

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

RULE 3.1. PLEADINGS

(a) Legibility and Numbering. All pleadings and other documents must be typewritten, printed, or reproduced and easily readable. Each sheet must be separately numbered. Pleadings and other documents filed with the court, except as otherwise permitted by the court, must be prepared on 8 1/2 x 11 inch white paper.

(b) Signature. All pleadings and other documents of a party represented by an attorney must be signed by at least one attorney of record in the attorney's individual name and contain the attorney's address, telephone number, e-mail address, and State Board of Law Examiners identification number. All pleadings and other documents of a party who is not represented by an attorney must be signed by the party and contain the party's address and telephone number.

(c) Spacing and Names. Writing must appear on one side of the sheet only and must be double-spaced, except for quoted material. Names must be typed or printed beneath all signatures.

(d) Binding. All pleadings or other documents in an action or proceeding must be filed by the clerk flat and unfolded and each set of papers firmly fastened together.

(e) Filing of Documents. A party seeking to file a pleading or other document must submit it to the clerk. The first submitted version of a pleading or document will be treated as the original unless otherwise ordered by the court. A party need only file the original demand for change of judge.

(f) Lost Papers. If any original document is lost or withheld by any person, the court may authorize a copy to be filed.

(g) File Numbers. The clerk, at the time of the filing of a case and at the time of the filing of any responsive pleading, must assign a file number to the case and immediately notify the

24 attorney of record of the assigned file number. Thereafter, all documents and pleadings to be filed
25 must bear the assigned file number on the front or title page in the upper righthand portion of the
26 document to be filed.

27 (h) Proof of Service Required. Proof of service must accompany pleadings and documents
28 submitted to the clerk for filing, unless a rule or statute requires a document to be filed before it is
29 served.

30 (i) Privacy Protection. Parties must follow privacy protection instructions in N.D.R.Ct. 3.4
31 when making filings with the court. Court personnel have no duty to review documents for
32 compliance with N.D.R.Ct. 3.4.

33 (j) Non-Conforming Documents.

34 (1) Documents and pleadings that do not conform to this rule may not be filed.

35 (2) If a non-conforming document is filed by mistake, the court on motion or on its own may
36 order the pleading or other document reformed. If the order is not obeyed, the court may order the
37 document stricken and its service to be of no effect.

38 EXPLANATORY NOTE

39 Rule 3.1 was amended, effective January 1, 1988; March 1, 1996; March 1, 1999; August
40 1, 2001; March 1, 2005; March 1, 2007; March 1, 2009; May 1, 2012; March 1, 2013.

41 Rule 3.1 was reorganized, effective May 1, 2012, to make it clear that all documents
42 presented for filing must conform to all applicable requirements of the rule.

43 A new subdivision (b) was added, effective March 1, 1996, which contains signature
44 requirements. The letter designation of each existing subdivision was amended accordingly.

45 A new subdivision (e) was added, effective March 1, 2005, to clarify that documents must
46 be filed with the clerk. Submitting a document to a judge or to court personnel other than the clerk

47 does not constitute filing. The first version of a given document submitted to the clerk, regardless
48 of what form it is in, will be filed and treated as the original. A party seeking to correct the original
49 or have another document treated as the original must obtain an order from the court.

50 Subdivision (e) was amended, effective May 1, 2012, to specify that a party making a
51 demand for change of judge may file only one original. This provision supersedes the requirement
52 in N.D.C.C. 29-15-21 that a demand for change of judge be filed in triplicate.

53 Subdivision (h) was amended, effective March 1, 2013, to clarify that, unless a rule or statute
54 requires a document to be filed before it is served, proof of service must accompany any document
55 submitted for filing.

56 Subdivision (i) was amended, effective March 1, 2007, to specify that court personnel have
57 no duty to review documents for compliance with privacy protection rules.

58 Subdivision (i) was amended, effective March 1, 2009, to reflect the transfer of document
59 privacy protection requirements to N.D.R.Ct. 3.4.

