



State of North Dakota

DISTRICT COURT
EAST CENTRAL JUDICIAL DISTRICT
CASS COUNTY COURTHOUSE
BOX 2806
FARGO, NORTH DAKOTA 58108
(701) 451-6940

Honorable John C. Irby
Presiding District Judge

Honorable Susan L. Bailey
District Judge

Honorable Reid A. Brady
District Judge

Honorable Nicholas W. Chase
District Judge

Honorable Constance L. Cleveland
District Judge

Honorable Steven E. McCullough
District Judge

Honorable Stephannie N. Stiel
District Judge

Honorable Tristan J. Van de Streek
District Judge

Honorable Wade L. Webb
District Judge

January 12, 2023

**Written Testimony in Support of Funding Two Additional Judgeships in the
East Central Judicial District (Counties of Cass, Steele and Trail)**

[¶ 1] I write to urge the Committee and ultimately the Legislative Assembly to establish and fund two additional judgeships in the East Central Judicial District (ECJD). Several criteria may be considered in determining the need for judgeships in a Judicial District. These include, but are not limited to, caseloads, unusual case types, and trends in caseload and unusual case types, (see the Weighted Caseload Study, copy attached); the availability of facilities (e.g., law enforcement, correctional, and court facilities); and population and population trends. Within the past year, the Unit 2 Trial Court Administrator filed Notice of Consultation Judgeship Reports with the Supreme Court establishing a high need for retaining judgeships in the East Central Judicial District (ECJD). I posit that the same data supports adding two new judgeships in the ECJD. Rather than setting forth all of the information contained in those reports, I have attached copies of those reports and ask that the information they contain be incorporated herein by reference. Below, I highlight some

of the most pertinent information contained therein and provide some additional evidence which may be relevant to your determination as to the necessity of additional judgeships in the ECJD.

Caseload

[¶ 2] Currently, the ECJD is served by nine District Court Judges and two Judicial Referees. The last additional judicial officer added to the ECJD by the Legislative Assembly was in 2013. For purposes of looking at caseload trends, I focus primarily on the caseload information since that date. Data from the North Dakota Supreme Court's Weighted Caseload Study (attached) supports adding at least two judgeships to the ECJD. The 2020-2021 numbers show the ECJD has **a judicial shortage of 2.41 judicial officers.**

[¶ 3] In terms of weighted filings (using the two-year rolling average methodology utilized by the Supreme Court), and judicial officer need based off those filings, there is both a clear and sustained increasing need in the ECJD. For example, the weighted filings in the ECJD have risen from 816,935 in 2014-15 to 928,326 in 2020-21. The 2014-15 two-year rolling average for the ECJD showed that it had a judicial shortage of 0.87 judicial officers, whereas the 2020-21 two-year rolling average evidences **a judicial shortage of 2.41 judicial officers.** This increase in the need for judicial officers is not a result of an aberrant blip, but rather is the result of a continuing and persistent increase in need. As might be expected, the most recent year of data (2021), again shows the trend continuing as it shows increased need over the 2020 figure.

[¶ 4] In addition to these raw numbers, it must be noted that the ECJD has the largest urban population in the state with the highest concentration of commercial and corporate entities. This results in higher numbers of complex litigation being commenced in the ECJD. For example, in recent years all new asbestos cases (each with hundreds of parties and thousands of filings) are being filed in the ECJD. Additionally, the ECJD hosts two adult drug courts and one juvenile drug

court. The judges involved do not have a corresponding decrease in their other judicial duties, but rather volunteer and devote extra time to those endeavors. In my humble opinion, as a Drug Court Judge, the Weighted Caseload Study undervalues the judicial time actually devoted to drug courts.

[¶ 5] Further, the ECJD also sees the most cases requiring interpreters. A recent study conducted by the National Center for State Courts concerning the effect on interpreters in North Dakota Courts stated: “Overall, interpreter hearings for all case types studied lasted approximately twice as long as non-interpreter hearings.” See SELF-REPRESENTED LITIGANTS & LANGUAGE INTERPRETERS: NORTH DAKOTA WORKLOAD FACTORS PROJECT, at p. 21 (National Center for State Courts, Nov. 2021). Accordingly, the NCSC recommended to increase the weight given to these types of cases. If anything, the Weighted Caseload Study may actually be undercounting the need for judicial resources in the ECJD.

[¶ 6] These are but a few examples drawn from the caseloads of the ECJD which show why additional judges are so urgently needed in the ECJD. Looking at the objective evidence, clearly the caseload and caseload trends criteria strongly support additional judgeships for the ECJD.

Availability of Facilities

[¶ 7] Presently, space is available for two additional judges in the ECJD in Fargo. The Cass County Courthouse was expanded significantly in 2012. When the 2012 addition to the Cass County Courthouse was planned and constructed, it was specifically anticipated the ECJD would, at some time in the future, need additional judges. While the ECJD contains fewer courtrooms available than judicial officers, this has always been the case in the ECJD, since at least Court unification in 1994. However, through the use of efficient coordination by Court Administration, and a constantly updated Case Management Plan put in place by the Judges of the ECJD, this has not, and should not in the near future, preclude the ability to accommodate two additional judges.

Furthermore, following this legislative session, judges of the ECJD will be conducting a space-needs analysis in order to address long-range court facility needs with the Cass County Commission. The facilities in Steele County and Traill County are adequate for the cases that arise in those counties.

[¶ 8] Further, and again in addition to the information provided in the attached Reports, it must be noted that due to the ever-increasing criminal cases in the ECJD, Cass County is implementing a significant expansion of its correctional facility. See <https://www.inforum.com/news/north-dakota/cass-county-approves-building-plan-which-includes-county-jail-expansion?auth0Authentication=true> (InForum article by B. Amundson, entitled: “Cass County Approves Building Plan That Includes County Jail Expansion” dated July 19, 2022). The expansion of the Cass County Jail reflects the anticipated increase in jail population and the general expansion of law enforcement in the ECJD.

[¶ 9] In the last decade, all of our partners in the criminal justice system have experienced substantial staff increases. For example, since 2012, the Cass County State’s Attorney’s office has added five attorneys and six support staff. Between 2013 and 2022, the Fargo Police Department has added 36 officers and multiple support staff (from on-line annual reports of the FPD). Between 2013 and 2020, the West Fargo Police Department, has added 27 officers and three support staff (from on-line annual reports of the WFPD). In short, since 2013, all of the major entities involved in the criminal justice system in the ECJD, **with the exception of the courts**, have expanded personnel to meet the growing demand in this region. Simply put, more police, more prosecutors, more defenders and more jail space buttress the other evidence of the need for more judicial officers in the ECJD.

[¶ 10] A related parameter shows that the number of lawyers licensed to practice in the State of North Dakota that are based in the ECJD has experienced a similar increase. A review of the Supreme Court's website shows that there are presently 548 lawyers admitted to the North Dakota Bar that list an address within the counties that compose the ECJD. That figure is up dramatically from what it was a decade ago (up from 420 in the 2012 Directory of Lawyers.) This is an increase of just over 30%. These figures specifically exclude any lawyers with a listed address in Moorhead, Minnesota, and who may maintain significant practices in Cass County as well. Once again, the criteria relating to availability of facilities militates in favor of transferring this judgeship to the ECJD. Anecdotally, I can add that I have handled many divorce cases where the parties do not reside in the ECJD but have their cases filed here in the ECJD for the convenience of their attorneys (and reduce costs associated with travel).

