



Northeast Judicial District



Caseflow Management Plan



Revised: June 27, 2023

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Committee Members

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Honorable Anthony Swain Benson, NEJD District Judge

Tina Powell, Clerk of District Court

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Lori Schlieve, Electronic Court Recorder/Transcriber

Northeast Caseflow Management Plan

The following caseflow management plan and policies are adopted to efficiently manage and distribute the judicial case load in the Northeast Judicial District. Cases in the Northeast Judicial District will be processed and disposed of in a manner consistent with the goals, objectives, procedures and forms of the master and individual calendar policy set forth in this document. Continuances of court hearings cause delay in disposition of cases. It is the goal of the Northeast Judicial District to limit continuances that delay disposition of cases except for a showing of good cause. Nothing contained in this plan will supersede or conflict with any statutes, policies, or Rules of Court that now exist or are hereinafter adopted by the North Dakota Supreme Court.

Case Management Plan Goals and Objectives

The goals of the Northeast Judicial District Case Management Plan are to:

- 1) Manage the judicial caseload as efficiently as possible in meeting the case disposition timing objectives.
- 2) Maintain a system of regular judicial attendance in each county in a fair and equitable manner.
- 3) Develop judicial schedules that are divided into master and individual calendars based upon volume and need.
- 4) Promote and maintain unit-wide uniform procedures and forms as appropriate.

The objectives of case management policy are to:

- 1) Identify cases where judicial continuity is not essential and the amount of judicial time involved is relatively short and assigning those cases to a master calendar. The management of the master calendar is the responsibility of the clerk of district court in consultation with the presiding judge and unit court administrator.
- 2) Identify cases where judicial continuity is essential. The management and disposition of individually assigned cases is the responsibility of the assigned judge.
- 3) Develop unit-wide procedures and forms as appropriate that are easily understandable by litigants.

General Procedures

Judicial Assignment to Counties

Judges will be assigned primary and secondary duties pursuant to. Northeast Judicial District Local Rule 1.–See Appendix A.

Current assignments and Presiding Judge order:

County	Primary Judge***	Secondary Judge
Benson	Judge Foughty (Judgeship #4) OR Judge Olson (Judgeship #1) <i>(Master Calendar Judge for Month)</i>	Judge Foughty (Judgeship #4) OR Judge Olson (Judgeship #1) <i>(Non-Master Calendar Judge for Month)</i>
Bottineau	Judge Benson (Judgeship #3)	Judge Hurly (Judgeship #7)
Cavalier	Judge Agotness (Judgeship #5)	Judge Whelan (Judgeship #6)
McHenry	Judge Hurly (Judgeship #7)	Judge Benson (Judgeship #3)
Pembina	Judge Agotness (Judgeship #5)	Judge Whelan (Judgeship #6)
Pierce	Judge Hurly (Judgeship #7)	Judge Benson (Judgeship #3)
Ramsey	Judge Foughty (Judgeship #4) OR Judge Olson (Judgeship #1) <i>(Master Calendar Judge for Month)</i>	Judge Foughty (Judgeship #4) OR Judge Olson (Judgeship #1) <i>(Non-Master Calendar Judge for Month)</i>
Renville	Judge Benson (Judgeship #3)	Judge Hurly (Judgeship #7)
Rolette	Judge Benson (Judgeship #3) ***	Judge Hurly (Judgeship #7)
Towner	Judge Hurly (Judgeship #7)	Judge Hurly (Judgeship #7)
Walsh	Judge Whelan (Judgeship #6)	Judge Agotness (Judgeship #5)

***Pursuant to an Order Adjusting Assignment Procedure issued June 28, 2022, Judge Agotness is assigned to preside over the Northeast Judicial District Drug Court effective September 1, 2022, and over Rolette County civil matters with the exception of juvenile court cases effective January 1, 2023.

Scheduling Master and Individual Calendar

Session Creation:

Current Practices – See **Appendix B**.

Master Calendar

Clerks will primarily be responsible for calendaring and entry in Odyssey for *master calendar* days, which generally include the cases as outlined below. Specific *master calendar* events listed by county are located in **Appendix C** as some variances may exist.

Master Calendar Assignment and Scheduling by judge/county

- **Bottineau/Renville/Rolette**: Judge Benson
 1. Bottineau – Every Tuesday (future -- perhaps some Fridays)
 2. Rolette – Every Monday
 3. Renville – One “non-set” day per month scheduled as required
- **McHenry/Pierce/Towner**: Judge Hurly
 1. Pierce – Every Monday
 2. McHenry - 1st, 3rd and 4th Tuesday
 3. Towner – 2nd Tuesday of the month

- **Benson and Ramsey:** Judges Olson and Foughty
 1. Benson – 2nd and 4th Monday afternoons, Juvenile Court 2nd & 4th Wednesdays
 2. Ramsey - Every Monday Morning, Juvenile Court 2nd & 4th Wednesdays
- **Cavalier/Pembina:** Judge Fontaine
 1. Cavalier - Two Monday's per month (on alternating weeks)
 2. Pembina – Two Tuesdays per month (on alternating weeks)
- **Walsh:** Judge Whalen is only assigned to Walsh County, and they have *master calendar* scheduled for each Monday of the month

Criminal

- Administrative Game and Fish - within 90 days of issuance
- Administrative Traffic
- Bond hearings (in Ramsey & Benson Co., pertains only to unassigned cases)
- Extraditions
- Initial Appearance/Arraignment (Ramsey & Benson Co. subject to separate procedures)
- Orders to Show Cause (Ramsey & Benson Co. subject to separate procedures)

Civil

- Forcible Detainers (Eviction)
- Minor Settlements
- Name Change
- Orders to Show Cause (Ramsey & Benson Co. only if no formal request for hearing)
- Restraining Orders
- Small Claims
- Uncontested Trusts and Reviews
- Uncontested Adoptions

Family

- Default/Stipulated child support actions
- Default/Stipulated divorce actions
- Protection Orders

Juvenile

- Detention, Shelter Care, or other emergency hearings
- Adjudication hearings (Ramsey & Benson Co. only if 2 hrs. or less in length)
- Disposition Hearings
- Initial Appearances
- Juvenile Applications – send directly to a judge
- Permanency/Review Hearings
- Pretrial Conferences

Probate/Mental Health

- Mental Health proceedings
- Uncontested Guardianship/Conservatorship Matters
- Uncontested Formal Probate Procedures

The *master calendar* judge in each county is responsible for signing routine paperwork. If a master calendar judge is unavailable, the papers may be forwarded to the secondary judge. Documents that are received by the clerk should be held for the *master calendar* judge's signature, if it would not unduly delay the process, or routed to the secondary judge serving that county. If the secondary judge is unavailable, forward documents to the presiding judge. The clerk in each county should work with their primary judge to determine a procedure to process documents received by the clerk.

Individual Calendars – Court Recorders/Staff Attorneys

Judges will calendar for *individual calendar* days, which generally include the cases as outlined below. Specific *individual calendar* events listed by county are located in **Appendix C** as some variances may exist.

