available.

11. Courts should explore the development of an interpreter certification program utilizing models provided by the National Center for State Courts Consortium for State Court Interpreter Certification.

CRIMINAL: FINDINGS

1. Available statistics on arrest show that minorities, especially African Americans and Native Americans, are arrested at a rate higher than their percentages in the state population.
2. Testimony reveals a perception that police stops occur more often in certain areas of North Dakota if vehicle occupants are visibly minorities.
3. Testimony reveals a perception that Indian tribes often lack sufficient resources to deal with juvenile delinquency occurring on Indian reservations and that lack of consequences leads to patterns of behavior that can increase contact with state courts when individuals leave Indian reservations.
4. Differing bond schedules may contribute to actual or perceived bias throughout the state. Treatment of Native Americans living on Indian reservations as out-of-state residents contributes to actual or perceived bias.
5. A perception exists among attorneys, court employees, others working with the courts, and Native Americans that minorities are more likely than Whites to plead guilty for cultural reasons or to avoid lengthy court processes.
6. Minorities perceive that minority defendants receive longer sentences than Whites for the same crimes.
7. Minorities are under-represented in adult drug courts.
8. Minorities are over-represented in the state prison population.
9. The proportion of minorities in the system appears higher at the incarceration stage than at arrests for Index Crimes, especially for Native Americans.
10. Testimony suggests that minorities face difficulties with housing, transportation, child support, and finding adequate employment after release from incarceration.
11. Analysis of parole and probation revocations does not reveal significant racial disparities except for a greater proportion of revocations for Native Americans occurring because of absconding violations.

12. Minority participation in North Dakota Department of Corrections and Rehabilitation education and transitional service programs designed to reduce recidivism appears to be proportional to minority populations in the state prison system.
13. The Commission was unable to gather information about minority incarcerations in the county system.

CRIMINAL: RECOMMENDATIONS

1. More detailed and long-term studies on race and the criminal justice system should be undertaken at all levels, especially in the areas of arrests, recidivism, and sentencing disparities.
2. The court should encourage the state to develop a retrieval mechanism for race and other data collected at the county and regional jail level.
3. Courts and law enforcement should establish and expand cultural liaisons to minority communities to provide education on the courts, police, and legal issues.
4. Courts should establish an objective screening tool for determining bail and should standardize bond schedules to ensure the equal treatment of Native Americans living on Indian reservations.
5. Courts should gather data on dispositions for all criminal defendants and juveniles. Such information should be maintained by racial and ethnic category.
6. Along with the sentencing factors of N.D.C.C. § 12.1-32-04, evidence-based sentencing practices and risk-assessment tools should be used.
7. Courts should provide training to judges in the use of researched-based tools to incorporate in sentencing practices.
8. Drug Courts should be expanded throughout the state, and minority participation should be increased. Experience and methods learned from existing drug court programs should be shared throughout the state.
9. Driving under suspension penalties should be reviewed because these penalties compound difficulties in obtaining or maintaining employment.
10. All law enforcement officers, including police and highway patrol, should receive cultural diversity training at regular intervals.

11. All law enforcement officers should receive training on tribal, state, and federal jurisdiction at regular intervals.
12. Efforts should be made for collaboration between the state and the Indian tribes on honoring court orders and warrants.

JUVENILE: FINDINGS

1. Juvenile justice processes in North Dakota have benefited from continued studies and data collection on Native American and other minority youth in accordance with federal requirements.
2. Public testimony supports previous findings that tribes often have insufficient resources for law enforcement, including facilities to hold offending juveniles, and lack means to deal with delinquency, all of which contribute to later offending.
3. North Dakota minority youth, especially Native Americans and African Americans, tend to be over-represented in arrests and detention when compared to White youth.
4. Hispanic/ Latino(a) youth in North Dakota tend to be over-represented in secured detention, but tend not to show similarly high relative rates of arrest compared to Native Americans and African Americans.
5. Minority youth were less likely to have their cases diverted from the formal court process and more likely to have their cases formally petitioned in the years examined.
6. Demographic data suggests that Burleigh, Cass, Grand Forks, and Ward counties are appropriate targets for concentrating state resources to address problems with race-based disparities in the juvenile system.
7. Data from juvenile drug courts shows that the number of Native American drug court participants is proportional to the number of Native American juveniles arrested.
8. Though limited relevant data exists for youth drug courts, general drug court data indicates that high-risk individuals benefit more from intensive drug court programs. The youngest high-risk individuals benefit the most from such programs.

9. North Dakota has piloted additional efforts to address racial disproportion in the juvenile system, including the Youth Cultural Achievement Program and a detention screening tool.

JUVENILE: RECOMMENDATIONS

1. An assessment should be conducted to investigate causes of the high minority juvenile arrest rates.
2. A single statewide tool should be implemented to guide the decision to detain. The tool should include criteria that are related to the purpose of detention, measure objectively, and apply uniformly.
3. The Court should explore establishing a juvenile minority liaison program in counties demonstrating a need, similar to the program in Burleigh County.
4. The State Court Administrator's Office should develop a list of services available for minority youth and their families. This list should be made available in the offices of clerks of district court.
5. Courts should develop and fund culturally sensitive programs for minority youth, which emphasize the skills needed to give minority youth the best chance at rehabilitation and prevent reentry to the juvenile justice system.
6. Youth drug courts should offer intensive services to high-risk youth in order to generate the greatest overall benefit. Such services should be culturally sensitive.
7. Efforts should be made by the state to work out reciprocal juvenile probation agreements with the Indian tribes so that Native American juveniles who leave, or return to, an Indian reservation can receive supervision.
8. The state should continue efforts to identify and reduce the barriers to full and equal access to juvenile diversion.
9. All state and local agencies should make significant efforts in the recruitment, training, retention, and promotion of qualified minority personnel within the juvenile justice system. These efforts should be directed toward providing personnel in proportion to the client community, and not be based solely upon demographic representation of communities of color in the population at large.