Population

[¶ 11] The long term population trends for the ECJD support the addition of judgeships in the ECJD. According to US Census data, the population in the counties in the ECJD has increased significantly over the last century. For example, in 1920, the population of the counties which now compose the ECJD had 9.45% of the state's total population (61,088 of 646,772). By 2020, that figure had increased to 24.94% of the state's total population (194,320 of 779,094). The increase in population for the ECJD appears to be on an ever-steepening upward trend, including within the last decade.

[¶ 12] Also of interest is the relative ages of a judicial districts' populations. An increasingly older population makes fewer demands on the judicial system than the same number of younger citizens. This metric reinforces the need of additional judgeships in the ECJD. According to the Census

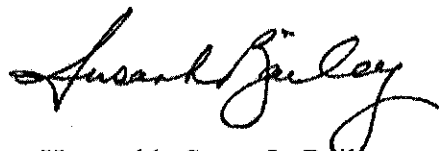
Reporter, and based upon the 2019 five year average, the population of the ECJD is significantly younger than the population of the State as a whole. See <https://censusreporter.org/profiles>.

Conclusion

[¶ 13] I recognize the Legislative Assembly is faced with many requests. But the Legislative Assembly must adequately provide judicial resources, and in turn justice, to all citizens of the State of North Dakota. The ECJD is approaching, if not already at, a **crisis** in terms of its need for additional judgeships. The ECJD is the most “under-judged” district in the state. Its shortage is larger than the total statewide shortage. Its shortage is double the shortage of second most under-judged district in the state (the Northeast Central Judicial District, with a shortage of 1.21 judicial officers). Basic tenets of fairness, and toward a goal of adequate and effective administration of justice, mandate the addition of at least two judgeships in the ECJD.

[¶ 14] Therefore, I respectfully request that the Legislative Assembly fund the addition of two judgeships in the ECJD.

Respectfully submitted,



Honorable Susan L. Bailey
District Court Judge
East Central Judicial District

FILED MARCH 16, 2022
CLERK OF THE SUPREME COURT
STATE OF NORTH DAKOTA

JUDICIAL OFFICER WEIGHTED CASELOAD STUDY
BASED ON AVERAGE OF 2020 and 2021 CASE FILINGS
Based on Total Judicial Officers as of December 31, 2021

Case Type	Unit 1			Unit 2			Unit 3			Unit 4			ALL	
	NE	NEC	SE	EC	SC	SW	NW	NC	SW	SC	SE	EC		NE
Criminal Major	181.29	789	534	1,974	2,004	298	641	803	2,004	2,004	298	641	803	7,618
Criminal Minor	26.48	1,922	2,377	3,529	4,053	1,580	2,582	1,786	4,053	4,053	1,580	2,582	1,786	20,504
Criminal Summary	0.37	9,293	13,570	14,128	16,636	9,224	11,701	11,080	16,636	16,636	9,224	11,701	11,080	95,136
Civil Major	671.05	35	40	145	81	31	53	42	81	81	31	53	42	448
Civil Minor	54.86	983	936	1,792	1,388	414	705	797	1,388	1,388	414	705	797	7,689
Civil Summary	6.65	894	1,124	2,432	2,510	789	1,297	1,501	2,510	2,510	789	1,297	1,501	12,052
Family Major	152.14	181	278	707	541	212	245	412	541	541	212	245	412	2,834
Family Minor	53.63	222	252	519	478	118	235	301	478	478	118	235	301	2,385
Family Summary	46.44	77	34	100	77	22	34	37	77	77	22	34	37	393
Probate Major	228.76	40	85	95	96	30	55	62	96	96	30	55	62	503
Probate Minor	32.02	94	216	339	233	81	152	139	233	233	81	152	139	1,414
Probate Summary	9.93	362	439	380	557	287	587	397	557	557	287	587	397	3,184
Juvenile Delinquency	106.60	67	44	274	156	21	30	29	156	156	21	30	29	736
Juvenile Dependency	239.18	118	69	218	191	64	92	182	191	191	64	92	182	1,111
Juvenile - Other	30.00	33	52	91	65	38	40	59	65	65	38	40	59	419
Total Filings	15,490	15,819	20,046	26,720	29,063	13,216	18,445	17,624	29,063	29,063	13,216	18,445	17,624	156,422
Weighted Filings	329,788	413,574	360,564	928,326	834,244	216,220	372,342	430,127	928,326	928,326	216,220	372,342	430,127	3,887,185
Presiding Judge time at 47.14 min/day	9,664	9,664	9,664	9,664	9,664	9,664	9,664	9,664	9,664	9,664	9,664	9,664	9,664	77,310
Judge Year (Minutes) 205 Days	339,452	423,238	370,227	937,989	843,908	227,884	382,006	439,791	937,989	937,989	227,884	382,006	439,791	3,964,494
Avg. Non-Case time for all judicial FTEs 54.29 min/day	86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100
Adjusted Judge Year (Judge year less non case time)	11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130
Travel Adjustment	74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970
Adjusted min available after travel and non-case	-10,250	-2,116	-11,070	-2,888	-5,426	-4,979	-4,774	-4,774	-5,426	-5,426	-4,979	-4,774	-4,774	-4,774
Number of Judges & Refs total	64,720	72,354	69,900	72,082	69,544	69,991	70,196	70,196	72,082	72,082	69,991	70,196	70,196	70,196
Judge Minutes Available	6,000	5,000	7,000	11,000	12,000	4,000	6,000	6,000	11,000	12,000	4,000	6,000	6,000	57,000
Workload compared to Resources (in minutes)	388,320	364,270	447,300	792,897	834,524	279,962	421,179	421,179	834,524	834,524	279,962	421,179	421,179	3,949,620
Weighted Case Filing Judicial Officer Need	-48,868	-58,968	-77,073	145,092	9,394	-52,079	-39,167	18,617	145,092	145,092	-52,079	-39,167	18,617	14,875
Treatment Court Need	5.24	5.81	5.79	13.01	12.13	3.26	5.44	6.27	13.01	12.13	3.26	5.44	6.27	56.96
Total Judicial Officer Need	0.133	0.399	0.399	0.399	0.266	0.266	0.067	0.200	0.399	0.266	0.266	0.067	0.200	1.863
Current Total Judges/Referees	5.38	6.21	6.19	13.41	12.49	3.26	5.51	6.47	13.41	12.49	3.26	5.51	6.47	58.83
2020/2021 Excess (Shortage) of Judicial FTE	6.62	(1.21)	0.81	(2.41)	(0.40)	0.74	0.49	(0.47)	(2.41)	(0.40)	0.74	0.49	(0.47)	(1.83)
2019/20 Excess (Shortage) of Judicial FTE	10.4%	-24.2%	11.5%	-21.9%	-3.3%	18.6%	8.2%	-7.8%	-21.9%	-3.3%	18.6%	8.2%	-7.8%	-3.2%
2019/20 Excess (Shortage) of Judicial FTE	0.58	(1.45)	0.58	(2.27)	(0.51)	0.58	0.00	(0.98)	(2.27)	(0.51)	0.58	0.00	(0.98)	(3.48)

