

# South Central Judicial District

Caseflow Plan and Policies

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## **Statement of Purpose**

The South Central Judicial District adopted a Caseflow Management Plan to provide early and continuous control over cases and dispose of cases in a prompt, fair, and consistent manner while providing equal access to the adjudicative process for all litigants.

The court recognizes the importance of differentiated case management and adopts this plan to comply with the timelines set forth in Administrative Rule 12.

## **Scheduling Policy**

Hearings and trials will be scheduled in a manner that minimizes delay and reduces the possibility of continuance of scheduled events. The court will control cases from initiation through post-disposition proceedings by

1. Appropriately screening cases;
2. Utilizing scheduling conferences and orders;
3. Managing discovery and motion practices;
4. Controlling continuances;
5. Setting realistic trial dates and time limits.

Clerks of court will schedule routine matters on the master calendar. Calendar staff will schedule trials, motion hearings, revocations of probation, and sentencing hearings.

## **Policy Changes**

Requests for policy changes should be directed to the court administrator for consideration at monthly judges meetings.

## **Continuance Policy**

The court will adhere to N.D.R.Ct. 6.1 when determining if a continuance will be granted. Continuance requests (for trial conflicts) should only be considered within 7 – 10 days prior to trial. Parties will need to have witnesses subpoenaed and ready for trial.

## Caseflow Management Policies, Strategies and Mechanisms

### Differentiated Case Management

Management techniques will be tailored to the requirements of individual cases and their unique demands on judicial resources using as little time and resources as possible. Cases that are less complex in nature will be scheduled before the master calendar judge and not assigned. Complex cases will be assigned to individual calendars.

### Assignment of Judges

Civil cases will be randomly assigned. Criminal cases will be assigned to the judge on master calendar the week of the initial appearance in Burleigh and Morton counties. Rural county cases will be set into designated rural trial weeks and will be assigned to the judge covering that rotation.

### Calendar Structure

Ten judges in the South Central Judicial District manage both civil and criminal cases. Their duties follow a rotation which includes:

Master calendar 1  
Open week  
Civil week  
Master calendar 3  
Criminal trial week  
Criminal trial week  
Master calendar 4  
Master calendar 2  
Civil trial week  
Criminal trial week

### Master Calendar Rotations

Ten District Judges rotate to nine county seats on an equal basis. The master calendar assignments are divided into the following service areas:

#### *Master 1 Judge*

- Monday thru Friday in Burleigh County handling criminal preliminary hearings, initial appearances, orders to show cause, and daily prisoners (except for the Monday bond hearings which will be covered by the Burleigh master calendar 2 judge).

### **Master 2 Judge**

- Monday thru Friday in Burleigh County handling primarily civil matters and the Monday prisoner time slot.
- Wednesday, Thursday, Friday afternoons in Morton County.

### **Master 3 Judge**

- Monday and Tuesday in Morton County
- 1st Wednesday McLean County 9:00 am/ Sheridan County 2:00 pm
- 2nd Wednesday Oliver County 9:00 am / Mercer County 11:00 am
- 3rd Wednesday McLean County 9:00 am
- 4th Wednesday Mercer County 9:30 am

### **Master 4 Judge**

- 2nd Monday Emmons County 2:00 pm
- 3rd Monday Grant County 10:00 am (MST) / Sioux County 2:00 pm (CST)
- Thursday-Friday rural criminal trial days

### **Individual Calendar Assignment**

- All 10 District Judges are randomly assigned an equal number of individual cases through an automated rotation.
- Criminal cases filed in Burleigh and Morton County will be assigned to the judge conducting the initial appearance. Trial dates will be provided at the initial appearance and scheduled into the assigned judge's criminal trial weeks 13 -14 weeks later.

### **Criminal Trial Weeks**

Mondays of each criminal trial week will be reserved for motion hearings. Each judge has criminal trial weeks 13 - 14 weeks after their master calendar assignments.

