



GUIDE TO A CIVIL ACTION

An Informational Guide to North Dakota Civil Court Process

This is a basic guide through the process of a civil action in North Dakota District Court. This guide is not a complete statement of the laws and rules that apply to civil actions in North Dakota District Court.

This guide includes references to some basic checklists and forms. Available checklists and forms are listed within each section of the guide and at the end of the guide. To print the available checklists and forms, go to the online version of this guide at www.ndcourts.gov/ndlshc.

The information contained in this guide cannot replace the advice of competent legal counsel licensed in North Dakota. If you are unsure whether you should use the information, contact a lawyer licensed to practice in North Dakota.

You are not required to hire an attorney to access the court system. If you decide to represent yourself, you must follow all of the rules, laws and procedures that a lawyer is required to follow.

Go to the [North Dakota Legal Self Help Center](http://www.ndcourts.gov/ndlshc) website for links to the following:

- North Dakota Century Code (State laws/statutes) and the North Dakota Constitution;
- North Dakota Court Rules; and
- A Glossary of many legal terms.

North Dakota court rules, the North Dakota Century Code, the North Dakota Constitution, and legal dictionaries can be found in print in many North Dakota public and academic libraries.

Table of Contents

Parties	3
Jurisdiction	3
Subject Matter Jurisdiction	3
Personal Jurisdiction	3
Venue (Location of Civil Action)	3
Calculating Time Periods	4
Confidential Information in Documents Filed in a Civil Action	4
Starting a Civil Action	5
Summons	5
Complaint	5

Confidential Information in Documents Filed in a Civil Action	6
Service to Start a Civil Action	6
Answering the Complaint	6
Answer	6
Affirmative Defenses.....	7
Defenses allowed by Motion	7
Counterclaim.....	7
Confidential Information in Documents Filed in a Civil Action	8
Service of the Answer	8
Filing the Answer with the District Court.....	8
Answer to Counterclaim; Reply to Answer	9
Filing Documents with the District Court.....	9
When to File the Summons and Complaint	9
When the Defendant can File the Summons and Complaint	10
How to File Documents in a Civil Action	10
Filing Fees.....	11
Notice of Filing	11
Confidential Information in Documents Filed in a Civil Action	11
Motions	11
Making a Motion.....	12
Answering a Motion.....	13
Replying to the Answer	14
Requesting a Hearing on a Motion	14
Confidential Information in Documents Filed in a Civil Action	14
Service	14
Discovery.....	15
Alternative Dispute Resolution	16
Pre-Trial Conference	16
Trial	17
Appeals to the North Dakota Supreme Court.....	17
Document Formatting Requirements	17
Verification.....	18

Notarization	18
Checklists and Forms	18

Parties

The party who starts a civil action is called the Plaintiff. There can be more than one Plaintiff.

The party who is served with a complaint requesting civil legal action against them is called the Defendant. There can be more than one Defendant.

Jurisdiction

Before starting a civil action, the Plaintiff must determine if the North Dakota District Courts have jurisdiction. Jurisdiction is the power of a court to inquire into the facts, apply the law, and determine and pronounce judgment.

Generally speaking, there are two types of jurisdiction, subject matter and personal. The Plaintiff must show how the court has both subject matter jurisdiction and personal jurisdiction over the Plaintiff's civil action.

Subject Matter Jurisdiction

Subject matter jurisdiction is the court's power to hear and determine the type of case or controversy involved in the civil action.

Subject matter jurisdiction comes from the constitution and statutes. The parties cannot agree to, consent to or waive subject matter jurisdiction.

Personal Jurisdiction

Personal jurisdiction is the court's power over the parties in a civil action.

[Rule 4 of the North Dakota Rules of Civil Procedure](#) gives the definition of a "person" and the requirements for exercising personal jurisdiction over a person. A party can voluntarily submit to the personal jurisdiction of a court.

Venue (Location of Civil Action)

Venue means the place, or geographical location, of the court that will hear the civil action. The Plaintiff must determine the proper venue for the subject matter of their civil action.

Venue requirements may be found in the laws related to the subject matter of the civil action. Venue requirements may also be found in [North Dakota Century Code Chapter 28-04](#).

Calculating Time Periods

[Rule 6 of the North Dakota Rules of Civil Procedure](#) describes how to calculate time periods during a civil action.

