



PETITIONING FOR REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION

An Informational Guide to a North Dakota State District Court Process

↻ DON'T DELAY! ↻

You, the Petitioner, have limited time to Petition for Judicial Review of a final decision!

- You have 30 days if served in person or at your office.
- You have 33 days if served by mail or third-party commercial carrier.

(See Pages 12-13 for more information about calculating these deadlines.)

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in North Dakota state courts. The information provided in this informational guide isn't intended for legal advice but only as a general guide to a civil court process. **If you decide to represent yourself, you'll need to do additional research to prepare.**

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders;
 - Any local court rules.

Links to the laws, case law, and court rules can be found at ndcourts.gov.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer. For more information about finding a lawyer, ndcourts.gov/legal-self-help/finding-a-lawyer.

This information isn't a complete statement of the law. This covers basic information about the process of petitioning a North Dakota State District Court to review an unemployment benefits final decision. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state of North Dakota. Use at your own risk.

WARNING – Petitioning for judicial review of an unemployment benefits final decision can have serious legal and financial consequences. It's strongly recommended that you consult a lawyer and carefully consider all of your options before you represent yourself in a Petition for Judicial Review of an unemployment benefits final decision.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

This informational guide gives only the basics of the process. If you decide to represent yourself, you'll need to do additional research to prepare.

STEPS IN THE PETITION FOR JUDICIAL REVIEW PROCESS

- Step One:** You, the Petitioner, create the Petition for Judicial Review of a Job Service North Dakota (JSND) Final Decision
-
- Step Two:** **Within 33 Days of the Mailing Date of the JSND Final Decision, File the Petition for Judicial Review with the North Dakota State District Court**
Within 30 days, if the final decision is delivered personally or to your office.
Failure to file on time may result in dismissal.
-
- Step Three:** **Arrange for Service of Copies of the Petition for Judicial Review on JSND, the Employer, and ALL Other Parties at the Agency Proceedings**
Failure to file proof of service may result in dismissal.
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- Step Four:** **JSND Prepares the Record; You Pay the Estimated Cost of Preparing the Record**
-
- Step Five:** **JSND Files the Record; the District Court Judge Issues a Scheduling Order**
-
- Step Six:** **If You Want Oral Arguments, Request Oral Arguments On or Before the Due Date of your Petitioner Brief**
The District Court judge isn't required to grant oral arguments.
-
- Step Seven:** **Prepare, Serve, and File your Petitioner Brief**
Failure to file your legal brief, or proof of service may result in dismissal.
-
- Step Eight:** **JSND Serves and Files their Respondent Brief**
-
- Step Nine:** **Prepare for Oral Arguments, If Requested and Granted**
-
- Step Ten:** **The District Court Judge Decides the Petition for Judicial Review**
Either side may appeal the District Court Judge's final decision to the North Dakota Supreme Court
-

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- Declaration of Service by Mail for Petitioner Brief

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SECTION ONE:
**INFORMATION ABOUT PETITIONING A NORTH DAKOTA DISTRICT
COURT TO REVIEW A JOB SERVICE NORTH DAKOTA (JSND)
UNEMPLOYMENT BENEFITS FINAL DECISION**

**WHAT IS A PETITION FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA
(JSND) UNEMPLOYMENT BENEFITS FINAL DECISION?**

If Job Service North Dakota (JSND) denied unemployment benefits, or didn't granted the amount of unemployment benefits to which you believe you're entitled under law, you may ask a North Dakota state district court to review the final decision.

This process is called petitioning a North Dakota state district court to review a final decision of Job Service North Dakota (JSND). This process may also be referred to as an appeal of a Job Service North Dakota (JSND) final decision to a North Dakota state district court.

**WHAT IS THE DIFFERENCE BETWEEN A JOB SERVICE NORTH DAKOTA (JSND)
HEARING AND JUDICIAL REVIEW OF A JSND UNEMPLOYMENT BENEFITS FINAL
DECISION?**

The biggest difference is that a judicial review of a Job Service North Dakota (JSND) final decision **ISN'T** a brand new trial. Rather, the judicial review is an appeal of the JSND final decision. The judicial review is based **ONLY** on the record created as part of the JSND administrative hearing.

The District Court **DOESN'T** retry the case, take new evidence, or weigh the credibility of the witnesses which were introduced at the Job Service North Dakota (JSND) administrative hearing.

At the Job Service North Dakota (JSND) administrative hearing, all of the facts and evidence were introduced and decided by the Administrative Law Judge. The administrative hearing was the trial.

When you, the Petitioner, ask a North Dakota state district court for judicial review of a Job Service North Dakota (JSND) final decision, you don't get a brand new trial. Instead, you argue that the JSND final decision, or final decisions, should be overturned. You make your argument by showing that the final decision was wrongly decided based on the evidence and facts that were presented at the JSND Hearing. Your argument is made in writing.

DOES THE ND LEGAL SELF HELP CENTER HAVE FORMS TO PETITION FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION?

Names and descriptions of the documents you'll need to create for your Petition for Judicial Review of a Job Service North Dakota (JSND) unemployment benefits final decision are found throughout this guide.

This Informational Guide includes some of the forms you may use to petition for judicial review of a Job Service North Dakota (JSND) unemployment benefits final decision. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

If a form you need isn't included in this guide, the form isn't available through the ND Legal Self Help Center. You may need to create some of your own legal documents.

If a form isn't available and you need to create your own legal document, a variety of General-Use template forms are available at ndcourts.gov/legal-self-help. Scroll to the "District Court Civil" section.

You may find the General-Use template forms of interest as a starting point for creating your own legal documents.

Public Access to Petitions for Judicial Review Filed in District Court Cases

If you would like to see documents filed in other North Dakota District Court cases involving petitions for review of administrative agency final decisions, you may review publically available court records.

You can find individual court cases and lists of the documents filed in each case by going to the District Court Case Search at ndcourts.gov/public-access.

