



CONTEMPT OF COURT

A Research Guide for a North Dakota State Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts.

The information provided in this research guide ISN'T a complete statement of the law. This information is intended as a starting point for your research into contempt of court in North Dakota state district courts. This information isn't intended for legal advice and can't replace the advice of competent legal counsel licensed to practice law in the state of North Dakota.

The self-represented individual must make all decisions about how to proceed.

References to non-ND Legal Self Help Center resources are included for your convenience only. Including these references doesn't mean the ND Legal Self Help Center endorses, warrants, or accepts responsibility for the content or uses of the resource. **Use at your own risk.**

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NO CONTEMPT OF COURT FORMS AVAILABLE

The North Dakota Legal Self Help Center and the North Dakota Court System **don't** have forms or instructions available specifically for asking a North Dakota state court to find a party in a civil case in contempt of court.

If you represent yourself, you'll need to create your own legal documents, or retain a lawyer to do so.

The basic steps in the motion process to ask a North Dakota state district court to find a party in a civil case in contempt of court start on Page 7. The steps include the names and general descriptions of many of the legal documents you'll need to create and prepare.

If you're interested in finding an attorney to represent you, go to Page 15 for all of the attorney resources available through the ND Legal Self Help Center.

OVERVIEW OF CONTEMPT OF COURT

What is contempt of court?

In general, contempt of court is disobedience of a court order. [Section 27-10-01.1\(a\) of the North Dakota Century Code](#) defines contempt of court as:

1. Intentional misconduct in the presence of the court which interferes with the court proceeding or with the administration of justice, or which impairs the respect due the court;
2. Intentional nonpayment of a sum of money ordered by the court to be paid in a case when by law execution cannot be awarded for the collection of the sum;
3. Intentional disobedience, resistance, or obstruction of the authority, process, or order of a court or other officer, including a judicial referee or magistrate;
4. Intentional refusal of a witness to appear for examination, to be sworn or to affirm, or to testify after being ordered to do so by the court;
5. Intentional refusal to produce a record, document, or other object after being ordered to do so by the court;
6. Intentional behavior in derogation of any provision of a summons issued pursuant to [Rule 8.4 of the North Dakota Rules of Court](#); or
7. Any other act or omission specified in the court rules or by law as a ground for contempt of court.

Does contempt of court need to happen in front of a judge or judicial referee?

No. Behavior that's considered contempt of court can happen in or out of court.

If the judge or judicial referee didn't see the behavior that the moving party feels is in contempt of an order (*the action did NOT happen in their presence*), the moving party MUST bring a written motion, or application, explaining why they feel the opposing party should be held in contempt by the court. (*See Page 7.*)

What does the party requesting a contempt of court sanction need to prove?

The party in a civil case who wants a judge or judicial referee to find another party in contempt of court must prove two things:

- That the other party clearly committed contempt of court; and
- That the other party had a willful and inexcusable intent to commit contempt of court.

How is contempt of court punished?

Contempt of court may be punished by remedial or punitive sanctions.

In civil cases, contempt of court is punished with remedial sanctions.

A court can only punish with punitive sanctions when a complaint charging a party with contempt of court is issued by:

1. The state's attorney of a county;
2. The attorney general; or
3. A special prosecutor appointed by the court.

What are remedial sanctions for contempt of court?

A North Dakota state district court may order one or more of the following remedial sanctions:

- Payment of a sum of money sufficient to compensate a party, other than the court, for a loss or injury suffered as a result of the contempt, including an amount to reimburse the party for costs and expenses incurred as a result of the contempt.
- A forfeiture not to exceed two thousand dollars for each day the contempt continues.
- An order designed to ensure compliance with a previous order of the court.
- Imprisonment if the contempt of court is:
 - Intentional nonpayment of a sum of money ordered by the court to be paid in a case when by law execution cannot be awarded for the collection of the sum;
 - Intentional disobedience, resistance, or obstruction of the authority, process, or order of a court or other officer, including a referee or magistrate;
 - Intentional refusal of a witness to appear for examination, to be sworn or to affirm, or to testify after being ordered to do so by the court;
 - Intentional refusal to produce a record, document, or other object after being ordered to do so by the court; or
 - Intentional behavior in derogation of any provision of a summons issued pursuant to rule 8.4 of the North Dakota Rules of Court;

The imprisonment may extend for as long as the contemnor continues the contempt or six months, whichever is shorter.

