

### Judicial Branch Travel and Education

<u>Total Budget</u>	<u>2021-23 Biennium</u>	<u>2023-25 Biennium</u>	<u>Increase</u>
Travel (SC)	\$171,787	\$189,900	\$18,113
Travel (DC)	\$1,201,405	\$1,628,100	\$426,695
Professional Development (SC)	\$347,403	\$360,000	\$12,597
Professional Development (DC)	<u>\$178,698</u>	<u>\$374,580</u>	<u>\$195,882</u>
<b>Total Travel and pro development</b>	<b>\$1,899,293</b>	<b>\$2,552,580</b>	<b>\$653,287</b>

<u>Out-of-state budget</u>			
Travel (SC)	\$22,500	\$42,500	\$20,000
Travel (DC)	\$33,000	\$297,500	\$264,500
Professional Development (SC)	\$15,000	\$17,000	\$2,000
Professional Development (DC)	<u>\$22,000</u>	<u>\$119,000</u>	<u>\$97,000</u>
<b>Total out-of state education</b>	<b>\$92,500</b>	<b>\$476,000</b>	<b>\$383,500</b>

<u>Other travel/professional</u>			
Travel (SC)	\$149,287	\$147,400	(\$1,887)
Travel (DC)	\$1,168,405	\$1,330,600	\$162,195
Professional Development (SC)*	\$332,403	\$343,000	\$10,597
Professional Development (DC)	<u>\$156,698</u>	<u>\$255,580</u>	<u>\$98,882</u>
<b>Total out-of state education</b>	<b>\$1,806,793</b>	<b>\$2,076,580</b>	<b>\$269,787</b>

\*Other professional development includes:

NCSC dues	\$234,403	\$240,000	\$5,597
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Remaining costs are primarily in-state travel, professional dues and licenses and in-state training and education.

<i>SALARY GRADE</i>	<i>JOB CLASSIFICATION</i>	<i>EXEMPTION</i>	<i>MONTHLY SALARY RANGE</i>		<i>ANNUAL SALARY RANGE</i>	
			<i>MINIMUM</i>	<i>MAXIMUM</i>	<i>MINIMUM</i>	<i>MAXIMUM</i>
7	*Electronic Court Recorder	Non-Exempt	2,923	4,267	35,076	51,204
9	Law Library Assistant	Non-Exempt	3,516	5,157	42,192	61,884
10	Account Technician Administrative Assistant-State Court Administrator Administrative Assistant-Clerk of Supreme Court Administrative Assistant-Central Legal Calendar Control Clerk Deputy Clerk of District Court Deputy Supreme Court Clerk District Court Administrative Assistant Electronic Court Recorder/Transcriptionist Juvenile Court Administrative Assistant	Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt	3,922	5,760	47,064	69,120
11	Court Services Coordinator Executive Administrative Assistant Judicial Assistant Lead Electronic Court Recorder/Transcriptionist Senior Deputy Supreme Court Clerk Technical Support Specialist	Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt	4,226	6,220	50,712	74,640
12	Assistant Law Librarian Citizen Access Paralegal District Court Paralegal Deputy Clerk of District Court Supervisor Executive Judicial Assistant Network Analyst Payroll and Benefits Specialist Technology Coordinator I	Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt	4,531	6,685	54,372	80,220
13	Business Analyst I *Court Reporter *Lead District Court Paralegal Network Analyst II Programmer Analyst I Technology Coordinator II	Exempt Non-Exempt Non-Exempt Non-Exempt Exempt Non-Exempt	4,703	6,949	56,436	83,388
14	Juvenile Court Officer I *Lead Court Reporter Programmer Analyst II Technology Coordinator III	Non-Exempt Non-Exempt Exempt Non-Exempt	5,143	7,628	61,716	91,536
15	Accountant Analyst Business Analyst II Education and Special Projects Coordinator Network Analyst III	Exempt Exempt Non-Exempt Non-Exempt	5,447	8,105	65,364	97,260
16	Business Analyst III Juvenile Court Officer II Program Manager Programmer Analyst III	Exempt Non-Exempt Exempt Exempt	5,753	8,576	69,036	102,912
17	Clerk of District Court I	Exempt	6,060	9,052	72,720	108,624