- Read the information, and then click "Click Here to Proceed."
- Select a location from the pull down menu. Select a county or the State of North Dakota.
- Click "Civil, Family & Probate Case Records."
- To search for a type of case within a date range:
 - Under "Search by:" click the button next to "Date Filed."
 - Enter a date range in the "Date Filed:" boxes. For example, 01/01/2020 and 12/31/2020.
 - Select "Administrative Appeal" in the "Case Types:" box.
 - Click the "Search" box.

- The screen will list publically accessible court cases based on your search.
- To review an individual case and to see the list of documents filed, click on the case number. Case numbers are listed on the left-hand side of the page. (You can't view the documents themselves.)
 - The cases listed in the search are for all administrative agency appeals to North Dakota District Court. You'll need to identify the case numbers for appeals from Job Service North Dakota (JSND) final decisions.
- Each filed document is assigned a document number. The document number is listed to the right of the name of the document. For example, "Doc ID# 1."

If you want to view and/or obtain copies of any of the documents listed in a case, you must contact the clerk of court of the county where the case was filed.

You'll need to give the clerk of court the case number **and** document number of each document you would like to view/copy. Ask the clerk of court for the amount of the fee for copying documents.

IS THERE HELP AVAILABLE FOR CREATING LEGAL DOCUMENTS?

If you would like assistance creating your legal documents, consult a lawyer licensed to practice in North Dakota.

Ask the lawyer about Limited Legal Representation. Lawyers licensed to practice in North Dakota may agree to help you with part of your Petition for Judicial Review of a Job Service North Dakota (JSND) unemployment benefits final decision, such as preparing legal documents, while you handle the rest of the Petition for Judicial Review. You and the lawyer must agree in writing to Limited Legal Representation.

WHO ARE THE PARTIES IN A PETITION FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION?

Petitioner – The individual bringing the Petition for Judicial Review of a Job Service North Dakota (JSND) unemployment benefits final decision.

You are the Petitioner.

Respondent – All other parties involved in the Job Service North Dakota (JSND) proceedings up to the final decision. Job Service North Dakota (JSND) is one of the Respondents.

Review your documents from the JSND proceedings for any other Respondents. You, the Petitioner, must list all the Respondents in your Petition for Judicial Review.

WHAT ARE THE DEFINITIONS OF SOME OF THE COMMONLY USED TERMS IN A JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION?

Additional Claim – A notification filed at the beginning of a second or subsequent series of claims within a benefit year when reemployment and subsequent separation have occurred since the last claim was filed.

Administrative Law Judge (ALJ) – a specially trained independent judge or hearing officer who conducts an orderly, fair, and impartial administrative hearing, presides at related proceedings, and issues a prompt, reasoned, recommended or final decision for a Job Service North Dakota (JSND) agency matter pursuant to JSND’s request for hearing officer services. An ALJ is employed by the Office of Administrative Hearings, an independent state agency. An ALJ isn’t a judge as part of the North Dakota state court system. An ALJ isn’t employed by JSND.

Benefits - The money payments payable to an individual with respect to the individual's unemployment as provided in [North Dakota Century Code Chapter 52-06](#) and in the event of a disqualification for benefits as provided for in Subsection 1, 2, or 3 of North Dakota Century Code Section 52-06-02, the payment of benefits must be postponed for the period of time prescribed therein.

Case Law – When a final decision of a North Dakota state district court is appealed to the North Dakota Supreme Court, the Supreme Court writes an opinion to explain how and why the Supreme Court interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.

Claimant – An individual who has requested determination of insured status in connection with a claim for benefits.

Continued Claim – An application for waiting period credit or benefit payment and certifies to the completion of a week for which waiting period credit or benefits are claimed.

Employer – Review [Section 52-01-01\(15\) of the North Dakota Century Code](#) for the definition of Employer in North Dakota unemployment compensation law.

Full-Time Work – Means the number of hours or days per week currently established by schedule, custom, or otherwise, as constituting a week of full-time work for the kind of service an individual performs for an employing unit.

Insured Status – A claimant’s status when it has been determined by the division that the claimant has earned qualifying wages in accordance with North Dakota Century Code Section 52-06-04.

Legal Brief – The legal brief is a written document filed by a party where the party represents the facts, law and argument of how the facts apply to the law. This is the chance for each party to argue why Job Service North Dakota’s (JSND) decision should, or shouldn’t, stand.

New Claim – An application for determination of insured status, benefit amount, and duration.

Oral Argument: Statements that are given orally by a lawyer or a self-represented individual, either to defend their legal position, or to rebut the opposing party’s legal position. An oral argument in a review of an unemployment benefits final decision gives you, the Petitioner, and Job Service North Dakota, the Respondent, an opportunity to explain their legal reasons why they should win the appeal. Oral argument is limited to the legal reasons you, the Petitioner, and Job Service North Dakota, the Respondent, included in your briefs.

Part Totally Unemployed Worker – An individual who during any week isn’t employed full time or during which week the individual’s earnings from casual employment or odd jobs are less than the individual’s weekly benefit amount.

Partially Unemployment Worker – One who during a particular week:

- A. Earned less than his weekly benefit amount;
- B. Was employed by a regular employing unit;
- C. Worked less than the normal customary full-time hours for such regular employing unit because of a lack of full-time work; and
- D. Has a reasonable expectancy of obtaining full-time work from such employing unit.

Petition for Judicial Review – Written notification to Job Service North Dakota (JSND), all parties to the proceeding before JSND, and the District Court that a party is petitioning the District Court for review of the final decision. The Petition for Judicial Review lists the grounds or reasons for judicial review and a brief explanation of why each ground applies.

Petitioner Brief – The Petitioner brief is your written legal brief explaining why you, the Petitioner, are asking for review of the unemployment benefits final decision and what you think is wrong with the final decision. You support your point of view with facts, law and your argument of how the facts apply to the law. (See also **Legal Brief**)

Reopened Claim – A notification following a break in the claim series due to illness, disqualification, unavailability, or failure to report for any reason other than reemployment.

Respondent Brief – The Respondent brief is Job Service North Dakota’s (JSND) written response to your Petitioner brief and explains why the unemployment benefits final decision is correct. JSND supports their point of view with facts, law and their argument of how the facts apply to the law. (See also **Legal Brief**)

Totally Unemployed Worker – An individual who with respect to any week performs no services and with respect to which no wages are payable to the individual for services performed during such week.

