

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2023 ND 83

In the Matter of the Vacancy in Judgeship No. 3, with Chambers in Williston,
Northwest Judicial District

No. 20230068

Per curiam.

[¶1] On March 7, 2023, Governor Doug Burgum notified the Supreme Court of the retirement of the Honorable Paul W. Jacobson, Judge of the District Court, with chambers in Williston, Northwest Judicial District, effective May 31, 2023. Judge Jacobson’s retirement creates a vacancy under N.D.C.C. § 27-05-02.1.

[¶2] Under N.D.C.C. § 27-05-02.1, this Court is required to review vacancies that occur and determine, within 90 days of receiving notice of a vacancy, whether the office is necessary for effective judicial administration. This Court may, consistent with that determination, order a vacancy filled or order the vacant office be 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 Northwest Judicial District was posted March 8, 2023, on the website of the Supreme Court regarding the vacancy created by Judge Jacobson’s retirement in Judgeship No. 3. Written comments on the vacancy were permitted through April 10, 2023. This procedure is sufficient for purposes of the consultation required under N.D.C.C. § 27-05-02.1.

[¶4] Comments regarding filling the vacancy were received, and a report containing population and caseload trends, and other criteria identified in [N.D. Sup. Ct. Admin. R. 7.2](#), Section 4, was filed April 5, 2023, by the Northwest Judicial District. The State Court Administrator provided weighted caseload statistics through March 31, 2023, annualized to project the total for calendar year 2023 for the Northwest Judicial District and statewide.

[¶5] The Northwest Judicial District is comprised of Divide, McKenzie, and Williams Counties, which has been the heart of the oil and gas activity for years. The population of the three counties increased 114% from 2010 to 2023.

[¶6] According to the District's report, the four District judges chambered in Williston are responsible for the cases originating in Williams County, and the two District judges chambered in Watford City are responsible for the cases originating in McKenzie County. All six of the judges of the District are responsible for an equal share of the cases originating in Divide County.

[¶7] The District criminal filings increased to 3,254 from 2,948 from 2021 to 2022. Civil filings were slightly down for the same time period. In 2022, the District handled the highest percentage of probate cases statewide. These tend to be contested probate cases which are more labor intensive, due to the extensive mineral rights issues involved. The District notes a continued increase in juvenile dependency cases which are more time intensive and required additional resources. A juvenile drug court was established in Williston in June 2020.

[¶8] According to the weighted caseload study, based on the case filings and the availability of six District judges, the Northwest Judicial District shows an overage in judicial officer need. The overage decreased from 0.78 in 2021-2022 to 0.58 in 2022-2023. Vacating or moving this judgeship would create a shortage in the District and make it difficult to provide effective judicial services to residents. The overage in the need for judicial officers is not significant enough to transfer or abolish this judgeship.

[¶9] Based on the record before us, this Court determines the District judge is necessary for effective judicial administration in Williston and the Northwest Judicial District.

[¶10] IT IS HEREBY ORDERED, that Judgeship No. 3 at Williston in the Northwest Judicial District be filled in the manner provided by N.D.C.C. ch. 27-25.

[¶11] Jon J. Jensen, C.J.

Daniel J. Crothers

Lisa Fair McEvers

Jerod E. Tufte

Douglas A. Bahr