

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2024 ND 75

In the Matter of the Vacancy in Judgeship No. 8, with Chambers in Fargo,
East Central Judicial District

No. 20240055

Per Curiam.

[¶1] On February 9, 2024, the Honorable John C. Irby, Judge of the District Court, East Central Judicial District, informed this Court he does not intend to seek reelection when his term expires. Judge Irby is chambered in Fargo and his term expires December 31, 2024. Under N.D.C.C. § 27-05-02.1(2), a vacancy in the office of district judge occurs if a judge declares the intention not to seek reelection.

[¶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 and judges and other interested persons in the East Central Judicial District was posted February 23, 2024 on the Supreme Court's website. Notice was also electronically provided to all presiding judges of the state. Written comments on the vacancy were permitted through March 18, 2024. This procedure is sufficient for purposes of the consultation required under N.D.C.C. § 27-05-02.1(2).

[¶4] One comment was received in support of retaining the judgeship in the East Central Judicial District. No comments or petitions were received to relocate or abolish this judgeship. On March 20, 2024, the State Court Administrator filed weighted caseload statistics for 2022 and 2023. On March 18, 2024, 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 East Central Judicial District is comprised of Cass, Steele, and Traill Counties, with ten 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. 8 is responsible for a share of the caseload in this district. The population in the district increased 22% from 2010 to 2020. The district's report reflects the populations of Steele and Traill counties decreased from 2010 to 2020. In 2020, Cass County contained 97% of the total population of the district.

[¶6] The weighted caseload statistics show the two-year average need for judicial officers in the East Central Judicial District decreased from 12.93 to 12.70 from 2022 to 2023. Based on the 2021-2022 average, the district had a 1.93 shortage of judicial officers. Judgeship No. 11 was added by the legislature and filled in 2023. The district report now shows that the district has an overage of 0.30 judicial officers based on the 2023-2024 average. Vacating or moving this judgeship would create a shortage in the district and make it difficult to provide effective judicial services.

[¶7] Under the criteria of Section 4 of [N.D. Sup. Ct. Admin. R. 7.2](#), this Court has considered all submissions 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 the Court declines to transfer or abolish Judgeship No. 8 in the East Central Judicial District, with chambers in Fargo, and does hereby notify the secretary of state of this determination so that the office may be filled by election.

[¶10] Jon J. Jensen, C.J.

Daniel J. Crothers

Lisa Fair McEvers

Jerod E. Tufte

Douglas A. Bahr