- A sanction other than the sanctions listed above if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt.

What are punitive sanctions for contempt of court?

Punitive sanctions include a sanction of imprisonment if the sentence is for a definite period of time. A sanction requiring payment of a sum of money is punitive if the sanction is not conditioned upon performance or nonperformance of an act, and if the sanction's purpose is to uphold the authority of the court.

A court can only punish with punitive sanctions when a complaint charging a party with contempt of court is issued by:

1. The state's attorney of a county;
2. The attorney general; or
3. A special prosecutor appointed by the court.

What is the process for asking a North Dakota state district court to find that the other party is in contempt of court?

If the behavior happens outside of the immediate view or presence of the court, the party in the case who wants a judge or judicial referee to find the other party in contempt makes a written motion, or application, for the court to issue an order to show cause.

The party making the motion tells the court, in writing, about the specific behavior they believe constitutes contempt of the court's order or judgment. The written motion includes a request for the court to issue an order to show cause.

If the written motion includes sufficient facts and support, the court will issue an order to show cause with a hearing date, time and location. If the written motion doesn't include sufficient facts and support, the court will dismiss the motion and no hearing will be held.

The order to show cause requires the other party to appear at a hearing and prove to the court why they shouldn't be held in contempt of court for the behavior.

At the hearing, both parties will have the opportunity to tell their side of the events.

(See Page 7 for the basic steps in the motion for an order to show cause process.)

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CONTEMPT OF COURT LEGAL RESEARCH RESOURCES

NORTH DAKOTA STATUTES:

(North Dakota statutes are found in the North Dakota Century Code (NDCC). The North Dakota Century Code contains the laws enacted by the North Dakota Legislature. The NDCC is found at www.legis.nd.gov/general-information/north-dakota-century-code.)

Chapter 27-10: Contempts.

www.legis.nd.gov/cencode/t27c10.html

NORTH DAKOTA CASE LAW:

(When the decision of a case is appealed from a North Dakota District Court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.)

One way to research case law related to contempt of court is to use the print version of the North Dakota Century Code to locate the short summaries of case law after each Section. Case law summaries directly follow the text of the Century Code Section. To view the full text of the opinion, go to www.ndcourts.gov, click on the “Supreme Court Opinions” link and enter the case name or case citation.

You may also research case law by topic at www.ndcourts.gov. Click on the “Supreme Court Opinions” link, the “Topic” link, and narrow your search by clicking on a topic.

NORTH DAKOTA COURT RULES:

(Court rules govern how a dispute makes its way to state court and how the dispute is conducted. All of the court rules are found at www.ndcourts.gov/legal-resources/rules.)

At minimum, review the following:

North Dakota Rules of Civil Procedure: www.ndcourts.gov/legal-resources/rules/ndrcivp.

North Dakota Rules of Court: www.ndcourts.gov/legal-resources/rules/ndrct.

North Dakota Rules of Evidence: www.ndcourts.gov/legal-resources/rules/ndrev.

LAWS CONSTANTLY CHANGE THROUGH LEGISLATION, ADMINISTRATIVE RULES AND RULINGS, AND COURT DECISIONS.

To determine how a law applies to your situation, review the applicable law or laws, administrative rules and rulings, and case law. If you need assistance determining whether specific laws, rules or case law apply to your situation, or determining how they apply to your situation, consult a lawyer licensed to practice in North Dakota who has agreed to represent you.

Only a lawyer who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your circumstances.

