

2018

CASE MANAGEMENT PLAN



**ADMINISTRATIVE UNIT 4
NORTH CENTRAL JUDICIAL DISTRICT**

Ward/Burke/Mountrail Counties
November 16, 2018

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**CASE MANAGEMENT PROCEDURES
ADMINISTRATIVE UNIT 4
NORTH CENTRAL JUDICIAL DISTRICT**

GOALS

- A. Maintain efficiencies through block (“master calendar”) assignment of short duration proceedings.
- B. Maintain equitable responsibility among all judges in the district for case assignment and following case management procedures.
- C. Ability of any judge to provide adequate back-up coverage of other judges’ calendars in the event of illness, vacations, attendance at statewide conferences or education seminars, etc.

OBJECTIVES

- A. Maintain a system of regular judge rotation.
- B. Separate calendars into master and individual calendars based on volume and need for continuity.
- C. Assign scheduling responsibility for individual calendar cases to the assigned judge through the calendar control clerk(s).
- D. Establish an individual calendar system that:
 - 1. Randomly assigns all cases to a particular judge.
 - 2. Is programmed to meet state and local time standards.
 - 3. Allows judges to establish priorities for disposition of assigned cases.

Case Management Responsibilities and Duties

- 1. It is the responsibility of each individual Judge to implement proper case management of which docket currency is an integral part. In order to assist in maintaining a current docket the clerk, scheduling staff, and Judge’s staff shall follow proper case management.
- 2. The court’s case management system should, at all times, reflect pending activity or review. Timely entry of events is required for each case. At a minimum, docket currency reports should be run by the 10th of each month to ensure the proper entries are being made.
- 3. When a clerk is not in attendance during a court proceeding, the Judge or Judge’s staff, shall communicate with the Clerk, via case file tracking, any pending activity or review action needed.
- 4. Upon instruction of a matter being taken under advisement, the clerk shall immediately enter the UA-Under Advisement event and review the “due date” for

accuracy. The Judge will inform the clerk when the Under Advisement event has been satisfied and the clerk shall immediately complete the UA-Under Advisement event.

Docket Currency

Docket currency reports for all case types will be reviewed no later than the 10th of each month by the clerk's offices, scheduling staff, and judge's staff in each county. Cases should be set so a judgment or order, as appropriate, is entered within the time standard provided in Administrative Rule (AR) 12.

Docket currency procedures are consistent with Policy 507 – Case Management Review Policy and with Administrative Rule 12.

Time standards run from the date of filing to the date of entry of a disposition. The running of time is suspended under these standards by occurrences such as the filing of an interlocutory appeal or issuance of a warrant. If a file is re-opened these standards run from the date of the reopen event to the date of entry of a disposition.

Matters Submitted for Decision:

1. Orders disposing of matters submitted for decision that are under advisement must be entered within ninety (90) days of oral argument, the end of trial, or the filing of the last brief, whichever is later.
2. If a matter will not be decided within ninety (90) days, the judicial officer must report to the presiding judge within ten (10) days after the due date, indicating the reason the judicial officer has failed to decide the matter. If good cause is found for the delay, the presiding judge may grant an extension of up to ninety (90) additional days to decide the matter.
3. If the matter remains undecided after the extension, the Chief Justice may grant an additional thirty (30) day extension upon a showing of good cause, or may file a report with the Judicial Conduct Commission.
4. If the Chief Justice grants an extension and the matter is not decided in the time granted, the Chief Justice may file a report with the Judicial Conduct Commission.

This process is designed to be completed within a few hours if all judges have entered comments on cases that are significantly beyond the time standard. Quarterly, the presiding judge must review the overdue cases using the presiding judge dashboard and submit a letter to the chief justice regarding the docket currency status of the district.

The Quarterly Report to the Chief Justice should contain these elements:

1. Affirm that you have completed the quarterly review of cases and discussed any cases of concern with the judge assigned to the case.

2. Report the total number of cases beyond time standards on the date that you reviewed the presiding judge report.
3. Note whether this is an increase, decrease, or no change in number of cases beyond time standards compared to the last reporting period.
4. Note if there are any areas in which the district is experiencing difficulty in meeting a time standard for a particular case type, and what changes are being considered, or have been implemented, to address the impediment to improving case processing time.
5. Note if any judge in your district is showing a pattern of delay in meeting time standards that is due to individual practice (as opposed to a districtwide issue that is affecting all judges equally) and whether the judge has been amenable to any offers of assistance or suggestions for change.
6. List the case name and number for any case for which you are **not** waiving the time standard.
7. Affirm that you are satisfied with the plans to address the remaining cases that have exceeded the time standards and are waiving the time standard for each of them.

