

House Bill 1002
Senate Appropriations Committee
Government Operations Division
Kara J. Erickson, Disciplinary Counsel
March 7, 2023

Good morning, Chairman Wanzek and members of the committee, my name is Kara Erickson. My office, the Office of Disciplinary Counsel, handles the administrative and prosecutorial roles for matters that are before the Judicial Conduct Commission and the Disciplinary Board of the Supreme Court. More simply stated, we handle both lawyer and judicial discipline for ethical violations. Both the Judicial Conduct Commission and Disciplinary Board fall under the authority of the Supreme Court; however, because one of the functions of our office is to discipline members of the judiciary, including the Justices of the Supreme Court, our office is held at arms' length from the Supreme Court. Sally Holewa and Don Wolf have done a wonderful job going over the appropriations requests from the Court, but they asked me to specifically touch on my office's portion of that request.

As a bit of background about our functioning, because my office is held at arms' length, the Court's rules established an Operations Committee to handle overseeing my office. The Committee has four members, with two additional ex-officio members. The members of the Operations Committee are appointed to oversee the budget requests and the operational aspects of my office. The four members of the Operations Committee consist of a lay member, a member

House Bill 1002
Senate Appropriations Committee
Government Operations Division
Kara J. Erickson, Disciplinary Counsel
March 7, 2023

appointed by the Court from nominations from the Disciplinary Board, a member appointed by the Court from a nomination from the State Bar Association's Board of Governors, and one member appointed by the Court from a list of nominations from the Judicial Conduct Commission. The ex-officio members who attend the Operations Committee meetings are the State Court Administrator, Sally Holewa, and the State Bar Association's Executive Director, Tony Weiler.

Both our office and its Operations Committee agreed that after several years of making budget cuts, that we need to add some of those funds back into our budget for the upcoming biennium. In developing our budget for the upcoming biennium, we referred back to the budget figures for our office's 2017-2019 biennium for a more accurate comparison of where figures were before those cuts occurred. In some places, we were able to maintain the cuts, while in others we needed to account for increased expenses and the changes in the types of cases being seen by our office.

The Office of Disciplinary Counsel also supports the requested increases for the judges and justices. We have been very fortunate in North Dakota to have had exceptional lawyer candidates who have become members of the bench. As a result, we have very few meritorious ethical issues with our judges; however, any

House Bill 1002
Senate Appropriations Committee
Government Operations Division
Kara J. Erickson, Disciplinary Counsel
March 7, 2023

decline that is experienced in the quality of the members of the bench, will likely impact the number of complaints with merit that are handled by our office.

Accordingly, our office supports the increases that are being requested to ensure the ethical integrity of North Dakota's bench remains impeccable.

I would be happy to try to answer any questions the Committee may have at this time that are more specifically related to the Judicial Conduct Commission and the Disciplinary Board's portion of the budget included within House Bill 1002. I would urge the Committee to recommend a "do pass" of House Bill 1002 with the requested increases for the judges and justices. Thank you for your consideration.