LIBRARY RESOURCES: (Not all legal resources are available online.)

ODIN is a shared library database of many North Dakota academic, public, state agency, and special libraries. Search ODIN for resources that may be available in a North Dakota library near you. (www.odin.nodak.edu)

If the book is available for interlibrary loan through ODIN, ask the librarian or library staff of your local North Dakota library how to request the book.

Following are a selection of library resources on ODIN that may be of interest to you:

[A Short & Happy Guide to Evidence](#), Sydney Beckman, West Academic Publishing, 2018.

[Courtroom Evidence Handbook: 2018-2019 Student Edition](#), Steven Goode, Olin Wellborn III, West Academic Publishing, 2018.

[Represent Yourself in Court: How to Prepare & Try a Winning Case](#), Paul Bergman, Sara Berman, NOLO, 2016.

[North Dakota Century Code Annotated](#), Lexis Nexis, Creation Date c1959 – present.

[North Dakota Court Rules Annotated](#), Lexis Nexis, Creation Date c1990 – present.

OTHER LEGAL RESEARCH RESOURCES:

[How to Research a Legal Problem: A Guide for Non-Lawyers](#), American Association of Law Libraries. (www.aallnet.org)

[10 Steps for Presenting Evidence in Court](#) and [How to Gather Technology Abuse Evidence for Court](#), Resource Center on Domestic Violence: Child Protection and Custody (RCDV:CPC) and National Council of Juvenile and Family Court Judges (NCJFCJ). (rcdvcpc.org/resources/self-represented-litigants-series.html)

BASIC COURT PROCESS FOR MOTION FOR AN ORDER TO SHOW CAUSE

CAUTION !!

**Individual Courts May Have a Differently Ordered Process
AND/OR Additional Requirements to the Basic Process!!**

The Motion for an Order to Show Cause process is complicated and highly dependent on the specific circumstances of the alleged contempt of the court order. The information that follows is the basic court process for a Motion for an Order to Show Cause.

HOWEVER, there are many possible variations to the basic process.

Individual state district courts may require the moving party to follow a differently ordered process than the basic process that follows. Individual state district courts may have additional requirements to those that follow.

If you feel you need assistance, consult a lawyer licensed to practice in North Dakota who can agree to represent you.

PARTIES IN A MOTION FOR AN ORDER TO SHOW CAUSE:

Plaintiff: The party (or parties) listed as the Plaintiff in the original civil action.

Defendant: The party (or parties) listed as the Defendant in the original civil action.

Moving party: The party bringing the motion for an order to show cause, in other words, the party who completes and signs the Motion, Brief in Support of Motion, and Affidavit in Support of Motion. The moving party in a motion may be either the Plaintiff or the Defendant.

Opposing party: (Also called the Non-moving party.) The other party (or other parties). In other words, the party or parties who did not bring the motion.

STEP ONE: THE MOVING PARTY CREATES THE DOCUMENTS FOR A MOTION FOR AN ORDER TO SHOW CAUSE

For general information about the motion process in North Dakota civil court actions, Go to www.ndcourts.gov/legal-self-help. Scroll to the "District Court Civil" section.

Carefully review the information and resources on the "Making a Motion" webpage!

Generally, to start a motion for an order to show cause, the moving party files the following documents with the North Dakota state court that granted the judgment or order the moving party wants enforced.

- Motion for an Order to Show Cause;
 - A short, written statement that tells the court and all parties what the moving party is requesting from the court.
- Brief in Support of Motion for an Order to Show Cause;
 - A written document that explains why the party filing the motion should have the motion for an order to show cause granted. A brief takes the relevant laws or rules and applies them to the facts of a particular situation.
- Moving party's Affidavit in Support of Motion for an Order to Show Cause;
 - A written statement of fact about which the moving party has first-hand knowledge. Facts referred to in the brief must also appear in the affidavit.
- Other supporting documents (other affidavits, exhibits, etc.);
- Proposed Order to Show Cause; and
 - A proposed order prepared by the moving party for the judge or judicial referee to date and sign **if** the moving party's motion is approved to move forward to a hearing.
- Confidential Information Form
(www.ndcourts.gov/Media/Default/Legal%20Resources/rules/ndrct/Appendix-H.pdf).