10. Judges, attorneys, social workers, guardians ad litem, and court personnel should receive education and training to increase their sensitivity to cultural and racial issues.
11. The State should continue to provide annual training on the provisions of Indian Child Welfare Act.
12. The Court should support agencies' efforts to increase recruitment and licensure of minority foster care parents.
13. The courts should support efforts to identify experts as required by the Indian Child Welfare Act for purposes of testifying under the Act.

CIVIL: FINDINGS

1. Civil proceedings have tended to become increasingly expensive over time. This limits or impairs access for individuals, especially those at or near the poverty level. Minorities in North Dakota represent a disproportionate number of individuals at this level.
2. Mistrust of legal systems appears high among some minority groups, such as Native Americans.
3. Some groups within the state, particularly New Americans, may not fully understand court processes and legal rights.
4. Minorities constitute disproportionately large percentages of those using Legal Services of North Dakota (LSND) compared to the minority populations in the state.
5. Despite the efforts of the State Bar Association of North Dakota (SBAND) Volunteer Lawyer Services and LSND, there remains a large unmet need for civil legal services in North Dakota.
6. Members of minority groups residing in counties without a LSND office may be unaware, or unable to take advantage, of services provided, as fewer applications come from those counties.
7. SBAND has analyzed rules relevant to unbundling legal services and made recommendations directed toward facilitating such services.
8. The number of individuals choosing to self-represent has increased in recent years.

9. The Commission found no data on the extent of minority self-representation.

CIVIL: RECOMMENDATIONS

1. Courts should pursue collaborations with SBAND, the UND School of Law, and other partners to develop programs to educate New Americans on legal issues and the legal system.
2. Courts, SBAND, and LSND should promote public awareness of materials on various legal subjects already compiled and maintained.
3. SBAND should continue to promote the expansion of pro bono resources to facilitate minority access to courts.
4. The state should increase its funding for LSND to allow greater services to minorities and extended geographic reach.
5. Courts should support the provision of unbundled legal services to the public.
6. SBAND should create training to educate attorneys and the public about unbundled services and to encourage attorneys to share experiences and information on problems and best practices for offering unbundled services.
7. Courts should attempt to gather data on minority status in civil actions.
8. Courts should provide expanded materials to facilitate self-representation and adequate notice of existing materials.
9. For ease of enforcement between state and tribal courts, courts should adopt the National Center for State Courts form of domestic violence protection order (PASSPORT).
10. Courts should recruit Native American mediators as recommended in the North Dakota Supreme Court's 2012 evaluation of the Family Mediation Pilot Program.
11. Courts should explore development of a legal services ombudsman position to provide information and guidance to members of the public regarding the court system.

12. The Supreme Court should encourage the local courts and local bar associations to develop outreach programs designed to enhance access to the courts by minority and non-English-speaking persons.

ATTORNEYS AND COURT EMPLOYEES: FINDINGS

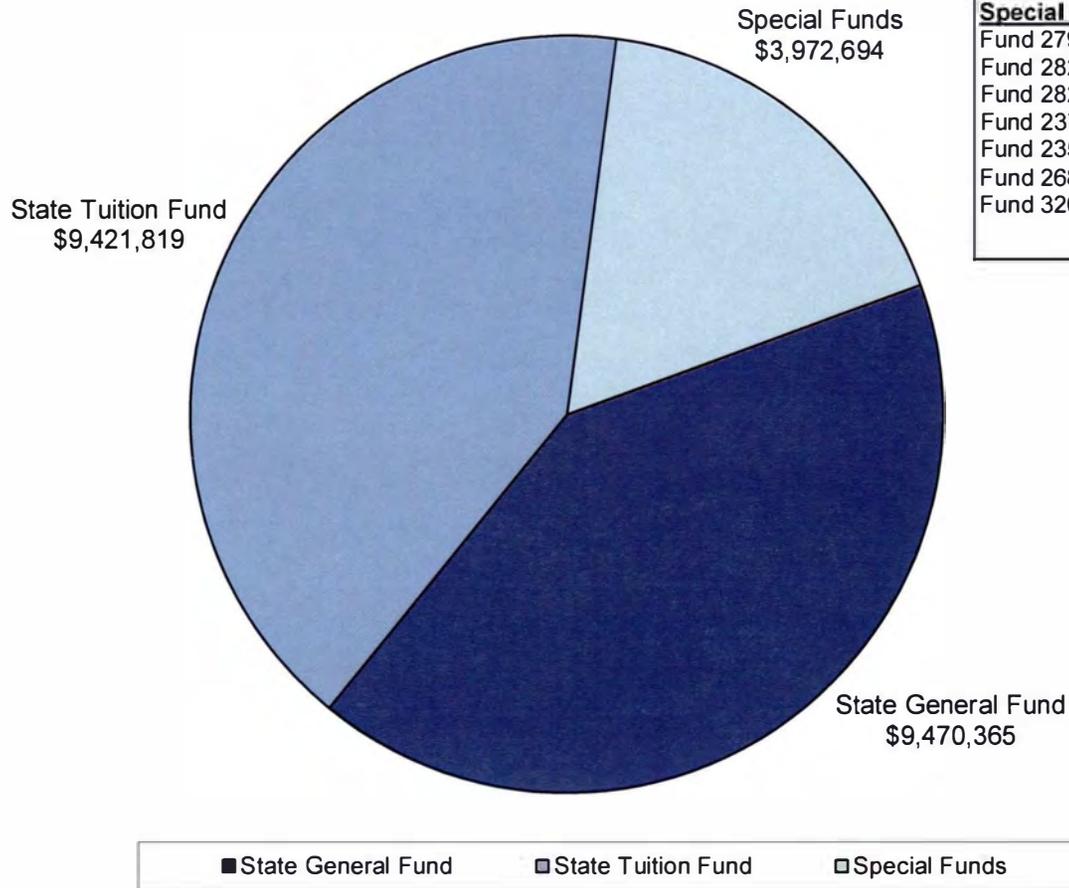
1. The number of minority attorneys practicing in North Dakota appears to be significantly less than the proportion of minorities living within the state.
2. Minorities are significantly under-represented as employees at all measured levels of the court system in North Dakota.
3. Since the court employment application process has become computerized, collected data has shown the number of minority applications exceeds the proportion of minorities in the state, but applications from Native Americans are below the proportion of Native Americans in the state.
4. The University of North Dakota School of Law (UND School of Law) graduates minorities in proportions close to the state population, but not all of those graduates practice in the state.
5. Both attorneys and court employees appear to perceive that diversity in their communities is greater than diversity in their places of employment.
6. Attorney and court employee survey respondents returned generally positive perceptions of most areas of the court system. Few minority responses were received from the surveys.