Criminal

- Bond reviews (for assigned cases only in Ramsey & Benson Co.)
- Bench Trials
- Change of Plea
- Disposition of Detainers
- Jury Trials
- Motions filed pre-and post-sentence
- Orders to Show Cause (in Benson & Ramsey Co. only if formal request filed)
- Other post-sentence hearings (felony cases only)
- Preliminary Hearings
- Pretrial/Dispositional Conferences
- Restitution Hearings
- Revocation Hearing (admit/deny/disposition)
- Sentencing Hearings
- Speedy Trial Requests
- Status Conferences

Civil/Family/Probate

- Bench Trials
- Civil Commitment for SDI
- Contested Adoptions
- Contested Ex Parte Emergency Guardianship/Conservatorship
- Contested Probate
- Contested Trusts
- Evidentiary Hearings
- Interim and Motion Hearings
- Jury Trials
- Oral Argument
- OSC (Ramsey & Benson Co. only when formal request filed)
- Post-Conviction Relief
- Pretrial Conferences
- Scheduling Conferences (Rules 16, 8.3, and 8.3.1)
- Settlement Conferences

Juvenile

- Adjudication hearings (Ramsey & Benson Co. only if over 2 hours in length)
- Guardianships filed by private attorneys

Secondary Judge Assignments

- 1) If a *demand for change of judge* is filed, all cases with the exception of non-criminal traffic offense cases are submitted to the presiding judge for assignment. The non-criminal traffic cases will automatically be transferred to the secondary judge in the service area (secondary judge is the non-master judge in Benson and Ramsey Counties). Please see **Appendix D** for an order relating to this practice.
- 2) If a recusal is filed by a judge, the case should be referred to the presiding judge.

Case Management Responsibilities and Duties

- 1) It is the joint responsibility of the clerk of court, judge, and juvenile court officers to implement proper case management for which docket currency is an integral part.
- 2) Odyssey should, at all times, reflect pending activity or have a future time standard entered. Timely entry of events is required for each case.
- 3) Clerks are expected to manage the overdue case listing each month and correct any issues. This will allow the assigned judge to review the file and take the appropriate action to bring the case into compliance with the time standards established in Administrative Rule 12 and report any cases pursuant to Policy 507.

Media

- 1) Administrative Rule 21 is followed.
- 2) Order form located in **Appendix E**.

Technology – Reliable Electronic Means

- 1) Administrative Rule 52 is followed.
- 2) Applicable Rules:
 - a. **Civil:** Reference Rule 43 of the NDR CivP
 - b. **Criminal:** Rule 26 of the NDR CrimP (refers to a case, *State v. Lemons, 2004 ND 44, 675 N.W.2d*, where telephone testimony was not allowed because a party objected to it.)

Criminal Procedure

Judicial Assignment

Judge assigned upon case initiation pursuant to Northeast Judicial District Local Rule 1.

In criminal cases, the notification of the assigned judge should be sent to the parties as part of the first scheduling order issued by the clerk in the case. This would typically be the notice of arraignment or trial date on a misdemeanor offense, or the preliminary hearing in a felony case. (Ramsey & Benson Counties shall follow the separate criminal case procedures document.)

Scheduling Order/Notices/Prepared and filed by the assigned judge in criminal matters.

Civil Procedure

Judicial Assignment

Judge assigned upon case initiation pursuant to Northeast Judicial District Local Rule 1. (Refer to memo issued by the presiding judge dated 08/31/17) – **See Appendix G.**

In civil cases, the notification to the parties of the assigned judge should be sent immediately after the filing of the Complaint if the parties are known to the clerk. If the defendant's address is not provided to the clerk, then notification to the known parties will be made 25 days after the Complaint is filed. If the defendant's address is not known to the clerk until a later date than described, then notification to the defendant will be mailed within 10 days of the clerk being notified of the required information.

Rule 16 Hearings

Rule 16 hearings will be scheduled by the judge's office.

Rule 8.3 and Rule 8.3.1

The Northeast Judicial District will follow North Dakota Rules of Court 8.3 and 8.3.1 which state joint informational statements need to be filed and parties should follow the requirements of Rule 8.3/Rule 8.3.1. The enforcement of these documents will be at the discretion of each individual judge.

Probate Procedure

Informal Probate

Clerks may sign all informal probate documents in accordance with N.D.C.C. 30.1-02-06 which allows the clerk, without a 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. General practice is the judges sign the informal probates; however, the clerk of court is allowed to sign.

Juvenile Procedure

Please refer to:

- NDCC Chapter 27-20.1 (Guardianship of a Minor), 27-20.2 (Juvenile Court Act), 27-20.3 (Child Welfare), 27-20.4 (Delinquency)
- Administrative Rule 12
- North Dakota Rules of Juvenile Procedure

Jury Management Procedure

State Court Administration provides Jury Management System (JMS) software that must be utilized by all clerk offices. Clerks will follow the Jury Selection Procedure (Administrative Rule 9) along with the Jury Selection Plan and Appendix attached to AR9.

A juror qualification form and summons (one-step method) should be mailed to prospective jurors four to six weeks prior to the trial report date along with a self-addressed stamped envelope. For those counties using the two-step method, the possible trial dates should be included in the comments on the first summons form mailed, then the date-certain summons should be mailed to the prospective jurors at least two weeks prior to trial date.

Excusing citizens from jury panel and delegation of duties to Clerk of Court – refer to the memo issued by a presiding judge dated June 8, 2021 -**See Appendix H.**

Number of jurors needed to report for voir dire should be equal to the number of jurors needed + alternates + peremptory challenges allowed + two. (See Jury Selection Plan, section 10):

For felony-level criminal cases alleging Gross Sexual Imposition, Murder, Assault, Theft, Controlled Substances, or Driving Under the Influence

- Number of jurors summoned = the number of jurors needed + the number of alternates needed + the total number of peremptory challenges allowed + 8

For all other criminal and civil cases

- Number of jurors summoned = the number of jurors needed + the number of alternates needed + the total number of peremptory challenges allowed + 4

High-profile cases (and/or at judge's discretion) – the judge should inform the clerk of court's office at least six weeks prior to the trial date of their request for prospective jurors above the standard.

At the end of the trial, the clerk or bailiff will distribute the NEJD juror survey to each juror. Jurors will be asked to complete the survey prior to departing the courthouse. The clerk will then email a .pdf copy to the judge and Unit 1 court administration.

Appendix A – Local Rule 1 & 2

LOCAL RULE 1. CASE ASSIGNMENT PROCEDURE

Effective Date: August 2, 2019.

1. Purpose. This local court rule is established pursuant to [Administrative Rule 2, subsections \(8\) and \(9\)](#) and the [North Dakota Rule on Local Court Procedural Rules section 3](#). This procedure provides a mechanism for the assignment of cases in the Northeast Judicial District.

