



STATE OF NORTH DAKOTA
SUPREME COURT

APR 01 2010

CHAMBERS OF
Carol Ronning Kapsner
JUSTICE

March 31, 2010

Jeffrey N. Nelson
Counsel
North Dakota Legislative Council
600 East Boulevard Ave.
Bismarck, ND 58505-0360

Re: Tribal and State Relations Committee

Dear Mr. Nelson:

Judge Foughty referred to me, as co-Chair of the Commission to Study Racial and Ethnic Bias in the Courts, your letter extending the invitation of Chairman Boucher to appear before the Tribal and State Relations Committee. As you are aware, Judge Foughty is in trial on April 16th and is unable to appear before the Committee. I plan to be traveling to Minneapolis on that date. I could make arrangements to be in Grand Forks early on that morning if the committee preferred. However, after our brief telephone conversation, perhaps it is best to defer an in-person report to your next meeting, which I understand may be in June.

Our commission has been working since Judge Foughty was last able to talk with Representative Boucher's committee. We have asked Dr. Elizabeth Neeley, who assisted The Nebraska Minority and Justice Task Force in its study and the preparation of that state's reports and implementation plans, to meet with our commission to give us an overview of the process. She has provided our commission with the materials that Nebraska used. Judge Foughty and I have been to several of the meetings of the National Consortium of Racial and Ethnic Fairness in the Courts over several years, where we have accumulated the reports of several states which have conducted such studies. Our commission is now in the process of thinking through how to adapt such materials and create any new ones that may be needed to study the situation in North Dakota.

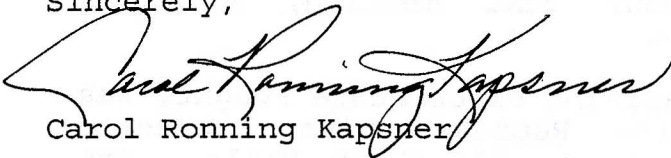
Jeffrey N. Nelson
March 31, 2010
Page 2

Our commission has created four subcommittees: a meetings subcommittee which will focus on creating protocols for conducting meetings to gather input from people on their perceptions of the North Dakota state court system; a research committee for developing other methods to gather and evaluate information about perception of our court system; a criminal justice subcommittee; and a civil justice subcommittee.

Our most recent commission meeting was held at the Jack Barden Center at United Tribes Technical College in Bismarck. The commission focused on developing the protocol for the initial public meeting which the commission hopes to hold in Fargo in July. We anticipate that a series of meetings will be held around the state and that permission will be sought to conduct some of the meetings on the reservations, preferably at the local colleges. The commission also began work on survey instruments, which are intended to elicit information about whether there is a perception of bias affecting either the process or the outcome in court proceedings.

We appreciate the interest of the Tribal and State Relations Committee in the important work of our Commission and look forward to updating you on our progress. We also welcome any input that your committee may wish to provide.

Sincerely,



Carol Ronning Kapsner

CRK/plg

cc: Judge Donovan Foughty
Judge Michael Swallow
Chief Justice Gerald VandeWalle