

20180118

From: [\(SUP\) Clerk of Court Office](#)
To: [Miller, Penny](#)
Subject: FW: Accessing Supreme Court Website
Date: Thursday, June 7, 2018 2:46:59 PM
Attachments: [www.ndcourts.gov \(06.01.2016\).pdf](#)
[www.ndcourts.gov \(11.28.2017\).pdf](#)
[www.ndcourts.gov \(Lawyers\) \(11.28.2017\).pdf](#)
[www.ndcourts.gov \(05-04-2018\).pdf](#)
[www.ndcourts.gov \(Help\) \(05-04-2018\).pdf](#)
[ndcourts.gov \(06.05.2018\).pdf](#)
[nd.gov \(06.05.2018\).pdf](#)

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IN THE OFFICE OF THE
CLERK OF SUPREME COURT
JUNE 7, 2018
STATE OF NORTH DAKOTA

Heather Keller
Deputy Clerk | North Dakota Supreme Court
600 E Boulevard Ave. | Judicial Wing, First Floor
Bismarck, ND 58505-0530
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-----Original Message-----

From: S. Paul Jordan <spauljordan@yahoo.com>
Sent: Thursday, June 7, 2018 2:43 PM
To: (SUP) Clerk of Court Office <SupClerkofCourt@ndcourts.gov>
Subject: Accessing Supreme Court Website

June 7, 2018

Penny Miller
Clerk of the Supreme Court
600 E. Boulevard Avenue
Bismarck, ND 58505@0530

Dear Ms. Miller:

Even though I understand that I have missed the deadline to submit input regarding any proposed changes to Administrative Rule 41, I will provide certain information as it applies to functions of Courts under the authority of the North Dakota Supreme Court (Supreme Court) and where any changes may be mute based on what could be considered unconstitutional acts in light of a recent ruling by United States District Judge Naomi Reice Buchwald regarding Twitter accounts by President Donald Trump and other government officials are to be considered public forums.

Since 2015, the publicly funded Internet Wi-Fi service at the publicly funded Morton-Mandan Public Library (MMPL) has blocked access to State of North Dakota (State) websites and that includes to the Supreme Court's website. Because I do not have not had Internet service in my home since moving to Mandan in 2013 but I have a laptop computer, I would go to the MMPL to access its publicly funded Internet Wi-Fi service to access State websites but that ended in 2015 when the State websites were no longer accessible.

When I was unable to access the Supreme Court website of [www.ndcourts.gov](#) on June 1, 2016, using the publicly funded Internet Wi-Fi service at the publicly funded MMPL, I printed the results and what I printed is attached as a PDF file.

When I was unable to access the Supreme Court website of www.ndcourts.gov on November 28, 2017, using the publicly funded Internet Wi-Fi service at the publicly funded MMPL, I printed the results and what I printed is attached as a PDF file. I printed what occurred on November 28, 2017, when I tried to access the Lawyer Directory on the Supreme Court website and what I printed at that time is attached as a PDF file.

When I was unable to access the Supreme Court website of www.ndcourts.gov on May 4, 2018, using the publicly funded Internet Wi-Fi service at the publicly funded MMPL, I printed the results and what I printed is attached as a PDF file. I printed what occurred on May 4, 2018, when I tried to access the Help/Form section on the Supreme Court website and what I printed at that time is attached as a PDF file.

The previous attempts to access the Supreme Court website of www.ndcourts.gov using the publicly funded Internet Wi-Fi service at the publicly funded MMPL, were attempted using the Internet browser Microsoft Explorer.

When I attempted to access the Supreme Court website of www.ndcourts.gov on June 5, 2018, using the publicly funded Internet Wi-Fi service at the publicly funded MMPL I used the Internet browser Google Chrome but when that was also unsuccessful, I printed what occurred on June 5, 2018, and what I printed at that time is attached as a PDF file.

When information that appeared stated to try access the State website at nd.gov, I did using the publicly funded Internet Wi-Fi service at the publicly funded MMPL and the Internet browser Google Chrome but when that was also unsuccessful, I printed what occurred on June 5, 2018, and what I printed at that time is attached as a PDF file.

So, any basic philosophy that if a record is public it should be accessible by all means becomes a mute point despite what the Supreme Court determines regarding Administrative Rule 41 if the publicly funded Internet Wi-Fi service at any publicly funded place like the MMPL does not allow access to public records such as those made available under Administrative Rule 41.

I contacted the Secretary/Treasurer for the Board of Trustees (Board) for the MMPL about what has occurred in order to request records under North Dakota Century Code (N.D.C.C.) § 44-04-18 identifying when approval was given, and by whom, on not allowing access to State websites using the publicly funded Internet Wi-Fi service at the publicly funded MMPL but that Board member failed to respond even though I also requested written notification under N.D.C.C. § 44-04-18(7) if no records existed or if information would be withheld.

When I received no response from that Board member, who also serves as the Public Information Officer for a State agency and should be familiar with requirements in N.D.C.C. Chapter 44-04, I contacted that Board member again to request that the requested records be released or that the Board member provide the required written notification but all I received was silence.

This means the Board member, who is also a state employee, committed criminal acts under both N.D.C.C. § 44-04-21.3 and N.D.C.C. § 12.1-11-06 by violating N.D.C.C. § 44-04-18. Is a crime really a crime when a person is not charged, not arrested, and/or not prosecuted when corruption within government is so bad that government protects those that are corrupt and those who acts are criminal know that they will never be charged, arrested, and/or prosecuted?

When was the last time a Clerk of the Court in North Dakota was charged, arrested, and/or prosecuted for not making records available that should be available under Administrative Rule 41? And, since I believe the judicial branch in North Dakota believes it may be exempt from having to comply with N.D.C.C. Chapter 44-04, what punishment or sanctions are there if a Clerk of the Court fails to comply with Administrative Rule 41?

Roads are paved with good intentions, but if the Supreme Court continues proceed with blinders on and fails to understand where corruption in government exists that undermines the actions of the Supreme Court and the legislative branch of State government, then what should be and what really is will stay two separate things and the latter will continue to prevail.

Sincerely,

S. Paul Jordan

spauljordan@yahoo.com

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