2. Procedure.

A. Automatic Assignment. The clerks of district court in the Northeast Judicial District shall assign a judge to all cases filed in district court based on a master and individual calendar process. This process will be administered by the local district court judge in conjunction with the presiding judge as outlined below:

- (1) In Benson County, one of the district judges chambered in Devils Lake.
- (2) In Bottineau County, the district judge chambered in Bottineau.
- (3) In Cavalier County, the district judge chambered in Cavalier/Langdon.
- (4) In McHenry County, the district judge chambered in Rugby.
- (5) In Pembina County, the district judge chambered in Cavalier/Langdon.
- (6) In Pierce County, the district judge chambered in Rugby.
- (7) In Ramsey County, one of the district judges chambered in Devils Lake.
- (8) In Renville County, the district judge chambered in Bottineau.
- (9) In Rolette County, the district judge chambered in Bottineau.
- (10) In Towner County, the district judge chambered in Rugby.
- (11) In Walsh County, the district judge chambered in Grafton.

B. If the need arises, this automatic assignment procedure may be adjusted by the presiding judge in conjunction with local district judges.

3. Effective Date. The effective date of this local court rule is August 2, 2019.

Adopted effective January 2, 1995; amended January 2, 2000, amended effective August 2, 2019.

LOCAL RULE 2. CASE REASSIGNMENT PROCEDURE

Effective Date: August 2, 2019.

Alternative Assignment.

1. Procedure. This local rule is adopted to provide a district-wide procedure for reassignment of selected cases in compliance with Administrative Rule 2 (9) and (10).

If a demand for change of judge is properly filed and is timely in accordance with section 29-15-21 N.D.C.C., and that judge is not the presiding judge; or a recusal is filed by any judge, an alternative assignment will be given based on an assignment roster maintained in the offices of the presiding judge.

If the presiding judge has filed a recusal, or if a demand for change of judge is filed against the presiding judge, the clerk of district court in the county of venue shall refer the case to the designated acting presiding judge appointed, pursuant to Administrative Rule 2(6), for reassignment of the case among the judges of the district unless a recusal or demand for change of judge has previously been filed against the designated acting presiding judge, in which case the clerk of district court in the county of venue shall refer the case to an alternate acting presiding judge for reassignment.

If all district judges are unable to preside, the presiding judge or designee shall refer the case to the clerk of the supreme court for reassignment by the chief justice.

2. Effective Date. The effective date of this local court rule is August 2, 2019.

Adopted effective January 2, 1995; amended January 2, 2000, amended effective August 2, 2019.

Appendix B – Odyssey Session Creation Practice by County

Odyssey Session Creation Practice by County			
County	Person who Creates/Sets Up Session	Session Details	Person who Adds/Manages Hrgs w/in Session
Benson County	Court Recorder	One Session Hearings @ Different Times based on Duration	Court Recorders manage the sessions, however, Clerk of Court & Juvenile Court office add, reset, cancel hearings if need be to an already open session
Bottineau County	Court Recorder generates reoccurring sessions	One Session Hearings @ Different Times based on Duration	Clerk of Court office; hearing dates are also obtained from Court Recorder and entered into Odyssey by either the Court Recorder or the Clerk of Court office. The practice varies from case to case.
Cavalier County	Clerk of Court office upon obtaining dates from judge's office	Multiple Sessions 9:30 - 10 Master 10:00 - OSCs Pretrial Session Jury Trial Session Civil Scheduled in 10:00 - 12:00 Hearings @ Different Times based on Quantity	Clerk of Court office
McHenry County	Clerk of Court office sets up all sessions other than Court Recorders for the visiting judges	***Clerk gets hrg dates from Reporter if not using Master Calendar date Multiple Sessions 9:30 OSC; 10:00 - Initials and status hearings 1:15-4:30 - Civil Matters	Clerk of Court office; Court Recorders for the visiting judges
Pembina County	Clerk of Court office for local judge; usually Court Recorders for the visiting judges	Multiple Sessions 9:30 Master 10 OSC Pretrial Session 1:15 Probate Jury Trial Session as set by Judge Hearings start @ Same Time based on Quantity	Clerk of Court office for local judge; usually Court Recorders for the visiting judges
Pierce County	Clerk of Court office sets up all sessions other than Court Recorders for the visiting judges and juvenile sessions set by Court Reporter/Recorder or Juvenile Court	Multiple Sessions Hearings @ Different Times based on Duration	Clerk of Court office and Court Reporter/Recorder and Juvenile Court

County	Person who Creates/Sets Up Session	Session Details	Person who Adds/Manages Hrgs w/in Session
Ramsey County	Court Recorders setup/create sessions; clerks work with court recorders when necessary and will add if judge requests	One Session	Clerk of Court, Juvenile Court and Court Recorders
		Hearings @ Different Times based on Duration	
Renville County	Court Recorder generates reoccurring sessions	One Session	Clerk of Court office; hearing dates are also obtained from Court Recorder and entered into Odyssey by either the Court Recorder or the Clerk of Court office. The practice varies from case to case.
		Hearings @ Different Times based on Duration	
Rolette County	Court Recorder generates reoccurring sessions	One Session	Clerk of Court office; hearing dates are also obtained from Court Recorder and entered into Odyssey by either the Court Recorder or the Clerk of Court office. The practice varies from case to case.
		Hearings @ Different Times based on Duration	
Towner County	Court Recorder or Clerk of Court office; Court Recorder creates all sessions for Towner Co. cases held in Devils Lake	One Session	Court Recorder and Clerk of Court office add/manage hearings
		9:30 OSC and Bench Warrant Appearances	
		10 Initial Appearances	
		11-12 Preliminary Hearings & Traffic Hearings	
		1:00 pm Child Support OSC & Civil	
All Hearings @ Different Times based on Duration			
Walsh County	Court Recorder	Master Calendar: Multiple Sessions	All hearing dates are obtained from Court Recorder and entered into Odyssey by either the Court Recorder or the Clerk of Court office. The practice varies from case to case.
		9-10 Initials: Hearings @ Same Time based on duration	
		10-11 Arraignments: Hearings @ Same Time based on Quantity	
		11 OSCs and various items: Hearings @ Same Time based on Quantity	
		*Clerk obtains ALL dates from Judge's Court Recorder	

Appendix C – Individual Calendar Scheduling by County (Includes Case Assignment Information for Benson and Ramsey County)

