

Southeast Judicial District

Caseflow Plan and Policies

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Committee Members

- Hon. Daniel Narum, SEJD Presiding Judge, Chair
- Andi Schimke, Clerk of District Court, Dickey County
- Rod Olson, Unit 2 Court Administrator
- Chris Iverson, Unit 2 Assistant Court Administrator

Preamble

The following case flow management plan is a guideline for the operations of the Southeast Judicial District.

This plan should not be construed by attorneys or parties as a local rule.

The plan is a guideline for processing cases. Judges may deviate from the plan in any particular case. Further, the plan is subject to change without advance notice to parties or attorneys.

Southeast Caseflow Management Plan and Policies

The following caseflow management plan (hereinafter referred to as 'plan') and policies are adopted to efficiently manage and distribute the judicial caseload in the Southeast Judicial District. Cases in the Southeast Judicial District shall 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 plan. Nothing contained in this plan shall supersede or conflict with any state statutes or any Administrative Rules, Policies or Rules of Court, Rules of Civil Procedure or Criminal Procedure, or any other rules that now exist or are hereinafter adopted by the North Dakota Supreme Court.

Case Management Plan Goals and Policy Objectives

The goals of the Southeast Judicial District case management plan are to:

1. Manage the judicial caseload as efficiently as possible while 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 on volume and need.

The objectives of the caseflow management policies are to:

1. Identify cases where judicial continuity is not essential and the amount of judicial time involved is relatively short, assigning those cases to master calendar. The management of the master calendar is the responsibility of the clerk and unit court administration in consultation with the presiding judge.

2. Identify cases where judicial continuity is essential. The management and disposition of individually assigned cases is the responsibility of the assigned judge.

Case Management Responsibilities and Duties (5/16/07)

1. It is the responsibility of the clerk to implement proper case management of which docket currency is an integral part.
2. The court's case management system should, at all times, reflect pending activity or have a future time standard entered. Timely entry of events is required for each case. At a minimum, docket currency reports should be run by the 10th of each month to ensure the proper entries are being made.
3. Clerks are expected to manage docket currency issues. If judicial oversight becomes necessary the file should be brought to the attention of the judge assigned to the case. The judge should then review the file and take the appropriate action to bring the case into compliance with docket currency standards. If action is not taken within a reasonable time, the clerk should refer the case to the presiding judge.
4. After consultation with the assigned judge, clerks should change the case status to inactive and manually stop the case aging clock if there will be no activity in a case at the written request of the parties. This will be allowed for a period of time not to exceed six months. The clerk shall enter a time standard indicating the reason for the request and to review the case at the expiration of the requested time period.

At the expiration of the requested time period the clerk will return the case status to active, send a Notice of Active Status to the parties, resume the case aging clock, and add a new time standard for the 14-day response time. When the time standard is due, change the case file location to the assigned judge in the case management system for an order of dismissal or other action as necessary.

General Procedures

Judge Assignment to Counties (5/16/07)

1. Judge time in counties will be based on the weighted caseload study which includes minutes per judge per year for travel. Every county will have more than one judge assigned to cover the caseload in that county. Case assignments will be based on the percentage of time a particular judge is assigned in each county.
2. Judges will be assigned primary and secondary duties in a number of counties. Those assignments and the approximate percentages of time in each county are listed in the appendix.

Current Assignments Approved - SEJD Judges' Meeting March 7, 2013

Southeast Judicial District Calling Trees (2/1/18)

Judges approved the calling trees included in the appendix. They are to be used by clerks and law enforcement needing to locate a judge when there is either no judge in their county at the time or it is after hours.

SEJD Judges' Meeting June 13, 2013

Scheduling Master Calendar (3/4/13)

1. Each county's calendar will consist of master calendar and Individual calendar days. Judges must provide master calendar dates to the clerks by September 1st for the following year.
2. Clerks of court are responsible for calendaring *master calendar* days which should include cases as outlined below:

Civil

1. Master Calendar Paperwork (no hearing)
2. Forcible Detainers (Evictions)
3. Minor Settlements
4. Name Change
5. Non-Criminal Traffic
6. Restraining Orders
7. Small Claims
8. Uncontested Adoptions

Criminal

1. Initial Appearances
2. Bail Review (All until case is assigned)
3. Preliminary Hearings and Arraignments
4. Initial Appearances on Extraditions and Waivers
5. Pre-Trial/Dispositional Conferences (All, until case is assigned)
6. Plea Agreements (All Misdemeanors. Felonies until assigned.)
7. Sentencing (All Misdemeanors. Felonies with the approval of the assigned judge.)
8. Orders to Show Cause
9. Revocations (All Misdemeanor Procedures. Felony 1st Appearances only.)*

*In accordance with N.D.R.Ct. 3.3(3) a different judge may amend or enforce a condition in a judgment or order entered on a verdict or plea of guilty in non-felony cases only.

Domestic Relations

1. Orders to Show Cause/Bail Review (Child Support)*
2. Motions to Amend Child Support
3. Protection Orders
4. Final Pre-Trial Conferences (Divorce)

*In accordance with N.D.R.Ct. 3.3(4) a different judge may amend or enforce a child support order or judgment in child support cases.

Juvenile

1. Shelter Care/Detention or other emergency hearings
2. Initial Appearances
3. Special Proceedings
4. Review Hearings if the case was not assigned
5. Permanency Hearings if the case was not assigned

Mental Health

1. All Mental Health Matters

Probate

1. Uncontested Guardianship/Conservatorship Matters
2. Uncontested Probate Procedures
3. The master calendar judges in each county will be responsible for signing routine paperwork. Documents that are received by the clerk should be transferred to the master calendar judges for signature. The clerk in each county should work with their master calendar judges to determine a procedure to process documents received by the clerk.
4. 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.

Scheduling Individual Calendars (3/4/13)

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

Scheduling Court Interpreters (11/24/14)

It is the responsibility of the Clerk of Court to arrange language or deaf interpreters as needed. The following link will be helpful in finding an interpreter:

<http://www.ndcourts.gov/court/committees/courtinterpreters/roster.pdf>

Court Administration will act as a resource to help the clerks find an interpreter if needed. All contracts should be given to the Court Administration for approval.

There is no set amount for payment for interpreters. Clerks should use their best judgment. Questions should be referred to Court Administration.

The clerk of court should make arrangements for any technology the interpreter requests. Clerks should contact the interpreter well in advanced of the hearing or trial to leave time for the equipment to be shipped to the county.

SEJD Court Administration November 24, 2014

Clerks in the Courtroom (insert approval date)

Clerks must attend all criminal proceedings. Clerks will consult with the assigned judge and court administration regarding their attendance in the courtroom in all other cases. Policy 512 of the administrative policies for the Judicial Branch is to be used as a guideline in determining appropriate attendance.

Demands & Recusals (2/8/17)

Demands

When a demand is filed against an assigned judge:

1. The clerk's office will immediately change the Case File Location to the judge whom the demand has been filed against.
2. Within 10 days, the judge whom the demand was filed against will change the case file location to the presiding judge and include a comment as to the demand.
3. The presiding judge will review the comment and make a determination on whether the demand has been filed timely and change the case file location back to clerk's action along with a comment indicating his decision.
4. 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.
5. If the demand is approved:
 - a. In counties where there is more than one judge available, the clerk should use the case management system to automatically assign the next available judge in their county. If all judges available to the county have been exhausted, the clerk should use the SEJD Judge Assignment for Demands & Recusals chart included in the appendix.
 - b. In counties where there is only one judge available, the clerk should use the SEJD Judge Assignment for Demands & Recusals chart included in the appendix.
6. If no judge in Odyssey or the Demand & Recusal chart is eligible for assignment, the clerk will notify both the court administrator and the assistant court administrator so a judge can be selected from the District-Wide rotation list.

