

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER OF ADOPTION

Supreme Court No. 20210197

**Proposed Amendments to the North Dakota Supreme Court
Administrative Rules and the North Dakota Supreme Court
Administrative Orders**

[¶1] On July 15, 2021, the Joint Procedure Committee submitted proposed amendments to the North Dakota Supreme Court Administrative Rules and the North Dakota Supreme Court Administrative Orders. The proposal is available at <https://www.ndcourts.gov/supreme-court/dockets/20210197>. Individuals who do not have internet access may contact the Office of the Clerk of the Supreme Court to obtain a copy of the proposal. The Court considered the matter, and

[¶2] IT IS HEREBY ORDERED, that as further amended by the Court, the amendments to the North Dakota Supreme Court Administrative Rules and the North Dakota Supreme Court Administrative Orders are ADOPTED effective immediately.

[¶3] The Supreme Court of the State of North Dakota convened this 11th day of August, 2021, with, the Honorable Jon J. Jensen, Chief Justice, and the Honorable Gerald W. VandeWalle, the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, the Honorable Jerod E. Tufte, Justices, directing the Clerk of the Supreme Court to enter the above order.

/s/ Petra H. Mandigo Hulm
Clerk
North Dakota Supreme Court

ORDER 7. GENDER FAIRNESS IMPLEMENTATION COMMITTEE

This ~~Order~~ order establishes a ~~Gender Fairness Implementation Committee~~ gender fairness implementation committee and is in effect until further ~~Order~~ order of the ~~Court~~ supreme court.

~~A.~~ Section 1. Membership – Staffing.

~~1.~~ (a) The ~~Chief Justice~~ chief justice, in consultation with the ~~President~~ president of the ~~State Bar Association~~ state bar association, appoints seven members of the bench and bar to serve on the ~~Committee~~ committee. Of the members initially appointed and as determined by lot, three will be appointed for three years, two will be appointed for two years, and two will be appointed for one year. Thereafter, each appointment is for a three-year term. Each member is eligible for reappointment and serves until the member's successor is appointed. A member may not serve more than three consecutive terms. A former member who served three consecutive terms is eligible for reappointment after a six-year break in service.

~~2.~~ (b) The ~~Committee~~ committee is chaired by a member appointed by the ~~Chief Justice~~ chief justice.

~~3.~~ (c) The ~~Committee~~ committee is staffed by the ~~State Court Administrator's office~~ office of state court administrator, unless other arrangements are made by the ~~Committee~~ committee.

~~B.~~ Section 2. Expenses. Expenses incurred by members are reimbursed by the Supreme Court.

23 C. Section 3. Mission.

24 1. (a) ~~Oversee the development of a detailed course of action to implement~~
25 ~~recommendations of the Final Report of the North Dakota Commission on Gender~~
26 ~~Fairness in the Courts~~ final report of the North Dakota commission on gender fairness in
27 the courts.

28 2. (b) ~~Monitor the progress of the Judicial Branch~~ judicial branch toward
29 eradicating gender bias in the courts.

30 3. (c) ~~Recommend action beyond that set forth by the Commission~~ commission
31 where necessary to achieve the goals identified in the ~~Final Report~~ final report.

32 4. (d) ~~Review information and make recommendations concerning bias-related~~
33 ~~issues not identified in the Final Report~~ final report but which may be related to or have
34 an effect upon the courts or the judicial process.

35 D. Section 4. Report. The ~~Committee~~ committee shall ~~must~~ submit a progress
36 report to the ~~Supreme Court~~ supreme court by October ~~first~~ 1 and April ~~first~~ 1 of each
37 year, beginning October 1, 1997.

38 E. Section 5. Effective Date. This ~~Order~~ order is effective immediately and
39 remains in effect until further ~~Order~~ order of this ~~Court~~ court.

40 EXPLANATORY NOTE

41 Source: Adopted March 5, 1997, effective immediately; ~~further~~ amended effective
42 June 28, 2000; ~~further amended effective~~ April 1, 2006 (Supreme Court No. 20060059);
43 August 11, 2021.

ORDER 9. COURT TECHNOLOGY COMMITTEE

This ~~Order~~ order establishes a ~~Court Technology Committee~~ court technology committee and is in effect until further ~~Order~~ order of the ~~Court~~ supreme court.

~~A.~~ Section 1. Membership - Staffing.

~~1.(a)~~ The ~~Chief Justice~~ chief justice, in consultation with the ~~Supreme Court~~ supreme court, appoints judges and administrative staff of the judiciary to serve on the ~~Committee~~ committee. No more than 11 members ~~shall~~ will be appointed, for three year terms. A member may not serve more than three consecutive terms. A former member who served three consecutive terms is eligible for reappointment after a six-year break in service. The ~~Director of Education and Communication~~ director of education and communication will be an ex officio member of the ~~Committee~~ committee, but may not vote.

~~2.(b)~~ The ~~Committee~~ committee is chaired by a member appointed by the ~~Chief Justice~~ chief justice for a three-year term, or until the chair's term on the ~~Committee~~ committee expires.

~~3.(c)~~ The ~~Committee~~ committee is staffed by the ~~Director of Technology~~ director of technology.

~~B.~~ Section 2. Expenses. Expenses incurred by members are reimbursed by the ~~District Court~~ district court or ~~Supreme Court~~ supreme court, whichever is appropriate.

~~C.~~ Section 3. Purpose. The purpose of the ~~Committee~~ committee is to:

~~1.(a)~~ Develop uniform rules for the management of data processing activities,

23 including access to or release of information.

24 ~~2.(b)~~ Ensure the coordination of hardware and software acquisition and system
25 development.

26 ~~3.(c)~~ Provide guidelines for the use and acquisition of new technologies.

27 ~~4.(d)~~ Submit a biennial plan for the development and implementation of
28 technologies in the various court systems, including priorities and budget impact, to the
29 ~~State Court Administrator~~ state court administrator for the ~~Supreme Court's~~ supreme
30 court's consideration.

31 ~~5.(e)~~ Establish standards for communication, required information, and protocols,
32 for any court information system developed locally.

33 ~~Ð: Section 4.~~ Effective Date. This ~~Order~~ order is effective immediately and
34 remains in effect until further ~~Order~~ order of this ~~Court~~ court.

35 EXPLANATORY NOTE

36 Source: Adopted effective immediately, December 17, 1997; amended effective
37 April 1, 2006 (Supreme Court No. 20060059); ~~amended effective~~ April 1, 2008 (Supreme
38 Court No. 20080067); August 11, 2021.

ORDER 19. SCANNED DOCUMENTS; DOCUMENT RETURN

~~A.~~ Section 1. Document Scanning; Clerk's Duties.

~~1.~~(a) In General. Documents that could have been e-filed but that are submitted instead on paper will be scanned and an electronic copy of the document will be made part of the case file.

~~2.~~(b) Disposition of Paper Documents. After verification of scan image quality, a paper document submitted for filing will be discarded after seven days, except that:

~~a.~~(1) the clerk will contact the judge assigned to the case to determine whether the judge wishes to retain lengthy paper documents, such as deposition transcripts;

~~b.~~(2) oversize documents that cannot be scanned effectively, such as maps and charts, will be retained on paper for 180 days after the case file is closed;

~~c.~~(3) trial exhibits will be scanned and made part of the case file when feasible and the physical exhibit will be retained for 180 days after the case file is closed;

~~d.~~(4) wills and codicils will be scanned and made part of the case file and the paper originals will be retained for 180 days after the case file is closed.

~~B.~~ Section 2. Document Return; Party's Duty to Request.

~~1.~~(a) Wills. A decedent's personal representative seeking the return of an original paper will or codicil may submit a document return request form (~~Administrative Order~~ N.D.Sup.Ct.Admin.O. 19 Addendum) no later than seven days after the time for appeal has expired or, if the matter is appealed, no later than seven days after issuance of the supreme court's mandate.

23 ~~2.~~(b) Trial Exhibits. A party seeking the return of trial exhibit must submit a
24 document return request form (~~Administrative Order~~ N.D.Sup.Ct.Admin.O. 19
25 Addendum) no later than seven days after the time for appeal has expired or, if the matter
26 is appealed, no later than seven days after issuance of the supreme court's mandate.

27 ~~3.~~(c) Other Documents. If a party seeks the return of a paper document, the party
28 must submit a document return request form (~~Administrative Order~~ N.D.Sup.Ct.Admin.O.
29 19 Addendum) with the document when it is delivered for filing.

30 ~~€.~~ Section 3. Effective Date. This ~~Order~~ order is effective March 17, 2011, and
31 remains in effect until further order of the ~~Court~~ supreme court.

32 EXPLANATORY NOTE

33 Order 19 was adopted, effective March 17, 2011; amended effective August 11,
34 2021.

35 A party may submit a request for the return of any document at the time it is filed.
36 It is the party's responsibility to determine whether a document has independent legal
37 significance and to request its return so that the document will not be discarded after it is
38 scanned by the clerk.

39 Cross Reference: N.D.R.Ct. 6.4 (Exhibits); N.D.Sup.Ct.Admin.R. 19 (Court
40 Records Management Program).

ORDER 21. MINORITY JUSTICE IMPLEMENTATION COMMITTEE

Section 1. Creation. This order establishes a ~~Minority Justice Implementation Committee~~ minority justice implementation committee. Its purpose is to provide a means to implement the recommendations of the North Dakota ~~Commission to Study Racial and Ethnic Bias in the Courts~~ commission to study racial and ethnic bias in the courts submitted to the ~~Supreme Court~~ supreme court in the ~~Final Report of the Commission~~ final report of the commission dated June 2012.

Section 2. Membership. The ~~Chief Justice~~ chief justice, in consultation with the chair of this committee, ~~shall~~ will appoint a ~~fourteen~~ 14-member committee. The following positions ~~shall~~ will be appointed to the ~~Committee~~ committee with their consent: ~~Executive Director~~ executive director of the North Dakota ~~Indian Affairs Commission~~ indian affairs commission, ~~Dean~~ dean of the University of North Dakota School of Law or designee; ~~Executive Director~~ executive director of the ~~State Bar Association~~ state bar association of North Dakota, ~~Director~~ director of the ~~Department of Corrections and Rehabilitation~~ department of corrections and rehabilitation, ~~State Court Administrator~~ state court administrator, ~~Executive Director of Legal Services~~ executive director of legal services of North Dakota, ~~Executive Director of the Commission on Legal Counsel for Indigent Defense~~ executive director of the commission on legal counsel for indigents, two ~~District Judges~~ district judges, two attorneys and three members-at-large. The ~~Chief Justice shall~~ chief justice will appoint the ~~Committee~~ committee chair. The ~~Chief Justice shall~~ chief justice will appoint replacement members

23 after consultation with the chair of this committee. Members who serve as attorneys,
24 district judges and members-at-large ~~shall~~ will serve three-year terms and may serve two
25 consecutive three-year terms.

26 Section 3. Duties. The committee ~~shall~~ will:

27 ~~A.(a)~~ A.(a) Develop a detailed course of action to implement the recommendations of
28 ~~the Final Report of the North Dakota Commission to Study Racial and Ethnic Bias in the~~
29 ~~Courts~~ final report of the North Dakota commission to study racial and ethnic bias in the
30 courts, after review by the ~~Supreme Court~~ supreme court;

31 ~~B.(b)~~ B.(b) Monitor progress in the North Dakota court system of reducing racial and
32 ethnic bias;

33 ~~C.(c)~~ C.(c) Seek funding sources for the implementation of ~~Commission~~ commission
34 recommendations;

35 ~~D.(d)~~ D.(d) Develop and coordinate initiatives designed to broaden access to and
36 improve public understanding of the legal system including through partnerships with the
37 bar, law school and community groups;

38 ~~E.(e)~~ E.(e) Devise methods for the public to communicate with the ~~Committee~~
39 committee concerns relating to perceived ethnic or racial bias in the North Dakota court
40 system;

41 ~~F.(f)~~ F.(f) Recommend action beyond that set forth by the ~~Commission~~ commission and
42 ~~Supreme Court~~ supreme court review where necessary to achieve the goals identified in
43 the ~~Final Report~~ final report.

44 Section 4. Staffing. Staffing for the ~~Committee~~ committee will be provided by the

45 ~~Office of the State Court Administrator~~ office of state court administrator.

46 Section 5. Report. The ~~Committee~~ committee shall ~~shall~~ must submit a progress report
47 to the ~~Chief Justice~~ chief justice on an annual basis.

48 Section 6. Expenses. Committee expenses incurred by members are reimbursed by
49 the ~~Supreme Court~~ supreme court.

50 Section 7. Effective Date. This order is effective August 5, 2015, and remains in
51 effect until further order of the ~~Court~~ court.

52 EXPLANATORY NOTE

53 Reference: Supreme Court No. 20150321. Amended effective August 11, 2021.

ORDER 22. REVIEW OF GUARDIANSHIPS - PROCESS.

Section 1. Purpose. This order implements N.D.C.C. § 30.1-28-04(5), which requires the ~~Supreme Court~~ supreme court to provide by rule or order for the regular review of guardianships in existence on August 1, 2015. The review is the antecedent corollary of the prospective regular review of guardianships established on or after August 1, 2015, for purposes of ensuring that the best interests of the ward are adequately served by guardianships established by the courts.

Section 2. Identification of Guardianship Cases. The ~~State Court Administrator~~ state court administrator, in coordination with the ~~Director~~ director of the ~~Information Technology Department~~ information technology department, ~~shall~~ will identify active guardianships in existence on August 1, 2015, in each judicial district. The ~~State Court Administrator~~ state court administrator ~~shall~~ will notify each unit ~~trial court~~ administrator of guardianships established in the respective judicial districts.

Section 3. Implementation of Review. Each unit ~~trial court~~ administrator, in consultation with the presiding judge of each judicial district in the administrative unit, ~~shall~~ will establish a process of case assignment and review of guardianships in existence on August 1, 2015, in each judicial district. The process must consider judicial workload, availability of judges, hearing schedules, the age of guardianship cases, and other relevant factors to ensure the orderly review of existing guardianships. The following elements must be included in the review process:

~~A.~~ (a) Reviews of guardianships in existence on August 1, 2015, must be

23 completed within five years.

24 B. (b) At least twenty percent of existing guardianships must be reviewed each
25 year.

26 C. (c) Reviews must begin with the earliest established guardianships and proceed
27 to review of later established guardianships.

28 Section 4. Review Result. Following review of each guardianship, the court ~~shall~~
29 must determine whether the existing guardianship ~~shall~~ will be continued, a new guardian
30 appointed, or the guardianship terminated.

31 Section 5. Effective Date. This order is effective March 1, 2016.

32 COMMENT EXPLANATORY NOTE

33 Under this order, the review process remains in effect until ~~August 1, 2020~~ August
34 1, 2022.

35 The ~~State Court Administrator shall~~ state court administrator must annually
36 provide a summary of the disposition of cases reviewed under this process.

37 Reference: Supreme Court No. 20150340

ORDER 23. REVIEW OF CONSERVATORSHIPS - PROCESS.

Section 1. Purpose. This order implements N.D.C.C. § 30.1-29-08(3), which requires the ~~Supreme Court~~ supreme court to provide by rule or order for the regular review of conservatorships in existence on August 1, 2017. The review is the antecedent corollary of the prospective regular review of conservatorships established on or after August 1, 2017, for purposes of ensuring that the best interests of the protected person are adequately served by conservatorships established by the courts.

Section 2. Identification of Conservatorship Cases. The ~~State Court Administrator~~ state court administrator, in coordination with the ~~Director~~ director of the ~~Information Technology Department~~ information technology department, ~~shall~~ will identify active conservatorships in existence on August 1, 2017, in each judicial district. The ~~State Court Administrator~~ state court administrator ~~shall~~ will notify each unit ~~trial court~~ administrator of conservatorships established in the respective judicial districts.

Section 3. Implementation of Review. Each unit ~~trial court~~ administrator, in consultation with the presiding judge of each judicial district in the administrative unit, ~~shall~~ will establish a process of case assignment and review of conservatorships in existence on August 1, 2017, in each judicial district. The process must consider judicial workload, availability of judges, hearing schedules, the age of conservatorship cases, and other relevant factors to ensure the orderly review of existing conservatorships. The following elements must be included in the review process:

~~A.~~ (a) Reviews of conservatorships in existence on August 1, 2017, must be

23 completed within five years.

24 B. (b) At least twenty percent of existing conservatorships must be reviewed each
25 year.

26 C. (c) Reviews must begin with the earliest established conservatorships and
27 proceed to review of later established conservatorships.

28 Section 4. Review Result. Following review of each conservatorship, the court
29 ~~shall~~ must determine whether the existing conservatorship ~~shall~~ will be continued, a new
30 conservator appointed, or the conservatorship terminated.

31 Section 5. Effective Date. This order is effective October 1, 2017.

32 COMMENT EXPLANATORY NOTE

33 Under this order, the review process remains in effect until August 1, 2022.

34 The ~~State Court Administrator shall~~ state court administrator must annually
35 provide a summary of the disposition of cases reviewed under this process.

36 Reference: Supreme Court No. 20170342

ORDER 24. GUARDIANSHIP MONITORING PROGRAM.

Section 1. Purpose.

(a) Mission Statement. The mission of the ~~Guardianship Monitoring Program~~ guardianship monitoring program is to provide quality, impartial, and effective reviews of active guardianship and conservatorship cases.

(b) Objective. Reviewing guardianship and conservatorship cases will assist the district courts in the protection of vulnerable adults. Reviews will assess whether guardians and conservators are utilizing appropriate authority and acting in the best interest of the ward.

(c) Scope and Definition. This rule governs the guardianship monitoring program. Cases eligible for review must be randomly selected by the program manager or referred by a judicial officer when investigation is recommended.

Section 2. Program Management. A program manager will oversee the operation of the program under the auspices of the ~~Supreme Court~~ supreme court and will report directly to the ~~State Court Administrator~~ state court administrator or designee.

Section 3. Monitoring Process.

(a) Referral to Guardianship Monitoring. A judicial officer with concerns regarding an adult ward's finances or ~~wellbeing~~ well-being may refer a guardianship or conservatorship case to the monitoring program.

(b) Program Acceptance of Referrals. Upon receipt of a referral, the program manager will notify the court if the case is accepted or declined for review.

23 (c) Random reviews. The program manager will schedule random reviews of
24 active guardianship or conservatorship cases of adult wards. Random reviews will include
25 at least one review annually for each professional guardian entity.

26 (d) Order and Schedule.

27 (1) For ~~wellbeing~~ well-being reviews, the program manager will prepare and file a
28 proposed order for the district court to appoint a visitor. The visitor will meet with the
29 ward and guardian, as well as other persons the visitor deems necessary.

30 (2) For financial reviews, the program manager will prepare and file a proposed
31 order directing the guardian or conservator to submit specified financial documents to the
32 program manager. If documents are not received within the stated timeframe, the manager
33 will notify the court for further direction.

34 Section 4. Appointment of Court Visitor.

35 (a) Qualifications. Visitors must meet the qualifications outlined in N.D.C.C. §
36 30.1-28-08.

37 (b) Assignment. The program manager will maintain a list of qualified visitors who
38 will independently manage cases assigned to them. Visitors will be assigned by the
39 program manager. To maintain continuity, the program manager will attempt to reappoint
40 the original visitor.

41 (c) Fees. Visitors appointed under this rule are independent contractors and their
42 fees will be paid from funds available to the monitoring program.

43 (d) Access. The order appointing a visitor will stipulate that the visitor ~~shall~~ must
44 have access to financial, educational, medical and other confidential records of the ward

45 as allowed under N.D.C.C. § 30.1-28-03.1.

46 Section 5. Conclusion of Review.

47 (a) Report of Visitor. In cases involving a ~~wellbeing~~ well-being review, the visitor
48 ~~shall~~ must file with the clerk of court a report of findings and recommendations based on
49 the best interest of the ward. The court ~~shall~~ must review the report of findings and
50 recommendations of the visitor to determine whether the guardian is in compliance,
51 whether continuation of the guardianship or conservatorship is in the best interest of the
52 ward, and/or whether a modification or termination of the guardianship or
53 conservatorship is necessary. The court may, at its discretion, take any action ~~deemed it~~
54 considers appropriate.

55 (b) Financial Review Report. In cases involving a financial review, the program
56 manager ~~shall~~ must file with the clerk of court a written report of the findings. As
57 appropriate, the report ~~shall~~ must contain information relating to sufficiency of
58 documentation, unaccounted-for assets, any irregularities found, and an assessment of the
59 level of risk of financial exploitation. The court ~~shall~~ must review the report of findings
60 and recommendations of the program manager to determine whether the guardian or
61 conservator is in compliance, whether continuation of the guardianship or conservatorship
62 is in the best interest of the ward, and/or whether a modification or termination of the
63 guardianship or conservatorship is necessary. The court may, at its discretion, take any
64 action ~~deemed it~~ considers appropriate.

65 (c) Report of Abuse or Neglect. ~~Where~~ When the program manager has reasonable
66 cause to believe that a ward has been subjected to abuse or neglect, the program manager

67 ~~shall~~ must submit a report in accordance with N.D.C.C. §§ 50-25.2-03 and 25-01.3-04
68 and notify the court that a report has been submitted for investigation.

69 Section 6. Program Evaluation. The program manager will collect data to measure
70 the impact of the program and provide an annual report to the ~~Supreme Court~~ supreme
71 court.

72 EXPLANATORY NOTE

73 Order 24 was adopted, effective January 1, 2018; amended effective August 11,
74 2021.

75 The order as originally proposed provided for immunity for the program manager
76 and judiciary staff performing monitoring responsibilities for the ~~Guardianship~~
77 ~~Monitoring Program~~ guardianship monitoring program. The ~~Court~~ court opted not to
78 include that provision after considering protections afforded to state employees under
79 N.D.C.C. § 32-12.2-02.

80 SOURCES: Guardianship Standards Workgroup Minutes of March 22, 2016, May
81 16, 2016, July 7, 2016, September 19, 2016, October 10, 2016, April 3, 2017, July 31,
82 2017, and August 21, 2017.

83 STATUTES AFFECTED:

84 CONSIDERED: N.D.C.C. §§ 30.1-28-08, 30.1-28-03.1, 32-12.2-02.

ORDER 34. REVIEW OF GUARDIANSHIPS OF CHILDREN - PROCESS.

Section 1. Purpose. This order implements N.D.C.C. § 27-20.1-17(3), which requires the ~~Supreme Court~~ supreme court to provide by rule or order for the regular review of minor guardianships in existence on August 1, 2019. Prior to the enactment of chapter 27-20.1, all minor guardianships were established under either chapter 27-20 or chapter 30.1-27. The review is the antecedent corollary of the prospective regular review of minor guardianships established under chapter 27-20.1 on or after August 1, 2019, for purposes of ensuring that the best interests of the minor child are adequately served by guardianships established by the courts.

Section 2. Identification of Guardianship of Minor Cases. The ~~State Court Administrator~~ state court administrator, in coordination with the ~~Director~~ director of the ~~Information Technology Department~~ information technology department, ~~shall~~ will identify active guardianships of minors established under chapters 27-20 and 30.1-27 in existence on August 1, 2019, in each judicial district. The ~~State Court Administrator~~ state court administrator ~~shall~~ will notify each unit ~~trial court~~ administrator of guardianships established in the respective judicial districts.

Section 3. Implementation of Review. Each unit ~~trial court~~ administrator, in consultation with the presiding judge of each judicial district in the administrative unit, ~~shall~~ will establish a process of case assignment and review of guardianships established under chapters 27-20 and 30.1-27 in existence on August 1, 2019, in each judicial district. The process must consider judicial workload, availability of judges, hearing schedules,

23 the age of the minor guardianship cases, and other relevant factors to ensure the orderly
24 review of existing minor guardianships. The following elements must be included in the
25 review process:

26 ~~A.~~ (a) Reviews of minor guardianships established under chapters 27-20 and
27 30.1-27 in existence on August 1, 2019, must be completed in three years.

28 ~~B.~~ (b) At least one-third of existing guardianships must be reviewed each year.

29 ~~C.~~ (c) Reviews must begin with the earliest established guardianships and proceed
30 to review of later established guardianships.

31 Section 4. Review Result. Following review of each guardianship, the court ~~shall~~
32 must determine whether the existing guardianship ~~shall~~ will be continued, a new guardian
33 appointed, or the guardianship terminated. An expiration date will be included in each
34 guardianship reviewed.

35 Section 5. Effective Date. This order is effective April 1, 2021.

36 EXPLANATORY NOTE

37 Amended effective August 11, 2021.

RULE 1. RULE RELATING TO STATE COURT ADMINISTRATOR

Pursuant to ~~Article VI, Section 3, of the North Dakota Constitution~~ Under N.D. Const. art. VI, § 3, the ~~Supreme Court~~ supreme court of North Dakota promulgates the following ~~Administrative Rule~~ rule relating to the powers, duties, qualifications, and term of office of the ~~State Court Administrator~~ state court administrator of the unified judicial system:

Section 1. The minimum qualifications of the ~~State Court Administrator~~ state court administrator of the unified judicial system ~~shall~~ include:

(a-) A master's degree in judicial administration, public administration, business administration or other area related to court administration or a law degree. Certification from the ~~Institute for Court Management's Court Executive Development Program~~ institute for court management's court executive development program is strongly preferred.

(b-) Seven years of progressively more responsible or expansive experience, four of which must have been in a managerial capacity in a court or a closely related setting.

Section 2. The ~~State Court Administrator~~ state court administrator ~~shall be~~ is appointed by the ~~Chief Justice~~ chief justice to serve at the pleasure of the ~~Chief Justice~~ chief justice.

Section 3. The ~~State Court Administrator~~ state court administrator ~~shall have~~ has the following duties and responsibilities: budget preparation and financial controls, personnel management systems, management information systems, planning and

23 research, training and education, public information, technical assistance, staff to boards
24 and committees, and court facilities.

25 Section 4. The ~~State Court Administrator~~ state court administrator shall ~~serve~~
26 ~~serves~~ as ~~Executive Secretary~~ executive secretary of the ~~Judicial Conference~~ judicial
27 conference.

28 Section 5. The ~~State Court Administrator~~ state court administrator shall ~~perform~~
29 ~~performs~~ other services and ~~assume~~ assumes other responsibilities as the ~~Chief Justice~~
30 chief justice or the ~~Supreme Court~~ supreme court may direct.

31 Section 6. ~~Nothing herein shall be construed to~~ This rule does not interfere with
32 the primary authority of the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court over the staff
33 of the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court, or of the authority of the ~~State~~
34 ~~Law Librarian~~ state law librarian over the staff of the ~~Law Library~~ law library or of the
35 authority of the respective justices over their respective judicial assistants and law clerks.

36 EXPLANATORY NOTE

37 {Adopted May 12, 1978; amended January 15, 1992; ~~amended~~ January 30, 2002;
38 May17, 2017; August 11, 2021.}

RULE 2. RULE RELATING TO ELECTION AND DUTIES OF PRESIDING JUDGES

Section 1. Authority and Purpose. In accordance with ~~Article VI, Section 3, of the North Dakota Constitution~~ N.D. Const. art. VI, § 3, the ~~Supreme Court~~ supreme court adopts this rule relating to election and duties of presiding judges.

Section 2. The office of presiding judge is created in each judicial district as the chief administrative officer of all courts in the judicial district. The presiding judge is responsible for all court services of all courts within the geographical area of the judicial district.

Section 3. Each presiding judge is elected by the district judges in each judicial district in accordance with sections 4 and 5. Vacancies in the office of presiding judge are filled for the remainder of the term by vote as prescribed in this rule. Election results must be sent to the judges of the district by e-mail and posted on the ~~Supreme Court~~ supreme court website. Under ~~Administrative Rule~~ N.D.Sup.Ct.Admin.R. 22, each presiding judge is a member of the ~~Administrative Council~~ administrative council.

Section 4. An election will be held after January 10, 1995, for the three-year term of office beginning February 1, 1995, and after January 10 in each third year thereafter. Ballots will be sent by the ~~State Court Administrator~~ state court administrator to every district judge of each judicial district. Individuals desiring to have their names deleted from the ballot must notify the ~~State Court Administrator~~ state court administrator in writing before January 6 of the year the vote is to be taken. Upon receipt, each district judge will mark one choice for presiding judge and return it to the ~~State Court~~

23 ~~Administrator~~ state court administrator by January 20. Upon receipt of the ballots, the
24 ~~State Court Administrator~~ state court administrator will, through consultation with the
25 presiding judge of the district, set a place, date, and time of opening and notify all district
26 judges within the district of the place, date, and time of opening. The presiding judge, and
27 any other interested person, may be present at the ballot count. Results will be announced
28 by the presiding judge no later than January 30 and later published in accordance with
29 section 3. The candidate with the most votes will be declared the winner. If the leaders are
30 tied, a reballoting will take place with only the tied leaders remaining in contention. If the
31 tie cannot be broken by voting, the winner will be decided by drawing the longest straw.

32 Section 5. The following instructions will be provided with each ballot: “Along
33 with these instructions you should have one ballot with the names of all district judges in
34 your judicial district who have not indicated their desire to have their names deleted from
35 the ballot, one envelope marked ‘Presiding Judge Ballot--Inner Envelope’ and one
36 pre-addressed outer envelope. Mark with an ‘x’ in front of your one choice for presiding
37 judge, seal your ballot in the inner envelope provided and place this in the outer
38 pre-addressed envelope provided. Election information can be found in ~~North Dakota~~
39 ~~Supreme Court Administrative Rule~~ N.D.Sup.Ct.Admin.R. 2.”

40 Section 6. The presiding judge ~~shall~~ must designate a judge of the district as acting
41 presiding judge when the presiding judge will not be within the judicial district, or when
42 the office of presiding judge will be vacant for 40 days or less. The presiding judge ~~shall~~
43 must notify the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court of the designation.

44 Section 7. The presiding judge ~~shall~~ must convene regular meetings of the judges

45 of the judicial district to discuss matters of common concern, and to recommend
46 improvement of court services within the judicial district.

47 Section 8. The presiding judge ~~shall~~ must assign cases among the judges of the
48 judicial district.

49 Section 9. Whenever a judge of the judicial district determines, for any reason, that
50 it is inappropriate to preside in an assigned case, the judge ~~shall~~ must refer the case to the
51 presiding judge for reassignment.