<b>SALARY GRADE</b>	<b>JOB CLASSIFICATION</b>	<b>EXEMPTION</b>	<b>MONTHLY SALARY RANGE</b>		<b>ANNUAL SALARY RANGE</b>	
			<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
18	Clerk of District Court II Juvenile Court Supervisor Supervisor of Accounting	Exempt Exempt Exempt	6,363	9,527	76,356	114,324
19	Family Law Mediation Program Administrator Guardianship Monitoring Program Manager	Exempt Exempt	6,671	10,002	80,052	120,024
20	Deputy Court Administrator Director of Juvenile Court Services	Exempt Exempt	6,989	10,476	83,868	125,712
21	Chief Deputy Clerk Citizen Access Coordinator Director of Education and Communication Director of Finance Director of Human Resources Director of Technology Staff Attorney-Central Legal Staff Staff Attorney-District Court Staff Attorney-Joint Procedure Committee Staff Attorney-State Court Administrator	Exempt Exempt Exempt Exempt Exempt Exempt Exempt Exempt Exempt Exempt	7,304	10,946	87,648	131,352
22	Supreme Court Law Librarian	Exempt	7,619	11,411	91,428	136,932
	<b>*NON-CLASSIFIED EMPLOYEES</b> Asst State Court Administrator for Trial Courts Clerk of Supreme Court Court Administrator Law Clerks Judicial Referee State Court Administrator					

**Non -Exempt** - Employees are covered under the Fair Labor Standards Act and are entitled to receive comp time at a rate of one and one-half hours for each hour of overtime work.

**Exempt** - Employees are not covered by the overtime provision of the Fair Labor Standards Act and are not entitled to receive overtime compensation unless authorized by the supervisor at which time it would be at a rate of one hour for each hour worked over 40 in one week.

**\*Pay Grade Exception** - A pay grade exception is the assignment of a pay grade that is higher than that determined by the application of the Classification Matrix System. This may be done when a pay grade assigned to a class has not resolved significant problems in the recruiting or retention of qualified individuals for a class. Classes assigned a pay grade exception are subject to periodic review to verify the appropriateness of the assigned pay grade.

## Understanding How the Court Uses Weighted Caseload Statistics

Since 1987, the North Dakota court system has utilized a weighted caseload method to determine when and where judges, court staff, and juvenile court staff are needed. Understood in its simplest form, a weighted caseload is a time and frequency study. To determine the base weights, all judges, clerk staff, and juvenile court officers in the state record their daily activities for a designated period of time. This data is then used to assign “weights” to various case types based on the average amount of time that is needed to process each activity in each type of case. The weight is then multiplied by the frequency of cases filed. A full weighted caseload study is conducted periodically to determine if base weights are still accurate.<sup>1</sup> A partial caseload study is conducted to create or adjust a base weight if unique case types are created or substantial changes in process are made.

Each year, the court applies the base weights to case filing statistics from the prior year to determine how many judges or staff are needed and where they should be located. To determine judge or staff need, the number that is reached by multiplying the weighted caseloads and number of cases filed in a year is divided by the amount of judge or staff time currently available.

Historically, when determining the number of judge or staff needed and where they should be located, the court has used a rolling 2-year average to even out the effects of unique events that may cause caseloads to rise or fall substantially during a particular year. In 2021, the court began using a 3-year average to account for events that impact case filings for more than a year or have a disproportionate effect on one or more judicial districts.<sup>2</sup> Other factors considered in making decisions about the number and location of judges or staff include the long-term trend in case filings in the district and the particular counties where the cases are being filed, the existence of specialized court dockets in the district, the size of the district, the amount of travel required

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<sup>1</sup> Full weighted caseload studies were conducted in 1987, 2003 and 2012. A full weighted caseload study was started in 2019 but discontinued due to the pandemic. Instead, the court contracted for a study of factors that impact case weights. The factors studied included self-representation, need for interpreters, number of participants in drug courts, and procedural differences between drug courts and domestic violence court.

<sup>2</sup> For example, the oil boom from 2009-2015, the Dakota Access Pipeline protests, and the Covid-19 Pandemic

between courthouses, the number of other judges or staff within the district, and the anticipated demographic changes within a geographic region.

In addition to the weighted caseload information, when determining the location for judges or staff, the court may also consider factors such as the perception of need by the judges, administrative staff and the local bar, overall caseload trends within the individual district and relative to other districts, effective assignment of judicial officers and use of current staff, effective use of technology, and the efficiencies of scale in multi-chambered courts.