On-Call Rotation

A rotation has been established to be used by clerks and law enforcement needing to locate a judge when there is either no judge in their county at the time or it is after hours, holidays, or weekends.

Judges' Rotation Schedule

The five district judges who regularly serve Ward County, participate in a 5 week calendar rotation cycling through calendar weeks of criminal master calendar, criminal trials, opinion, and two weeks for civil and motion hearings. The judicial referee is chambered in Ward County and is assigned all juvenile, small claims, child support, disorderly conduct restraining orders, and domestic violence protection orders unless a conflict requires a case to be reassigned to a judge.

The Judges are scheduled to travel to Burke County the 2nd Tuesday of the month. They are scheduled to travel to Mountrail County the 1st, 2nd, and 4th Thursday of the month. The jury trial dates are on a rotation in both counties as well.

The Judge in Criminal Master Calendar week handles all criminal cases. Block scheduling provides specific times for all hearing types including open times for discretionary criminal matters that need to be scheduled into the criminal master calendar week.

Judge Coverage

1. The judge with the planned absence will arrange for another judge to cover that judge's hearing calendar. If a judge is ill, the calendar control clerk will arrange for a judge to cover the absent judge's calendar.

2. The clerk's office and calendar control clerk shall be promptly notified of last-minute changes of judge coverage and any courtroom re-assignments that are made.

Demands & Recusals

Demands

When a demand is filed against an assigned judge:

1. The clerk's office will immediately change the Case File Location to the judge whom the demand has been filed against.
2. Within 10 days, the judge whom the demand was filed against will change the case file location to the presiding judge and include a comment as to the demand.
3. If the judge demanded against submits a comment opposing the demand it must be reduced to writing, filed with the clerk, and served on the parties.
4. The presiding judge will review the comment and make a determination on whether the demand has been filed timely.
5. If the demand is denied, the presiding judge will prepare an order denying the demand.
6. If the demand is approved, the presiding judge will do a reassignment order. If the demand is against the presiding judge, the court administrator will prepare the reassignment order.
7. The file will be routed to the Clerk's location with action request. This may include the Clerk updating the Judge assignment within the case, if not previous completed, removal of the case flag – "Demand For Change of Judge/Recusal", and address further scheduling needs.

Recusals

All recusals must be in writing and filed with the clerk in the county of venue.

When a recusal is filed by an assigned judge the presiding judge will reassign the case to another judge in the district.

A copy of the local rule is available on the ND Supreme Court website at:

<http://www.ndcourts.gov/rules/Local/frameset.htm>

Clerks in the Courtroom

1. Clerks should confer with their local judges regarding their attendance in the courtroom. Clerks should attend criminal hearings unless excused by the judge presiding over the case. (Clerks are typically excused from: Preliminary hearings, motion, status conferences, and court trials)
2. Policy 512 of the Administrative Policy for the Judicial Branch should be used as a guideline in determining appropriate attendance.

Media

Administrative Rule 21 is followed. The judge presiding in the case will address media inquiries unless otherwise directed to the court administrator.

Telephonic Hearings

Requests to appear telephonically in court shall be made in writing, filed with the clerk's office at which time the file is sent for the judge to review. The party or attorney requesting to appear telephonically shall be given instructions by the court on whether to call the court at the time set for the hearing or be available at a designated phone number at the time set for the hearing or up to a certain period of time thereafter unless the telephone connection is made before then.

Upon approval the Calendar Control Clerk or Clerk shall be contacted and enter comments into the hearing to include the conference call line to be used for the designated hearing.

Exhibits

At least 10 days before the trial/hearing date for both civil and criminal actions, **both parties** must file with the court the originals of any exhibits they intend to use at trial/hearing. By the same deadline, each party must mail copies of his/her exhibits to the other party.