Confidential Information in Documents Filed in a Civil Action

Court records are generally available to the public, and anyone can request to look in almost any court file. However, certain information is required to remain confidential, even if it is part of a public court record.

The Plaintiff and Defendant are solely responsible for making sure confidential information does not appear in the documents they prepare. [Rule 3.4 of the North Dakota Rules of Court](#) describes the requirements.

Confidential information includes:

- Social security numbers
- Taxpayer identification numbers
- Birthdates
- Full name of a minor child
- Financial-account numbers

The documents filed with the court with references to confidential information must include only:

- The last four (4) digits of the social security number and taxpayer identification number
- The year of birth
- The minor child's initials
- The last four (4) digits of the financial-account number

If documents include references to confidential information, the party who files, or intends to file, the documents must prepare a Confidential Information form. The form must contain the full confidential information that is referenced in the documents.

The Confidential Information form is filed when the action is filed with the court. The information on the form is not placed in a publicly accessible portion of the file.

See the example of the Confidential Information form in [Appendix H](#) of the North Dakota Rules of Court.

Starting a Civil Action

In North Dakota, a civil action starts with service of a summons on the Defendant. A copy of the complaint must be served with the summons, unless the Defendant is served by publication. In North Dakota, a summons and complaint are not required to be filed with the court to start a civil action.

See the Filing Documents with the District Court section below for more information about filing.

Summons

A summons directs the Defendant to answer the complaint within a certain amount of time. The summons notifies the Defendant that a default judgment will be taken against them if the Defendant does not answer.

Certain information must be included in the summons. Requirements are found in [Rule 4 of the North Dakota Rules of Civil Procedure](#). An example of a civil summons is available in the Appendix of Forms to the North Dakota Rules of Civil Procedure.

A summons in divorce, separation, or actions to establish parental rights and responsibilities has additional requirements. See [Rule 8.4 of the North Dakota Rules of Court](#) and the example in [Appendix A](#) of the North Dakota Rules of Court.

The following forms are available in the online Guide to a Civil Action:

- Summons form – Civil Actions
- Summons form – Divorce or Separation Actions
- Summons form – Actions to Establish Parental Rights and Responsibilities

Complaint

A complaint is a written demand or request for judgment granting the relief the Plaintiff is seeking.

[Rule 8 of the North Dakota Rules of Civil Procedure](#) requires that the complaint describe in short, plain statements the claim showing that the Plaintiff is entitled to relief, and a demand for relief. See the Appendix of Forms to the North Dakota Rules of Civil Procedure for examples of civil complaints.

The requirements for complaints apply to the following types of documents:

- Complaint – original written demand or request for judgment granting the relief the Plaintiff is seeking.
- Counterclaim – written demand or request for judgment granting the relief the Defendant is seeking. The counterclaim is included with the Defendant's answer to the Plaintiff's complaint. See [Rule 13 of the North Dakota Rules of Civil Procedure](#) for counterclaims.
- Crossclaim – written demand or request for judgment granting the relief a Plaintiff is seeking against a co-Plaintiff on the same side of the action. See [Rule 13 of the North Dakota Rules of Civil Procedure](#) for crossclaims.

- Third-party claim – written demand or request for judgment granting the relief a third-party person is seeking. See [Rule 14 of the North Dakota Rules of Civil Procedure](#) for requirements related to third-party claims.

Confidential Information in Documents Filed in a Civil Action

See the Confidential Information in Documents Filed in a Civil Action section above.

Service to Start a Civil Action

Service to start a civil action, also called service of process, requires delivery of the summons and a copy of the complaint to the Defendant. The Plaintiff is required to notify the Defendant of the claims and to give the Defendant time to respond.

The summons and a copy of complaint must be delivered in specific ways. For information about service to start a civil action, go to the Service link on the [North Dakota Legal Self Help Center](#) website.

If the Defendant is not represented by a lawyer, the Plaintiff serves the Defendant. If the Defendant is known to be represented by a lawyer, the Plaintiff must serve the lawyer instead of the Defendant.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

The proof of service to start a civil action tells the court when, how, and where the Defendant was served. An affidavit of service gives the court proof of service.

A checklist for starting a civil action is available in online Guide to a Civil Action.

Answering the Complaint

The Plaintiff notifies the Defendant of the civil action by serving the summons and a copy of the complaint on the Defendant. The Defendant has twenty-one (21) days after service to respond or “answer” the complaint.