**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	Case Weight	Unit 1		Unit 2		Unit 3		Unit 4		ALL
		NE	NEC	SE	EC	SC	SW	NW	NC	
Criminal Major	181.29	576	789	534	1,974	2,004	298	641	803	7,618
Criminal Minor	26.48	2,675	1,922	2,377	3,529	4,053	1,580	2,582	1,786	20,504
Criminal Summary	0.37	9,505	9,293	13,570	14,128	16,636	9,224	11,701	11,080	95,136
Civil Major	671.05	23	35	40	145	81	31	53	42	448
Civil Minor	54.86	675	983	936	1,792	1,388	414	705	797	7,689
Civil Summary	6.65	894	1,508	1,124	2,432	2,510	789	1,297	1,501	12,052
Family Major	152.14	181	260	278	707	541	212	245	412	2,834
Family Minor	53.63	222	263	252	519	478	118	235	301	2,385
Family Summary	46.44	27	63	34	100	77	22	34	37	393
Probate Major	228.76	40	41	85	95	96	30	55	62	503
Probate Minor	32.02	94	161	216	339	233	81	152	139	1,414
Probate Summary	9.93	362	168	439	380	557	297	587	397	3,184
Juvenile Delinquency	106.60	67	117	44	274	156	21	30	29	736
Juvenile Dependency	239.18	118	178	69	218	191	64	92	182	1,111
Juvenile - Other	30.00	33	42	52	91	65	38	40	59	419
<b>Total Filings</b>		15,490	15,819	20,046	26,720	29,063	13,216	18,446	17,624	156,422
<b>Weighted Filings</b>		329,788	413,574	360,564	928,326	834,244	218,220	372,342	430,127	3,887,185
<b>Presiding Judge time at 47.14 min/day</b>		9,664	9,664	9,664	9,664	9,664	9,664	9,664	9,664	77,310
<b>Total workload</b>		339,452	423,238	370,227	937,989	843,908	227,884	382,006	439,791	3,964,494
<b>Judge Year (Minutes) 205 Days</b>		86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100	
<b>Avg. Non-Case time for all judicial FTEs 54.29 min/day</b>		11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130	
<b>Adjusted Judge Year (Judge year less non case time)</b>		74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970	
<b>Travel Adjustment</b>		-10,250	-2,116	-11,070	-2,888	-5,426	-4,979	-4,774	-4,774	
<b>Adjusted min available after travel and non-case</b>		64,720	72,854	63,900	72,082	69,544	69,991	70,196	70,196	
<b>Number of Judges &amp; Refs total</b>		6.00	5.00	7.00	11.00	12.00	4.00	6.00	6.00	57.00
<b>Judge Minutes Available</b>		388,320	364,270	447,300	792,897	834,524	279,962	421,173	421,173	3,949,620
<b>Workload compared to Resources (In minutes)</b>		-48,868	58,968	-77,073	145,092	9,384	-52,079	-39,167	18,617	14,875
<b>Weighted Case Filing Judicial Officer Need</b>		5.24	5.81	5.79	13.01	12.13	3.26	5.44	6.27	56.96
<b>Treatment Court Need</b>		0.133	0.399	0.399	0.399	0.266		0.067	0.200	1.863
<b>Total Judicial Officer Need</b>		5.38	6.21	6.19	13.41	12.40	3.26	5.51	6.47	58.83
<b>Current Total Judges/Referees</b>		6.00	5.00	7.00	11.00	12.00	4.00	6.00	6.00	57.00
<b>2020/2021 Excess (Shortage) of Judicial FTE</b>		0.62	(1.21)	0.81	(2.41)	(0.40)	0.74	0.49	(0.47)	(1.83)
<b>2020/21 Percent Excess (Shortage) of Judicial FTE</b>		10.4%	-24.2%	11.5%	-21.9%	-3.3%	18.6%	8.2%	-7.8%	-3.2%
<b>2019/20 Excess (Shortage) of Judicial FTE</b>		0.58	(1.45)	0.58	(2.27)	(0.51)	0.58	0.00	(2.52)	(3.48)

**Total Judicial Officer Need Comparison**

Year	NE	NEC	SE	EC	SC	SW	NW	NC	Total
2020/21	5.38	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	6.60	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	12.28	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) **0.133**

**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) **0.133**

**0.399**

**East Central:**

Fargo - adult (started in 2003) **0.133**

Fargo - adult (started in December 2007) **0.133**

Fargo - Juvenile (2000) **0.133**

**0.399**

**South Central:**

Bismarck - adult (started in 2001) **0.133**

Bismarck - Juvenile (2002) **0.133**

**0.266**

**North Central:**

Minot - adult (started in Jan 2009) **0.133**

Minot - Juvenile (2007) (Combined with Williston Sept 2020) **0.067**

**0.200**

**Northwest:**

Williston - Juvenile (Combined with Minot Sept 2020) **0.067**

**0.067**

**Total treatment court need 1.863**

**Judicial officers as of December 31, 2021**

	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
<b>Total</b>	<b>6.00</b>	<b>5.00</b>	<b>7.00</b>	<b>11.00</b>	<b>12.00</b>	<b>4.00</b>	<b>6.00</b>	<b>6.00</b>	<b>57.00</b>