Total Judicial Officer Need Comparison

Year	NE	NEC	SE	EC	SC	SW	NW	NC	Total
2020/21	5.98	6.21	6.19	13.41	12.40	3.26	5.51	6.47	58.83
2019/20	5.42	6.45	6.42	13.27	12.51	3.42	6.00	6.98	60.47
2018/19	5.57	6.48	6.81	12.91	13.03	3.59	6.50	6.95	61.94
2017/18	5.59	6.39	7.07	12.79	13.60	3.76	6.51	7.22	62.94
2016/17	5.78	6.42	7.03	12.77	14.06	3.92	6.53	7.80	64.31
2015/16	6.27	6.17	7.15	12.26	14.11	4.27	7.42	8.25	65.92
2014/15	6.53	6.27	7.27	11.87	13.31	4.60	8.27	8.20	66.32

Treatment Courts:

- Northeast:**
- Devils Lake - juvenile (started in March 2009) **0.133**
- Northeast Central:**
- Grand Forks - adult (started in August 2008) **0.133**
- Grand Forks - domestic violence (started in August 2018) **0.133**
- Grand Forks - juvenile (2000) **0.399**
- Southeast:**
- Jamestown/Valley City - juvenile (started October 2013) **0.133**
- Jamestown/Valley City - adult (Started August 2019) **0.133**
- Richland County - adult/DUI (Started in January 2019) **0.399**
- East Central:**
- Fargo - adult (started in 2003) **0.133**
- Fargo - adult (started in December 2007) **0.133**
- Fargo - juvenile (2000) **0.399**
- South Central:**
- Bismarck - adult (started in 2001) **0.133**
- Bismarck - juvenile (2002) **0.266**
- North Central:**
- Minot - adult (started in Jan 2009) **0.133**
- Minot - juvenile (2007) (Combined with Williston Sept 2020) **0.067**
- Northwest:**
- Williston - juvenile (Combined with Minot Sept 2020) **0.067**
- Total treatment court need** **1.863**

	NE	NEC	SE	EC	SC	SW	NW	NC	Total
Referees	0.00	0.00	0.00	2.00	2.00	0.00	0.00	1.00	5.00
Judges	6.00	5.00	7.00	9.00	10.00	4.00	6.00	5.00	52.00
Total	6.00	5.00	7.00	11.00	12.00	4.00	6.00	6.00	57.00

Judicial officers as of December 31, 2021

**NOTICE OF CONSULTATION
JUDGESHIP REPORT**
East Central Judicial District
Judgeship No. 4 with Chambers in Fargo, ND
(Term Expires December 31, 2022)

The following report regarding criteria concerning disposition of the vacancy in Judgeship No. 4 is submitted pursuant to North Dakota Supreme Court Administrative Rule 7.2, Section 4.

1. **Population**

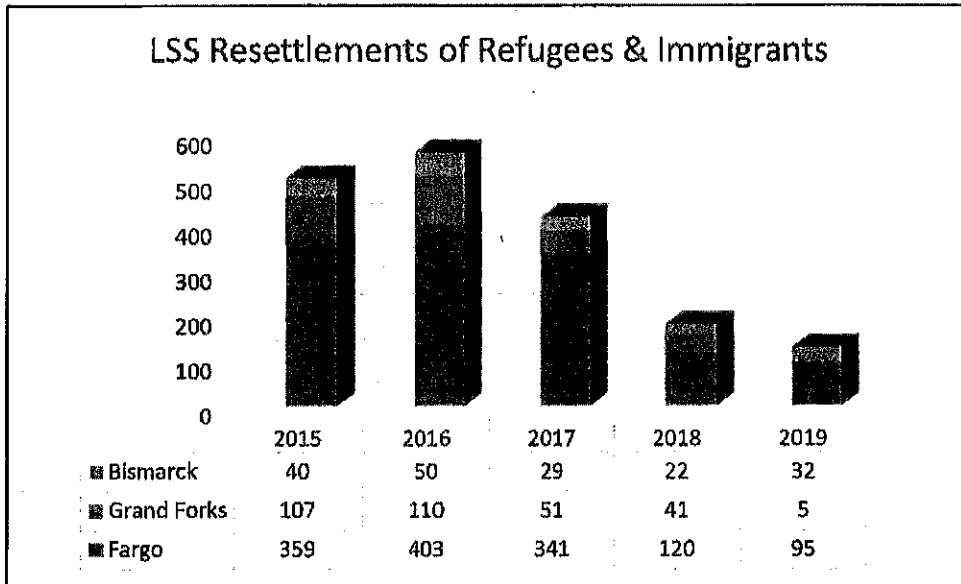
The East Central Judicial District is comprised of Cass, Steele and Traill Counties. The population figures from the 2010 and 2020 US census set forth in the table below¹:

County	Year	
	2010	2020
Cass	149,778	184,525
Steele	1,975	1,798
Traill	8,121	7,997
District Total	159,874	194,320

According to information provided by Lutheran Social Services, in the latest 5 years of available data (ending in September, 2019) they have helped an average of 361 refugees per year resettle in North Dakota. The information shows refugees were from Afghanistan, Angola, Bhutan, Columbia, Democratic Republic of Congo, Eritrea, Ethiopia, Iran, Iraq, Mexico, Rwanda, Somalia, Sudan, Syria and Ukraine. Of the 1,805 refugees resettled in North Dakota, 73 percent are settled in the Fargo metropolitan area.²

¹ reached via <https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html>

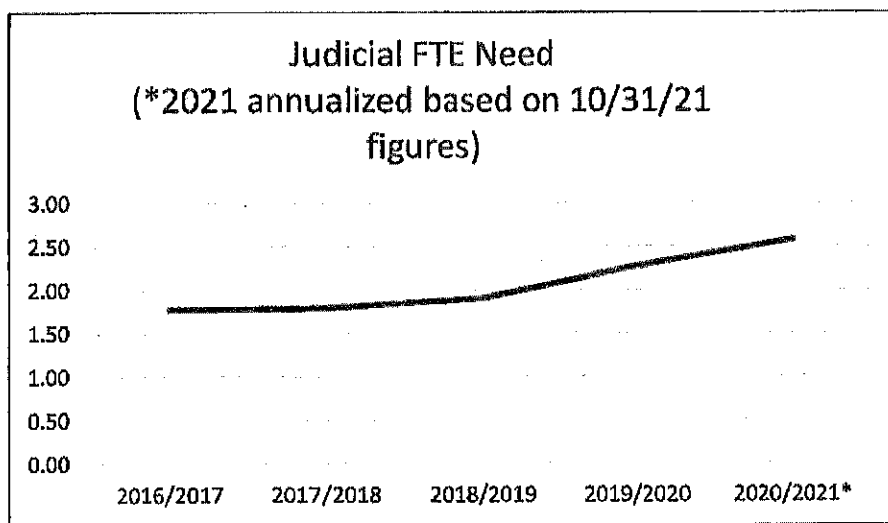
² Arrival Statistics: 1997-2019 accessed via <https://www.lssnd.org/refugee-resettlement>