52 If a presiding judge determines it is inappropriate for the presiding judge to
53 preside in an assigned case, the presiding judge ~~shall~~ must refer the case to the ~~Clerk~~ clerk
54 of the ~~Supreme Court~~ supreme court for reassignment by the ~~Chief Justice~~ chief justice,
55 unless the judicial district has established ~~pursuant to~~ under the North Dakota Rule on
56 Local Court Procedural Rules an appropriate alternative case assignment procedure
57 approved by the ~~Supreme Court~~ supreme court.

58 If the presiding judge is unable to make an appropriate assignment from among the
59 judges within the judicial district, the presiding judge ~~shall~~ must refer the case to the
60 ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court for reassignment by the ~~Chief Justice~~
61 chief justice.

62 Section 10. The presiding judge ~~shall~~ must assign, when appropriate, judges from
63 within the judicial district in cases of demand for change of judge under ~~Section~~ N.D.C.C.
64 § 29-15-21, NDCC.

65 If the presiding judge is the judge against whom the demand for change of judge is
66 filed, the demand must be forwarded to the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme

67 court directly for review and assignment, when appropriate, by the ~~Chief Justice~~ chief
68 justice, unless the judicial district has established under the North Dakota Rule on Local
69 Court Procedural Rules an appropriate alternative case assignment procedure approved by
70 the ~~Supreme Court~~ supreme court.

71 If the presiding judge is unable to make an appropriate assignment from among all
72 the judges within the judicial district, the presiding judge ~~shall~~ must refer the demand to
73 the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court for review and assignment, when
74 appropriate, by the ~~Chief Justice~~ chief justice.

75 If a party, other than the party making the demand, objects to any assignment of a
76 judge by the presiding judge to act in the place of a disqualified judge, written notice of
77 the objection must be sent to the presiding judge and the clerk of the trial court for review
78 and filing.

79 Section 11. During each biennium, at the appropriate time designated by the ~~State~~
80 ~~Court Administrator~~ state court administrator, the presiding judge ~~shall~~ will review and
81 forward to the ~~State Court Administrator~~ state court administrator the budget request for
82 all state funded court services within the judicial district. The presiding judge ~~shall~~ will
83 supervise the administration of the budget approved by the ~~Legislative Assembly~~
84 legislative assembly within the judicial district subject to limitations provided by the
85 ~~Administrative Council~~ administrative council, the ~~State Court Administrator~~ state court
86 administrator, and the ~~Chief Justice~~ chief justice. The presiding judge ~~shall~~ will provide
87 administrative staff assistance, when appropriate, in preparing budgets for other court
88 services in the judicial district.

89 Section 12. The presiding judge ~~shall~~ will supervise the implementation of all local
90 administrative practice and procedure regulations by all judges, clerks of court and other
91 officers or employees of the courts in the judicial district.

92 Section 13. The presiding judge ~~shall~~ will hire and supervise all law clerks, judicial
93 referees, court reporters, and secretaries to judges. The presiding judge may delegate such
94 authority to the ~~trial court~~ unit administrator or to the judge to whom the person is
95 assigned.

96 Section 14. In accordance with ~~Section~~ N.D.C.C. § 27-05-18, ~~NDCC~~, the presiding
97 judge may grant permission to any judge of the district court within the judicial district to
98 hold consecutive jury terms of court in any county in the judicial district upon good cause
99 shown. Permission must be granted by court order with a copy filed with the ~~Clerk~~ clerk
100 of the ~~Supreme Court~~ supreme court.

101 Section 15. The effective date of this rule is August 1, 2004.

102 EXPLANATORY NOTE

103 SOURCE: N.D. Const., Art. VI, Sec. 3, approved Sept. 7, 1976; ~~Sec.~~ N.D.C.C. §§
104 27-02-05.1 and 27-05-05, ~~NDCC~~; AR 2-1978 (7-6-78); AR 2-1978 as amended Sept. 26,
105 1979; AR 2-1981 as amended June 25, 1981, effective July 1, 1981; AR 2-1985 as
106 amended March 14, 1985, effective July 1, 1985; AR 2 amended January 18, 1990,
107 effective March 1, 1990; AR 2 emergency amendments adopted effective October 15,
108 1991, amended and readopted January 22, 1992, effective March 1, 1992; amended
109 effective October 1, 1994; amended effective August 1, 2004, Administrative
110 Reorganization of the Judicial System, Supreme Court No. 20030098; amended effective

111 February 1, 2018; August 11, 2021.

RULE 5. POWERS AND DUTIES OF THE CLERK OF THE SUPREME COURT

Under ~~Article VI, Section 3, of the North Dakota Constitution~~ N.D. Const. art. VI, § 3 and ~~Chapter N.D.C.C. ch. 27-03, NDCC,~~ the ~~Supreme Court~~ supreme court of North Dakota promulgates the following ~~Administrative Rule~~ rule relating to the powers, duties, qualifications, and term of office of the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court:

I Section 1. The minimum qualification of the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court is a ~~Juris Doctor~~ juris doctor degree and five years of experience in a court or closely related legal setting which would provide a working knowledge of appellate rules, procedures and practices.

II Section 2. The ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court is appointed by the ~~Chief Justice~~ chief justice with the approval of the justices of the ~~Supreme Court~~ supreme court and serves at the pleasure of the ~~Court~~ court.

III Section 3. The ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court serves as ~~Secretary-Treasurer~~ secretary-treasurer of the ~~State Board of Law Examiners~~ state board of law examiners as provided by ~~Section N.D.C.C. § 27-11-10 NDCC~~ and serves as ~~Secretary~~ secretary of the ~~Disciplinary Board of the Supreme Court~~ disciplinary board of the supreme court.

IV Section 4. Under the authority of the justices of the ~~Supreme Court~~ supreme court and the supervision of the ~~Chief Justice~~ chief justice or ~~Administrative Justice~~ administrative justice, the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court has authority to:

23 A.(a) employ and supervise such deputies, assistants and staff as may be
24 necessary;

25 B.(b) supervise the calendaring and assignment of cases, court records, statistical
26 reporting and filing, distribution and publication of opinions of the ~~Supreme Court~~
27 supreme court;

28 C.(c) serve as recording secretary for meetings of the justices;

29 D.(d) serve as liaison with the public, members of the ~~Bar~~ bar, and the news
30 media;

31 E.(e) grant motions or applications for orders which are supported by stipulations
32 signed by counsel for the respective parties consenting to the relief sought;

33 F.(f) consider and determine motions and petitions seeking:

34 (1-) to file or extend the time for filing briefs, records on appeal, transcripts,
35 pleadings and other papers provided for by the North Dakota Rules of Appellate
36 Procedure; and to deny extensions of time for filing briefs in excess of thirty days;

37 (2-) to consolidate cases;

38 (3-) to file amicus curiae briefs;

39 (4-) to file briefs in excess of the prescribed number of pages;

40 (5-) to remand record to the trial court for purposes of preparation of the record;

41 (6-) to direct correction in record upon agreement of parties and/or court reporter;

42 (7-) to substitute parties;

43 (8-) to enlarge time for argument;

44 (9-) to appeal in forma pauperis;

45 (10-) to refer to the appropriate trial court requests for appointment of counsel for
46 an indigent appellant;

47 (11-) to stay or recall a mandate;

48 (12-) to advance or continue cases for oral argument;

49 (13-) to assign a judge when a demand for change of judge is filed;

50 (14-) to rule on other purely procedural matters relating to any action, proceeding,
51 or process in the ~~Supreme Court~~ supreme court preparatory to hearing or a decision on the
52 merits.

53 Any person adversely affected by orders issued by the ~~Clerk~~ clerk of the ~~Supreme~~
54 ~~Court~~ supreme court under ~~Section F~~ subsection 4(f) may request reconsideration,
55 vacation or modification of the order under ~~Rule~~ N.D.R.App.P. 27(c), ~~N.D.R.App.P.~~

56 The ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court shall ~~shall~~ will perform other
57 services and assume other responsibilities as the ~~Chief Justice~~ chief justice or ~~Justices~~
58 justices of the ~~Supreme Court~~ supreme court may direct.

59 EXPLANATORY NOTE

60 {Adopted effective January 1, 1980; amended effective August 1, 1997, August 1,
61 2001; ~~amended effective July 19, 2006;~~ August 11, 2021.}

RULE 6.1. ADMINISTRATIVE UNITS

Section 1. Authority and Purpose. Under N.D. Const. art. VI, §3, the ~~Supreme Court~~ supreme court adopts this rule providing for administrative units and defining the role of ~~trial court~~ unit administrators.

Section 2. Administrative Units — Establishment.

~~A.~~ (a) To provide consistent, effective, and efficient administrative support services to the district courts, the state is divided into four administrative units. The administrative units consist of existing judicial districts.

~~B.~~ (b) The administrative units are:

~~(1.)~~ Unit 1 consisting of the Northeast and Northeast Central judicial districts.

~~(2.)~~ Unit 2 consisting of the Southeast and East Central judicial districts.

~~(3.)~~ Unit 3 consisting of the South Central and Southwest judicial districts.

~~(4.)~~ Unit 4 consisting of the Northwest and North Central judicial districts.

Section 3. ~~Trial Court~~ Unit Administrator — Position, Duties, and Responsibilities.

~~Trial court~~ Unit administrators assist the ~~State Court Administrator~~ state court administrator and the judges in the administrative unit in ensuring uniform and consistent implementation of ~~Judicial Branch~~ judicial branch policies and procedures.

~~A.~~ (a) ~~Trial court~~ Unit administrators are hired by the presiding judges and the ~~State Court Administrator~~ state court administrator. Qualifications of the ~~trial court~~ unit administrator are established by ~~Supreme Court~~ supreme court policy.

~~B.~~ (b) ~~Trial court~~ Unit administrators are supervised by the ~~State Court~~

23 ~~Administrator~~ state court administrator.

24 E. (c) The duties and responsibilities of each ~~trial court~~ unit administrator include:

25 (1-) Implementing and ensuring compliance with the policies and procedures
26 adopted by the ~~Judicial Branch~~ judicial branch and ensuring compliance with all
27 applicable rules and policies adopted by the ~~Supreme Court~~ supreme court.

28 (2-) Implementing and ensuring compliance with policies and procedures adopted
29 by the judges in the administrative unit which are not inconsistent with ~~Judicial Branch~~
30 judicial branch policies and procedures.

31 (3-) With the exception of judicial referees, law clerks, court reporters, and
32 electronic court recorders, hiring and supervising all trial court personnel in the
33 administrative unit, including state-employed clerks of court, juvenile court personnel,
34 and calendar control clerks.

35 (4-) Monitoring the delivery of clerk services provided by county personnel under
36 N.D.C.C. ch. 27-05.2.

37 (5-) Monitoring compliance with personnel-related policies and providing
38 interpretation of policies to trial court personnel.

39 (6-) If supervisory authority is delegated to the ~~trial court~~ unit administrator by the
40 presiding judge, supervising judicial referees, law clerks, court reporters, and electronic
41 court recorders hired by the presiding judge of the judicial district.

42 (7-) Developing work plans to ensure efficient use of administrative personnel.

43 (8-) Assigning subordinate personnel to other locations within the administrative
44 unit in accordance with ~~Judicial Branch~~ judicial branch staffing.

45 (9-) Providing reports to the ~~Council~~ administrative council as requested on the
46 state of the district courts within the administrative unit, including fiscal management,
47 case management, jury management, juvenile court services, and personnel and records
48 management.

49 (10-) In consultation with the presiding judges of the administrative unit, preparing
50 a budget for the unit each biennium.

51 (11-) Performing duties or responsibilities as may be directed by the ~~State Court~~
52 ~~Administrator~~ state court administrator.

53 (12-) Performing such other non-conflicting duties or responsibilities as may be
54 directed by the presiding judges of the judicial districts within the administrative unit.

55 ~~D: (d)~~ The ~~trial court~~ unit administrator may delegate supervisory or other
56 authority to assistants or local administrative personnel as considered appropriate or
57 necessary.

58 ~~E: (e)~~ The ~~trial court~~ unit administrator ~~shall oversee~~ oversees the provision of
59 administrative support services throughout the administrative unit for which the
60 administrator is responsible.

61 EXPLANATORY NOTE

62 Rule 6.1 was adopted August 1, 2004; amended effective January 1, 2014; August
63 1, 2016; August 11, 2021.

RULE 6. JUDICIAL DISTRICTS

Under the authority granted the ~~Supreme Court~~ supreme court in ~~Article VI,~~
Section 3 of the Constitution of North Dakota N.D. Const. art. VI, § 3, the North Dakota
~~Supreme Court~~ supreme court adopts the following rule:

~~A. Section 1.~~ On the effective date of the rule, the ~~State~~ state of North Dakota is
hereby divided into eight judicial districts composed of the following named counties
respectively:

~~1.(a)~~ Northwest Judicial District ~~shall consist~~ consists of the counties of Divide,
McKenzie and Williams.

~~2.(b)~~ North Central Judicial District ~~shall consist~~ consists of the counties of Burke,
Mountrail and Ward.

~~3.(c)~~ Northeast Judicial District ~~shall consist~~ consists of the counties of Benson,
Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner and
Walsh.

~~4.(d)~~ Northeast Central Judicial District ~~shall consist~~ consists of the counties of
Grand Forks and Nelson.

~~5.(e)~~ East Central Judicial District ~~shall consist~~ consists of the counties of Cass,
Steele and Traill.

~~6.(f)~~ Southeast Judicial District ~~shall consist~~ consists of the counties of Barnes,
Dickey, Eddy, Foster, Griggs, Kidder, LaMoure, Logan, McIntosh, Ransom, Richland,
Sargent, Stutsman and Wells.

23 ~~7.(g)~~ South Central Judicial District ~~shall consist~~ consists of the counties of
24 Burleigh, Emmons, Grant, McLean, Mercer, Morton, Oliver, Sioux, and Sheridan.

25 ~~8.(h)~~ Southwest Judicial District ~~shall consist~~ consists of the counties of Adams,
26 Billings, Bowman, Dunn, Golden Valley, Hettinger, Slope and Stark.

27 ~~B. Section 2.~~ It is the intent of the ~~Supreme Court~~ supreme court that the residents
28 of the various counties within a judicial district receive judicial services in their own
29 county without the need to travel to the chamber cities. The judges in the chamber cities
30 ~~shall~~ will travel to the counties within their judicial district to provide required services
31 ~~pursuant to~~ under the schedule and direction of the presiding judge of the district.

32 ~~C. Section 3.~~ This ~~Rule~~ rule, as amended, is effective January 1, 2014.

33 EXPLANATORY NOTE

34 SOURCE: N.D. Const., Art. VI, Sec. 3; Sec. 27-05-01, N.D.C.C.; ~~AR 6 adopted~~
35 ~~June 5, 1979~~; Adopted effective July 1, 1979. Amended ~~June 24, 1992~~, effective July 1,
36 1993; ~~Amended June 30, 1999~~, effective September 1, 1999; ~~Amended effective January~~
37 1, 2014; August 11, 2021.

RULE 7.1. RULE REGARDING RESIDENT DISTRICT COURT JUDGESHIP

CHAMBERS OF JUDICIAL DISTRICTS

Section 1. Authority and Policy. Pursuant to Under the authority of the ~~Supreme Court~~ supreme court in ~~Section 3 of Article VI, North Dakota Constitution, N.D. Const. art. VI, § 3~~ and N.D.C.C. § 27-05-08, it is the policy of the North Dakota ~~Judicial System~~ judicial system to provide procedures for the establishment of resident district court judgeship chambers within the judicial districts of North Dakota.

The ~~Supreme Court~~ supreme court will exercise its authority to designate resident district court judgeship chambers for each district court judge pursuant to under the criteria and procedures of these ~~Rules~~ rules.

Section 2. Petition.

1. (a) Any person, or the ~~Supreme Court~~ supreme court on its own motion through the ~~State Court Administrator~~ state court administrator, interested in the designation or redesignation of a resident district court judgeship chamber of a judicial district by the ~~Supreme Court~~ supreme court may file with the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court a petition to designate or change the designation of a resident district court judgeship chamber.

2. (b) The petition ~~shall~~ must state the petitioner's grounds for the change regarding designation of a chamber and should be accompanied by supporting documentation addressing the criteria in ~~Section~~ section 4.

3. (c) The petitioner ~~shall~~ must give notice of the filing of the petition to the

23 presiding judge of the judicial district, the mayor of any city and the chair of the county
24 commission of any county referred to in the petition and ~~shall~~ must give public notice by
25 publication of the notice of filing once in a newspaper published in each of the affected
26 counties.

27 4. (d) Any affected city or county may appear as a respondent.

28 5. (e) The ~~Supreme Court~~ supreme court, in its discretion, may refer the petition to
29 a hearing officer or a hearing panel of three persons, or grant the petitioner an opportunity
30 for written comment or oral hearing directly to the ~~Supreme Court~~ supreme court.
31 Whenever the ~~Supreme Court~~ supreme court determines that a petition is improper as to
32 form or is frivolous, the ~~Supreme Court~~ supreme court may make an immediate decision
33 on the petition.

34 6. (f) If the opportunity for written comment or oral hearing is granted directly to
35 the ~~Supreme Court~~ supreme court, the time, place, and conditions for an oral hearing will
36 be fixed or conditions for written comment will be set. Notice of the hearing ~~shall~~ must be
37 given to petitioners, the presiding judge of the judicial district, and to those persons
38 identified in ~~Section 2(3)~~ subsection 2(c). Publication of the notice of hearing ~~shall~~ must
39 be given once in a newspaper published in each of the affected counties.

40 Section 3. Hearings Before a Hearing Officer or Hearing Panel.

41 ~~1.~~(a) The hearing officer or hearing panel ~~shall~~ must hold a hearing in the existing
42 chambers within a reasonable period of time. The hearing ~~shall~~ must be open to the
43 public. Public notice of the hearing ~~shall~~ must be given once in a newspaper published in
44 each of the affected counties.

45 2:(b) The hearing officer or hearing panel will consider all evidence and
46 information submitted in the proceeding. The hearing officer or hearing panel will visit
47 the court facilities in all affected locations.

48 3:(c) The hearing officer or hearing panel ~~shall~~ must consider the most recent
49 ~~“Report on the Status of Court Facilities of the Judicial District”~~ report on the status of
50 court facilities of the judicial district as prepared by the ~~court~~ unit administrator of the
51 ~~judicial district or, unit in a~~ which the judicial district ~~which does not have a court~~
52 ~~administrator, another person designated by the presiding judge of the judicial district is~~
53 located. The ~~Report shall~~ report must address the factors in ~~Section~~ section 4.

54 4:(d) The report of a hearing panel will include any written minority position of
55 hearing panel members.

56 5:(e) The hearing officer or hearing panel ~~shall~~ must keep an audio or written
57 transcript record of all proceedings. The hearing officer or hearing panel ~~shall~~ must make
58 written findings of fact, conclusions, and recommendations with respect to the
59 proceeding. The findings of fact, conclusions, and recommendations of the hearing officer
60 or hearing panel ~~shall~~ must be entered in the record and notice ~~thereof shall~~ must be
61 mailed to the parties.

62 6:(f) The hearing officer or hearing panel, within 30 days after the conclusion of its
63 hearing, ~~shall~~ must submit to the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court a report
64 containing its findings of fact, conclusions, and recommendations, together with the audio
65 or written record of the proceedings for review by the ~~Supreme Court~~ supreme court.

66 Section 4. Criteria for Consideration.

67 ~~†~~(a) The hearing officer or hearing panel, and the ~~Supreme Court~~ supreme court,
68 will consider evidence regarding the following factors concerning the designation or
69 change in designation of a chamber:

70 a: (1) Annual district court combined civil, criminal and formal juvenile caseload
71 for the most recent three-year period and any discernible caseload trends or patterns;

72 b: (2) Number and location of attorneys;

73 c: (3) Community facilities (restaurants, motels, etc.);

74 d: (4) Convenience of travel access from surrounding communities (highway, bus,
75 train, air, and parcel services, etc.);

76 e: (5) Compliance with or commitment to court facility standards;

77 ~~(†~~ A) size of available space for judges and court personnel;

78 ~~(2~~ B) environmental controls;

79 ~~(3~~ C) quality of court facilities;

80 ~~(4~~ D) law library space;

81 f: (6) Proximity to detention facilities for adults and juveniles;

82 g: (7) Cooperative court service arrangements with the county courts;

83 h: (8) Proximity to a ~~Human Service Center of the Department of Human Services~~
84 human service center of the department of human services;

85 i: (9) Impact of any change of chamber on travel time for judges, court personnel,
86 attorneys, and litigants;

87 j: (10) Population distribution in the judicial district or de facto subdistrict;

88 e: (11) Impact on affected judicial system employees (juvenile, transcript

89 preparation, and clerks of district court); and

90 †. (12) Recommendation of the presiding judge of the judicial district, after
91 consultation with the judges of the judicial district.

92 ‡. (b) Economic impacts of the change of chamber for the affected cities will not
93 be considered a significant factor.

94 Section 5. Hearing Before the Supreme Court.

95 †. (a) The ~~Supreme Court~~ supreme court, in its discretion, may grant an oral
96 hearing or an opportunity for further written comment or filing of briefs concerning the
97 report of the hearing officer or hearing panel. The ~~Supreme Court~~ supreme court will fix
98 the time and place for hearing or the conditions for comment or briefs.

99 ‡. (b) The petitioner for a designation or change of designation of a chamber ~~shall~~
100 ~~have~~ has the burden of persuasion.

101 Section 6. Decision by Supreme Court. The ~~Supreme Court~~ supreme court ~~shall~~
102 must review the record of the proceedings and ~~shall~~ must file a written order as it finds
103 just and proper.

104 Section 7. Citations. The North Dakota Rules Regarding Resident District Court
105 Judgeship Chambers of Judicial Districts may be cited as NDRDCJC.

106 Section 8. Effective Date. The effective date of this ~~Rule~~ rule is September 1,
107 1990.

108 EXPLANATORY NOTE

109 SOURCE: Supreme Court No. 900068; January 12, 1990, minutes of the Court
110 Services Administration Committee. Amended effective August 11, 2021.

RULE 7.2. NORTH DAKOTA RULE REGARDING DISPOSITION OF JUDGESHIP
VACANCIES

Section 1. Authority. Under the authority of the ~~Supreme Court~~ supreme court provided in N.D. Const. art. VI, § 3 and N.D.C.C. § 27-05-02.1, this rule provides procedures for the disposition of a vacancy in the office of district court judge and a determination of the office's proper location for purposes of fulfilling a need for judicial services.

Section 2. Vacancy Notification-Hearing.

~~1.(a)~~ Hearing; Written Comments

~~a.(1)~~ Upon notification by the ~~Governor~~ governor of a vacancy in the office of district court judge, the ~~Supreme Court~~ supreme court may refer the matter to a hearing officer or a hearing panel of three persons.

~~b.(2)~~ The ~~Supreme Court~~ supreme court, instead of or in addition to the referral provided for in ~~subdivision (a)~~ subsection 2(a)(1), may grant to interested parties the opportunity to submit written comments directly to the ~~Supreme Court~~ supreme court or appear at an oral hearing before the ~~Supreme Court~~ supreme court.

~~c.(3)~~ If the opportunity for submission of written comments or appearance at an oral hearing is provided ~~pursuant to subdivision (b)~~ under subsection 2(a)(2), the ~~Supreme Court~~ supreme court ~~shall~~ must fix the time, place, and conditions for the oral hearing or submission of written comments. The ~~Supreme Court~~ supreme court ~~shall~~ must keep an audio or written transcript record of the proceeding. Notice of the hearing must be given

23 to the presiding judge of the judicial district in which the judgeship is located and the
24 board of county commissioners of the county in which the judgeship is located. Notice of
25 the hearing must also be published once in a newspaper of general circulation in each of
26 the affected counties.

27 ~~2:(b)~~ In addition to any hearing or submission of written comments provided
28 pursuant to ~~subsection (1)~~ subsection 2(a), the ~~Supreme Court~~ supreme court shall
29 must consult with the judges and attorneys of the affected judicial district on the issue of
30 whether the office is necessary for effective judicial administration. The consultation
31 must be in a manner ~~deemed~~ considered suitable by the ~~Supreme Court~~ supreme court and
32 notice of the manner of consultation must be given to the affected judges and attorneys.

33 ~~3:(c)~~ Any person interested in the disposition of a vacancy in the office of district
34 court judge may file with the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court written
35 comments regarding the preferred disposition of the vacancy. The written comments must
36 state the grounds for the preferred disposition and should be accompanied by supporting
37 documentation addressing the criteria in ~~Section~~ section 4.

38 Section 3. Hearing Before a Hearing Officer or Hearing Panel.

39 ~~1:(a)~~ If the matter is referred to a hearing officer or hearing panel pursuant to
40 ~~subsection (1)(a) of Section 2~~ subsection 2(a)(1), the hearing officer or hearing
41 panel shall must hold a hearing in the affected chambers within a reasonable period of
42 time. The hearing must be open to the public. Public notice of the hearing must be given
43 once in a newspaper of general circulation in each of the affected counties.

44 ~~2:(b)~~ The hearing officer or hearing panel shall must consider all evidence and

45 information submitted in the proceeding and shall visit the court facilities in all affected
46 locations.

47 ~~3.(c)~~ The hearing officer or hearing panel ~~shall~~ must consider a report on the
48 application of the criteria in ~~Section~~ section 4 to the matter as prepared by the court
49 administrator of the administrative unit in which the judgeship is located or, in an
50 administrative unit that does not have a court administrator, another person designated by
51 the presiding judge of the judicial district in which the judgeship is located.

52 ~~4.(d)~~ The report of a hearing panel must include any written minority position of
53 hearing panel members.

54 ~~5.(e)~~ The hearing officer or hearing panel ~~shall~~ must keep an audio or written
55 transcript record of all proceedings. The hearing officer or hearing panel ~~shall~~ must make
56 written findings of fact and conclusions, and, if directed to do so by the ~~Supreme Court~~
57 supreme court, recommendations with respect to the proceeding. The findings of fact and
58 conclusions, and recommendations, if made, of the hearing officer or hearing panel must
59 be entered in the record.

60 ~~6.(f)~~ The hearing officer or hearing panel, within 30 days after the conclusion of its
61 hearing, ~~shall~~ must submit to the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court a report
62 containing its findings of fact and conclusions, and recommendations, if made, together
63 with the audio or written record of the proceedings for review by the ~~Supreme Court~~
64 supreme court.

65 Section 4. Criteria. The hearing officer or hearing panel, or the ~~Supreme Court~~
66 supreme court, or both, ~~shall~~ must consider evidence regarding the following criteria

67 concerning disposition of the vacancy:

68 ~~1:(a)~~ Population;

69 ~~2:(b)~~ Caseloads and unusual case types;

70 ~~3:(c)~~ Trends in ~~1 (a)~~ and ~~2 (b)~~;

71 ~~4:(d)~~ Impact of proposed vacancy disposition on travel requirements;

72 ~~5:(e)~~ Age or possible retirement of remaining judges in the affected judicial
73 district; and

74 ~~6:(f)~~ Availability of facilities (e.g., law enforcement, correctional, and court
75 facilities).

76 Section 5. Decision by Supreme Court. The ~~Supreme Court~~ supreme court shall
77 must review the record of the proceedings and file a written order concerning the
78 disposition of the vacant office and whether the vacant office is necessary for effective
79 judicial administration in its present location.

80 Section 6. Citation. The North Dakota Rule Regarding Disposition of Judgeship
81 Vacancies may be cited as NDRDJV.

82 Section 7. Effective Date. The effective date of this rule, as amended, is ~~October 1,~~
83 ~~2010~~ August 11, 2021.

84 EXPLANATORY NOTE

85 {Adopted effective February 1, 1992. Amended effective January 1, 1995; October
86 1, 2010; August 11, 2021.}

RULE 7. DESIGNATION OF JUDGESHIPS AND CHAMBERS WITH
ASSIGNMENTS

~~A.~~ (a) Each office of the ~~District Judge~~ district judge is a separate office.

Judgeships and chambers within each judicial district are established with assignment of judges and chambers as follows:

(1-) Northwest Judicial District.

Judgeship No. 1, with chambers at Williston.

Judgeship No. 2, with chambers at Williston.

Judgeship No. 3, with chambers at Williston.

Judgeship No. 4, with chambers at Watford City.

Judgeship No. 5, with chambers at Watford City.

Judgeship No. 6, with chambers at Williston.

(2-) North Central Judicial District.

Judgeship No. 1, with chambers at Minot.

Judgeship No. 2, with chambers at Minot.

Judgeship No. 3, with chambers at Minot.

Judgeship No. 4, with chambers at Minot.

Judgeship No. 5, with chambers at Minot.

(3-) Northeast Judicial District.

Judgeship No. 1, with chambers at Devils Lake.

Judgeship No. 2, with chambers at Rugby.

- 23 Judgeship No. 3, with chambers at Bottineau.
- 24 Judgeship No. 4, with chambers at Devils Lake.
- 25 Judgeship No. 5, with chambers at Cavalier-Langdon.
- 26 Judgeship No. 6, with chambers at Grafton.
- 27 ~~(4-)~~ Northeast Central Judicial District.
- 28 Judgeship No. 1, with chambers at Grand Forks.
- 29 Judgeship No. 2, with chambers at Grand Forks.
- 30 Judgeship No. 3, with chambers at Grand Forks.
- 31 Judgeship No. 4, with chambers at Grand Forks.
- 32 Judgeship No. 5, with chambers at Grand Forks.
- 33 ~~(5-)~~ East Central Judicial District.
- 34 Judgeship No. 1, with chambers at Fargo.
- 35 Judgeship No. 2, with chambers at Fargo.
- 36 Judgeship No. 3, with chambers at Fargo.
- 37 Judgeship No. 4, with chambers at Fargo.
- 38 Judgeship No. 5, with chambers at Fargo.
- 39 Judgeship No. 6, with chambers at Fargo.
- 40 Judgeship No. 7, with chambers at Hillsboro.
- 41 Judgeship No. 8, with chambers at Fargo.
- 42 Judgeship No. 9, with chambers at Fargo.
- 43 ~~(6-)~~ Southeast Judicial District.
- 44 Judgeship No. 1, with chambers at Jamestown.