60 Sources: Joint Procedure Committee Minutes of September 27, 2012, page 14; January 26-
61 27, pages 16-17; January 24, 2008, pages 9-12; October 11-12, 2007, pages 28-30; April 26-27,
62 2007, page 31; September 22-23, 2005, pages 16-17; September 23-24, 2004, pages 3-5; April 29-
63 30, 2004, pages 6-13, 17-25; January 29-30, 2004, pages 3-8; September 16-17, 2003, pages 2-11;
64 April 24-25, 2003, pages 6-12; January 29-30, 1998, page 22; September 29-30, 1994, pages 6-7.

65 Statutes Affected: Superseded: N.D.C.C. § 29-15-21 (in part).

66 Cross Reference: N.D.R.Civ.P. 5 (Service and Filing of Pleadings and Other Papers);
67 N.D.R.Civ.P. 11 (Signing of Pleadings, Motions and Other Papers; Representations to Court;
68 Sanctions); N.D.R.Ct. 3.4 (Privacy Protection for Filings Made with the Court); N.D.R.Ct. 3.5
69 (Electronic Filing in the District Courts); N.D.Sup.Ct.Admin.R. 41 (Access to Judicial Records).

RULE 3.5. ELECTRONIC FILING IN THE DISTRICT COURTS

(a) Electronic filing.

(1) Documents filed electronically in the district courts must be submitted through the Odyssey(R) electronic filing system.

(2) After April 1, 2013, all documents filed after the initiating pleadings must be filed electronically except for documents filed by self-represented litigants and prisoners. After June 1, 2013, initiating pleadings must be filed electronically in civil, non-juvenile, cases.

(3) On a showing of good cause, an attorney may be granted leave of court to file paper documents. Original wills, codicils and other documents of independent legal significance may be filed as paper documents. Colored or shaded documents may be filed as paper documents if necessary to ensure legibility.

(4) A document filed electronically has the same legal effect as a paper document.

(5) Any signature on a document filed electronically is considered that of the officer of the court or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court must strike the filing.

(b) Filing formats.

(1) Approved formats for documents filed electronically are WordPerfect (.wpd), Word (.doc or.docx), Tagged Image File (.tif), Portable Document File (.pdf) and ASCII (.txt).

(2) All paragraphs must be numbered in documents filed electronically. Reference to material in such documents must be to paragraph number, not page number.

(c) Time of filing.

(1) A document in compliance with the rules and submitted electronically to the district

24 court clerk by 11:59 p.m. local time is considered filed on the date submitted.

25 (2) After reviewing an electronically filed document, the district court clerk must inform
26 the filer, through an e-mail generated by the Odyssey(R) system, whether the document has been
27 accepted or rejected.

28 (3) If a document submitted for electronic filing is rejected, the time for filing is tolled
29 from the time of submission to the time the e-mail generated by the Odyssey(R) system notifying
30 the filer of rejection is sent. The document will be considered timely filed if resubmitted within
31 three days after the notice of rejection. A party seeking to take advantage of this tolling provision
32 must file and serve a separate document providing notice that the rejected document is being
33 resubmitted under N.D.R.Ct. 3.5(c)(3).

34 (4) Any required filing fee must be paid by credit card or debit card at the time the
35 document is filed.

36 (d) Confidentiality. In documents prepared for filing with the court, information that
37 would otherwise be included in the document but required by N.D.R.Ct. 3.4 to be redacted in
38 court documents must be separately filed in a reference sheet (confidential information form, see
39 appendix) and may be included in those documents only by reference. Any document not
40 complying with this order is subject to N.D.R.Ct. 3.4(g).

41 (e) Electronic service.

42 (1) ~~A party who files a document electronically must serve the document by electronic~~
43 ~~means if the recipient consents to accept documents served electronically.~~ After April 1, 2013,
44 all documents filed electronically after the initiating pleadings must be served electronically
45 through the Odyssey(R) system except for documents served on or by self-represented litigants
46 and prisoners. On a showing of good cause, an attorney may be granted leave of court to serve

47 paper documents or to be exempt from receiving electronic service.

48 (2) Electronic service is not effective if the party making service learns through any
49 means that the attempted service did not reach the person to be served.