Recusals

All recusals must be in writing and filed with the clerk in the county of venue.

SEJD Judges' Meeting April 5, 2013

When a recusal is filed by an assigned judge the clerk's office will:

1. In counties where there is more than one judge available, use the case management system to automatically assign the next available judge in their county. If all judges available to the county have been exhausted, the clerk should change the case file location to the Presiding Judge who will respond and let clerks know who is to be assigned to the case.
2. In counties where there is only one judge available, the clerk should change the case file location to the Presiding Judge who will respond and let clerks know who is to be assigned to the case.

SEJD Judges' Meeting March 7, 2013, updated November 23, 2015, updated February 8, 2017

Demands or Recusals Involving Presiding Judge (2/8/17)

If a demand is received seeking to remove the presiding judge from a case the clerk's office will immediately change the Case File Location to the presiding judge. The presiding judge will send their comments to the judge with the most seniority of the judges available to rule on the demand. That judge will notify the clerk in the county of venue whether the demand is denied or, if granted, which judge is to be appointed to the case.

If the presiding judge has filed a recusal, the clerk shall follow section B(2) of Local Rule 91.1.

Interim/Injunction/Emergency Orders (4/22/13)

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. The judge signing the order will set the date for future hearing and if the assigned judge cannot hear the matter on that date, they will reset the hearing.

SEJD Judges' Meeting April 22, 2013, updated November 23, 2015

Attorney Communication with Judges (6/13/13)

Attorneys are discouraged from specific case-related communication directly with the judge via email. Communication should be handled through motions or written requests and submitted via the court's e-filing system.

SEJD Judges' Meeting June 13, 2013

Firearms/Dangerous Weapons in Court (9/9/13)

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.

SEJD Judges' Meeting September 9, 2013

Courtroom Rules (08/12/13)

The judges of the Southeast Judicial District have adopted standard minimum courtroom rules. These rules are to be posted on the entrance door of the courtroom and at the entrance to the courthouse if allowed by the County. Each county may adopt more stringent rules but must at least comply with the standard minimum rules. A copy of the sign can be found in the Appendix.

SEJD Judges' Meeting August 12, 2013

Media (08/29/13)

1. Jack McDonald, is the designated media representative for the Southeast Judicial District from 8/1/15 through 7/31/16, subject to the presiding judge's designation. He can be reached at jackmcdonald@wheelerwolf.com or 701-751-1776.
2. The clerk and judges of each county, in consultation with court administration, should work together to develop a plan outlining designated media areas, location of available outlets, and any other factors deemed important.
3. Requests for electronic and photographic media coverage of judicial proceedings should be filed with the clerk in the county of venue and brought to the attention of the assigned judge.
4. A detailed policy and request form can be found in the Appendix of this plan.

Emergency Hearing Guidelines (1/13/14)

Recognizing that during emergency situations, the Court cannot always proceed normally and that the issues of public and personal safety will need to be addressed, the Southeast Judicial District has adopted guidelines with respect to how quickly certain types of hearings will be held. These Guidelines are included as Appendix K.

SEJD Caseflow Committee Meeting January 13, 2014

Criminal (CR) Procedures

Cases Assigned to Judges (4/22/13)

FELONY—Any case that contains at least one felony will be assigned to a judge after the preliminary hearing/arraignment if the defendant does not plead guilty. The deadline for any motions will be 30 days after assignment and the misdemeanor dispositional conference notice form WILL NOT be used.

MISDEMEANOR—Misdemeanor cases will be assigned to a judge after the initial appearance if the defendant does not plead guilty. The deadline for any motions will be 42 days after assignment. Detailed clerk procedures can be found in the Appendix for Mandatory Dispositional Conferences.

SEJD Judges' Meeting April 22, 2013

Co-Defendants (10/27/14)

Clerks are not required to assign cases involving co-defendants to the same judge. The State's Attorney can make a motion to join the cases.

SEJD Caseflow Meeting October 27, 2014

Bond Schedule (3/22/16)

The Southeast Judicial District's bond schedule is included in the Appendix. The schedule is not intended as a directive to arrest in certain situations; rather it is intended as a directive as to bond amounts that are approved by the court if a person is arrested in certain situations.

SEJD Judges' Meeting April 22, 2013, Amended Presiding Judge Daniel Narum 3/22/2016

Bail Order Reviews (4/22/13)

If the court denies a defendant's request for bail reduction under N.D.R.Crim. P. 46(a)(5), the decision must be reduced to writing and the order filed with the clerk. A sample order is included in the Appendix.

SEJD Judges' Meeting April 22, 2013

Extradition Hearings (5/23/16)

The county who arrests on an extradition warrant is responsible for opening a file and contacting the nearest magistrate.

SEJD Judges' Meeting May 23, 2016

Motions for Suppression (10/27/2014, updated 1/13/17)

If a Motion for Suppression is filed, and the assigned judge issued a search warrant upon which the motion is based, the assigned judge will notify an alternate judge for the county for the purpose of the hearing only. The case will remain assigned to the original judge. All other motions to suppress will be heard by the assigned judge.

SEJD Caseflow Committee Meeting October 27, 2014

24/7 (11/14/2014)

The Presiding Judge of the Southeast 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.

SEJD Judges' Meeting September 9, 2013; Implementation Plan updated by Presiding Judge Narum 3/22/16

No Contact Orders (5/13/13)

If there is no domestic violence protection order in place but if conditions warrant it, judges may include a no contact order as a provision of bond. If the victim requests the no contact order be lifted, they must take the following steps:

If a Victim Witness Coordinator exists locally:

1. Discuss the situation with the local victim witness coordinator;
2. The local victim witness coordinator must write a letter to the court indicating services were explained to the victim;
3. Once the victim's request and the victim witness coordinator's letter have been received the judge may sign an amended bond order removing the no contact order.

If a Victim Witness Coordinator DOES NOT exist locally:

1. The victim's request must be forwarded to the state's attorneys' office;
2. The state's attorney's office must indicate approval of the victim's request;
3. Once the victim's request and the state's attorneys' approval have been received the judge may sign an amended bond order removing the no contact order.

SEJD Judges' Meeting May 13, 2013

Driving Under Suspension Cases (9/9/13, updated 5/23/16)

When a defendant appears on a charge of Driving Under Suspension, they may be given additional time to clear up their record. If the judge grants this time, the clerk should schedule a Dispositional Conference not be less than 60 days from the date of the offense.

If the defendant has already pled guilty they may make a motion to withdraw their plea and the case will be dismissed if appropriate.

SEJD Judges' Meeting September 9, 2013, updated SEJD Judge's Meeting May 23, 2016

Failures to Comply (5/13/13)

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.

Failure to pay a community service fee is not a cause for an order to show cause action.

SEJD Judges' Meeting May 13, 2013

Deferred Impositions (8/12/13)

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.

SEJD Judges' Meeting August 12, 2013

Deferred Prosecutions (7/28/14)

All agreements for deferred prosecution should indicate whether the case may be automatically dismissed at the end of the deferral period. Any case that does not include this information must be referred to the State's Attorney at the end of the deferral period for preparation of a proposed Order indicating whether the case should be dismissed or not.