2. Caseloads and Unusual Case Types

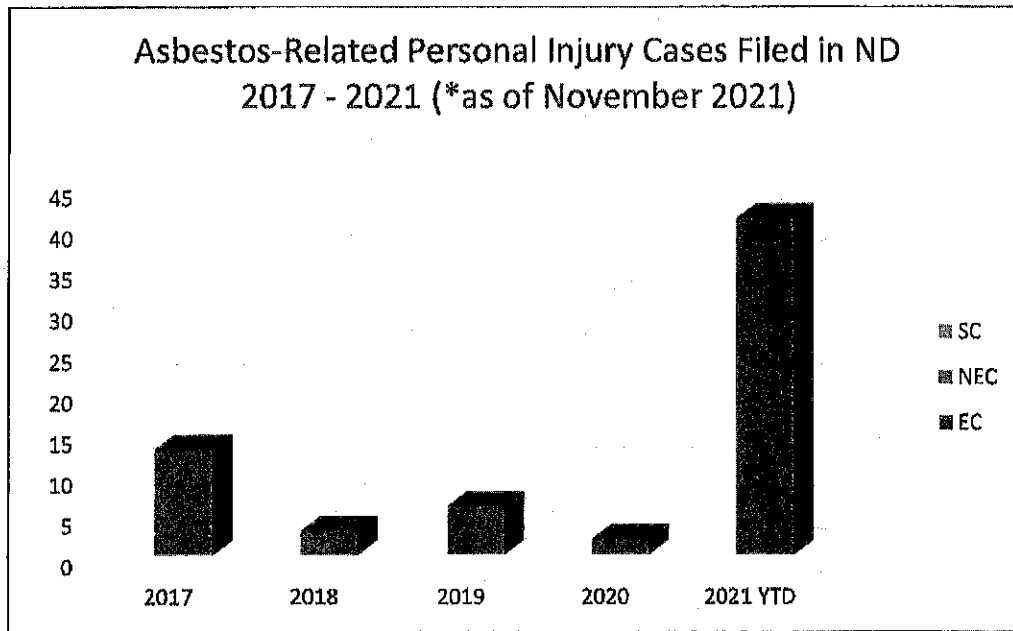
State Court Administration data and the annualized 2021 weighted caseload study shows the East Central Judicial District has a need for 13.78 judicial FTE's. Currently there are 11 judicial FTE's resulting in a shortage of 2.78 judicial FTE's.

The average shortage of judicial FTE's in the East Central Judicial District in 2016/2017 was 1.77, in 2017/2018 was 1.79, in 2018/2019 was 1.90, in 2019/2020 was 2.27 and in 2020/2021 (annualized estimate for 2021) was 2.58. As shown in the chart below, the need for judicial officers has steadily increased with a sharp increase in the last three years.



Source: Weighted Caseload Reports

Cass County is home to corporate offices and has several large law firms in the area. This leads to the filing of more complex civil litigation cases in the district. While previously also filed in other judicial districts, all asbestos-related personal injury cases filed in the state of North Dakota in the last five years have been filed in Cass County with a significant number of new filings received in 2021. These cases consume a large amount of judge time.



Source: Case Index Report

Cass County also has participants in one juvenile and two adult drug courts.

Judgeship No. 4 is chambered in Fargo and is currently responsible for a share of the caseload in Cass, Steele, and Traill Counties.

3. Trends in Population and Caseloads

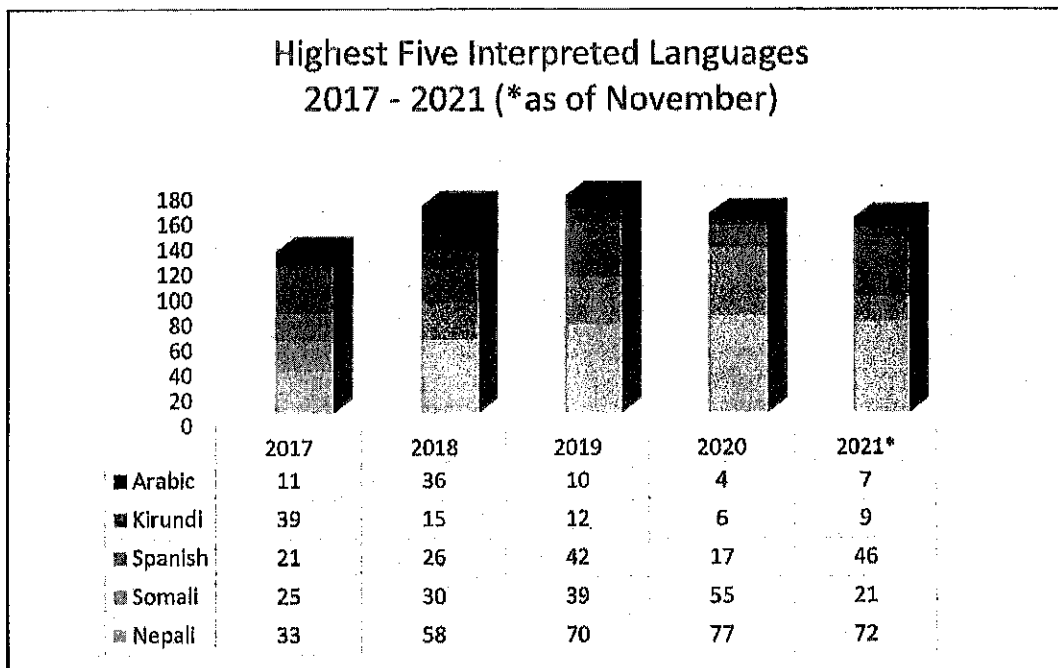
As seen from the chart under criteria 1 above, the population of the district is increasing. While the population of Traill and Steele counties has declined slightly (301 people overall), Cass County is showing an additional population of 34,747 which is an increase of 23.2%.

As previously discussed, Cass County is home to refugees from many countries and other non-English speaking people. This requires that the court use interpreters in many of its hearings which necessitates more time be given to the proceedings. Statistics show that over the last five years interpreters were needed for 28 different languages.

Languages Used – 2017 through November 2021			
Amharic	2	Madi	6
Arabic	68	Mandarin	7
Bosnian	59	Nepali	310
Cambodian	1	Oromo	1
Chinese	3	Portuguese	1
Creole	6	Russian	7
Dinka	3	Somali	170
French	2	Spanish	152
Hindi	2	Sudanese	17
Japanese	2	Swahili	51
Kinyarwanda	7	Tigrinya	6
Kirundi	81	Twi	30
Krahn	2	Vietnamese	18
Kurdish	20		
Liberian	19	TOTAL	1053