### **Civil Trial Weeks**

Each judge has two civil trial weeks scheduled during each 10 week cycle of the calendar. Mondays will be reserved for motion hearings, but may also be utilized for lengthy trials.

### **Demands for Change of Judge**

Demands for change of judge must be made within ten days in accordance with NDCC 29-15-21. Demands will be considered by the Presiding Judge; if the demand is against the Presiding Judge, the demand will be considered by the master calendar judge.

Non-contested matters submitted to a Judge of the South Central Judicial District as part of their master calendar work will not be considered as an event requiring the filing of a demand for change of judge. In the event a subsequent controversy arises in connection with a civil action signed by a master calendar judge or if a different judge is requested for sentencing purposes in a criminal action, a demand subsequently made pursuant to Section 29-15-21 will be honored. (Local Rule 1 – Dec. 1994)

## **Judge's meetings**

The presiding judge convenes regular meetings of the judges of the district to discuss matters of concern and to recommend improvement of caseload and court services within the judicial district. The meetings may also include the court administrator, referees, law clerks, clerks of court, and calendar staff. Other persons shall be invited and/or consulted as appropriate.

## **Regular meetings with Stakeholders**

The presiding judge of the district, along with the court administrator and appropriate personnel, conduct semiannual meetings with state's attorneys, law enforcement, and representatives of the bar to identify and discuss issues affecting caseload in the district.

## **Judicial Referees/Magistrates**

The South Central Judicial District employs two Judicial Referees. Referees will be assigned to preside over juvenile, small claims, child support, traffic, non-contested domestic relations matters, domestic violence protection orders, disorderly conduct restraining orders, preliminary mental health matters, guardianships, and evictions. They may also approve search warrants and approve complaints with summons or warrants as outlined in Administrative Orders.

## **Bonds / Bond Schedule**

The judges have established a schedule of bond amounts for various crimes. Felony defendants must appear in court and will be brought before the nearest magistrate without unnecessary delay. Defendants arrested for nonviolent misdemeanor charges may post bond according to the predetermined schedule. Defendants who are unable to post the scheduled bond will be brought before the nearest magistrate without unnecessary delay. Interactive Television will be utilized as necessary to facilitate bond hearings.

Bond review hearings will be scheduled over ITV with the master calendar judge if the request is made within 14 days. Bond review requests filed after 14 days will be set with the assigned judge on their individual calendar. Bond review requests for cases in which no bond was allowed must follow motion procedures.

Bonds will be applied to fines and fees unless otherwise ordered in the Court's judgment.

## **Plea agreements**

Any judge can dispose of a case if the parties agree, even if the case is assigned to another judge or includes both felony and misdemeanor charges. When a judge rejects a plea agreement, notes should be made in Odyssey so the next judge to review the file is aware of the rejection.

## **Court Security**

Security is the responsibility of the sheriff in each county. If arrangements for additional security are necessary, the sheriff must be notified on a case by case basis.

## **Mediation / Alternative Dispute Resolution**

Family law cases which involve a custody or visitation dispute will be referred for mediation pursuant to N.D.R.Ct.8.1.

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

## **Pretrial Conferences / Scheduling Orders**

The court directs attorneys and parties to appear in court for purposes of expediting disposition of the action, facilitating settlement of the case, disposing of pending motions, enforcing discovery deadlines, and establishing continuing control under N.D.R.Civ.P. 16.

## **Hearing Management**

All hearings will be managed according to case type.

### **Block scheduling**

Block scheduling will be utilized on master calendar for initial appearances, orders to show cause, bond hearings, traffic hearings, and eviction hearings.

### **Initial appearances**

Initial appearance dates will be set by the officer who issues a citation or serves a summons. The officer will issue court dates for three weeks following arrest or service in Burleigh and Morton Counties. Officers in rural counties will issue court dates for the next master calendar in the appropriate county.

### **Dispositional conferences**

Dispositional conferences (pretrials) will be scheduled in Burleigh and Morton Counties in cases involving pro se litigants at the direction of the assigned judge. Dispositional conferences in the rural counties will be set on the master calendar for the month following the initial appearance and again right before trial.