See [Rule 12 of the North Dakota Rules of Civil Procedure](#) for more information about time to serve the answer on the Plaintiff.

Answer

An answer is a written response by a Defendant to a complaint.

[Rule 8\(b\) of the North Dakota Rules of Civil Procedure](#) requires that an answer admit or deny each of the claims in the complaint. If a Defendant does not have enough information to admit or deny a claim, the Defendant must say so. If a Defendant fails to deny a claim, the claim is considered admitted by the Defendant.

The answer must also state defenses to each of the claims in short, plain statements.

See Rule 8(b) for information on how to admit or deny each claim in the complaint. See the Appendix of Forms to the North Dakota Rules of Civil Procedure for an example of presenting defenses in an answer.

The following form is available in the online Guide to a Civil Action:

- Answer form

Affirmative Defenses

An affirmative defense is a legal reason the Plaintiff should lose, even if the Plaintiff's claims are true. For example, expiration of the time allowed by law to bring a civil action, or statute of limitations, is an affirmative defense.

[Rule 8\(c\) of the North Dakota Rules of Civil Procedure](#) includes a list of affirmative defenses. The list does not include all possible affirmative defenses.

Affirmative defenses must be stated in the answer. A Defendant may not have any affirmative defenses.

In general, failure to state an affirmative defense results in a waiver of the defense and cannot be brought up later in the action.

See [Rule 8](#) and [Rule 12](#) of the North Dakota Rules of Civil Procedure for affirmative defense requirements.

See the Appendix of Forms to the North Dakota Rules of Civil Procedure for an example of presenting defenses in an answer.

Defenses allowed by Motion

Some defenses can be made in a motion, rather than in the answer. [Rule 12 of the North Dakota Rules of Civil Procedure](#) lists the defenses that can be made by motion, and when and how the motions can be made.

For information on motions in a civil action, go to the Motions section below.

Counterclaim

A counterclaim is a written demand or request to the court for judgment granting the relief the Defendant is seeking. A counterclaim allows the Defendant to bring claims against the Plaintiff.

The counterclaim is included with the Defendant's answer to the Plaintiff's complaint. [Rule 13 of the North Dakota Rules of Civil Procedure](#) describes the requirements for counterclaims.

The counterclaim must meet all the requirements of a complaint. See the Starting A Civil Action section above.

There are two types of counterclaims: compulsory and permissive.

Compulsory counterclaims are claims that arise out of the same transaction or occurrence as the claims in the Plaintiff's complaint; and do not require adding another party over whom the court does not have jurisdiction.

In general, failure to include a compulsory counterclaim in the Defendant's answer results in a waiver of that claim. The Defendant cannot assert that claim later in the action, or bring the claim in a different action. A Defendant might not have any compulsory counterclaims.

Permissive counterclaims are claims against the Plaintiff that do not arise out of the same transaction or occurrence as the claims in the Plaintiff's complaint.

In general, failure to include a permissive counterclaim does not waive the Defendant's claim against the Plaintiff. The claim can be brought in a different action. A Defendant might not have any permissive counterclaims.

The following form is available in the online Guide to a Civil Action:

- Answer and Counterclaim form

Confidential Information in Documents Filed in a Civil Action

See the Confidential Information in Documents Filed in a Civil Action section above.

Service of the Answer

Service after a civil action has started requires that parties deliver documents filed, or intended to file, with the court to all other parties in the civil action. For information about service after a civil action has been started, go to the Service link on the [North Dakota Legal Self Help Center](#) website.

If a party is not represented by a lawyer, serve the party. If a party is known to be represented by a lawyer, serve the lawyer instead of the party.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

The proof of service for documents served after a civil action has been started tells the court when, how, and where the party or parties were served. An affidavit of service gives the court proof of service.

Filing the Answer with the District Court

In North Dakota, a summons and complaint are not required to be filed with the court to start a civil action. See the Filing Documents with the District Court section below for more information about filing and notice of filing.

After the summons and complaint are filed with the District Court, the party that filed the summons and complaint must service notice of filing on the other parties.

The Defendant must file the answer within a reasonable amount of time after being served the notice of filing the summons and complaint.

Proof of service of the answer on the Plaintiff must be filed with the answer.

The Defendant must serve notice of filing the answer on the Plaintiff.