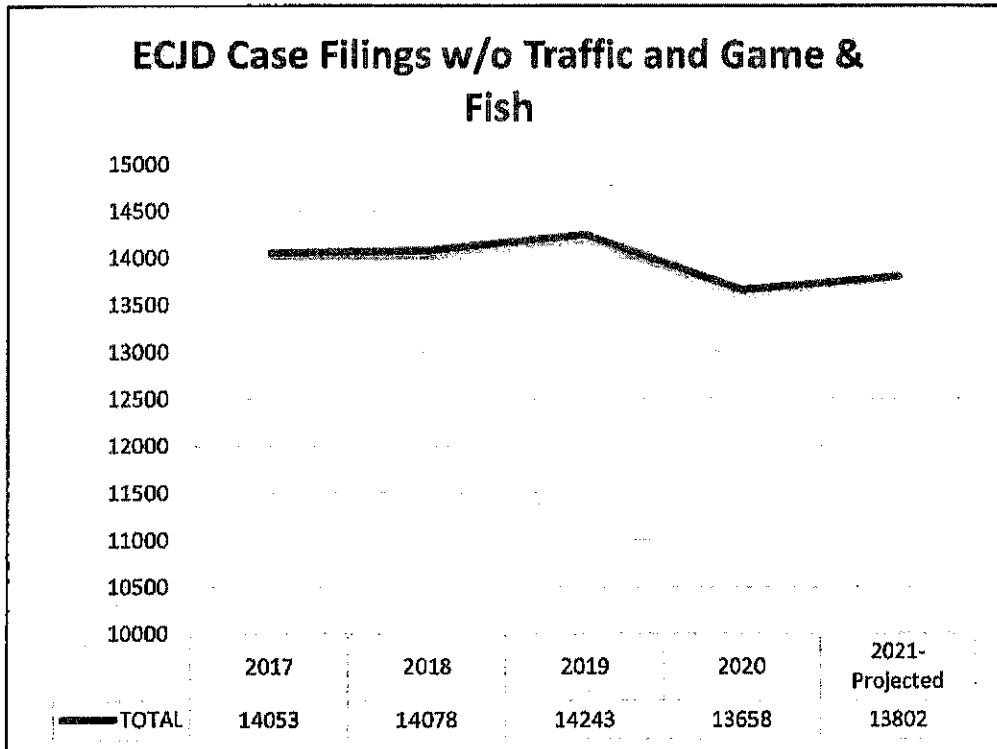
Source: Interpreter Statistics Report

The following chart outlines data for the five languages showing the highest need for interpreters over a five-year span ending in November for 2021.



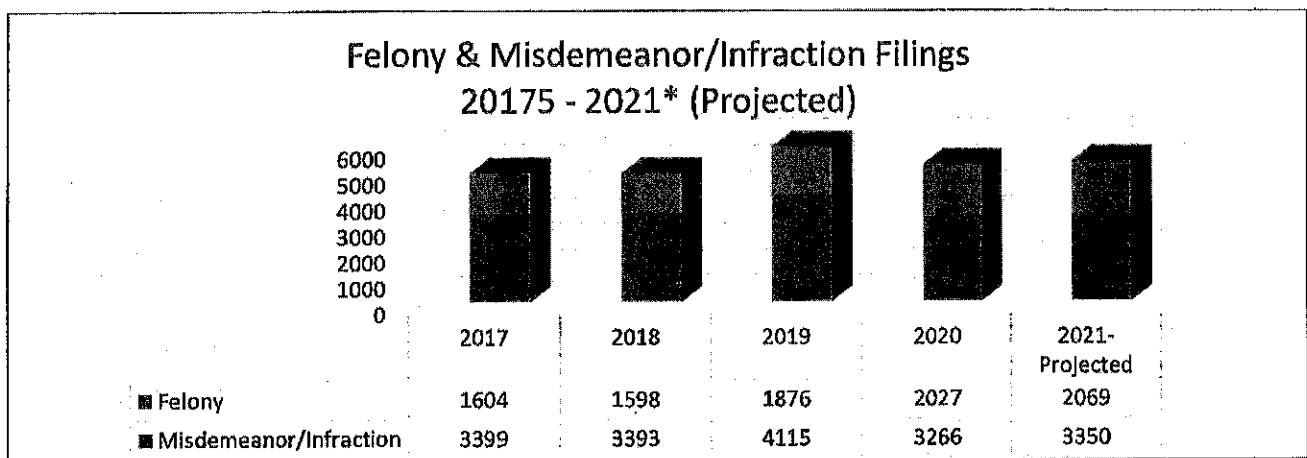
Source: Interpreter Statistics Report

As seen in the following charts, State Court Administration data also shows that overall filings in the district were slightly increasing pre-pandemic. During the Covid pandemic, overall filings fluctuated slightly and are now increasing as courts, agencies, and the public are slowly released from pandemic-era restrictions.



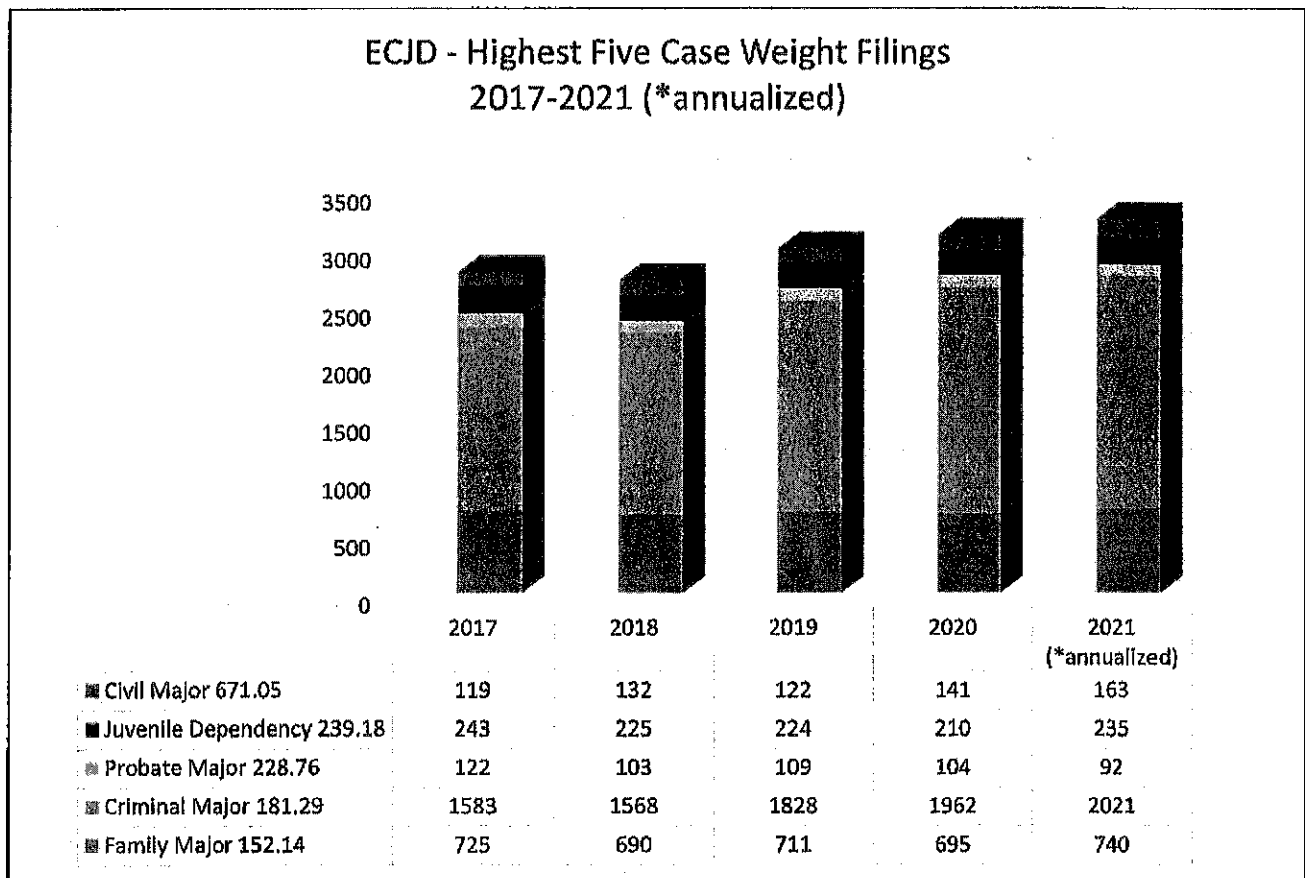
Source: Case Filing Statistics Reports

Some trends are apparent when examining specific case types. Analysis shows misdemeanors and infractions show a spike in 2019 but have otherwise remained consistent. The more complex felony cases are steadily increasing.