45 Judgeship No. 2, with chambers at Valley City.

46 Judgeship No. 3, with chambers at Wahpeton.

47 Judgeship No. 4, with chambers at New Rockford.

48 Judgeship No. 5, with chambers at Ellendale.

49 Judgeship No. 6, with chambers at Valley City.

50 Judgeship No. 7, with chambers at Jamestown.

51 (7-) South Central Judicial District.

52 Judgeship No. 1, with chambers at Bismarck.

53 Judgeship No. 2, with chambers at Bismarck.

54 Judgeship No. 3, with chambers at Washburn.

55 Judgeship No. 4, with chambers at Bismarck.

56 Judgeship No. 5, with chambers at Bismarck.

57 Judgeship No. 6, with chambers at Bismarck.

58 Judgeship No. 7, with chambers at Mandan.

59 Judgeship No. 8, with chambers at Linton.

60 Judgeship No. 9, with chambers at Mandan.

61 Judgeship No. 10, with chambers at Mandan.

62 (8-) Southwest Judicial District.

63 Judgeship No. 1, with chambers at Dickinson.

64 Judgeship No. 2, with chambers at Dickinson.

65 Judgeship No. 3, with chambers at Dickinson.

66 Judgeship No. 4, with chambers at Dickinson.

67 B. (b) It is the intent of the ~~Supreme Court~~ supreme court that the residents of the
68 various counties within a judicial district receive judicial services as provided by law in
69 their own county.

70 C. (c) The respective chambers within each district to which each district judge is
71 assigned will be listed on the ~~Supreme Court~~ supreme court website.

72 EXPLANATORY NOTE

73 Northwest Judicial District

74 Effective January 1, 2014, the Northwest Judicial District was divided into a
75 Northwest Judicial District and a North Central Judicial District. Judgeship Nos. 2, 4, 7, 8
76 and 9, with chambers at Minot, in the former Northwest Judicial District were transferred
77 to the new North Central Judicial District. Judgeship Nos. 1, 5, 10 and 11, with chambers
78 at Williston and Watford City, in the former Northwest Judicial District were
79 redesignated Judgeship Nos. 1, 2, 3 and 4 in the new Northwest Judicial District to
80 accurately reflect the number of current judgeships in the district.

81 Under N.D.C.C. § 27-05-02.1, Judgeship No. 3, with chambers at Minot in the
82 former Northwest Judicial, was abolished effective January 1, 1999; Judgeship No. 6,
83 with chambers at Minot in the former Northwest Judicial District, was transferred to the
84 East Central Judicial District effective December 14, 2001; Judgeship No. 7, with
85 chambers at Stanley in the former Northwest Judicial District, was transferred to Minot
86 effective January 1, 2007; Judgeship No. 9, with chambers at Minot in the former
87 Northwest Judicial District, was created by the 61st Legislative Assembly, 2009 N.D.
88 Sess. Laws, Ch. 261; and Judgeship Nos. 10 and and 11 with chambers at Williston and

89 Watford City, were created by the 63rd Legislative Assembly, 2013 N.D. Sess. Law, Ch.
90 33.

91 Judgeship No. 5, with chambers in Watford City, and Judgeship No. 6, with
92 chambers in Williston, were created by the 64th Legislative Assembly, 2015 N.D. Sess.
93 Law, Ch. 2.

94 North Central Judicial District

95 Effective January 1, 2014, the Northwest Judicial District was divided into a
96 Northwest Judicial District and a North Central Judicial District. Judgeship Nos. 2, 4, 7, 8
97 and 9, with chambers at Minot, in the former Northwest Judicial District were transferred
98 to the new North Central Judicial District and redesignated Judgeship Nos. 1, 2, 3, 4 and
99 5.

100 Northeast Judicial District

101 Effective January 1, 2014, Judgeship No. 7 is redesignated Judgeship No. 2, with
102 chambers at Rugby, in the Northeast Judicial District, to accurately reflect the number of
103 current judgeships in the district.

104 Under N.D.C.C. § 27-05-02.1, Judgeship No. 2, with chambers at Grafton, was
105 abolished effective January 1, 1995.

106 East Central Judicial District

107 Judgeship No. 9, with chambers at Fargo, was created by the 63rd Legislative
108 Assembly, 2013 N.D. Sess. Laws, Ch. 33,

109 Southeast Judicial District

110 Effective January 1, 2014, Judgeship Nos. 8, 9 and 10 were redesignated as

111 Judgeship Nos. 3, 1 and 7 to accurately reflect the number of current judgeships in the
112 district.

113 Under N.D.C.C. § 27-05-02.1, Judgeship No. 7, with chambers at Lisbon, was
114 abolished effective January 1, 1995; Judgeship No. 3, with chambers at Wahpeton was
115 abolished effective January 3, 1996; and Judgeship No. 1, with chambers at Jamestown,
116 was abolished effective February 3, 1998. Judgeship No. 10, with chambers at
117 Jamestown, was created by the 61st Legislative Assembly, 2009, N.D. Sess. Laws, Ch.
118 261.

119 South Central Judicial District

120 Effective January 1, 2014, Judgeship No. 9, with chambers at Washburn is
121 redesignated Judgeship No. 3 to accurately reflect the current number of judgeships in the
122 district.

123 Under N.D.C.C. § 27-05-02.1, Judgeship No. 3, with chambers at Mandan, was
124 abolished effective March 11, 1998.

125 Judgeship No. 9, with chambers at Mandan, was created by the 64th Legislative
126 Assembly, 2015 N.D. Sess. Law, Ch. 2.

127 Judgeship No. 10, with chambers at Mandan, was created by the 66th Legislative
128 Assembly, 2019 N.D. Sess. Law, Ch. 2.

129 Southwest Judicial District

130 Effective January 1, 2014, Judgeship No. 4, with chambers at Dickinson is
131 redesignated Judgeship No. 2 to accurately reflect the current number of judgeships in the
132 district.

133 Under N.D.C.C. § 27-05-02.1, Judgeship No. 2, with chambers at Hettinger, was
134 transferred to the South Central Judicial District effective May 1, 1995; and Judgeship
135 No. 5, with chambers at Bowman, was abolished effective December 31, 2000.

136 Judgeship No. 4, with chambers at Dickinson, was created by the 64th Legislative
137 Assembly, 2015 N.D. Sess. Law, Ch. 2.

138 SOURCE: AR 7-1979 effective July 1, 1979; AR 7-1980 effective May 16, 1980;
139 AR 7-1981 effective July 1, 1981; AR 7-1981 effective Sept. 3, 1981; AR 7 amended
140 Nov. 8, 1985; Sec. 27-05-08(2) N.D.C.C.; S.L.1979, Ch. 76, Sec. 4; S.L.1981, Ch. 36,
141 Sec. 3; AR 7-1987 amended Nov. 12, 1987; AR 7-1989 amended Feb. 20, 1989; AR 7
142 amended January 31, 1990; Sec. 27-05-00.1(3), N.D.C.C.; S.L.1991, Ch. 326, Sec. 1(3);
143 AR 7 amended ~~October 6, 1993; amended November 16, 1994~~, effective January 1, 1995;
144 ~~amended effective March 16, 1995 and ; May 1, 1995; amended effective January 10,~~
145 ~~1996; amended April 1, 1998; amended effective January 1, 2001; amended effective~~
146 ~~December 14, 2001; amended effective July 2, 2003; amended effective January 1, 2007;~~
147 ~~amended effective January 27, 2010; amended effective January 1, 2014; amended~~
148 ~~effective January 13, 2016; administratively amended October 24, 2017; amended~~
149 ~~effective February 1, 2018; amended effective August 7, 2019; August 11, 2021.~~

RULE 8. TEMPORARY JUDGES, APPOINTMENT

The 1979 Legislative Assembly provided for the appointment of temporary judges in ~~Chapter N.D.C.C. ch. 27-24, N.D.C.C.~~ (Chapter 367, S.L. 1979). Under ~~Section N.D.C.C. § 27-24-01(2), N.D.C.C.~~, the ~~Supreme Court~~ supreme court hereby adopts the following administrative rule for the appointment of temporary judges.

Section 1. Creation of Statewide List of Temporary Judge Candidates.

(a-) The presiding judge, acting in conjunction with the local advisory committee of each judicial district, ~~shall~~ will nominate persons eligible under ~~Section N.D.C.C. § 27-24-01, N.D.C.C.~~, as candidates for temporary judge. It is recommended that at least two nominations be made from each judicial district.

(b-) The presiding judge ~~shall~~ will submit the nominations to the ~~State Court Administrator~~ state court administrator, who ~~shall~~ will keep the statewide list of all nominations. The ~~Supreme Court~~ supreme court may make additional nominations on its own motion.

(c-) Each nominee ~~shall~~ must sign a statement of eligibility, qualifications, consent to accept appointment as temporary judge during a period of two years, and indicate willingness to attend training sessions as provided by the ~~State Court Administrator~~ state court administrator. The statement must accompany the nomination.

(d-) The first statewide list of candidates must be established no later than 90 days after the effective date of this rule. The candidates will be available for appointment during a period of two years commencing on the date the list is established.

23 (e-) The persons on the first statewide list ~~shall~~ serve terms as initially determined
24 by lot, one-half of the candidates to serve for one year and one-half to serve for two years.
25 Except for nominations made by the ~~Supreme Court~~ supreme court, at the end of a
26 candidate's term, or in the event of the death or resignation of a candidate, the presiding
27 judge ~~shall~~ must submit names of additional candidate(s) to the ~~State Court Administrator~~
28 state court administrator, who ~~shall~~ must incorporate the candidates' names in the
29 statewide list.

30 Section 2. Determination of Need for Temporary Judge. Need for the appointment
31 of a temporary judge ~~shall~~ will be determined by the ~~Supreme Court~~ supreme court upon
32 recommendation of the presiding judge of a judicial district to the ~~Chief Justice~~ chief
33 justice, or by the ~~Supreme Court~~ supreme court on its own motion. Need is established
34 when the appointment is found to be reasonably necessary to the efficient administration
35 of justice.

36 Section 3. Appointment of Temporary Judge.

37 (a-) When a determination has been made that there is a need for a temporary
38 judge, the ~~Supreme Court~~ supreme court ~~shall~~ will select a candidate from the statewide
39 list and issue an order appointing the candidate to serve as temporary judge. A candidate
40 ~~shall~~ may not be appointed to serve as temporary judge in the judicial district of the
41 candidate's residence or principal practice.

42 (b-) Under Section N.D.C.C. § 27-24-01, ~~N.D.C.C.~~, the appointment ~~shall~~ will be
43 made for not more than 30 days. Except under unusual circumstances, no person ~~shall~~
44 may be appointed to more than two 30-day terms during a consecutive two-year period.

45 Section 4. Retention of Assigned Matters Beyond Period of Appointment.

46 (a:) If the temporary judge has made a determination on an issue of law or fact that
47 would substantially affect the final disposition of the matter or case, the jurisdiction ~~shall~~
48 will continue beyond the expiration of the appointment under ~~Section N.D.C.C. §~~
49 ~~27-24-03(1), N.D.C.C.~~, otherwise the case ~~shall~~ will be reassigned by the presiding judge.

50 (b:) In divorce and parenting rights and responsibility cases jurisdiction ~~shall~~ may
51 not continue beyond the period of appointment except as provided in subsection ~~4(a) of~~
52 ~~this section.~~

53 Section 5. Assignment of Cases to Temporary Judge. In assigning cases to the
54 temporary judge, the presiding judge to the extent appropriate, ~~shall~~ will assign matters
55 likely to be of relatively short duration and avoid assigning matters likely to involve
56 substantial periods of time beyond the duration of the appointment.

57 Section 6. State Court Administrator Assistance.

58 (a:) The ~~State Court Administrator~~ state court administrator ~~shall~~ will provide
59 assistance to the presiding judge and the temporary judge regarding compensation,
60 expenses and other matters relating to the service of the temporary judge.

61 (b:) The ~~State Court Administrator~~ state court administrator may provide training
62 sessions and ~~shall~~ will furnish instructive materials to temporary judges.

63 EXPLANATORY NOTE

64 {Adopted effective July 1, 1980; amended effective August 1, 2009; August 11,
65 2021.}

RULE 9, APPENDIX 2. JURY SELECTION PLAN

Section 1. Purpose. The purpose of the jury selection plan is to incorporate, to the greatest degree possible, the North Dakota Standards Relating to Jury Use and Management that are incorporated as an Appendix 1 to ~~Supreme Court Administrative Rule~~ N.D.Sup.Ct.Admin.R. 9. Implementation of this plan will provide for a uniform method of jury selection and for the efficient management of jurors.

Section 2. Authority. The jury selection plan is issued in accordance with ~~Administrative Rule~~ N.D.Sup.Ct.Admin.R. 9. This plan is filed with the ~~Clerk~~ clerk of the North Dakota ~~Supreme Court~~ supreme court and the ~~Clerk~~ clerk of ~~District Court~~ district court in each county and is open to inspection during normal business hours.

Section 3. Effective Date. This plan becomes effective on the date it is filed with the ~~Clerk~~ clerk of the North Dakota ~~Supreme Court~~ supreme court and remains in effect until amended or withdrawn by the ~~State Court Administrator~~ state court administrator.

Section 4. Delegation of Duties and Maintenance of Juror Records. The judge of the court may delegate routine decisions relating to qualifications, exemptions, excuses, and deferrals to the clerk of court, court administrator, or other qualified staff. The extent of the delegation and guidelines to be followed ~~shall~~ must be in writing and filed with the jury selection plan in each county, along with the local jury management plan required under ~~Administrative Rule~~ N.D.Sup.Ct.Admin.R. 9, Appendix 1, Part C(e) standard 10(c).

The determination concerning qualification must be made as of the date the

23 qualification form is signed by the prospective juror. The determination on a request for
24 exemption, excuse or deferral must be made within 5 five days of the request or the
25 receipt of any additional information the court has asked the prospective juror to provide.

26 The clerk ~~shall~~ must ensure that the status of a prospective juror is current at all
27 times and ~~shall~~ must note any disqualification, exemption, excuse or deferral of service on
28 the juror's record in the automated jury management system.

29 Section 5. Selection of Master Jury List

30 ~~A.(a)~~ Creation of Master List. The master jury list consists of the combined
31 non-duplicated names taken from the list of voters in the most recent general election
32 provided by the ~~Secretary of State~~ secretary of state and a list of persons issued a state
33 driver's license or identification card that has been provided to the court by the
34 ~~Department of Transportation~~ department of transportation.

35 ~~B.(b)~~ Procedures. On or about the third working day of January in each
36 odd-numbered year, the ~~state court administrator's office shall~~ office of state court
37 administrator must obtain an alphabetical list of persons issued a state driver's license or
38 identification card from the ~~Department of Transportation~~ department of transportation
39 and an alphabetical list of all actual voters from the ~~Secretary of State~~ secretary of state.
40 These lists will be entered into the automated jury management program and combined to
41 form a statewide master source list no later than February 15th.

42 The lists from the ~~Secretary of State~~ secretary of state and ~~Department of~~
43 ~~Transportation~~ department of transportation will be updated every two weeks through an
44 electronic data exchange for the purpose of identifying and removing the names of the

45 deceased from the master list.

46 Section 6. Qualifications and Summons

47 ~~A.(a)~~ Process to Summons Jurors. As needed, the clerk ~~shall~~ will qualify for later
48 summoning (the two-step method) or qualify and summon (the one-step method) the
49 appropriate number of jurors needed for the next trial or term of service by mailing the
50 uniform juror qualification form developed in accordance with ~~Administrative Rule~~
51 N.D.Sup.Ct.Admin.R. 9, Standard Appendix 1, standard 11.

52 In general, a qualification form should be sent by first class mail to each person in
53 the jury pool. However, if it is known to the clerk that a person is deceased, it should be
54 documented in the automated jury management system as a permanent disqualification
55 and the form should not be sent. An obituary or other form of verification of death must
56 be attached to the unsent qualification form.

57 The list may contain names of persons whose mailing address is out of county and
58 the names of prospective jurors who are not eighteen. While it may appear from the
59 source list that a juror will not be qualified, the law provides that determination of
60 qualification is based on “information provided on a juror qualification form or
61 interview”. Therefore, all qualification forms should be mailed.

62 ~~B.(b)~~ Contents of Qualification and Questionnaire. The questions on the uniform
63 juror qualification form must be limited to those questions to which the answers may
64 disqualify a person from jury service. The contents of the qualification form are governed
65 by N.D.C.C. § 27-09.1-07.

66 Questions that do not directly address the determination of qualifications must not

67 appear on the qualification form, but may be part of a supplemental juror questionnaire. A
68 supplemental juror questionnaire is a questionnaire developed for the purpose of voir dire
69 and must be approved by the judge assigned to the case. Any information obtained
70 through a supplemental questionnaire is subject to ~~Administrative Rule~~
71 N.D.Sup.Ct.Admin.R. 41 with respect to access and confidentiality.

72 Section 7. Determination of Qualifications. Disqualified means that the individual
73 is prohibited from serving as a juror because they do not meet one or more of the
74 qualifications for service.

75 Reasons for disqualification include:

76 • (a) Not a citizen of the United States or ~~is~~ is a citizen of the United States but not
77 a citizen of the county in which he or she has been summoned;

78 • (b) Less than 18 years old;

79 • (c) Not able, with reasonable accommodations, to communicate and understand
80 the English language;

81 • (d) Not capable, by reason of physical or mental disability, and with reasonable
82 accommodation, to render satisfactory service;

83 • (e) Does not have the right to vote because of current imprisonment in the
84 penitentiary or conviction of a criminal offense which by special provision of law
85 disqualifies the individual from jury service.

86 Medical Disqualification: A note from a medical provider is required whenever a
87 prospective juror requests a disqualification under subsection (7)(d) above.

88 Section 8. Exemption, Excuse, and Deferral

89 ~~A.~~(a) Exemptions. Exemption means that a prospective juror is qualified to serve
90 as a juror but is not required to do so. There have been no automatic exemptions from
91 jury service since 1971.

92 An exemption must be given to a prospective juror who is 72 years of age or older
93 on the date of the summons, if the individual requests the exemption.

94 ~~B.~~(b) Excuses. Excuse means that a prospective juror is qualified to serve as a
95 juror but the court has given the individual either a permanent pass on performing jury
96 service or a temporary pass on reporting for jury service during the current ~~2~~two-year jury
97 cycle.

98 Temporary excuse: The court may grant temporary excuses from jury service upon
99 a showing of:

100 (~~a~~ 1) undue hardship;

101 (~~b~~ 2) extreme inconvenience; or

102 (~~c~~ 3) public necessity

103 Medical Excuse: A note from a medical provider is required whenever a
104 prospective juror requests an excuse or deferral based on medical needs.

105 Previous Service: A prospective juror may request to be excused from jury service
106 if he or she has previously served on a jury or has been summoned and appeared twice
107 within the two years preceding their current summons. The request for excuse may be
108 granted or denied as determined by the judge or other person authorized to make this
109 determination.

110 Permanent excuse: The court may grant a permanent excuse from jury service

111 upon a showing by the prospective juror that the individual is not currently able to
112 perform jury service, and circumstances are such that it is extremely unlikely that they
113 will be able to perform jury service at a future date. Granting a permanent excuse
114 removes the prospective juror from the current jury pool and all future jury pools.

115 ~~C.(c)~~ Deferrals. Deferral means the prospective juror is qualified to serve as a juror
116 but the court has allowed the individual to postpone their service for a specified period of
117 time during the current ~~2~~two-year jury cycle.

118 Part-time residents: Individuals such as students or retired persons who are
119 temporarily residing away from their county of residence and for whom it is determined
120 by the court that, because of inconvenience or because the cost of reimbursement to
121 return to their home county for jury service is impractical, should be granted a deferment.
122 A large number of any recognizable group temporarily excused for the same period may
123 result in a biased sample of prospective jurors during that period. The clerk of court
124 should be aware of the number of deferrals being granted and alert the court if there is a
125 reason to be concerned about them.

126 Section 9. Availability for Service and Term of Service. To minimize the
127 inconvenience of jury service the length of availability for any juror should be as short as
128 practical for the efficient operation of the court.

129 Whenever possible, a juror should not have to maintain an availability status
130 longer than 30 days, except in areas with very few trials. In counties with few trials,
131 jurors should not have to maintain an availability status beyond ~~6~~six months.

132 The term of actual service for a juror should not exceed two days or one trial,

133 whichever is longer.

134 Section 10. Number of Jurors Summoned. The clerk should use the following
135 formulas as a general guideline for determining the number of jurors to be summoned for
136 each trial.

137 For felony-level criminal cases alleging ~~Gross Sexual Imposition, Murder, Assault,~~
138 ~~Theft, Controlled Substance or Driving Under the Influence~~ gross sexual imposition,
139 murder, assault, theft, controlled substance or driving under the influence:

140 Number of jurors summoned = the number of jurors needed + the number of
141 alternates needed + the total number of peremptories allowed + 8

142 For all other criminal and civil cases:

143 Number of jurors summoned = the number of jurors needed + the number of
144 alternates needed + the total number of peremptories allowed + 4

145 Section 11. Failure of Prospective Juror to Return Qualification Form. If a
146 prospective juror has failed to return a completed juror qualification form within 5 days,
147 the clerk ~~shall~~ must send, by first class mail, a notice directing the prospective juror to
148 appear before the clerk to fill out the juror qualification form.

149 If after an additional 15 days the person has not appeared, the clerk ~~shall~~ must
150 notify the court and the state's attorney of the failure and request action ~~pursuant to~~ under
151 ~~NDEC~~ N.D.C.C. § 27-09.1-07 (3).

152 Persons summoned for jury service must report at the time and place indicated on
153 the summons. The prospective jurors will report to the clerk, the bailiff, or other officer as
154 directed by the court. The officer will report to the court the names of persons who fail to

155 appear as summoned.

156 Section 12. Failure of Prospective Juror to Report for Jury Service. If a prospective
157 juror fails to report for jury service as directed, the clerk ~~shall~~ must, immediately upon
158 being notified of the failure, attempt to reach the juror by telephone and request the juror
159 to report to the courthouse without further delay.

160 If the clerk is unable to reach the juror by telephone, the clerk ~~shall~~ must within
161 five days of the failure to report contact the prospective juror by first class mail and
162 request that within 15 days the juror explain in writing their failure to appear. If the
163 prospective juror does not provide an explanation, or the explanation provided is
164 inadequate, the clerk ~~shall~~ must inform the court and the state's attorney of the failure ~~and~~
165 ~~a~~ request action ~~pursuant~~ and request the court issue an order to show cause.

166 EXPLANATORY NOTE

167 {Adopted effective January 9, 2019; amended effective August 11, 2021.}

RULE 9, APPENDIX 1, STANDARDS RELATING TO JUROR USE AND
MANAGEMENT

Part A. STANDARDS RELATING TO SELECTION OF PROSPECTIVE
JURORS.

Standard 1: OPPORTUNITY FOR JURY SERVICE

The opportunity for jury service in this state ~~shall~~ may not be denied or limited on the basis of race, religious belief, gender, age, national origin, physical disability, economic status, income, occupation, or any other factor that discriminates against a cognizable group in this state.

~~North Dakota Statute Authority: N.D. Const. art. VI, § 3; Section N.D.C.C. § 27-09.1-02, N.D.C.C.; ND Const., Art. I, Sec. 3.~~

Note: This standard is consistent with ABA Standard 1 but is more encompassing than the language of the present statute (Section N.D.C.C. § 27-09.1-02, N.D.C.C.).

Standard 2: JURY SOURCE LIST

(a) The names of potential jurors ~~shall~~ must be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the court's jurisdiction.

(b) The jury source list ~~shall~~ must be representative and should be as inclusive of the adult population in the county as is feasible.

(c) The supreme court ~~shall~~ must biennially review the jury source list for its representativeness and inclusiveness of the adult population.

(d) If the supreme court determines that improvement is needed in the representativeness

23 or inclusiveness of the jury source list, appropriate corrective action ~~shall~~ must be taken.

24 ~~North Dakota Statutes Authority: Sections~~ N.D.C.C. §§ 27-09.1-03 and 27-09.1-05;
25 N.D.C.C.

26 Note: The state policy of random selection of jurors, non-discrimination, equal
27 opportunity for jury service, and obligation of service are set forth in Sections N.D.C.C.
28 §§ 27-09.1-01 and 27-09.1-02, ~~N.D.C.C.~~ The determination of which lists should be used
29 to best meet the stated policy is an implementation issue which should be determined by
30 the judiciary.

31 Standard 3: RANDOM SELECTION PROCEDURES

32 (a) Random selection procedures ~~shall~~ must be used throughout the juror selection
33 process. Any method may be used, manual or automated, that provides each eligible and
34 available person with an equal probability of selection.

35 (b) Random selection procedures ~~shall~~ must be employed in:

36 (i1) Selecting persons to be summoned for jury service;

37 (ii2) Assigning prospective jurors to panels; and

38 (iii3) Calling prospective jurors for voir dire.

39 (c) Departures from the principle of random selection are appropriate

40 (i1) To exclude persons ineligible for service in accordance with Standard 4;

41 (ii2) To excuse or defer prospective jurors in accordance with Standard 6;

42 (iii3) To remove prospective jurors for cause or if challenged peremptorily in
43 accordance with ~~Standards~~ standards 8 and 9; and

44 (iv4) To provide all prospective jurors with an opportunity to be called for jury

45 service and to be assigned to a panel in accordance with ~~Standard~~ standard 13.

46 ~~North Dakota Statutes and Court Rules~~Authority: Sections N.D.C.C. §§
47 27-09.1-06, 27-09.1-07, 27-09.1-09, 28-14-01, 28-14-03, 29-17-02 through 29-17-11,
48 N.D.C.C.; Rule 47(d), N.D.R.Civ.P. 47(d); and, Rule 24(c), N.D.R.CrimP. 24(c).

49 Note: This standard is consistent with the state policy of selecting persons for jury
50 service at random, as established in ~~Section N.D.C.C. § 27-09.1-01, N.D.C.C.~~

51 Standard 4: ELIGIBILITY FOR JURY SERVICE

52 A prospective juror is disqualified to serve on a jury if the prospective juror:

53 (a) Is not a citizen of the United States and a resident of the state and county;

54 (b) Is not at least eighteen years old;

55 (c) Is unable with reasonable accommodation to communicate and understand the
56 English language;

57 (d) Is incapable, by reason of physical or mental disability and with reasonable
58 accommodation, of rendering satisfactory jury service; but a person claiming this
59 disqualification may be required to submit a physician's certificate as to the disability, and
60 the certifying physician is subject to inquiry by the court at its discretion; or

61 (e) Has lost the right to vote because of current imprisonment in the penitentiary
62 (~~Section N.D.C.C. § 12.1-33-01~~) or conviction of a criminal offense which by special
63 provision of law disqualifies the prospective juror from such service.

64 ~~North Dakota Statute~~Authority: Section N.D.C.C. § 27-09.1-08, N.D.C.C.

65 Note: The present statutory language is consistent with the ABA standard.

66 Standard 5: TERM OF AND AVAILABILITY FOR JURY SERVICE

67 The time that persons are called upon to perform jury service and to be available
68 therefor, should be the shortest period consistent with the needs of justice.

69 (a) A term of service of two days or the completion of one trial, whichever is
70 longer, is recommended.

71 (b) Persons should not be required to maintain a status of availability for jury
72 service for longer than 30 days except in areas with few jury trials when it may be
73 appropriate for persons to be available for service for a period not to exceed six months.

74 ~~North Dakota Statute~~ Authority: Section N.D.C.C. § 27-09.1-15, N.D.C.C.

75 Note: Implementation of this standard would substantially reduce the time a juror
76 must be available under current law which allows ten days of service and sets no limit on
77 length of availability. Shortening the length of service and the period of availability for
78 service are important steps in decreasing the inconvenience to potential jurors and making
79 jury service a more positive experience.

80 Standard 6: EXEMPTION, EXCUSE AND DEFERRAL

81 (a) All automatic excuses or exemptions from jury service ~~shall~~ must be
82 eliminated.

83 (b) Eligible persons who are summoned may be excused from jury service only if:

84 (i~~1~~) Their ability to receive and evaluate information is so impaired that they are
85 unable to perform their duties as jurors and they are excused for this reason by a judge or
86 a duly authorized court official;

87 (ii~~2~~) They request to be excused because their service would be a continuing
88 hardship to them or to members of the public or they have served on a jury or have been

89 summoned and appeared twice within the two years preceding their latest summons and
90 they are excused by a judge or duly authorized court official; or

91 (iii) They are 72 years of age or older on the date of the summons and request not
92 to serve.

93 (c) Deferrals from jury service for reasonably short periods of time may be
94 permitted by a judge or a duly authorized court official.

95 (d) Requests for excuses and deferrals and their disposition must be written or
96 otherwise made of record. Specific uniform guidelines for determining such requests
97 should be adopted by the judicial districts and approved by the state court administrator.

98 ~~North Dakota Statutes~~ Authority: Sections N.D.C.C. §§ 27-09.1-10 and 27-09.1-11;
99 N.D.C.C.

100 Note: This standard is consistent with present state law. The prohibition against
101 exemption and allowance for temporary excuses are a matter of state policy and should
102 remain part of state law.

103 Part B. STANDARDS RELATING TO SELECTION OF A PARTICULAR
104 JURY.

105 Standard 7: VOIR DIRE

106 Voir ~~Dire~~ dire examination may be conducted on all matters relevant to
107 determining whether to remove a juror for cause and exercising peremptory challenges.

108 (a) Basic background information regarding panel members should be made
109 available in writing to counsel for each party and to each self-represented party before the
110 day on which jury selection is to begin, unless disclosure is limited by the court in

111 accordance with ~~Section~~ N.D.C.C. § 27-09.1-09, N.D.C.C.

112 (b) The trial judge may conduct the initial voir dire examination. Counsel ~~shall~~
113 must be permitted to question panel members for a reasonable period of time.

114 (c) The judge ~~shall~~ must ensure that the privacy of prospective jurors is reasonably
115 protected, and that the questioning by counsel is consistent with the purpose of the voir
116 dire process.

117 (d) In felony criminal cases, the voir dire process ~~shall~~ must be held on the record.
118 In civil and misdemeanor criminal cases, the voir dire process ~~shall~~ will be held on the
119 record unless waived by the parties on the record or in writing.