SEJD Judges' Meeting July 28, 2014

Civil (CV) Procedures

Administrative Appeal Cases (4/4/17)

Administrative Appeal cases are automatically assigned upon case initiation. A Notice of Assignment should immediately be generated and the Case File Tracking location changed to the assigned judge.

Presiding Judge March 29, 2017

Temporary Restraining Orders (1/22/14)

If it is necessary to continue a restraining order due to lack of service or some other reason, the language for the continuation of the order as well as the reason the order is being continued should be included in the new notice of hearing prepared by the Clerk's Office. A Notice of Hearing will be made available as an Odyssey form.

SEJD Caseflow Committee Meeting January 13, 2014

Vehicle Titles (10/27/14)

A party seeking a title for a vehicle must follow the procedures set by the Department of Transportation. Parties should be directed to DOT.

The court does not have jurisdiction unless a party files an appeal of the action taken by DOT. Clerks must reject any e-filing action that is submitted for district court action to secure the title due to a lack of jurisdiction.

SEJD Judges' Meeting October 27, 2014

Domestic (DM) Case Procedures

Cases Assigned to Judges—Divorce (11/24/14)

All divorce cases shall be assigned at case initiation, even if is a default action, due to the continuing nature of these cases. 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.

SEJD Judges' Meeting April 22, 2013, updated 11/24/14

Hearings on Default Divorce (3/7/13)

If a stipulation is entered into, the parties must also file an affidavit of proof and no hearing will be required. A sample form is available on the North Dakota Supreme Court website at <http://www.ndcourts.gov/court/forms/Divorce/Form7.pdf>. Adjustments to the form may be needed if there are children involved.

If the parties do not enter into a stipulation, a default hearing with notice shall be issued when required by the Rules of Procedure.

SEJD Judges' Meeting March 7, 2013

Scheduling in Contested Matters—Divorce (1/13/14)

Within 5 days of case initiation, the clerk's office will set a final pretrial conference (as referenced in paragraph 10 of the scheduling order form found in the forms section of this document) at the end of the assigned judge's master calendar day to be held no earlier than 6 months from the date of case initiation unless an exception is granted by the assigned judge. The clerk will generate and distribute the form.

If the assigned judge does not have Master Calendar days in a particular county, the clerk must contact the judge for a date.

If an attorney needs to continue the hearing, the Clerk's Office must move the hearing to the assigned judge's next Master Calendar day and send a notice of hearing.

SEJD Judges' Meeting April 22, 2013
Amended SEJD Caseflow Committee January 13, 2014

Child Support

Child Support Step-Down Policy (11/19/2010)

It is the policy of Administrative Unit II of the North Dakota Judiciary that a clerk may not independently make any adjustments or 'step-down' child support without an order from the court.

If a previously issued order indicates a specific dollar amount and date the adjustment or step-down is to take place, clerks must take action based on that initial order. If no reference is made in a previously issued order, the clerk must direct parties to file the appropriate paperwork with the court.

Unit 2 Administration - Clerks' meeting November 19, 2010

Temporary Protection Orders (1/13/14)

If it is necessary to continue a temporary protection order due to lack of service or some other reason, the language for the continuation of the order as well as the reason the order is being continued should be included in the new notice of hearing prepared by the Clerk's Office. A Notice of Hearing will be made available as an Odyssey form.

SEJD Judges' Meeting May 13, 2013
Amended by SEJD Caseflow Committee January 13, 2014

Juvenile (JV) Case Procedures

Cases Assigned to Judges (10/27/14)

Cases will only be assigned after the initial appearance if the case is not resolved and only if certain conditions are met;

- a. If a child is placed out-of home and under the custody of DJS or Social Services, the case will be assigned;
- b. If a child remains in the custody of a parent, the case will NOT be assigned;

SEJD Judges' Meeting October 27, 2014

Emergency Hearings (10/27/14)

If an emergency juvenile hearing is needed, juvenile office staff should determine the deadline for holding the hearing. If Master Calendar time is available in the County of venue prior to the deadline, juvenile court staff should contact the clerk for time on the calendar. If the Master Calendar time is not available prior to the deadline, juvenile court staff should email both the clerk's office and the primary judge.

SEJD Caseflow Committee October 27, 2014

Assignment of Lay Guardians ad Litem (9/10/15)

The Presiding Judge of the SEJD has signed an Administrative Order authorizing the Director of Juvenile Court of their juvenile court officer designee to appoint lay guardians ad litem in juvenile proceedings. (A copy of the order is available as Appendix L.)

Permanency Hearings (8/12/13)

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.

SEJD Judges' Meeting May 13, 2013 & August 12, 2013

Mental Health (MH) Case Procedures

Cases Assigned to Judges—SDI (4/22/13)

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.

SEJD Judges' Meeting April 22, 2013

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.

SEJD Judges' Meeting March 7, 2013

Appointment of Attorney for Mental Health Cases (11/24/14)

It is the responsibility of the county to inform the court of the names of attorneys who will provide representation for respondents in mental health cases.

If possible, each county should have more than one attorney for appointments and these appointments should be assigned on a rotating schedule as much as possible.

SEJD Court Administration November 24, 2014

Probate (PR) Case Procedures

Reviewing Informal Probate Actions (3/7/13)

Clerks may sign informal probate actions in accordance with N.D.C.C. 30.1-02-06 which allows the clerk, without 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.

SEJD Judges’ Meeting March 7, 2013

Indigent Defense Related

Indigent Defense Applications (3/7/13)

The clerks will approve indigent defense applications when one of the automatic qualifiers in Part B is checked 'Yes'. The clerk will approve the application and send notification per the standard procedures.

If one of the items in Part B is not marked then the application should be referred to a judge.

SEJD Judges' Meeting March 7, 2013

Jury Related

Jury Summoning Process (11/24/14)

Clerks should provide the following information to the Richland County Clerk's Office a minimum of 6 weeks before the trial date:

1. Number of jurors to report
2. Date(s) of trial
3. Length of trial
4. Time jurors are to report
5. Case type (civil or criminal)

Clerks will review the list of jurors (except in Barnes, Cass & Stutsman) and notify the Richland County Clerk's Office of any deceased individuals so they can be removed from the panel. Letters are mailed to any non-responding jurors after five days.

If the case settles three or more days prior to trial, notify the Richland County Clerk's Office so that they can send cancellation letters to all confirmed jurors. If the case settles less than three days prior to trial, the clerk in the county of venue is responsible for notifying jurors the case has settled.

NOTE Jurors are summoned in for a specific day. One panel should not be moved to another day in order to avoid summoning new jurors.

SEJD Court Administrators November 24, 2014

Non-Responsive Jurors (3/7/13)

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

Non-Return of Questionnaire

If a prospective juror does not complete and return a jury questionnaire, the clerk should prepare an order to show cause within the administrative file for the prospective juror to appear at the next master calendar time. If the clerk's office receives the completed questionnaire before this hearing or if a juror completes the questionnaire after arriving at the courthouse for the hearing, the clerk may cancel the order to show cause hearing. If the jury trial for which the juror was being qualified has already been held the juror should be deferred to another pool for service at a later time.

Failure to Appear for Duty

On the day of trial, the clerk should immediately contact any juror who fails to report. If the clerk cannot contact them or they do not report for jury duty for which they have been summoned, the clerk should prepare an order to show cause within the administrative file for hearing before the judge who held the trial for which the juror failed to appear. If the judge presiding over the trial is not regularly scheduled in the county of venue, the hearing may be scheduled before one of the county's primary judges. **Only the judge may cancel this order to show cause hearing.**

An Order to Show Cause form for jurors is available in Odyssey.

