

**2018**

**CASE MANAGEMENT PLAN**



**ADMINISTRATIVE UNIT 4  
NORTHWEST JUDICIAL DISTRICT**

**Divide, McKenzie, Williams Counties**  
November 16, 2018

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**CASE MANAGEMENT PROCEDURES  
ADMINISTRATIVE UNIT 4  
NORTHWEST 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..
- C. Create the ability for 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 regular judge rotation.
- B. Separate calendars into master and individual calendars based on volume and continuity.
- C. Assign scheduling responsibility to the Calendar Control Clerk (CCC) for individual calendar cases to the assigned judge.
- 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 10<sup>th</sup> 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 10<sup>th</sup> 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 for clerks and law enforcement that need to locate a judge when there is either no judge in their county at the time or it is after hours, holidays, or weekends.

### **Judge Calendars**

All judges will use and maintain the Resource Schedule in Odyssey. Outlook calendar is used for scheduling weddings with permissions given to all staff and other judges to view and edit.

### **Judges' Rotation Schedule**

The four district court judges, who regularly serve Williams County, participate in a four week calendar rotation cycling through one calendar week each of:

1. One week of Master Calendar
2. One week of Civil Trials/Hearings
3. One week of Criminal Jury Trials
4. One week of Bench Trials/Hearings

Since we have four courtrooms, two jury and two without jury, the judges with the criminal trial week and the civil jury week will be guaranteed a jury courtroom,, and the other two judges will use the smaller bench trial courtrooms unless a jury courtroom becomes available.

The district court judges who regularly serve McKenzie County, participate in a week by week calendar rotation cycling through one calendar week of criminal master calendar, one week for criminal trials, followed by a second week of criminal master calendar, and one week consisting mainly of civil trials and motion hearings.

Divide County holds court every three weeks, and all six judges share in a rotation to Divide County. Even though judges are mainly responsible for cases in the county which they are chambered, all six judges provide support and coverage on an as needed basis in each of the counties in the NWJD.

The Judge in Master Calendar week handles all criminal and civil master calendar cases; including all juvenile cases. Block scheduling provides specific times for all case types including open times for discretionary criminal and civil matters that need to be scheduled into the 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 or reschedule as necessary.
2. The clerk's office and calendar control clerk shall be promptly notified of last-minute changes to judge coverage and courtroom re-assignments.

### **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 presiding judge.
2. The presiding judge will review the demand and make a determination on whether it has been filed timely and change the case file location back to clerk's action along with a comment indicating his/her decision.
3. If the demand is denied, the presiding judge will prepare an order denying the demand. The clerk does not need to take any further action regarding case assignment.
4. If the demand is approved, the presiding judge will do a reassignment order. If it is the presiding judge that is being demanded against, the presiding judge's designee will prepare the reassignment order.

5. The order (approval or denial of the change of judge) will be prepared by the Presiding Judge's court recorder. The court recorder will keep a record of assignments and the new judge will be assigned by rotation.

### **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 all criminal hearings unless excused by the judge presiding over the case.
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

### **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 how to appear by phone. (Upon approval the calendar control clerk or court recorder shall be contacted and enter notes in Odyssey to include the conference call line to be used for the designated hearing.)

### **Exhibits**

At least 10 days before the trial/hearing date, **both parties** must file with the court the originals of any exhibits they intend to use at trial/hearing.

### **Rescheduling**

Requests for rescheduling shall be made in writing and filed with the clerk's office. If the request is approved, the case should be moved to the calendar control clerk for rescheduling.

### **Case Assignment**

In the NWJD, civil (excluding disorderly conduct restraining orders, 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 four chambered Judges in their prospective counties. Disorderly Conduct Restraining Order and eviction matters are manually assigned based on the Judge in the civil master calendar rotation. There are exceptions to the system assigned and manually assigned cases when a demand or recusal is filed.

**District Judge Rotation Schedule – Williams County**

The four chambered judges will rotate through a four week rotation in the following manner: master calendar week, criminal trial week, bench trial week and civil jury trial week. The cycle then repeats.

**Scheduling**

<b>Williams County</b>						
November 16, 2018 (2:15PM)						
	<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>	<b>S</b>
<b>Master Calendar Week</b>	<b>9-11 Change of Plea/Sentencing (Agmts) (6 Defendants)</b>  <b>11-12 Probation Revocations (Admit/Deny)(5 Defendants)</b>  <b>1 – 2 Misc</b>  <b>2-3 Juvenile 96-hr Hrgs (30 min each)</b>  <b>3-4:30 Bond Hearings</b>	<b>8:30 – 9:30 DVPO Hearings (5)</b>  <b>9:30-10:30 Misdemeanor Court</b>  <b>10:30-12 Final PTC</b>  <b>1-1:30 Mental Health</b>  <b>1:30-3 Dispositional Conferences</b>  <b>3-4:30 Bond Hearings</b>  <b>4:30 No Show Probates</b>	9-10:30 Evictions  10:30 – 12 Child Support  1-2:00 PM Contested Revocation Hearings (2 Defendants)  2-3:00 Juvenile 96-hr Hearings  3-4:30 Bond Hearings	9- 12 Preliminary  1-3 Juvenile Hearings  3:00-4:30 Bond Hearings	8:30-9:30 DCRO Hearings (5)  9:30-10:30 Misdemeanor Court  10:30 – 12 Admin Traffic Hearings (5)  1-1:30 Mental Health Hearings 1:30 – 2 Weddings 2-3 Misc  3-4:30 Bond Hearings	
<b>Criminal Trials</b>	All Felonies stacked on Mondays				All Misdemeanor Jury Trials stacked on Fridays	
<b>Bench Week</b>	Misc Hearings	Bench Trial	Bench Trial	Bench Trial	Bench Trial	
<b>Civil Trials</b>	Civil Jury Trial or Bench Trial	Civil JT or Bench Trial	Civil JT or Bench Trial	Civil JT or Bench Trial	Civil JT or Bench Trial	