### 2021 Caseload per Judge

<u>Statewide, 52 judges:</u>		Number of	Cases per	Number of	Referees	Judges &	Cases per
	Filings	Judges	Judge	Referees	@ 80%	Referees	Judge/Referee
Civil	33,012		635				590
Criminal*	27,022		520				483
<b>Total</b>	<b>60,034</b>	<b>52.0</b>	<b>1,155</b>	<b>5.0</b>	<b>4.0</b>	<b>56.0</b>	<b>1,072</b>
<u>Northeast, 6 judges:</u>		Number of	Cases per	Number of	Referees	Judges &	Cases per
	Filings	Judges	Judge	Referees	@ 80%	Referees	Judge/Referee
Civil	2,721		454				454
Criminal*	2,948		491				491
<b>Total</b>	<b>5,669</b>	<b>6.0</b>	<b>945</b>	<b>0.0</b>	<b>0.0</b>	<b>6.0</b>	<b>945</b>
<u>Northeast Central, 5 judges:</u>		Number of	Cases per	Number of	Referees	Judges &	Cases per
	Filings	Judges	Judge	Referees	@ 80%	Referees	Judge/Referee
Civil	3,749		750				750
Criminal*	2,897		579				579
<b>Total</b>	<b>6,646</b>	<b>5.0</b>	<b>1,329</b>	<b>0.0</b>	<b>0.0</b>	<b>5.0</b>	<b>1,329</b>
<u>East Central, 9 judges:</u>		Number of	Cases per	Number of	Referees	Judges &	Cases per
	Filings	Judges	Judge	Referees	@ 80%	Referees	Judge/Referee
Civil	7,041		782				664
Criminal*	5,817		646				549
<b>Total</b>	<b>12,858</b>	<b>9.0</b>	<b>1,429</b>	<b>2.0</b>	<b>1.6</b>	<b>10.6</b>	<b>1,213</b>
<u>Southeast, 7 judges:</u>		Number of	Cases per	Number of	Referees	Judges &	Cases per
	Filings	Judges	Judge	Referees	@ 80%	Referees	Judge/Referee
Civil	3,510		501				501
Criminal*	2,424		346				346
<b>Total</b>	<b>5,934</b>	<b>7.0</b>	<b>848</b>	<b>0.0</b>	<b>0.0</b>	<b>7.0</b>	<b>848</b>
<u>South Central, 10 judges:</u>		Number of	Cases per	Number of	Referees	Judges &	Cases per
	Filings	Judges	Judge	Referees	@ 80%	Referees	Judge/Referee
Civil	6,372		637				549
Criminal*	5,951		595				513
<b>Total</b>	<b>12,323</b>	<b>10.0</b>	<b>1,232</b>	<b>2.0</b>	<b>1.6</b>	<b>11.6</b>	<b>1,062</b>
<u>Southwest, 4 judges:</u>		Number of	Cases per	Number of	Referees	Judges &	Cases per
	Filings	Judges	Judge	Referees	@ 80%	Referees	Judge/Referee
Civil	2,084		521				521
Criminal*	1,748		437				437
<b>Total</b>	<b>3,832</b>	<b>4.0</b>	<b>958</b>	<b>0.0</b>	<b>0.0</b>	<b>4.0</b>	<b>958</b>
<u>Northwest, 6 judges:</u>		Number of	Cases per	Number of	Referees	Judges &	Cases per
	Filings	Judges	Judge	Referees	@ 80%	Referees	Judge/Referee
Civil	3,502		584				584
Criminal*	2,902		484				484
<b>Total</b>	<b>6,404</b>	<b>6.0</b>	<b>1,067</b>	<b>0.0</b>	<b>0.0</b>	<b>6.0</b>	<b>1,067</b>
<u>North Central, 5 judges:</u>		Number of	Cases per	Number of	Referees	Judges &	Cases per
	Filings	Judges	Judge	Referees	@ 80%	Referees	Judge/Referee
Civil	4,033		807				695
Criminal*	2,335		467				403
<b>Total</b>	<b>6,368</b>	<b>5.0</b>	<b>1,274</b>	<b>1.0</b>	<b>0.8</b>	<b>5.8</b>	<b>1,098</b>

\* Excludes administrative traffic and administrative game and fish cases