

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

**East Central Judicial District Administrative Order Suspending Jury Trials**

[¶1] Due to the prevalence of the Omicron variant and the rate of COVID infection within our community, this administrative order is effective January 20, 2022 through February 25, 2022. This Administrative Order is being implemented under my authority as Presiding Judge of the East Central Judicial District to supervise the implementation of all local administrative practice and procedure regulations by all judges, clerks of court and other officers or employees of the courts in the judicial district. ND R ADMIN AR 2, Section 12.

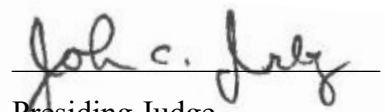
[¶2] Cass County is identified as a zone of “high” transmission by the CDC, which is the highest level. There were 955 new cases in Cass County on January 18, 2022, which was nearly the same as Burleigh/Grand Forks/Ward counties combined. <https://www.health.nd.gov/diseases-conditions/coronavirus/north-dakota-coronavirus-cases>. Cass County has 2,886 positive cases as of today.

[¶3] The prevalence of the Omicron variant in Cass County is creating stress on the Court systems, including the Clerk’s office, the State’s Attorney’s Office and the Cass County Jail. The Cass County Jail is currently in lock-down due to infections at the jail.

[¶4] There are significant criminal and civil trials scheduled in the next few weeks, some of which will involve out-of-state witnesses. Although, precautions can be implemented and have been implemented, there is heightened concern about the ability to get through a jury trial without the trial being in some way impacted by the variant spreading through the community. In order to protect the integrity of the jury trial process and in order to ensure the safety of the attorneys, parties and jurors, court, corrections and other staff jury trials shall be suspended through February 25, 2022. This order will be revisited February 18, 2022 to determine whether any extension is necessary.

[¶5] Criminal Jury trials will be continued to the next term unless the parties are notified otherwise. All deadlines remain in place.

[¶6] Civil Jury trials can stay on the calendar and proceed as a bench trial upon stipulation by the parties and approval of the Judge. All deadlines and scheduling orders remain in place. Otherwise, civil jury trials will be rescheduled. Parties will be contacted through calendar control as to how they intend to proceed. Status conferences may be set at the discretion of the assigned Judge or at the request of the parties if necessary.

  
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Presiding Judge  
East Central Judicial District  
John C. Irby