SEJD Judges' Meeting March 7, 2013

Juror Shortage Procedure (11/24/14)

If, at any time, the clerk recognizes they are short of jurors the following procedures should be followed:

If a jury panel has recently been created that was not used, qualified jurors should be called in from this list on a random basis.

-or-

If clerks do not have a panel, they should go to the master list to obtain random names. Potential jurors will be required to fill out a questionnaire at the time they report.

Under no circumstances should the Sheriff's department be sent out to gather potential jurors.

SEJD Court Administrators November 24, 2014

Personnel Related

Guidelines for Law Clerk Interns (3/7/13)

The following guidelines are to be used when considering law clerk intern positions in the Southeast Judicial District.

1. Law clerk interns are non-funded positions.
2. Persons seeking a law clerk intern position must have a letter from the law school in which they are enrolled indicating they are a student in good standing and the position is considered an internship connected with that law school.
3. The court will not provide any equipment to the law clerk intern.
4. The law clerk interns will not have user access to the court's data folders or software including but not limited to network folders, Outlook, Odyssey, or WestLaw.
5. Any research the law clerk intern is asked to do must be accomplished using available bound volumes, the internet, or via the student's law school account.
6. Law clerks interns may ride in state fleet vehicles but are not permitted to drive state fleet vehicles.
7. Law clerks interns will be under the direct supervision of the district judge they are assigned to work with.
8. Law clerk interns will be expected to sign a confidentiality agreement stating their understanding that they may be exposed to information of a confidential nature and will not disclose that information.

CONFIDENTIALITY AGREEMENT

I understand that as a law clerk intern I will be privy to confidential information through court records, observations of proceedings, and conversations with the court. I also understand that none of this information shall be known to the public nor will I share any public information gained as a result of my temporary clerkship. I further understand that should there be a breach in this agreement I will be immediately asked to leave the premises, that the violation will be reported to my law school, and that I and may be subject to whatever penalties may be imposed by the court.

Dated this _____ day of _____, _____.

(Print Name)

Law Clerk Intern

ORDER

This court having received the confidentiality agreement of _____,
a law clerk intern for the Southeast Judicial District and a student attending law school at
_____ hereby grants access to the court's records and allows
attendance at all necessary court proceedings.

Dated this _____ day of _____, _____.

District Court Judge

Backup Court Reporter/Recorder (11/24/14)

If a Court Reporter or Electronic Court Recorder is unable to take the record for a short amount of time (1 day or less), they should make their own arrangements for backup coverage. For any period longer than 1 day, they should contact Brenda Richards who will coordinate coverage.

Juvenile Court staff may only be used if all other options have been exhausted and it is an emergency situation. They should be utilized for short matters only and must have the permission of their supervisor.

SEJD Court Administration November 24, 2014

Out of State Travel (9/5/14)

It accordance with Supreme Court guidelines, judges are allowed two out-of-state trips per biennium. The approval of the presiding judge is not required; however, anything above two out-of-state trips per biennium or anything out-of-country requires the approval of the presiding judge and the chief justice. The request must be made on [SFN 58413](#).

The unit court administrator's Office should be made aware of any out-of-state travel so they can assist in tracking travel history and expenses can be paid through the use of court credit cards where possible.

Allowed out-of-state travel for employees and the approval process is outlined in the Supreme Court policy manual.

SEJD Judges' Meeting April 22, 2013, Administrative Council September 5, 2014

Forms

Notice of Case Activation—ODYSSEY CASE FORM

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

SOUTHEAST JUDICIAL DISTRICT

Plaintiff,

Notice of Case Activation

-VS-

Case No. _____

Defendant.

On the ____ day of _____, _____ it was requested that the above case be placed on inactive status until the ____ day of _____, _____. As that date has now passed we have returned your case to active status.

If the court does not hear from you by the ____ day of _____, _____ as to further action on this case, the matter will be dismissed without further notice to you.

Dated this ____ day of _____, _____.

Deputy/Clerk of District Court

Order Denying Bail Reduction—NON ODYSSEY FORM

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

SOUTHEAST JUDICIAL DISTRICT

STATE OF NORTH DAKOTA

Plaintiff,

Order Denying Bail Reduction

vs.

Under N.D.R.Crim.P. 46(a)(5)

Defendant.

The defendant requested a bail reduction under N.D.R.Crim.P. 46(a)(5), 48 hours having passed since the entry of a bail order. A hearing on the request was held on the _____ day of _____, 20____, and the defendant appeared with counsel _____, and _____ appeared on behalf of the state.

The Court considered the arguments of the parties, and the request to amend the bail conditions is **DENIED**.

Dated this _____ day of _____, _____.

District Court Judge

ORDER TO SHOW CAUSE

TO: _____

The above named individual was mailed a jury summons and questionnaire for Stutsman County District Court to serve on a jury trial, but failed to return the questionnaire as required by law.

It is therefore ordered that the individual appear before the Court on the _____ day of _____, 20__ at _____ am/pm in _____ County Courthouse, _____, North Dakota and show cause why he/she should not be held in contempt of court for failure to return completed juror questionnaire.

Should the questionnaire be completed and returned to the District Clerk of Court Office before the hearing date, the above individual will not have to appear.

Dated this _____ day of _____, 2013

Judge of the District Court

ORDER TO SHOW CAUSE

TO: _____

The above named individual was qualified as a juror, placed on the jury panel for _____ v. _____, _____, was summoned to appear on _____, 20__ for jury duty, but failed to appear as required by law.

It is therefore ordered that the individual appear before the Court on the _____ day of _____, 2013 at _____ am/pm in _____ County Courthouse, _____, North Dakota and show cause why he/she should not be held in contempt of court for failure to appear for jury duty.

Dated this _____ day of _____, 20__.

Judge of the District Court

Scheduling Order for Domestic Cases—ODYSSEY FORM

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

SOUTHEAST JUDICIAL DISTRICT

Plaintiff,

Scheduling Order

-VS-

File # _____ DM _____

Defendant.

Pursuant to Rule 8.3(b), N.D.R.Ct., the following dates are the deadlines established for this case:

1. Written discovery is to be served within 30 days of this order.
2. Replies to written discovery are to be served timely and in strict accordance with the North Dakota Rules of Civil Procedure.
3. Valuations and/or appraisals of real estate, personal property, or of a business must be completed and a copy of the valuation or appraisal must be served within 60 days of this order. A party must notify the opposing party within 30 days of this order of the name of the evaluator and/or appraiser who is retained and a description of the property and/or business being valued or appraised.
4. Depositions are to be completed prior to the date set for final pretrial conference.
5. The parties are encouraged to engage in early alternative dispute resolution.
6. Motions for temporary or interim relief are to be noticed for hearing before the judge assigned to the case. Evidence must be submitted by affidavit under N.D.R.Ct. 8.2.
7. Other motions must be filed and noticed in accordance with the North Dakota Rules of Civil Procedure, N.D.R.Ct. 3.2. The hearing date for any motion must occur on or before the date of the final pretrial conference.
8. If not previously filed as required by the Rules, at least 5 days prior to the final pretrial conference, both parties must serve and file the joint property and debt listing and the Informational Statement required by Rule 8.3 of the North Dakota Rules of Court, in substantially the same form as set forth in Appendices C and E of Rule of Court 8.3. Failure to serve or file either the joint property and debt listing or the Informational Statement

may result in one or more of the sanctions available to the Court under N.D.R. Civ.P. 37 including dismissal of the case in whole or in part.