### **Motion hearings**

Motion hearings will be scheduled primarily on Mondays on the assigned judge's individual calendar during the judge's trial weeks.

### **Revocation of probation hearings**

Revocation hearings will be set for 30 minutes. Felony revocations will be set with the sentencing judge; misdemeanor revocations may be set with the master calendar judge.

### **Sentencing hearings**

Sentencing hearings will be set for 30 minutes during the judge's criminal trial weeks for times before or after the scheduled trials.

### **Interim Order hearings**

Interim Order hearings will be set for 1 hour with the assigned judge whenever possible. N.D.R.Ct. 8.2 requires that these hearings be held within 30 days. N.D.R.Ct.3.2 provides the responding party 21 days to respond to a motion. Because this only leaves a nine day window, these hearings may set with a different judge. Contact Court Admin to set these hearings.

### **Settlement conferences**

As required by Rule 16, the court will conduct a conference and enter an order to schedule and manage unresolved cases. Settlement conferences will be set on the judge's individual calendar during civil trial weeks. All interested persons shall receive notice of the settlement conference.

### **Post-conviction relief hearings**

Post-conviction relief matters will be filed as a civil matter and assigned to the judge who was assigned to the underlying criminal case.

## **Trial Scheduling and Management**

Civil trial dates shall be set at the settlement conference, or sooner, if requested. To avoid future scheduling conflicts, attorneys must be able to confirm their trial date availability at the scheduling conference unless an earlier trial date has been set. In those cases where an earlier date has been set, the court shall set the case for conference prior to trial to determine the exhibits, witnesses, jury instructions, and other details of trial.

### **Defendant / litigant's presence**

Criminal defendants must be present at hearings unless appearance is properly waived under Rule 43.

Civil litigants who are in the custody of law enforcement will not be brought before the court on a civil matter unless the Court has ordered such appearance.

## **Telephonic appearances**

Telephonic appearances are discouraged and are allowed only when authorized by the judge presiding over the hearing. The policy for Court Appearance by Telephone is on file in the Court Administrator's office.

## **Interactive Television**

Interactive Television is available in Burleigh, Morton, McLean, Mercer, Grant, Emmons, and Sioux Counties. The sites will be used to communicate with correctional facilities, institutions, and other courts. Appearances by interactive television will be managed in accordance with Administrative Rule 52.

## **Media Policy**

Media coverage of courtroom proceedings is governed by Administrative Rule 21. Media representatives who provide media coverage outside the courtrooms must comply with the media policy on file in the court administrator's office.

## **Jury Management**

Juries will be managed through the use of the automated jury management program in compliance with guidelines provided by the Administrative Office of the Courts (AOC).

### **Juror utilization**

Jurors will be summoned according to the jury standards issued by the State Court Administrator for each trial unless the clerk is advised by the assigned judge that a greater number of jurors will be needed.

### **Juror excusal**

Clerks may defer jurors to a different date if the juror has a conflict with the date for which they were originally summoned.

### **Bailiffs**

Bailiffs will be trained in accordance with N.D.Sup.Ct.Admin.R. 29 and will follow the Bailiff Guideline available in the Court Administrator's office.

One bailiff will manage six person juries and two bailiffs will manage nine and twelve person juries.

### **Clerk attendance in the Courtroom**

Clerks will be present in the courtroom for initial appearances, preliminary hearings, dispositional conferences, orders to show cause, bond hearings, changes of plea, revocations, and through voir dire in jury trials. Clerks will not be present throughout the remainder of a jury trial unless requested by the judge. (Unified Judicial System Policy 512)

## Monitoring Systems

Court personnel will monitor all cases to ensure that no case exists for which a future action or review date has not been scheduled. The court will manage all cases to monitor case progress and comply with docket currency standards identified in Administrative Rule 12 and Unified Judicial System Policy 507.

Court personnel will utilize dashboards, time standard reports, and docket currency reports to identify cases which require additional attention.