Benson and Ramsey County Scheduling (See separate “Benson and Ramsey County Caseflow Management” Plan for more detailed information)	
MASTER CALENDAR	
Criminal	Who Currently Schedules
Administrative Game and Fish - schedule within 90 days of issuance	Clerk
Administrative Traffic - schedule within 90 days of issuance	Clerk
Bail Hearings for unassigned cases (limited to one review)	Clerk
Extraditions	Clerk
Initial Appearances	Clerk
Orders to Show Cause re: drug testing, nonpayment, no-contact violations, evals	Clerk
Transfers to Adult Court Bond Hearings (hearing to be held as soon as possible following juvenile proceeding; schedule with judge who did not hear the juvenile case)	Clerk contact Court Recorder for time and date
Civil	
Restraining Orders, Forcible Detainers (evictions), Minor Settlements, Name Changes, OSC (unless formal request filed), Small Claims, Uncontested Trusts & reviews, Uncontested Adoptions	Clerk
Family	
Protection Orders, Default/Stipulated Child Support actions, Default/Stipulated Divorces	Clerk
Juvenile	
Detention, Shelter Care, or other emergency hearings, Adjudications 2 hours or less, Disposition, Initials, Permanency, Reviews, Pretrial Conferences	Juvenile Court
Guardianships filed pro se or by indigent defense counsel	Juvenile Court
Special Proceedings (schedule with Judge Foughty only)	Directly to Judge
Probate/Mental Health	
Mental Health Proceedings	Clerk
Uncontested adult Guardianship/Conservatorship Matters (schedule for 30 minutes)	Clerk
Uncontested Formal Probate (schedule for 15 minutes)	Clerk
INDIVIDUAL CALENDAR	
Criminal	
Bond review for assigned cases, Bench and Jury Trials, Change or Entry of Plea, Disposition of Detainers, Motions filed post- and pretrial, OSC when formal request filed, other post-sentence hearings (felony only), Preliminary Hearings, Pretrial/Dispositional Conferences, Restitution hearings, Revocation hearings, Rule 35 proceedings, Sentencing, Speedy Trial requests, Status Conferences	Court Recorder
Civil-Family-Probate	
Bench Trials, Civil Commitment for SDI, Contested Adoptions, Contested or Ex Parte Emergency Guardianship/Conservatorship matters, Contested Probate, Contested Trusts, Evidentiary Hearings, Interim & Motion hearings, Jury Trials, Oral Argument, OSC when formal request filed, Post-Conviction matters, Pretrial Conferences, Scheduling Conferences (Rules 16, 8.3, and 8.3.1, Settlement Conferences	Court Recorder
Juvenile	
Guardianships filed by private attorney	Court Recorder
Adjudication Hearings over 2 hours in length	JC obtain date and time from Court Recorder

Benson and Ramsey County Case Assignment	
Criminal	Assign Upon
Administrative Game and Fish	Rule 43 or entry of plea
Administrative Traffic	Date of scheduling hearing
City Transfer	At filing to MC Judge
Disposition of Detainer (do not assign Judge Olson Ramsey Co. cases filed prior to 2016)	At filing to MC Judge if case not already assigned
Extradition	Waiver of Extradition/Request Hrg
Felony (do not assign Judge Olson to Ramsey Co. cases filed prior to 2016)	Rule 43 or scheduling prelim hearing
Misdemeanor (do not assign Judge Olson to Ramsey Co. cases filed prior to 2016)	Rule 43 or entry of a plea
Municipal Appeal	At filing to MC Judge
Speedy Trial Request (do not assign Judge Olson to Ramsey Co. cases filed prior to 2016)	At filing to MC Judge if case not already assigned
Transfers to Adult Court	At filing to MC Judge unless MC Judge heard related juvenile case
Civil	
Administrative Appeals and Civil Forfeitures	At filing to Judge not assigned to related criminal case
Forcible Detainer, Name Change, Restraining Orders, Small Claims,	Date action arises/scheduling hearing
Condemnation/Eminent Domain, Contract/Collections, Foreclosure, Foreign Judgment, Malpractice, Minor Settlement, Personal Injury, Quiet Title, Trusts & Trust Review Hrgs.	At filing to MC Judge
Post-conviction Relief (do not assign Judge Olson Ramsey Co. cases filed prior to 2016)	At filing to same dispositional judge
Family	
Adoptions	Date of scheduling hearing
Child Support	Date action arises/scheduling hearing
Divorce	At filing to MC Judge
Parenting Responsibility	At filing to MC Judge
Paternity	At filing to MC Judge
Protection Orders - Clerk will search for other pending civil actions in NEJD when petition for protection is requesting placement of minor child(ren). If pending action is filed in Benson or Ramsey County, the same judge will be assigned & clerk will notify judge of new filing.	Date of scheduling hearing
Juvenile	
Guardianships filed by private attorney (reviews to assigned judge; OSC for annual reports to master calendar judge)	At filing to MC Judge
Guardianships filed pro se or by indigent defense counsel (reviews to assigned judge; OSC for annual reports to master calendar judge)	At final disposition
All other juvenile proceedings	At final disposition
Probate/Mental Health	
Civil Commitment of Sexually Dangerous Person (Reviews stay with original Judge assigned to the case)	At filing
Continuing Treatment Hearings	Judge originally assigned to case
Domiciliary Proceedings	At filing to MC Judge
Emergency Ex Parte Guardianship/Conservatorship	At filing to MC Judge
Guardianship/Conservatorship (5-yr. reviews to assigned judge; OSC for annual reports to master calendar judge)	At filing to MC Judge
Mental Health Proceedings	Date of scheduling hearing
Probate - formal and informal, contested/not contested	At filing

Bottineau County	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Initial Appearances/Arraignments, Initial Appearance on Extraditions, Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Court Recorder/Staff Attorney provides dates & Clerk adds to calendar & completes notice
Revocations (First Appearance)	Tied to Order to Apprehend; Court Recorder/Staff Attorney schedules & e-files notice
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder/Staff Attorney schedules & e-files notice
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Staff Attorney provides dates & Clerk adds to calendar & completes notice
Administrative Traffic	Court Recorder/Staff Attorney provides dates & Clerk adds to calendar & completes notice
Civil, Protection Orders, & Mental Health	Who currently schedules?
Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Restraining Orders	Court Recorder/Staff Attorney provides dates & Clerk adds to calendar & completes notice
Mental Health	Clerk schedules & completes notice
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Juvenile Court
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Court Recorder/Staff Attorney provides dates & Clerk adds to calendar & completes notice
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters & Uncontested Formal Probate Matters	Court Recorder/Staff Attorney provides dates & Clerk adds to calendar & completes notice
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial, Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Sentencing, Revocation Hearing, Post-Sentence Hearings, Post-Conviction Relief, Rule 35 Hearings,	Court Recorder/Staff Attorney provides dates & Clerk adds to calendar & completes notice
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Staff Attorney schedules & e-files notice
Summary Judgment Motion Hearings	Court Recorder/Staff Attorney schedules & e-files notice
Ex Parte Interim Orders in Divorce Matters	Court Recorder/Staff Attorney provides dates & Clerk adds to calendar & completes notice
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, & permanency hearings	Court Recorder/Staff Attorney provides dates & Juvenile Court adds to calendar & completes notice
Probate	Who currently schedules?
Contested Probate Matters & Contested Guardianship/Conservatorship Matters	Court Recorder provides dates & Clerk adds to calendar & completes notice

Cavalier County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause and Initial Appearances/Arraignments	Clerk
Revocations (First Appearance)	Court Recorder/Staff Attorney
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Judge/Court Recorder/Staff Attorney
Bail Review-Limited to one review before a different judge (may be by telephone)	Judge/Court Recorder/Staff Attorney
Initial Appearance on Extraditions, Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Judge/Court Recorder/Staff Attorney
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Staff Attorney
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Staff Attorney
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Judge/Court Recorder/Staff Attorney
Juvenile Applications	Judge/Court Recorder/Staff Attorney
Transfers to Adult Court	Court Recorder/Staff Attorney
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Court Recorder/Staff Attorney
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas	Court Recorder/Staff Attorney
Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post-Conviction Relief, Rule 35 Hearings	Judge/Court Recorder/Staff Attorney
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Rule 16 Scheduling Conferences, Default Hearings, Interim Orders in Domestic Matters, Contested Adoptions	Court Recorder/Staff Attorney
Pretrial Conferences, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals	Judge
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Judge/Court Recorder/Staff Attorney
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Judge/Court Recorder/Staff Attorney