**Williams County Scheduling Responsibilities:**

<b>Responsible Staff – Scheduling</b>	<b>Criminal</b>	<b>Civil</b>
Clerk’s Staff	Initial Appearances Preliminary and/or Arraignment Hearing Bond Review Post-Criminal Judgment Action Ledger Card Order To Show Cause Probate/Guardianship/Conservatorship hearings for Order to Show Cause Continuation of Guardianship/conservatorship.	Disorderly Conduct Restraining Orders Domestic Violence Protection Orders OSC – Child Support  Mental Health
Calendar Control Clerk	Status Hearings Motion Hearings Jury Trial Sentencing Change of Plea Probation Revocation Hearing Restitution Hearing Extradition Hearing (Contested) Municipal Appeals Pretrial Conference Hearing Jury Trial (Scheduled During Pretrial Conf)	Motions All Civil Hearings Court/Bench/Jury Trials Small Claims Hearings Evictions Juvenile

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.

**McKenzie County**

Master Calendar cases are primarily scheduled two weeks each month in McKenzie County. The remaining two weeks each month are spent hearing all criminal trials, civil cases, and opinion and research. See attached schedule

The “master calendar” will consist of the following case types: felonies (bail hearings; initial appearances and preliminary hearings); 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; weddings; and any other cases that may be assigned to the master calendar judge. See attached schedule.

The McKenzie County Clerk of Court shall be responsible for scheduling all master calendar cases. All other hearings and trials will be scheduled by the McKenzie County Judge’s Court Recorder in Watford City.

McKenzie County November 16, 2018 (2:15PM)					
	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<b>Master Calendar</b>	8:00 No Show-Probates 8:30 DVPO/DCRO 10:00 Evictions 11:00 Pro-Se status conf. 1:00 Bond Hearings 2:00 Child Support/OSC 3:00 Juvenile	8:30 Muni IA’s 9:00 Pretrials, 9:15 Traffic 1:00 Sm. Cl. Misc.	8:30 IA’s  1:00 Bond hearings 1:30 Misc. (COP, criminal motions) 3:00 Admin TR.	8:30 Prelims 1:00 Pretrials 3:00 Juvenile	9:00 Probation Revocation 10:00 COP, criminal motions 1:00 Bond hearings 1:30 Civil Misc.
<b>Mini-Master Calendar</b>	8:30 DVPO/DCRO 10:00 Evictions 1:00 Bond Hearings 3:00 juvenile	8:30 Civil Bench/Juvenile contested 1:00 civil motion hearings/bench trials	8:30 Civil Bench Trials (all day) 1:00 Bond Hearings	8:30-3:00 Bench trials or hearings (civil or criminal) 3:00 Juvenile	1:00 Bond Hearings Opinion time
<b>Criminal Trials</b>	Trials	Trials	Trials	Trials	Trials
<b>Civil Trials</b>	Trials	Trials	Trials	Trials	Trials

## **Divide County**

Unless otherwise specifically ordered, “Master Calendar” day in Divide County will be held every three weeks – A calendar is established annually.

The “master calendar” will consist of the following case types: felonies (bail hearings; initial appearances and preliminary hearings); 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; weddings; and any other cases that may be assigned to the master calendar judge.

The Divide 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 Williston.

The typical schedule for master calendar days is as follows:

9:30 a.m. – 10:00 a.m.:	Initial Appearances/Arraignments
10:00 a.m. – 10:30 a.m.:	Criminal cases/Criminal Pretrial Conferences
10:30 a.m. – 11:00 a.m.:	Traffic/Order to Show Cause Conferences
11:00 a.m. – 12:00 p.m.:	Juvenile/Probate/Other Civil
1:00 p.m.-5:00 p.m.:	Preliminary Hearings/Other Civil

## **Scheduling Individual Calendars**

Judges will calendar any hearings not listed as a master calendar item on their individual calendar.

## **First Appearances on Felonies or Misdemeanors Preliminary Matters**

- a. These hearings shall 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 (arraignment) 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: or
- B. Plead not guilty (or the court may enter a not guilty plea on the defendant's behalf); the case will be assigned to the judge presiding over the master calendar court; and the defendant will be given Scheduling Order. (Written Rule 43 misdemeanor pleas will be assigned for approval, to the judge presiding over master calendar court when such a plea is received.)