120 ~~North Dakota Statutes and Court Rules~~Authority: Rule 47, N.D.R.Civ.P. 47; and
121 ~~Rule 24, N.D.R.CrimP. 24.~~

122 Note: The standard is consistent with most practice in the state. Adoption of this
123 standard should contribute to the uniformity of practice.

124 Standard 8: REMOVAL FROM THE JURY PANEL FOR CAUSE

125 If, in addition to any statutory disqualification for cause, the judge determines
126 during the voir dire process that any individual is unable or unwilling to hear the
127 particular case at issue fairly and impartially, that individual ~~shall~~ must be removed from
128 the panel. Such a determination may be made on motion of counsel or on the judge's own
129 initiative.

130 ~~North Dakota Statutes and Court Rules~~Authority: Sections N.D.C.C. §§ 28-14-02,
131 28-14-06, 29-17-19 through 29-17-26, 29-17-34 through 29-17-36, 29-17-44, and
132 29-17-45, N.D.C.C.; Rule 47, N.D.R.Civ.P. 47; and Rule 24, N.D.R.CrimP. 24.

133 Note: ~~Section N.D.C.C. § 28-14-06, N.D.C.C.~~, specifies challenges for cause. This
134 standard will clarify that the trial judge is authorized to remove a potential juror who is
135 unable or unwilling to hear a case fairly and impartially, even absent a statutorily defined
136 cause in a civil action.

137 Standard 9: PEREMPTORY CHALLENGES

138 The exercise of peremptory challenges in civil and criminal cases is governed by
139 ~~Rule 47, N.D.R.Civ.P. 47 and Rule 24, N.D.R.CrimP. 24.~~

140 Part C. STANDARDS RELATING TO EFFICIENT JURY MANAGEMENT.

141 Standard 10: ADMINISTRATION OF THE JURY SYSTEM

142 (a) All procedure concerning jury selection and service ~~shall~~ will be governed by
143 court rules and policies promulgated by the Supreme Court.

144 (b) Responsibility for administering the jury system in each judicial district should
145 be vested in a single administrator acting under the supervision of the assistant state court
146 administrator for trial courts.

147 (c) A local jury management plan consistent with these standards must be adopted
148 in each judicial district. The plan must establish procedures for implementing the plan and
149 must identify the person within the district responsible for implementing the plan.

150 ~~North Dakota Statutes Authority: Uniform Jury Selection Act - Chapter N.D.C.C.~~
151 ~~ch. 27-09.1, N.D.C.C.~~

152 Standard 11: NOTIFICATION AND SUMMONING PROCEDURES

153 (a) The ~~State Court Administrator's Office~~ shall office of state court administrator
154 will prepare the form of notice summoning a person to jury service and the questionnaire

155 eliciting essential information regarding that person which ~~shall~~ must be:

156 (i1) Combined in a single document;

157 (ii2) Phrased so as to be readily understood by an individual unfamiliar with the
158 legal and jury systems; and,

159 (iii3) Delivered by first class mail.

160 (b) A summons ~~shall~~ must clearly explain how and when the recipient must
161 respond and the consequences of a failure to respond.

162 (c) The questionnaire ~~shall~~ must be phrased and organized so as to facilitate quick
163 and accurate screening, and ~~shall~~ must request only that information essential for:

164 (i1) Determining whether a person meets the criteria for eligibility;

165 (ii2) Providing basic background information ordinarily sought during voir dire
166 examination; and

167 (iii3) Efficiently managing the jury system.

168 (d) Policies and procedures ~~shall~~ will be established for enforcing a summons to
169 report for jury service and for monitoring failures to respond to a summons.

170 ~~North Dakota Statute Authority: Sections N.D.C.C. §§ 27-09.1-07 and 27-09.1-09;~~
171 ~~N.D.C.C.~~

172 Note: This standard places the responsibility for development of a uniform
173 qualification and summons with the ~~State Court Administrator's Office~~ office of state
174 court administrator. This action will ensure that the forms ask for the appropriate
175 information and that the format is uniform to aid those practicing in multiple jurisdictions.

176 Standard 12: MONITORING THE JURY SYSTEM

177 The ~~State Court Administrator shall~~ state court administrator will collect and
178 analyze information regarding the performance of the jury system on a regular basis in
179 order to ensure

180 (a) the representativeness and inclusiveness of the jury source list;

181 (b) The effectiveness of qualification and summoning procedures;

182 (c) The responsiveness of individual citizens to jury duty summonses;

183 (d) The efficient use of jurors; and

184 (e) The cost effectiveness of the jury system.

185 ~~North Dakota Statute Authority: Chapter N.D.C.C. ch. 27-09.1, N.D.C.C.~~

186 Note: This standard places the responsibility for monitoring the jury selection
187 system with the ~~State Court Administrator's Office~~ office of state court administrator.
188 Periodic review of jury utilization is important to determine if source lists, selection
189 methods, and utilization procedures are working to provide a representative pool of
190 jurors.

191 Standard 13: JUROR USE

192 (a) Courts ~~shall~~ must employ the services of prospective jurors so as to achieve
193 optimum use with a minimum of inconvenience to jurors.

194 (b) Courts ~~shall~~ must determine the minimally sufficient number of jurors needed
195 to accommodate trial activity. This information and appropriate management techniques
196 should be used to adjust both the number of individuals summoned for jury duty and the
197 number assigned to jury panels.

198 (c) Courts ~~shall~~ must coordinate jury management and calendar management to

199 make effective use of jurors.

200 ~~North Dakota Statute~~Authority: Chapter N.D.C.C. ch. 27-09.1, ~~N.D.C.C.~~

201 Note: This standard encourages consideration of potential inconvenience to jurors
202 throughout the jury process. Implementation of modern jury management practices by
203 local courts will be instrumental in minimizing the inconvenience to jurors.

204 Standard 14: JURY FACILITIES

205 An adequate and suitable environment for jurors should be provided.

206 (a) The registration area should be clearly identified and appropriately designed to
207 accommodate prospective jurors.

208 (b) Jurors should be accommodated in pleasant waiting facilities furnished with
209 suitable amenities.

210 (c) Jury deliberation rooms should include space, furnishings and facilities
211 conducive to reaching a fair verdict. The safety and security of the deliberation rooms
212 should be ensured.

213 (d) Juror facilities should be arranged to minimize contact between jurors and
214 others.

215 ~~North Dakota Statute~~Authority: Section N.D.C.C. § 29-22-01, ~~N.D.C.C.~~

216 Note: This standard will encourage local courts and counties to assess the
217 appropriateness of present facilities. The general statements of this standard are intended
218 to serve as points of consideration when the assessment of the facility is undertaken.

219 Standard 15: JUROR COMPENSATION

220 (a) Persons called for jury service ~~shall~~ must receive a reasonable fee for each day

221 they report for jury service or serve as a juror.

222 (b) Such amounts and fees ~~shall~~ must be paid promptly.

223 (c) State law ~~shall~~ must prohibit employers from discharging, laying-off, denying
224 advancement opportunities to, or otherwise penalizing employees who miss work because
225 of jury service.

226 ~~North Dakota Statute~~ Authority: Sections N.D.C.C. §§ 27-09.1-14 and 27-09.1-17;
227 N.D.C.C.

228 Note: The important service that jurors perform must be recognized. In providing
229 that service they must not be burdened by financial hardship. The potential financial
230 hardship falls most heavily on the lower to middle income wage earners. They are seldom
231 compensated by their employer in terms of paid leave days and have less flexible income.
232 Reasonable juror fees are necessary to provide the opportunity for service for all income
233 levels.

234 Part D. STANDARDS RELATING TO JUROR PERFORMANCE AND
235 DELIBERATIONS

236 Standard 16: JUROR ORIENTATION AND INSTRUCTION

237 (a) Courts ~~shall~~ must provide some form of orientation or instructions to persons
238 called for jury service;

239 (i~~1~~) Upon initial contact prior to service;

240 (ii~~2~~) Upon first appearance at the courthouse;

241 (iii~~3~~) Upon reporting to a courtroom for voir dire;

242 (iv~~4~~) Directly following impanelment;

243 (v5) During the trial;
244 (vi6) Prior to deliberations; and
245 (vii7) After the verdict has been rendered or when a proceeding is terminated
246 without a verdict.

247 (b) Orientation programs ~~shall~~ must be

248 (i1) Designed to increase prospective jurors' understanding of the judicial system
249 and prepare them to serve competently as jurors;

250 (ii2) Presented in a uniform and efficient manner using a combination of written,
251 oral and audio-visual materials.

252 (c) The trial judge ~~shall~~ must:

253 (i1) Give preliminary instructions directly following impanelment of the jury that
254 explain the jury's role, the trial procedures including note-taking and questioning by
255 jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic
256 relevant legal principles.

257 (ii2) Prior to the commencement of deliberations, instruct the jury on the law, on
258 the appropriate procedures to be followed during deliberations, and on the appropriate
259 method for reporting the results of its deliberations. Such instructions should be recorded
260 or reduced to writing and made available to the jurors during deliberations.

261 (iii3) Prepare and deliver instructions which are readily understood by individuals
262 unfamiliar with the legal system.

263 (d) Before dismissing a jury at the conclusion of a case, the trial judge ~~shall~~ must:

264 (i1) Release the jurors from their duty of confidentiality;

265 (ii) Explain their rights regarding inquiries from counsel or the press; and
266 (iii) Advise them that they are discharged from service or specify when they must
267 report again.

268 The judge should express appreciation to the jurors for their service, but ~~shall~~ may
269 not express approval or disapproval of the result of the deliberation.

270 (e) All communications between the judge and members of the jury panel from the
271 time of reporting to the courtroom for voir dire until dismissal ~~shall~~ must be in writing or
272 on the record in open court. Counsel for each party ~~shall~~ must be informed of such
273 communication and given the opportunity to be heard unless waived.

274 ~~North Dakota Statutes and Rules Authority: Sections N.D.C.C. §§ 28-14-08,~~
275 ~~28-14-16, 28-14-18, 29-17-14, 29-21-28, 29-22-05, 29-22-06, and 29-22-22, N.D.C.C.;~~
276 ~~Rule 51, N.D.R.Civ.P. 51, and Rules 30 and 43, N.D.R.Crim.P. 30 and 43.~~

277 Note: Proper orientation and instruction of jurors is critical to their understanding
278 of their duties and responsibilities.

279 Standard 17: JURY SIZE AND UNANIMITY OF VERDICT

280 (a) Juries in criminal cases ~~shall~~ must consist of:

281 (i) Twelve persons in felony cases;

282 (ii) Six persons in class A misdemeanor cases unless a defendant makes a timely
283 written demand for a jury of twelve;

284 (iii) Six persons in all other cases.

285 (b) Juries in civil cases ~~shall~~ will consist of six persons unless any party makes a
286 timely written demand for a jury of nine.

287 (c) A unanimous decision ~~shall be~~ is required for a verdict in all cases heard by a
288 jury, except in civil cases the parties may stipulate to less than a unanimous verdict.

289 ~~North Dakota Statutes and Rules Authority: N.D. Const. art. VI, § 13; Sections~~
290 ~~N.D.C.C. §§ 28-14-03.1, 29-17-12, N.D.C.C.; Rule 48, N.D.R.Civ.P. 48; Rule 23,~~
291 ~~N.D.R.CrimP. 23; ND Const., Art. I, Sec. 13.~~

292 Standard 18: JURY DELIBERATIONS

293 Jury deliberations ~~shall~~ must take place under conditions and ~~pursuant to~~
294 procedures that are designed to ensure impartiality and to enhance rational
295 decision-making.

296 (a) A jury ~~shall~~ may not be required to deliberate after normal working hours
297 unless the trial judge after consultation with jurors and counsel determines that evening or
298 weekend deliberations would not impose an undue hardship upon the jurors and such
299 deliberation is required in the interest of justice.

300 (b) Instruction ~~shall~~ must be provided to personnel who escort and assist jurors
301 during deliberation.

302 ~~North Dakota Statute Authority: Sections N.D.C.C. §§ 28-14-17 through 28-14-19,~~
303 ~~29-22-01, 29-22-04, and 29-22-09, N.D.C.C.~~

304 Note: Proper consideration of facts and evidence requires a jury that is alert and
305 attentive. Marathon jury sessions detract from thoughtful deliberations. This standard
306 provides for normal working hours for jurors. Recognizing, however, that it may be
307 important for the delivery of justice or for the convenience of the parties concerned
308 (including the jurors) the standard allows the judge to make exceptions to the general

309 standard.

310 Standard 19: SEQUESTRATION OF JURORS

311 (a) A jury ~~shall~~ may be sequestered only for the purpose of insulating its members
312 from improper information or influences.

313 (b) The trial judge ~~shall have~~ has the discretion to sequester a jury on the motion of
314 counsel or on the judge's initiative, and the responsibility to oversee the conditions of
315 sequestration.

316 (c) Instructions regarding the proper methods for complying with sequestration
317 procedures ~~shall~~ must be provided to personnel who escort, protect, and assist jurors
318 during sequestration. Use of personnel engaged in law enforcement for escorting and
319 assisting jurors during sequestration is discouraged.

320 ~~North Dakota Statute~~ Authority: Sections N.D.C.C. §§ 28-14-16, 28-14-18, and
321 29-21-27, N.D.C.C.

322 Note: This standard clarifies that sequestration of jurors is to be used only in rare
323 circumstances.

324 EXPLANATORY NOTE

325 Adopted effective January 1, 2001; amended effective August 11, 2021.

RULE 9. JURY SELECTION PROCEDURE

Pursuant to ~~Under~~ N.D. Const. Art. VI, § 3 and N.D.C.C. § 27-09.1-18, the ~~Supreme Court~~ supreme court of North Dakota promulgates the following ~~Administrative Rule~~ rule relating to jury selection:

Section 1. All courts conducting jury trials ~~shall~~ will use jurors selected only pursuant to ~~under~~ the Uniform Jury Selection and Service Act (N.D.C.C. ~~Ch.~~ ch. 27-09.1) and this ~~Administrative Rule~~ rule.

Section 2. All courts conducting jury trials ~~shall~~ will obtain jury panels in the manner prescribed by the jury selection plan filed with the ~~Clerk~~ clerk of the North Dakota ~~Supreme Court~~ supreme court, which is included and incorporated in this rule as an appendix.

Section 3. The ~~State Court Administrator~~ state court administrator, after consultation with the ~~Jury Standards Committee~~ jury standards committee, ~~shall~~ must file a jury selection plan with the ~~Clerk~~ clerk of the North Dakota ~~Supreme Court~~ supreme court. The plan ~~shall~~ will detail the procedures to be followed in selecting and managing jurors in order to implement the policies set forth in N.D.C.C. ~~Ch.~~ ch. 27-09.1.

Section 4. The ~~State Court Administrator~~ state court administrator ~~shall~~ must also file the jury selection plan with the clerk of district court of each county whenever it is amended.

Section 5. The administration and management of the jury system in this state ~~shall~~ must comply with the Standards Relating to Juror Use and Management, which are

23 included and incorporated in this ~~rules~~ rule as an ~~Appendix~~ appendix.

24 EXPLANATORY NOTE

25 SOURCE: AR 9-1979 adopted as Emergency Rule effective August 1, 1979;

26 readopted September 26, 1979; amended effective December 9, 1992; ~~amended effective~~

27 June 1, 2002; ~~amended effective~~ September 1, 2011; August 11, 2021.

RULE 11. AUTHORITY AND APPOINTMENT OF THE CHIEF JUSTICE

Section 1. The chief justice exercises all administrative authority of the chief justice under ~~Sections 3 and 11 of Article VI of the North Dakota Constitution~~ N.D. Const. art. VI, §§ 3 and 11.

Section 2. The chief justice may exercise authority concurrent with and has supervision over the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court in all matters under N.D. Sup. Ct. Admin. R. 5.

Section 3. The chief justice must sign and execute on behalf of the ~~Supreme Court~~ supreme court any order directed to be entered by the ~~Court~~ court.

Section 4. The chief justice may designate any justice or justices of the ~~Supreme Court~~ supreme court as administrative justice or justices to act in the absence, disqualification, or at the direction of the chief justice. An administrative justice, in the absence, disqualification, or at the direction of the chief justice has the administrative authority of the chief justice.

Section 5. The chief justice must designate a presiding judge, elected under N.D. Sup. Ct. Admin. R. 2, who will have the administrative authority of the chief justice in the event the chief justice and all the justices of the ~~Supreme Court~~ supreme court are incapacitated and unable to act. In the event the designee is incapacitated, the district judge with the longest service as a district judge will have the administrative authority of the chief justice.

Section 6. The chief justice is appointed by the justices of the ~~Supreme Court~~

23 supreme court and the district judges of all judicial districts in accordance with sections 7,
24 8 and 9. Vacancies in the office of chief justice are filled by vote as prescribed in this
25 rule. Appointment results must be sent to all justices and district judges by e-mail and
26 posted on the ~~Supreme Court~~ supreme court website.

27 Section 7. The chief justice is appointed for a term of five years or until that
28 justice's term expires, whichever occurs first beginning January 1. A justice desiring to be
29 included on the ballot must notify the state court administrator in writing before
30 November 10 of the year the vote is to be taken. The state court administrator must set a
31 place, date, and time for the public opening of the ballots, which must allow for a
32 minimum of 14 days to return the ballots. Ballots must be sent by the state court
33 administrator to each justice and every district judge. Upon receiving the ballot, each
34 justice or district judge will mark one choice for chief justice and return it for receipt by
35 the state court administrator by the date and time set for the public opening. The
36 candidate with a majority of the votes cast will be declared the winner. If no candidate
37 receives a majority of the votes cast, reballoting will take place with only the top two
38 candidates remaining in contention. For reballoting, within seven days after the prior vote
39 count, the state court administrator must set a place, date, and a time for the public
40 opening of ballots which must allow for a minimum of 10 days to return the ballots, and
41 send new ballots to each justice and every district judge. Upon receiving the ballot, each
42 justice or district judge will mark one choice for chief justice and return it for receipt by
43 the state court administrator by the date and time set for the public opening.

44 Section 8. The following instructions must be provided with each ballot: "Along

45 with these instructions you should have one ballot with the names of all justices of the
46 ~~Supreme Court~~ supreme court who have asked to have their names included on the ballot,
47 one envelope marked ‘Chief Justice Ballot--Inner Envelope’ and one pre-addressed outer
48 envelope. Mark with an ‘x’ in front of your one choice for chief justice, seal your ballot in
49 the inner envelope provided and place this in the outer pre-addressed envelope provided
50 and return it to the state court administrator for receipt by _____.” The state
51 court administrator must fill in the blank with the date and time set for the public opening.

52 Section 9. Ballots that are not received by the date and time set for the public
53 opening, ballots that are returned unmarked, and ballots that are returned casting a vote
54 for a write-in candidate will not be counted. Proxy votes are not allowed.

55 Section 10. A vacancy in the office of chief justice that occurs outside the regular
56 appointment cycle because of illness, retirement or resignation, death or other
57 circumstance will be filled within 60 days in the manner prescribed under sections 7, 8
58 and 9. Election under this section will be for a term not to exceed the shorter of the end of
59 the five year term during which the vacancy has occurred or expiration of the justice’s
60 current term.

61 EXPLANATORY NOTE

62 SOURCE: N.D. Const., Art. VI, ~~Sec.~~ §§ 3 and 11; N.D.C.C. § 27-02-01; AR 11
63 Emergency Rule Adopted January 24, 1980; Permanent Rule Adopted March 4, 1980;
64 amended effective November 5, 2019; amended effective August 26, 2020; August 11,
65 2021.

RULE 12. NORTH DAKOTA CASE MANAGEMENT TIME STANDARDS FOR
DISTRICT COURTS

Section 1. Statement of Policy.

(a-) A goal of the judicial system of North Dakota is to promote efficient and timely disposition of cases.

(b-) The North Dakota ~~Judicial System~~ judicial system recognizes the need to provide administrative procedures and time standards to guide the management of trial court dockets and avoid unnecessary delay. These case management time standards and procedures are established to meet this administrative goal.

(c-) These standards and procedures guide the management of cases in the North Dakota trial courts. They are not intended and may not form the basis to change or affect the substantive and procedural rights of the parties in any case. Deviation from these standards does not cause the dismissal of any case.

(d-) Judges will ensure that all cases or contested matters are scheduled in a manner that minimizes delay for the parties and reduces the possibility of continuances. The court will control cases from case initiation through post-disposition proceedings.

(e-) Judges should monitor open cases and contested matters to ensure that all pending matters are set for a future action or review. A case or contested matter should not remain on the court's docket in excess of the guidelines set forth in this rule without prompt judicial review.

(f-) Case management time standards are established to assist judicial leaders in

23 identifying specific cases which are in need of attention and to assist presiding judges and
24 individual judges in management of their caseloads.

25 (g-) The responsibility for management of cases rests with each individual judge.
26 The formal unit of accountability for case management is the judicial district and the
27 presiding judge. Because there are variations in case management techniques among the
28 judicial districts, the assignment of accountability to the district permits flexibility in
29 determining the best approach to case management while maintaining accountability
30 among districts. Each judge is expected to actively participate in the management of their
31 assigned cases and collaborate with other members of the bench, judicial support staff,
32 and other justice system stakeholders within the judicial district.

33 (h-) Each presiding judge has authority under ~~AR~~ N.D.Sup.Ct.Admin.R. 2 to
34 assign cases and coordinate judicial resources and support services in order to maintain a
35 current docket throughout the district. To this end, the presiding judges have been
36 directed to take appropriate action to meet this goal. The ~~Supreme Court~~ supreme court,
37 through the ~~Chief Justice~~ chief justice, has communicated to each presiding judge the
38 ~~Court's~~ court's commitment to respond to requests for assistance in meeting the
39 standards.

40 (i-) Each presiding judge should exercise the authority to assure the timely
41 resolution of cases within their respective judicial district. This authority includes
42 assignment of cases among the judges of the judicial district (~~Sec. 8, AR~~
43 N.D.Sup.Ct.Admin.R. 2, section 8), referral to the Advisory Board (~~Sec. 8, ND Local~~
44 EtRN.D.R. Local Ct. P.R. section 8), convening meetings of the judges within the judicial

45 district (~~Sec. 7, AR N.D.Sup.Ct.Admin.R. 2, section 7~~), and supervision of all local
46 administrative practice and procedure regulations by judges, clerks of court, and other
47 officers and employees of the courts (~~Sec. 12, AR N.D.Sup.Ct.Admin.R. 2, section 12~~).

48 The presiding judge may refer any matter to the ~~Chief Justice~~ chief justice for assistance.

49 (j-) These case management and time standards apply to cases filed in district
50 court. They do not apply to trust cases (post disposition), mental health, or criminal cases
51 in which there is a deferred imposition of sentence under ~~Section N.D.C.C. § 12.1-32-~~
52 ~~02(4), NDCC~~. For purposes of calculating time to disposition, the period in which a
53 criminal case is on active warrant status or under interlocutory appeal review does not
54 count towards the calculation of case age.

55 Section 2. Time Standards.

56 (a-) These standards run from the date of filing to the date of entry of a disposition.
57 The running of time is suspended under these standards by occurrences such as the filing
58 of an interlocutory appeal or issuance of a warrant. If a file is re-opened these standards
59 run from the date of the reopen event to the date of entry of a disposition.

60 [INSERT CHART HERE]

61 (b-) Matters Submitted for Decision.

62 (1-) Orders disposing of matters submitted for decision that are under advisement
63 must be entered within ~~ninety (90)~~ days of oral argument, the end of trial, or the filing of
64 the last brief, whichever is later.

65 (2-) If a matter will not be decided within ~~ninety (90)~~ days, the judicial officer
66 must report to the presiding judge within ~~ten (10)~~ days after the due date, indicating the

67 reason the judicial officer has failed to decide the matter. If good cause is found for the
68 delay, the presiding judge may grant an extension of up to ~~ninety (90)~~ additional days to
69 decide the matter.

70 (3-) If the matter remains undecided after the extension, the ~~Chief Justice~~ chief
71 justice may grant an additional ~~thirty (30)~~ day extension upon a showing of good cause,
72 or may file a report with the ~~Judicial Conduct Commission~~ judicial conduct commission.

73 (4-) If the ~~Chief Justice~~ chief justice grants an extension and the matter is not
74 decided in the time granted, the ~~Chief Justice~~ chief justice may file a report with the
75 ~~Judicial Conduct Commission~~ judicial conduct commission.

76 (c-) Disability or Illness. The requirements of this policy may be waived by the
77 presiding judge in consultation with the ~~Chief Justice~~ chief justice in cases of disability or
78 illness. In such situations, time standards may be waived or cases may be reassigned.

79 Section 3. Caseflow Management Plans. Each district court ~~shall~~ must prepare and
80 maintain a current caseflow management plan in the format specified by the ~~Supreme~~
81 ~~Court~~ supreme court. These plans and any subsequent amendments ~~shall~~ must be filed
82 with the ~~State Court Administrator~~ state court administrator. Each presiding judge is
83 encouraged to convene a local caseflow management committee to solicit input from
84 other justice system agencies and representative, including the local bar, in the
85 development of a local caseflow management plan.

86 Section 4. Caseflow Management Information. Consistent with Policy 507, judges,
87 clerks, and administrators are to review caseflow management reports and information
88 available from the case management system to aid in monitoring the progress of

89 individual cases, as well as assessing overall court performance towards meeting caseload
90 management goals.

91 EXPLANATORY NOTE

92 AR 12-1980, effective July 1, 1980; AR 2-1978, AR 2-1981; Section 8, ND Local
93 Ct R. AR 12 amended ~~December 22, 1982~~, effective November 1, 1983, and July 1, 1983.
94 AR 12 amended ~~March 14, 1985~~, effective July 1, 1985; ~~amended November 16, 1994,~~
95 ~~effective January 1, 1995; amended effective October 16, 1996; amended effective~~
96 ~~January 23, 2003; amended effective September 27, 2017; amended effective March 1,~~
97 ~~2018; August 11, 2021.~~

RULE 13. JUDICIAL REFEREES

Section 1. Authority. The 1985 ~~Legislative Assembly~~ legislative assembly provided for appointment of judicial referees under House Bill 1586. Under N.D. Const. art. VI, § 3, and N.D.C.C. § 27-05-30, the ~~Supreme Court~~ supreme court adopts the following administrative rule relating to judicial referees.

Section 2. Statement of Policy. The North Dakota ~~Judicial System's~~ judicial system's policy is to provide for the qualifications, the extent and assignment of authority, procedure and the conduct of the role of judicial referees within the North Dakota ~~Judicial System~~ judicial system in each judicial district.

Section 3. Qualifications of Judicial Referees. Minimum qualifications for a judicial referee include:

- (a) United States citizenship;
- (b) physical residence in the judicial district of the appointment after appointment unless physical residence is waived by the presiding judge of the judicial district; and
- (c) a license to practice law in the state of North Dakota; or a juvenile supervisor/referee meeting the requirements of N.D.C.C. § ~~27-20-06(1)(f)~~ 27-20.2-05(1)(i).

Section 4. Appointment. The presiding judge, on behalf of all of the district court judges of the judicial district, must execute in writing the appointment of all judicial referees, to serve at the pleasure of the district court judges of the judicial district. Judicial referees must be compensated under the personnel system of the North Dakota Judicial

23 System.

24 Section 5. Scope of Delegable Duties.

25 (a) A presiding judge, after consultation with the district court judges of the
26 judicial district, may authorize a judicial referee to preside in any individual proceeding
27 or class of proceedings under:

28 (1) N.D.C.C. ch. 12.1-31.2;

29 (2) N.D.C.C. 12.1-31-01.2;

30 (3) N.D.C.C. title 14, except contested divorce trials;

31 (4) N.D.C.C. §§ 20.1-01-28 and 20.1-01-29;

32 (5) N.D.C.C. ch. 27-08.1;

33 (6) N.D.C.C. ~~ch. 27-20~~ chs. 27-20.1, 27-20.2, 27- 20.3, 27-20.4;

34 (7) N.D.C.C. ch. 28-25;

35 (8) N.D.C.C. ch. 30.1-28

36 (9) N.D.C.C. ch. 30.1-29

37 (10) N.D.C.C. §§ 50-09-08.6(6) and 50-09-14(2); and

38 (11) N.D.C.C ch. 47-32.

39 (b) A presiding judge, after consultation with the district court judges of the
40 judicial district, may authorize a judicial referee, while serving and acting as a magistrate
41 appointed under N.D. Sup. Ct. Admin. R. 20, to preside in any individual proceeding or
42 class of proceedings under N.D.C.C. § 39-06.1-03.

43 (c) A judicial referee has such other authority of a district court judge as is
44 necessary to carry out the delegated duties, including the issuance of orders to show

45 cause, temporary restraining orders, temporary injunctions, and the power to impose
46 remedial sanctions for contempt of court.

47 (d) ~~The~~ An order issued under ~~Subsection (a) of this section~~ subsection 5(a) must
48 be reduced to writing and signed by the presiding judge of the judicial district. The order
49 must be filed with the clerk of district court of each county of the judicial district. The
50 presiding judge must send a copy of this document to the ~~State Court Administrator~~ state
51 court administrator. A copy must be made available to any party upon request.

52 (e) Within the limits set forth in the written order of the presiding judge, district
53 court judges may refer individual cases or classes of cases to a judicial referee by written
54 order.

55 ~~(f) After July 1, 1987, a judicial referee who hears matters under N.D.C.C. ch.~~
56 ~~27-20 may not exercise supervision of personnel who supervise juveniles.~~

57 Section 6. Geographical Jurisdiction. Each judicial referee will have jurisdiction
58 only within the judicial district of appointment and is expected to maintain an office as
59 assigned by the presiding judge of the judicial district. A judicial referee may be
60 appointed to temporary duty in another judicial district by the presiding judge of the
61 judicial district, with the consent of the presiding judge of the receiving judicial district or
62 by the chief justice under N.D. Const. art. VI, § 3.

63 Section 7. Proceedings on the Record. Except in small claims court cases under
64 N.D.C.C. ch. 27-08.1 and in traffic cases under N.D.C.C. § 39-06.1-03, proceedings must
65 be heard on the record.