McHenry County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Revocations (First Appearance), Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Clerk
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Staff Attorney/Clerk
Pre-Trial/Dispositional Conferences	Court Recorder/Staff Attorney
Plea Agreements/Sentencing	Court Recorder//Staff Attorney/Clerk
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Staff Attorney/Clerk
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Staff Attorney/Clerk
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Court Recorder/Staff Attorney /Juvenile Court
Juvenile Applications	Directly to Judge
Transfers to Adult Court (Initial app)	Juvenile Court
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Court Recorder/Staff Attorney/Clerk
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Court/Jury Trial, Sentencing, Other post-sentence hearings (Felony Only), Rule 35 Proceeding	Court Recorder/Staff Attorney
Guilty Plea, Sentencing, Post-Conviction Relief Hearings	Court Recorder/Staff Attorney/Clerk
Revocation Hearing (admit/deny/disposition)	Clerk
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Default Hearings, Interim Orders in Divorce Matters, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Staff Attorney/Clerk
Rule 16 Scheduling Conferences, Pretrial Conferences, Court Trial, Jury Trial	Court Recorder/Staff Attorney
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Court Recorder/Staff Attorney/Clerk/Juvenile Court
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Staff Attorney

Pembina County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause and Initial Appearances/Arraignments	Clerk
Revocations (First Appearance)	Court Recorder/Staff Attorney
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Judge/Court Recorder/Staff Attorney
Bail Review-Limited to one review before a different judge (may be by telephone)	Judge/Court Recorder/Staff Attorney
Initial Appearance on Extraditions, Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Judge/Court Recorder/Staff Attorney
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Staff Attorney
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Staff Attorney
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Judge/Court Recorder/Staff Attorney
Juvenile Applications	Judge/Court Recorder/Staff Attorney
Transfers to Adult Court	Court Recorder/Staff Attorney
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Court Recorder/Staff Attorney
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas	Court Recorder/Staff Attorney
Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post-Conviction Relief, Rule 35 Hearings	Judge/Court Recorder/Staff Attorney
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Rule 16 Scheduling Conferences, Default Hearings, Interim Orders in Domestic Matters, Contested Adoptions	Court Recorder/Staff Attorney
Pretrial Conferences, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals	Judge
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Judge/Court Recorder/Staff Attorney
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Judge/Court Recorder/Staff Attorney

Pierce County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Revocations (First Appearance), Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Clerk
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Staff Attorney/Clerk
Pre-Trial/Dispositional Conferences	Court Recorder/Staff Attorney
Plea Agreements/Sentencing	Court Recorder/Staff Attorney/Clerk
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Staff Attorney/Clerk
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Staff Attorney/Clerk
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Court Recorder/Staff Attorney/Juvenile Court
Juvenile Applications	Directly to Judge
Transfers to Adult Court (Initial app)	Juvenile Court
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Court Recorder/Staff Attorney/Clerk
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Court/Jury Trial, Sentencing, Other post-sentence hearings (Felony Only), Rule 35 Proceeding	Court Recorder/Staff Attorney
Guilty Plea, Sentencing, Post-Conviction Relief Hearings	Court Recorder/Staff Attorney/Clerk
Revocation Hearing (admit/deny/disposition)	Clerk
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Default Hearings, Interim Orders in Divorce Matters, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Staff Attorney/Clerk
Rule 16 Scheduling Conferences, Pretrial Conferences, Court Trial, Jury Trial	Court Recorder/Staff Attorney
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Court Recorder/Staff Attorney/Clerk/Juvenile Court
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Staff Attorney

Renville County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Revocations (First Appearance), Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder/Staff Attorney
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Staff Attorney
Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Court Recorder/Staff Attorney
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Minor Settlements, Forcible Detainers (Evictions), Uncontested Adoptions, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Staff Attorney
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Staff Attorney
Name Change, Small Claims. Orders to Show Cause	Clerk
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Court Recorder/Staff Attorney
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Court Recorder/Staff Attorney
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Clerk
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post-Conviction Relief, Rule 35 Hearings	Court Recorder/Staff Attorney
Civil	Who currently schedules?
Motion Hearings, Summary Judgment hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders in Domestic Matters, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Staff Attorney
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Court Recorder/Staff Attorney
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Staff Attorney

Rolette County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Revocations (First Appearance), Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder/Staff Attorney
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Staff Attorney
Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Court Recorder/Staff Attorney
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Staff Attorney
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Staff Attorney
Small Claims	Clerk
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Juvenile Court
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Court Recorder/Staff Attorney
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Clerk
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post-Conviction Relief, Rule 35 Hearings	Court Recorder/Staff Attorney
Civil	Who currently schedules?
Motion Hearings, Summary Judgment hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders in Domestic Matters, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Staff Attorney
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Juvenile Court
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Staff Attorney

Towner County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Revocations (First Appearance), Pre-Trial/Dispositional Conferences	Court Recorder/Staff Attorney
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder/Staff Attorney
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Staff Attorney
Plea Agreements/Sentencing	Court Recorder/Staff Attorney/Clerk
Administrative Traffic	Clerk
Civil	
Default and Stipulated Judgments, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause	Court Recorder/Staff Attorney/Clerk
Name Change, Small Claims, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Clerk
Minor Settlements	Court Recorder/Staff Attorney
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Staff Attorney
Juvenile	
Shelter Care/Detention or other emergency hearings	Juvenile Court
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Juvenile Court
Probate	
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Clerk
INDIVIDUAL CALENDAR	
Criminal	
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Revocation Hearing, Other Post-Sentence Hearings, Post-Conviction Relief, Rule 35 Hearings	Court Recorder/Staff Attorney
Sentencing (from negotiated pleas or convictions)	Court Recorder/Staff Attorney/Clerk
Civil	
Motion Hearings, Summary Judgment hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders in Domestic Matters, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Staff Attorney
Juvenile	
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Clerk/Juvenile Court
Probate	
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Staff Attorney

Walsh County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Initial Appearances/Arraignments	Clerk
Revocations (First Appearance), Initial Appearance on Extraditions, Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Court Recorder/Staff Attorney
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder/Staff Attorney
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Staff Attorney
Administrative Traffic & Small Claims	Clerk after getting date from Court Recorder/Staff Attorney
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause	Court Recorder/Staff Attorney
Small Claims, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Clerk after getting date from Court Recorder/Staff Attorney
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Staff Attorney
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Court Recorder/Staff Attorney
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Court Recorder/Staff Attorney
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Court Recorder/Staff Attorney
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post-Conviction Relief, Rule 35 Hearings	Court Recorder/Staff Attorney
Civil	Who currently schedules?
Motion Hearings, Summary Judgment hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders in Domestic Matters, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Staff Attorney
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Juvenile Court
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Staff Attorney