Valid Claim – A claim filed by an individual who has registered for work and who has earned wage credits during the individual’s base period sufficient to entitle the individual to benefits under North Dakota Century Code Section 52-06-04.

Week – The calendar week of seven consecutive calendar days, beginning at 12:01 a.m. Sunday and ending 12 midnight the following Saturday, except that for the purposes of payment of benefits to partially unemployed workers, whose wages are paid on a weekly basis, the term week means the pay period week of such worker.

WHAT ARE NORTH DAKOTA LAWS AND RULES RELATED TO PETITIONING FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION?

Chapter 52-06 of the North Dakota Century Code governs the requirements and process of petitioning a North Dakota District Court to review a Job Service North Dakota (JSND) final decision. legis.nd.gov/cencode/t52c06.html.

- Petition for Judicial Review requirements and process are found in Section 52-06-27 of Chapter 52-06. Review this Section carefully.

Chapter 28-32 of the North Dakota Century Code governs requirements and process for judicial review of a North Dakota administrative agency final decision. This Chapter can be found at legis.nd.gov/cencode/t28c32.html.

- Appeal requirements and process begin at Section 28-32-42. The requirements and process go through 28-32-52. Review these carefully.
- In the petition you file with the District Court, you’ll need to give the reasons, or grounds, for your appeal. The reasons, or grounds, can be found in Section 28-32-46. Review these carefully.

Title 27 of the North Dakota Administrative Code contains the Administrative Rules of Job Service North Dakota (JSND). In addition to the North Dakota Century Code Chapters 52-06 and 28-32, you may find additional requirements and process for judicial review. This Title can be found at legis.nd.gov/information/acdata/html/Title27.html. See particularly:

- Section 27-03-07-03 (Representation of claimant in district court - Attorney fee.)

Rule 9.1 of the North Dakota Rules of Court includes additional requirements and procedures for judicial review of North Dakota administrative agency final decisions. Rule 9.1 can be found at ndcourts.gov/legal-resources/rules/ndrct/9-1.

The North Dakota Rules of Civil Procedure apply to civil matters in North Dakota district courts. The rules are found at ndcourts.gov/legal-resources/rules/ndrcivp.

The North Dakota Rules of Court apply to civil matters in North Dakota district courts. The rules are found at ndcourts.gov/legal-resources/rules/ndrct

The North Dakota Rules of Evidence apply to civil matters in North Dakota district courts. The rules are found at ndcourts.gov/legal-resources/rules/ndrev.

Case Law Related to District Court Review of Administrative Agency Final Decisions may be found online at ndcourts.gov by clicking on the “Supreme Court Opinions” link, the “Topic” drop down menu, and the “Administrative Proceeding” link.

Snapshots of case law related to District Court Review of Administrative Agency Final Decisions may also be found in the print versions of the North Dakota Century Code. Short summaries of case law related to each section of the North Dakota Century Code is located directly following the text of the section of the code. To view the full text of the opinion, go to ndcourts.gov and click on the “Supreme Court Opinions” link. Enter the name or case citation.

Laws constantly change through legislation, administrative rulings and court decisions. To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions. Notes of court decisions related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

WHERE IS A PETITION FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION FILED?

If you, the Petitioner, currently live in North Dakota, the petition is filed in the North Dakota District State Court of the county in which you reside.

If you no longer live in North Dakota, [North Dakota Century Code Section 52-06-27](#) doesn't tell you where to file your petition.

You'll need to do your own legal research to determine the district court of the North Dakota county in which to file your petition.

To begin your legal research to determine where to file your petition, you may wish to start with [North Dakota Century Code Section 28-32-42](#). Section 28-32-42 includes general requirements of where an appeal of an administrative agency final order may be filed.

North Dakota Legal Self Help Center staff can't tell you where to file your petition if you don't live in North Dakota, as this question requires legal advice to answer. Center staff can't give legal advice for any reason under any circumstances.

WHAT IS THE DEADLINE FOR PETITIONING FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION?

Within thirty-three (33) days of the mailing date of the Job Service North Dakota (JSND) final decision, the Petition for Judicial Review **must** be filed with the North Dakota State District Court of the county in which you, the Petitioner, reside.

- If you don't currently live in North Dakota, see the top of Page 12 for legal research starting points to help you decide which North Dakota county in which to file.

If the Job Service North Dakota (JSND) final decision is delivered to you in some other way than by mail, within thirty (30) days of delivery of the final decision to the party, the Petition for Judicial Review must be filed with the North Dakota District Court of the county in which you reside.

- If you don't currently live in North Dakota, see the top of Page 12 for legal research starting points to help you decide which North Dakota county in which to file.

To calculate your deadline:

- Don't include the day of the event that triggers the start of the period (the date you were served);
- Count by calendar days, including Saturdays, Sundays, and legal holidays; and
- Include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that isn't a Saturday, Sunday, or legal holiday.

IMPORTANT: If you, the Petitioner, miss your deadline, the judge assigned to the Petition for Judicial Review may dismiss your petition.

WHAT DO YOU, THE PETITIONER, NEED TO PROVE?

You, the Petitioner, have the burden of proof in the Petition for Judicial Review process. The burden of proof is preponderance of the evidence. You must prove your grounds, or reasons, for your Petition for Judicial Review of the Job Service North Dakota (JSND) Unemployment Benefits final decision.

The grounds (reasons) for review of a Job Service North Dakota (JSND) final decision are limited to:

1. The order of Job Service North Dakota (JSND) isn't in accordance with the law.
2. The order of JSND is in violation of your constitutional rights.
3. The provisions of [Chapter 28-32 of the North Dakota Century Code](#) haven't been complied with in the proceedings before JSND.
4. The rules or procedure of JSND haven't afforded you a fair hearing.
5. The findings of fact made by JSND aren't supported by a preponderance of the evidence.
6. The conclusions of law and order of JSND aren't supported by its findings of fact.
7. The findings of fact made by JSND don't sufficiently address the evidence you presented to the agency.
8. The conclusions of law and order of the agency don't sufficiently explain JSND's rationale for not adopting any contrary recommendations by a hearing officer or an administrative law judge.

