

## **Policy on Return to In Person Proceedings in the SCJD.**

The Judges in the SCJD have reviewed the current REM procedures in place to conduct court business efficiently and safely. The Judges have resolved to a gradual movement to in person hearings. The District will continue to hold remote hearings for many types of cases both for safety for all involved and for the convenience of the parties involved.

**The Court, in January 2022, returned to remote hearings for all court trials and many other appearances throughout the district. This allowed the SCJD to continue hearing jury trials and resolving both criminal and civil cases.**

**The Court amends this policy and will gradually return to in person hearings.**

The Court no longer will require (but strongly suggests use of) masks for in-person Court proceedings. They will continue to use multiple courtrooms for larger jury trials.

WITH THESE FINDINGS the SCJD shall begin to shift to in person hearings with some hearings remaining remote as outlined below. The shift will occur over time and parties are advised to review notices to ascertain whether the hearing will be via, REM, Zoom platform or in person.

Jury trials will proceed with judges encouraging the wearing of masks for the safety of all concerned.

Any hearings and trials set via REM will continue following the Standard Operation Procedures (SOPs) for Court Trials During Social Distancing.

### **Burleigh and Morton Counties:**

#### **Criminal cases.**

1. Defendants in custody will be seen remotely under North Dakota Administrative Rule 52, unless a written request to transport is made.
2. 1<sup>st</sup> appearances will be handled via REM, Zoom platform. Defendants appearing will first be given information to enter the Zoom appearance. If they are unable to access the Zoom hearing other arrangements will be made.
3. Burleigh County Monday Preliminary hearings appearances will be via REM, Zoom platform, until further notice. These hearings will continue to be either a waiver and plea, or a request for a contested preliminary hearing. Contested preliminary hearings will be set the next day, Tuesday AM. These will all be set in person with, defendants not in custody, attorneys, and witnesses appearing in person.
4. Morton County preliminary hearings shall be held in person on Tuesday PM with defendants in custody appearing remotely.
5. Revocation hearings will be held in person with in custody defendants appearing remotely.

6. Order to Show Cause hearings will be held in person with in custody defendants appearing remotely.

**Civil cases**

7. Evictions will be handled via REM, Zoom platform. This will continue until further notice of the court.
8. Guardianships will be handled via REM, Zoom platform.
9. Mental Health will be handled via REM, Zoom platform, unless objected to under NDAdmR 52.
10. Domestic Violence Protection Orders, Disorderly Conduct Protection Orders, Small Claims Hearings will be handled via REM, Zoom platform.
11. Juvenile Court hearings will be handled via REM, Zoom platform until further notice.

**All other SCJD Counties:**

Will continue using remote hearings via Zoom for all master calendar days.

Parties may request REM, Zoom platform, hearings or in person hearings to the Judge handling the proceeding.

The Judges of the SCJD will review these procedures monthly.

Dated: March 17, 2022



Bruce A. Romanick

Presiding Judge

South Central Judicial District