

SB 2278
House Judiciary
March 6, 2023
Testimony of Sally Holewa

Chair Klemin and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

SB 2278 is a bill to study municipal courts. I am aware of two previous studies of the municipal courts in North Dakota. The first was in 1984 and was conducted by a subcommittee of the Supreme Court's Judicial Planning Committee, in cooperation with the League of Cities. The study was prompted by a ruling in a U.S. Supreme Court case, *Pulliam vs. Allen*, 466 US 522 (1984) regarding judicial immunity. In the 1985 session, HB 1398 would have implemented some of the recommendations from this study. The bill failed but a subsequent bill for a study passed. This resulted in the 1987 legislative study of municipal courts conducted by the interim Court Services Committee. The 1987 legislature subsequently enacted three pieces of legislation forwarded by that committee, and in doing so adopted nearly all of the recommendations from the study.

At the time these studies occurred, there were 161 municipal courts served by 129 municipal court judges, of which 19 were law-trained. We just did another outreach to the municipalities, and to the best of our knowledge, as of today's date there are 81 municipal courts, served by 63 municipal court judges, of which 22 are law-trained.

My office frequently fields questions from attorneys and city commissioners regarding the start-up and abolition of municipal courts and the need to contract with their county and with the court system when they are abolishing their court.

My office also frequently fields questions from citizens regarding the jurisdiction of municipal courts, the authority of municipal court judges, the lack of a record of municipal court proceedings, and the applicability of rules of court related to access to and retention of municipal court files.

I believe a review of the current laws and procedures relating to municipal court would be beneficial. I have also spoken with the attorney for League of Cities and have been told that the municipal judges association is in support of this study. With that, I urge a do pass on SB 2278.