## **Dismissals**

### Court Dismissals of Criminal Actions

1. When the court orders the dismissal of a criminal action on its own volition on the record, the clerk's office or court recorder will provide to the court, for signature, a computer-generated order.
  1. Copies of the signed order will be sent to all parties.

## **Pre-Sentence Investigations**

Notices of pre-sentence investigations (PSI's) will be communicated with Parole and Probation via Order. 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 is ordered, the calendar control clerk will schedule a status conference in 30 days and the sentencing in approximately 60 days. If the pre-sentence investigation requires the sex offender report, the status conference will be set in 60 days and the sentencing in approximately 90 days from the date of the Order.

## **Psychological Evaluations**

When post adjudication psychological evaluations are ordered, 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.

## **Civil Case Management**

### **Judge Assignments**

1. 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.
2. 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 any of the following as appropriate

- 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.

Parties will not be allowed to stipulate around deadlines or gain easy continuances.

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.

## **Civil Motion Practice**

1. The calendar control clerk sets motions before the assigned judge. When an attorney or litigant calls for a hearing time, the scheduler 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 Bench trial week;
  - b. If a case is a Master Calendar issue, it can be held on a Master Calendar week or a Bench trial week, as appropriate.

NOTE: Any proceeding to modify or enforce a previous order issued in any case should 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. The calendar control clerk will schedule a final pretrial conference in civil jury cases at least two weeks prior to the trial date.
  
1. 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.
  
2. After notice of settlement, a letter is sent to counsel requesting that final documents be filed within thirty-days.

### **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.

If a Rule 16 pretrial conference has not been scheduled following the occurrence of any one of these triggering events, the court will schedule the conference.

### **Alternative Dispute Resolution**

Parties to civil suits will be encouraged to participate in Alternative Dispute Resolution outlined in N.D.R.Ct. 8.8

### **Civil Rule 40(e) Procedure**

If there has been no apparent activity in a given case for a period of more than one year, a Notice of Intent to Dismiss is sent to the parties. If no request is received within 20 days

asking to allow the action to remain pending, the court, on its own motion, will dismiss the action or proceeding without prejudice. If a party appears and requests that the matter not be dismissed, a Rule 16 scheduling conference will be set.

### **Mental Health Case Scheduling**

The time within which 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 on the anniversary of the guardianship or conservatorship order or as otherwise provided by the court. 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, the case will be routed to the assigned judge for review and a determination of whether an order to show cause hearing should be scheduled.

### **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.

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.

### **Emergency Guardian/Conservator:**

Any motion for an emergency/temporary guardian and/or conservator must be accompanied by the following:

1. Proposed Order
2. Proposed Limited Letters (stating the exact timeframe that the Letters will be in effect.
3. Proposed notice of hearing (within 5 days)
4. Proposed Order appointing GAL/attorney for the proposed ward.

### **Bail Order Reviews**

The Defendant is only allowed one bond reduction hearing. After one bond reduction hearing, a motion must be served and filed for the assigned judge delineating why another hearing is requested. The Judge will then decide whether another bond reduction hearing will be granted, and if granted whether it must wait for that judge to hear or can be heard by any Master Calendar judge.

### **24/7**

The Presiding Judge of the Northwest 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.

### **Failure 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.

Cash bonds for the amount of outstanding fines/fees will be ordered.

Violations of conditions of probation will be referred to the State's Attorney for appropriate action.

### **Deferred Impositions**

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.

### **Deferred Prosecutions**

Unless the deferred prosecution agreement calls for an automatic dismissal of the case, when the time standard comes due the clerk must transfer the case to the assigned judge for an Order as to whether the case will be dismissed.

### **Temporary Restraining Orders**

If it is necessary to continue a restraining order due to lack of service or some other reason, an amended temporary DCRO will be issued with the new hearing date and sent to the clerk's office for service.



### **Cases Assigned to Judges—Divorce**

All divorce cases shall be assigned at case initiation, even if 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 the parties do not enter into a stipulation, a default hearing with notice shall be issued as required by the Rules of Procedure.

### **Scheduling in Contested Matters—Divorce**

Contested divorces/custody hearings will be set by the assigned judge at a Rule 16 scheduling conference.

### **Child Support Step-Down Policy**

As per the Clerk’s manual.

## **Juvenile**

### **Emergency Juvenile Hearings**

If an emergency juvenile hearing is needed, it is scheduled in front of the master calendar judge.

### **Juvenile 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.

### **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.

### **Reviewing Informal Probate Actions**

The documents will be referred to the assigned judge for signature.

### **Indigent Defense Applications**

The judges will review and approve or deny indigent defense applications. The CCC or Clerk of Court may review these applications in the absence of the judge. The clerk will send notification per the standard procedures.

### **Jury Related**

#### **Non-Responsive Jurors**

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

#### **Non-Return of Questionnaire**

This will be handled by the assigned judge as appropriate.

#### **Failure to Appear for Duty**

This will be handled by the assigned judge as appropriate..

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.

If a judge receives an ex-parte communication, the judge will forward the communication to that judge's Recorder/secretary for an appropriate response with a copy to all parties of record.

#### **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.