If the District Court judge decides that you didn't prove the grounds for review you listed in your Petition for Judicial Review, the judge must affirm the Job Service North Dakota (JSND) final decision.

WHAT DOES THE DISTRICT COURT JUDGE CONSIDER WHEN DECIDING IF YOU, THE PETITIONER, PROVED YOUR GROUNDS (REASONS) FOR THE PETITION FOR JUDICIAL REVIEW?

The District Court judge's review of the Job Service North Dakota (JSND) final decision is based only on the record created during the JSND proceedings. The judge doesn't retry the case, take new evidence, or weigh the credibility of witnesses.

When reviewing Job Service North Dakota's (JSND's) findings of fact, the judge decides whether a reasoning mind reasonably could have determined the findings were proven by the weight of the evidence from the entire record created during the JSND proceedings.

The conclusions of law in the Job Service North Dakota (JSND) final decision, however, are fully reviewable by the judge.

LAWYER RESOURCES AND LIMITED LEGAL REPRESENTATION

You, the Petitioner, aren't required to hire a lawyer to bring a civil action in North Dakota State District Court. If you decide to represent yourself, you must follow all of the rules, laws and procedures that a lawyer is required to follow.

If you would like to learn more about finding an attorney to represent you, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

When Lawyer's Fees May be Paid by Job Service North Dakota (JSND)

[Section 27-03-07-03 of the North Dakota Administrative Code](#) states that your lawyer fees are paid by the Job Service North Dakota (JSND) only if you win. Those fees are the fees that the lawyer would charge you for representing you in a Petition for Judicial Review.

No lawyer fees are awarded if the lawyer is employed by or a member of, the staff of any legal services organization funded totally or in part by public funds.

Lawyer Resources

Legal Services of North Dakota (LSND) is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. LSND can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is legalassist.org.

The State Bar Association of North Dakota (SBAND) provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is www.sband.org. The cost is \$30.00 for a 30 minute consultation with a lawyer.

For a list of all lawyers who are licensed to practice in North Dakota, go to the North Dakota Supreme Court website at www.ndcourts.gov/Lawyers. You can narrow your search by name or location.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called “unbundling”) is a way that a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled.

For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your legal documents, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

SECTION TWO: THE PETITION FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION PROCESS

→ DON'T DELAY! ←

You, the Petitioner, have limited time to file your Petition for Judicial Review of a Job Service North Dakota (JSND) unemployment benefits final decision!

Within thirty-three (33) days of the mailing date of the JSND final decision, your Petition for Judicial Review must be filed with the North Dakota State District Court of the county in which you reside.

If the JSND final decision is delivered to you in some other way than by mail, within thirty (30) days of delivery of the decision to you, your Petition for Judicial Review must be filed with the North Dakota District Court of the county in which you reside.

IMPORTANT: If you miss your deadline, the judge assigned to the Petition for Judicial Review may dismiss your Petition for Judicial Review.

STEP 1: YOU, THE PETITIONER, CREATE THE PETITION FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION

You, the Petitioner, for a review of a Job Service North Dakota (JSND) final decision, create a Petition for Judicial Review for the District Court. The petition must be filed with the District Court in the North Dakota county in which you reside. The Petition must be served upon JSND, as well.

- If you don't currently live in North Dakota, see the top of Page 12 for legal research starting points to help you decide which North Dakota county in which to file.

You, the Petitioner, Determine the Grounds (Reasons) for the Petition for Review:

The Petition for Judicial Review begins the review process.

You need to determine which of the limited grounds (reasons) for judicial review apply to your Petition for Judicial Review. You need at least one ground, and there can be more than one ground for judicial review.

In your Petition for Judicial Review, you include a brief explanation for each ground that you believe applies to your specific case. You don't have to include each of the following grounds for appeal.

Eight Grounds (Reasons) for Judicial Review:

1. The order isn't in accordance with the law.
2. The order is in violation of your constitutional rights.
3. The provisions of [Chapter 28-32 of the North Dakota Century Code](#) haven't been complied with in the proceedings before Job Service North Dakota (JSND).
4. The rules or procedure of JSND haven't afforded you a fair hearing.
5. The findings of fact made by JSND aren't supported by a preponderance of the evidence.
6. The conclusions of law and order of JSND aren't supported by its findings of fact.
7. The findings of fact made by JSND don't sufficiently address the evidence you presented to the agency.
8. The conclusions of law and order of JSND don't sufficiently explain JSND's rationale for not adopting any contrary recommendations by a hearing officer or an administrative law judge.

You, the Petitioner, Create the Following Document:

Verified Petition for Judicial Review

- State the ground or grounds for judicial review that specifically apply to your case.
- Each ground must include a brief explanation of why it applies.
- The petition must be verified by you, the Petitioner.

A Petition for Judicial Review form is available at the end of this Informational Guide.

- There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

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STEP 2: YOU, THE PETITIONER, FILE THE PETITION FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION

You, the Petitioner, File the Following Completed, Original Document with the Clerk of District Court:

- Petition for Judicial Review

The Petition for Judicial Review must be filed within thirty-three (33) days of the mailing date of the Job Service North Dakota (JSND) final decision to you.

If the JSND final decision is delivered to you in some other way than by mail, within thirty (30) days of delivery of the final decision to you.

File the Petition for Judicial Review in the District Court of the North Dakota county in which you reside.

- If you don't currently live in North Dakota, see the top of Page 12 for legal research starting points to help you decide which North Dakota county in which to file.

[Section 52-06-27 of the North Dakota Century Code](#) lays out the requirements for filing the Petition for Judicial Review. Review this Section carefully.

Calculate Your Filing Deadline:

- Don't include the day of the event that triggers the start of the period (the date you were served);
- Count by calendar days, including Saturdays, Sundays, and legal holidays; and
- Include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that isn't a Saturday, Sunday, or legal holiday.