66 Section 8. Removal from Referee. Any party to a proceeding before a judicial

67 referee is entitled to have the matter heard by a district court judge, if written request is
68 filed by the party within seven days after service of either the initiating documents or
69 other notice informing the party of this right.

70 Section 9. Standard of Conduct. The Rules of Judicial Conduct must be observed
71 by each judicial referee.

72 Section 10. Findings and Order.

73 (a) The findings and order of the judicial referee have the effect of the findings and
74 order of the district court until superseded by a written order of a district court judge.

75 (b) Copies of the findings and order together with written notice of the right of
76 review must be promptly served on the parties under N.D.R.Civ.P. 5.

77 Section 11. Procedure for Review.

78 (a) Except in small claims court cases under N.D.C.C. ch. 27-08.1 and in traffic
79 cases under N.D.C.C. § 39-06.1-03, a review of the findings and order of a judicial
80 referee may be ordered at any time by a district court judge and must be ordered if a party
81 files a written request for a review within seven days after service of the notice in **Section**
82 **subsection** 10(b). The request for review must state the reasons for the review. A party
83 requesting review must give notice to all other parties. A party seeking to respond to a
84 request for review must file their response within 14 days after service of notice of the
85 request.

86 (b) The review by a district court judge must be a de novo review of the record.

87 The district court may:

88 (1) adopt the referee's findings;

89 (2) remand to the referee for additional findings; or

90 (3) reject the referee's findings.

91 (c) If the district court judge rejects the referee's findings, the court ~~shall~~ must
92 issue its own findings of fact, with or without a hearing.

93 EXPLANATORY NOTE

94 Adopted as emergency rule effective June 13, 1985; readopted September 17,
95 1985; amended effective March 1, 1994; January 1, 1995; March 1, 2000; March 1, 2003;
96 March 1, 2004; March 1, 2011; March 1, 2012; June 1, 2012; September 1, 2013; March
97 1, 2014; March 1, 2015; August 1, 2017; March 1, 2018; January 1, 2019; August 11,
98 2021.

99 Section 5 was amended, effective September 1, 2013, to reflect enactment of 2013
100 House Bill No. 1075 [2013 N.D. Sess. Laws ch. 241, § 1], which added three categories
101 of cases to the statutory list of proceedings that may be delegated to a judicial referee by a
102 presiding judge: disorderly conduct restraining order cases, noncriminal game and fish
103 violations, and review of administrative license suspensions for nonpayment of child
104 support.

105 Section 5 was amended, effective March 1, 2012, to allow a presiding judge to
106 authorize a judicial referee to preside in proceedings involving disorderly conduct
107 restraining orders.

108 Section 5 was amended, effective March 1, 2014, to allow a presiding judge to
109 authorize a judicial referee to preside in small claims and traffic court proceedings.

110 Section 5 was amended, effective March 1, 2015, to allow a presiding judge to

111 authorize a judicial referee to preside in emergency guardianship proceedings.

112 Section 5 was amended, effective August 1, 2017, to allow a presiding judge to
113 authorize a judicial referee to preside in sexual assault restraining order proceedings.

114 Section 5 was amended, effective March 1, 2018, to allow a presiding judge to
115 authorize a judicial referee to preside in eviction and guardianship proceedings.

116 Section 5 was amended, effective January 1, 2019, to allow a presiding judge to
117 authorize a judicial referee to preside in eviction and conservatorship proceedings.

118 Section 7 was amended, effective March 1, 2014, to clarify that small claims and
119 traffic court matters decided by a judicial referee are not heard on the record.

120 Section 8 was amended, effective March 1, 2011, to increase the time to request a
121 district court judge from five to seven days after service of initiating documents. A
122 “proceeding” under this rule has the same meaning as a proceeding under N.D.C.C. §
123 29-15-21.

124 Section 11(a) was amended, effective March 1, 2011, to increase the time to
125 request a review from a district court judge from five to seven days after service of the
126 right to review. The time to respond to a request for review was increased from 10 to 14
127 days after service of notice of the request.

128 Section 11(a) was amended, effective March 1, 2014, to clarify that small claims
129 and traffic court matters decided by a judicial referee are not reviewable or appealable.

130 SOURCE: Joint Procedure Committee Meeting Minutes of _____;
131 April 24-25, 2014, pages 10-12; September 26, 2013, pages 2-6; January 31-February 1,
132 2013, page 29; September 23-24, 2010, pages 14-15, 21; April 29-30, 2010, page 21;

133 April 24-25, 2003, page 3; January 30-31, 2003, pages 21-23; April 25-26, 2002, pages
134 16-17; May 6-7, 1999, pages 14-15; April 29-30, 1993, page 2. Court Services
135 Administration Committee Meeting Minutes of May 17, 1985, pages 2-4. Family Caselaw
136 Referee Study Subcommittee of Court Services Administration Committee Meeting
137 Minutes of April 19, 1985, pages 3-8; March 15, 1985, pages 1-6; February 22, 1985,
138 pages 1-9; January 11, 1985, pages 2-8; and December 17, 1984, page 5. North Dakota
139 Constitution, Article VI, Section 3; and Section 27-05-30 N.D.C.C.

140 ~~[Adopted as emergency rule effective June 13, 1985; readopted September 17,~~
141 ~~1985; amended effective March 1, 1994; January 1, 1995; March 1, 2000; March 1, 2003;~~
142 ~~March 1, 2004; March 1, 2011; March 1, 2012; June 1, 2012; September 1, 2013; March~~
143 ~~1, 2014; March 1, 2015; August 1, 2017; March 1, 2018; January 1,~~
144 ~~2019; _____.]~~

RULE 14. JUDICIAL PLANNING COMMITTEE

Section 1. Membership. Members of the ~~Judicial Planning Committee~~ judicial planning committee are appointed by the ~~Chief Justice~~ chief justice with the concurrence of the ~~Court~~ court. The ~~Chief Justice~~ chief justice appoints the committee chair.

Committee members serve three-year terms, but may be reappointed. A member may not serve more than three consecutive terms. A former member who served three consecutive terms is eligible for reappointment after a six-year break in service.

Section 2. Duties of the Committee. The ~~Committee shall~~ committee will:

~~A.~~(a) Review existing judicial planning reports and recommendations for continued viability and relevance to the present and future administration and operation of the judicial system.

~~B.~~(b) Study the administration and operation of the judicial system and and the environment in which the system operates by:

(1) gathering and analyzing information relevant to the administration and operation of the judicial system.

(2) reviewing demographic, political, fiscal, technological, and other societal trends that may affect the judicial system.

(3) identifying and assessing challenges confronting the judicial system.

(4) assessing any other information considered useful in identifying present and future changes that will aid in protecting and fulfilling the institutional prerogatives of the judicial system.

23 ~~E.(c)~~ Based on its studies and assessments, develop long- and short-term plans and
24 any other recommendations considered necessary and beneficial to the continued
25 effective administration and operation of the judicial system.

26 ~~D.(d)~~ Assess demands and expectations of court users and the public regarding the
27 operation and administration of the judicial system and review and make
28 recommendations on matters that may affect the public's trust and confidence in the
29 judicial system.

30 ~~E.(e)~~ Review any other matters referred to it by the Supreme Court.

31 Section 3. Staffing. Staffing for the ~~Committee~~ committee will be provided by the
32 ~~Office of State Court Administrator~~ office of state court administrator, unless other
33 arrangements are made by the ~~Committee~~ committee.

34 EXPLANATORY NOTE

35 SOURCE: N.D. Sup. Ct. Admin. R. 14 dated April 7, 1977, formerly N.D. Sup. Ct.
36 Admin. Order VIII. Amended effective June 9, 1987; ~~amended effective~~ April 1, 2006
37 (Supreme Court No. 20060059); ~~amended effective~~ May 1, 2006, to update the rule and
38 incorporate duties of the Public Trust and Confidence Implementation Committee
39 formerly established under Administrative Order 12 (Supreme Court No. 20060123);
40 amended effective August 11, 2021.

RULE 15. TEMPORARY ASSIGNMENTS OF JUDGES

Section 1. The ~~Chief Justice~~ chief justice is hereby authorized to assign judges, including retired judges, for temporary duty in any court or district, to perform such specific duties as may be assigned by the ~~Chief Justice~~ chief justice or by the ~~Presiding Judge of the Judicial District~~ presiding judge of the judicial district with the approval of the ~~Chief Justice~~ chief justice.

Section 2. The ~~Chief Justice~~ chief justice ~~shall~~ will make each temporary assignment setting forth the general purpose and term of the assignment and such other information as ~~he deems~~ appropriate.

Section 3. The assignment of a retired judge ~~shall~~ will be made only with the prior consent of the retired judge.

Section 4. The term of each temporary assignment ~~shall~~ will be for such period of time, not to exceed one year, as designated by the ~~Chief Justice~~ chief justice. Renewed periods of temporary duty may be assigned by the ~~Chief Justice~~ chief justice after consultation with the ~~Supreme Court~~ supreme court. The ~~Chief Justice~~ chief justice may terminate the assignment at any time.

EXPLANATORY NOTE

{Adopted May 24, 1977 (formerly AO IX); amended effective January 1, 1995;
August 11, 2021.}

RULE 16. APPEALS FROM MUNICIPAL COURTS

All appeals under ~~Section~~ N.D.C.C. § 40-18-19, ~~NDCC~~, and ~~Rule~~ N.D.R.Crim.P. 37, ~~NDRCrimP~~, from determinations of municipal courts must be filed and heard in the district court of that county.

EXPLANATORY NOTE

To the extent that ~~Subsection~~ N.D.C.C. §§ 39-06.1-03(5) and ~~Sections 27-08-21 and 40-18-19, NDCC~~, are in conflict with ~~AR~~ N.D.Sup.Ct.Admin.R. 16, ~~AR~~ N.D.Sup.Ct.Admin.R. 16 supersedes the statutory material.

SOURCE: N.D. Const., Article VI, ~~Sections §§ 1 and 3; Sec.~~ N.D.C.C. § 27-02-05.1(1), (2), (3) and (5) ~~NDCC~~; amended December 22, 1982; formerly Administrative Order XII, February 2, 1978; amended effective January 1, 1995; August 11, 2021.

RULE 17. RULE RELATING TO DISTRICT JUDGE AND MUNICIPAL JUDGE
ADMINISTRATIVE SELF-DISQUALIFICATION PROCEDURE

Section 1. Whenever a district judge or municipal judge for whom an alternate judge has not been appointed pursuant to under statute determines, for any reason, that it is inappropriate to preside in an assigned case, the judge ~~shall~~ must refer the case to the presiding judge of the judicial district for reassignment.

Section 2. If a presiding judge determines, for any reason, that it is inappropriate for the presiding judge to preside in an assigned case, the presiding judge ~~shall~~ must refer the case to the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court for reassignment by the ~~Chief Justice~~ chief justice.

Section 3. If the presiding judge is unable to make an appropriate assignment from among the judges within the judicial district, the presiding judge ~~shall~~ must refer the case to the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court for reassignment by the ~~Chief Justice~~ chief justice.

Section 4. Reassignment of a judge from out of the district may include consideration of the following factors:

(a-) whether reassignment in the same administrative unit as the district of venue is appropriate;

(b-) whether reassignment to a district geographically contiguous to the administrative unit where the case is venued is appropriate;

(c-) the most recent weighted caseload study; and

23 (d-) other relevant factors in the exercise of the constitutional authority of the ~~Chief~~
24 ~~Justice~~ chief justice to assign judges for temporary duty in any court or district.

25 EXPLANATORY NOTE

26 {Adopted effective July 1, 1982 and January 1, 1983; amended effective January 1,
27 1995; March 1, 2012; August 11, 2021.}

RULE 19. COURT RECORDS MANAGEMENT PROGRAM

Section 1. Statement of Authority and Policy.

(a-) Under ~~Article VI, Section 3 of the North Dakota Constitution~~ N.D. Const. art. VI, § 3, the ~~Supreme Court~~ supreme court has authority to promulgate rules of procedure to be followed by all courts of this state, including rules regarding the administration of court records. The ~~Legislative Assembly~~ legislative assembly has encouraged this process under ~~Sections~~ N.D.C.C. §§ 27-02-05.1 and 54-46-06, ~~NDCC~~.

(b-) A goal of the North Dakota ~~Judicial System~~ judicial system is to establish a uniform judicial records management program.

(c-) The ~~Supreme Court~~ supreme court recognizes the need to provide a court records policy that specifically addresses the retention and disposition of court records. This records retention and disposal procedure is established to meet this administrative goal.

Section 2. Administrative Responsibilities.

(a-) The ~~State Court Administrator~~ state court administrator is the court records administrator and is responsible for developing a retention and disposition schedule of court records. The ~~State Court Administrator~~ state court administrator may obtain the services of the ~~State Records Administrator~~ state records administrator to develop and monitor the record disposal report identified in ~~Section~~ section 9 and to otherwise provide program services described in ~~Chapter~~ N.D.C.C. ch. 54-46, ~~NDCC~~.

(b-) The clerk of district court in each county is responsible for the retention and

23 disposition of all district court case records in accordance with the case records retention
24 schedule.

25 (c-) The judge of a municipal court or a clerk designated by the judge is
26 responsible for the retention and disposition of all municipal court case records in
27 accordance with the case records retention schedule.

28 (d-) The administrative records custodian is responsible for the retention and
29 disposition of all administrative records in accordance with the administrative records
30 retention schedule. Each district and municipal court ~~shall~~ must designate an
31 administrative records custodian to manage retention and disposition of the administrative
32 records under the court's jurisdiction. The ~~State Court Administrator shall~~ state court
33 administrator must designate one or more administrative records custodians to manage
34 retention and disposition of administrative records of the commissions, boards,
35 committees, and offices under the supervision of the ~~Supreme Court~~ supreme court.

36 Section 3. Scope of Supreme Court Rule.

37 (a-) This rule applies to all court records under the jurisdiction of the clerks of
38 district court, municipal judges, and to commissions, boards, committees, and offices
39 under the supervision of the ~~Supreme Court~~ supreme court.

40 (b-) Court records: ~~Court Records~~: the sum of all administrative and case records in
41 the judicial branch.

42 (1-) Administrative record: court records that pertain to management, supervision
43 or administration of the court and are not part of a case record.

44 (2-) Case record: any document, action or information that is collected, received or

45 maintained by a clerk of court connected to a judicial proceeding. It may include an
46 index, calendar, docket, register of actions, official record of the proceeding, order,
47 decree, judgment or minute order. These may have been collected in a case management
48 system that is used to track information. Case records may contain both public and
49 confidential information. Case records do not include records that have been disposed of
50 under court records management rules, or records to which a court has access but which
51 are not a part of the court records as defined in this ~~Rule~~ rule.

52 Section 4. Permanent Retention Periods.

53 (a-) Court records assigned “permanent” retention periods must be retained
54 indefinitely by the clerk or judge having jurisdiction over the case record or by the
55 administrative record custodian. The permanent retention periods are subject to a review
56 process consistent with ~~Section~~ N.D.R.Proc.R. 8.6, ~~NDRPR~~.

57 (b-) ~~Section~~ Subsection 4(a) does not prohibit the clerk or judge having jurisdiction
58 over the case records assigned permanent retention periods or the administrative record
59 custodian with responsibility over administrative records assigned permanent retention
60 periods from depositing such record with the state archivist for preservation under ~~Section~~
61 section 12.

62 Section 5. Disposition of Court Records. The term “disposition” means:

63 (a-) transfer of a record to the possession of the state archivist under the procedure
64 in ~~Section~~ section 12;

65 (b-) if the record is confidential, destruction by a method that renders the content
66 irretrievable, such as burning, shredding, pulverizing, sanitizing or overwriting; or

67 (c:) if the record is not confidential, destruction by ordinary means, such as
68 landfill, recycling or deleting.

69 Section 6. Case Records Disposition Record. The clerk or judge having
70 jurisdiction over case records ~~shall~~ must keep a record of the disposition of any case
71 record under the case records retention schedule. This record must indicate the title of the
72 record series, a description of the contents of the case record, the inclusive years of the
73 records disposed, and the date and the means of disposition.

74 Section 7. Case Records Disposition Process. The ~~State Court Administrator~~ state
75 court administrator will provide each clerk or judge having jurisdiction over case records
76 with a case records retention schedule. The case records retention schedule must identify
77 and describe each record series, provide the retention period based upon the fiscal, legal,
78 administrative, and archival value of the records, and describe the method of destruction
79 for each series that may be destroyed. The ~~State Court Administrator~~ shall state court
80 administrator must file a copy of the case records retention schedule with the ~~Clerk~~ clerk
81 of the ~~Supreme Court~~ supreme court. The case records retention schedule constitutes
82 approval for disposition of all records that have met the timeframes established in the
83 schedule.

84 Section 8. Procedures to Modify Record Retention Values. The following
85 procedures apply when adding, changing, or deleting a record series from the court
86 records retention schedules.

87 (a:) The person suggesting the changes must complete the Record Series
88 Description, State Form Number 2042, with the exception of the legal value, fiscal value,

89 archival value, and records control number.

90 (b-) The completed Record Series Description must be sent to the ~~State Court~~
91 ~~Administrator~~ state court administrator who ~~shall~~ must obtain the advice of the ~~State~~
92 ~~Auditor, Attorney General, State Archivist~~ state auditor, attorney general, state archivist
93 and ~~State Records Administrator~~ state records administrator, to determine the
94 administrative, legal, fiscal, and archival values of the records.

95 (c-) A draft of the proposed addition, modification, or deletion of a record series
96 must be submitted to the ~~Court Services Administration Committee~~ court services
97 administration committee for comments.

98 (d-) The ~~State Court Administrator~~ state court administrator ~~shall~~ must issue a
99 revision to the retention schedule if appropriate.

100 Section 9. Case Records Disposal Procedures. Each clerk or judge having
101 jurisdiction over case records must dispose of records as designated in the case records
102 retention schedule and must complete a case records disposal report provided by the ~~State~~
103 ~~Court Administrator~~ state court administrator or ~~State Records Administrator~~ state records
104 administrator. The duty to dispose of case records is subject to the availability of staff and
105 to legislative appropriations. Each case record must be reviewed and approved for
106 disposition by the clerk or judge having jurisdiction over the court records. Unless
107 otherwise noted in the case records retention schedule, all non-permanent case records
108 must be destroyed in accordance with ~~Section~~ subsections 5(b) and (c). The ~~State Court~~
109 ~~Administrator~~ state court administrator, in cooperation with the ~~Information Technology~~
110 ~~Department~~ information technology department, ~~shall~~ must establish procedures and

111 standards for the efficient and effective destruction of electronic case records.

112 A record series must not be disposed of before the time approved in the retention
113 schedule. If a situation warrants early disposal of a record within a record series, the clerk
114 or judge may make a request to the ~~State Court Administrator~~ state court administrator for
115 early disposal of that record or may obtain an order from the judge of the court.

116 Section 10. Administrative Record Retention and Disposal Procedures. The ~~State~~
117 ~~Court Administrator~~ state court administrator will provide an administrative records
118 retention schedule to all administrative records custodians. Each custodian must retain the
119 records for the retention period set forth in the administrative records retention schedule
120 and should dispose of records after the retention period has expired, subject to staff
121 availability and legislative appropriations. Unless otherwise designated in the
122 administrative records retention schedule, all non-permanent records must be destroyed in
123 accordance with ~~Section~~ subsections 5(b) and (c). The ~~State Court Administrator~~ state
124 court administrator, in cooperation with the the ~~Information Technology Department~~
125 information technology department, ~~shall~~ must establish procedures and standards for the
126 efficient and effective destruction of electronic administrative records. A record series
127 must not be disposed of before the time approved in the administrative records retention
128 schedule. If a situation warrants early disposal of a record within a record series, the
129 custodian may make a request to the ~~State Court Administrator~~ state court administrator
130 for early disposal of that record.

131 Section 11. Extension of Retention Period. Any person, including the court, may
132 request an extension of the retention period of a court record by completing a form to be

133 provided by the ~~State Court Administrator Office~~ state court administrator's office and
134 submitting the form to the court with jurisdiction over the case records or to the ~~State~~
135 ~~Court Administrator~~ state court administrator for a request related to administrative
136 records. The court will forward the request to the ~~State Court Administrator Office~~ state
137 court administrator's office for consideration. The request must be submitted no later than
138 ~~ninety~~ 90 days prior to the record meeting the retention deadline as set forth in the record
139 retention schedule. The request must state the reason for the extension request, the fiscal,
140 legal, administrative, or archival value of the records that justifies the extension, and the
141 additional retention time requested.

142 Section 12. Transfer of Court Records to the State Archives. The ~~State Court~~
143 ~~Administrator~~ state court administrator will provide in the ~~Clerk of Court Procedures~~
144 ~~Manual~~ clerk of court procedures manual procedures for the transfer to the ~~State Archives~~
145 state archives of court records determined to be of archival value. The clerk of court,
146 judge, or administrative records custodian will contact the ~~State Archivist~~ state archivist
147 when the records are ready for transfer. Arrangements will be made by the ~~State Archivist~~
148 state archivist to take possession of the records within 60 days of notice to the ~~State~~
149 ~~Archivist~~ state archivist. The ~~State Archivist~~ state archivist may, upon request, complete a
150 certification for archival transfer and send it to the clerk or judge after all records have
151 been transferred.

152 Section 13. Microfilming Records. Records microfilmed under this section must be
153 maintained in accordance with the ~~State Standards for Microfilming North Dakota Public~~
154 ~~Records~~ state standards for microfilming North Dakota public records developed by the

155 ~~Information Services Division~~ information services division. A copy of the standards
156 must be included in the North Dakota ~~Clerk of Court Manual~~ clerk of court manual.

157 EXPLANATORY NOTE

158 Rule 19 was adopted effective ~~Adopted effective~~ January 1, 1995; amended
159 effective November 1, 1998; Schedule amended effective August 1, 2001, to reflect the
160 name change of the State Bar Board to the State Board of Law Examiners; ~~and~~ Schedule
161 amended effective February 1, 2014, to extend the length of retention for certain records;;
162 Rule and Case Records Retention Schedule amended effective July 1, 2019; Case
163 Records Retention Schedule amended effective March 1, 2021; Rule amended effective
164 August 11, 2021.

RULE 20. MAGISTRATES--QUALIFICATIONS, AUTHORITY, EDUCATION AND
PROCEDURES

Section 1. Authority. In accordance with ~~Article VI, Section 3, North Dakota Constitution~~ N.D. Const. art. VI, § 3, and N.D.C.C. § 27-05-31, the ~~Supreme Court~~ supreme court adopts the following ~~administrative~~ rule relating to magistrates appointed by a presiding judge.

Section 2. Statement of Policy. The North Dakota ~~Judicial System's~~ judicial system's policy is to provide for the qualifications, the extent and assignment of authority, and the conduct of the office of magistrate within the North Dakota ~~Judicial System~~ judicial system in each judicial district.

Section 3. Qualifications of Magistrates. Minimum qualifications for magistrates includes:

(a) United States' citizenship;

(b) except for duties delegated under ~~Section~~ subsections 5(a)(3), (4), and (6), admission to practice as an attorney in the state of North Dakota;

(c) physical residence in the county of appointment after appointment unless physical residence is waived by the appointing and confirming authorities.

Section 4. Appointment. The presiding judge of the judicial district may appoint a magistrate to serve at the pleasure of the presiding judge. A copy of an order appointing a magistrate and designating delegated duties or an order modifying delegated duties must be filed with the ~~State Court Administrator~~ state court administrator within three business

23 days of the date of the order. Magistrates may be paid a salary as determined by the
24 ~~Supreme Court~~ supreme court.

25 Section 5. Scope of Delegable Duties.

26 (a) The presiding judge of the judicial district may delegate the following duties
27 and authority to a magistrate who has met the qualifications in Section 3:

28 (1) to issue search warrants under N.D.C.C. § 29-29-01 and N.D.R.Crim.P. 41;

29 (2) to issue administrative search warrants under N.D.C.C. § 29-29.1-01;

30 (3) to approve complaints and to issue summonses or warrants under N.D.C.C. ch.
31 29-05 and N.D.R.Crim.P. 3 and ~~N.D.R.Crim.P.~~ 4;

32 (4) to hold initial appearance under N.D.R.Crim.P. 5, and to set bail under
33 N.D.C.C. ch. 29-08 and N.D.R.Crim.P. 46;

34 (5) to conduct preliminary examinations under N.D.R.Crim.P. 5.1;

35 (6) to perform registrar and clerk duties under the Uniform Probate Code,
36 N.D.C.C. tit. 30.1, particularly N.D.C.C. §§ 30.1-14-02 and 30.1-14-07 in informal
37 probate proceedings and N.D.C.C. § 30.1-15-05 in uncontested formal probate
38 proceedings;

39 (7) to conduct preliminary mental health commitment proceedings under N.D.C.C.
40 § 25-03.1-09, notwithstanding and consistent with § 25-03.1-02(3) and (8);

41 (8) to issue temporary domestic violence protection orders under N.D.C.C. ch.
42 14-07.1;

43 (9) to issue temporary disorderly conduct restraining orders under N.D.C.C. ch.
44 12.1-31.2; and

45 (10) to issue temporary sexual assault restraining orders under N.D.C.C. §
46 12.1-31-01.2.

47 (b) The duties delegated to each magistrate under this section must be reduced to
48 writing and signed by the presiding judge of the judicial district.

49 (c) The duties of a magistrate may be diminished by the presiding judge of the
50 judicial district upon notice in writing to the magistrate.

51 Section 6. Geographical Jurisdiction. Each magistrate has the geographical
52 jurisdiction within the judicial district as assigned by the presiding judge of the judicial
53 district, and is expected to maintain an office in conjunction with a district judge.

54 Section 7. Alternate Magistrate. The presiding judge of the judicial district may
55 appoint an alternate magistrate in a county in which the presiding judge or another district
56 judge does not reside. The alternate magistrate must meet the qualifications of ~~Section~~
57 section 3 and may be delegated duties under ~~Section~~ section 5. The alternate magistrate
58 will serve as magistrate whenever the magistrate for the county is unavailable to fulfill the
59 duties of magistrate.

60 Section 8. Vacancy. The presiding judge of the judicial district may fill any
61 vacancy in the office of magistrate or alternate magistrate under ~~Section~~ section 4 and
62 ~~Section~~ section 7.

63 Section 9. Proceedings on the Record. Proceedings must be heard on the record as
64 in district court.

65 Section 10. Removal From Office. A magistrate may be removed from the office
66 of magistrate by the presiding judge of the judicial district upon notice in writing to the

67 magistrate. The presiding judge must notify the ~~State Court Administrator~~ state court
68 administrator of the removal.

69 Section 11. Standard of Conduct. The Code of Judicial Conduct is the standard of
70 conduct which must be observed by each magistrate. The ~~Judicial Conduct Commission~~
71 judicial conduct commission has jurisdiction over the conduct of magistrates to the same
72 extent as it has over other judges.

73 Section 12. Continuing Education.

74 (a) Each magistrate appointed under N.D.C.C. § 27-05-31 must attend a continuing
75 education program every odd calendar year as provided by the ~~Judicial Branch Education~~
76 Commission judicial branch education commission. The magistrate must be reimbursed
77 for necessary expenses, travel, and subsistence by the judicial system.

78 (b) If any magistrate fails to attend an educational session without being excused
79 by the ~~State Court Administrator~~ state court administrator, the ~~State Court Administrator~~
80 state court administrator will report such fact to the presiding judge of the judicial district
81 and to the ~~Judicial Conduct Commission~~ judicial conduct commission, for such action as
82 it ~~deems~~ considers appropriate.

83 Section 13. Effective Date. This ~~Rule~~ rule, as amended, is effective ~~March 1, 2012~~
84 August 11, 2021.

85 EXPLANATORY NOTE

86 Rule 20 adopted ~~December 22, 1982~~, effective January 1, 1983; amended effective
87 June 24, 1985; emergency amendments adopted effective December 20, 1989, readopted
88 February 22, 1990; amended ~~June 24, 1992, which amendments became effective on~~

89 August 1, 1993; ~~N.D.C.C. § 27-05-31, amended November 16, 1994, with amendments~~
90 ~~effective January 1, 1995; amended April 1, 1998; amended March 1, 2005; amended~~
91 ~~effective July 1, 2007; amended effective January 1, 2009; amended effective July 1,~~
92 ~~2009; amended effective March 1, 2012; amended effective August 1, 2017; August 11,~~
93 2021.

94 SOURCES: Joint Procedure Committee Minutes of September 23-24, 2010, pages
95 14-15, 21. N.D. Const., Art. VI, § 3; N.D.C.C. §§ 27-05-31, 27-07.1-07.

RULE 21. ELECTRONIC AND PHOTOGRAPHIC MEDIA COVERAGE OF COURT
PROCEEDINGS

Section 1. Authority. This rule is adopted under the authority of ~~Article VI, Section 3 of the North Dakota Constitution~~ N.D. Const. art. VI, § 3.

Section 2. Definitions. As used in this rule:

(a-) “Good cause,” for exclusion under ~~Section 21 subsection~~ (4)(b)(2), means expanded media coverage having a substantial effect on the objector which would be qualitatively different from the effect on members of the general public and from coverage by other types of media.

(b-) “Judge” means the presiding officer in a judicial proceeding.

(c-) “Judicial proceeding” or “proceeding” includes any civil or criminal trial, hearing, or other matter conducted before a court established under North Dakota's unified judicial system as well as any court established by a North Dakota municipality.

(d-) “Expanded media coverage” includes broadcasting, televising, electronic recording, or photographing of a judicial proceeding for the purpose of gathering and disseminating information to the public by media personnel.

(e-) “Media personnel” includes any person or entity regularly working in the gathering and dissemination of news, information, photos, or videos.

Section 3. Media Representative. Media personnel must designate a person for each administrative unit and for the supreme court with whom the court may consult as their representative.

23 Section 4. General. The court may permit expanded media coverage of a judicial
24 proceeding in the courtroom while the judge is present, and in adjacent areas as the court
25 may direct. Expanded media coverage provided for in this rule may be exercised only by
26 media personnel.

27 (a.) Coverage Allowed. Media personnel may request the court before which a
28 judicial proceeding is pending to authorize coverage of the proceeding or of all
29 proceedings relating to a case. Expanded media coverage may be permitted of all judicial
30 proceedings, except proceedings specifically excluded by statute, this rule, or in the
31 exercise of the judge's discretion.