The case number will be the case number of the judgment/order.

The following General-Use forms are available on the "Making a Motion" webpage. (See link above.)

The moving party may find the General-Use motion forms useful as a starting point for creating their own motion documents.

- Motion form;
- Brief in Support of Motion form;
- Affidavit form;
- Caption and Signature form.

Examples of documents can be found in the Legal Services of North Dakota Family Law Manual here: www.legalassist.org/?id=128&page=ND+Family+Law+Manual. The Family Law Manual was created for lawyers in divorce cases.

****An example of a motion for an order to show cause that was filed in a North Dakota state district court civil case is found at the end of this research guide. The moving party may find it of interest as a formatting example.**

(The reference to the Legal Services of North Dakota Family Law Manual and the attached example of a motion are included for your convenience only. Including the reference to the Family Law Manual and motion example does not mean the ND Legal Self Help Center endorses, warrants, or accepts responsibility for the content or uses of the Family Law Manual or the motion example. Use at your own risk.)

STEP TWO: THE MOVING PARTY FILES THE MOTION FOR AN ORDER TO SHOW CAUSE DOCUMENTS WITH THE CLERK OF COURT

The original of each of the moving party's motion documents must be filed with the clerk of court in the case for which the moving party is asking for an order to show cause.

- Motion for an Order to Show Cause;
- Brief in Support of Motion for an Order to Show Cause;
- Affidavit in Support of Motion for an Order to Show Cause;
- Other supporting documents;
- Proposed Order to Show Cause;
- Confidential Information Form.

If the moving party lives out of the area, or is unable to take the motion documents to the clerk of court office for filing, the moving party may contact the clerk of court for information on how the clerk's office will accept the documents for filing and payment of the filing fee.

Contact information for clerks of district court by county is available online at www.ndcourts.gov/court-locations.

The moving party may be required to pay a **filing fee**. Confirm the amount, if any, with the clerk of court.

The Filing Fee Waiver Request – District Court/Small Claims Court form set is available at www.ndcourts.gov/legal-self-help/fee-waiver. The completed fee waiver request forms are filed at the same time as the motion.

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STEP THREE: THE JUDGE OR JUDICIAL REFEREE ASSIGNED TO THE CASE REVIEWS THE MOTION DOCUMENTS

The judge or judicial referee assigned to the case reviews the motion documents filed by the moving party.

If the judge or judicial referee decides the moving party's written motion documents contain sufficient facts and support to move forward to a hearing, the judge or judicial referee will issue an order to show cause with a date, time and location of the hearing.

If the moving party's written motion documents **don't** contain sufficient facts and support to move forward, the judge or judicial referee will dismiss the moving party's motion and **no** hearing will be scheduled or held on the moving party's motion.

STEP FOUR: THE MOVING PARTY SERVES COPIES OF THE ORDER TO SHOW CAUSE AND MOTION DOCUMENTS ON THE OPPOSING PARTY

If the judge or judicial referee issues an order to show cause, the moving party is required to arrange to serve all of the following on the opposing party:

- Copy of the signed and dated Order to Show Cause;
- Copy of the signed and dated Motion for an Order to Show Cause;
- Copy of the signed and dated Brief in Support of Motion for an Order to Show Cause;
- Copy of the signed and dated Affidavit in Support of Motion for an Order to Show Cause; and
- Copy of any supporting documents filed with the court ;

Proof of service is an important step in the legal process. The opposing party must be served with one copy of each of the documents filed with the clerk of court (except the Confidential Information Form). The service rules for motions are in Rule 5 of the North Dakota Rules of Civil Procedure. See Rule 5(b)(3) for service rules for self-represented litigants.