Source: Case Filing Statistics Reports

The filings within the five categories of the weighted caseload with the highest case weights are depicted below and are shown to be trending upward with the exception of cases in the 'Major Probate' category which are down slightly.



Source: Weighted Caseload Reports

4. Impact on Travel Requirement

The East Central Judicial District consists of Cass, Steele and Traill Counties. All East Central judges are assigned cases through the district.

5. Age or Possible Retirement of Remaining Judges

There are no immediate plans for retirement of any of the other judges in the East Central Judicial District.

Judges Olson and Irby have reached retirement age. The next judge to reach retirement age is Judge McCullough, who will turn 65 in 2027.

Judgeship #	Name	Birth Year	Year Turn 65	Re-election Year
1	Susan L. Bailey	1963	2028	2026
2	Tristan Van de Streek	1976	2041	2022
3	Steven E. McCullough	1962	2027	2022
4	Steven L. Marquart (retiring)	1954	2019	2022
5	Reid Brady	1973	2038	2026
6	Thomas R. Olson	1952	2017	2026
7	Wade L. Webb	1970	2035	2026
8	John C. Irby	1956	2021	2024
9	Stephannie N. Stiel	1978	2043	2026

Source: North Dakota Supreme Court at <https://www.ndcourts.gov/district-court/district-court-judges>

6. Availability of Facilities

A. Court Facilities

Each county in the district maintains court facilities with security in the courtrooms when requested. Cass County has full-time security at the entrance to the courthouse. They are also able to utilize three courtrooms with access to additional security and segregated travel paths for in-custody appearances. Traill and Steele Counties provide law enforcement screening outside the courtroom on days when court is scheduled. All counties in the district have upgraded their facilities as part of the Court Facilities Improvement Fund.

B. Correctional Facilities

Each of the counties listed below have cities with a correctional facility. Grade one means a correctional facility for confining inmates not more than one year. Grade two means a correctional facility for confining inmates not more than ninety days.³

County	Facility	Classification
Cass	Cass County Jail	Grade 1
Traill	Traill County Jail	Grade 2

Source: personal contact with jail staff

³ NDCC § 12-44.1-06 Jails and Regional Correctional Centers

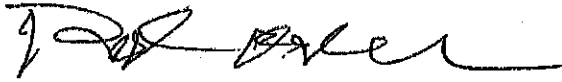
C. Law Enforcement

Each chambered city has adequate law enforcement officials.

8. Conclusion

Elimination of Judgeship No. 4 would have a profound impact on the district. The workload in the district is stable and weighted caseload statistics from the State Court Administrator's office show that the district is consistently short judicial FTE's with the 2021 report showing an anticipated shortage of 2.78 FTE's.

Maintaining Judgeship No. 4 is necessary to provide adequate judicial services to the people of the East Central Judicial District. Eliminating the judgeship would require the remaining 8 judges in the East Central Judicial District to assume an increased caseload and increased travel time in the district. Not only would this hinder services in the local counties, it would also reduce the dispositional rate of cases.



Rodney Olson
Trial Court Administrator
State of North Dakota – Administrative Unit Two

**NOTICE OF CONSULTATION
JUDGESHIP REPORT**
East Central Judicial District
Judgeship No. 6 with Chambers in Fargo, ND
(Term Expires December 31, 2026)

The following report regarding criteria concerning disposition of the vacancy in Judgeship No. 6 is submitted pursuant to North Dakota Supreme Court Administrative Rule 7.2, Section 4.

1. **Population**

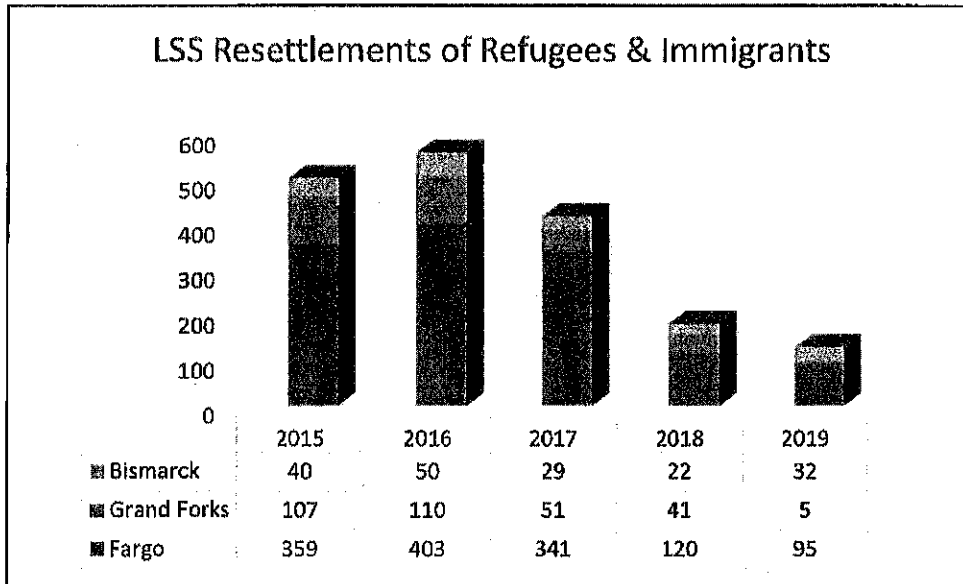
The East Central Judicial District is comprised of Cass, Steele and Traill Counties. The population figures from the 2010 and 2020 US census set forth in the table below¹:

County	Year	
	2010	2020
Cass	149,778	184,525
Steele	1,975	1,798
Traill	8,121	7,997
District Total	159,874	194,320

According to information provided by Lutheran Social Services, in the latest 5 years of available data (ending in September, 2019) they have helped an average of 361 refugees per year resettle in North Dakota. The information shows refugees were from Afghanistan, Angola, Bhutan, Columbia, Democratic Republic of Congo, Eritrea, Ethiopia, Iran, Iraq, Mexico, Rwanda, Somalia, Sudan, Syria and Ukraine. Of the 1,805 refugees resettled in North Dakota, 73 percent are settled in the Fargo metropolitan area.²

¹ reached via <https://www.census.gov/library/visualizations/Interactive/2020-population-and-housing-state-data.html>

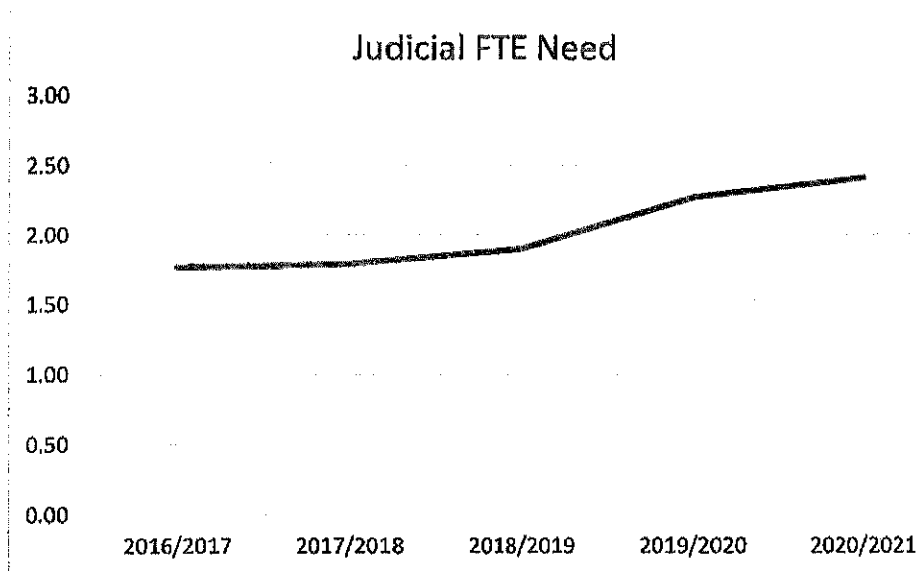
² Arrival Statistics: 1997-2019 accessed via <https://www.lssnd.org/refugee-resettlement>



2. Caseloads and Unusual Case Types

State Court Administration data regarding the weighted caseload study shows the East Central Judicial District has a need for 13.44 judicial FTE's. Currently there are 11 judicial FTE's resulting in a shortage of 2.44 judicial FTE's.

