144 – ASSISTING SELF-REPRESENTED PARTIES

A. Policy

The Court System's policy is that those seeking access to trial court services receive appropriate assistance and direction from clerks of court, clerk staff, and other court personnel. Assistance and direction will be provided in a manner that ensures adequate information is available, but acknowledges limitations concerning the scope of assistance that can be provided.

B. General Guidelines

Assistance and direction made available to self-represented parties must comply with the following general guidelines:

1. An employee must be prepared to explain court administrative and procedural processes to parties, the media, and other interested citizens.

2. An employee cannot advise parties whether to bring their problems before the courts, or what remedies to seek.

3. An employee must abide by the absolute duty of treating all equally.

4. An employee must adhere to the basic principle that neither parties nor their attorneys may communicate with the judge without the opportunity for the other party to be present.

C. Implementation of General Guidelines - Limitations

1. An employee may explain how the court works and answer questions about court operations.

2. An employee may provide general information about court rules, procedures, and practices and may provide information regarding case scheduling.

3. An employee may provide samples of available court forms.

4. An employee cannot tell a person what specific words must be used in court filings.

5. An employee cannot offer guidance to a party concerning what to say in court, nor can court staff offer an opinion about the consequence of filing a particular case.

6. An employee cannot contact a judge on behalf of a party or potential party regarding the substance or merits of a case, nor can court staff change an order signed by a judge.

D. Education and Support

Appropriate educational programs for employees and supporting written materials must be developed to ensure adequate implementation of this policy. The Chief Justice will designate the entity responsible for developing supporting written materials for assistance provided under this policy. The Continuing Judicial Education Commission is responsible for development of appropriate educational programs based on the written support material.

E. Appellate court services are governed by N.D. Supt. Ct. Admin. R. 5.

Approved by the Supreme Court 4/1/12