Answer to Counterclaim; Reply to Answer

When a Defendant includes counterclaims in the answer to the Plaintiff's complaint, the Plaintiff must serve a written response, or "answer," to the counterclaims twenty-one (21) days after service of the Defendant's Answer and Counterclaim.

If the Defendant does not include counterclaims in the answer, the Plaintiff can reply to the answer if the court gives permission.

See the Answering a Complaint section above for information about answers.

The following form is available in the online Guide to a Civil Action:

- Answer to Counterclaim form
-

Filing Documents with the District Court

Filing is bringing or sending documents in a civil action, such as a pleading, motion, or brief, to the Clerk of Court's office and asking that it be filed. If a filing fee is required, the filing fee is paid before the documents are accepted for filing. [Rule 5 of the North Dakota Rules of Civil Procedure](#) describes filing requirements.

***Filing a document is not the same as serving a document. Proof of service of the document(s) must be filed with the court. For information about service of documents, go to the Service link on the [North Dakota Legal Self Help Center](#) website.

When to File the Summons and Complaint

In North Dakota, a civil action starts with service of a summons and a copy of the complaint on the Defendant. A summons and complaint are not required to be filed with the court to start a civil action.

There are actions that a court cannot take until the summons and complaint are filed, including (but not limited to):

- Requests for orders from the District Court;
- Subpoenas issued by the Clerk of Court.

Other actions that cannot be taken until the summons and complaint are filed may be found in the laws or rules related to the civil action.

Proof of service of the summons and complaint must be filed with the summons and complaint.
See the Starting a Civil Action section above for information about service to start a civil action.

When the Defendant can File the Summons and Complaint

The Defendant can demand that the Plaintiff file the summons and complaint, or the Defendant can file the summons and complaint.

[Rule 5\(d\)\(2\) of the North Dakota Rules of Civil Procedure](#) describes the requirements.

If the Defendant demands that the Plaintiff file the summons and complaint:

- The demand must be written.
- The demand must contain notice that if the complaint is not filed within 20 days, service of the summons will be void, unless, after motion made within 60 days after service of the demand for filing, the court finds excusable neglect.
- If the Plaintiff is represented by a lawyer, the demand must be served on the lawyer under [Rule 5 of the North Dakota Rules of Civil Procedure](#). If the Plaintiff is not represented by a lawyer, the demand must be served on the Plaintiff under [Rule 4\(d\) of the North Dakota Rules of Civil Procedure](#).
- If the Plaintiff does not file the complaint within 20 days after service of the demand for filing, service of the summons is void.

If the Defendant files the summons and complaint:

- The Defendant must serve notice of filing the summons and complaint on all other parties. See the Notice of Filing Subsection below.
- The Defendant may request the court award the cost of the filing fee as provided in [Rule 54\(e\) of the North Dakota Rules of Civil Procedure](#).

For information about service, go to the Service link on the [North Dakota Legal Self Help Center](#) website.

How to File Documents in a Civil Action

In general, the original document, rather than a copy, is filed with the court.

*** Proof of service of the document(s) must be filed with the court.*** For information about service of documents, go to the Service link on the [North Dakota Legal Self Help Center](#) website.

The Clerk of Court accepts documents for filing in a civil action. Documents must meet the requirements of [Rule 3.1 of the North Dakota Rules of Court](#).

Documents that do not meet the requirements of Rule 3.1 above may not be filed. Documents filed in the wrong county will be returned to the filing party.

When a summons and complaint are accepted by the Clerk of Court for filing, the Clerk of Court will assign a case number.

Clerk of court contact information by county is found on the North Dakota Supreme Court website at www.ndcourts.gov.

Filing Fees

A filing fee is an amount of money, set by law, that a party must pay when filing documents in an action. Filing fee amounts can be found in [North Dakota Century Code Chapter 27-05.2](#) and by calling the clerk of court in the county where the documents will be filed.

If a type of document requires payment of a filing fee, the filing fee is paid before the document is filed.

If a party cannot pay filing fees because of financial hardship, forms are available to ask the court to file documents in a civil action without paying the required filing fee. The forms are found online at the [North Dakota Legal Self Help Center](#) website.

Notice of Filing

The party that files the summons and complaint must serve notice of filing on all other parties.

The Defendant must serve notice of filing the answer on the Plaintiff.