Appendix D – Demand for Change of Judge Assignment



State of North Dakota
DISTRICT COURT CHAMBERS
OF
The HONORABLE LAURIE A. FONTAINE
Melissa Morden, Electronic Recorder

301 Dakota Street W #3
Cavalier ND 58220-4100
Telephone (701)265-8783

901 Third Street
Langdon ND 58249
Telephone (701)256-2540

MEMO

Date: September 30, 2013

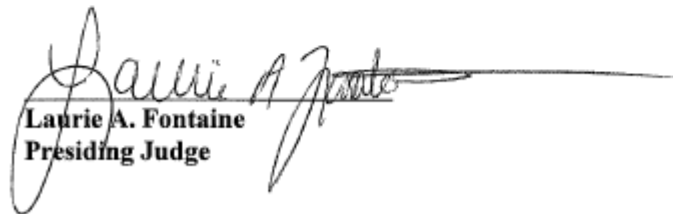
TO: Clerks of Court NEJD

RE: Caseflow Management Plan – NEJD
Non-Criminal Traffic Cases

If a Demand for Change of Judge or a Recusal is filed in a non-criminal traffic case, the clerk will automatically transfer the case to the secondary judge in the service area. Notice of the assignment will be sent to the parties as required.

This practice will remain in effect unless further modified.

Dated this 30 day of September, 2013.


Laurie A. Fontaine
Presiding Judge

Appendix E – Order Regarding Electronic and Photographic Media Coverage of Court Proceedings

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

State of North Dakota,)

) Case No. _____

Plaintiff,)

vs.) **ORDER REGARDING EXPANDED MEDIA**

) **COVERAGE OF COURT PROCEEDINGS**

_____,)

)

Defendant.)

Application for expanded media coverage has been made by:

Notice of the application and request for responses was made to the parties. All parties have/have not responded. There are/are not objections to expanded media coverage.

IT IS HEREBY ORDERED:

A. Each news media group must comply with Administrative Rule 21(8) (a) through (f), which include that all equipment, including video cameras, is to be designed or modified so participants in the judicial proceedings being covered are unable to determine when recording is occurring. Still cameras must be selected for quietness and be operated unobtrusively and as quietly as possible.

B. All other requirements of Rule 21 Sections 8 and 9 shall be complied with.

C. Only two video cameras operated by one person each and two audio systems for radio broadcasting shall be allowed in the courtroom. Two still photographers are allowed in the proceeding. If media pooling is necessary because of these limitations on equipment and personnel, it is the sole mandatory responsibility of the media and must be arranged before coverage without calling on the court to mediate.

D. Still photographer and camera operator shall not move around the courtroom but shall remain at a single location throughout the proceeding. Further, the still photographer shall refrain from taking photographs when actual dialog, either by way of testimony or statements by counsel and the court, is occurring.

E. Microphones for counsel and judge must be equipped with off and on switches to facilitate compliance with subsection 4(d) of Administrative Rule 21.

F. Audio pickup for expanded media coverage must use any existing audio system in the courtroom, if the pickup would be technically suitable for broadcast. If possible, electronic audio recording equipment and any media personnel must be located outside the courtroom.

G. Media personnel must be located in, and coverage of the proceedings must take place from, an area or areas designated by the judge. The area or areas designated must provide reasonable access to the proceeding to be covered. Media personnel may not record interviews for broadcast in the hallways immediately adjacent to the entrances to the courtroom. Photographing through the windows or open doors of the courtroom is prohibited.

H. No artificial lighting shall be allowed in the courtroom.

I. All equipment must be in place by _____ .M.

J. The decorum and dignity of the court, the courtroom, and the proceedings must be maintained at all times. Court customs must be followed. Media personnel must dress appropriately for the proceedings. Movement about the courtroom is limited, and efforts must be made not to leave the courtroom while proceedings are in progress. Loud talking is not permitted while proceedings are in progress.

K. In addition to specific responsibilities provided above, the Court may take whatever steps are necessary to ensure that expanded media coverage is conducted without compromising the safety of persons having business before the court.

Dated this _____ day of _____, 20_____.

BY THE COURT:

District Court Judge

Appendix F – ITV Consent Form

IN DISTRICT COURT, _____ COUNTY, NORTH DAKOTA
CASE NO. _____
NOTICE TO DEFENDANT

Court rules provide a framework for the use of interactive television in North Dakota's district and municipal courts.

There are certain restrictions:

- (1) A defendant may not plead guilty nor be sentenced by interactive television unless the parties consent.
- (2) A witness may not testify by interactive television unless the defendant knowingly and voluntarily waives the right to have the witness testify in person.
- (3) An attorney for a defendant must be present at the interactive television site where the defendant is located unless the attorney's participation from another location is approved by the court with the consent of the defendant. In a guilty plea proceeding, the court may not allow the defendant's attorney to participate from a site separate from the defendant unless:
 - (a) the court makes a finding on the record that the attorney's participation from the separate site is necessary;
 - (b) the court confirms on the record that the defendant has knowingly and voluntarily consented to the attorney's participation from a separate site; and
 - (c) the court allows confidential attorney-client communication, if requested.

CONSENT TO INTERACTIVE TELEVISION

I have read this notice and consent to have any hearings, conferences, or other proceedings conducted by way of interactive television.

I consent to be at a different location than the judge, prosecuting attorney and defense attorney.

I consent to being sentenced through interactive television if I should decide to plead guilty to the charges.

I understand this consent remains in effect until it is revoked in writing by me.

Dated this _____ day of _____, 20____

Signed: _____
Defendant

Print Name

IN PRESENCE OF:

Appendix G – Memo of Presiding Judge



State of North Dakota
DISTRICT COURT CHAMBERS
OF
The HONORABLE LAURIE A. FONTAINE
Melissa Morden, Electronic Recorder

301 Dakota Street W #3
Cavalier ND 58220-4100
Telephone (701)265-8783

901 Third Street
Langdon ND 58249
Telephone (701)256-2540

MEMO

TO: Clerks of NEJD
Judges of the NEJD

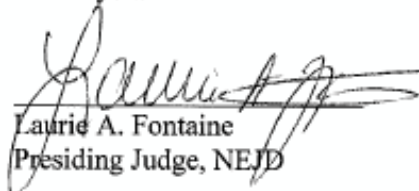
CC: Scott Johnson

DATE: August 31, 2017

At the last NEJD judge's meeting in May of 2017, all of the judges agreed as follows, when an application for protection order of any kind which requests a judge issue any order regarding residential responsibility of children is filed:

1. The same judge should handle all pending civil matters, including but not limited to: divorce actions, petitions for interim orders, petition for protection orders, and petitions to establish parental responsibility, that relate to minor children between married, cohabitating, or dating partners. Therefore:
2. If an application for any type of protection order is filed which deals with placement of minor children, the clerk should check to see if any other civil actions are pending on those issues in the NEJD. If there are other actions pending, advise the assigned judge. That judge will recuse if necessary to accomplish the goals of having the same judge assigned to all cases as stated in Paragraph 1. The clerk will advise the Presiding Judge or Acting Presiding Judge the name of the judge assigned to any pending matter. To avoid delay in dealing with protection orders or ex parte interim orders, clerks should send the petition to the judge already on the case and recusal paperwork will be filed later.
3. The purpose of this memo and practice is to avoid competing orders which order different results, because one judge is unaware another order exists.

