

District Court Judges

Donald Hager
Presiding Judge

Lolita G. Hartl Romanick
District Judge

John A. Thelen
District Judge

M. Jason McCarthy
District Judge

Jay D. Knudson
District Judge

Juvenile Court

Shawn Peterson
Director of Juvenile Court
(701) 787-2770

**State of North Dakota
Northeast Central Judicial District**

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Grand Forks, ND 58201

Nelson County
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Court Administration

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Clerk's Office

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Date: May 18, 2021

RE: COVID-19 courthouse protocol --- NECJD Procedural Order

To all counsel and courthouse personnel:

The North Dakota Department of Health [NDDOH] has adopted new mask guidelines, following the recent announcement from the Centers for Disease Control and Prevention [CDC]. The NDDOH reported 99.9% of those vaccinated are protected from COVID, and less than 0.13% of those fully vaccinated have contracted COVID-19. "Fully vaccinated" is calculated as being two weeks after the final dose, depending on which vaccination was chosen. Accordingly, I rescind the prior June 16, 2020 COVID-19 Trial protocol, and direct the following courthouse protocol applies to the Northeast Central Judicial District [NECJD] to ensure the continued safety of all court personnel, attorneys, parties, witnesses, and the general public.

1. Mask wear is discretionary in the courthouse, but subject to COVID-19 exposure and existing spacing requirements as directed by the CDC and the Grand Forks County Health Department. A sign will remain posted inside the entry to the courthouse which lists six COVID-19 questions, basically: (1) positive or other diagnosis of COVID-19; (2) symptoms indicating COVID-19 infection (fever of 100.4 degrees); (3) close contact with others who tested positive or diagnosed within 14 days; (4) Self-quarantined within 14 days; (5) international travel in the last 14 days; and (6) any medical or physical condition which makes a person susceptible to COVID-19. An affirmative response will result in denial of access; however, you will be able to participate by Zoom access.
2. The current spacing requirement as of this date is six feet, unless you are family or related persons. The assigned judge will limit admittance of the general public and non-parties if there is insufficient spacing capacity.
3. The NECJD is gradually bringing most hearings and trials back to in-person appearances with reliable electronic access (telephone and/or Zoom); however, short non-evidentiary appearances will remain scheduled and noticed as electronic hearings, unless counsel requests in-person appearances. Counsel or pro se parties must file exhibits at least five working days prior to the Zoom hearings, and serve a copy on the opposing counsel or pro se party.

JURY TRIALS:

In addition to the above requirements, jurors and potential jurors will also comply with the following:

4. On each day of trial, each potential juror will be allowed into the courthouse, social distancing observed, and given a brief set of COVID-19 questions. An affirmative answer will temporarily disqualify the juror for that trial. Sanitation supplies will be stationed throughout the jury assembly room, courtroom, and open areas of the courthouse.
5. Voir dire will be conducted in the jury assembly room. Approved challenges for cause will be immediately excused. If the remaining pool is insufficient for the required jurors and any alternate(s) approved by the court, the pool will be excused until an appropriate time. A bailiff will escort them to Courtroom No. 303 upon their return to assigned spaced seating, retaining their juror number. Maintenance will sanitize the jury assembly room on the first floor. The second pool of jurors, the size to be determined by the court, will be called in for voir dire to start at 1:30 p.m. in the jury assembly room. Approved challenges for cause will be immediately excused. Any excess jurors will be excused. The remaining jurors in the second group will be escorted to Courtroom No. 303, retaining their juror number, for the parties' exercise of preemptory challenges. A jury will then be selected, to include any alternate(s) as approved by the court, and will be seated in the spacing indicated in or near the courtroom jury box. All jurors which were selected for preemptory challenges will be excused, and the trial will commence with the court's opening instructions and opening statements by counsel or pro se parties. Maintenance will sanitize the jury assembly room thereafter, and after each day of trial. Other courtrooms may be available for a jury trial, if the size of the jury can be accommodated with the required spacing.
6. Bailiffs will ensure spacing for the jury throughout selection and the trial, to include restroom and break periods. Deliberations will take place in the jury assembly room; however, if a civil jury trial is taking place at the same time as a criminal jury trial, then the civil trial jurors will be using the third floor jury room. Jurors will be encouraged to use a mask during deliberations.
7. Attorneys and pro se parties shall use a glass-protected podium situated no closer than six feet from the jury to perform opening statements and closing arguments. Attorneys and pro se parties shall perform witness examination from their respective counsel table, except when using a display such as ITV or to point to static displayed exhibits. Some freedom of movement is allowed as long as social distancing is maintained. Exhibits will not be published by passing them among the jurors. Publication, as allowed by the court, is to be made by available electronic means, such as the ITV cart. No post-judgment/verdict discussions with the jury will be allowed, other than to poll the jury. Maintenance will sanitize each courtroom after bench and jury trials.



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