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JUSTICE MARY MUEHLEN MARING: A LEADER, INNOVATOR, AND EDUCATOR

JUSTICE CAROL RONNING KAPSNER*

Justice Mary Muehlen Maring served over seventeen years on the North Dakota Supreme Court bench, and her dedication to the Court and the state have significantly shaped North Dakota's judiciary and legal community. I am pleased to have an opportunity to acknowledge Justice Maring's tenure on the North Dakota Supreme Court. It would be remiss of me not to mention the wisdom and guidance Justice Maring brought to the Court, writing over 800 opinions and reviewing the voluminous cases heard during her time with the Court. However, this tribute focuses on her influence and achievements outside of her judicial decisions.

Justice Maring effected positive change while serving on the Court. Notably, she was the driving force in the creation of the North Dakota juvenile drug courts, and she worked diligently to ensure their continued growth and success. In addition, Justice Maring organized a court-sponsored public outreach program, the Justices Teaching Institute. The Institute has been instrumental in educating North Dakota history and government teachers about the judicial system and decision-making so they can return to their respective classrooms and confidently instruct their students on what they learned. Justice Maring's leadership and passion for education has been inspiring, and it is my pleasure to recognize her hard work and dedication.

I. JUVENILE DRUG COURT

The North Dakota Juvenile Drug Court system was Justice Maring's brainchild. She attended the National Association of Women Judges Conference in 1997, which featured an educational session on drug courts. Inspired by what she learned at the session, in 1998, she requested the Juvenile Policy Board endorse a study of juvenile drug courts.¹ Justice Maring desired to establish a study group to investigate data on North Dakota juvenile substance abuse and to research various models of juvenile

* Justice, North Dakota Supreme Court. I would like to thank my law clerk, Jill Martin, for her assistance with this article.

1. NORTH DAKOTA SUPREME COURT, MINUTES OF THE JUVENILE POLICY BOARD SEPTEMBER 30, 1998, http://www.ndcourts.gov/court/committees/juv_pol/Minutes/Sept1998.htm.

drug courts to determine if a juvenile drug court pilot program should be established in North Dakota.² The Juvenile Policy Board endorsed the study and named her chair of the Study Committee.³

The Study Committee concluded North Dakota had the resources, ability, and a need for juvenile drug courts, and the Committee recommended the implementation of a juvenile drug court pilot program.⁴ After intensive training and coordination, in March 2000, the Committee, chaired by Justice Maring, finalized its plans for establishing two pilot programs in the East Central Judicial District in Fargo and the Northeast Central Judicial District in Grand Forks,⁵ and the first juveniles in North Dakota appeared in drug court on May 1, 2000.⁶ North Dakota currently has six juvenile drug courts,⁷ and, as of July 31, 2014, 539 juveniles have participated in the juvenile drug courts, with 223 successfully graduating from the program.

The mission statement of the Juvenile Drug Court is to “reduce juvenile crime and substance abuse by referring youth to a court-managed treatment program which holds them accountable and emphasizes personal responsibility,”⁸ and it appears the juvenile drug courts are doing just that. The results of a 2012 study suggest the North Dakota Drug Court Program is effective at reducing subsequent drug and alcohol use and criminal activity.⁹ A 2002 study indicated the juvenile drug courts also impact high school achievement, as the study reported increased grade point averages and decreased absenteeism by participants.¹⁰ Chief Justice Gerald VandeWalle has stated, “[t]hese problem-solving courts work because the

2. *Id.*

3. *Id.*

4. Kevin M. Thompson, *A Preliminary Outcome Evaluation of North Dakota’s Juvenile Drug Court—Recidivism Analysis*, JUSTICE PROGRAM OFFICE 3 (2001), <http://jpo.wrlc.org/bitstream/handle/11204/51/63.pdf?sequence=1>.

5. *Id.*

6. *Id.*

7. The six juvenile drug courts are located in Bismarck, Devils Lake, Fargo, Grand Forks, Minot, and Jamestown-Valley City.

8. NORTH DAKOTA SUPREME COURT, NORTH DAKOTA JUVENILE DRUG COURT PROGRAM MANUAL 5 (2012), http://www.ndcourts.gov/court/committees/juv_drug/ProgramManual2011.pdf.

9. CATHY FERDERER, EVALUATION OF NORTH DAKOTA JUVENILE DRUG COURT 22 (2012).

10. Kevin M. Thompson, *The Impact of North Dakota’s Juvenile Drug Court on School Achievement*, JUSTICE PROGRAM OFFICE 12-14 (2002), <http://jpo.wrlc.org/bitstream/handle/11204/78/104.pdf?sequence=1>. See also Kevin M. Thompson, *The Impact of North Dakota’s Juvenile Drug Court on School Achievement* JUSTICE PROGRAM OFFICE 9 (2005), <http://jpo.wrlc.org/bitstream/handle/11204/78/104.pdf?sequence=1> (also reporting increased grade point averages).

people involved are using their skills and knowledge to improve the access to justice and a better life for the participants.”¹¹

Justice Maring’s initiative to establish juvenile drug courts in North Dakota is noteworthy, and her continued commitment to its success, serving as Chair of the Juvenile Drug Court Advisory Committee for fourteen years, is impressive. She led the Advisory Committee in securing funding, establishing statewide policies and procedures, introducing legislation when appropriate, and evaluating the program’s effectiveness. Justice Maring also supported the continued education of drug court professionals throughout the state by ensuring funding for training new drug court teams and promoting the Upper Midwest Drug Court Professionals Conference. Justice Maring continuously sought and championed strategies to improve the services and programs offered through the Juvenile Drug Court; her actions have demonstrated her commitment to the state’s youth.