Thank you.


Laurie A. Fontaine
Presiding Judge, NEJD

Appendix H –Delegation of Duties to Clerk of Court – Jury Selection Procedure

IN THE DISTRICT COURT, NORTHEAST JUDICIAL DISTRICT
BENSON, BOTTINEAU, CAVALIER, MCHENRY, PIERCE, PEMBINA, RAMSEY, ROLETTE (GRAND
FORKS IN SUPPORT OF), TOWNER, RENVILLE AND WALSH COUNTIES, NORTH DAKOTA

DELEGATION OF DUTIES TO CLERK OF COURT JURY SELECTION PROCEDURE

¶1 Pursuant to N.D.C.C. §27-09.1-18 and the provisions of Administrative Rule 9, Jury Selection Plan and with the concurrence of the Judges of the Northeast Judicial District; the Clerks of Court in the Northeast Judicial District of North Dakota are hereby delegated the authority to determine if a prospective juror is disqualified to serve on a jury. In accordance with N.D.C.C. §27-09.1-08, a prospective juror is disqualified to serve on a jury if the prospective juror:

- a. Is not a citizen of the United States and a resident of the state and county;
- b. Is not at least eighteen years old;
- c. Is unable with reasonable accommodation to communicate and understand the English language;
- d. Is incapable, by reason of a physical or mental disability and with reasonable accommodation, of rendering satisfactory jury service; but a person claiming this disqualification may be required to submit a physician's certificate as to the disability, and the certifying physician is subject to inquiry by the court at its discretion; or
- e. Has lost the right to vote because of imprisonment in the penitentiary (N.D.C.C. §12.1-33.01) or conviction of a criminal offense which by special provision of law disqualified the prospective juror for such service.

The determination as to qualification and date of determination shall be noted on the qualification form and on the randomized master list.

¶2 In addition to juror qualification determinations, the clerks of court shall have the discretionary authority to grant temporary excuses from jury service upon a showing of:

- a. Serious Illness (requires hospitalization, attendant care or has a medical disability that would impact the ability to serve. Proof may be required.);
- b. Personal Medical/Family Medical Conditions (a personal appointment that had previously been scheduled and cannot be easily rescheduled, juror must attend to a family member and no other family member is available. Proof may be required);
- c. College Student (prospective juror attends school at a significant distance from the courthouse. Proof may be required.);

- d. Travel/Vacation Plans (prospective juror has vacation/travel plans that cannot be easily rescheduled. Proof may be required.);
- e. Employee Meeting/Training (nonattendance could significantly affect the potential juror's employment. Proof may be required.);
- f. A potential juror is 72 years of age or older and wishes to be excused;
- g. A potential juror has previously served on a jury or has been summoned to appear two times as a part of a jury panel within the last two years;

There shall be no automatic excuses or exemptions from juror service. The granting of a temporary excuse should be based on the circumstances at the time the prospective juror is summoned. Each clerk of court should contact the judge presiding over the trial to determine if a potential juror should be excused for reasons other than those specified above.

¶3 The clerk of court shall note the disqualifications and excuses within the Jury Management System (JMS) to ensure that the status of a prospective juror is current at all times.

¶4 Pursuant to North Dakota Supreme Court Administrative Rule 9, Jury Selection Plan (4), the Grand Forks County Clerk of Court has been designated by the Unit 1 Trial Court Administrator to provide support to the Rolette County Clerk of Court in the area of jury operations. As such, the Clerk of Court for Grand Forks County is authorized to act in accordance with this order and confer with the Rolette County Clerk of Court as is necessary and appropriate to conduct jury operations in support of Rolette County.

Dated at Devils Lake, North Dakota this 8th Day of June, 2021.



Donovan Foughty
Presiding Judge
Northeast Judicial District

Pc: Unit 1, Court Administrator
NEJD Clerks of Court
NEJD Judges
Rebecca Absey, Grand Forks County Clerk of Court

(Revised 5/22/2019, 6/08/2021)

N.D.C.C. 27-09.1-18
N.D.C.C. 27-09.1-08
Admin.R. 9 – Jury Selection Procedure

Appendix I – NEJD Bond Schedule Order

STATE OF NORTH DAKOTA NORTHEAST JUDICIAL DISTRICT

(Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh)

BOND SCHEDULE

All bond amounts shall be posted with cash or surety. No personal checks are accepted. A certified check from a local financial institution may be accepted. Debit or credit card payment can be made at Clerk of Court's office between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Individuals unable to post bond MUST be brought before a Judge forthwith or within 48 hours for a bond review.

Individuals who do post bond MUST sign a promise to appear for next regular court appearance date.

Felonies: Judge will set bond.

Simple Assault/Domestic Assaults - Class A and B Misdemeanors: Judge will set bond.

Class B Misdemeanors: \$500 cash or surety

2nd DUI/APC in 7 years: \$500 cash or surety, see below 24/7 requirement.

Driving under suspension, Class B Misdemeanor \$500.00 P.R. Bond

Class A Misdemeanors: \$500 cash or surety

EXCEPT 3rd DUI/APC in 7 Years: \$1500 cash or surety, see below 24/7 requirement.

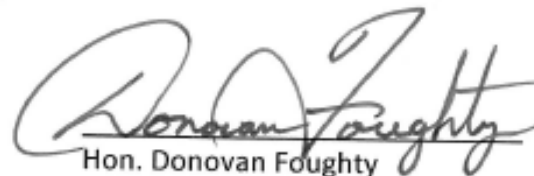
*****24/7 Requirement***** All individuals arrested for **2nd or Subsequent DUI** must agree to participate in **24/7 program** prior to release. If individual does not agree, a bond hearing must be scheduled.

Multiple Misdemeanors: Highest bond required for any one of the offenses will cover all charges in the District Court. THIS ONLY APPLIES TO DISTRICT COURT. If charges are pending in both Municipal Court and District Court, separate bonds are required for each Court.

NSF Check and No Account Check: Bond amounts are found on summons or arrest warrant. Use that amount, not amounts listed above.

- Defendants eligible for Rule 43 Waiver and who elect to proceed with that process shall post the bond and sign the waiver.
- Those who wish to appear must post bond and sign promise to appear for next court date.

Dated this 15th day of February, 2022.