Case Assignment

In Ward County, civil (excluding evictions, small claims, and mental health proceedings), family (excluding domestic violence protection orders and juvenile proceedings), probate, and guardianship are system assigned randomly through all five chambered Judges. Eviction matters are manually assigned based on the Judge in the civil master calendar rotation. These are also placed on the Referee's calendar as time permits. Domestic Violence Protection Orders, Disorderly Conduct Restraining Orders, Small Claims, Child Support reviews and Juvenile proceedings are manually assigned to the Judicial Referee. There are exceptions to the system assigned and manually assigned cases when a demand or recusal is filed.

Scheduling

1. Each county's calendar consists of master calendar.
2. The master calendar judges in each county will be responsible for signing routine paperwork. Documents that are received by the clerk should be transferred to the master calendar judges for signature, unless documents received are for a file assigned to a judge.
3. *Ward County Judge's calendar* scheduling blocks are outlined below and who schedules each:

Burke County

Unless otherwise specifically ordered, “Master Calendar” day in Burke County will be held one time per month – the second Tuesday, after the first full week of each month, beginning at 9:30 a.m.

The “master calendar” consists of all case types. Bond hearings are scheduled daily as arrests occur. Mental Health hearings are calendared in Ward County in front of the judge assigned.

The Burke County clerk of court shall be responsible for scheduling all master calendar cases. All other hearings and trials will be scheduled by the calendar control clerk in Minot.

The typical schedule for master calendar days is as follows:

- 9:30 – Initial Appearance
- 9:35 – OSCs
- 9:40 – Probates
- 9:45 – Traffic
- 10:00 – Pretrials
- 10:05 – Prelims

The five Ward County judges cover master calendar days on a rotational basis.

Mountrail County

Unless otherwise specifically ordered, “Master Calendar” day in Mountrail County will be held three times per month – Thursday, the first, second, and fourth of each month, beginning at 9:00 a.m.

The “master calendar” consists of all case types. The Mountrail County clerk of court shall be responsible for scheduling master calendar cases. Two days per month are designated for criminal trials and are scheduled by the clerk’s office. All other hearings and trials will be scheduled by the calendar control clerk in Minot.

The typical schedule for master calendar days is as follows:

| | |
|--------------------------|--|
| 9:00 a.m. – 10:00 a.m.: | Initial Appearances (scheduled by officers) |
| 10:00 a.m. – 10:45 a.m.: | Administrative Traffic |
| 10:45 a.m. – 11:00 a.m.: | Child Support |
| 11:00 a.m. – 11:30 p.m.: | Civil, Show Probate, Adoptions, Evictions, No Show Probates |
| 11:30 a.m. – 12:00 p.m.: | Restraining/Protection Orders Mental Health/Rev of Probation |
| 1:00 p.m. – 1:15 p.m.: | Criminal Status Conferences |
| 1:15 p.m. – 1:45 p.m.: | Criminal Pretrial Conferences |
| 1:45 p.m. – 2:45 p.m.: | Criminal Preliminary/Arraignments/Criminal Motions |

2:45 p.m. – 3:00 p.m.: Appearance on Bench Warrant
3:00 p.m. – 3:15 p.m. Juvenile Hearings
3:15 p.m. - Small Claims or Civil Hearings
*Bond Hearings to be added per Judge/Clerk staff approval

The five Ward County judges will cover master calendar days on a rotational basis.

Ward County

All five elected judges rotate through a five week rotation in the following rotation, criminal master calendar week, criminal trial week, opinion week, and two civil weeks. The cycle then repeats to master calendar week.

The Judicial Referee is assigned specific case types and maintains master calendar rotation of managing the assigned case types on a weekly basis. The case types include: Child Support, Small Claims, Domestic Violence Protection Orders, Disorderly Conduct Restraining Orders, Juvenile and other case types as assigned.

MASTER CALENDAR/HEARING WEEK

The “master calendar” consists of the following case types: felonies (bail hearings; initial appearances, preliminary hearings, pretrial hearings, motion hearings, changes of plea and sentencings); misdemeanors (bail hearings; first appearances/ arraignments, entries of plea, motion hearings, status hearings, changes of plea, pretrial/disposition hearings); petitions to revoke probation (arraignments and adjudication/disposition hearings); orders to show cause (criminal, unpaid fines, fees and restitution, and child support enforcement) complaint signing; domestic abuse; traffic (court trials); mental health hearings; contested and uncontested probate matters; formal juvenile hearings; adoption hearings; small claims trials; civil motions (scheduling conferences, summary judgment motions, status conferences, all civil motions); and any other cases that may be assigned to the master calendar judge.

| | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | S |
|---|---|--|--|--|---|---|
| Master Calendar Week | 9-12 Initial Appearances (12 defendants/hr) 1 - 1:30 Misc 1:30 - 2 Jail Appearances (Mountrail/Burke) 2-4:30 Ward Jail Appearances | 9:00-10 Initial Appearance (12 defendants) 10-11:30 Misc 11:30-12 City Transfer Initial Appearances 1-1:30 Misc. 1:30- 2 Jail Appearances - Mountrail/Burke 2-4:00 Ward Jail Appearances 4:00-4:30 Misc | 8:30-12 Pretrial Conferences 1-2:00 PM Pretrial Conferences 2-3:30 Jail Appearances - Mountrail/Burke/Ward 3:30-4:30 Misc | 9- 12 Preliminary Hrg (3 per ½ hr time block) 1-2 Preliminary Hrg (3 per ½ hr time block) 2-3:00 Jail Appearances - Mountrail/Burke/Ward 3:00-4:30 Misc | 9-9:30 OSC - (30 Defendants) 9:30-12 Misc (Court Trials/Motion Hearings/Sentencing/Revocations/Status Conf, etc) 1-2 Misc (Court Trials/Motion Hearings/Sentencing/Revocations/Status Conf, etc) 2-3 :30 Jail Appearances - Mountrail/Burke/Ward 3:30-4 :30 Misc (Court Trials/Motion Hearings/Sentencing/Revocations/Status Conf, etc) | |
| Criminal Trials | Stacking 10 | Stacking 10 | Stacking 10 | Stacking 10 | Stacking 10 | |
| Civil Master (1) | 9:00-12:00 Civil 1:00 - 3:00 MH 3 - 4:30 Evictions (12) | 9:00-4:30 Civil | 9:00-4:30 Civil | 9:00-4:30 Civil | 9 - 10 MH 10 - 12 Civil 1:00-4:30 Civil | |
| Civil Master (2) | 9:00-4:30 Civil | 9:00-4:30 Civil | 9:00-4:30 Civil | 9:00-4:30 Civil | 9:00 -4:30 Civil | |
| Judicial Referee (Domestic Violence PO - Scheduled per calendar openings by Ref) | 8-11:00 Misc 11-12:00 Detention Hrgs 1:30-4:30 Small Claims (4) | 8-9:00 Misc 9 - Noon Child Support 1-4:30 Misc | 8:00 - 9:00 Misc 9:00 - 12:00 DCRO 1:00 - 4:30 Misc | 8-11:00 Misc 11-12:00 Detention Hrgs 1-4:30 Misc | 8-4:30 Misc | |

Misc Hearings: Admin traffic Game/Fish/Park FTC's/Rev's OSC Motions COP Sentencing Restitution Revocation of Probation Probate, guardianship, OSC, scheduling conferences, post convictions, motion hearings, court trials, status conf., evidentiary hearings, juvenile hearings

Ward County Scheduling Responsibilities:

| Responsible Staff – Scheduling | Criminal | Civil |
|---------------------------------------|--|--|
| Clerk’s Staff | Initial Appearances Preliminary and/or Arraignment Hearing Pretrial Conference Hearing Jury Trial (Scheduled During Pretrial Conf) Bond Review Post-Criminal Judgment Action – Ledger Card Order To Show Cause | Evictions Disorderly Conduct Restraining Orders Domestic Violence Protection Orders OSC – Child Support Small Claims Hearings Mental Health Juvenile (Referee Portscheller Schedules) |
| Calendar Control Clerk | Status Hearings Motion Hearings Jury Trial (Outside Pretrial Conference And Rescheduling) Sentencing Change of Plea Probation Revocation Hearing Restitution Hearing Extradition Hearing (Contested) Municipal Appeals Juvenile hearings with District Judge or out of county with judge if it is not on a MC day | Motions All Civil Hearings Court/Bench/Jury Trials |

Re-Scheduling

1. Misdemeanor probation revocations, felony probation revocations and sentencings will be re-scheduled before the assigned judge upon the judge's return from an unexpected absence. Coverage for all planned absences is coordinated directly between the judges. Discretion is given to the scheduler to accommodate these additions.
2. If a judge is unable to fulfill a master calendar day the judge should attempt to have the day covered by another judge prior to rescheduling or cancelling the master calendar day.
3. The Calendar Control Clerk has authority to reschedule matters as long as the new date(s) is/are in compliance with the original case scheduling order and other routine court scheduling procedures.