You Aren't Required to Pay a Filing Fee:

When you file your Petition for Judicial Review with the Clerk of District Court, you won't be required to pay a filing fee.

STEP 3: YOU, THE PETITIONER, ARRANGE TO SERVE THE PETITION FOR JUDICIAL REVIEW OF A JOB SERVICE NORTH DAKOTA (JSND) UNEMPLOYMENT BENEFITS FINAL DECISION

Service is providing copies of the Petition for Judicial Review you, the Petitioner, filed with the District Court to Job Service North Dakota (JSND), and all other parties involved in the hearing process before the JSND final decision was made.

In order for the District Court judge to act on your documents, you must file proof of service with the Clerk of District Court. A Declaration of Service is your proof of service.

You, the Petitioner, Make Copies of the Completed Petition for Judicial Review:

Count all of the parties involved in the Job Service North Dakota (JSND) proceedings leading up to the final decision. JSND is one of the parties.

- They should also be listed as Respondents on the Petition for Judicial Review.

Make a copy of the completed Petition for Judicial Review for each Respondent.

You Arrange for Service of ALL copies of the Petition for Judicial Review on Job Service North Dakota (JSND):

Service of the Petition for Judicial Review is when you gives ALL copies of the Petition for Judicial Review to Job Service North Dakota (JSND).

Service gives Job Service North Dakota (JSND) notice that you are filing a Petition for Judicial Review of a JSND unemployment benefits final decision and that that they must defend their final decision. Service also tells JSND they have certain, other obligations to fulfil.

The Petition for Judicial Review must be served upon Job Service North Dakota (JSND) to the chairman, or any other representative JSND has designated as its representative. If JSND is represented by a lawyer, you must serve the lawyer with all copies of the Petition for Judicial Review.

- If you don't know who to serve at JSND, contact JSND directly and ask.

You must give as many copies of the Petition for Judicial Review to Job Service North Dakota (JSND) as there are Respondents. Once all of the copies of the Petition for Judicial Review are served upon JSND, JSND will send the copies to the other Respondents.

- [Section 52-06-27 of the North Dakota Century Code](#) lays out the requirements of service of the petition. Review this Section carefully.

The person who serves the copies of the petition on Job Service North Dakota's (JSND's) representative must complete a Declaration of Service.

- A Declaration of Service by Mail form for serving a Petition for Judicial Review is found at the end of this guide.
 - There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

IMPORTANT: Failure to serve copies of the Petition for Judicial Review on Job Service North Dakota (JSND) may result in dismissal of your, the Petitioner's, petition.

The Copies of the Petition for Judicial Review May be Served on Job Service North Dakota (JSND) in the Following Ways:

1. **Service by Mail** (most common)

- Mail copies of the Petition for Judicial Review to Job Service North Dakota (JSND).
- The person who takes the Petition for Judicial Review documents to the post office and pays the postage must be at least 18 years of age.
- The person who took the Petition for Judicial Review documents to the post office and paid the postage completes and signs the Declaration of Service.
- Service is complete upon mailing.
- File the Declaration of Service by Mail with the Clerk of District Court.

2. **Service by Personal Delivery**

- Hand copies of the Petition for Judicial Review documents to the chairman or designated representative of Job Service North Dakota (JSND).
- The person who handed the documents to the chairman or designated representative of JSND must be at least 18 years of age and not a party to nor interested in the action.
- The person who handed the documents to the chairman or designated representative of JSND completes and signs a Declaration of Service.
- File the Declaration of Service by Personal Delivery with the Clerk of District Court.

3. **Service by Office Delivery**

- Leave copies of the Petition for Judicial Review documents at the appropriate Job Service North Dakota (JSND) office with a clerk or other person in charge, or, if no one is in charge, leave the copies in a visible place in the office.

- The person who left the documents at the person’s office must be at least 18 years of age and not a party to nor interested in the action.
- The person who left the documents at the JSND office completes and signs a Declaration of Service.
- File the Declaration of Service by Office Delivery with the Clerk of District Court.

Additional information about service is available at ndcourts.gov/legal-self-help/service-in-a-civil-action. Review the information for service after a civil action has started.

You File the Following Completed, Original Document with the Clerk of District Court:

- Declaration of Service

The completed Declaration of Service proving you served copies of the Petition for Judicial Review documents on Job Service North Dakota (JSND) must be filed with the Clerk of District Court.

IMPORTANT: Failure to file the completed and signed Declaration of Service with the Clerk of District Court may result in dismissal of your, the Petitioner’s, petition.

STEP 4: JOB SERVICE NORTH DAKOTA (JSND) PREPARES THE RECORD; YOU, THE PETITIONER, PAY ESTIMATED COSTS OF PREPARING THE RECORD

Within 30 days after you file and serve your verified Petition for Judicial Review, Job Service North Dakota (JSND) prepares, certifies and files a copy of the record of the case, including all documents and papers and a transcript of all testimony taken in the matter, together with JSND’s findings, conclusions, and final decision.

What is Included in the Record?

The Job Service North Dakota (JSND) record of the case consists of the following:

- The complaint, answer, and other initial pleadings or documents.
- Notices of all proceedings.
- Any prehearing notices, transcripts, documents, or orders.
- Any motions, pleadings, briefs, petitions, requests, and intermediate rulings.
- A statement of matters officially noticed.
- Offers of proof and objections and rulings thereon.

- Proposed findings, requested orders, and exceptions.
- The transcript of the hearing prepared for the person presiding at the hearing, including all testimony taken, and any written statements, exhibits, reports, memoranda, documents, or other information or evidence considered before final disposition of proceedings.
- Any recommended or proposed order, recommended or proposed findings of fact and conclusions of law, final order, final findings of fact and conclusions of law, or findings of fact and conclusions of law or orders on reconsideration.
- Any information considered pursuant to [Section 28-32-25 of the North Dakota Century Code](#).
- Matters placed on the record after an ex parte communication.

Who is Responsible for Paying the Estimated Cost of Preparing the Record?