9. Each party must be ready for trial at the time of the final pretrial conference. At the final pretrial conference a trial date may be set. PARTIES ARE ADVISED THAT THE COURT MAY SET A TRIAL WITH 7 DAYS NOTICE.
10. A final pretrial conference is set for this case on _____, 20__ at _____ at the _____ County Courthouse, in _____, North Dakota. Both parties and the attorneys who will try this case must be personally present at the final pretrial conference.
11. At least 5 days prior to the final pretrial conference, each party will file with the Court and serve upon the other party an exhibit list and mark any exhibits they intend to offer at trial in the form required by the Court.
12. If the parties have minor children, a proposed parenting plan and child support calculations must be filed at least 5 days prior to the final pretrial conference.
13. Any documents filed with the Court must comply with the rules for redacting personal information.
14. EACH OF THE ABOVE CONDITIONS MUST BE COMPLIED WITH OR SANCTIONS MAY BE IMPOSED unless a stipulation is filed settling all issues in the case at least 10 days prior to the final pretrial conference.
15. NO CONTINUANCES OF ANY OF THE ABOVE DATES ARE ALLOWED except by specific written order of the judge assigned to the case.

Dated this _____ day of _____, 20__.

BY THE COURT:

District Court Judge

Appendices

Appendix A-1

Southeast Judicial District Judge Assignment Plan (effective 1/1/19)

| COUNTY | JUDGE & PERCENT OF ASSIGNED CASELOAD |
|----------|---|
| Barnes | Schmitz (100%) |
| Dickey | Narum (100%) |
| Eddy | Hovey (100%) |
| Foster | Hovey (100%) |
| Griggs | Hovey (100%) |
| Kidder | Schmitz (100%) |
| LaMoure | Narum (100%) |
| Logan | Narum (100%) |
| McIntosh | Narum (100%) |
| Ransom | Blumer (100%) |
| Richland | Cruff (100%) |
| Sargent* | Blumer (100%) (No regular Master Calendar duties) |
| Stutsman | Clark (48%) & LeFevre (42%) & Blumer (10%) |
| Wells | Hovey (100%) |

*Judge Cruff will be handling Master Calendar duties, Judge Blumer will be getting all assigned cases

SEJD Judges' Meeting October 22, 2018

6-County Plan Details (effective 1/1/19)

The Southeast Judicial District case flow plan divides case assignments into individual calendar and master calendar assignments. Judges are assigned both master calendar case assignments and individual calendar case assignments under the plan.

This appendix to the district case flow plan sets out case assignments for judges in Stutsman, Barnes, Kidder and Ransom counties for both master calendar and individual calendar case assignments. Each judge with assignments in these four counties will work through a 4-week rotation, with each judge starting on a different week, as follows:

| | |
|--------|------------------|
| Week 1 | Trial Week |
| Week 2 | Rural MC Week |
| Week 3 | Stutsman MC Week |
| Week 4 | Trial Week |

DICKEY, LAMOURE, LOGAN, McINTOSH, RANSOM & STUTSMAN

- 1] Judges Blumer, Clark, LeFevre and Narum are assigned to the above six counties for Master Calendar coverage. Blumer will be the primary judge in Ransom County; Narum will be the primary judge in Dickey, LaMoure, Logan and McIntosh Counties.
- 2] SEJD average caseload for 2016 and 2017 is 5.63; 0.80 per judge
- 3] County case assignments are delineated in attachment A.
- 4] The attached calendar is a look at a proposed calendar for these 6 counties; it is based on an annual calendar of 13 4-week time periods for the judges.
- 5] Demands/Recusals—this will continue to be addressed via the manual assignment process.
- 6] Stutsman County. Master calendar is held 3 days a week. The 4 judges will periodically consult with the clerks of court after to review the master calendar needs of each county. The judges should not schedule personal calendar events during the master calendar hours, 9 a.m.-12 p.m. and 1 p.m.-4 p.m. The assigned judge is responsible to be available for daily duties in Stutsman County for this segment.
- 7] Rural/Master Counties. There will not be scheduled master calendar dates in these counties for every judge segment, but the designated 'Rural Master' judge is responsible for any master calendar duties that occur in Dickey, LaMoure, Logan, McIntosh and Ransom counties during their assigned week.
- 8] Master Calendar for other counties. If an emergency master calendar hearing is needed in one of the counties not included in the six counties listed above, the judge responsible for 'Rural Master' week will be responsible for the emergency master calendar duties in the county(ies) needing coverage. (This would apply to Eddy, Foster, Griggs, Richland, Sargent and Wells if Judges Hovey or Cruff are gone.) If there is a need for an emergency master calendar hearing in Barnes and Kidder Counties and the assigned judge is unavailable, clerks in these counties may contact any one of the four judges in the Six-County plan.
- 9] In Custody Appearances. In custody appearances will be held in the county in which the defendant is in custody (Stutsman, Barnes or Richland County jail) by the judge responsible for master calendar in that county for the current week (Stutsman, Barnes or Richland), not necessarily by the judge in the county of venue.
- 10] On Call System. An on-call system for after-hours search warrants will be implemented in the 6 counties (Dickey, LaMoure, Logan, McIntosh, Ransom and Stutsman) where each judge will take one week of a 4-week rotation.
- 11] Trials. The judge on this segment has no regular master calendar responsibilities in any of the counties during this time. (With the exception of Judge Blumer in Ransom County on days he is scheduled to be present.)

Appendix A-2

Southeast Judicial District Judge Assignment for Demands & Recusals (effective 1/1/19)

Judge for Demand/Recusal Assignments

(SEJD Judges' Meeting 10/22/18)

| County | Judge(s) |
|-----------|--|
| Barnes | Refer to Presiding Judge |
| Dickey | Refer to Presiding Judge |
| Eddy | Refer to Presiding Judge |
| Foster | Refer to Presiding Judge |
| Griggs | Refer to Presiding Judge |
| Kidder | Refer to Presiding Judge |
| LaMoure | Refer to Presiding Judge |
| Logan | Refer to Presiding Judge |
| McIntosh | Refer to Presiding Judge |
| Ransom | Refer to Presiding Judge |
| Richland | Refer to Presiding Judge |
| Sargent | Refer to Presiding Judge |
| Stutsman* | Refer to Presiding Judge if all judges exhausted |
| Wells | Refer to Presiding Judge |

*Clerks in Stutsman Counties should exhaust all judges configured in their Odyssey judge rotation before referring a case to the Presiding Judge.

