

Standing Order for REM proceedings in the SCJD.

(as of May 2021)

The Judges of the SCJD have again reviewed the Court procedures in the district as the area continues lessen COVID restrictions. The Emergency Orders issued by the North Dakota Supreme Court have expired or been repealed effective April 1, 2021.

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

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

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

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

The Court has been able to significantly reduce the districts backlog of criminal jury trials and conduct several civil jury trials. All of these trials requiring the use of alternative spaces within the Court houses. The Court has continued to conduct all business using predominantly remote hearings, which have benefits and detractors.

The Court will continue to leverage remote hearings to allow jury trials to continue to be conducted safely and within the parameters set by the State Health Department and the CDC.

The Judges of the district feel the benefits of returning to in person hearings for divorce and residential responsibility is a high priority.

WITH THESE FINDINGS the SCJD shall set divorce/residential responsibility trials in person and continue to conduct all other hearings as REM proceedings as outlined below.

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

Divorce and residential responsibility trials will be conducted in person. Unscheduled trials will no longer be set via REM, unless requested by the Judge or the parties. Parties will need to request currently scheduled REM proceeding to be in person and it will be up to the judge. The trials shall follow the districts Standard Operation Procedures (SOPs) for Court Trials During Social Distancing.

1. Due to numbers of courtrooms and jury trials taking place domestic trials in Burleigh and Morton County could be moved to either courthouse on short notice (day prior). If a courtroom becomes unavailable due to jury trial needs the Judge shall either continue the matter or set it via a Zoom hearing on short notice (meaning the day prior)
2. Should either party desire a hybrid hearing of in person and REM a request must be made to the Court 14 days in advance to allow parties or witnesses to appear via REM.

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

Criminal cases.

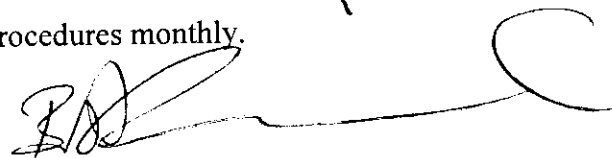
1. Monday Preliminary hearings appearances will be via REM until further notice. These hearings will continue to simply be either a waiver and plea or a request for a contested preliminary hearing. A contested preliminary hearing will be set later in the week and will be set REM. Prelims will no longer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

Civil cases

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

The Judges of the SCJD will review these procedures monthly.

Dated: May 18, 2021



Bruce A. Romanick

Presiding Judge

South Central Judicial District