

ORIGINAL

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER AMENDING DECEMBER 2, 1998, ORDER
Supreme Court No. 980217

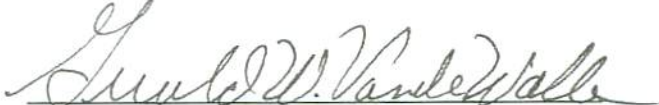
**Amendments to the North Dakota Rules of Civil Procedure, Rules of Criminal Procedure,
Rules of Appellate Procedure, and Rules of Court**

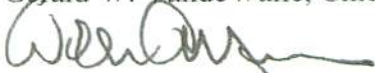
By Order dated December 2, 1998, this Court adopted amendments to several procedural rules which became effective March 1, 1999. Rule 6.10, North Dakota Rules of Court, regarding courtroom oaths was among the rules that were adopted by the Court.

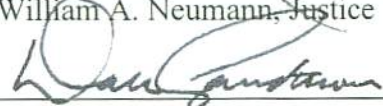
This Court has been requested by the North Dakota Legislative Council to clarify the Explanatory Note to N.D.R.Ct. 6.10, which identifies N.D.C.C. §44-05-02 as superseded, as that statute appears to be broader in scope and applies outside courtroom settings. The Court considered the matter, and

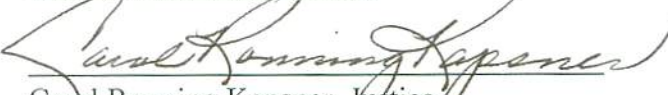
ORDERED, the December 2, 1998, Order of this Court is amended *nunc pro tunc* to delete reference to N.D.C.C. §44-05-02 in the Explanatory Note to Rule 6.10 of the North Dakota Rules of Court.

Dated at Bismarck, North Dakota, this 5th day of January, 2000.


Gerald W. VandeWalle, Chief Justice


William A. Neumann, Justice


Dale V. Sandstrom, Justice


Carol Ronning Kapsner, Justice

The Honorable Mary Muehlen Maring, Justice, being unavoidably absent did not participate.

ATTEST:


Penny Miller, Clerk

1 RULE 6.10 COURTROOM OATHS

2
3 (a) Oath. Unless an affirmation is used, an oath
4 substantially in the following form must be administered:

5 (1) To a Prospective Juror. Do you solemnly swear
6 to truthfully answer the questions you are
7 asked about your qualifications to be a juror?
8 So help you God.

9 (2) To a Jury. Do you solemnly swear that you
10 will consider all the evidence in this case,
11 follow the instructions given to you,
12 deliberate fairly and impartially and reach a
13 fair verdict? So help you God.

14 (3) To a Witness. Do you solemnly swear to tell
15 the truth, the whole truth, and nothing but
16 the truth? So help you God.

17 (4) To an Interpreter. Do you solemnly swear to
18 justly, truly, and impartially act as an
19 interpreter and make a true translation to the
20 best of your ability? So help you God.

21 (5) To a Bailiff to Keep Jury After Cause
22 Submitted. Do you solemnly swear to keep the
23 jury together until they are returned to the
24 Court and not permit anyone to communicate
25 with them unless you are ordered to do so by
26 the Court? So help you God.

27 (6) To a Grand Jury. Do you solemnly swear to
28 listen to, examine, and consider all of the
29 evidence, to follow all of the Court's
30 instructions, and to decide matters placed
31 before you in accordance with the law and
32 evidence presented? So help you God.

33 (7) To a Grand Jury Witness. Do you solemnly
34 swear to tell the truth, the whole truth, and
35 nothing but the truth, and you will keep
36 secret all of the proceedings of the grand
37 jury conducted in your presence? So help you
38 God.

39 (8) To a Grand Jury Reporter. Do you solemnly
40 swear you will keep secret the testimony taken
41 and evidence considered by the grand jury
42 except as you may be required by law to
43 disclose? So help you God.

44 (9) To a Grand Jury Bailiff. Do you solemnly
45 swear to impartially perform the duties of
46 your office to the best of your ability, to
47 obey your instructions, and not to eavesdrop
48 or communicate with the grand jurors regarding
49 any matter being considered by them? So help
50 you God.

51 (b) Affirmation. A person must be allowed to make
52 an affirmation instead of taking an oath, by substituting
53 the word "affirm" for the word "swear" and substituting

54 the phrase "under the pains and penalties of perjury" for
55 the phrase "so help you God."

56
57 EXPLANATORY NOTE

58 Rule 6.10 was adopted, effective March 1, 1999.

59 The intent of the rule is to modernize the language
60 used in courtroom oaths and to consolidate the various
61 oaths into one location.

62 SOURCES: Procedure Committee Minutes of January 29-
63 30, 1998, pages 3-10; September 25-26, 1997, pages 11-12.

64 STATUTES AFFECTED:

65 SUPERSEDED: Sections 28-14-08; 29-10.1-12;
66 and 29-10.1-25. In Section 29-17-12, the language
67 regarding an oath or affirmation. Section 29-17-
68 14. In Section 31-01-11, the oath or affirmation
69 for an interpreter. ~~Section 44-05-02.~~

70 CROSS REFERENCE: NDREV 603 (Oath or Affirmation).