Appendix B

Case Assignment Configuration

| | | | |
|--|---|---|---|
| Auto-Assign | | | |
| A=Auto Assignment at Case Initiation from set rotation | | | |
| M=Manual Clerk Assignment from set rotation | | | |
| | | | |
| Criminal | | Family | |
| Game & Fish | M | Adoption | M |
| Traffic | M | Annulment | M |
| E-Citation | M | Child Custody | A |
| City Transfer | M | Child Support | M |
| Extradition | M | Continued Foster Care Services | M |
| Felony | M | Divorce | A |
| Infractions | M | Restraining Order | M |
| Juvenile Delinquency | M | Juvenile Deprivation | M |
| Juvenile Extradition | M | Juvenile Guardianship | M |
| Juvenile Unruly | M | Juvenile Special Proceedings | M |
| Misdemeanor | M | Juvenile Termination of Parental Rights | M |
| Municipal Appeal | M | Legal Separation | A |
| | | Other Family | A |
| Civil | | Parenting Responsibility | A |
| Administrative Appeal | A | Paternity | A |
| Administrative Filing | M | Post Paternity | M |
| Condemnation/Eminent Domain | A | Protection Order | M |
| Contract/Collection | M | Public Judgment | M |
| Criminal Money Judgment | M | Relinquishment of Parental Rights | M |
| Forcible Detainer | M | UIFSA | M |
| Foreclosure | M | | |
| Foreign Judgment | M | Probate/Mental Health | |
| Hospital Liens | M | Conservatorship | M |
| Malpractice | A | Conservatorship/Guardianship | M |
| Name Change | M | Conservatorship of a Minor | M |
| Other Civil | A | Domiciliary Proceeding | M |
| Personal Injury | A | Guardianship of an Incapacitated Person | M |
| Post Conviction Relief | M | Guardianship of a Minor | M |
| Property Damage | A | Guardianship/Conservatorship of a Minor | M |
| Quiet Title | M | Heirship | M |
| Restraining Order | M | Mental Health | M |
| Small Claims | M | Other Probate | M |
| Special Proceeding | M | Probate Administration (Formal) | A |
| Transcribed Judgment | M | Probate Administration (Informal) | M |
| Trust | M | Probate of Will (Formal) | A |
| | | Probate of Will (Informal) | M |
| | | Sexually Dangerous Individual | M |

Appendix C

Local Rule 91.1

LOCAL RULE 91-1. AUTOMATIC AND ALTERNATIVE CASE ASSIGNMENT PROCEDURE

1. Purpose. This local court rule is established pursuant to AR 2 (9) and (10) and the North Dakota Rule on Local Court Procedural Rules of the North Dakota Supreme Court to provide a district-wide procedure for automatic assignment of cases and reassignment of cases in the event a recusal is filed by or a demand for change of judge is filed against the presiding judge of the Southeast Judicial District.

2. Procedure.

A. Automatic Assignment. All counties in the Southeast Judicial District are on continuous court and jury terms.

B. Alternative Assignment.

1. If the presiding judge is subject to a demand for change of judge pursuant to N.D.C.C. § 29-15-21:
 - A. The clerk of district court in the county of venue shall refer the case to the district judge with the most seniority of the judges available to rule on the demand.
 - B. If the demand is granted, the clerk of district court in the county of venue shall reassign the case using the automatic case assignment feature of the court's case management system. If no other judge is eligible for automatic assignment, the clerk shall refer the case to the Unit Court Administration Office for reassignment using a random assignment sheet approved by the judges of the Southeast Judicial District.
2. If the presiding judge has filed a recusal, the clerk of district court in the county of venue shall reassign the case using the automatic case assignment feature of the court's case management system. If no other judge is eligible for automatic assignment, the clerk shall refer the case to the Unit Court Administration Office for reassignment using a random assignment sheet approved by the judges of the Southeast Judicial District.

3. Effective Date. This local court rule shall become effective on the date of approval by the Supreme Court pursuant to AR 2(9) and (10).

Appendix D

Bond Schedule (Effective 3/22/16)

STATE OF NORTH DAKOTA SOUTHEAST JUDICIAL DISTRICT

SIXTH REVISED BOND SCHEDULE

| | |
|---|----------|
| CLASS B MISDEMEANORS | \$500.00 |
| Except 2 nd DUI/APC in 7 years | \$750.00 |

| | |
|---|------------|
| CLASS A MISDEMEANORS | \$500.00 |
| Except 3 rd DUI/APC in 7 years | \$1,500.00 |

Multiple Misdemeanors – Highest bond required for any one of the offenses will cover all charges in District Court. This schedule only applies to District Court. If there are charges pending in both Municipal Court and District Court, separate bonds are required for each Court.

| | |
|---------------------------|-------------|
| FELONIES | Must Appear |
| SIMPLE ASSAULT (Domestic) | Must Appear |

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

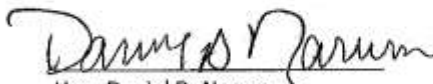
The bond amounts for NSF CHECK and NO ACCOUNT CHECK charges are found on the summons or arrest warrant. Use that amount and not the amount listed above. Defendants who are eligible for a Rule 43 Waiver and elect to proceed with that process shall post the bond and sign the waiver. Those who wish to appear must post bond and sign a promise to appear for the next court date.

All individuals arrested for a second or subsequent DUI must agree to participate in the 24/7 program prior to release. If the individual does not agree a bond hearing must be scheduled.

All individuals who do post bond shall sign a promise to appear for the next regular court appearance date. Those who are unable to post bond **must** be brought before a Judge forthwith or within 48 hours for a bond review.

Dated this 22nd day of March, 2016.

BY THE COURT:


Hon. Daniel D. Narum
Presiding District Court Judge

Effective March 22nd 2016

Appendix D-1

Bond Schedule for Richland County (Effective 11/1/17)

STATE OF NORTH DAKOTA SOUTHEAST JUDICIAL DISTRICT

RICHLAND COUNTY BOND SCHEDULE

| | |
|---|---------|
| CLASS B MISDEMEANORS | \$500 |
| Except 2 nd DUI/APC in 7 years | \$750 |
| CLASS A MISDEMEANORS | \$500 |
| Except 3 rd DUI/APC in 7 years | \$1,500 |

Multiple Misdemeanors - Highest bond required for any one of the offenses will cover all charges in District Court. This schedule only applies to District Court. If there are charges pending in both Municipal Court and District Court, separate bonds are required for each court.

| | |
|---------------------------|-------------|
| FELONIES | Must Appear |
| SIMPLE ASSAULT (Domestic) | Must Appear |

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

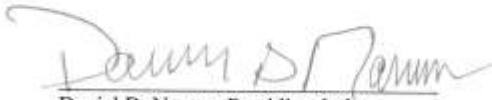
The bond amounts for NSF CHECK and NO ACCOUNT CHECK charges are found on the summons or arrest warrant. Use that amount and not the amount listed above. Defendants who are eligible for a Rule 43 Waiver and elect to proceed with that process shall post the bond and sign the waiver. Those who wish to appear must post bond and sign a promise to appear for the next court date.

All individuals arrested for a first or subsequent DUI/APC must agree to participate in the Richland County Treatment Court prior to release. If the individual does not agree a bond hearing must be scheduled.

All individuals arrested for a second or subsequent DUI/APC must agree to participate in the 24/7 program prior to release. If the individual does not agree a bond hearing must be scheduled.

All individuals who do post bond shall sign a promise to appear for the next regular court appearance date. Those who are unable to post bond **must** be immediately brought before a judge or within 48 hours for a bond review.

Dated this 25th day of October, 2017.


Daniel D. Narum, Presiding Judge
Southeast Judicial District

Effective November 01, 2017

Appendix E

24/7 Order (11/24/14)

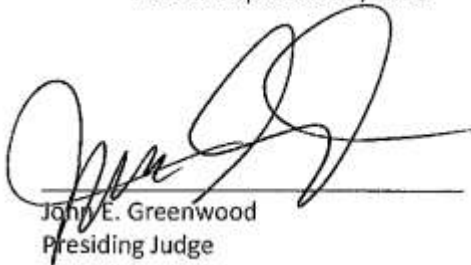
In District Court
Southeast Judicial District
State of North Dakota

ORDER

THE 24/7 Sobriety Program requires participants to appear for twice daily alcohol testing. It is ORDERED that a warrant will be issued upon reasonable cause for failing to appear for a test.