32 (b.) Judge's authority to deny expanded media coverage. The judge may deny
33 expanded media coverage of any proceeding or portion of a proceeding in which the
34 judge determines on the record, or by written findings:

35 (1-) Expanded media coverage would materially interfere with a party's right to a
36 fair trial;

37 (2-) A witness or party has objected and shown good cause why expanded media
38 coverage should not be permitted;

39 (3-) Expanded media coverage would include testimony of an adult victim or
40 witness in a prosecution under ~~Chapter~~ N.D.C.C. ch. 12.1-20, N.D.C.C., or for charges in
41 which an offense under that chapter is an included offense or an essential element of the
42 charge, unless the victim or witness consents;

43 (4-) Expanded media coverage would include testimony of a juvenile victim or
44 witness in a proceeding in which illegal sexual activity is an element of the evidence; or

45 (5-) Expanded media coverage would include undercover agents or relocated
46 witnesses.

47 (c-) Judge's authority to limit or end media coverage. The judge may limit or end
48 expanded media coverage at any time during a proceeding, if the judge determines on the
49 record, or by written findings:

50 (1-) The requirements of this rule or additional guidelines imposed by the judge
51 have been violated; or

52 (2-) The substantial rights of an individual participant, or rights to a fair trial will
53 be prejudiced by the expanded media coverage if it is allowed to continue.

54 (d-) Coverage Prohibited. Proceedings held in chambers, proceedings closed to the
55 public, and jury selection may not be photographed, recorded, or broadcast. Conferences
56 between an attorney and client, witness or aide, between attorneys, or between counsel
57 and the court at the bench may not be recorded or received by sound equipment. Close-up
58 photography of jurors is prohibited.

59 (e-) No Appeal of Expanded Media Coverage Decision. A judge's ruling on
60 expanded media coverage is not appealable.

61 Section 5. Requests. Expanded media coverage must be requested as provided in
62 this ~~Section~~ section:

63 (a-) Appellate Court Proceeding. A media representative must request expanded
64 media coverage from the ~~Supreme Court~~ supreme court at least two business days before
65 the scheduled proceeding and must set forth which type of coverage is sought, including
66 whether live coverage is sought. The request must be made by electronic means, with

67 copies to counsel of record. The ~~Court~~ court may determine the coverage of any
68 proceeding.

69 (b-) Trial Court Proceeding. A media representative must request media coverage
70 through the Odyssey case management system from the judge of the trial court before
71 which the proceeding is scheduled at least seven days before the proceeding and must set
72 forth which type of coverage is sought, including whether live coverage is sought. Notice
73 of the request for coverage must be given to all counsel of record and any self-represented
74 litigants. The notice must be in writing and filed with proof of service with the clerk of
75 the appropriate court. If the proceeding is scheduled less than seven days in advance, a
76 request for coverage and notice of request must be given as soon as practicable.

77 (c-) Single Request for All Proceedings. Following the procedures in subsection
78 (5)(b), a media representative may make a single request to cover all proceedings in a
79 case. The judge may not grant the request for all proceedings if a criminal defendant is
80 not represented by counsel.

81 (d-) Equipment and Technical Variance. Upon application of media personnel, the
82 judge may permit the use of equipment or technology not provided for in this rule. An
83 objection to any variance in equipment or technology must be made as provided in
84 ~~Section~~ section 6. The judge may rule on a variance without advance application or
85 notice, if all parties and counsel consent.

86 (e-) Deadlines may be extended or reduced by court order.

87 Section 6. Objections to Coverage in Trial Court Proceeding. A party to a
88 proceeding objecting to expanded media coverage in a trial court must file a written

89 objection with the court, stating the grounds for the objection at least three days before
90 the scheduled proceeding. Notice of the objection must be sent to the media
91 representative who requested the coverage.

92 The judge must rule on an objection before the scheduled proceeding or at the time
93 the objection is raised. The judge may rule on the written objection and timely filed
94 responses or the judge may give counsel, parties, witnesses, and requesting media
95 personnel an opportunity to present additional evidence by affidavit or by other means as
96 the judge may direct. The judge may extend or reduce the time for filing an objection.
97 The judge may extend the right of objection to a person not specifically provided for in
98 this rule.

99 Section 7. Equipment and Media Personnel. Unless the court directs otherwise,
100 equipment used in a judicial proceeding is limited to two professional-quality video
101 cameras operated by one person each and two audio systems for radio broadcasts. Two
102 still photographers are allowed in a judicial proceeding. If media pooling is necessary
103 because of these limitations on equipment and personnel, it is the sole mandatory
104 responsibility of the media and must be arranged before coverage without calling on the
105 court to mediate. Every effort must be made for the joint use of broadcasting equipment
106 within the courtroom. Wires, microphones, and similar equipment must be placed as
107 unobtrusively as possible within the courtroom at least fifteen minutes before the
108 proceeding and must be secured or taped down when appropriate. Artificial lighting and
109 flashbulbs are not permitted. Only equipment that does not produce distracting noises is
110 allowed in the courtroom. Media coverage outside the courtroom must be handled with

111 care and discretion, but need not be pooled or held to the restrictions of this rule, except
112 as provided in section 8.

113 The quantity and types of equipment permitted in the courtroom is in the discretion
114 of the judge. All forms of media that have requested and been granted permission must be
115 given equal access to proceedings.

116 Section 8. Technical.

117 (a-) All equipment, including video cameras, is to be designed or modified so
118 participants in the judicial proceeding being covered are unable to determine when
119 recording is occurring. Still cameras must be selected for quietness, and be operated
120 unobtrusively and as quietly as possible.

121 (b-) Microphones for counsel and judges must be equipped with off and on
122 switches to facilitate compliance with ~~Section~~ subsection 4(d).

123 (c-) With the judge's approval, existing courtroom light sources may be modified
124 (e.g., higher wattage light bulbs), if the modifications are made and maintained without
125 public expense.

126 (d-) Audio pickup for expanded media coverage must use any existing audio
127 system in the courtroom, if the pickup would be technically suitable for broadcast. If
128 possible, electronic audio recording equipment and any media personnel must be located
129 outside of the courtroom.

130 (e-) Media personnel must be located in, and coverage of the proceedings must
131 take place from, an area or areas designated by the judge. The area or areas designated
132 must provide reasonable access to the proceeding to be covered. Even if expanded media

133 coverage of a proceeding is granted, media personnel may not record interviews for
134 broadcast in the hallways immediately adjacent to the entrances to the courtroom.
135 Photographing through the windows or open doors of the courtroom is prohibited.

136 (f.) Video cameras and audio equipment may be installed or removed from the
137 courtroom only when the court is not in session.

138 Section 9. Decorum. The decorum and dignity of the court, the courtroom, and the
139 proceedings must be maintained at all times. Court customs must be followed. Media
140 personnel must dress appropriately for the proceedings. Movement about the courtroom is
141 limited, and efforts must be made not to leave the courtroom while proceedings are in
142 progress. Loud talking is not permitted while proceedings are in progress.

143 In addition to specific responsibilities provided in this rule, judges must take whatever
144 steps are necessary to ensure that expanded media coverage is conducted without
145 compromising the safety of persons having business before the court.

146 Section 10. North Dakota Advisory Commission on Electronic Media in the
147 Courtroom. The North Dakota ~~Advisory Commission on Electronic Media in the~~
148 ~~Courtroom~~ advisory commission on electronic media in the courtroom is appointed by the
149 ~~Chief Justice~~ chief justice, and consists of two members of the North Dakota ~~Bar~~
150 ~~Association~~ bar association, three members of the North Dakota ~~Judicial Conference~~
151 judicial conference, one member representing news photographers, two members of the
152 North Dakota ~~Broadcasters Association~~ broadcasters association, one member of the
153 North Dakota ~~Newspaper Association~~ newspaper association, one member of the North
154 Dakota ~~Association for Justice~~ association for justice, and, if appointed as a member, one

155 of the people designated in ~~Section~~ section 3. The associations or their presidents
156 recommend their members for appointment. Members serve staggered three-year terms,
157 and are eligible for reappointment. A member may not serve more than three consecutive
158 terms. A former member who served three consecutive terms is eligible for reappointment
159 after a six-year break in service. The ~~Chief Justice~~ chief justice designates the chair.

160 The ~~Commission~~ commission must receive and consider complaints from any
161 person concerning the rules directed to it by the ~~Supreme Court~~ supreme court, and, if the
162 complaint cannot be satisfactorily resolved by the ~~Commission~~ commission, submit a
163 report to the ~~Supreme Court~~ supreme court.

164 EXPLANATORY NOTE

165 Rule 21 was adopted ~~Adopted March 29, 1984~~, effective July 1, 1984.
166 Amendments adopted May 13, 1987. August 28, 1990, order continuing N.D. Sup. Ct.
167 Admin. R. 21(E). Emergency amendments adopted effective May 18, 1994. N.D. Sup. Ct.
168 Admin. R. 21 amendments adopted effective July 1, 1995, incorporate and amend N.D.
169 Sup. Ct. Admin. R. 21E. Amended effective April 1, 2006 (Supreme Court No.
170 20060059). Amended effective August 11, 2021.

171 CROSS-REFERENCE: N.D.R.Ct. 10.1; N.D.R.Crim.P. 53; N.D. Code Jud.
172 Conduct Canon 3; N.D. Sup. Ct. Admin. R. 21(E).

RULE 22. NORTH DAKOTA ADMINISTRATIVE COUNCIL

Section 1. Authority and Policy. In accordance with ~~Article VI, Section 3, of the North Dakota Constitution~~ N.D. Const. art. VI, § 3, and consistent with ~~Administrative Rule N.D.Sup.Ct.Admin.R. 2, the Supreme Court~~ supreme court adopts this rule establishing the North Dakota ~~Administrative Council~~ administrative council.

Section 2. Administrative Council - Membership - Terms.

~~A.(a)~~ The ~~Administrative Council~~ administrative council consists of the ~~Chief Justice~~ chief justice, who serves as presiding officer of the ~~Council~~ council; one justice of the ~~Supreme Court~~ supreme court elected by a vote of the justices; the presiding judge of each judicial district; one district judge from each administrative unit with more than one judicial district who is elected by vote of all district judges of the state; and one member of the ~~State Bar Association~~ state bar association appointed by the ~~Chief Justice~~ chief justice from a list of three names submitted by the ~~Board of Governors~~ board of governors of the ~~State Bar Association~~ state bar association of North Dakota.

~~B.(b)~~ Except for the ~~Chief Justice~~ chief justice and presiding judge members, of the members initially elected or appointed and as determined by lot at the first meeting, one member has a three-year ~~terms~~ term, two members have two-year terms, and two members have one-year ~~term~~ terms. Thereafter, each complete term is three years. Each such member may be reelected or reappointed and, if not, serves until the member's successor takes office. In the event a member no longer serves as a justice of the ~~Supreme Court~~ supreme court, district judge, or lawyer member of the association, that member is

23 ineligible for membership and a vacancy exists. Vacancies are filled in the same manner
24 as the affected membership is filled. Except for the ~~Chief Justice~~ chief justice and the
25 presiding judge of each judicial district, a member may not serve more than two
26 successive terms. A member appointed or elected to an unexpired term less than one-half
27 the duration of a regular term is eligible to serve two full successive terms.

28 ~~€.(c)~~ Elections for the district judges from the administrative units ~~shall~~ will be
29 conducted by the ~~State Court Administrator~~ state court administrator in a manner similar
30 to ~~Administrative Rule N.D.Sup.Ct.Admin.R. 2, subsection~~ section 4, with ballots due by
31 July 20. Terms ~~shall~~ commence on August 1.

32 ~~Đ.(d)~~ Each member is entitled to reimbursement at state rates for expenses
33 incurred in attending ~~Council~~ council meetings.

34 Section 3. Administrative Council Duties. The ~~Council~~ council, with the approval
35 of the chief justice, ~~shall~~ will:

36 ~~A.(a)~~ Develop uniform administrative policies and procedures for the trial courts
37 and juvenile courts and make recommendations for their implementation.

38 ~~B.(b)~~ Review the biennial budget proposals submitted by the ~~trial court unit~~
39 administrators for the respective administrative units.

40 ~~€.(c)~~ Review and approve for submission to the ~~Supreme Court~~ supreme court a
41 proposed trial court component of the unified judicial system budget for each biennium.

42 ~~Đ.(d)~~ Monitor trial court budget expenditures.

43 E. Perform other duties as directed by the ~~Chief Justice~~ chief justice.

44 Section 4. Administrative Council Operation.

45 A.(a) A quorum of the ~~Council~~ council is necessary for the ~~Council~~ council to take
46 any action. The affirmative vote of a majority of the ~~Council's~~ council's members
47 present, and the approval of the ~~Chief Justice~~ chief justice, is required for final ~~Council~~
48 council action. The ~~Council shall~~ council must meet at least quarterly.

49 B.(b) Any proposed ~~Judicial Branch~~ judicial branch administrative policy must be
50 distributed to all trial court judges and affected personnel for comment. Comments must
51 be received within 30 days after distribution of the proposal. If the proposal requires
52 expedited action, the ~~Council~~ council may provide for a shorter comment period or may
53 adopt the policy on an emergency basis subject to comment and final action of the
54 ~~Council~~ council.

55 C.(c) The ~~Office of State Court Administrator~~ office of state court administrator
56 serves as the secretariat for the ~~Council~~ council and assists in arranging meetings,
57 providing meeting minutes, distributing ~~Council~~ council proposals for comment, and
58 providing other assistance as required by the ~~Council~~ council.

59 Section 5. Effective Date. This rule is effective August 1, 2004, with the exception
60 of ~~Section 2.C. subsection (2)(c)~~, which is effective July 1, 2004.

61 EXPLANATORY NOTE

62 SOURCE: Council of Presiding Judges, Minutes of July 15, 1994; Administrative
63 Reorganization of the Judicial System, Supreme Court No. 20030098.

64 {Adopted effective July 1, 1984; amended effective January 1, 1995; amended
65 effective August 1, 2004 with the exception of ~~Section 2.C. subsection (2)(c)~~, which is
66 effective July 1, 2004; amended effective August 11, 2021.}

RULE 23. NORTH DAKOTA PATTERN JURY INSTRUCTION COMMISSION

RULES

~~Rule~~ Section 1. Authority and Policy.

(a) Pursuant to ~~Under~~ the authority of the ~~Supreme Court~~ supreme court and ~~Chief Justice~~ chief justice in Sections 2 and 3 of Article VI of the North Dakota Constitution ~~N.D. Const. art. VI, §§ 2 and 3~~, it is the policy of the North Dakota ~~Judicial System~~ judicial system to provide information and assistance to judges and lawyers to enhance the efficiency of trial court services by establishing a continuing mechanism to maintain currency of pattern jury instructions in North Dakota.

(b) The goal of the North Dakota ~~Judicial System~~ judicial system is the development of pattern jury instructions to improve:

- (1-) accuracy in the statement of the law;
- (2-) juror comprehension of instructions;
- (3-) impartiality of the instructions;
- (4-) uniformity in the treatment of similar cases;
- (5-) time savings in the trial court; and
- (6-) reduction in appellate court workload.

(c) The ~~Supreme Court~~ supreme court recognizes that the assurance of the availability of current pattern jury instructions is the ultimate responsibility of the North Dakota ~~Judicial System~~ judicial system. This ~~Rule~~ rule is established to meet the administrative goal of improving court services in this area without jeopardizing the

23 independent authority of the ~~Supreme Court~~ supreme court to review on appeal individual
24 uses of pattern jury instructions.

25 ~~Rule~~ Section 2. North Dakota Pattern Jury Instruction Commission.

26 (a) There is established, within the North Dakota ~~Judicial System~~ judicial system,
27 the North Dakota ~~Pattern Jury Instruction Commission~~ pattern jury instruction
28 commission consisting of twelve members. The ~~Commission shall~~ commission will be
29 composed of six judges and six lawyers. The ~~Board of Governors~~ board of governors of
30 the ~~State Bar Association~~ state bar association of North Dakota ~~shall appoint~~ appoints the
31 six lawyer members to the ~~Commission~~ commission. The ~~Chairman~~ chair of the ~~Judicial~~
32 ~~Conference~~ judicial conference, after consultation with the ~~Executive Committee~~
33 executive committee, ~~shall appoint~~ appoints the six judge members to the ~~Commission~~
34 commission. The ~~Commission shall~~ commission will annually elect a ~~chairperson~~ chair
35 from among its members.

36 (b) Members of the ~~Commission shall~~ commission serve without compensation for
37 their services, but members who are not state employees are entitled to reimbursement for
38 their actual expenses incurred in the performance of their duties from available funds.
39 Members who are state employees ~~shall~~ will be reimbursed through the agency of
40 employment.

41 (c) Of the members initially appointed, as determined by lot, two of the appointees
42 of the ~~State Bar Association~~ state bar association and two of the appointees of the
43 ~~Judicial Conference~~ judicial conference ~~shall~~ will be appointed for one year. Two of the
44 appointees of the ~~State Bar Association~~ state bar association and two of the appointees of

45 the ~~Judicial Conference~~ judicial conference ~~shall~~ will be appointed for two years. The
46 remaining members ~~shall~~ will be appointed for three years. Thereafter, each appointment
47 ~~shall~~ will be for a three-year term.

48 (d) No member ~~shall~~ may serve more than three successive three-year terms. Each
49 member ~~shall~~ will serve until the member's successor is appointed.

50 (e) Staff services ~~shall~~ will be provided for the ~~Commission~~ commission by
51 contracting with any appropriate agency. The contract for staff services ~~shall~~ will be
52 negotiated by the ~~Commission~~ commission in consultation with the ~~State Court~~
53 ~~Administrator~~ state court administrator.

54 (f) All reasonable and necessary expenses of the ~~Commission~~ commission,
55 including the travel, food and lodging expenses for members and the cost of providing
56 staff services, ~~shall~~ will be paid by the ~~State Court Administrator~~ state court administrator
57 within available legislative appropriations.

58 ~~Rule~~ Section 3. Duties of the Commission. The ~~Commission~~ shall commission
59 will:

60 (a) Review and study the statutory provisions and case law affecting jury
61 instructions in civil and criminal cases in North Dakota;

62 (b) Draft and publish a current set of pattern jury instructions to be used in civil
63 and criminal jury cases in North Dakota;

64 (c) Provide rules and procedures for review and comment by attorneys, judges, and
65 the general lay public on the pattern jury instructions prepared by the ~~Commission~~
66 commission;

67 (d) Provide rules and procedures for the direct distribution of the pattern jury
68 instructions adopted by the ~~Commission~~ commission to the judges and attorneys of the
69 North Dakota ~~Judicial System~~ judicial system;

70 (e) Prepare a recommended biennial budget for the ~~Commission~~ commission for
71 submission to the ~~State Court Administrator~~ state court administrator for submission to
72 the ~~Legislative Assembly~~ legislative assembly within the judicial branch budget;

73 (f) Prepare and submit to the ~~Chairman~~ chair of the Judicial Conference and the
74 ~~President~~ president of the ~~State Bar Association~~ state bar association of North Dakota an
75 annual report on or before March 1 of each year; and

76 (g) Adopt rules and procedures for the operation of the ~~Commission~~ commission
77 which are not inconsistent with ~~these Rules~~ this rule.

78 ~~Rule~~ Section 4. Limitation. All published pattern jury instructions ~~shall~~ will show
79 that they are published only for the benefit of the bench and bar and that publication does
80 not imply either approval or authoritative construction by the ~~Supreme Court~~ supreme
81 court.

82 ~~Rule 5. Citation. The North Dakota Pattern Jury Instruction Commission Rules~~
83 ~~may be cited NDPJCR.~~

84 EXPLANATORY NOTE

85 Rule 23 was adopted effective March 1, 1990; amended effective September 13,
86 1995; and July 15, 2013; August 11, 2021.

87 SOURCES: Judiciary Standards Committee Meeting Minutes of March 1, 1985,
88 pages 2-5; North Dakota Constitution, Article VI, Sections 2 and 3; and AR 23 as adopted

89 September 17, 1985, effective July 1, 1987; amended January 18, 1990, effective March
90 1, 1990; Supreme Court Conference Minutes of September 13, 1995; amendments
91 effective September 13, 1995.

RULE 24.1. GRANT CRITERIA AND GUIDELINES OF THE INTEREST ON
LAWYER TRUST ACCOUNT PROGRAM (IOLTA)

Section 1. Authority and Purpose. The ~~Lawyer Trust Account Committee~~
(~~Committee~~) lawyer trust account committee was created by the North Dakota Bar
Foundation pursuant to the ~~North Dakota Supreme Court Administrative Rule~~ bar
foundation under N.D.Sup.Ct.Admin.R. 24 to receive and disburse funds raised from the
interest generated on lawyers' pooled trust accounts. Lawyers' pooled trust accounts hold
client funds that are so small in amount or held for such a brief period that it is not
feasible for the funds to economically benefit the individual client. Previously, attorneys'
pooled trust accounts earned no interest. In 1987, the state of North Dakota joined many
other states in creating effective October 1, 1987, an interest on lawyers' trust account
program (IOLTA) that will benefit law related charitable and educational interests in our
state.

The ~~Committee~~ committee will use the interest earned on IOLTA accounts as
directed by the ~~Supreme Court~~ supreme court of North Dakota. The ~~Supreme Court~~
supreme court has ordered that the funds are to be used:

(~~1~~ a) for the support of civil legal services to the poor;

(~~2~~ b) for public education relating to the courts and legal matters; and

(~~3~~ c) for the improvement of the administration of justice.

The ~~Court~~ court further states in ~~Section~~ subsection 3(c) of N.D.Sup.Ct.Admin.R.
24 that “[g]rant applications for programs for the support of civil legal services to the

23 poor ~~shall~~ must be given a high priority.”

24 The ~~Lawyer Trust Account Committee~~ lawyer trust account committee , through
25 the grant process, will strive to improve the delivery of legal services to the poor, promote
26 the development of law-related education for the public, and develop programs to
27 enhance the administration of justice. The ~~Committee~~ committee will not only support
28 traditional approaches, but will encourage projects that show innovative ways to address
29 needs in the areas of legal services to the poor, law-related education, and the
30 administration of justice throughout the state of North Dakota.

31 The Lawyer Trust Account Committee philosophy recognizes that North Dakota
32 IOLTA funds will be a significant source of support for funding programs within the
33 mandate of ~~Supreme Court Administrative Rule~~ N.D.Sup.Ct.Admin.R. 24.

34 The ~~Committee~~ committee recognizes that the procedures and relative priorities for
35 the grant program may change in the future as the ~~Committee~~ committee gains
36 experience, as revenues grow, and as needs and resources change.

37 The ~~Committee~~ committee intends, after operating costs, to reserve up to 10% of
38 IOLTA funds received for a reserve for contingencies. This reserve fund may not exceed
39 three years' anticipated income. The amount of the reserve fund is to be set by the
40 ~~Committee~~ committee, with the approval of the ~~Board of Directors of the North Dakota~~
41 ~~Bar Foundation~~ board of directors of the North Dakota bar foundation.

42 Section 2. Grant Criteria. The ~~Committee~~ committee desires to make the best use
43 of IOLTA funds and obtain maximum effect from each grant. The following guidelines,
44 with exceptions where necessary, will be used to assist in the grant decision-making

45 process:

46 (a) The ~~Committee~~ committee favors funding groups or organizations (as opposed
47 to individuals).

48 (b) The ~~Committee~~ committee encourages challenge grants, or other types of
49 fund-matching arrangements, to leverage IOLTA money.

50 (c) Grant applicants should, if possible, have sources of income in addition to the
51 IOLTA funds requested. Generally, the ~~Committee~~ committee does not intend to be the
52 primary source of financial support for a sustained period of time and the applicant should
53 demonstrate an ability to function eventually without the assistance of the ~~Committee~~
54 committee.

55 (d) Greater weight will be given to applicants with a prior history of service
56 reflecting clear ability to deliver quality services successfully.

57 (e) Greater weight will be given to applicants that work to develop cooperative
58 efforts between grantees in a given service area.

59 (f) The ~~Committee~~ committee prefers to fund applicants that have community
60 support.

61 (g) The ~~Committee~~ committee will fund applicants to achieve broad geographic
62 and demographic distribution of IOLTA funds throughout the state.

63 (h) The ~~Committee~~ committee prefers to avoid replacing other funding sources.
64 The ~~Committee~~ committee also prefers neither to fund agencies primarily funded by state
65 appropriations, nor will funding be granted to state agencies to perform statutory duties.

66 (i) In reviewing grants for renewal, greater weight will be given to previous

67 recipients that have successfully utilized IOLTA funds.

68 (j) All grant recipients are expected to propose criteria by which their projects will
69 be reviewed at least annually and to assist the ~~Committee~~ committee in conducting
70 periodic evaluations.

71 (k) The ~~Committee~~ committee is interested in using its limited funds as seed
72 money to establish new programs which contribute to the increased availability of legal
73 services to indigents in all parts of the state or will provide increased education about the
74 rights and responsibilities of all citizens under our legal system.

75 (l) The ~~Committee~~ committee will not fund political campaigns, lobbying or
76 legislative advocacy nor will it fund programs to provide for criminal indigent defense,
77 religious organizations, or constitutionally mandated legal services.

78 Section 3. Eligible Applicants. The ~~Committee~~ committee will make funding
79 grants primarily upon the basis of written applications. Applications should be directed to
80 the:

81 Lawyer Trust Account Committee

82 North Dakota Bar Foundation

83 P.O. Box 2136

84 Bismarck, ND 58502-2136

85 The ~~Committee~~ committee may request applicants to supplement an application,
86 interview an applicant, and make on site visits and inspections.

87 The ~~Committee~~ committee may also, at its discretion, request applications from
88 potential providers of services in priority funding areas, if no grant applications have been

89 received.

90 All grants will be made pursuant to under a written contract between the grant
91 recipient and the ~~Committee~~ committee. The ~~Committee~~ committee will require a final
92 report and may require periodic written reports as to the use of the funds by each grant
93 recipient.

94 Each grant applicant must comply with the following:

95 (a) Qualify as an exempt organization under the Internal Revenue Code, as now
96 defined (or the corresponding provision of any future amendments ~~thereto~~), or otherwise
97 demonstrate the charitable purposes of the applicant organization and project.

98 (b) Demonstrate fiscal responsibility and integrity.

99 (c) Provide the ~~Committee~~ committee with a program audit prepared within the
100 previous two years, or if the program does not have an audit, explain the absence of one.

101 (d) Submit a grant application in writing on forms provided by the ~~Committee~~
102 committee or in a manner prescribed by the ~~Committee~~ committee.

103 (e) Submit a grant request that is consistent with the ~~Committee Statement of~~
104 Purpose committee statement of purpose.

105 (f) Agree to follow any other requirements set by the ~~Committee~~ committee.

106 (g) Consent that its financial records are open to review upon request of the
107 ~~Committee~~ committee both during the grant application review process and thereafter if a
108 grant is awarded.

109 (h) Account for the grant funds separately in its financial reporting system and
110 furnish the ~~Committee~~ committee with an accounting of grant fund expenditures within

111 90 days after conclusion of the grant period. The ~~Committee~~ committee may require an
112 independent audit report of grant fund expenditures to be furnished by the grant applicant.

113 (i) Agree to report to the ~~Committee~~ committee on progress and results if IOLTA
114 funding is received.

115 (j) Agree that its application, upon receipt by the ~~Committee~~ committee becomes
116 the property of the ~~Committee~~ committee. The ~~Committee~~ committee reserves the right to
117 use any ideas presented, whether or not the application is accepted for funding. All
118 applications, once received by the ~~Committee~~ committee, are open to public inspection
119 and comment.

120 (k) Agree to carry out the program for which funds are requested. Funds not
121 expended for the purposes set out in the application must be reported to the ~~Committee~~
122 committee at the end of the grant period, and must be returned to the ~~Committee~~
123 committee unless consent to hold and expend pursuant to a supplemental application is
124 received and approved by the ~~Committee~~ committee.

125 Section 4. Grant Funds and Deadlines. The ~~Committee~~ committee contemplates
126 funding to be on a calendar year basis. All grant applications must be submitted to the
127 ~~Committee~~ committee by September 15 of each year for grants effective on January 1 of
128 the year following.

129 Section 5. Rejection of Grant Applications. The ~~Committee~~ committee reserves the
130 right to reject any or all grant applications which do not, in its opinion, meet the purposes
131 of this program.

132 Section 6. Grantee Costs. Neither the North Dakota ~~Supreme Court~~ supreme court,

133 the North Dakota ~~Bar Foundation~~ bar foundation, nor the ~~Committee~~ committee will be
134 liable for any expenses incurred by any prospective grantee prior to the issuance of the
135 grant.

136 Section 7. Inquiry. Grant application procedures and forms may be obtained from
137 and questions should be directed to:

138 Executive Director

139 Lawyer Trust Account Committee

140 P.O. Box 2136

141 Bismarck, ND 58502-2136

142 Out-of-State (701) 255-1404

143 In-State 1-800-472-2685

144 Section 8. Copies of Applications, Signature. Grant applications may be submitted
145 electronically, and must be authenticated. These copies should be signed by an official
146 who has authority to bind the organization to the proposed obligations. Applications must
147 state that they are valid for a minimum period of ~~sixty (60)~~ days from the day of
148 submission.

149 Section 9. Prime Grantee Responsibility. A selected grantee will be required to
150 assume responsibility for all services offered in its application. The selected grantee will
151 be the sole point of contact with regard to contractual matters, including payment of any
152 and all charges resulting from the grant.

153 Section 10. Access to Books and Records. The ~~Committee~~ committee, or any of its
154 duly authorized representatives, ~~shall~~ will have access for purposes of audit and

155 examination to any books, documents, papers and records of the grantee.

156 Section 11. Contract Terms. The grant application must state when the grantee will
157 start the project, which should be within ~~sixty~~ (60) days of the effective date of the award.
158 If during the performance of the project the grantee deviates from the grant, the grant
159 may, at the discretion of the ~~Committee~~ committee, be terminated at any time and
160 unexpended grant funds must be returned to the ~~Committee~~ committee. If a dispute arises
161 in the performance of the grant which cannot be settled between the parties, the dispute
162 ~~shall~~ must be submitted to arbitration pursuant to ~~Chapter 32-29.2 of the North Dakota~~
163 ~~Century Code~~ under N.D.C.C. ch. 32-29.3.