You, the Petitioner, are required to pay the estimated costs of preparation and filing of the entire record of the Job Service North Dakota (JSND) proceedings.

Job Service North Dakota (JSND) will notify you of the estimated costs after JSND is served copies of the Petition for Judicial Review. You pay the estimated costs directly to JSND.

What if You Can't Pay the Estimated Costs of Preparing the Record?

You may ask the court to waive the estimated cost of preparing the record based on an inability to pay. Forms and instructions are available at ndcourts.gov/legal-self-help/admin-appeal-to-district-court/fee-waiver.

If you didn't make the request when you filed your Petition for Judicial Review, you can file your request to waive transcript fees BEFORE you pay Job Service North Dakota's (JSND) estimated costs of preparing the agency record.

If the judge assigned to your appeal waives the transcript fees, be prepared to provide a copy of the order to Job Service North Dakota (JSND).

If the judge doesn't waive the transcript fees, you must pay Job Service North Dakota's (JSND) estimated costs of preparing the agency record.

What if the Actual Cost of Preparing the Record is Higher than the Estimated Cost?

If the actual cost of preparing and filing the entire record of the Job Service North Dakota (JSND) proceeding is more than the estimated cost, you must pay JSND the difference. You pay the difference directly to JSND.

What if the Actual Cost of Preparing the Record is Lower than the Estimated Cost?

If the actual cost of preparing and filing of the entire record of the Job Service North Dakota (JSND) proceeding is less than the estimated cost you paid, JSND must refund the difference to you.

IMPORTANT: Job Service North Dakota (JSND) won't begin preparing, certifying, or filing the record UNTIL you, the Petitioner, have made payment in full of the estimated costs, or the costs have been waived by an order of the court.

STEP 5: JOB SERVICE NORTH DAKOTA (JSND) FILES THE RECORD; THE DISTRICT COURT JUDGE ISSUES A SCHEDULING ORDER

Once service and filing of the documents for judicial review is complete, Job Service North Dakota (JSND) prepares, certifies and files the record with the district court.

The District Court judge will issue a scheduling order with timelines for filing legal briefs and requesting oral argument.

STEP 6: REQUESTING ORAL ARGUMENTS

Carefully review the scheduling order.

If you, the Petitioner, want to request oral arguments, the written request must be made on or before your deadline for filing your Petitioner brief.

The District Court judge will decide whether to allow oral arguments. The District Court judge isn't required to permit oral arguments.

If the judge allows oral arguments, the arguments are limited to the issues you and each Respondent included in your legal briefs.

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STEP 7: PREPARING, SERVING AND FILING YOUR PETITIONER BRIEF

A very important requirement of the Petition for Judicial Review process is the legal brief. Each party is required to file and serve a legal brief of the facts, law and argument of the judicial review.

- The legal brief is a written document filed by a party where the party represents their side of how facts, law, and argument of how the facts apply to the law.

Your Petitioner brief is your chance to argue why Job Service North Dakota's (JSND's) final decision should not stand. Essentially, your Petitioner brief is a written version of what you would argue in front of the District Court judge, if the judge allows oral arguments.

The Petitioner brief **isn't** for new evidence and a new trial **won't** be conducted.

Your Petitioner brief must be served on Job Service North Dakota (JSND) and the other Respondents by the deadline in the District Court judge's scheduling order.

You, the Petitioner, Prepare Your Petitioner Brief:

There are six main components to a Petitioner brief:

- Introduction
- Procedural History
- Jurisdiction
- Statement of Facts
- Law and Argument
- Conclusion.

The Introduction section is a quick overview of what happened at the Job Service North Dakota (JSND) administrative hearing and stating why the District Court judge should grant your petition. The introduction isn't a long section. It's usually a brief paragraph so the judge knows what you'll be talking about in your Petitioner brief.

The Procedural History section is essentially the same length or shorter than the introduction section. You state what happened at the Job Service North Dakota (JSND) administrative hearing, what the final ruling of the hearing was, and why JSND ruled the way they did.

The Jurisdiction section is a quick statement of the North Dakota statute(s) that give the North Dakota State District Court the authority to hear the Petition for Judicial Review.

Statement of Facts is a longer section. Here, you explain the events that led to the Job Service North Dakota (JSND) unemployment benefits final decision, what type of evidence was introduced and any other relevant factual information that happened at the JSND administrative hearing.

List only the specific facts connected to the grounds (reasons) you listed in your Petition for Judicial Review. If possible, include the specific page or pages in the record created during the Job Service North Dakota (JSND) administrative hearing process where the fact can be found.

The District Court judge can only consider information that was provided during the Job Service North Dakota (JSND) administrative hearing process. **You, the Petitioner, can't include new facts or evidence** that weren't presented to JSND during the administrative hearing process.

The Law and Argument Section is the most important section of the brief. The Law and Argument section focuses on the *legal* issues and whether the law was correctly applied after deciding any factual disputes during the Job Service North Dakota (JSND) administrative hearing process.

Refer to your Petition for Judicial Review to build the Law and Argument section. Each ground (reason) for review you listed in the Petition for Judicial Review must be included in the Law and Argument section.

You must research relevant statutes and case law to determine whether Job Service North Dakota (JSND) made legal errors that the District Court can correct. You refer to the relevant statutes and case law, and then explain how the statute or case law fits with the relevant facts from the Statement of Facts.

The Conclusion is a quick summary of why the District Court judge should grant your petition and why you should win your case. This is usually one paragraph.

You, the Petitioner, Make Copies of Your Completed Petitioner Brief:

Count all of the parties involved in the Job Service North Dakota (JSND) proceedings leading up to the final decision. JSND is one of the parties.

- These are the same parties you counted when making copies of the Petition for Judicial Review in Step 3. These are also the same parties you listed as Respondents on the Petition for Judicial Review.

Make a copy of your completed Petitioner brief for each Respondent.

You, the Petitioner, Gather the Addresses for Each Respondent:

You, the Petitioner, arrange to serve a copy of your Petitioner brief on each Respondent. Job Service North Dakota (JSND) DOESN'T serve each Respondent for you.

Gather the addresses for each Respondent.