An officer who has reasonable cause to believe a participant has failed a 24/7 test, or has appeared for a test after having failed to appear within the previous twenty-four hours, may immediately detain the participant until they can appear before a judge of the district court.

Dated: September 9, 2013



John E. Greenwood
Presiding Judge

N.D.C.C. 29-06-15(3)

24/7 IMPLEMENTATION (updated 3/22/16)

Law Enforcement Action if Non-Compliance

IF A PARTICIPANT FAILS A TEST OR DOES NOT APPEAR FOR A SINGLE TEST AND IS IMMEDIATELY DETAINED

The officer will complete an Affidavit for filing with the Clerk of Court. The Clerk's staff will process the Affidavit, immediately set a bond hearing on the Court's calendar at the earliest time available, and notify the parties that a hearing is scheduled.

IF A PARTICIPANT FAILS TO APPEAR FOR CONSECUTIVE TESTS

If the participant does not appear for two consecutive tests, the officer will complete an Affidavit and Bench Warrant for filing with the Clerk of Court.

(Updated by Daniel Narum, Presiding Judge 3/22/2016.)

Appendix F

Clerk's Process – Misdemeanor Only Cases

CLERK PROCESS:

1. After a plea of Not Guilty, assign a judge to the case using the automatic case assignment function.
2. Immediately generate a Notice of Assignment. Use 'SE Notice of Assignment (Pilot Project)' which will automatically include a deadline for motions 42 days from the date of assignment.
3. Schedule a 'Misdemeanor Dispositional Conference' on the assigned judge's master calendar date as soon as possible after the 42 days.
4. Generate a Notice of Hearing for the Dispositional Conference. NOTE--The defendant MUST be present at the Dispositional Conference.
5. Distribute the Notice of Assignment and Notice of Hearing to counsel or parties as appropriate.
6. If a signed agreement disposing of the case is submitted and approved prior to the Dispositional Conference, the conference will be cancelled.
7. If an agreement is reached that would dispose of the case prior to the conference, but is not submitted in writing under Rule 43, the time set aside for the conference will be used for Change of Plea/Sentencing.
8. A mandatory Dispositional Conference will be scheduled if a Rule 43 agreement is not filed within 10 days.
9. Any requests for continuances must be made through a party's attorney if they have one. Each will be considered on a case-by-case basis (i.e.—there is no more "free one" for each side)

Miscellaneous Info

1. If the case is assigned to a judge who will not be in your county for several months the case may need to be put on the Master Calendar of your primary judge so the Dispositional Conference can be held. However, if a motion is filed the assigned judge will need to schedule a trip to your county to handle the motion and the Dispositional Conference should be cancelled.
2. Check with your judges to determine how much calendar time to schedule for Dispositional Conferences
 - a. LaMoure: $<6 = \frac{1}{2}$ hour, 6 or $> = 1$ hour

Appendix G

Firearms as Exhibits (9/9/13)

SAFE HANDLING OF FIREARMS AS EVIDENCE IN COURT

There are two main goals of a firearms handling procedure.

- A. To prevent the discharge of a firearm; and
- B. To eliminate the fear and apprehension on the part of juries, court personnel, parties and witnesses, and the public

1. Procedure Applies To Firearms in Courtroom As Evidence.

These procedures apply to all firearms to be used in court as evidence or for demonstrative purposes. These procedures do not apply to firearms carried or worn by law enforcement officers and court personnel.

2. All Firearms To Be Unloaded and The Action Must be Locked Open.

All firearms must be **unloaded and secured by a chamber lock** at all times when they are in the court building and courtroom.

All firearms must be unloaded with the action locked open, this means:

- 1. The clip or magazine is empty and removed, if removable, and the chamber is empty;
- 2. The firearm must be secured by a gun lock rendering it inoperable. Plastic zip ties are NOT sufficient.

The condition of the firearm will be such that an immediate visual inspection will indicate that the firearm is unloaded with the action locked open.

Keeping the firearm locked open and unloaded are crucial and central to the safe handling of firearms in the court room.

3. Firearms To Be In Custody Of Court Clerk During Trial.

Firearm and ammunition brought into a court room once received into evidence will be given to and left in the custody of court clerk at all times **other** than when they are being handled by prosecutors, defense attorneys, parties or witnesses. Firearms will not be left on counsel table.

During recesses of the court firearms will either:

- a. Be under the direct visual supervision of the court clerk or bailiff; or
- b. Be locked in a secure location.

4. Firearm Not To Be Pointed At Any Person in Courtroom.

No firearm will be pointed at the jury, judge, court personnel or spectators. If counsel or a party intend on using a firearm for demonstrative purposes, prior court approval is required.

5. Firearm and Ammunition Never Given To Witness or Jury At Same Time.


Firearms and ammunition will never be given to a witness or the jury at the same time. Firearms and ammunition will never be placed or left together on the counsel table. If a firearm and related ammunition are to be sent into the jury room, the jury will be allowed to examine them but the firearm and ammunition will never be sent into the jury room at the same time. The firearm can be sent in and

after the jury is done examining it they can inform the jury bailiff, pass out the firearm, and be given the ammunition for examination.

6. Firearms in Custody of Court Clerk After Trial.

After the trial is concluded, all firearms and ammunition will be in the custody of the clerk of court and kept in a secure location.

Dated this 9th day of September, 2013.



Hon. John E. Greenwood
Presiding Judge
Southeast Judicial District

Courtroom Rules

While Attending Court:

All electronic devices including cell phones must be turned off

No purses or backpacks

No Food

No hats or caps

Appendix I

Media Policy (8/29/13)

Media Policy – Southeast Judicial District

PURPOSE

The purpose of this policy is to establish guidelines for electronic and photographic media coverage in the Southeast Judicial District. This policy is limited to pre-trial conferences, post-trial motions, and trials. It does not include interviews of judges or judicial personnel when not involved in a specific judicial proceeding.

GUIDELINES

- A. To assure that judicial proceedings are not disrupted, members of the media shall confine camera and audio media coverage to areas not immediately adjacent to courtrooms to assure egress of participants and the public. Each county has developed a plan specifically designating areas for media use which are included as appendices to this case management plan. Cameras and audio recorders are not allowed beyond these designated areas of any courthouse during any judicial proceedings, except as expressly provided in Section B. Audio and/or video interviews of trial participants during any judicial proceeding are limited to this area.
- B. Exceptions to this policy are limited to those prescribed in North Dakota Supreme Court Administrative Rule 21. Any request for an exception to this policy is to be directed to the clerk of court in writing at least 48 hours in advance of the judicial proceeding.
 - 1. All media coverage and all applications for “expanded media coverage” shall be in strict compliance with Administrative Rule 21, except as modified hereafter.
 - 2. All requests for “expanded media coverage” pursuant to Administrative Rule 21 shall be by a “designated representative” of the “expanded media” as such phrase is defined in Administrative Rule 21.
 - a. On an annual basis, the media shall select a designated representative and shall submit that representative’s name in writing to the court administrator. The Southeast Judicial District shall not grant any request for expanded media coverage without written notification of the designated representative.
 - b. The designated representative shall be the only contact between the Court and the media.
 - c. It shall be the sole responsibility of the designated representative and his/her organization to cooperate with all other organizations to provide immediate access to video or audio hookups, or to photographs or tapes.
 - d. Due to the “pooling” requirements set forth in 2(c), the following additional rules shall be observed where applicable to a particular media mode:

1. Only one TV or video camera, and a reasonable number of microphones in the Courtroom, with a single output line for audio and a single output line for video;
 2. Only one media operator present in the Courtroom. The operator is to remain in the same spot and not move about in the Courtroom;
 3. Only one still camera photographer in the Courtroom. The photographer will remain seated in one spot as designated by the judge;
 4. If the audio/video feed is sent to a non-secure area, one representative per media outlet will be allowed in the room where the pool feed is sent. If the audio/video feed is sent to a secured area, only one representative will be allowed in the room where the pool feed is sent.
3. The following shall be observed for all cases involving expanded media requests:
- a. All media representatives in the courtroom shall be dressed appropriately: e.g., no blue jeans or t-shirts.
 - b. No artificial light shall be brought into the courtroom – ambient light only for TV/video or still cameras.
 - c. Each microphone shall have an on/off switch.
 - d. No transmitters of any type are allowed on the second or third floor of the courthouse, except as provided for in Section B(5).
 - e. There shall be no coverage during court recesses, or during bench conferences and in a jury trial, during periods in which the jury has been excused from the courtroom.
 - f. The judge must be present in the courtroom during all coverage.
 - g. Equipment must be installed and removed only during recesses.
 - h. To determine scheduling or cases in District Court, contact the appropriate Clerk in each county.
 - i. All other inquiries regarding pooling in District Court should be directed to the clerk of court.
 - j. Coverage in the courtroom, of whatever type, shall be at all times in strict compliance with the provisions of Administrative Rule 21.
4. Any procedure may be modified by the judge presiding over the proceedings if circumstances warrant such modification.
5. No proceeding, or part of a proceeding, may be transmitted live without the express written permission of the judge.

6. Failure to comply with these rules will result in the immediate revocation of expanded media coverage.

A written response shall be made by the court administrator to the media representative (after consultation with the judge presiding in the case) prior to commencement of the judicial proceeding.

POLICY REVIEW

This policy will be reviewed by the judges of the Southeast Judicial District biannually or more frequently as determined by the presiding judge. Suggested revisions should be addressed to the presiding judge for consideration.

Approved: /s/
 The Honorable John E. Greenwood
 Presiding Judge
 Southeast Judicial District
 North Dakota

Date: August 29, 2013

SOUTHEAST JUDICIAL DISTRICT - STATE OF NORTH DAKOTA

APPLICATION FOR COURT APPROVAL OF EXPANDED MEDIA COVERAGE

Case Name _____

Case Number _____

Name of Judge assigned to case _____

Type of Coverage:

☐ Television

☐ Still Camera

☐ Radio

☐ Sketch Artist

☐ Audio

☐ _____

Proceeding to be covered: _____

Dates for which coverage is requested: _____

Permission is requested to cover the above proceeding pursuant to North Dakota Supreme Court Administrative Rule 21. It is understood and agreed that the provisions of Administrative Rule 21 and the Revised Media Policy of the Southeast Judicial District will be abided by.

Date

Signature of Media Representative

Office Number

Fax Number

Print Name and Title

Notice given to: _____

Office Use Only

Objection:

Yes ☐ No ☐

Yes ☐ No ☐

APPROVAL BY COURT

The Court having reviewed the above application, permission for media coverage for all proceedings in this case is _____ Granted _____ Denied.

Exceptions, restrictions or comments: _____

Signature of Judge assigned to case

Date

Distribution: ☐ Court File ☐ Media Representative

(Revised 6/1/06)

Appendix J

Southeast Judicial District Calling Trees (2/1/18)

February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Barnes County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Dickey County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Eddy County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Foster County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Griggs County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Kidder County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of LaMoure County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Logan County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of McIntosh County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Ransom County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Richland County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Sargent County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Stutsman County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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February 1, 2018

TO: Sheriff, Clerk of District Court, and State's Attorney of Wells County
Police Departments, Highway Patrol, and Drug Task Force Personnel

FROM: Judge Narum
Presiding District Court Judge

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Appendix K

Emergency Hearing Guidelines (1/13/14)

| Disaster Planning | | | | | |
|--|--|--|--|--|--|
| Hearing Priority List | | | | | |
| | | | | | |
| Critical (within 24 hours) | | | | | |
| Juvenile Pick-Up Order | | | | | |
| Juvenile Detention Hearings | | | | | |
| Juvenile Custodial Orders (Expiring) | | | | | |
| Criminal In-Custody Hearings | | | | | |
| Bond Review | | | | | |
| Search Warrants | | | | | |
| Bench Warrants (Issuing/Quashing) | | | | | |
| Mental Health-Emergency Hold | | | | | |
| Domestic Violence Protection Order | | | | | |
| | | | | | |
| Vital (within 72 hours) | | | | | |
| Initial Appearances | | | | | |
| Revocation of Probation | | | | | |
| Criminal-No Contact Order Review | | | | | |
| Juvenile Shelter Care Hearing | | | | | |
| Extradition Hearings | | | | | |
| | | | | | |
| Necessary (within 2 weeks) | | | | | |
| Juvenile Initial Hearings | | | | | |
| Juvenile Special Proceedings | | | | | |
| Juvenile Permanency Reviews | | | | | |
| Disorderly Conduct Restraining Order | | | | | |
| Expedited Enforcement of Child Custody Determination | | | | | |
| | | | | | |
| Desired (2 weeks or longer) | | | | | |
| Mental Health-Commitment Hearing | | | | | |
| Mental Health-Review Hearings | | | | | |
| Criminal Trials | | | | | |
| Criminal Competency Hearing | | | | | |
| Civil-Restricting Disbursement of Property | | | | | |

Appendix L

Appointment of Lay Guardians ad Litem in Juvenile Court (9/10/15)

STATE OF NORTH DAKOTA
IN DISTRICT COURT
SOUTHEAST JUDICIAL DISTRICT

**ADMINISTRATIVE ORDER AUTHORIZING APPOINTMENT OF
LAY GUARDIAN AD LITEMS IN JUVENILE COURT**

File No. 47-2013-CV-96

WHEREAS, pursuant to §50-25.1-08 of the N.D.C.C., the Juvenile Court of the Southeast Judicial District appoints a lay guardian ad litem for every child who is the subject in a juvenile deprivation judicial proceeding; and

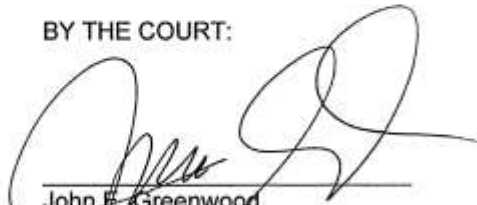
WHEREAS, for the purposes of carrying out the objectives of the North Dakota Juvenile Court Act and Rule 17 of the North Dakota Rules of Juvenile Procedure, it is proper for the appointment of lay guardian ad litem to occur as close to the time of case filing in order for the guardian ad litem to begin work in the case.

Now, in accordance with §§27-20-06 and 50-25.1-08 of the North Dakota Century Code, as amended;

IT IS HEREBY ORDERED, that the Director of Juvenile Court for Court Administrative Unit Two or her juvenile court officer designee shall issue the appointment of a lay guardian ad litem in juvenile proceedings.

This Administrative Order is effective as of September 10, 2015 and continues until changed by the Presiding Judge of the Southeast Judicial District.

BY THE COURT:



John E. Greenwood
Presiding Judge
Southeast Judicial District