Preliminary Matters

- A. These hearings shall, whenever possible, be scheduled before the judge assigned to the master calendar for that particular day/week.
- B. The combination of the first appearance and entry of plea hearings is to be actively encouraged for all misdemeanors.

Misdemeanors

All persons who make an initial appearance in master calendar court on misdemeanor charges will either:

- A. Plead guilty and be sentenced by the judge then presiding over master calendar court:
- B. Plead not guilty (or the court may enter a not guilty plea on the defendant's behalf); and the defendant will be given a scheduling order with motion dates and notice of a pretrial date. Written Rule 43 misdemeanor pleas will be assigned for approval, to the judge who signed the scheduling order.

Misdemeanor Case Schedule (Unless modified by further order of the court)

First Appearance – The court will issue a scheduling order with dates for filing of motion deadlines and pretrial conference.

Dismissals

Court Dismissals of Criminal Actions

- A. When the court orders the dismissal of a criminal action on its own volition on the record, the court reporter/recorder or clerk will provide to the court, for signature, a computer-generated order.
- B. The clerk's office will provide copies of the signed order to all parties.

Pre-Sentence Investigations

Notices of pre-sentence investigations (PSI's) will be communicated with Parole and Probation via an Odyssey generated report. Judges, public defenders, and private defense counsel are to direct defendants who are not in custody to call Parole and Probation immediately following court to schedule time for the defendant's initial interview(s).

When a pre-sentence investigation report is ordered in a felony case and sentencing is not scheduled while in courtroom, the CCC will schedule the sentencing hearing. PSI's are to be completed within the DOCR required timeframe of 60 days.

Psychological Evaluations

When post adjudication psychological evaluations are ordered pursuant to N.D. Cent. Code § 12.1-04.1-21, the date and time of the defendant's appointment will be included in the court's order, a copy of which will be provided to Parole and Probation for case monitoring.

NSF Infraction Cases

Arrest warrants are **not** to be used for infractions unless service has been complied with as provided in Rule 4, N.D.R.Crim.P., and the defendant did not appear in court.

If service is not perfected, an order of dismissal will be prepared for the criminal judge's signature.

CIVIL CASE MANAGEMENT

Judge Assignments

- A. Civil cases are initially assigned to a judge at the time of filing and stay with the assigned judge through disposition unless a demand for change of judge is granted, a recusal is submitted, or a formal reassignment is made by the presiding judge.

- B. Applications for temporary orders shall be made to the assigned judge. If the assigned judge is absent, the hearing judge will handle the application.

Scheduling Orders

Scheduling orders should include:

- A deadline for joining parties and amending pleadings
- A date for completing all discovery or particular phases or parts of discovery by specifying cutoff dates for noticing depositions, for serving interrogatories and document requests, and for filing discovery motions.
- A deadline for filing dispositive motions
- A deadline for identifying trial experts and exchanging experts' materials
- A date for further conferences as needed
- A date for a final pretrial conference
- A date for a settlement conference or ADR process (if desired)
- A trial date

- A reasonable length of time for the trial
- Ground rules for continuances; and
- A procedure for reconciling calendar conflicts with proceedings in state or other federal courts.

Attorneys and litigants should learn to expect that deadlines will be firmly adhered to.

Counsel or litigants requesting a continuance of any conference, hearing, deadline, or other procedural changes must submit a motion or stipulation with a detailed declaration as to the reason for the requested continuance or extension of time. Continuances will be granted only upon a showing of good cause, particularly focusing upon evidence of diligence by the party seeking delay and of prejudice that may result if the continuance is denied. Parties will not be allowed to stipulate around deadlines or gain easy continuances.

Civil Motion Practice

The CCC sets motions before the assigned judge. When an attorney or litigant calls for a hearing time, the CCC asks for type of motion hearing, judge assigned, case number, title of case and name of attorney or litigant setting hearing with an estimate of length of hearing.

- A. Hearings are set daily in judge's civil hearing week;
- B. Daily schedules are prepared by calendar control clerk and reflected on the lobby monitor for public view.