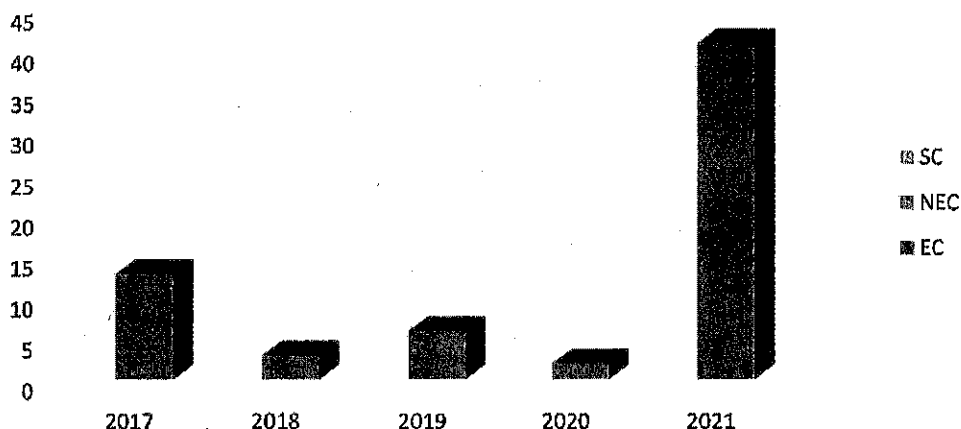
The average shortage of judicial FTE's in the East Central Judicial District in 2016/2017 was 1.77, in 2017/2018 was 1.79, in 2018/2019 was 1.90, in 2019/2020 was 2.27 and in 2020/2021 was 2.41. As shown in the chart below, the need for judicial officers has steadily increased with a sharp increase in the last three years.



Source: Weighted Caseload Reports

Cass County is home to corporate offices and has several large law firms in the area. This leads to the filing of more complex civil litigation cases in the district. While previously also filed in other judicial districts, all asbestos-related personal injury cases filed in the state of North Dakota in the last five years have been filed in Cass County with a significant number of new filings received in 2021. These cases consume a large amount of judge time. There have been no new filings made thus far in 2022.

Asbestos-Related Personal Injury Cases Filed in ND
2017 - 2021



Source: Case Index Report

Cass County also has participants in one juvenile and two adult drug courts.

Judgeship No. 6 is chambered in Fargo and is currently responsible for a share of the caseload in Cass, Steele, and Traill Counties.

3. Trends in Population and Caseloads

As seen from the chart under criteria 1 above, the population of the district is increasing. While the population of Traill and Steele counties has declined slightly (301 people overall), Cass County is showing an additional population of 34,747 which is an increase of 23.2%.

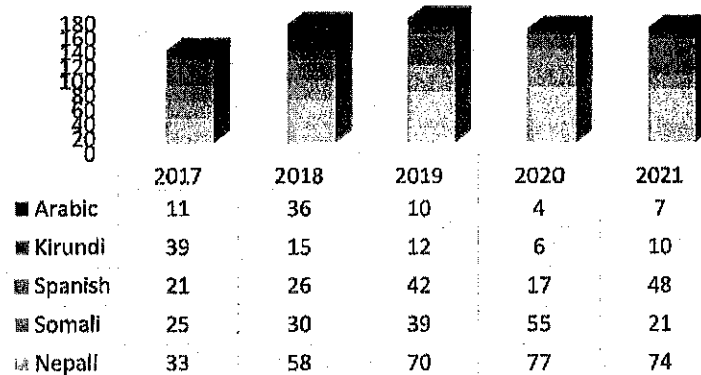
As previously discussed, Cass County is home to refugees from many countries and other non-English speaking people. This requires that the court use interpreters in many of its hearings which necessitates more time be given to the proceedings. Statistics show that over the last five years interpreters were needed for 29 different languages.

Languages Used -- 2017 through 2021			
Amharic	2	Liberian	19
Arabic	68	Madl	6
Bosnian	59	Mandarin	7
Cambodian	1	Nepali	312
Chinese	3	Oromo	1
Creole	6	Portuguese	1
Darl	1	Russian	7
Dinka	3	Somali	170
French	4	Spanish	154
Hindi	2	Sudanese	17
Japanese	2	Swahili	55
Kinyarwanda	8	Tigrinya	8
Kirundi	82	Twi	30
Krahn	2	Vietnamese	18
Kurdish	23	TOTAL	1071

Source: Interpreter Statistics Report

The following chart outlines data for the five languages showing the highest need for interpreters over a five-year span ending in 2021.

Highest Five Interpreted Languages
2017 - 2021

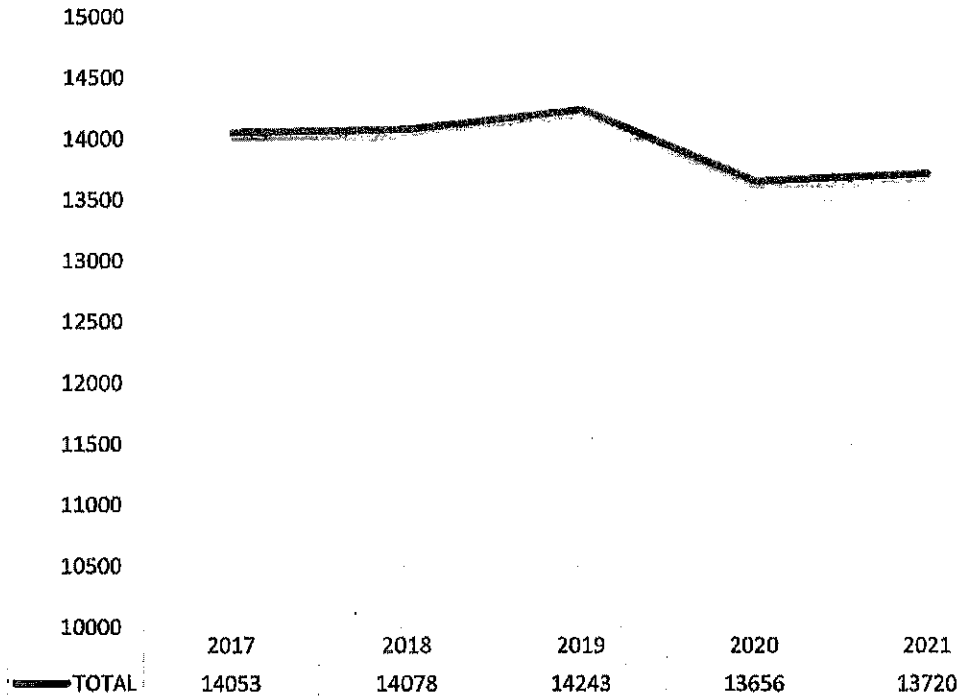


Source: Interpreter Statistics Report

As seen in the following charts, State Court Administration data also shows that overall filings in the district were slightly increasing pre-pandemic. During the Covid pandemic,

overall filings fluctuated slightly and are now increasing as courts, agencies, and the public are slowly released from pandemic-era restrictions.