Service information, including blank proof of service forms, is available at www.ndcourts.gov/legal-self-help/service-in-a-civil-action.

See the instructions and forms for "Service After a Civil Action Has Started."

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WHAT TO EXPECT AFTER THE ORDER TO SHOW CAUSE AND COPIES OF THE MOTION DOCUMENTS ARE SERVED

THE OPPOSING PARTY MUST ATTEND THE HEARING!

The opposing party's failure to attend the hearing may result in the opposing party being found in contempt of court.

The opposing party should be prepared to tell their side, challenge the moving party's evidence, and present their own evidence.

THE OPPOSING PARTY MAY ANSWER OR RESPOND IN WRITING TO THE MOTION FOR ORDER TO SHOW CAUSE

Generally, if the moving party has arranged to serve the order to show cause and motion documents by personal delivery or at the opposing party's office, the opposing party has 14* calendar days to serve and file their answer brief and supporting documents.

- The date of service is the date the motion was personally delivered or left at the office.

If the moving party arranged to serve the order to show cause and motion documents by mail or third party commercial carrier, the opposing party has 17* calendar days to serve and file their answer brief and supporting documents.

- The date of service is the date the motion was mailed.

***TO THE OPPOSING PARTY: Be aware that there may not always be 14 or 17 days as outlined above to file and serve an answer to the motion for an order to show cause.**

The exception may be when a hearing has been scheduled before that time period has run. If you, the opposing party, don't have that amount of time, you **MUST** serve and file your answer **before** the hearing date.

If the opposing party doesn't serve and file an answer brief, the court may consider the failure an admission that the moving party's motion has merit. The moving party will still be required to prove they meet the requirements of the laws or rules that apply to the moving party's motion.

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Carefully review the information and resources on the “[Answering a Motion](#)” webpage!

Generally, to answer a motion for an order to show cause, the opposing party files the following documents with the North Dakota state court that granted the judgment or order the moving party wants enforced.

- Answer Brief to Motion for an Order to Show Cause;
 - A written response that explains why the party filing the motion shouldn't have the motion for an order to show cause granted. An answer brief takes the relevant laws or rules and explains how the opposing party's facts listed in the answer brief apply to the situation that led to the motion.
- Opposing Party's Affidavit in Support of Answer Brief to Motion for an Order to Show Cause;
 - A written statement of fact about which the opposing party has first-hand knowledge. Facts referred to in the brief must also appear in the affidavit.
- Other supporting documents (other affidavits, exhibits, etc.); and
- Confidential Information Form
(www.ndcourts.gov/Media/Default/Legal%20Resources/rules/ndrct/Appendix-H.pdf).

The case number will be the case number from the moving party's motion.

The following General-Use forms are available on the “[Answering a Motion](#)” webpage.

The moving party may find the General-Use motion forms useful as a starting point for creating their own motion documents.

- Answer Brief to Motion form;
- Affidavit form;
- Caption and Signature form.

Examples of documents can be found in the Legal Services of North Dakota Family Law Manual here: www.legalassist.org/?id=128&page=ND+Family+Law+Manual. The Family Law Manual was created for lawyers in divorce cases.

*****An example of an answer to motion for an order to show cause that was filed in a North Dakota state district court civil case is found at the end of this research guide. The opposing party may find it of interest as a formatting example.***

- *(The reference to the Legal Services of North Dakota Family Law Manual and the attached example of an answer to motion are included for your convenience only. Including the reference to the Family Law Manual and answer example does not mean the ND Legal Self Help Center endorses, warrants, or accepts responsibility for the content or uses of the Family Law Manual or the answer example. Use at your own risk.)*

The opposing party must serve a copy of each of the following answer to motion documents on the moving party:

- Answer Brief to Motion for an Order to Show Cause;
- Opposing Party’s Affidavit in Support of Answer Brief to Motion for an Order to Show Cause; and
- Other supporting documents (other affidavits, exhibits, etc.).