NOTE: Any proceeding to modify or enforce a previous order issued in any case shall be considered an individual calendar matter for the judge previously assigned.

Counsel in civil cases have the duty to make a good-faith effort to resolve disputes that may arise during the course of discovery.

Setting Trial Schedules

1. A notice of trial is sent to all counsel, usually giving a date certain for trial. On occasion, a case will be set as a backup. The calendar control clerk will schedule a final pretrial conference in civil jury cases at least two weeks prior to the trial date.
2. All cases set for trial shall be heard on the date set unless the court grants a continuance for cause shown. Judges require formal motions for continuances. On occasion, a judge may continue a case if all parties stipulate. Unless otherwise permitted by the court, a motion for the continuance of a trial shall be made to the court at least five days before the date set for trial. The motion must be supported by an affidavit of the moving party setting forth the reasons for the continuance. If the case is not tried on the date set, the court in its

discretion may impose such sanctions as it sees fit, and in addition may require the payment of jury fees and other costs by the party at whose request the continuance has been made.

3. After completion of a trial or settlement, if final documents are not filed within twenty days, a “settle” letter or “trial” letter is sent to counsel requesting that final documents be filed within a certain time period to ensure disposition.

Civil Rule 16 Pretrial Procedure

Pursuant to N.D. R. Civ. P. 16, the court must conduct a pretrial (scheduling) conference within 60 days of one of the following triggering events:

(1) if more than six months have passed since filing of the summons and complaint or answer without final disposition of the case or filing of a dispositive motion;

(2) if the summons and complaint or answer was served more than six months before filing and ninety days have passed since filing without final disposition of the case or filing of a dispositive motion;

(3) if a N.D. R. Civ. P. 40(e) notice has been issued and any response to the notice contained a request that the case be left open; or

(4) if any party makes a written request for a scheduling and planning conference. Once an Answer is filed the CC schedules a Scheduling Conference.

If a Rule 16 pretrial conference has not been scheduled following the occurrence of any one of these triggering events, the calendar control clerk will send out a notice to the parties. The notice will remind the parties of the requirement to schedule a Rule 16 pretrial conference. Unless the plaintiff(s) contacts the court to schedule the conference, or files a notice setting a time for a Rule 16 conference, or shows cause in writing why the case should not be dismissed, within 14 days, the case will be dismissed without prejudice (unless the court states in its order that the case is dismissed with prejudice) or further notice by the court on its own motion for lack of prosecution.

Alternative Dispute Resolution

Civil Rule 40(e) Procedure

If there has been no apparent activity in a given case for a period of more than one year, an “Order to Show Cause” hearing will be set. If no request is received in writing by the court within 14 days of this notice to allow this action to remain pending, along with a notice setting a time for a Rule 16 scheduling conference, the court, on its own motion, will dismiss the action or proceeding without prejudice.

Mental Health Case Scheduling

A mental health preliminary hearing, treatment hearing, or involuntary treatment hearing (if no preliminary hearing is required) must be held within four days (exclusive of weekends and holidays) after the respondent is hospitalized or the expert examiner's report is received (whichever is applicable to the particular proceeding).

Probate Guardianship and Conservatorship Annual Reports/Judicial Review

Court-appointed guardians and conservators of incapacitated persons must file an annual report with the court February 1 of each calendar year. The clerk's office will track the filing of the annual reports and send notices to guardians or conservators whose annual reports are past due. If, after thirty days of this notice, the annual report has not been filed, an order to show cause hearing will be scheduled.

Scheduling Orders are used to schedule each criminal case. Felonies and Misdemeanors receive the scheduling order at initial appearance. The scheduling order includes preliminary/arraignment hearing (felony), motions deadlines, and pretrial conference. At Pretrial Conference hearing, an Order For Trial is issued on cases moving to trial. These hearing times will be managed by the clerk's office. Misdemeanor scheduling orders span eleven (11) weeks. Felony scheduling Orders span sixteen (16) weeks.

Interim/Injunction/Emergency Orders

If the case has been assigned, an order should be signed by the judge assigned to the case. If the assigned Judge is not available, the clerk should find the next available judge to sign the order and enter this information in the case notes. (Ward Co.)

