

N.D.A.G. Letter to Bohn (July 15, 1986)

July 15, 1986

Mr. William G. Bohn
State Court Administrator
Supreme Court
State Capitol
Bismarck, ND 58505

Dear Mr. Bohn:

Thank you for your letter of July 8, 1986.

In your letter you asked the following two questions:

1. Will the Office of the Attorney General represent county judges in the event an action is brought against them when they are acting as a district judge?
2. Should there be a judgment against a county judge, while acting as a district judge, would we look to the state Legislature and/or Emergency Commission for indemnification or would we look to the respective counties for such indemnification?

With respect to your discussion of the first question, you cited N.D.C.C. §27-07.1-18(8) as the authority for county judges acting in the capacity of district court judges in certain circumstances. After reviewing that section, I presume you intended to refer to N.D.C.C. §27-07.1-17(8). In response to your first question, consistent with the other provisions of my letter of June 27, 1986, it is my position that this office will represent a county judge in an action brought against him or her which is based upon conduct engaged in while he or she was sitting as a district court judge pursuant to N.D.C.C. §27-07.1-17(8).

In answer to your second question, this office will make every reasonable effort in appropriate cases to secure indemnification or reimbursement from the Legislature or Emergency Commission for any county judges who have judgments entered against them based on official acts committed qua district judges.

I hope this satisfactorily answers your questions.

Sincerely,

Nicholas J. Spaeth

dfm