Hon. Donovan Foughty
Presiding Judge
Northeast Judicial District

Appendix J – Ramsey County Order Granting Pretrial Services Authority to Determine Initial Eligibility for Indigent Defense Services

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF RAMSEY

NORTHEAST JUDICIAL DISTRICT

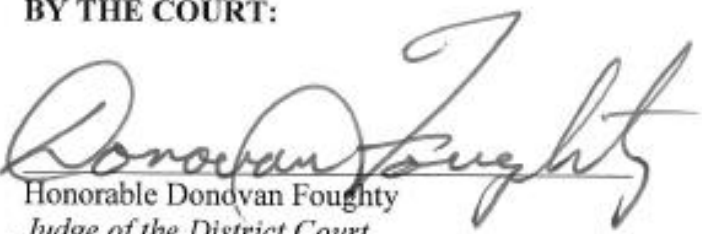
ORDER GRANTING PRETRIAL SERVICES AUTHORITY TO DETERMINE INITIAL ELIGIBILITY FOR INDIGENT DEFENSE SERVICES

[¶1] This matter came before the Court for the purpose of implementing the Pretrial Services Pilot Program with regard to determination of eligibility for indigent defense services.

[¶2] Having considered the goals of the Pretrial Services Pilot Program, and for the limited purpose of the pilot program, **IT IS HEREBY ORDERED AS FOLLOWS:**

- a. The Court shall delegate its authority under NDCC 54-61-01 (1) to a properly trained agent of Pretrial Services to initially determine the eligibility of an individual for indigent defense services;
- b. Training on the eligibility for indigent defense services shall be provided by the Executive Director of the Commission on Legal Counsel for Indigents or his designee; and
- c. The Court or its designee shall continue to make the ultimate determination of eligibility at, or as near as possible to, the Defendant's initial Court appearance.

BY THE COURT:

August 15, 2022 
Honorable Donovan Foughty
Judge of the District Court

Appendix K – Order Adjusting Assignment Procedure – Rolette County

NORTHEAST JUDICIAL DISTRICT STATE OF NORTH DAKOTA

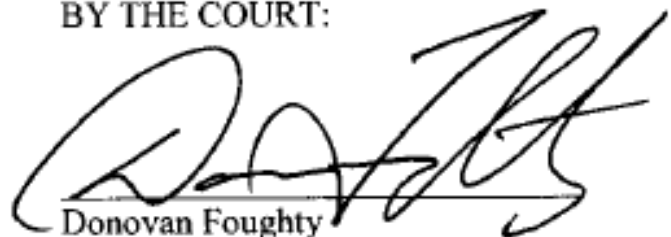
ORDER ADJUSTING ASSIGNMENT PROCEDURE

Pursuant to Administrative Rule 2(6) and the adoption of Local Rule 1, Northeast Judicial District, I hereby appoint Kari M. Agotness, Judge of the District Court, to preside over the Northeast Judicial District Drug Court as of September 1, 2022, and to preside over Rolette County civil matters as of January 1, 2023, with the exception of any juvenile civil matters. Anthony S. Benson, Judge of the District Court, will continue to preside over Rolette County criminal matters and all Rolette County juvenile matters.

IT IS SO ORDERED.

Dated this 28th day of June, 2022.

BY THE COURT:



Donovan Foughty
Presiding Judge of the
Northeast Judicial District

cc: Scott Johnson, Admin
The Hon. Anthony S. Benson
The Hon. Kari M. Agotness

Appendix L – NEJD Order on Application of AR52 for Non-Attorney Guardian ad Litem in Juvenile Court Matters

NORTHEAST JUDICIAL DISTRICT

(Counties of Benson, Bottineau, McHenry, Pierce, Ramsey, Renville, Rolette, and Towner)

ORDER ON APPLICATION OF ADMINISTRATIVE RULE 52 FOR NON-ATTORNEY GUARDIAN AD LITEMS IN JUVENILE COURT MATTERS

A non-lawyer guardian ad litem may e-mail the juvenile office in Devils Lake requesting to appear by reliable electronic means for juvenile proceedings. This e-mail shall be construed as a motion to appear by reliable electronic means pursuant to Administrative Rule 52. The guardian ad litem will be allowed to appear by reliable electronic means unless an objection is raised. The e-mail needs to be sent at least five (5) days prior to the scheduled hearing.

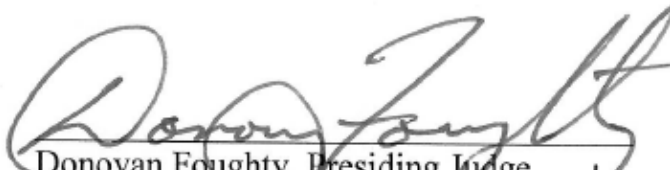
The non-lawyer guardian ad litem, in making a request to appear by reliable electronic means, shall courtesy copy the State, defense counsel, and adult parties to the action if not represented by counsel and if e-mail addresses are available.

If an objection is raised, the judge handling the scheduled hearing shall rule on the motion and objection via e-mail.

This Order applies to the Northeast Judicial District excluding the counties of Pembina, Cavalier, and Walsh counties as these counties are served out of the Grand Forks Juvenile Court office.

Dated this 22^d day of March, 2023

BY THE COURT:


Donovan Foughty, Presiding Judge
Northeast Judicial District

Appendix M – Benson County Order Granting Pretrial Services Authority to Determine Initial Eligibility for Indigent Defense Services

STATE OF NORTH DAKOTA

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IN DISTRICT COURT

COUNTY OF BENSON

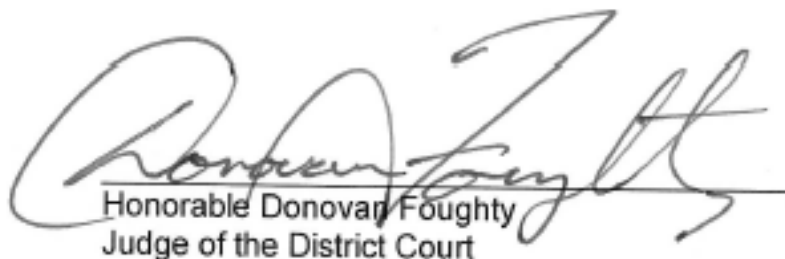
)

NORTHEAST JUDICIAL DISTRICT

ORDER GRANTING PRETRIAL SERVICES AUTHORITY TO DETERMINE INITIAL ELIGIBILITY FOR INDIGENT DEFENSE SERVICES

- [¶1] This matter came before the Court for the purpose of implementing the Pretrial Service Pilot Program with regard to determination of eligibility for indigent defense services.
- [¶2] Having considered the goals of the Pretrial Services Pilot Program, and for the limited purpose of the pilot program, **IT IS HEREBY ORDERED AS FOLLOWS:**
- a. The Court shall delegate its authority under NDCC 54-61-01(1) to a properly trained agent of the Pretrial Services to initially determine the eligibility of an individual for indigent defense services;
 - b. Training on the eligibility for indigent defense services shall be provided by the Executive Director of the Commission on Legal Counsel for Indigents or his designee; and
 - c. The Court or its designee shall continue to make the ultimate determination of eligibility at, or as near as possible to, the Defendant's initial Court appearance.
- [¶3] Dated this 3rd day of April, 2023.

BY THE COURT:


Honorable Donovan Foughty
Judge of the District Court