If the case has not been assigned to a judge yet, the clerk will assign the case to the judge signing the order unless that judge is not in their regular county rotation. A judge will be assigned through the case management system random assignment process. The clerk will enter this information in the case notes. The judge signing the order will set the date for future hearing and if the assigned judge cannot hear the matter on that date, they will reset the hearing. (Mountrail/Burke Co)

Bond Schedule

The North Central Judicial District's bond schedule is included in the Appendix. The schedule is intended as a directive as to bond amounts that are approved by the court if a person is arrested on specified charges. This was developed as a solution to jail overcrowding.

Bail Order Reviews

Upon the court denying a defendant's request for bail reduction under N.D.R.Crim. P. 46(a)(5), the decision must be reduced to writing and the order filed with the clerk.

24/7

The Presiding Judge of the North Central Judicial District has issued an order with regard to testing associated with the 24/7 Sobriety Program and the judges of the district adopted an implementation plan for action for non-compliance. Both documents can be found in the Appendix.

No Contact Orders

Judges may include a no contact order as a provision of bond. Even if a domestic violence protection order is in place.

If the victim requests the no contact order be lifted, they must take the following steps:

If a Victim Witness Coordinator exists locally:

1. Discuss the situation with the local victim witness coordinator;
2. The local victim witness coordinator must write a letter to the court indicating services were explained to the victim;
3. Once the victim's request and the victim witness coordinator's letter have been received the judge may sign an amended bond order removing the no contact order.

If a Victim Witness Coordinator DOES NOT exist locally:

1. The victim must submit the request in writing to the Clerk for filing;
2. The victim's request must be forwarded to the state's attorneys' office and provided to Defense Counsel and/or Defendant;
3. The state's attorney's office must indicate approval of the victim's request;
4. Once the victim's request and the state's attorneys' approval have been received the judge may sign an amended bond order removing the no contact order.

Failures to Comply

If a defendant fails to comply with conditions of their sentence, an order to show cause should be scheduled and notice mailed by first class mail to the defendant's last known address. If the defendant satisfies the condition prior to the hearing, the clerk should cancel the hearing. If the notice is returned as undeliverable or the defendant fails to appear for the order to show cause a bench warrant should be issued.

Failure to pay a community service fee is not a cause for an order to show cause action.

Deferred Imposition of Sentence

Clerks will follow the procedure outlined in the Business Decision Guidelines to generate a report of cases with a deferred imposition of sentence to send to the State's Attorney. If the State's Attorney does not want the complaint or information dismissed, they must file a 3.2 motion with the Court. If there is no response to the motion from the defendant, the file

shall not be restricted. If there is no response from the State's Attorney prior to the due date of the time standard, the file shall be restricted. (Infractions and Misdemeanors Only)

Deferred Prosecutions

Unless the deferred prosecution agreement calls for an automatic dismissal of the case, when the time standard comes due the clerk shall send notice to the state's attorney's office to inquire whether they will be dismissing the case or not. A report is automatically generated and sent the state's attorney's office listing all deferred prosecutions.

Temporary Restraining Orders

If it is necessary to continue a restraining order due to lack of service or some other reason, the language for the continuation of the order as well as the reason the order is being continued should be included in the new notice of hearing prepared by the Judicial Support Staff. A Notice of Hearing will be made available as an Odyssey form.

Domestic (DM) Case Procedures

Cases Assigned to Judges—Divorce

All divorce cases shall be assigned at case initiation, even if it is a default action, due to the continuing nature of these cases and the "One Family, One Judge" concept. If that judge is unavailable to sign a default order, the clerk will enter information in the case notes to indicate why an alternate judge has signed the order. Existing cases that are not yet assigned and come back to the attention of the court should be assigned using the case management system automatic rotation.

Hearings on Default Divorce

If a stipulation is entered into, the parties must also file an affidavit of proof and no hearing will be required. A sample form is available on the North Dakota Supreme Court website. Adjustments to the form may be needed if there are children involved.

If the parties do not enter into a stipulation, a default hearing with notice shall be issued when required by the Rules of Procedure.

Scheduling in Contested Matters—Divorce

Upon commencement of a contested parenting responsibility or divorce action, the Clerk will refer the case to mediation. Within 5 days of case initiation, the calendar control clerk will set a final pretrial conference (as referenced in paragraph 10 of the scheduling order form found in the forms section of this document) at the end of the assigned judge's master calendar day to be held no earlier than 6 months from the date of case initiation unless an exception is granted by the assigned judge. The calendar control clerk will generate and distribute the form.