164 Section 12. Project Completion Date. The completion date of the project must be
165 specified in the application. If the project will continue for more than one year, the
166 applicant should specify the budget and evaluation cycle on a ~~twelve~~-12-month basis.

167 Section 13. Application Grant Requests. Applicants who submit proposals in the
168 initial funding cycle will not be precluded from applying in later funding cycles if need
169 exceeds the amount of the initial award.

170 EXPLANATORY NOTE

171 {Adopted May 25, 1988; amended effective July 1, 2009; August 11, 2021.}

RULE 24.2. GRANT APPLICATION PROCEDURES OF THE INTEREST ON
LAWYER TRUST ACCOUNT PROGRAM (IOLTA)

Section 1. Organization and Contents of Proposal. to aid in the comparative evaluation of proposals, all grant applications must be submitted in writing and contain the following information in the order listed.

(a) Complete summary form

(b) A written narrative proposal, not to exceed the equivalent of ~~ten~~ 10 double-spaced typewritten pages, which sets forth:

(1) A description of the objective(s) of the project/organization for which funds are requested;

(2) The methods by which the objective(s) are to be accomplished and the facts supporting the choice of methodology;

(3) The qualification of key individuals responsible for the project/organization;

(4) The plans for evaluating the success of the project/organization in meeting its objective(s);

(5) The period of time expected to complete the project (if applicable);

(6) A statement describing the project for which funds are requested;

(7) Such additional information as the applicant believes desirable.

(c) Complete a staff report (if funding is sought for a program which seeks to provide civil legal services for indigents)

(d) Complete financial budget form

23 (e) Non-discrimination statement

24 (f) A list of all funding sources

25 (g) A list of the applicant's governing board including the full name, address and
26 occupation of the members of applicant's governing board, indicating officers, their titles
27 and terms.

28 Section 2. Supporting Organizational Documents.

29 (a) Corporate applicants must attach a conformed copy of:

30 (1) The applicant's articles of incorporation or association (including amendments,
31 if any) and current by-laws, or other organizational documents.

32 (2) The applicant's Identification Number, IRS Tax Exempt Determination Letter
33 and last IRS Form 990, if requested.

34 (b) Non-corporate applicants must attach a conformed copy of:

35 (1) Constitution, Articles of Association or Trust Indenture;

36 (2) By-laws or similar internal rules of operation; and

37 (3) Determination letter from the IRS that the applicant is exempt under Section
38 501(c)(3) of the Internal Revenue Code, if required.

39 All documents required to be conformed ~~shall~~ must have attached a certification
40 signed by the secretary or similar officer that the documents are true and correct copies,
41 have not been retracted or amended, and are in full force and effect.

42 Section 3. Processing Grant Applications.

43 (a) Applications should be directed to the ~~Executive Director~~ executive director of
44 the ~~Committee~~ committee at the following address:

45 Lawyer Trust Account Committee

46 North Dakota Bar Foundation

47 P.O. Box 2136

48 Bismarck, ND 58502-2136

49 (b) Applicant must submit six ~~(6)~~ complete copies of its proposal. There can be no
50 extensions of or exceptions to established deadline dates and time.

51 (c) Grant awards will be announced by the ~~Committee~~ committee.

52 ~~Dated this June 3, 2009.~~

53 EXPLANATORY NOTE

54 {Adopted May 25, 1988; amended effective July 1, 2009}; August 11, 2021.

RULE 24. ADMINISTRATION OF INTEREST ON LAWYER TRUST ACCOUNT
PROGRAM (IOLTA)

~~Rule Section 1. Authority and Purpose. Pursuant to Under~~ its authority to regulate the practice and conduct of lawyers in North Dakota in ~~Article VI, Section 3 of the North Dakota Constitution~~ N.D. Const. art. VI, § 3, the North Dakota ~~Supreme Court~~ supreme court amended ~~Rule N.D.R. Prof. Conduct 1.15 of the Rules of Professional Conduct~~ to provide for a mandatory ~~Interest on Lawyer Trust Account~~ interest on lawyer trust account program in North Dakota. This rule is promulgated to effectuate the delegation to the North Dakota ~~Bar Foundation~~ bar foundation of the administrative responsibilities over the funds generated from lawyer trust accounts ~~pursuant to Rule under N.D.R. Prof. Conduct 1.15 of the Rules of Professional Conduct.~~

~~Rule Section 2. Lawyer Trust Account Committee.~~

(a) The North Dakota ~~Bar Foundation (Foundation)~~ bar foundation, a non-profit corporation established ~~pursuant to Chapter 10-24, N.D.C.C., shall~~ under N.D.C.C. ch. 10-33 will, through amendment of its bylaws and articles of incorporation, as may be necessary, establish a ~~Lawyer Trust Account Committee~~ lawyer trust account committee. The ~~Committee shall~~ committee will consist of five members. Three members ~~shall~~ must be lawyer residents of this state who are members of the ~~Foundation~~ foundation and licensed to practice law in this state. The remaining two members ~~shall~~ must be non-lawyer residents of this state. The members ~~shall~~ will be appointed by the ~~Chairperson~~ chair of the ~~Board of Directors~~ board of directors of the ~~Foundation~~

23 foundation, with the approval of the ~~Board of Directors~~ board of directors.

24 (b) The term of office for members ~~shall~~ will be three years, except that, as
25 determined by lot, one lawyer member first appointed ~~shall~~ will serve for an initial term
26 of one year, and one lawyer member and one non-lawyer member first appointed ~~shall~~
27 will serve an initial term of two years. No member may serve more than two successive
28 three-year terms. Each member ~~shall~~ will serve until a successor is appointed.

29 (c) A vacancy on the ~~Committee~~ committee must be filled by appointment,
30 pursuant to ~~Section~~ subsection(2)(a), of a member to serve for the unexpired
31 portion of the vacant term.

32 (d) Members of the ~~Committee~~ committee serve at the pleasure of the ~~Board~~
33 of Directors board of directors of the ~~Foundation~~ foundation.

34 Rule Section 3. Powers and Duties.

35 (a) The ~~Committee~~ committee will be responsible for the implementation and
36 administration of an ~~Interest on Lawyer Trust Account Program~~ interest on lawyer trust
37 account program in the state of North Dakota as established by ~~Rule~~ N.D.R. Prof.
38 Conduct 1.15 of the Rules of Professional Conduct.

39 (b) The ~~Committee~~ committee will be the sole recipient of the interest or
40 dividends paid to the ~~Foundation~~ foundation from lawyer interest bearing trust accounts
41 maintained pursuant to under Rule N.D.R. Prof. Conduct 1.15 of the Rules of
42 Professional Conduct. Upon receipt of such funds, the ~~Committee~~ committee must
43 make appropriate temporary investments of the funds pending disbursement of the funds
44 pursuant to ~~Section~~ subsection (3)(c). All funds received from the interest on

45 lawyer trust accounts and the income earned from investment of such funds ~~shall~~ must be
46 maintained in separate accounts from other funds held by the ~~Foundation~~ foundation.

47 (c) The ~~Committee~~ committee must, by grants and appropriations it ~~deems~~
48 considers appropriate, disburse funds solely for the following purposes:

49 (1) for the support of civil legal services to the poor;

50 (2) for public education relating to the courts and legal matters; and

51 (3) for the improvement of the administration of justice.

52 Grant applications for programs for the support of civil legal services to the poor
53 ~~shall~~ must be given a high priority. No funds may be disbursed for any purpose other than
54 tax exempt public purposes which are permitted under ~~Article X, Section 18 of the North~~
55 ~~Dakota Constitution~~ N.D. Const. art. X, § 18, and Section 501(c)(3) of the Internal
56 Revenue Code, as may from time to time be amended.

57 (d) The ~~Foundation~~ foundation must maintain adequate records reflecting all
58 transactions arising with respect to income from and disbursements of the interest on
59 lawyer trust accounts. On or before July 1 of each year, and at such additional times as
60 the North Dakota ~~Supreme Court~~ supreme court may order, the ~~Foundation~~ shall
61 foundation must file with the ~~Board of Governors of the State Bar Association~~ board of
62 governors of the state bar association of North Dakota and the ~~Court~~ court a written report
63 reviewing the administration of the program together with an audit of the fund certified
64 by a certified public accountant.

65 (e) Within ~~one hundred eighty~~ 180 days after the effective date of ~~these rules~~ this
66 rule, the ~~Foundation~~ foundation must submit to the ~~Supreme Court~~ supreme court

67 for adoption proposed guidelines and procedures for the operation of an ~~Interest on~~
68 ~~Lawyer Trust Account~~ interest on lawyer trust account program in North Dakota,
69 including:

- 70 (1) guidelines for identifying eligible applicants;
- 71 (2) procedures for submitting grant applications;
- 72 (3) guidelines for awarding grant applications; and
- 73 (4) procedures for accounting for the expenditure of grant funds by the recipient.

74 Upon adoption by the ~~Court~~ court, the guidelines and procedures ~~shall~~ will serve as
75 the basis for the administration of the disbursement of the funds by the ~~Committee~~
76 committee. The guidelines and procedures may be subsequently amended by the ~~Court~~
77 court on its own motion or in response to a petition filed by any interested party ~~pursuant~~
78 ~~to~~ under the procedures set forth in the Rule on Procedural Rules, Administrative Rules
79 and Administrative Orders of the North Dakota Supreme Court (N.D.R.Proc.R.).

80 (f) Immediately after the effective date of ~~these rules~~ this rule, the ~~Foundation~~
81 ~~shall~~ foundation must take whatever action necessary to obtain:

- 82 (1) a private letter revenue ruling from the Internal Revenue Service, holding that
83 the interest earned on funds deposited in a lawyer's trust account and paid to the
84 ~~Committee~~ committee are not includable in the gross income of either the client or third
85 person who owns the funds, or of the lawyer who deposited the funds, and that neither the
86 depository institution nor the lawyer is required to report the payment of the interest on
87 behalf of the client, third person, or lawyer under Section 6049 of the Internal Revenue
88 Code; and

89 (2) permission from the Federal Reserve System, Federal Home Loan Bank Board
90 and Federal Deposit Insurance Corporation to use Negotiable Order of Withdrawal
91 (NOW) accounts for the deposit of funds of clients or third persons held by a lawyer in
92 connection with a representation.

93 ~~Rule~~ Section 4. Officers.

94 (a) The ~~Chairperson~~ chair of the Board of Directors of the Bar Foundation, with
95 the approval of the ~~Board of Directors~~ board of directors of the ~~Bar Foundation~~ bar
96 foundation, ~~shall~~ will appoint a ~~chairperson~~ chair and vice-~~chairperson~~ chair of the
97 ~~Committee~~ committee.

98 (b) The ~~Committee~~ committee may elect other officers as it ~~deems~~ considers
99 appropriate and may specify their duties.

100 ~~Rule~~ Section 5. Director.

101 (a) The ~~Board of Directors~~ board of directors of the ~~Bar Foundation~~ foundation
102 may appoint an executive director to serve the ~~Committee~~ committee on a full or
103 part-time basis at the pleasure of the ~~Board of Directors~~ board of directors and to be paid
104 such compensation as the ~~Board of Directors~~ board of directors ~~shall determine~~
105 determines. The executive director, before entering upon the duties of the office, ~~shall~~
106 must execute an official bond in the sum of forty thousand dollars.

107 (b) The director ~~shall~~ will be responsible and accountable to the ~~Committee~~
108 committee and the ~~Board of Directors~~ board of directors of the ~~Bar Foundation~~
109 foundation for the proper administration of ~~these rules~~ this rule.

110 (c) The director may employ persons, or expend money for services as the ~~Board~~

111 of ~~Directors~~ board of directors of the ~~Bar Foundation~~ foundation may approve.

112 ~~Rule Section~~ 6. Compensation and Expenses. Members of the ~~Committee~~ shall
113 committee serve without compensation but ~~shall~~ must be paid their reasonable and
114 necessary expenses incurred in the performance of their duties.

115 ~~Rule Section~~ 7. Disposition of Funds Upon Dissolution. If the ~~Lawyer Trust~~
116 ~~Account Committee~~ lawyer trust account committee is discontinued, any funds then on
117 hand ~~shall~~ must be transferred to its successor agency or organization qualifying under
118 the Internal Revenue Code, if any, for distribution for the purposes specified under ~~Rule~~
119 section 3 or, if there is no successor, to the general fund of the ~~State~~ state of North
120 Dakota.

121 ~~Rule Section~~ 8. Supplemental Rules. The ~~Committee~~ committee may make and
122 adopt rules not inconsistent with ~~these rules~~ this rule to govern the conduct of its business
123 and performance of its duties.

124 ~~Rule Section~~ 9. Effective Date. ~~These Rules shall take~~ This rule takes effect on
125 July 1, 1987.

126 [~~Adopted effective July 1, 1987. Amended effective October 1, 1987.~~]

127 EXPLANATORY NOTE

128 Adopted effective July 1, 1987. Amended effective October 1, 1987; August 11,
129 2021.

130 SOURCE: IOLTA Study Subcommittee of the Attorney Standards Committee
131 established April 1985; Attorney Standards Committee minutes of September 13, 1985,
132 and September 12, 1986; SBAND Board of Governors minutes of September 14, 1985,

133 and September 6, 1986; State Bar Association minutes of June 13, 1986.

134 CROSS REFERENCE: ~~Rule~~ N.D.R. Prof. Conduct 1.15, ~~North Dakota Rules of~~

135 ~~Professional Conduct.~~

RULE 25. AUTHORIZATIONS TO ADMINISTER OATHS

Pursuant to ~~Article VI, Section 3, North Dakota Constitution~~ Under N.D. Const.
art. VI, § 3 and ~~Section~~ N.D.C.C. § 44-05-01(7), the North Dakota ~~Supreme Court~~
supreme court promulgates ~~the following administrative~~ this rule relating to officers
authorized to administer oaths:

The following officers are authorized to administer oral oaths in recorded court
proceedings:

(1) Court Reporters;

(2) Employees of the district court as designated by the district judge presiding at
the proceeding;

(3) Judicial Referees;

(4) Magistrates; and

(5) Employees of the clerk of district court.

EXPLANATORY NOTE

{Adopted effective September 1, 1987; amended effective January 1, 1995;
~~amended effective March 1, 1995;~~ August 11, 2021.}

RULE 26. COURT RECORDS MANAGEMENT PROGRAM

Section 1. Authority and Policy.

(a) Pursuant to Article VI, Section 3 of the North Dakota Constitution Under N.D. Const. art. VI, § 3, and Sections N.D.C.C. §§ 27-02-05.1 and 54-46-06, N.D.C.C., the North Dakota ~~Supreme Court~~ supreme court has the administrative authority to promulgate rules of procedure to be followed by all courts of this state.

(b) This ~~Rule~~ rule is intended to provide the ~~State Court Administrator~~ state court administrator with the authority to establish a program for the management of court records by clerks of court of the trial courts in the North Dakota ~~Judicial System~~ judicial system.

Section 2. State Court Administrator.

(a) The ~~State Court Administrator shall have~~ state court administrator has general administrative supervision over the management of court records by clerks of court in this state under such clerk of court policies and procedures as the ~~State Court Administrator~~ state court administrator may from time to time prescribe.

(b) The duties and responsibilities of the ~~State Court Administrator shall~~ state court administrator include:

(1) establishment of a uniform current procedures manual, available free of charge to the clerks of court, and updated promptly after each legislative session;

(2) implementation of a coordinated, uniform, annual forms acquisition program for clerks of court;

(3) establishment of uniform clerk of court accounting procedures not in conflict with those established by the ~~State Auditor~~ state auditor;

24 (4) preparation of schedules and procedures for the retention and disposition of court
25 records;

26 (5) establishment of standards and procedures for microfilming court records; and

27 (6) establishment of uniform standards and procedures for clerk of court jury
28 administration services.

29 (c) The ~~State Auditor~~ state auditor may issue clerk of court policies or amendments to
30 clerk of court policies ~~pursuant to~~ under the authority in this section after consultation with the
31 ~~Court Services Administration Committee~~ court services administration committee, or its
32 designated subcommittee.

33 Section 3. Advisory Service. The ~~State Court Administrator shall~~ state court
34 administrator will consult with and, when requested, advise in writing clerks of court on
35 questions relating to the duties of their offices.

36 Section 4. Effective Date. This Rule ~~shall take~~ takes effect on September 1, 1987.

37 EXPLANATORY NOTE

38 {Adopted effective September 1, 1987; amended effective August 11, 2021.}

RULE 27. COURT OF APPEALS

Section 1. Authority. The 1987 ~~Legislative Assembly~~ legislative assembly provided for the establishment of a temporary court of appeals ~~pursuant to 1987 Session Laws, Chapter 374 under N.D.C.C. ch. 27-02.1. Pursuant to Article VI, Sections 3 and 8, North Dakota Constitution Under N.D. Const. art. VI, §§ 3 and 8, and 1987 Session Law, Chapter 374 N.D.C.C. ch. 27-02.1, the Supreme Court~~ supreme court adopts the following ~~administrative~~ this rule relating to the ~~Court of Appeals~~ court of appeals.

Section 2. Application. This rule applies to the panels of the North Dakota ~~Temporary Court of Appeals~~ temporary court of appeals, ~~herein~~ referred to collectively as the ~~Court of Appeals~~ court of appeals.

Section 3. Statement of Policy. It is the policy of the North Dakota ~~Judicial System~~ judicial system to provide for efficient processing of appellate cases, to insure that justice is rendered in the courts of North Dakota and, as justice requires, that litigants have their cases reviewed promptly and fairly in the appellate courts of this state.

Section 4. Judges of the Temporary Court of Appeals. The ~~Chief Justice~~ chief justice, with the approval of the ~~Supreme Court~~ supreme court, may assign retired ~~Supreme Court~~ supreme court justices, active or retired ~~District Court~~ district court judges, lawyers, or ~~Surrogate Judges~~ surrogate judges to serve on panels of the ~~Court of Appeals~~ court of appeals in a particular case or cases when the caseload of the ~~Supreme Court~~ supreme court requires.

Section 5. Procedural Rules. Except as otherwise provided in these rules, all

23 proceedings in the ~~Court of Appeals~~ court of appeals are governed by the North Dakota
24 Rules of Appellate Procedure. The terms “court” or “justice” as used in those rules
25 means the judges or a judge respectively of the ~~Court of Appeals~~ court of appeals.

26 Section 6. Location of Sessions. The ~~Court of Appeals shall~~ court of appeals will
27 hold its sessions of court in Bismarck and in other cities in the state at times prescribed by
28 order of the ~~Supreme Court~~ supreme court.

29 Section 7. Chief Judge.

30 (a) The ~~Chief Justice shall~~ chief justice will designate a chief judge of each panel
31 of the ~~Court of Appeals~~ court of appeals for the term of the panel.

32 (b) In cases assigned to the ~~Court of Appeals~~ court of appeals, the chief judge may
33 issue orders in procedural matters.

34 Section 8. Clerk of the Court of Appeals. The clerk of the ~~Supreme Court~~ supreme
35 court shall will provide clerk of court services to the ~~Court of Appeals~~ court of appeals.

36 Section 9. Case Filings.

37 (a) All motions, petitions, briefs, and other appellate documents must be filed with
38 the clerk of the ~~Supreme Court~~ supreme court pursuant to under the North Dakota Rules
39 of Appellate Procedure. There may be no separate filings directed to or filed with the
40 ~~Court of Appeals~~ court of appeals by litigants.

41 (b) In cases assigned to the ~~Court of Appeals~~ court of appeals, the title of the
42 proceeding and the identifying number thereof may not be changed, but the clerk may add
43 additional letters or other notations to the case number to identify the assignment of the
44 case.

45 (c) All case files must be maintained in the office of the clerk of the ~~Supreme~~
46 ~~Court~~ supreme court.

47 Section 10. Assignment of Cases.

48 (a) The ~~Supreme Court~~ supreme court ~~shall~~ will assign cases to the ~~Court of~~
49 ~~Appeals~~ court of appeals.

50 (b) In assigning cases to the ~~Court of Appeals~~ court of appeals, the ~~Supreme Court~~
51 supreme court ~~shall~~ must give due regard to the workload of each court, to the error
52 review and correction functions of the ~~Court of Appeals~~ court of appeals, and to the
53 desirability of retaining for decision by the ~~Supreme Court~~ supreme court cases in which
54 there is substantial public interest or in which there are significant issues involving
55 clarification or development of the law.

56 (c) Generally, cases involving consideration of existing legal principles will be
57 assigned to the ~~Court of Appeals~~ court of appeals.

58 (d) The ~~Supreme Court~~ supreme court may assign any case to the ~~Court of Appeals~~
59 court of appeals consistent with ~~Section~~ subsections 10(b) and (c).

60 (e) Unless special circumstances are indicated and consistent with caseload
61 balance, cases in the following categories will be assigned to the ~~Court of Appeals~~ court
62 of appeals:

63 (1) Appeals of mental-health commitment proceedings ~~pursuant to~~ under N.D.C.C.
64 § 25-03.1-29 NDCC and ~~Rule 2.1~~ N.D.R.App.P. 2.1 ;

65 (2) Appeals of decrees or modifications ~~thereof~~ in divorce and separation
66 proceedings involving property distribution, child support, spousal support, and parenting

67 rights and responsibilities;

68 (3) Appeals of misdemeanor convictions;

69 (4) Appeals involving cases originating in municipal court;

70 (5) Appeals involving cases originating in small claims court;

71 (6) Appeals involving cases originating with administrative proceedings;

72 (7) Appeals involving cases originating under ~~Chapter~~ N.D.C.C. chs. 27-20.2, 27-

73 20.3 and 27-20.4; ~~NDCC (Uniform Juvenile Court Act), Chapter~~ N.D.C.C. ch. 14-15,

74 ~~NDCC (Revised Uniform Adoption Act) and~~ N.D.C.C. ch. 14-20 ~~14-17, NDCC (Uniform~~

75 ~~Parentage Act);~~

76 (8) Appeals or applications for the exercise of original jurisdiction arising out of

77 ~~pro se~~ applications for relief from self-represented persons incarcerated or held in custody

78 in penal correction facilities; and

79 (9) Appeals from trial court orders on motions for summary judgment.

80 Section 11. Reassignment of a Case to the Supreme Court. At any time before the

81 filing of an opinion, the ~~Supreme Court~~ supreme court may reassign a case from the

82 ~~Court of Appeals~~ court of appeals to the ~~Supreme Court~~ supreme court. Upon the entry of

83 an order reassigning a case, the ~~Court of Appeals~~ court of appeals may take no further

84 action in the case.

85 Section 12. Petition for Rehearing. Any party to a ~~Court of Appeals~~ court of

86 appeals proceeding may petition the ~~Court of Appeals~~ court of appeals for a rehearing

87 pursuant to ~~Rule 40;~~ under N.D.R.App.P. 40. The ~~Court of Appeals~~ shall court of appeals

88 must dispose of the petition.

89 Section 13. Review by the Supreme Court.

90 (a) Any party to a proceeding aggrieved by a judgment or order of the ~~Court of~~
91 ~~Appeals~~ court of appeals may file a petition for review with the clerk of the ~~Supreme~~
92 ~~Court~~ supreme court within ~~fourteen~~ 14 days after the date of filing of the judgment or
93 order, or, if a petition for rehearing is filed, within ~~fourteen~~ 14 days after final disposition
94 of the petition for rehearing by the ~~Court of Appeals~~ court of appeals. A brief, not
95 exceeding ~~ten~~ 10 pages, in support of the petition for review must be filed with the
96 petition. Other parties to a petition for review may not respond unless requested by the
97 ~~Supreme Court~~ supreme court. If a petition for review is granted, the ~~Supreme Court~~
98 supreme court ~~shall~~ must include in its order the sequence for filing briefs by the parties
99 before oral argument.

100 (b) A party is not required to petition the ~~Court of Appeals~~ court of appeals for a
101 rehearing before filing a petition for review by the ~~Supreme Court~~ supreme court.

102 (c) The ~~Supreme Court~~ supreme court may grant a petition for review from a
103 judgment or order of the ~~Court of Appeals~~ court of appeals when there are special and
104 important reasons and a majority of the justices of the ~~Supreme Court~~ supreme court
105 direct that the petition be granted. The following criteria, while neither controlling nor
106 fully measuring the ~~Supreme Court's~~ supreme court's discretion, will be considered in the
107 exercise of the court's discretion:

108 (1) whether the ~~Court of Appeals~~ court of appeals has decided a question of
109 substance not previously determined by the ~~Supreme Court~~ supreme court;

110 (2) whether the ~~Court of Appeals~~ court of appeals has decided a question of

111 substance probably not in accord with applicable decisions of the North Dakota ~~Supreme~~
112 ~~Court~~ supreme court or of the United States ~~Supreme Court~~ supreme court;

113 (3) whether the ~~Court of Appeals~~ court of appeals has rendered a decision in
114 conflict with a published decision of the ~~Court of Appeals~~ court of appeals;

115 (4) whether the ~~Court of Appeals~~ court of appeals has so far departed from the
116 accepted and usual course of judicial proceedings or so far sanctioned such procedure by
117 a trial court as to call for the exercise of the supervisory jurisdiction of the ~~Supreme Court~~
118 supreme court;

119 (5) whether a majority of the judges of the ~~Court of Appeals~~ court of appeals, after
120 decision, certify that the public interest or the interests of justice make desirable review
121 by the ~~Supreme Court~~ supreme court; and

122 (6) whether there is a dissenting opinion in the ~~Court of Appeals~~ court of appeals.

123 (d) The scope of review of the ~~Supreme Court~~ supreme court is the same as that in
124 cases originally heard on appeal by the ~~Supreme Court~~ supreme court.

125 Section 14. Judgments, Opinions and Mandates.

126 (a) Judgments will issue from the ~~Court of Appeals~~ court of appeals in accordance
127 with ~~Rule 36~~, N.D.R.App.P. 36.

128 (b) If the ~~Supreme Court~~ supreme court grants a petition for review, the
129 assignment of the case to the ~~Court of Appeals~~ court of appeals terminates and no
130 mandate may issue on the opinion of the ~~Court of Appeals~~ court of appeals. Upon final
131 determination of the appeal pursuant to under the order granting review, the ~~Supreme~~
132 ~~Court~~ supreme court shall must enter a judgment and issue a mandate to the trial court or

133 other tribunal.

134 (c) An opinion of the ~~Court of Appeals~~ court of appeals may be published only
135 when it satisfies one of the following standards:

136 (1) establishes a new rule of law or alters or modifies an existing rule;

137 (2) involves a legal issue of continuing public interest;

138 (3) criticizes or explains existing law;

139 (4) applies an established rule of law to a factual situation significantly different
140 from that in published opinions of this state;

141 (5) resolves an apparent conflict of authority; or

142 (6) constitutes a significant and non-duplicative contribution to legal literature.

143 The opinion may be published only if one of the three judges participating in the
144 decision determines that one of the standards set out in this rule is satisfied. The published
145 opinion must include concurrences and dissents.

146 Section 15. Effective Date. The effective date of this ~~Rule~~ rule is August 1, 2009.

147 EXPLANATORY NOTE

148 SOURCE: North Dakota Constitution, Article VI, and 1987 Session Laws, Chapter
149 374.

150 [Adopted effective September 1, 1987; amended effective January 1, 1995,
151 Supreme Court No. 940197; ~~amended effective~~ August 1, 2009; August 11, 2021.]

RULE 29. QUALIFICATIONS, EMPLOYMENT, COMPENSATION AND
AUTHORITY OVER JURY BAILIFFS

Section 1. Authority. The North Dakota Judicial System provides for jury bailiff services in the district courts. Pursuant to Article VI, Section 3, North Dakota Constitution Under N.D. Const. art. VI, § 3, the Supreme Court supreme court adopts this ~~Administrative Rule~~ rule relating to bailiffs.

Section 2. Statement of Policy and Purpose. It is the policy of the North Dakota ~~Judicial System~~ judicial system to provide for uniform qualifications, employment, authority, compensation, training, and conduct of jury bailiffs among the district courts of the North Dakota ~~Judicial System~~ judicial system.

Section 3. Qualifications. Minimum qualifications for bailiffs ~~shall~~ include:

- (a) United States citizenship; and
- (b) physical residence within the judicial district served, unless physical residence is waived by the presiding judge of the judicial district.

Section 4. Employment, Compensation, and Authority.

(a) The presiding judge, on behalf of the judges in the judicial district, ~~shall~~ will employ all jury bailiffs for the district court. Jury bailiffs ~~shall~~ will be compensated pursuant to under the appropriate compensation schedule established by the North Dakota ~~Judicial System~~ judicial system. District court jury bailiffs are temporary, part-time employees of the North Dakota ~~Judicial System~~ judicial system.

(b) The presiding judge may delegate administrative authority over jury bailiffs to

23 the ~~district court~~ unit administrator, clerk of court, or other administrative authority by
24 executing such delegation in writing.

25 Section 5. Role of Jury Bailiffs. Jury bailiffs ~~shall~~ will:

26 (a) attend to the needs of the jury; and

27 (b) assist the court as directed.

28 Jury bailiffs ~~shall~~ may not provide law enforcement services to the court.

29 Section 6. Training. The ~~State Court Administrator's Office~~ state court
30 administrator must develop a manual to assist local courts in training and providing
31 instructions to jury bailiffs. The presiding judge of the judicial district ~~shall~~ must provide
32 for appropriate periodic training programs for all jury bailiffs of all courts of the judicial
33 district.

34 EXPLANATORY NOTE

35 SOURCE: Court Services Administration Committee Meeting Minutes of
36 September 23, 1988, and November 4, 1988; ~~Section N.D.C.C. §§ 27-07.1-16, N.D.C.C.;~~
37 ~~Section and 27-05-02.1, N.D.C.C.;~~ amended effective January 1, 1995; August 11, 2021.

RULE 30. MINIMUM STANDARDS FOR MUNICIPAL COURTS IN NORTH
DAKOTA

Section 1. Authority. Under N.D. Const. Art. VI, § 3, and consistent with N.D.C.C. §§ 27-01-01 and 27-02-05.1, the ~~Supreme Court~~ supreme court hereby adopts the following ~~Administrative Rule~~ this rule relating to minimum standards for municipal courts in North Dakota (N.D.C.C. ch. 40-18).