ATTORNEYS AND COURT EMPLOYEES: RECOMMENDATIONS

1. Courts should develop outreach programs to minorities to generate interest in pursuing careers in the legal system.
2. Courts should establish partnerships with minority groups, such as tribal colleges, to find means of encouraging and developing career tracks for minority employees.
3. Courts should develop outreach programs for non-English speaking people to find means of educating them about the judicial system, and encouraging and developing career tracks in court system.

4. State and local bar associations should engage in outreach programs with leaders of Native American, local immigrant, and culturally diverse communities to help educate their members on the processes of the court system.
5. SBAND, along with other state and local bar associations and the UND School of Law, should establish a task force to study and implement outreach programs to encourage minority high school students to pursue legal careers.
6. Because the pool of potential minority law school students from within the state is relatively small, the UND School of Law should continue and increase efforts to attract minority applicants.
7. Courts and SBAND should work closely with the UND School of Law to consider ways to create incentives to help retain minority graduates in the state.
8. The Board of Law Examiners should determine the number of minority attorneys practicing in the state.
9. SBAND should provide Continuing Legal Education (CLE) regarding racial and ethnic bias for attorneys. This CLE should count towards the ethics requirement.
10. Courts should regularly provide racial and ethnic bias and cultural diversity training to all court employees.
11. State and local bar associations should collaborate with community groups to encourage more minority attorneys to seek appointment or election to judicial positions.
12. Tribal court judges should be included as faculty in diversity training programs and should continue to be encouraged to attend judicial education programs.
13. State and local bar associations and the Supreme Court should work closely with the UND School of Law to promote adequate clerking opportunities for minority law students.
14. The Implementation Committee should examine the feasibility for inclusion of a Federal Indian Law question on the Uniform Bar Exam.

Revenues Collected Biennium Ending 6/30/2011



| Special Funds | |
|--|---------------|
| Fund 279 - Indigent Defense Facility Fee | - \$1,276,192 |
| Fund 282 - Indigent Defense Facility Fee | - \$1,566,193 |
| Fund 282 - Indigent Application Fee | - \$180,517 |
| Fund 237 - Civil Legal Service | - \$650,000 |
| Fund 235 - Displaced Homemakers | - \$200,491 |
| Fund 268 - Restitution Collection Assistance | - \$47,923 |
| Fund 320 - Community Service Supervision | - \$51,378 |

