

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2021 ND 130

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In the Matter of the Vacancy in Judgeship No. 9, with Chambers in Mandan,  
South Central Judicial District

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No. 20210177

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Per Curiam.

[¶1] On June 24, 2021, Governor Doug Burgum notified the Supreme Court of the retirement of the Honorable John W. Grinsteiner as Judge of the District Court, with chambers in Mandan, South Central Judicial District effective August 20, 2021. Judge Grinsteiner's retirement creates a vacancy under N.D.C.C. § 27-05-02.1.

[¶2] Under N.D.C.C. § 27-05-02.1, within 90 days of receiving notice of a vacancy, this Court is required to review judicial vacancies and determine whether the office is necessary for effective judicial administration. This Court may, consistent with that determination, order a vacancy filled, order the vacant office transferred to another judicial district in which an additional judge is necessary, or abolish a vacant judicial office with or without a transfer.

[¶3] Under N.D. Sup. Ct. Admin. R. 7.2, notice of a written consultation with attorneys and judges and other interested persons in the South Central Judicial District was posted on the website of the Supreme Court June 25, 2021, regarding the vacancy created by Judge Grinsteiner's resignation of Judgeship 9. Notice was also electronically provided to all presiding judges of the state. Written comments on the vacancy were received through July 12, 2021. This procedure is sufficient for purposes of the consultation required under N.D.C.C. § 27-05-02.1.

[¶4] Judge Grinsteiner submitted a comment in favor of retaining the judgeship in its current location. No comments or petitions were received to

relocate or abolish this judgeship. On July 9, 2021, the South Central Judicial District filed a report containing population and caseload trends, and other criteria identified in Section 4, N.D. Sup. Ct. Admin. R. 7.2. On July 8, 2021, the State Court Administrator filed weighted caseload statistics for 2020 and 2021.

[¶5] The 2021 statistics submitted by the State Court Administrator were annualized to project the total for the 2021 calendar year. The weighted caseload statistics show that the two-year average need for judicial officers in the South Central Judicial District remained similar at 12.51 in 2019-2020 and 12.55 in 2020-2021. The report reflects a district shortage of 0.51 judicial officers based on the 2019-2020 two-year average. The State Court Administrator anticipates a 1,632 increase of total filings in the judicial district due to an increase in felony, administrative traffic, and misdemeanor cases.

[¶6] The South Central Judicial District is comprised of Burleigh, Emmons, Grant, McLean, Mercer, Morton, Oliver, Sioux, and Sheridan counties, with seven judges chambered in Bismarck, two judges chambered in Mandan, and one judge chambered in Washburn. The judicial district has two judicial referees in Bismarck. According to the district's report, Judgeship No. 9 is responsible for an equal share of the civil and criminal caseload in this district. The population in the judicial district was 157,646 in 2019. The 2020 U.S. Census Bureau data was not posted at the time the report was filed. The judicial district experienced a 23% population growth since 2000, and more than 80 percent of the population for the judicial district resides in Burleigh and Morton Counties. The total case filings for the district decreased slightly in 2020, which temporarily reduced the need for judicial officers. The annualized statistics provided by the State Court Administrator project the caseload to increase in 2021 to the 2019 level. Caseload trends project felony filings to increase 60.3 percent in 2021. Caseload trends project civil case filings to decrease 11.6 percent in 2021.

[¶7] Under the criteria of Section 4, N.D. Sup. Ct. Admin. R. 7.2, the Court considered all submissions received by the Court and its own administrative records on state-wide weighted caseload data.

[¶8] Based on the record before us, this Court determines the office is necessary for effective judicial administration in the South Central Judicial District.

[¶9] IT IS HEREBY ORDERED, that Judgeship No. 9 at Mandan, South Central Judicial District, be filled in the manner provided by N.D.C.C. Chapter 27-25.

[¶10] Jon J. Jensen, C.J.  
Gerald W. VandeWalle  
Daniel J. Crothers  
Lisa Fair McEvers  
Jerod E. Tufte