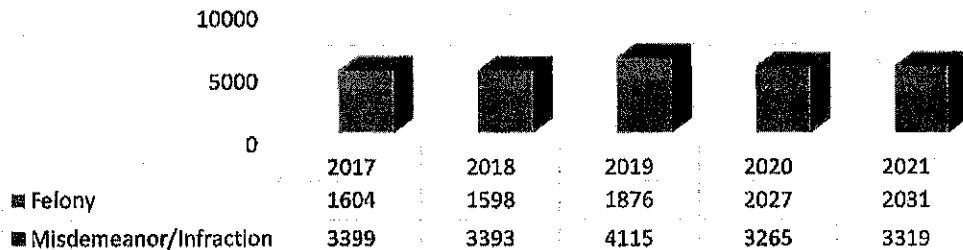
ECJD Case Filings w/o Traffic and Game & Fish



Source: Case Filing Statistics Reports

Some trends are apparent when examining specific case types. Analysis shows misdemeanors and infractions spiked slightly in 2019 but have otherwise remained consistent. The more complex felony cases are steadily increasing.

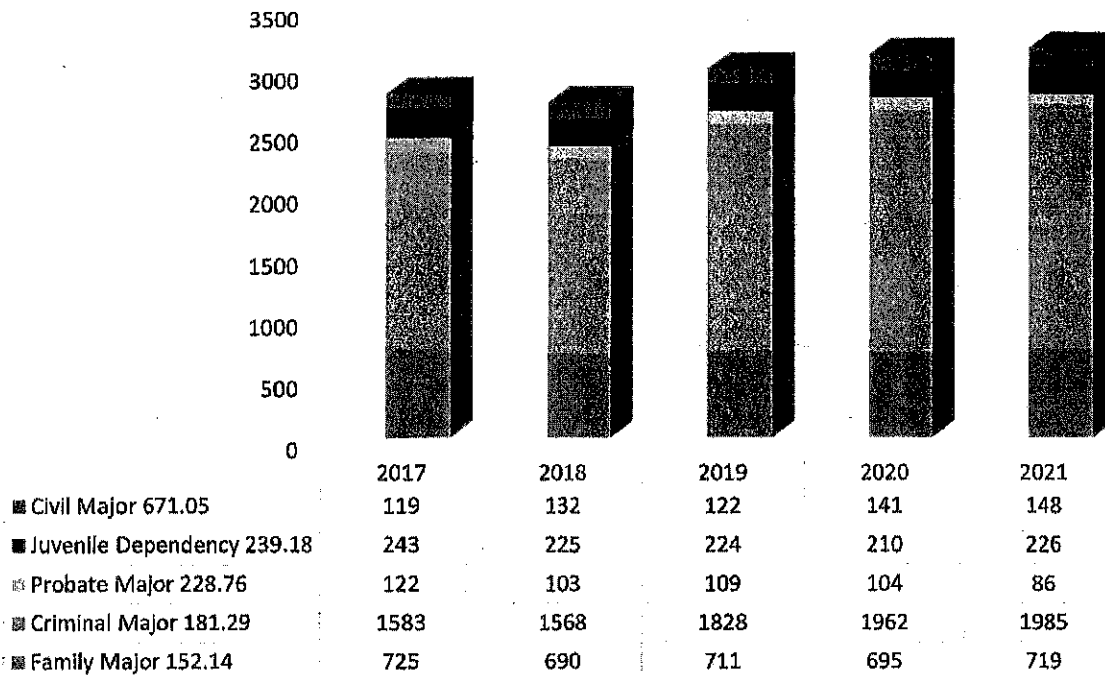
Felony & Misdemeanor/Infraction Filings 2017 - 2021



Source: Case Filing Statistics Reports

The filings within the five categories of the weighted caseload with the highest case weights are depicted below and are shown to be trending upward with the exception of cases in the 'Major Probate' category which are down slightly.

**ECJD - Highest Five Case Weight Filings
2017-2021**



Source: Weighted Caseload Reports

4. Impact on Travel Requirement

The East Central Judicial District consists of Cass, Steele and Traill Counties. All East Central judges are assigned cases through the district.

5. Age or Possible Retirement of Remaining Judges

Judge Marquart has announced his intention to retire on 12/31/22 which is the end of his term. On December 22, 2021, the Court determined that vacancy would be filled by election (see Supreme Court Opinion No. 20210311). There are no immediate plans for retirement of any of the other judges in the East Central Judicial District.

Judge Irby has reached retirement age. The next judge to reach retirement age is Judge McCullough, who will turn 65 in 2027.

Judgeship #	Name	Birth Year	Year Turn 65	Re-election Year
1	Susan L. Bailey	1963	2028	2026
2	Tristan Van de Streek	1976	2041	2022
3	Steven E. McCullough	1962	2027	2022
4	Steven L. Marquart (retiring 12/31/22)	1954	2019	2022
5	Reid Brady	1973	2038	2026
6	Thomas R. Olson	1952	2017	2026
7	Wade L. Webb	1970	2035	2026
8	John C. Irby	1956	2021	2024
9	Stephannie N. Stiel	1978	2043	2026

Source: North Dakota Supreme Court at <https://www.ndcourts.gov/district-court/district-court-judges>

6. Availability of Facilities

A. Court Facilities

Each county in the district maintains court facilities with security in the courtrooms when requested. Cass County has full-time security at the entrance to the courthouse. They are also able to utilize three courtrooms with access to additional security and segregated travel paths for in-custody appearances. Traill and Steele Counties provide law enforcement screening outside the courtroom on days when court is scheduled. All counties in the district have upgraded their facilities as part of the Court Facilities Improvement Fund.

B. Correctional Facilities

Each of the counties listed below have cities with a correctional facility. Grade one means a correctional facility for confining inmates not more than one year. Grade two means a correctional facility for confining inmates not more than ninety days.³

County	Facility	Classification
Cass	Cass County Jail	Grade 1
Traill	Traill County Jail	Grade 2

³ NDCC § 12-44.1-06 Jails and Regional Correctional Centers

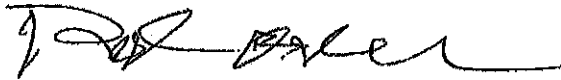
C. Law Enforcement

Each chambered city has adequate law enforcement officials.

8. Conclusion

Elimination of Judgeship No. 6 would have a profound impact on the district. The workload in the district is stable and weighted caseload statistics from the State Court Administrator's office show that the district is consistently short judicial FTE's with the 2021 report showing an anticipated shortage of 2.44 FTE's.

Maintaining Judgeship No. 6 is necessary to provide adequate judicial services to the people of the East Central Judicial District. Eliminating the judgeship would require the remaining 8 judges in the East Central Judicial District to assume an increased caseload and increased travel time in the district. Not only would this hinder services in the local counties, it would also reduce the dispositional rate of cases.



Rodney Olson
Trial Court Administrator
State of North Dakota – Administrative Unit Two