REVENUES BY BIENNIUM

| | 2001-03 Biennium | 2003-05 Biennium | 2005-07 Biennium | 2007-09 Biennium | 2009-11 Biennium | FY 2012 |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Revenues per District Courts: | | | | | | |
| 1/ Bail Bond Forfeitures | \$403,977 | \$535,743 | \$572,456 | \$438,964 | \$612,810 | \$438,029 |
| 2/ Civil filing fees | \$1,978,946 | \$2,101,076 | \$2,256,195 | \$2,862,046 | \$3,049,849 | \$1,508,900 |
| 5/ Court Admin Fees | \$1,157,578 | \$402,082 | \$124,469 | \$82,117 | \$58,921 | \$10,678 |
| 5/ Criminal Court Admin Fees | \$0 | \$2,711,223 | \$4,356,820 | \$4,979,719 | \$4,719,007 | \$2,682,339 |
| 8/ District Court Costs | \$51,442 | \$39,520 | \$17,031 | \$22,986 | \$22,619 | \$10,981 |
| 9/ Indigent Defense Recoup | \$334,001 | \$369,713 | \$374,451 | \$383,222 | \$288,519 | \$163,280 |
| 11/ Motion to Modify | \$58,425 | \$58,315 | \$50,432 | \$43,761 | \$34,873 | \$19,467 |
| 12/ Municipal Court Transfers | \$266,703 | \$268,510 | \$401,374 | \$478,862 | \$416,938 | \$220,484 |
| 16/ Miscellaneous State Revenue | \$348,041 | \$164,008 | \$163,563 | \$109,881 | \$98,755 | \$60,491 |
| 3/ Indigent civil Legal Service Fund G/F | \$0 | \$0 | \$0 | \$25,850 | \$40,482 | \$0 |
| Total General Fund | \$4,599,113 | \$6,650,189 | \$8,316,791 | \$9,427,405 | \$9,342,772 | \$5,114,650 |
| Revenues via Special Funds: | | | | | | |
| 14/ Fines, Penalties and Forfeitures (State Tuition) | \$8,999,648 | \$9,226,814 | \$8,982,941 | \$9,143,162 | \$9,421,819 | \$5,766,990 |
| 4/ Displaced Homemaker | \$190,875 | \$195,511 | \$191,230 | \$185,106 | \$200,491 | \$108,631 |
| 3/ Indigent civil Legal Service Fund | \$444,039 | \$478,826 | \$518,853 | \$650,000 | \$650,000 | \$344,084 |
| 10/ Indigent Defense Application Fee * | \$54,677 | \$102,948 | \$152,496 | \$182,881 | \$180,517 | \$89,447 |
| 6/ Indigent Defense Facility Fee -Courts * | \$0 | \$873,660 | \$1,273,383 | \$1,323,931 | \$1,276,192 | \$649,995 |
| 6/ Indigent Defense Admin Fee -ID * | \$0 | \$1,163,660 | \$1,536,117 | \$1,613,932 | \$1,566,192 | \$939,995 |
| 15/ Restitution Collection Assistance Fund | \$0 | \$39,259 | \$47,908 | \$52,704 | \$47,923 | \$28,650 |
| 7/ Community Service Fee | \$0 | \$0 | \$0 | \$71,619 | \$51,378 | \$26,615 |
| Total Special Funds | \$9,689,239 | \$12,080,678 | \$12,702,929 | \$13,223,336 | \$13,394,513 | \$7,954,407 |
| Revenues via Judiciary: | | | | | | |
| Civil filing fees | \$35,375 | \$37,740 | \$35,785 | \$45,658 | \$54,311 | \$29,432 |
| Interest | \$36,246 | \$28,678 | \$216,506 | \$92,762 | \$900 | \$0 |
| Miscellaneous State Revenue | \$65,401 | \$39,925 | \$194,071 | \$35,674 | \$72,382 | \$47,659 |
| Total General Fund | \$137,022 | \$106,343 | \$446,361 | \$174,094 | \$127,593 | \$77,091 |
| Total | \$14,425,374 | \$18,837,210 | \$21,466,081 | \$22,824,835 | \$22,864,878 | \$13,146,148 |

*Indigent Defense became a separate agency in 2006.

1/ **Bail Bond Forfeitures - NDCC Section 29-27-02.1:**

When any bail bond or other property or money deposited as bail is forfeited to the state, the proceeds collected must be paid over and credited to the *state general fund*.

2/ **Civil filing fee - NDCC Section 27-05.2-03:**

(1.) There is a \$80 civil filing fee for filing civil cases that are not small claims actions, which is allocated as follows:

(a.) \$15 is deposited in the *indigent civil legal services fund* (204) -- any fees collected which exceed \$650,000 in a biennium is to be deposited in the *state general fund*.

(b.) For the filing of a petition for dissolution of marriage or annulment \$50 of the civil filing fee is deposited in the *displaced homemaker fund* and \$15 is deposited in the *state general fund*.

(c.) For all other filings, \$65 of the civil filing fee is deposited in the *state general fund*.

(2.) There is \$50 civil filing fee for filing an answer (a defendant's response to the plaintiffs allegations as stated in a complaint) to a case that is not a small claims action, which is deposited in the *state general fund*.

(3.) There is a \$10 civil filing fee for filing a small claims action in district court.

3/ **Indigent Civil Legal Services Fund - NDCC Section 54-06-20 and NDCC Section 27-05.2-03 - Continuing Appropriation :**

The advisory committee consisting of the Lieutenant Governor, the Director of OMB or the director's designee, and the State Court Administer is to distribute moneys deposited in the indigent civil legal services fund to qualified ND legal service programs.

The money in the indigent civil legal services fund is appropriated to the advisory committee as a *continuing appropriation*.

See (1.)(a.) above --\$15 is deposited in the indigent civil legal services fund (204) -- any fees collected which exceed \$650,000 in a biennium is to be deposited in the *state general fund*.

4/ **Displaced Homemaker fund - NDCC Section 14-06.1-16 and 27-05.2-03(2) -Continuing Appropriation :**

See (1.)(b.) For the filing of a petition for dissolution of marriage or annulment \$50 of the civil filing fee is deposited in the *displaced homemaker fund*. The funds in the displaced homemaker fund is appropriated on a *continuing basis* to the Superintendent of Public Instruction for the purpose of providing services for displaced homemakers.

5/ **Criminal Court Administration fee - NDCC Section 29-26-22(1):**

In all criminal cases except infractions, upon a plea or finding of guilt, the court is to impose a court administration fee in lieu of the assessment of court costs. The court administration fee is \$125 for a Class B Misdemeanor; \$200 for a Class A Misdemeanor; \$400 for a class C Felony; \$650 for a Class B Felony; \$900 for a Class A or Class AA Felony. The Court Administration fee was replaced by the Criminal Court Administration fee and relates to assessments prior to July 1, 2003. The fees collected are deposited in the *state general fund*. The court may waive the administration fee or community service supervision fee upon a showing of indigence.