Numerous individuals have commented on the success and impact of North Dakota’s juvenile drug courts. Senator John Hoeven has remarked, “North Dakota’s Drug Courts have made a positive impact on the lives of many young people who have found both support and recovery through the court’s unique and innovative approach.”¹² One drug court team member, Nicole Leitner, noted her experiences in juvenile drug court reminded her of the following quote: “We are planting a seed for a tree whose fruit we may never enjoy.”¹³ Leitner stated she was “honored to be involved in the juvenile drug court” and was “confident that many seeds have been planted.”¹⁴

The Honorable Karen Kosanda Braaten, the Grand Forks Juvenile Drug Court Judge, remarked: “It is very rewarding to see the changes in the behaviors and attitudes of the kids as they progress through the program and how proud they are of their accomplishment when they graduate.”¹⁵ Federal District Court Judge Ralph Erickson has said the success stories

11. *Chief Justice VandeWalle Addresses New Programs & Initiatives*, THE GAVEL, Aug.-Sept. 2010, at 17, <http://www.sband.org/UserFiles/files/pdfs/publications/gavel/August10web.pdf>.

12. *Hoeven awards 2012 drug court scholarship to Tate Rivera*, NORTH DAKOTA SUPREME COURT (Sept. 7, 2012), <http://www.ndcourts.com/court/news/drugct0912.htm>.

13. Nicole Leitner, *Juvenile Drug Court The Good the Bad the Ugly*, NORTH DAKOTA JUVENILE DRUG COURT NEWSLETTER (N.D. Ct. Sys., Bismarck, N.D.), Nov. 1, 2010, at 3, available at <https://www.ndcourts.gov/court/news/juvnews1110.pdf>.

14. *Id.*

15. Karen Kosanda, *Judge’s Perspective*, NORTH DAKOTA JUVENILE DRUG COURT NEWSLETTER (N.D. Ct. Sys., Bismarck, N.D.), May 21, 2007, at 2, available at <https://www.ndcourts.gov/court/news/drugctnews.pdf>.

from juvenile drug courts are moving; parents of one participant who successfully completed drug court thanked him for “giving our son back.”¹⁶

It is clear that the North Dakota Juvenile Drug Courts have had a profound effect on the participants, their families, and the teams. Justice Maring’s devotion to the establishment and preservation of North Dakota’s Juvenile Drug Courts has had a huge impact on the program’s success and, in turn, on many people’s lives.

II. JUSTICES TEACHING INSTITUTE

Beyond Justice Maring’s loyalty to the juvenile drug court program, she has also been influential in promoting educational programming and professional development. After being accepted to participate in the 2005-2006 Institute for Faculty Excellence in Judicial Education (IFEJE),¹⁷ Justice Maring, recognizing the impact teachers have on their students and community, spearheaded the North Dakota Justices Teaching Institute as her culminating project for IFEJE. The Justices Teaching Institute program invites history, government, and social studies teachers from across the state to participate in a two-day workshop about the judicial system and judicial decision-making. In the process, participants earn one continuing education unit or one graduate credit. The program’s goal is to provide teachers with the knowledge and resources necessary to teach their students with confidence about the nature, history, structure, and function of the North Dakota court system. The North Dakota Supreme Court developed this public outreach program to foster a better understanding of the role of the courts, how they work, and how decisions are made. In October 2006, the Court held its first Justices Teaching Institute workshop. Thereafter, the Court formally adopted the Institute as a permanent program of the Court, and the Court held additional sessions in 2007, 2009, 2011, and 2013.

During the workshop, North Dakota Supreme Court justices host sessions guiding participants through the function and structure of state and federal courts, the framework of judicial decision-making, legal research, and court processes. The Institute’s final application is a mock oral argument in which participants serve as justices and decide a case involving a constitutional question. Lesson plans, PowerPoints, teaching notes, and other materials are provided to assist the participants in teaching the legal

16. *Fargo Juvenile Drug Court Celebrates 2nd Anniversary*, NORTH DAKOTA SUPREME COURT (May 2002), http://www.ndcourts.gov/_court/news/drug.court.5.2002.htm.

17. *Justice Maring selected for judicial institute*, NORTH DAKOTA SUPREME COURT (Oct. 4, 2005), http://www.ndcourts.com/_court/news/maring05.htm.

concepts to their students. In addition, Justice Maring involved the North Dakota State Bar Association in the program by pairing teachers with attorney mentors to help answer any legal questions they may have and to work with them in presenting the material to their students.

The Institute has had a wonderful response from participants. To date, ninety-four participants have attended the Justices Teaching Institute. Teachers who have attended have remarked that the program was invaluable and that learning from the justices was a “tremendous educational, professional, and social experience.”¹⁸

Justice Maring has left a tremendous legacy, and the attention she gave to educational programming and the state’s youth will resonate for generations. I am proud to have worked with her as a colleague and to call her my friend.

18. Lee Ann Barnhardt, *Teaching the Teachers: Public Outreach Through Adult Education*, NASJENEWS QUARTERLY, <http://nasje.org/news/newsletter0701/resources02.htm>.