If the assigned judge does not have Master Calendar days in a particular county, the calendar control clerk must contact the judge for a date.

If an attorney needs to continue the hearing, the calendar control clerk must move the hearing to the assigned judge's next Master Calendar day and send a notice of hearing.

Child Support Step-Down Policy

It is the policy of Administrative Unit IV of the North Dakota Judiciary that a clerk may not independently make any adjustments or 'step-down' child support without an order from the court.

If a previously issued order indicates a specific dollar amount and date the adjustment or step-down is to take place, clerks must take action based on that initial order. If no reference is made in a previously issued order, the clerk must direct parties to file the appropriate paperwork with the court.

Temporary Protection Orders

If it is necessary to continue a temporary protection order due to lack of service or some other reason, the language for the continuation of the order as well as the reason the order is being continued should be included in the new notice of hearing prepared by the Judicial Referee or Clerk's Office. A Notice of Hearing will be made available as an Odyssey form.

Juvenile (JV) Case Procedures

One Family/One Judge (Referee Portscheller hears all juvenile cases in Ward County)

Following the basic concept of "One Family, One Judge" all juveniles cases (unruly, delinquent, deprivation, and permanency) involving that family should remain with the originally assigned judge whenever possible. This includes all children from the same family.

Emergency Hearings

If an emergency juvenile hearing is needed, juvenile office staff should contact the judicial referee or calendar control clerk for a hearing date and time. Contact the clerk of court in Mountrail and Burke Counties.

Permanency Hearings

On occasion, a permanency hearing is requested and may not be completed within the required timeframe due to unavailability of counsel. In this event, evidence must be received on the day of the originally scheduled hearing and findings must be made on the record. A time for a further hearing when counsel can be present must be scheduled.

Mental Health (MH) Case Procedures

Cases Assigned to Judges—SDI

Sexually dangerous individual cases will be assigned to the sentencing judge when possible. If it is not possible to assign to the sentencing judge, the case management system random assignment process will be used.

Hearings on SDI cases will be held in the original County of venue unless extreme circumstances warrant the hearing being held in an alternate location. Judges will make this determination on a case-by-case basis.

Probate (PR) Case Procedures

Reviewing Informal Probate Actions

Clerks may sign informal probate actions in accordance with N.D.C.C. 30.1-02-06 which allows the clerk, without written order of the court, to “sign all appropriate documents in uncontested informal probate matters” if certain requirements are satisfied. However, the documents may also be referred to the master calendar judge for signature. (Mountrail/Burke) In Ward County, the case will be automatically assigned and file sent to the assigned Judge for review.

Indigent Defense Applications

The judges will review and approve or deny indigent defense applications. The clerk will send notification per the standard procedures.

Jury Related

Non-Responsive Jurors

The judges in the North Central Judicial District recognize the importance of prospective jurors fulfilling their responsibility for jury service.

If a prospective juror does not complete and return a jury questionnaire, the clerk may at the direction of the judge prepare an order to show cause within the administrative file for the prospective juror to appear at the next master calendar time. If the clerk’s office receives the completed questionnaire before this hearing or if a juror completes the questionnaire after arriving at the courthouse for the hearing, the clerk may cancel the order to show cause hearing. If the jury trial for which the juror was being qualified has already been held the juror should be deferred to another pool for service at a later time.

Failure to Appear for Duty

On the day of trial, the clerk should immediately contact any juror who fails to report. If the clerk cannot contact them or they do not report for jury duty for which they have been summoned, the clerk should inquire of the assigned Judge as to further action regarding the juror no show.

An Order to Show Cause form for jurors is available in Odyssey.

Attorney Communication with Judges

Attorneys are discouraged from specific case-related communication directly with the judge including email. Communication should be handled through motions or written requests and submitted via the court’s e-filing system.

Firearms/Dangerous Weapons in Court

Exhibits

Judges have approved a policy regarding their expectations regarding firearms that are exhibits. It can be found in the Appendix.

Security

Firearms or other dangerous weapons worn by law enforcement personnel while they are on duty will be allowed in the courtroom without restriction. However, if a member of law enforcement is a party to the action, they will be required to follow the court's security policy.