6/ **Indigent Defense Facility fee - NDCC Section 29-26-22(2) - Continuing Appropriation :**

In addition to the criminal court administration fee (above), for all criminal cases except infractions, a court administration fee of \$100 is assessed. The first \$750,000 collected per biennium is deposited in the *indigent defense administration fund* and appropriated to the

Commission on Legal Counsel to Indigents on a continuing basis for administration of indigent defense services in the state. The next **\$460,000** is deposited in the **court facilities improvement and maintenance fund** and appropriated on a continuing basis to the Court Facilities Improvement Advisory Committee for providing court facility improvement project grants to counties on a matching basis. After the minimum thresholds have been collected, the remaining court administration fees are deposited **equally** in each fund. Established pursuant to 2003 HB No. 1088. The continuing appropriation for the court facilities and improvement fund is provided for in NDCC Section 27-05.2-08.

7/ **Community Service fee - NDCC Section 29-26-22(3):**

In addition to the criminal court administration fee and facility fee (above), the court is to impose on each criminal defendant who receives a sentence that includes community service a community service supervision fee of **\$25**. The community service supervision fee is to be deposited in the **community service supervision fund**. The fees deposited in the fund are used to provide community supervision grants are subject to legislative appropriation. The funding in the community service supervision fund is maintained by the Department of Corrections and Rehabilitation. The court may waive the administration fee or community service supervision fee upon a showing of indigence. 2007 Senate Bill No. 2243 provided for a \$50 community service supervision fee. 2009 SB No. 2028 lowered the fee to \$25.

8/ **District Court Costs - NDCC Section 29-26-22 (4):**

District Court administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the **state general fund**.

9/ **Indigent Defense Recoupment - NDCC Section 29-07-01.1(2):**

A defendant for whom counsel is provided at public expense is to reimburse the state, home rule county, or city the sum expended on the defendant's behalf. Reimbursements to the state are to be deposited in the **state general fund**.

10/ **Indigent Defense Application fee - NDCC Section 27-07-01.1(1) - Continuing Appropriation :**

A nonrefundable application fee of \$25 is to be paid when an application for indigent defense services is submitted. Application fees collected are forwarded for deposit in the **indigent defense administration fund** (see also Indigent Defense facility fee). All moneys in the indigent defense administration fund are appropriated on a *continuing basis* to the Commission on Legal Counsel for Indigents to be used in the administration of the indigent defense system.

11/ **Motion to Modify - NDCC Section 27-05.2-03(3):**

There is a **\$30** civil filing fee for filing an answer to a motion to modify an order for alimony, property division, child support or custody to be deposited in the **state general fund**.

12/ **Municipal Court Transfer - NDCC Section 40-18-15.1 and 40-18-06.2:**

A matter may be transferred to district court only if within 28 days after arraignment the defendant has requested in writing to transfer the case to district court and to exercise the defendant's right to a trial by jury. The city may contract with the county, state or

individual for prosecution or defense services. In the contract, the city, county or state may agree to a division of all fees, fines, costs, forfeitures, and any monetary consideration collected from the case. In the absence of a contract, all fees, fines, costs, forfeitures, and monetary consideration collected must be deposited in the *state general fund* .

13/ **Domestic Violence prevention fund - NDCC Section 14-07.1-15 and 14-03-22(2):**

The marriage license fee includes a \$35 fee which goes to the State Department of Health for grants to domestic violence sexual assault organizations. The fee is collected by the recorder, unless the board of county commissioners designates a different official. The money collected is deposited monthly with the county treasurer and forwarded to the State Treasurer.

14/ **Fines, Penalties and forfeitures - Article IX, Section 2 ND Constitution/NDCC Section 29-27-02.1:**

Funds collected from fines and traffic bond forfeitures are deposited in the *common schools trust fund* .

15/ **Restitution Collection Assistance Fund - NDCC Section 12.1-32-08 - Continuing Appropriation :**

For defraying expenses incident to the collection of restitution, including operating expenses and compensation of additional necessary personnel. When restitution ordered by the court is the result of finding that the defendant issued a check or draft without sufficient funds or without an account, the court is to impose as costs ***the greater of the sum of \$10 or an amount equal to 25 percent of the amount of restitution ordered, not to exceed \$1,000.*** Restitution fees go to the county when collected by the State's Attorney or by contract county clerks of court. The fee goes to the *restitution collection assistance fund* when collected by a state operated county clerk of court. Established pursuant to 2003 SB No. 2044.

*SB 2000
April 3, 2013
Attachment 1*

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2075

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch of
2 state government relating to the establishment of three additional district court judgeships; and
3 to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. APPROPRIATION.** There is appropriated out of any moneys in the general
6 fund in the state treasury, not otherwise appropriated, the sum of \$1,690,950, or so much of the
7 sum as may be necessary, to the judicial branch for the purpose of establishing three additional
8 district court judgeships as provided in section 2 of this Act, for the period beginning with the
9 effective date of this Act, and ending June 30, 2015. The judicial branch is authorized six full-
10 time equivalent positions for purposes of implementing this Act.

11 **SECTION 2. DISTRICT JUDGES.** The appropriation provided in section 1 of this Act
12 provides for two additional district court judges in the northwest judicial district and one
13 additional district court judge in the east central judicial district to be assigned pursuant to
14 section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by
15 the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies
16 created by this section must be filled in accordance with section 13 of article VI of the
17 Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the
18 Constitution of North Dakota, each judge appointed to fill a vacancy created by this section
19 continues in the office until the next general election immediately following two years of service
20 after the appointment. The individual then elected holds office for the remainder of the term and
21 until a successor is elected and duly qualified.

22 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.