The service rules for answer to motion documents are in Rule 5 of the North Dakota Rules of Civil Procedure. See Rule 5(b)(3) for service rules for self-represented litigants.

Service information, including blank proof of service forms, is available at www.ndcourts.gov/legal-self-help/service-in-a-civil-action.

See the instructions and forms for “Service After a Civil Action Has Started.”

The original of each of the opposing party’s answer to motion documents must be filed with the clerk of court in the case for which the moving party is asking for an order to show cause.

- Answer Brief to Motion for an Order to Show Cause;
- Opposing Party’s Affidavit in Support of Answer Brief to Motion for an Order to Show Cause; and
- Other supporting documents (other affidavits, exhibits, etc.);
- Confidential Information Form; and
- Affidavit of Service showing service of answer to motion documents on moving party.

If the opposing party lives out of the area, or is unable to take the answer to motion documents to the clerk of court office for filing, the opposing party may contact the clerk of court for information on how the clerk’s office will accept the documents for filing and payment of the filing fee.

Contact information for clerks of district court by county is available online at www.ndcourts.gov/court-locations.

The opposing party may be required to pay a **filing fee**. Confirm the amount, if any, with the clerk of court.

The Filing Fee Waiver Request – District Court/Small Claims Court form set is available at www.ndcourts.gov/legal-self-help/fee-waiver. The completed fee waiver request forms are filed at the same time as the motion.

PREPARE FOR THE HEARING!!!

Organize the information, documents, etc., that you think you'll need for the hearing. At a minimum, prepare an outline of your remarks and arguments.

The moving party must prove the statements in their motion documents. The moving party must prove that the opposing party clearly committed contempt of court, **and** prove that the opposing party had a willful and inexcusable intent to commit contempt of court.

The opposing party can challenge the moving party's evidence and statements and present their own evidence.

An Evidence research guide is available at www.ndcourts.gov/legal-self-help. Scroll to the "District Court Civil" section.

CAUTION!!! Preparing a case is often a complex and confusing process. Both parties are held to the same requirements and responsibilities as a lawyer, even if they don't understand the rules or procedures. Both parties will need to conduct additional research to prepare.

BOTH PARTIES MUST ATTEND THE HEARING

REMEMBER:

- If the moving party does not attend the hearing, their motion may be dismissed.
- If the opposing party does not attend the hearing, the judge or judicial referee may think they are admitting to the allegations in the motion and the opposing party may be found in contempt of court.

If you cannot appear in person, you can ask the court for permission to attend a hearing by telephone or by some other reliable electronic means.

- **NOTE:** The court is not required to grant this type of request.

The Appear by Phone or Other Electronic Means form set is available at www.ndcourts.gov/legal-self-help. Scroll to the "Miscellaneous" section.

There may be more than one hearing, depending on the specific circumstances of the case. Be prepared for every hearing.

****Arrive Early to the Courthouse on the Date of the Hearing:**

Don't miss your hearing date and time. If you have a serious, unavoidable reason you can't get to court on the date and time scheduled for trial, call the courthouse as soon as you can.

CONDUCT OF THE HEARING:

The judge or judicial referee hears both sides and then decides whether to issue an order finding the opposing party in contempt. Sometimes, the order to show cause is issued at the end of the hearing. Sometimes, the order to show cause is issued at a later date.

In general, a hearing proceeds in the following order:

- Opening Statements
 - Each party gives an opening statement. Usually, the moving party goes first.
- The Moving Party Presents Witnesses and Evidence
 - The moving party presents their case first.
 - The opposing party may cross-examine witnesses and object to the moving party's evidence.
- The Opposing Party Presents Witnesses and Evidence
 - The opposing party presents their case after the moving party.
 - The moving party may cross-examine witnesses and object to the opposing party's evidence.
- Closing Arguments
 - Each party gives a closing statement. Usually the opposing party goes first.

