

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 42

In the Matter of the Vacancy in Judgeship No. 6, with Chambers in Fargo,
East Central Judicial District

No. 20220042

Per Curiam.

[¶1] On February 1, 2022, Governor Doug Burgum notified the Supreme Court of the retirement of the Honorable Thomas R. Olson as Judge of the District Court, with chambers in Fargo, East Central Judicial District effective April 30, 2022. Judge Olson’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 determine whether the office is necessary for effective judicial administration. This Court may, consistent with that determination, order the vacancy filled, order the vacant office transferred to another judicial district in which an additional judge is necessary, or abolish the 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, judges, and other interested persons in the South Central Judicial District was posted on the website of the Supreme Court February 2, 2022 regarding the vacancy created by Judge Olson’s resignation of Judgeship 6. Notice was also electronically provided to all presiding judges of the state. Written comments on the vacancy were received through February 17, 2022. The consultation period in this matter was abbreviated due to our December 16, 2021 Order retaining Judgeship No. 4, with chambers in Fargo, in the East Central Judicial District, which will be filled by election. *See In the Matter of*

the Vacancy in Judgeship No. 4, with Chambers in Fargo, East Central Judicial District, 2021 ND 227. This procedure is sufficient for purposes of the consultation required under N.D.C.C. § 27-05-02.1.

[¶4] The Cass County Board of Commissioners submitted a comment in favor of retaining the judgeship at its current location. No comments or petitions were received to relocate or abolish this judgeship. On February 3, 2022, the State Court Administrator filed weighted caseload statistics for 2020 and 2021. On February 8, 2022, the East Central Judicial District filed a report containing population and caseload trends and other criteria identified in [N.D. Sup. Ct. Admin. R. 7.2](#), Section 4.

[¶5] The weighted caseload statistics show that the two-year average need for judicial officers in the East Central Judicial District increased from 13.38 to 13.44 from 2020 to 2021. The report reflects a district shortage of 2.41 judicial officers based on the 2020-2021 average. Total filings decreased by 1,262 in the judicial district primarily due to a decrease in small claims and administrative traffic matters. The shortage of judicial officers increased due to the greater weight assigned to felony and personal injury matters.

[¶6] The East Central Judicial District is comprised of Cass, Steele and Traill Counties, with nine judges chambered in Fargo and one judge chambered in Hillsboro. The judicial district has two judicial referees. According to the district's report, Judgeship No. 6 is responsible for a share of caseload in this district. The population in Cass County increased 23.2% from 2010 to 2020. The population in Steele and Traill counties decreased during the same time period.

[¶7] Under the criteria of Section 4 of [N.D. Sup. Ct. Admin. R. 7.2](#), the Court has 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 this office is necessary for effective judicial administration in its present location.

[¶9] IT IS HEREBY ORDERED, that Judgeship No. 6, with chambers in Fargo, in the East Central Judicial District, be filled in the manner provided by Chapter 27-25, N.D.C.C.

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