Wheeler Wolf

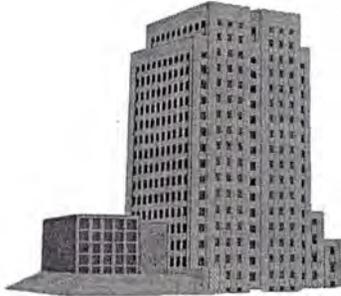
ATTORNEYS

SK2002
April 5, 2013
Attorneys
Albert A. Wolf
Jack McDonald *attachment 1*

Legal Assistant
Dianne M. Taix, CLAS

220 North Fourth Street • P.O. Box 1776 • Bismarck, ND 58502-1776 • (701) 751-1776 • Fax (701) 751-1777

MEMO



TO: Rep. Blair Thoreson
FROM: Jack McDonald
RE: Judgeships

Attached is the state law (since repealed) (Section 27-05-02.1 (2)) that Chief Justice VandeWalle referred to in his comments to your Government Operations Division Wednesday that gives the Supreme Court authority to abolish a judgeship. It's outdated regarding references in subsection 3 about dates, etc.

If you'd like to use similar language, I'd be glad to assist you in drafting language that would bring this up-to-date.

Amd. Art. 45, June 25, 1930, S.L. 1931, p. 578; R.C. 1943, § 27-0502; S.L. 1985, ch. 496, § 1.

Cross-References.

Election of district judges, see N.D. Const., Art. VI, § 9.

Prohibition against district court judge acting as attorney, see N.D. Const., Art. VI, § 10.

Prohibition against district judge holding offices other than judicial offices, see N.D. Const., Art. VI, § 10.

Qualifications of judges, see N.D. Const., Art. VI, § 10.

Removal from office, see ch. 44-09.

Term of office, see N.D. Const., Art. VI, § 9.

Death of Judge-Elect.

The death of a judge-elect before he has

qualified creates no vacancy that warrants an appointment of a successor to the incumbent judge who holds his office until his successor is elected and qualified. *State ex rel. Foughty v. Friederich*, 108 N.W.2d 681 (N.D. 1961).

Collateral References.

Judges ⇄ 1-8.

46 Am. Jur. 2d, Judges, §§ 6-21.

48A C.J.S. Judges, §§ 20-27.

Pardons as restoring public office or license or eligibility therefor, 58 A.L.R.3d 1191.

Law Reviews.

Political Realities and Democratic Ideals: Accession and Competition in a State Judicial System, 54 N.D. L. Rev. 187 (1977).

27-05-02.1. Vacancy in office of district judge — Transfer of judgeships — Abolition of offices — Hearing.

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether a district judgeship may be transferred to the location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
 - a. The vacancy be filled in the manner provided pursuant to chapter 27-25;
 - b. The vacant office be abolished, with or without transfer of a district judgeship as provided by subsection 5; or
 - c. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district.
2. Subject to subsection 3, the supreme court may, after consultation with district court judges and attorneys in the affected judicial district, abolish one or more offices of district court judge if the supreme court determines that the office is not necessary for effective judicial administration and abolition of the office is necessary to reduce the number of district court judges as required in subsection 2 of section 27-05-01. At least one year before the end of the term of office of a district court judge holding the judgeship, the supreme court shall notify the judges of the affected judicial district of a determination that the judgeship will be abolished. The abolition of an office of district court judge under this subsection is effective at the end of the term of office of the district court judge holding that judgeship. The district court judge holding the judgeship to be abolished may petition the supreme court, within thirty days after receiving notice that the judgeship will be abolished, for a hearing on

the determination. The supreme court shall hold the hearing within thirty days after receipt of the petition. Within thirty days after the hearing, the supreme court shall affirm, reverse, or modify its previous determination.

3. The authority conferred upon the supreme court in subsection 2 may be exercised:
 - a. From July 1, 1995, until June 30, 1997, if on July 1, 1995, the number of district court judges is more than forty-eight;
 - b. From July 1, 1997, until June 30, 1999, if on July 1, 1997, the number of district court judges is more than forty-six; and
 - c. From July 1, 1999, until December 31, 2000, if on July 1, 1999, the number of district court judges is more than forty-two.
4. For purposes of subsection 1, a vacancy is deemed to have occurred in the office of district judge if the judge in the affected office declares the intention not to seek reelection or if a judge fails to timely file a petition for candidacy with the secretary of state pursuant to section 16.1-11-06. The secretary of state shall immediately notify the supreme court if a judge fails to timely file a petition. The supreme court may establish by rule procedures for providing notice of the intention not to seek reelection. The supreme court, within ninety days of receiving notice of a judge's intention not to seek reelection or within twenty-one days of receiving notice that a judge has failed to timely file a petition for candidacy, shall determine whether the office is necessary for effective judicial administration. The supreme court shall consult with the judges and attorneys of the affected judicial district in making the determination. The supreme court, consistent with that determination, may order any disposition available under subsection 1. The supreme court shall notify the secretary of state of its determination. If the vacant office is abolished, an election for that office may not be held. This subsection applies to notice given by or the failure to timely file a petition for candidacy by a district judge otherwise eligible for reelection to the office of district judge or by a county judge otherwise eligible for election in 1994 to the district judgeship replacing the county judgeship.
5. The supreme court may transfer a district judgeship to any location in which a judge is necessary for effective judicial administration.
6. The supreme court shall notify the governor of its determinations made pursuant to this section.

Source: S.L. 1991, ch. 326, § 86; 1993, ch. 316, § 1; 1993, ch. 317, § 1.

Consultations Under N.D.C.C. Section 27-05-02.1, 1999 ND 226, 603 N.W.2d 57 (1999).

Criteria Used in Abolishing Judgeship.

A legislatively ordered decision to abolish Judgeship No. 5 with chambers in Bowman, Southwest Judicial District, was based on population projections and the demand for judicial services in the affected districts. In re

Electronic Notification.