For information about service of documents after a civil action has been started, go to the Service link on the [North Dakota Legal Self Help Center](#) website.

The following form is available in the online Guide to a Civil Action:

- Notice of Filing form

Confidential Information in Documents Filed in a Civil Action

See Confidential Information in Documents Filed in a Civil Action above.

Motions

A motion is a request to the Court to issue an order for a specific purpose. Motions are made after the summons and complaint are filed with the court. Motions cannot be used to start a civil action.

The basic requirements for motions are found in [Rule 7](#) and [Rule 43](#) of the North Dakota Rules of Civil Procedure; and [Rule 3.2 of the North Dakota Rules of Court](#).

See the rules that apply to the type of motion being made and the laws that apply to the subject matter of the civil action for additional motion requirements.

The party making the motion is called the moving party.

The party answering the motion is called the opposing party.

A motion can request an order for the kinds of relief described in the rules and in the laws that apply to the subject matter of the civil action.

Motions may be decided entirely on the documents submitted by the parties. A party can make a timely request for an in-court hearing on the motion. [Rule 3.2 of the North Dakota Rules of Court](#) describes how to make a timely request for a hearing on the motion.

The Appendix of Forms to the North Dakota Rules of Civil Procedure includes examples of some motion forms.

Making a Motion

A motion in a civil action must:

- Be in writing, unless the motion is made during hearing or trial;
- Specifically state the legal authority in rule and law that supports the request and state the specific facts that support the request; and
- State the relief sought from the court.

A written motion in a civil action is made up of a set of documents, including:

- Notice of Motion;
- Motion;
- Brief in support of motion;
- Affidavit in support of motion; and
- Other supporting documents.

A Notice of Motion is a required written notice to the opposing party that the moving party will request an order. The Notice of Motion must state whether the motion will be decided on the written motion documents or whether the moving party has requested a hearing on the motion. If the moving party requests a hearing, the Notice of Motion must include the date, time and location of the hearing. (An opposing party may request a hearing, even if the moving party does not.)

A Motion is a required written request to the court for an order. The request is a short, plain statement that includes the specific rules and laws that support the request.

A Brief in support of motion is a required written explanation of why the moving party should have the motion granted. A brief takes the specific rules and laws that support the request and explains how they apply to the facts of a particular situation. Facts referred to in the brief should also appear in the affidavit.

If the moving party does not file a brief, the court may consider the failure an admission by the moving party that the motion does not have merit.

An Affidavit in support of motion is a required written statement of fact of the moving party, which is made under oath. Facts referred to in the brief should also appear in the affidavit. The affidavit must be signed in the presence of a notary public by the moving party.

Other supporting documents may be submitted with the required motion documents.

Copies of the motion documents must be served on the opposing party or parties. See the Service subsection below.

The original motion documents must be filed with the clerk of court in the county where the existing civil action is filed. See the Filing Documents with the District Court section above.

Even if an answer brief is not served and filed by the opposing party, the moving party must still prove to the court that it is entitled to the relief requested.

The following form is available in the online Guide to a Civil Action:

- Notice of Motion form

Answering a Motion

The moving party notifies the opposing party of the motion by serving copies of the motion documents on the opposing party. The opposing party generally has fourteen (14) days after service to serve and file an answer brief and other supporting documents on the moving party.

An answer is a written response to the motion by the opposing party.

An answer to a motion in a civil action is made up of a set of documents, including:

- Answer brief;
- Affidavit in support of answer brief;
- Other supporting documents; and
- Notice of hearing on the motion.

An Answer brief is a required written answer to the motion by the opposing party. An answer brief takes the relevant laws or rules and explains how they apply to the facts of a particular situation. Facts referred to in the answer brief should also appear in the affidavit.

If the opposing party does not file an answer brief, the court may consider the failure an admission by the opposing party that the motion has merit.

An Affidavit in support of the answer brief is a required written statement of fact of the opposing party, which is made under oath. Facts referred to in the answer brief should also appear in the affidavit. The affidavit must be signed in the presence of a notary public by the opposing party.

Other supporting documents may be submitted with the required motion documents.

Notice of Hearing on the motion is required only if the opposing party requests a hearing on the motion. The opposing party may request a hearing, even if the moving party requested a decision on the written documents. The opposing party must include the date, time and location of the hearing in the Notice of Hearing on motion.