You, the Petitioner, Arrange for Service of Copies of the Completed Petitioner Brief:

In order for the District Court judge to act on your Petitioner brief, you must file proof of service with the Clerk of District Court. A Declaration of Service is your proof of service.

Review [Rule 4\(d\) of the North Dakota Rules of Civil Procedure](#) carefully!

A copy of your Petitioner brief must be served upon the following:

- The managing head of Job Service North Dakota (JSND);
 - If you're unsure who to serve at JSND, contact JSND directly and ask.
- The North Dakota Attorney General, **OR** an Assistant North Dakota Attorney General;
 - If you're unsure who to serve at the Office of the North Dakota Attorney General, contact the agency directly and ask.
- All Other Respondents from the JSND proceedings.
 - If a respondent is represented by a lawyer, serve the lawyer with the Petitioner brief.

IMPORTANT: Failure to serve copies of your Petitioner brief on ALL people listed above may result in dismissal of your Petition for Judicial Review.

The person who serves the copies of your Petitioner brief on the people listed above must complete a Declaration of Service.

- A Declaration of Service by Mail form for serving your Petitioner brief is found at the end of this guide.
 - There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

(This space left intentionally blank.)

The Copies of Your Petitioner Brief May be Served in the Following Ways:

1. Service by Mail (most common)

- Mail copies of the Petitioner brief to the people listed on Page 26.
- The person who takes the Petitioner brief to the post office and pays the postage must be at least 18 years of age.
- The person who took the Petitioner brief to the post office and paid the postage completes and signs the Declaration of Service.
- Service is complete upon mailing.
- File the Declaration of Service by Mail with the Clerk of District Court.

2. Service by Personal Delivery

- Hand copies of the Petitioner brief to the people listed on Page 26.
- The person who handed the Petitioner brief to the managing head of JSND AND each Respondent must be at least 18 years of age and not a party to nor interested in the action.
- The person who handed the Petitioner brief to the people listed on Page 26 completes and signs a Declaration of Service.
- File the Declaration of Service by Personal Delivery with the Clerk of District Court.

3. Service by Office Delivery

- Leave copies of the Petitioner brief at the appropriate office of the people listed on Page 26 with a clerk or other person in charge, or, if no one is in charge, leave the copies in a visible place in the office.
- The person who left the Petitioner brief at the person's office must be at least 18 years of age and not a party to nor interested in the action.
- The person who left the Petitioner brief at the JSND office completes and signs a Declaration of Service.
- File the Declaration of Service by Office Delivery with the Clerk of District Court.

Additional information about service is available at ndcourts.gov/legal-self-help/service-in-a-civil-action. Review the information for service after a civil action has started.

You, the Petitioner, File the Following Completed, Original Documents with the Clerk of District Court:

- Petitioner Brief
- Declaration(s) of Service for each of the people listed on Page 26

IMPORTANT: Failure to file the completed and signed Petitioner brief and Declaration(s) of Service with the Clerk of District Court may result in dismissal of your, the Petitioner's, petition.

STEP 8: JOB SERVICE NORTH DAKOTA (JSND) SERVES AND FILES THEIR RESPONDENT BRIEF

Job Service North Dakota (JSND) prepares their Respondent brief, which is their answer to your Petitioner brief. Then, JSND serves a copy of their Respondent brief to you by the deadline in the scheduling order.

Job Service North Dakota (JSND) will send their Respondent brief to your address. JSND will also send a copy of their Respondent brief to each Respondent listed in your Petitioner brief and Petition for Judicial Review.

Job Service North Dakota (JSND) files the original of their Respondent brief with the Clerk of District Court.

STEP 9: PREPARE FOR ORAL ARGUMENTS, IF REQUESTED AND GRANTED

If the District Court judge decides to allow oral arguments, you, the Petitioner, must be ready to answer questions from the judge and respond to arguments made by Job Service North Dakota (JSND). You must know the underlying law, case law, and be able to make a compelling argument tying the facts of the case and the law together to support your case.

You'll only be allowed to argue the issues that you listed in your Petition for Judicial Review and your Petitioner brief. You'll be allowed to counter issues and arguments brought forward in Job Service North Dakota's (JSND's) Respondent brief.

Knowing the Underlying Law

The underlying laws are the statutes from the North Dakota Century Code which are cited in your Petition for Judicial Review, your Petitioner brief and Job Service North Dakota's (JSND) Respondent brief.

If you don't know the underlying law, you'll have a tough time tying the facts to your case. The judge will be looking at what the underlying law is at the beginning.

You don't need to know the statute word for word but must know the key parts of the statute in order to counter any argument being made by Job Service North Dakota (JSND).

You can have a copy of the statute with you at the oral arguments as a reference.

Knowing Case Law

Case law is where a final decision of a North Dakota state district court is appealed to the North Dakota Supreme Court and the Supreme Court writes an opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did.

North Dakota Supreme Court case law related to petitions to review administrative final decisions is followed by North Dakota state district courts deciding later cases with similar facts and issues. Case law may help decide the petition for the judge.

You spent a lot of research and time finding case law when preparing and writing your Petitioner brief. You should know the case law that both helps you and hurts you.

Knowing the case law that could hurt you is important because then you'll be prepared to counter any argument being made by Job Service North Dakota (JSND).

Making a Compelling Oral Argument

You'll need to tie the facts to the statutes and case law to make a sound and compelling oral argument to the judge. Being able to do this effectively can help decide the case in your favor.

This is a hard task, but knowing the statutes, case law, facts of the case and the grounds for review are part of preparing for oral argument.

Practice your argument before you present your oral argument to the District Court judge.

Practicing the argument allows you to become familiar with the information. Being familiar with the information will give you more confidence in your argument. Having confidence will come from knowing the statute, case law, the facts of the case, and the grounds for appeal cited by you.

STEP 10: THE DISTRICT COURT JUDGE DECIDES THE PETITION FOR JUDICIAL REVIEW

The District Court judge will decide the case on the legal briefs from both you, the Petitioner, and Job Service North Dakota (JSND), and the oral arguments from you and JSND, if oral arguments were requested and granted.

