

**From:** Iverson, Chris  
**Sent:** Thursday, October 08, 2015 9:27 AM  
**To:** Miller, Penny  
**Subject:** Comments on Rules Amendment Package

FILED  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT  
OCTOBER 8, 2015  
STATE OF NORTH DAKOTA

Ms. Miller,

I am writing on behalf of the Odyssey User Group which would like to submit comments related to the current rule amendments before the Court. Our comments are as follows:

**Rule 21 – Transfer from the County for Trial**

The proposed rule requires clerks of court to transfer the file between counties using Odyssey (lines 13 – 16 and lines 23 – 25). While a transfer of the paper file was required at one time, the information contained in Odyssey is available to any court user from any location. We would suggest deleting these two paragraphs as it is not necessary to transfer the file to hold the trial.

**Rule 3.5 – Electronic Filing in District Courts**

Lines 25 and 26 have been added to clarify who is filing a proposed order. There is some concern that requiring the “party’s name” be inserted in the comment field could lead in inconsistencies in accept/reject practices. Our suggestion would be to have the sentence read “A party who electronically files a proposed order must identify the filing party in the Odyssey comments field.

Lines 38 and 39 indicate a document electronically signed by the court is considered filed when the e-signature is affixed. Our concern stems from those times where a judicial office may electronically sign a document after 5pm and on a weekend and thus the clerk does not get notice of the document being signed until the next working day. If a clerk is required to ‘back-date’ when filing, there is a concern that searches for information may show nothing and later appear as if it should have been available at the time of the original search. In addition, many Odyssey generated reports are based on a relative filing date (such as certain events filed “yesterday”). If we are back-dating filings, there is the very real possibility that we will miss some filings on the report because we have manually changed the date to one that was not “yesterday”. We would suggest that the docketing date be the date the event was actually entered into the system. This would be consistent with the process for any paper documents that are filed which may be signed on a previous day.

Thank you for the opportunity to provide comments.

*Chris Iverson*

Chair, Odyssey User Group