The Notice of Hearing on a motion can be a separate document, or the first section of the answer brief.

The copies of the answer to motion documents must be served on the moving party or parties. See the Service subsection below.

The originals of the answer to motion documents must be filed with the clerk of court in the county where the existing civil action is filed. See the Filing Documents with the District Court section above.

The following form is available in the online Guide to a Civil Action:

- Notice of Hearing on Motion form

Replying to the Answer

After service of the opposing party's answer documents, the moving party may serve and file a reply brief on the opposing party. The moving party has seven (7) days after service of the opposing party's answer documents to serve and file a reply brief and supporting documents.

Requesting a Hearing on a Motion

The party requesting a hearing on a motion must schedule a time for the hearing by contacting the clerk of court where the civil action is filed.

The party requesting the motion must serve a notice of the hearing on all other parties.

Requests for a hearing on the motion must not be made more than seven (7) days after expiration of the time for filing the answer brief.

Clerk of court contact information by county is found on the North Dakota Supreme Court website at www.ndcourts.gov.

Confidential Information in Documents Filed in a Civil Action

See the Confidential Information in Documents Filed in a Civil Action Section above.

Service

The moving party and opposing party must serve copies of their motion documents on the other parties in the civil action. For information about service after a civil action has been started, go to the Service link on the [North Dakota Legal Self Help Center](#) website.

If a party is not represented by a lawyer, serve the party. If a party is known to be represented by a lawyer, serve the lawyer instead of the party.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

The proof of service for documents served after a civil action has been started tells the court when, how, and where the party or parties were served. An affidavit of service gives the court proof of service.

Discovery

THIS SECTION IS UNDER CONSTRUCTION

Discovery in a civil action is a formal process where a party asks the other party or non-party for information.

See [Rules 26 through 37 of the North Dakota Rules of Civil Procedure](#) for types of discovery available.

Also see the North Dakota Rules of Evidence.

Discovery is not filed with the clerk of court unless:

- The discovery materials are being submitted to the court for disposition of a pending motion;
- The court orders the discovery material to be filed; or
- A party certifies that the filing is necessary for safekeeping of the documents or exhibits pending completion of the civil action, in which event the party must state the reasons safekeeping is necessary.

Two common types of discovery are interrogatories and production of documents.

Interrogatories – [Rule 33 of the North Dakota Rules of Civil Procedure](#): Written questions that are answered in writing under oath. A party may ask interrogatories of any other party.

- An interrogatory may relate to any matter that may be inquired into under [Rule 26\(b\) of the North Dakota Rules of Civil Procedure](#).
- There is a limit of no more than fifty (50) written interrogatories, including discrete subparts.
- The interrogatories and answers/objections to the interrogatories must be served on the parties as required by [Rule 5 of the North Dakota Rules of Civil Procedure](#).
 - The interrogatories and answers/objections to the interrogatories are not filed with the clerk of court except as listed above.
- The interrogatories must be answered by the party to whom they are directed.
- The answers/objections to the interrogatories must be served on the requesting party within thirty (30) days of being served the interrogatories.

Production of Documents – [Rule 34 of the North Dakota Rules of Civil Procedure](#): Written request to produce discoverable documents, electronically stored information or tangible things and permit them to be copied. This request is available only to any other party.

- The request for production of documents must:
 - Describe with reasonable particularity each item or category of items to be inspected;
 - Specify a reasonable time, place and manner for the inspection and for performing the related acts; and
 - Specify the form or forms in which electronically stored information is to be produced.
- The request for production of documents and answers/objections to the request must be served on the parties as required by [Rule 5 of the North Dakota Rules of Civil Procedure](#).
 - The requests for production of documents and answers/objections to the request are not filed with the clerk of court except as listed above.
- The answers/objections to the requests must be served on the requesting party within 30 days of being served the requests.

For information about service after a civil action has been started, go to the Service link on the [North Dakota Legal Self Help Center](#) website.

Alternative Dispute Resolution

See [Alternative Dispute Resolution in North Dakota](#).

Pre-Trial Conference

THIS SECTION IS UNDER CONSTRUCTION

The pre-trial conference in a civil action is a meeting of the judge and lawyers, or self-represented parties, to review evidence and witnesses, to set a timetable, and to discuss the settlement of the case.

See [Rule 16 of the North Dakota Rules of Civil Procedure](#) for pre-trial conferences in civil matters.

