

# Return to REM proceedings for Court Trials in the SCJD

## January, 2022

The Emergency Orders issued by the North Dakota Supreme Court have expired or been repealed effective April 1, 2021.

The SCJD has monitored the Omicron variant and has been impacted by quarantines and isolations.

The Judges in the SCJD have reviewed the current REM procedures in place to conduct court business efficiently and safely.

The BMDC continues with COVID precautions in place for the safety of inmates and staff.

Many Courthouses within the district are no longer requiring facemasks in the hallways and are no longer temperature testing upon entry.

The Court continues to follow CDC and State Health Department guidelines in conducting court business. The need to socially distance has required the use of multiple courtrooms to conduct the backlog of jury trials in the district. The need to bring in sufficient jurors and the size of facilities necessitates the court continuing to require masks while in the courtroom or in juror holding areas.

The Court has been able to conduct much of its business in a timely fashion through the use of Remote Electronic Hearings and some in person hearings.

**The Court had returned to in person hearings for court trials. Due to the continued need for additional courtrooms for jury trials and to reduce persons entering the courthouse, the Court finds the need to return to remote hearings for a vast majority of our cases.**

The Court requires masks in all in-person Court proceedings and using multiple courtrooms for jury trials, we will continue to be able to conduct court business to include hopefully jury trials.

WITH THESE FINDINGS the SCJD shall continue to conduct hearings as REM proceedings as outlined below.

Jury trials will continue under the SCJD COVID-19 SOP for Jury Trials previously issued by the Court.

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

If any party desires an in person appearance or hearing a request shall be made to the Judge handling the proceeding and that Judge will decide how the matter will proceed.

**Criminal cases.**

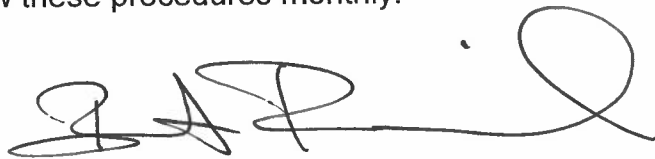
1. Monday Preliminary hearings appearances will be via REM until further notice. These hearings will continue to simply be either a waiver and plea or a request for a contested preliminary hearing. A contested preliminary hearing will be set later in the week and will be set REM. Prelims will no longer be set with codefendants. They will be set individually.
2. Defendants in custody will be seen via Reliable Electronic Means (REM) under North Dakota Administrative Rule 52. No transports will be made. You may address a request for some sort of in person hearing or REM with the Judge assigned to the hearing. Understand due to COVID-19 moving prisoners around is difficult and can result in isolation for the defendant.
3. Felony, not in custody, revocations will be handled by REM, unless set by the Court for in person.
4. 1<sup>st</sup> appearances will be handled via REM under the Zoom platform. Defendants appearing will first be given information to enter the zoom appearance, if they are unable to access via a data phone or computer, other arrangements will be made.
5. Order to Show Cause misdemeanor revocations hearings will be handled via REM under the zoom platform. Same as 4 above.

**Civil cases**

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

The Judges of the SCJD will review these procedures monthly.

1/19/2022



Bruce A. Romanick

Presiding Judge

South Central Judicial District