The judge may not make a decision at the close of oral arguments in front of you and Job Service North Dakota (JSND). If the judge doesn't make a decision at the close of oral arguments, the judge will take the legal briefs and notes the judge took at oral arguments and decide the case at a later date.

Once the judge has made a decision, the judge will send a written decision to you, Job Service North Dakota (JSND), and each Respondent.

If the judge doesn't decide in your favor, you may appeal the District Court judge's decision to the North Dakota Supreme Court. If the judge doesn't decide in favor of Job Service North Dakota (JSND), JSND may appeal the judge's decision to the North Dakota Supreme Court.

This North Dakota Legal Self Help Center resource was created by Nathan Osberger, as part of the University of North Dakota School of Law Externship Program, Spring 2017.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____)

(Your name))

PETITIONER,)

Vs)

Job Service North Dakota;)

_____)
(All other parties from Job Service proceeding))

RESPONDENTS.)

Case No. _____

PETITION FOR
JUDICIAL REVIEW

1. _____ (your name), Petitioner, pursuant to N.D.C.C. § 52-06-07, respectfully submits this **PETITION FOR JUDICIAL REVIEW** for a review of a Job Service North Dakota (JSND) decision made on _____ (date), which denied Petitioner _____

(state what JSND denied).

2. Grounds for this **PETITION FOR JUDICIAL REVIEW** are as follows (see [NDCC Section 28-32-46](#) for the 8 grounds (reasons) for a petition for judicial review. You must have at least 1 ground, but may have more than 1. State concisely each ground which you claim gives you reason for the Petition for Judicial Review. After stating the ground, briefly describe the support for why the ground applies. List each ground and explanation in a separate paragraph):

2a. Ground one (you must have at least 1 of the 8 grounds (reasons)):

2b. Ground two (*if you don't have a ground two, type or write "not applicable"*):

2c. Ground three (*if you don't have a ground three, type or write "not applicable"*):

2d. Ground four (*if you don't have a ground four, type or write "not applicable"*):

2e. Ground five (*if you don't have a ground five, type or write "not applicable"*):

3. For jurisdictional purposes, Petitioner resides at _____
_____ (your address).

4. **WHEREFORE**, Petitioner prays relief from this Honorable Court for a fair and just review of their claim.

Dated _____.

(Petitioner's Signature)

(Petitioner's Printed Name)

(Address) (City) (State) (Zip Code)

(Telephone Number)

(Email Address)

VERIFICATION

I, _____ (your name),
declare under penalty of perjury under the law of North Dakota that I am the Petitioner in the
above-entitled action; that I have read the PETITION FOR JUDICIAL REVIEW and know the
contents thereof and that the same is true, except as to matters stated therein upon
information and belief as to those matters I state that I believe them to be true.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

(Petitioner's Signature)

(Petitioner's Printed Name)

5. **Person Served by Mail:**

Name of Person Served: _____

Title of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

(Signature of Person Who Mailed Documents)

(Printed Name)

(Address) (City, State, Zip Code)

Telephone Number: _____

Email Address: _____

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Your name)

)
) Case No. _____

PETITIONER,)

Vs)

)
PETITIONER BRIEF

JOB SERVICE NORTH DAKOTA;)

)

_____))

(All other parties from Job Service proceeding))

RESPONDENT.)

INTRODUCTION

(Explain why you are bringing this action. Usually a short paragraph.)

1.

PROCEDURAL HISTORY

(Explain the history of procedural events up to the final Job Service North Dakota hearing.)

2.

JURISDICTION

(Explain why the District Court is able to hear your case. See Section 1 of the Informational Guide for more information about Jurisdiction.)

3.

STATEMENT OF FACTS

(Explain the events that led to the unemployment benefits decision and other relevant facts. List only specific facts connected to the issues on review. Number each paragraph of your facts as 4(a), 4(b), 4(c), and so on.)

4(a).

(Paragraph 4, continued)

LAW AND ARGUMENT

(Refer to the Petition for Judicial Review filed with the District Court to build the arguments. Explain with laws and facts how the Job Service North Dakota decision was incorrect. Number each paragraph of your law and argument as 5(a), 5(b), 5(c), and so on.)

5(a).

(Paragraph 5, continued)

CONCLUSION

(Summarize why the court should grant the petition. Usually a short paragraph.)

6.

Dated _____.

(Petitioner's Signature)

(Petitioner's Printed Name)

(Address) *(City)* *(State)* *(Zip Code)*

(Telephone Number)

(Email Address)

HOW TO FINISH YOUR PETITIONER'S BRIEF FOR YOUR JOB SERVICE NORTH DAKOTA PETITION FOR JUDICIAL REVIEW

ND Legal Self Help Center Staff and Court employees can't help you fill out forms. If you're unsure how to proceed, consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

Don't include this instruction sheet when you serve or file the completed Petitioner's Brief.

Page Numbering:

The bottom of each page of your Petitioner's Brief must be numbered.

Using the page numbering at the bottom of each page, number the pages of your Petitioner's Brief.

- Count the total number of pages.
- Fill in the blank space next to "Page" at the bottom of each page.
 - Fill in "1" in the blank space next to "Page" at the bottom of the first page.
 - Fill in "2" in the blank space next to "Page" at the bottom of the second page.
 - And so on for each page of your Petitioner's Brief.
 - For example, if you have 4 total pages, the page number on each consecutive page will look like this: "Page 1," "Page 2," "Page 3," "Page 4."

Service:

You must serve copies of your completed Petitioner's Brief on Job Service North Dakota (JSND) and all other parties listed as Respondent.

For information about service, see the Pages 23-26 of the "Petitioning for Review of a Job Service North Dakota (JSND) Unemployment Benefits Decision" Informational Guide.

****The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.****

5. **Persons Served by Mail:**

Name of Person Served: _____

Title of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

Name of Person Served: _____

Title of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

Name of Person Served: _____

Title of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

(Signature of Person Who Mailed Documents)

(Printed Name)

(Address) (City, State, Zip Code)

Telephone Number: _____

Email Address: _____