The supreme court satisfied the requirements of N.D. Sup. Ct. Admin. R. 7.2 by posting notice of a written consultation with the attorneys and judges of the affected district on its website, electronically providing

SB2002
April 5, 2013
Blackburn 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO.2002

Page 1, line 2, replace "sections" with "section"

Page 1, line 2, after "27-02-02" insert ", subsection 1 of section 27-05-02.1,"

Page 1, line 2, after the third "and" insert "section"

Page 1, line 3, after "to" insert "disposition of vacant judgeships and"

Page 4, after line 2, insert:

"SECTION 6. AMENDMENT. Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
 - a. The vacancy be filled in the manner provided pursuant to chapter 27-25; or
 - b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district: or
 - c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3."

Re-number accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 2, replace "sections" with "section"

Page 1, line 2, after "27-02-02" insert "; subsection 1 of section 27-05-02.1;"

Page 1, line 2, after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and disposition of vacant judgeships"

Page 1, replace lines 14 through 18 with:

| | | | |
|------------------------|----------------|-----------------|---------------|
| "Salaries and wages | \$9,116,651 | \$1,811,745 | \$10,928,396 |
| Accrued leave payments | 0 | 531,696 | 531,696 |
| Operating expenses | 2,315,118 | 439,136 | 2,754,254 |
| Capital assets | 0 | 15,000 | 15,000 |
| Judges' retirement | <u>138,105</u> | <u>(63,809)</u> | <u>74,296</u> |
| Total general fund | \$11,569,874 | \$2,733,768 | \$14,303,642" |

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

| | | | |
|----------------------------|------------------|-----------------|------------------|
| "Salaries and wages | \$54,216,144 | \$4,661,897 | \$58,878,041 |
| Accrued leave payments | 0 | 2,399,277 | 2,399,277 |
| Operating expenses | 16,658,522 | 3,604,415 | 20,262,937 |
| Capital assets | 0 | 833,026 | 833,026 |
| Judges' retirement | 478,997 | 17,094 | 496,091 |
| UND central legal research | 80,000 | 0 | 80,000 |
| Mediation | <u>869,664</u> | <u>219,564</u> | <u>1,089,228</u> |
| Total all funds | \$72,303,327 | \$11,735,273 | \$84,038,600 |
| Less estimated income | <u>1,856,775</u> | <u>(48,685)</u> | <u>1,808,090</u> |
| Total general fund | \$70,446,552 | \$11,783,958 | \$82,230,510" |

Page 2, replace lines 21 through 24 with:

| | | | |
|--------------------------------|------------------|----------------|------------------|
| "Grand total general fund | \$82,580,882 | \$14,574,358 | \$97,155,240 |
| Grand total special funds | <u>2,182,274</u> | <u>(6,685)</u> | <u>2,175,589</u> |
| Grand total all funds | \$84,763,156 | \$14,567,673 | \$99,330,829 |
| Full-time equivalent positions | 344.00 | 19.00 | 359.00" |

Page 3, after line 22, insert:

"SECTION 5. DISTRICT JUDGES. The appropriation provided in subdivision 2 of section 1 of this Act provides for two additional district court judges in the northwest judicial district and one additional district court judge in the east central judicial district to be assigned pursuant to section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies created by this section must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the Constitution of North Dakota, each judge appointed to fill a vacancy created by this section continues in the office

until the next general election immediately following two years of service after the appointment. The individual then elected holds office for the remainder of the term and until a successor is elected and duly qualified."

Page 3, line 26, replace "forty-three" with "forty-two"

Page 3, line 27, replace "six hundred eighty-five" with "three hundred four"

Page 3, line 28, replace "forty-nine" with "forty-six"

Page 3, line 28, replace "four" with "five"

Page 3, line 28, replace "thirty-three" with "seventy-three"

Page 3, line 30, remove "one"

Page 3, line 30, overstrike "hundred"

Page 3, line 30, replace "twenty-seven" with "eighty-seven"

Page 4, line 1, replace "ninety-two" with "nine"

Page 4, after line 2, insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
 - a. The vacancy be filled in the manner provided pursuant to chapter 27-25;~~or~~
 - b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district;or
 - c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3."

Page 4, line 6, replace "thirty-one" with "thirty"

Page 4, line 7, replace "six" with "three"

Page 4, line 7, replace "sixty-one" with "ninety-five"

Page 4, line 8, replace "thirty-six" with "thirty-four"

Page 4, line 8, replace "nine" with "three"

Page 4, line 8, replace "twenty-seven" with "seven"

Page 4, line 12, replace "eight" with "seven"

Page 4, line 13, replace "three" with "sixty-six"

Page 4, line 14, replace "nine hundred fifty-five" with "eight hundred seventy-nine"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|------------------------------------|-------------------------|-----------------------|----------------------|----------------------|
| Supreme Court | | | | |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| District Courts | | | | |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,186,617 | \$84,038,600 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,186,617 | \$82,230,510 |
| Judicial Conduct Commission | | | | |
| Total all funds | \$988,587 | \$988,587 | \$0 | \$988,587 |
| Less estimated income | 367,499 | 367,499 | 0 | 367,499 |
| General fund | \$621,088 | \$621,088 | \$0 | \$621,088 |
| Bill total | | | | |
| Total all funds | \$99,592,841 | \$99,343,169 | (\$12,340) | \$99,330,829 |
| Less estimated income | 2,175,589 | 2,175,589 | 0 | 2,175,589 |
| General fund | \$97,417,252 | \$97,167,580 | (\$12,340) | \$97,155,240 |