The purpose of a pre-trial conference includes the following:

- To expedite the final determination of the civil action;
- To establish early and continuing control so that the civil action will not be extended because of lack of management;
- To discourage wasteful pre-trial activities;
- To improve the quality of the trial through more thorough preparation;
- To facilitate settlement of the civil action; and
- To discuss the desirability of using alternative dispute resolution.

In any civil action, the court may order the parties to appear for one or more pretrial conferences. However, there are certain triggering events which require a court to order a pretrial conference and issue a scheduling order.

The triggering events that require a court to order a pretrial conference are:

- More than six (6) months have passed since filing of the summons and complaint or answer without final disposition of the case or filing of a dispositive motion;
 - The summons and complaint or answer was served more than six (6) months before filing and ninety (90) days have passed since filing without final disposition of the case or filing of a dispositive motion;
 - A notice under [Rule 40\(e\) of the North Dakota Rules of Civil Procedure](#) has been issued and any response to the notice contained a request that the case be left open; or
 - Any party makes a written request for a pretrial conference to enter a scheduling order.
-

Trial

THIS SECTION IS UNDER CONSTRUCTION

The trial is an examination of the facts and law, presided over by the judge. The trial is the final hearing in a contested civil action.

The decision of the judge or jury in a civil action is called a judgment.

Appeals to the North Dakota Supreme Court

For information about appeals to the North Dakota Supreme Court, go to the guide to Appealing a Case at www.ndcourts.gov and click on the Guides link.

Document Formatting Requirements

See [Rule 10](#) and [Rule 11](#) of the North Dakota Rules of Civil Procedure; and [Rule 3.1 of the North Dakota Rules of Court](#).

Requirements include:

- 8 ½ x 11 inch, white paper.
- Writing is double-spaced and on one side of the page only.
- The caption, or heading, of the document has:
 - The court's name,
 - The county in which the action is brought,
 - The names of the parties,
 - The case number, if known, and
 - The type of document per [Rule 7\(a\) of the North Dakota Rules of Civil Procedure](#).
 - (See caption of the Summons example in the Appendix of Forms of the North Dakota Rules of Civil Procedure.)
- Each paragraph of the document is numbered.
- Signature:

- Signed by the party who prepared the document.
- If the party is represented a lawyer, the document is signed by the lawyer.
- The name of the person who signed the document is typed or printed beneath the signature.
- The address, email address (for electronic service), and telephone number of the person who signed the document is on the document. This information generally comes after the signature and typed or printed name.
- Each page of the document is numbered.
- The document is readable.

Verification

Verification of a document is a sworn statement of the correctness, truth or authenticity of the document by the party submitting the document. For example, a verified complaint has a notarized statement of the plaintiff that the complaint is true.

In general, a pleading does not need to be verified. See [Rule 7 of the North Dakota Rules of Civil Procedure](#) for a list of documents that are pleadings.

If a rule or law specifically says a pleading or other document must be verified, verification is required.

Pleadings that must be verified include, but are not limited to, the following:

- Petition for Adoption (See [North Dakota Century Code Chapter 14-15](#))
- Petition for Foreign Adoption (See [North Dakota Century Code Chapter 14-15](#))
- Petition for a Deposition Before the Civil Action is Filed (See [Rule 27 of the North Dakota Rules of Civil Procedure](#))

Notarization

A notarized document has the signature of the party required to sign the document and the signature of the notary public who witnessed the signature. A notarized document also has the official stamp of the notary public's official notary seal. For example, an affidavit is a notarized document.

- Caption and Signature form
- Verification form
- Affidavit form

Checklists and Forms

The following basic checklists and forms are available in the online Guide to a Civil Action. The ND Legal Self Help Center does not have checklists and forms available for every part of a civil action.

Start a Civil Action

- Starting a Civil Action – Checklist
- Summons form – Civil Actions
- Summons form – Divorce or Separation Actions
- Summons form – Actions to Establish Parental Rights and Responsibilities

Answer a Complaint or Counterclaim

- Answer form
- Answer and Counterclaim form
- Answer to Counterclaim form

Filing Documents with the District Court

- Notice of Filing form

Motion Documents

- Notice of Motion form
- Notice of Hearing on Motion form

Other

- Caption and Signature form
- Verification form
- Affidavit form