The judge or judicial referee of the district court will decide if the moving party proved the grounds for the order to show cause. If the judge or judicial referee decides the moving party proved the grounds for the order to show cause, an order to show cause against the opposing party will be issued.

BEFORE YOU LEAVE THE COURTHOUSE

Make sure you understand what happens next. Ask if you aren't sure what, if anything, you need to do next.

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GENERAL-USE TEMPLATE FORMS

The North Dakota Legal Self Help Center doesn't have forms or instructions available for motions for an order to show cause.

If you decide to represent yourself, you'll need to create your own legal documents, or retain an attorney to do so.

Although the ND Legal Self Help Center doesn't have forms or instructions for motions for an order to show cause, the General-Use motion template forms are available at www.ndcourts.gov/legal-self-help.

- **If you are the Moving Party**, you may find the General-Use motion template forms available at www.ndcourts.gov/legal-self-help/making-a-motion useful as a starting point for creating your own motion for an order to show cause.
- **If you are the Opposing Party**, you may find the General-Use motion template forms available at www.ndcourts.gov/legal-self-help/answering-a-motion useful as a starting point for creating your own answer to a motion for an order to show cause.

Legal Services of North Dakota created a Family Law Manual for lawyers. The Family Law Manual is available at www.legalassist.org/?id=128&page=ND+Family+Law+Manual. There are examples of documents available under the "After Divorce is Final" section. You may find the examples of interest for general formatting purposes.

(The reference to the Legal Services of North Dakota Family Law Manual is for formatting only. Including this reference does not mean the ND Legal Self Help Center endorses, warrants, or accepts responsibility for the content or uses of the Family Law Manual. Use at your own risk.)

You're responsible for the information on the documents you file with the court.

If you would like assistance creating your legal documents, consult a lawyer licensed to practice in North Dakota.

Ask the lawyer about Limited Legal Representation. Lawyers licensed to practice in North Dakota may agree to help you with part of your civil action, such as preparing legal documents, while you handle the rest of the action.

You and the lawyer must agree in writing to Limited Legal Representation.

LAWYER RESOURCES AND LIMITED LEGAL REPRESENTATION

You aren't required to hire a lawyer to access the state court system. If you decide to represent yourself, you must follow all of the rules, laws and procedures that a lawyer is required to follow.

Lawyer Resources

If you would like to learn more about finding a lawyer to represent you, go to www.ndcourts.gov/legal-self-help/finding-a-lawyer.

- Legal Services of North Dakota is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is www.legalassist.org.
- The State Bar Association provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is www.sband.org.
- For a list of all lawyers who are licensed to practice in North Dakota, go to the North Dakota Supreme Court website at www.ndcourts.gov/Lawyers. You can narrow your search by name or location.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called "unbundling") is a way that an lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled. For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your paperwork, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

FORMATTING EXAMPLES OF MOTION AND ANSWER TO MOTION DOCUMENTS

Formatting examples of the motion for an order to show cause documents and answer to motion for an order to show cause documents are found on the following pages. The formatting examples were filed in North Dakota state district court civil cases.

The formatting examples are listed in the following order:

Moving Party Motion Formatting Examples:

Motion for Order to Show Cause

Brief in Support of Motion for Order to Show Cause

Affidavit in Support of Motion for Order to Show Cause

Order to Show Cause (*Proposed*)

Opposing Party Answer to Motion Formatting Examples:

Answer Brief to Motion for Order to Show Cause

Affidavit in Support of Answer Brief to Motion for Order to Show Cause

*The formatting examples are included for general formatting purposes **ONLY**. As a self-represented individual, you must determine how the laws apply to your specific circumstances. You must also write your motion or answer to motion documents so they're accurate for your circumstances and determine if the motion or answer to motion you create is legally sufficient. The ND Legal Self Help Center can't review your motion or answer to motion documents or advise you.*