Senate Bill No. 2002 - Supreme Court - House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|------------------------|-------------------------|-----------------------|----------------------|----------------------|
| Salaries and wages | \$12,684,559 | \$12,657,959 | (\$1,729,563) | \$10,928,396 |
| Operating expenses | 2,754,254 | 2,754,254 | | 2,754,254 |
| Capital assets | 15,000 | 15,000 | | 15,000 |
| Judges retirement | 76,484 | 75,386 | (1,090) | 74,296 |
| Accrued leave payments | | | 531,696 | 531,696 |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| FTE | 45.00 | 45.00 | 0.00 | 45.00 |

Department No. 181 - Supreme Court - Detail of House Changes

| | Adjusts State Employee Compensation and Benefits Package¹ | Provides Separate Line Item for Accrued Leave Payments² | Adjusts Salaries for Justices³ | Adjusts Justices' Retirement⁴ | Total House Changes |
|------------------------|---|---|--|---|----------------------------|
| Salaries and wages | (\$1,171,387) | (\$531,696) | (\$26,480) | | (\$1,729,563) |
| Operating expenses | | | | | |
| Capital assets | | | | | |
| Judges retirement | | | | (1,090) | (1,090) |
| Accrued leave payments | | 531,696 | | | 531,696 |
| Total all funds | (\$1,171,387) | \$0 | (\$26,480) | (\$1,090) | (\$1,198,957) |
| Less estimated income | 0 | 0 | 0 | 0 | 0 |
| General fund | (\$1,171,387) | \$0 | (\$26,480) | (\$1,090) | (\$1,198,957) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market equity component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

² A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment reduces the salary increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁴ This amendment reduces the retirement increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

A section is added to amend Section 27-05-02.1 relating to vacancies in judgeships.

Senate Bill No. 2002 - District Courts - House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|----------------------------|---------------------|---------------------|--------------------|---------------------|
| Salaries and wages | \$60,398,498 | \$60,183,898 | (\$1,305,857) | \$58,878,041 |
| Operating expenses | 20,162,413 | 20,162,413 | 100,524 | 20,262,937 |
| Capital assets | 833,026 | 833,026 | | 833,026 |
| Judges retirement | 510,792 | 503,418 | (7,327) | 496,091 |
| UND central legal research | 80,000 | 80,000 | | 80,000 |
| Mediation | 1,089,228 | 1,089,228 | | 1,089,228 |
| Accrued leave payments | | | 2,399,277 | 2,399,277 |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,186,617 | \$84,038,600 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,186,617 | \$82,230,510 |
| FTE | 310.00 | 310.00 | 4.00 | 314.00 |

Department No. 182 - District Courts - Detail of House Changes

| | Provides Separate Line Item for Accrued Leave Payments ¹ | Adds Three New Judgeships ² | Removes Two Deputy Clerk Positions ³ | Adjusts Salaries for Judges ⁴ | Adjusts Judges' Retirement ⁵ | Total House Changes |
|----------------------------|---|--|---|--|---|---------------------|
| Salaries and wages | (\$2,399,277) | \$1,575,522 | (\$268,822) | (\$213,280) | | (\$1,305,857) |
| Operating expenses | | 115,428 | (14,904) | | | 100,524 |
| Capital assets | | | | | | |
| Judges retirement | | | | | (7,327) | (7,327) |
| UND central legal research | | | | | | |
| Mediation | | | | | | |
| Accrued leave payments | 2,399,277 | | | | | 2,399,277 |
| Total all funds | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$7,327) | \$1,186,617 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$7,327) | \$1,186,617 |
| FTE | 0.00 | 6.00 | (2.00) | 0.00 | 0.00 | 4.00 |

¹ A portion of salaries and wages funding from the general fund (\$2,351,291) and other funds (\$47,986) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

² Funding is added to add three new judgeships--two for the Northwest judicial district and one for the East Central judicial district. The funding includes three new judge FTE positions and three new court reporter FTE positions.

³ Funding is removed for two deputy clerk FTE positions included in the executive budget recommendation.

⁴ This amendment reduces the salary increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁵ This amendment reduces the retirement increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

Sally Holawa
SB 2002

1

Deputy Clerk of Court - Temporary position 4-24-13

| | Year 1 | Year 2 | Total |
|---|---------------------|---------------------|---------------------|
| Gross Salary* | \$41,600.00 | \$42,848.00 | \$84,448.00 |
| EAP | \$18.48 | \$18.48 | \$36.96 |
| FICA (6.2%) | \$2,579.20 | \$2,656.58 | \$5,235.78 |
| Health | \$10,639.44 | \$10,639.44 | \$21,278.88 |
| Health increase | \$1,140.84 | \$1,140.84 | \$2,281.68 |
| Medicare (1.45%) | \$603.20 | \$621.30 | \$1,224.50 |
| Workers Comp | \$153.14 | \$153.14 | \$306.28 |
| Total fringe benefits | \$15,134.30 | \$15,229.77 | \$30,364.07 |
| Total | \$56,734.30 | \$58,077.77 | \$114,812.07 |
| <u>Operating costs</u> | | | |
| IT data processing | \$636.00 | \$636.00 | \$1,272.00 |
| IT equipment (computer) | \$1,680.00 | \$0.00 | \$1,680.00 |
| Desk/furniture | \$4,500.00 | \$0.00 | \$4,500.00 |
| Total operating | \$6,816.00 | \$636.00 | \$7,452.00 |
| Total per temporary deputy clerk | \$63,550.30 | \$58,713.77 | \$122,264.07 |
| Total request for 2 temp positions | \$127,100.60 | \$117,427.54 | \$244,528.14 |

*Starting pay at \$20/hour