50 (3) After April 1, 2013, any party not exempt from electronic filing must ~~designate~~
51 provide an e-mail address to the State Board of Law Examiners for accepting electronic service.
52 This email address will be posted on the North Dakota Supreme Court website.

53 (4) For purposes of computation of time, any document electronically served must be
54 treated as if it were mailed on the date of transmission. If an attorney who is not exempt from
55 electronic service refuses to provide an e-mail address for service or refuses to accept or open
56 electronically served e-mail, the server's attempt at electronic service constitutes delivery.
57 Service is complete on the date of refusal.

58 (f) Technical issues; Relief. On a showing of good cause, the court may grant appropriate
59 relief if electronic filing or electronic service was not completed due to technical problems.

60 EXPLANATORY NOTE

61 Adopted effective January 15, 2013.

62 Rule 3.5 was originally adopted as N.D.Sup.Ct.Admin.O. 16 on March 1, 2006. Order 16
63 was later amended, effective March 1, 2008; March 1, 2009; August 1, 2010; March 1, 2011; and
64 July 1, 2012.

65 Order 16 was amended, effective July 1, 2012, to incorporate the provisions of the Order
66 16 Addendum (Filing in the District Court where Odyssey(R) Electronic Filing is Available) and
67 N.D.Sup.Ct.Admin.O. 18 (Filing in Counties Using the Odyssey(R) Case Management System).
68 The Order 16 Addendum and Order 18 were repealed, effective July 1, 2012.

69 Sources: Joint Procedure Committee Minutes of September 27, 2012, pages 14-21; April

70 29-30, 2010, page 21; April 24-25, 2008, pages 12-16; October 11-12, 2007, pages 3-5; April
71 26-27, 2007, pages 16-18; January 25, 2007, pages 15-16; Sept 23-24, 2004, pages 18-27.

72 Cross References: N.D.R.Ct. 3.4 (Privacy Protection for Filings Made with the Court);

73 N.D. Admission to Practice R. 1 (General Requirements for Admission).

RULE 1. GENERAL REQUIREMENTS FOR ADMISSION

A. No person may be admitted to practice as an attorney and counselor at law in this state unless the person:

1. is at least eighteen (18) years of age;
2. is of good moral character and fit to practice law;
3. has designated the Clerk of the Supreme Court as the applicant's agent for service of process for all purposes;
4. has received a juris doctor or equivalent degree from a law school approved or provisionally approved for accreditation by the American Bar Association;
5. has complied with either Rule 6 or Rule 7;
6. has taken the oath and pledge required by *Section 27-11-20, North Dakota Century Code*; and
7. has paid all required fees.

B. Duty to Cooperate.

An applicant has the duty to cooperate with the State Board of Law Examiners (Board) by timely complying with requests, including requests to:

1. provide complete information, documents and signed authorizations for release of information;
2. obtain reports or other information necessary for the Board to properly evaluate the applicant's character and fitness to practice law; and
3. appear for interview to determine eligibility for admission or facilitate the

23 background investigation.

24 An applicant shall not discourage a person from providing information to the
25 Board or retaliate against a person for providing information to the Board.

26 An applicant who violates this rule may be denied an opportunity to test or may be
27 denied admission.

28 C. Continuing Obligation.

29 1. An applicant has a continuing obligation to update the application with respect
30 to all matters inquired of on the application. This obligation continues during the
31 pendency of the application, including the period when the matter is on review to the
32 Board or the Supreme Court.

33 2. Whenever a attorney admitted to practice in this state moves from the address
34 listed in the Board of Law Examiners records or when the name of a attorney is changed
35 by marriage or otherwise, that attorney shall within ten days thereafter notify the Board or
36 the Clerk of the Supreme Court, in writing, of that person's old and new addresses or of
37 such former and new names held by that attorney.

38 3. An attorney admitted to practice in this state has a continuing obligation to
39 provide a current e-mail address to the Board. The Board may exempt an attorney from
40 this requirement for good cause.

41 Amended October 5, 1995; further amended effective August 1, 2001; further
42 amended effective March 1, 2009; fuether amended effective _____.