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From: [\(SUP\) Clerk of Court Office](#)
To: [Miller, Penny](#)
Subject: FW: Accessing Court Records & ADA Compliance
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-----Original Message-----

From: S. Paul Jordan <spauljordan@yahoo.com>
Sent: Friday, June 8, 2018 3:57 PM
To: (SUP) Clerk of Court Office <SupClerkofCourt@ndcourts.gov>
Subject: Accessing Court Records & ADA Compliance

June 8, 2018

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

Dear Ms. Miller:

Thank you for your prompt response to my email communication yesterday regarding the issue of possible changes to Administrative Rule 41. As a deadline for submitting comments has been extended, I am submitting these comments today and I ask if I may submit additional comments by the first of next week since I believe submitting such information is important.

Some of my comments at this time will address issues of possible incompetence or bias that may currently influence access to public records like court records in Morton County and information I submitted yesterday included on how the Morton-Mandan Public Library (MMPL), despite the funding that is provided by both Morton County and the City of Mandan (City), blocks access to State of North Dakota (State) websites using the MMPL's publicly funded Internet Wi-Fi service.

In May, June and July of 2017, I found myself the victim of additional acts by Craig Alan Haug defined as criminal under N.D.C.C. § 12.1-11-01, N.D.C.C. § 12.1-11-02, N.D.C.C. § 12.1-11-03, N.D.C.C. § 12.1-17-07, N.D.C.C. § 12.1-17-07.1 and N.D.C.C. § 12.1-31-01 after I was the victim of acts during 2015 and 2016 by Craig Alan Haug defined as criminal under N.D.C.C. § 12.1-17-07, N.D.C.C. § 12.1-17-07.1 and N.D.C.C. § 12.1-31-01.

My contacting the Mandan Police Department (MPD) four times in 2015 about the criminal acts by Craig Alan Haug failed to result in having even one police report written even though I had contacted then MPD Police Chief Dennis Bullinger. What I did not know in 2015 and 2016 was that Craig Alan Haug is the brother to Lt. Patrick Bryan Haug with the MPD and the husband to Kristin Haug who works for the Mandan Progress Organization that is funded by the City. This raised the issue of bias by the City and the MPD that resulted in the absence of police reports.

After I was the victim of certain criminal acts by Craig Alan Haug in May of 2017, I went to the MPD this time to assert my rights under Marsy's law regarding N.D. Constitution, Art. I, Section 25, but my rights were denied even by current Police Chief Jason Ziegler as I stood in the lobby of the MPD talking to Police Chief Ziegler while Lt. Patrick Haug listened in and while Police Chief Ziegler refused to acknowledge whether Craig Alan Haug had any relative working for the MPD that could influence the conduct or actions of the MPD.

One the criminal acts that Craig Alan Haug committed was to file false written statements with the Morton County District Court (District Court) to obtain a Temporary Restraining Order against me without my being present to establish what the truth was that included the previous criminal acts committed by Craig Alan Haug that I was the victim of that the MPD ignored.

I believed then, as I still believe now, that both the City and the MPD were involved and acted in concert with Craig Alan Haug in 2017 because Craig Alan Haug admitted at the hearing held on July 10, 2017, that the intent of seeking a Permanent Restraining Order against me was to have it ordered that I could no longer contact the City. That would include the MPD and if that occurred, it may have prohibited me from reporting criminal acts by Craig Alan Haug to the MPD.

Since I believed it might have been necessary to subpoena Police Chief Ziegler and Lt. Patrick Haug to appear at the Permanent Restraining Order hearing on June 12, 2017, to provide certain testimony that would establish the prior acts of Craig Alan Haug and that Craig Alan Haug lied in the written statements he filed with the District Court, I contacted Clerk of District Court Lois Scharnhorst in June of 2017 to request legal forms that I understood were in her possession that were to be provided to those not represented by legal counsel but acting Pro Se.

However, Ms. Scharnhorst failed to respond and failed to released the requested records. If those records would have been available online, which were records that did not contain confidential information, I would have had access to those forms immediately. Instead, I had to file a Motion for Continuance as a result of the failure of Ms. Scharnhorst to release records. My Motion was granted, a new hearing date was set of July 10, 2017, and only after that did Ms. Scharnhorst release the records to me that I previously requested.

I requested those records by email because it was difficult to find parking at the Morton County due to work on the building that was being done and the fact that the No DAPL hearings were held there. There is also the matter of having to go through security each time just to access public records and then there are the problems that occur after going through security.

On July 17, 2017, I went to the District Court to review records for Case No. 30-2016-CV-0084 since the Defendants were Morton County, the City, the MPD and Lt. Patrick Haug because of very questionable and troubling actions by Lt. Patrick Haug but the person at the window stated that there was no way court records, whether paper records or those in an electronic format, could be viewed and that included even for court records filed at the District Court.

Since I knew that what I was told was incorrect, I pressed the issue without causing conflict or an argument but I continued to insist that I should have the right of access to court records. Finally, that person went to speak with Ms. Scharnhorst and only after that was I directed to a keyboard and a monitor next to the window to access court records.

However, the location to access court records did not provide a usable working surface and it did not appear to be compliant with Americans with the Disabilities Act (ADA) because the monitor and the keyboard were set up for an ambulatory person but not a person with a disability that may not want to stand, that may have to use their upper limbs for balance while standing or those confined to a wheelchair.

I have never been to any courthouse in any other state that did not have ADA compliant access to court records until I went to the Morton County Courthouse. Now, whether that courthouse is an exception to the rule and that other courthouses in North Dakota are ADA compliant concerning accessing court records is unknown at this time but it does raise an issue of concern related to the right of access to court records.

On October 23, 2017, after the difficulty of finding a parking place and after having to again go through security just

to access public records, I discovered that the monitor was not working next to the District Court window. When I mentioned this to the person at the window, since I wanted to access court records, the person responded by stating that she was unaware that the monitor was not working but did nothing else.

That person did not check the monitor directly to establish it was not working, that person did not discuss the situation with Ms. Scharnhorst and that person did not contact anyone else to try to have the problem solved so I could access court records on October 23, 2017. Instead, I was unable to access court records at the Morton County Courthouse on October 23, 2017.

I do not know if the monitor was disconnected deliberately as a way to deny the public access to court records, given that I understand that attorneys can access court records directly through the Odyssey Records Management System, and if what occurred was part of a "good ol boy" way doing things in North Dakota that is very prevalent in Morton County.

What I do know is that I have already experienced more problems in one year trying to access court records and forms while in Morton County than I experienced in all of my previous years total anywhere as a person with experience accessing court records as an archaeologist and as a genealogist. Based on my experiences, there are serious problems with accessing court records in North Dakota that also includes even being able to access the website for the Supreme Court.

This also raises the issue of unequal treatment related to representation since the Pro Se party in a legal action is denied the same right of access to court records as what attorneys have, so that a denial of access to a Pro Se party when it comes to court records may tip the balance. Then there is the question and right of access to public records, to include court records, by the public and if such access now in North Dakota is ADA compliant.

Sincerely,

S. Paul Jordan
spauljordan@yahoo.com