

STATE OF NORTH DAKOTA

DISTRICT COURT

SOUTH CENTRAL JUDICIAL DISTRICT

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MANDAN, ND 58554

HON. BOBBI WEILER
DISTRICT JUDGE

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Good Morning,

Chairman Nathe and members of the Education and Environment Division of House Appropriations.

My name is Bobbi Weiler and I am a District Court Judge from the South Central Judicial District. I was appointed to the bench in March of 2020.

Prior to the bench, I was an attorney in private practice focusing primarily in family law and criminal law.

I came here today to provide some insight into the requests that are being made regarding judicial compensation. I would like to address a few areas that I believe will help the legislators understand the reasoning behind our request.

First, one of the more shocking aspects of transitioning between being in private practice and the judgeship has been the complete lack of resources available to judges. In private practice I had several office staff personnel available to me, including associates, paralegals, and office assistants. The main role of the office staff personnel was to draft documents, research legal issues, and proofread. Honestly, as an attorney in private practice, I spent little time on these tasks.

However, this is not the case with being a District Judge. I currently have a Court Reporter who primarily is in the courtroom and works on transcripts. Our Court Reporters/Recorders cannot research or draft documents for us. They do provide some proofreading. We share one staff attorney and one law clerk for the ten Judges and two Referees in our District. Therefore, their time is mainly limited to working on complex cases and administrative appeals. In my almost three years, I had our staff attorney draft one opinion for me and had our law clerk research less than ten cases.

If I am being completely honest, I have read, researched, and wrote more in my almost three years on the bench than I did in my ten years in private practice. This requires me to find time in between my court hearings and trials to work on my opinions. With North Dakota District Courts being courts of general jurisdiction and requiring the bench to hear cases of which they may have no prior knowledge, the research can be extensive.

Looking at our peer states, the Judges in North Dakota are provided significantly less support. For example, Wyoming has a court recorder, a staff attorney, and a judicial assistant assigned to each district judge.

This brings me to my second point, North Dakota Judges are doing more with less. Because North Dakota District Courts are courts of general jurisdiction, the Judges are responsible for presiding over traffic tickets, murder cases, family law cases, small claims, multi-million dollar lawsuits, malpractice cases, oil and gas litigation, juvenile cases—the list is endless.

Most of our peer states have specialty courts or courts of limited jurisdiction. For example, Wyoming has a District Court, Circuit Court, Municipal Court, and Chancery. Montana has District Court, Water Court, Workers' Compensation Court, Justice Court, and City/Municipal Court. This allows the Judges to specialize in an area of law and not require as much time spent on researching different areas of law.

Finally, this brings me to my last point, North Dakota has been failing in attracting experienced attorneys to the bench because the extensive caseloads, lack of resources, and pay. When I applied only three years ago, there were eight applicants. Of the eight applicants, four were selected to interview with the Governor – two private attorneys and two government attorneys. The last judgeship opening in the South Central Judicial District only attracted four applicants. Of those four, only one was from private practice. This holds true for the Supreme Court as well. The most recent Supreme Court opening only attracted seven applicants. Of those seven applicants, only three were sent to the Governor, of which none were from private practice. The prior two Supreme Court openings had eleven and twelve applicants.

In closing, I would like to point out that with the requested increase in compensation, this would still place the judicial branch budget at less than one percent of the total state budget. This is an entire branch of government operating at less than one percent of the total state budget. The result would change the amount spent on judicial salaries from one-tenth of one percent to one-seventh of one percent.

I most certainly believe that based upon the importance of the Judiciary to the citizens of this State, we are worth spending one-seventh of one percent of our total state budget to continue to provide competent Judges within the State.

Thank you to Chairman Nathe and the Committee Members for allowing me this time today. I would be happy to answer any questions from the committee.

Bobbi Weiler
District Judge