Section 2. Statement of Policy. It is the policy of the North Dakota ~~Judicial System~~ judicial system to provide minimum standards and greater uniformity in municipal court services in North Dakota in order to protect the independence of municipal court judges in their decisions in individual cases.

Section 3. Mandatory Minimum Standards.

~~A.~~ (a) Each municipality in which a municipal court is established ~~shall~~ must ensure the court has access to current versions of the following:

~~a.~~ (1) A complete set of properly legislated municipal ordinances.

~~b.~~ (2) The North Dakota Code of Judicial Conduct.

~~c.~~ (3) The North Dakota Rules of Criminal Procedure.

~~d.~~ (4) The North Dakota Municipal Court Benchbook.

~~e.~~ (5) North Dakota Century Code Chapter 39-08, Chapter 40-18, and Title 12.1.

~~B.~~ (b) Each municipality ~~shall~~ must provide the municipal court judge with access to a formal courtroom or a space clearly designated as a courtroom. Each courtroom must be furnished with at least the following:

- 23 (1) One judge's desk.
- 24 (2) One judge's chair.
- 25 (3) One witness chair.
- 26 (4) One full-size, free standing American flag.
- 27 (5) One full-size, free standing North Dakota flag.
- 28 (6) One gavel.
- 29 (7) Table space and three chairs for defendant.
- 30 (8) Table space and three chairs for prosecutor.
- 31 (9) Adequate chairs for the public.
- 32 (10) Technology resources sufficient to meet the needs of the court.

33 Each courtroom or designated space must have a separation between the public
 34 and court participants, accomplished by chair placement or a railing.

35 Section 4. Recommended Minimum Standards. The following minimum standards
 36 are strongly recommended for all municipal courts:

37 (a.) Judge Compensation. Each municipality should provide judicial compensation
 38 which is not less than the following standards:

City by Population Size	Minimum	Minimum
	Annual	Monthly
	Salary	Salary
42 Cities Over 10,000 Population	\$17,172	\$1,431
43 Cities Between 5,000 and 10,000 Population	\$10,308	\$859
44 Cities Between 3,000 and 5,000 Population	\$4,116	\$343

45 Cities Between 1,500 and 3,000 Population \$3,096 \$258

46 Cities Below 1,500 Population \$2,064 \$172

47 ~~(b-)~~ Support Clerk Services. Each municipality should provide the municipal court
48 judge in a city over 10,000 population with the assistance of one full-time, separately
49 compensated, clerk of municipal court.

50 ~~(c-)~~ Prosecution Services. Each municipality should provide for prosecution of
51 each contested case by a city attorney in municipal court.

52 ~~(d-)~~ Bail Bond Procedure. Each municipal court judge should prepare a written bail
53 schedule and procedure which ~~shall~~ must be publicly posted in the courtroom and in the
54 police department.

55 ~~(e-)~~ Judicial Robe. If requested by the municipal court judge, each municipality
56 should furnish the municipal court judge with a judicial robe which is suitable to identify
57 and enhance the dignity of court proceedings.

58 ~~(f-)~~ Standardized Forms and Record Keeping. Each municipality should provide
59 the municipal court judge with court forms and record keeping equipment and supplies as
60 identified by the ~~State Court Administrator~~ state court administrator .

61 ~~(g-)~~ Municipal Court Budgets. Each municipality should provide the municipal
62 court judge with a separate municipal court budget. The municipal court budget should
63 include appropriate funds for the following:

64 (1) Judge compensation.

65 (2) Clerk compensation, if applicable.

66 (3) Supplies.

- 67 (4) Equipment.
- 68 (5) Courtroom furnishings.
- 69 (6) Travel expenses.
- 70 (7) Professional memberships and subscriptions.
- 71 (8) Telephone expenses.

72 Section 5. Continuing Education of Municipal Court Judges. Each municipality
73 ~~shall~~ must provide reimbursement of travel and lodging expenses for municipal court
74 judges and alternate municipal court judges to attend training programs provided by the
75 ~~Judicial Branch Education Commission~~ judicial branch education commission in
76 accordance with N.D. Sup. Ct. Admin. R. 36 and N.D.C.C. § 40-18-22.

77 Section 6. Certification of Compliance. Before January 1 of each year, the judge of
78 each municipal court ~~shall~~ must certify to the ~~State Court Administrator~~ state court
79 administrator that the municipal court meets the minimum standards in ~~Section~~ section 3
80 and has made its best efforts, in cooperation with city government, to meet the minimum
81 standards in ~~Section~~ section 4. A municipal judge should not hold court until compliance
82 with this certification requirement has been met.

83 EXPLANATORY NOTE

84 Rule 30 was adopted, effective January 1, 1991; amended effective September 1,
85 2014; August 11, 2021.

86 SOURCES: Supreme Court No. 900157; March 16, 1990; Judicial Planning
87 Committee minutes of December 13, 2013; and Judiciary Standards Committee minutes
88 of March 21, 2014.

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RULE 31. FACSIMILE TRANSMISSION

Administrative documents may be sent to the ~~Supreme Court~~ supreme court by facsimile transmission. For the purposes of this rule, an administrative document is any document which is not required or permitted to be filed with the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court.

EXPLANATORY NOTE

SOURCE: Adopted September 5, 1990, as an emergency rule effective immediately. Amended effective August 11, 2021.

RULE 33. PROCEDURE FOR ADOPTION OR AMENDMENT OF
ADMINISTRATIVE POLICIES RELATING TO PERSONNEL

Section 1. Statement of Authority and Policy. Under ~~Article VI, Section 3 of the North Dakota Constitution~~ N.D. Const. art. VI, § 3 and ~~Section N.D.C.C. § 27-02-05.1, NDCC, the Supreme Court~~ supreme court has the authority and responsibility to establish personnel policies, procedures, qualifications, duties and compensation for court personnel. It is the intent of the North Dakota ~~Judicial System~~ judicial system to formalize a process whereby the creation and amendment of personnel policies is carried out with full involvement of the judges and personnel of the North Dakota ~~Judicial System~~ judicial system.

Section 2. Personnel Policy Board - Creation, Membership and Staffing.

~~A. (a)~~ There is established within the North Dakota ~~Judicial System~~ judicial system a ~~Personnel Policy Board~~ personnel policy board.

~~B. (b)~~ The ~~Personnel Policy Board~~ personnel policy board will consist of eight voting members:

(1) ~~† one~~ judge elected by the district court judges;

(2) ~~† one~~ judge elected by the ~~Administrative Council~~ administrative council;

(3) ~~† one~~ justice/judge appointed by the ~~Chief Justice~~ chief justice;

(4) ~~† one~~ supreme court department or division head appointed by the ~~Chief Justice~~ chief justice;

(5) ~~‡ two~~ district court employees elected by the district court employees, who are

23 not ~~trial court~~ unit administrators;

24 (6) † one supreme court employee elected by the supreme court employees; and

25 (7) † one court administrator appointed by the ~~Chief Justice~~ chief justice.

26 €: (c) The board will elect a chair and a vice-chair from among its membership.

27 The vice-chair will serve in the absence of the chair. The chair and vice-chair may vote

28 on all matters before the board.

29 Đ: (d) ~~The State Court Administrator's Office~~ state court administrator will provide

30 staff assistance for the board.

31 Section 3. Terms and Elections.

32 A: (a) Members of the ~~Personnel Policy Board~~ personnel policy board will serve a

33 three-year term with terms staggered so that no more than three members are up for

34 appointment or election annually.

35 B: (b) A member may not serve more than three consecutive terms. A former

36 member who served three consecutive terms is eligible for reappointment after a six-year

37 break in service.

38 €: (c) Employees must be given a minimum of 15 working days to submit

39 candidacy to the ~~Human Resource Director~~ human resource director.

40 Đ: (d) The voting period must be a minimum of 15 working days.

41 Section 4. Duties and Responsibilities.

42 A: (a) The ~~Personnel Policy Board~~ personnel policy board will make decisions on:

43 (1) Classification and pay grade reconsideration; and

44 (2) Grievance appeals.

45 B: (b) The board will meet periodically to review and make recommendations
46 relating to:

47 (1) Personnel policies;

48 (2) Personnel matters affecting employees;

49 (3) Providing recommendations to the ~~Chief Justice~~ chief justice on such
50 appropriate matters ~~deemed appropriate~~;

51 (4) Annually submitting a recommended salary administration plan to the ~~Chief~~
52 ~~Justice~~ chief justice; and

53 (5) Other duties and responsibilities as assigned by the ~~Chief Justice~~ chief justice.

54 Section 5. Conflict of Interest.

55 A: (a) A member of the ~~Personnel Policy Board~~ personnel policy board must be
56 disqualified from voting in appeal proceedings before the board in which the member's
57 impartiality could reasonably be questioned including, when:

58 (1) The board member may have a personal or economic interest in the outcome of
59 the proceeding;

60 (2) The board member is likely to be a material witness in the proceeding; or

61 (3) The board member has a personal bias or prejudice concerning a party or
62 personal knowledge of evidentiary facts concerning the proceedings.

63 B: (b) If the chair disqualifies in a proceeding before the board, the vice-chair will
64 conduct the proceeding. If both the chair and the vice-chair disqualify themselves, a
65 member will be elected by the remaining board members to conduct the proceedings.

66 Section 6. Establishment or Amendment of a Personnel Policy.

67 A. (a) Initiated by the Personnel Policy Board.

68 (1) The ~~Personnel Policy Board~~ personnel policy board may recommend to the
69 ~~Supreme Court~~ supreme court a new policy or an amendment to an existing policy.
70 Before forwarding the recommendation, the board will elicit comment by notifying the
71 judges and personnel of the judicial system by sending copies of the recommendation to
72 each judicial district on the ~~District Court~~ district court level and each department head on
73 the ~~Supreme Court~~ supreme court level at least 15 days prior to forwarding the
74 recommendation. However, notification to elicit comment is not required for amendments
75 to comply with changes in law, to increase wages or benefits offered by the state, to
76 change dollar amounts, or to clarify a policy without affecting the substance of the policy.

77 (2) Following the comment period, the board may submit its recommendation to
78 the ~~Supreme Court~~ supreme court.

79 (3) If it is determined by the board that circumstances require expedited action, the
80 notification time-frames may be suspended and recommendations made immediately to
81 the ~~Supreme Court~~ supreme court along with the justification of the expedited
82 recommendation.

83 (4) When submitting a proposal to the ~~Supreme Court~~ supreme court, the chair of
84 the board may request a personal appearance to present the proposals.

85 (5) The ~~Supreme Court~~ supreme court will act on the board's recommendation.

86 B. (b) Initiated by Supreme Court. The ~~Supreme Court~~ supreme court may initiate
87 or amend personnel policies:

88 (1) by referring the proposed policy to the ~~Personnel Policy Board~~ personnel

89 policy board for action; or

90 (2) if expedited action is required, by immediately adopting a policy on an interim
91 basis and notifying the ~~Personnel Policy Board~~ personnel policy board of its action
92 pending comment and recommendation.

93 ~~C. (c)~~ Initiated by Personnel or Committees. Committees of the ~~Supreme Court~~
94 supreme court, ~~Committees of the Judicial Conference~~ committees of the judicial
95 conference, or individuals may initiate personnel policies by forwarding the proposed
96 policy or amendments to the ~~Personnel Policy Board~~ personnel policy board. The board
97 will place the proposal on its agenda and consider it ~~as deemed appropriate by the board~~.
98 The board will notify the initiating party of any final action taken on the proposal.

99 Section 7. Effect of Policies. All actions relating to classified judicial system
100 employees including, but not limited to, hiring, promoting, compensating, disciplining,
101 dismissing, accumulating fringe benefits, and taking leave, will be carried out in
102 accordance with policies adopted by the ~~Supreme Court~~ supreme court.

103 Section 8. Employee Grievances.

104 ~~A. (a)~~ Procedures. Employee grievances and appeals will be handled in accordance
105 with policies adopted by the ~~Supreme Court~~ supreme court. For grievances appealed to
106 the ~~Personnel Policy Board~~ personnel policy board, the ~~Board~~ board must promptly
107 investigate the grievance or complete a review of the record and issue a written decision
108 to the employee. The decision of the ~~Personnel Policy Board~~ personnel policy board is
109 final.

110 ~~B. (b)~~ Confidentiality. Information concerning an employee grievance appeal to

111 the ~~Personnel Policy Board~~ personnel policy board is confidential and is not accessible to
112 the public.

113 EXPLANATORY NOTE

114 Rule 33 was adopted effective July 1, 1991 and amended, effective January 1,
115 1999; June 1, 2009; June 1, 2011; March 6, 2013; March 1, 2016; January 1, 2020
116 ~~, to state that the Board considers reconsideration of Classification and pay grade rather~~
117 ~~than appeals; August 11, 2021.~~

118 Section 4, ~~paragraph~~ Subsection 4(a)(1) was amended effective January 1, 2020, to
119 reflect that the ~~Personnel Policy Board~~ personnel policy board decides classification and
120 pay grade on reconsideration rather than appeal.

121 ~~Section 6, paragraph~~ Subsection 6(a)(4) was added, effective January 1, 2020, to
122 eliminate repetitive phrases in ~~paragraph~~ subsection 6 (a)(2) and (a)(3)

123 Section 8 was added, effective January 1, 2020 to correspond with and clarify
124 amendments to Administrative Rule 41 providing greater access to court records. Section
125 8 sets out the process for employee grievance appeals and provides that information
126 related to employee grievance appeals is not publicly accessible.

RULE 34. ADVOCATES FOR ALLEGED VICTIMS IN CIVIL PROTECTION

ORDER CASES

Section 1. Statement of Policy. Under the authority of the ~~Supreme Court~~ supreme court in ~~Section 3 of Article VI, North Dakota Constitution~~ N.D. Const. art. VI, § 3, and ~~Sections N.D.C.C. §§ 27-02-07 and 27-02-08, N.D.C.C.~~, it is the policy of the ~~Supreme Court~~ supreme court of North Dakota to provide opportunity for appropriate services to persons who are alleged victims of domestic violence or sexual assault in proceedings in the trial courts of North Dakota.

Section 2. Definition of Certified Domestic Violence Sexual Assault Advocate. A ~~Certified Domestic Violence Sexual Assault Advocate~~ certified domestic violence sexual assault advocate is defined as a person who:

(a) is certified by an approved certifying entity as a ~~Certified Domestic Violence Sexual Assault Advocate~~ certified domestic violence sexual assault advocate to provide direct support services to alleged victims of domestic violence or sexual assault;

(b) is affiliated with a domestic violence sexual assault program which is a member of an approved certifying entity;

(c) has completed 42 hours of domestic violence and sexual assault training relating to the services and proceedings under ~~Chapter~~ N.D.C.C. ch. 14-07.1 and ~~Section~~ § 12.1-31-01.2, N.D.C.C., under a curriculum provided by an approved certifying entity subject to the approval of a committee of three consisting of the ~~State Health Officer~~ state health officer, the ~~North Dakota Attorney General~~ attorney general and the ~~President~~

23 ~~president of the State Bar Association~~ state bar association of North Dakota, or their
24 designees; and

25 (d) has completed, in each year following the year of certification, 12 additional
26 hours of training in the areas set forth in ~~Section~~ subsection 2(a) and which are developed
27 and approved by the committee of three identified in ~~Section~~ subsection 2(c).

28 Section 3. Definition of Approved Certifying Entity. An approved certifying entity
29 is an organization determined by the ~~Supreme Court~~ supreme court or its designee to be
30 qualified to train and certify domestic violence sexual assault advocates. To qualify to
31 train and certify domestic violence sexual assault advocates an organization must file with
32 the ~~Supreme Court~~ supreme court or its designee satisfactory proof that the organization:

33 (a) is capable of providing a 42-hour course of domestic violence and sexual
34 assault training relating to the services and proceedings under ~~Chapter~~ N.D.C.C. ch.
35 14-07.1 and ~~Section~~ § 12.1-31-01.2, N.D.C.C., following a curriculum approved by the
36 committee of three identified in ~~Section~~ subsection 2(c);

37 (b) is capable of providing, in each year following the year of certification of a
38 domestic violence sexual assault advocate, 12 additional hours of training in the areas set
39 forth in ~~Section~~ subsection 2(a) and which are developed and approved by the committee
40 of three identified in ~~Section~~ subsection 2(c);

41 (c) provides affiliation and support to local domestic violence sexual assault
42 programs in North Dakota; and

43 (d) has established a grievance procedure as set forth in ~~Section~~ section 6.

44 Section 4. Lists of Certified Domestic Violence Sexual Assault Advocates. Each

45 approved certifying entity ~~shall~~ must provide the ~~State Court Administrator~~ state court
46 administrator with an annual list of ~~Certified Domestic Violence Sexual Assault Advocate~~
47 certified domestic violence sexual assault advocates in North Dakota as may be revised
48 by the entity from time to time. The ~~State Court Administrator~~ state court administrator
49 ~~shall~~ must provide copies of the current list to all judges presiding in proceedings
50 ~~pursuant to Chapter~~ under N.D.C.C. ch. 14-07.1 and Section § 12.1-31-01.2, N.D.C.C.,
51 and to any person, upon request.

52 Section 5. The Role of Domestic Violence Sexual Assault Advocates in Court
53 Proceedings. In all proceedings under ~~Chapter~~ N.D.C.C. ch. 14-07.1 and Section §
54 12.1-31-01.2, N.D.C.C., a Certified Domestic Violence Sexual Assault Advocate a
55 certified domestic violence sexual assault advocate may:

56 (a) assist the petitioner in completing printed forms for proceedings under ~~Chapter~~
57 N.D.C.C. ch. 14-07.1 and Section § 12.1-31-01.2, N.D.C.C.; and

58 (b) sit with the petitioner during court proceedings

59 Section 6. Grievance Procedure. The approved certifying entity ~~shall~~ must
60 establish a grievance procedure, prepared in consultation with the ~~President~~ president of
61 the ~~State Bar Association~~ state bar association of North Dakota, or the ~~President's~~
62 president's designee, which must include provisions for universal standing to submit a
63 complaint, due process, and prompt disposition of complaints.

64 Section 7. Unauthorized Practice of Law. When providing services ~~pursuant to~~
65 under Section section 5, a ~~Certified Domestic Violence Sexual Assault Advocate~~ certified
66 domestic violence sexual assault advocate is not engaged in the unauthorized practice of

67 law.

68 Section 8. Effective Date. The effective date of this ~~Rule~~ rule, as amended, is
69 ~~December 1, 2017~~ August 11, 2021.

70 EXPLANATORY NOTE

71 Adopted effective March 1, 1992; amended effective January 1, 2005; December
72 1, 2017; August 11, 2021.

RULE 35. JUVENILE POLICY BOARD

Section 1. Statement of Authority and Intent. Under ~~Article VI, Section 3 of the North Dakota Constitution~~ N.D. Const. art. VI, § 3, the ~~Supreme Court~~ supreme court has the authority to adopt rules of procedure to be followed by all courts of the state, and to establish the powers, duties, and qualifications of court officials. The ~~Supreme Court~~ supreme court has administrative responsibility over all courts of the state and may establish rules to exercise that administrative authority as it ~~deems~~ considers necessary or desirable (N.D.C.C. § 27-02-05.1, NDCC).

It is the intent of the North Dakota ~~Judicial System~~ judicial system to establish a mechanism for the development of administrative policies and procedures which will define the mission of juvenile court services consistent with ~~27-20-01, NDCC~~ the Juvenile Court Act, N.D.C.C. chs. 27-20.2, 27- 20.3, and 27-20.4, and ch. 27-20.1 on guardianship of a child; to provide the administrative mechanism and authority to ensure the implementation of the policies; and to ensure the full involvement of judges and personnel of the North Dakota ~~Judicial System~~ judicial system in the development of such policies and procedures.

Section 2. Effect of Policies. The administrative policies adopted by the ~~Supreme Court~~ supreme court pursuant to under this rule govern the actions of the juvenile courts and personnel of the juvenile courts in North Dakota.

Section 3. Membership. The ~~Juvenile Policy Board~~ juvenile policy board ~~shall~~ will consist of three district judges appointed by the North Dakota ~~Judges' Association~~ judges'

23 association, one district judge and one judicial referee appointed by the ~~Administrative~~
24 ~~Council~~ administrative council, one district judge or supreme court justice appointed by
25 the ~~Chief Justice~~ chief justice, one juvenile court officer appointed by the ~~Chief Justice~~
26 chief justice, and one juvenile director appointed by the ~~Chief Justice~~ chief justice. Terms
27 of the members ~~shall~~ will be for a three-year period and ~~shall~~ will be staggered in such a
28 manner to ensure that at least two members ~~shall be~~ are up for election or appointment
29 annually. A member may not serve more than three consecutive terms. A former member
30 who served three consecutive terms is eligible for reappointment after a six-year break in
31 service. The ~~Chief Justice~~ chief justice may appoint members to fill vacancies which
32 occur for an unexpired term. The membership ~~shall~~ will reflect the geographic and
33 population diversities of the state and no more than two judges may be from any one
34 judicial district.

35 Section 4. Development of Long Term Planning for Delivery of Juvenile Court
36 Services. Prior to the end of the first fiscal year of each biennium, the ~~Juvenile Policy~~
37 ~~Board~~ juvenile policy board ~~shall~~ will forward to the ~~Supreme Court~~ supreme court
38 recommendations to update a continuing five-year plan for the delivery of juvenile court
39 services. The plan ~~shall~~ will establish priority for the delivery of services, identify
40 program needs, recommend cooperative agreements with other state, local or private
41 agencies, and may recommend specific budget items to be included in the judicial system
42 budget request.

43 Section 5. Establishment or Amendment of Juvenile Court Policies and
44 Procedures.

45 A. ~~(a)~~ The ~~Juvenile Policy Board~~ juvenile policy board may recommend to the
46 Supreme Court supreme court policies relating to the operation of the juvenile court;
47 pursuant to the following:

48 (1-) The policies ~~shall~~ must be consistent with state law and court rules.

49 (2-) The operation of the juvenile court ~~shall be~~ is defined to include:

50 a. (A) intake;

51 b. (B) diversion;

52 c. (C) probation;

53 d. (D) placement;

54 e. (E) workload standards;

55 f. (F) training standards;

56 g. (G) child welfare.

57 (3-) Any matter relating to pleadings, practice, or procedure including Appellate
58 Procedure, Rules of Evidence, Rules of Criminal Procedure, Rules of Civil Procedure, or
59 special rules of procedure for the conduct of formal juvenile court hearings ~~shall~~ will be
60 forwarded to the ~~Joint Procedure Committee~~ joint procedure committee, for its
61 consideration, approval and recommendation to the ~~Supreme Court~~ supreme court.

62 B.(b) Operating Procedures. The ~~Juvenile Policy Board~~ juvenile policy board may
63 issue operating procedures and guidelines to be followed by the juvenile courts in
64 implementing state law or administrative policies which have been approved by the
65 Supreme Court supreme court.

66 C.(c) Notice. Before forwarding a recommended policy or adopting a procedure,

67 the ~~Juvenile Policy Board~~ juvenile policy board will solicit comments by notifying all
68 district court judges and appropriate district court personnel of the proposed policy or
69 procedure. The notice ~~shall~~ must be at least 30 days prior:

70 (1) to forwarding the recommendation to the ~~Supreme Court~~ supreme court or the
71 ~~Joint Procedure Committee~~ joint procedure committee, or

72 (2) to adopting a procedure to implement state law or approved policy.

73 If it is determined that immediate action is required, the time frame for comment
74 may be suspended and the recommended policy may be forwarded to the ~~Supreme Court~~
75 supreme court along with the justification of expedited recommendation, or the procedure
76 may be adopted by the ~~Juvenile Policy Board~~ juvenile policy board on an interim basis
77 pending comment.

78 Section 6. Administration.

79 ~~A.~~(a) It is the intent of this rule to leave the direct supervision of juvenile court
80 employees at the district court level.

81 It is also the intent to assure the consistent delivery of programs and services
82 through the ~~Policy Board~~ policy board and the ~~State Juvenile Services Coordinator~~ state
83 juvenile services coordinator (or such other person within the ~~State Court Administrator's~~
84 ~~Office~~ state court administrator's office assigned the juvenile portfolio regardless of title).

85 B. The ~~State Juvenile Services Coordinator~~ shall state juvenile services
86 coordinator will have the responsibility and authority to assure implementation of policies
87 as approved by the ~~Supreme Court~~ supreme court and procedures approved by the ~~Board~~
88 board. The coordinator will work with the juvenile courts on a statewide basis and on an

89 individual basis to assure implementation. The ~~Coordinator shall~~ coordinator will make
90 recommendations and reports to the judges of the district courts, the ~~Policy Board~~ policy
91 board, or the ~~Supreme Court~~ supreme court in matters relating to budget, staffing,
92 personnel, programs, performance and other related matters.

93 EXPLANATORY NOTE

94 Rule 35 was adopted as an emergency rule effective June 24, 1992; amended and
95 readopted July 27, 1992; amended and readopted effective January 1, 1995; amended
96 effective April 1, 2006 (Supreme Court No. 20060059); ~~amended effective August 15,~~
97 ~~2007; amended effective March 6, 2013; and amended effective April 1, 2014; amended~~
98 ~~effective January 1, 2018; amended effective April 24, 2019; August 11, 2021.~~

99 SOURCE: N.D.Const., Art. VI, ~~Sec.~~ § 3; ~~Sec.~~ N.D.C.C. chs. 27-20.1, 27-20.2, 27-
100 20.3, 27-20.4, and § 27-02-05.1, NDCC; Sec. 27-20-01.

RULE 36. ~~NORTH DAKOTA RULES ON JUDICIAL BRANCH EDUCATION~~

~~Rule~~ Section 1. Judicial Branch Education Commission.

(a) There is established within the North Dakota judicial system the ~~Judicial Branch Education Commission~~ judicial branch education commission consisting of nine members. All members ~~shall~~ will be appointed by the executive committee of the ~~Judicial Conference~~ judicial conference. Five members must be appointed from among the judges of the courts of record of this state. One member must be appointed from each of the following classes:

(1) Juvenile court personnel;

(2) Support staff of the courts of record or employees of clerk of court or trial court administration offices;

(3) The faculty of the University of North Dakota Law School; and

(4) Judges who serve on courts not of record.

(b) The members of the ~~Commission~~ commission ~~shall~~ will designate one of the nine members to chair the commission.

(c) The state court administrator, the ~~Director of Education and Communication~~ director of education and communication, and the head of the judicial branch's IT department, or their designees, are ex officio members of the commission, but may not vote.

(d) Of the members of the commission initially appointed, three must be for a one-year term, three for a two-year term, and three for a three-year term. Thereafter, each

23 member must be appointed for a three-year term, except an appointment to an unexpired
24 term. The initial term of each member of the commission must be determined by lot at the
25 first meeting of the commission.

26 (e) A member of the commission may not serve more than three consecutive
27 three-year terms, but may serve until a successor is appointed and has qualified. A former
28 member who served three consecutive terms is eligible for reappointment after a six-year
29 break in service.

30 ~~Rule~~ Section 2. Powers and Duties of Commission.

31 (a) The commission has general supervisory authority over the administration of
32 this ~~Rule~~ rule.

33 (b) The state court administrator ~~shall~~ will, with available funds, provide staff
34 assistance to the commission including the ~~Director of Education and Communication~~
35 director of education and communication.

36 ~~Rule~~ Section 3. Powers and Duties of Director. The Director shall director will:

37 (1) assist the commission in planning an integrated, education program for all
38 personnel involved in providing judicial services to the citizens of North Dakota from any
39 municipal, district or appellate court of the ~~State~~ state of North Dakota, or any municipal
40 subdivision ~~thereof~~;

41 (2) provide all administrative assistance for the presentation of educational
42 conferences and programs;

43 (3) assist the commission in making application for and administering special grant
44 programs;

45 (4) assist the commission in developing cooperative agreements with other states
46 and organizations, such as the National Judicial College, that are qualified to provide
47 judicial education conferences and demonstration projects;

48 (5) promote effective teaching techniques for the presentation of materials at
49 judicial conferences and institutes;

50 (6) perform other additional duties assigned by the commission from time to time.

51 ~~Rule~~ Section 4. Mandatory Continuing Education Requirements.

52 (a) Each judge of a court of record of this state, including the surrogate judges,
53 justices of the supreme court, and each judicial referee, must complete at least 45 hours of
54 approved course work in continuing judicial education, at least three of which must be in
55 judicial ethics and at least one of the three ethics hours must be in diversity and inclusion,
56 during each three-year period of tenure, commencing July 1, 1993. Continuing education
57 requirements for those with less than ~~1~~ one full year of service from the end of the last
58 three-year reporting period will be waived.

59 (b) Each municipal judge must complete at least 18 hours of approved course work
60 in continuing education, at least one of which must be in judicial ethics or diversity and
61 inclusion during each three-year period of tenure, commencing July 1, 2008. In addition,
62 each new municipal judge must complete a judicial orientation course within the first
63 three months of taking office. Municipal judges serving at least ~~1~~ one year, but less than ~~2~~
64 two, from the end of the last three-year reporting period will be required to report ~~6~~ six
65 continuing education hours; those serving at least ~~2~~ two years, but less than ~~3~~ three, will
66 be required to report 12 continuing education hours. Continuing education requirements

67 for those with less than ± one full year of service will be waived.

68 (c) Each magistrate appointed under ~~Section N.D.C.C. § 27-05-31, NDCC,~~ must
69 complete a continuing education program every odd calendar year as provided by the
70 ~~Judicial Branch Education Commission~~ judicial branch education commission.

71 (d) Each juvenile court director and court officer must complete at least 40 hours
72 of approved course work during each three-year period, at least one of which must be in
73 diversity and inclusion, commencing July 1, 2005. In addition, each new court officer
74 must complete an orientation program within the first six months of taking office.
75 Officers employed at least ± one year, but less than ± two, from the end of the last
76 three-year reporting period will be required to report 13 continuing education hours; those
77 employed at least ± two years, but less than ± three, will be required to report 26
78 continuing education hours. Continuing education requirements for those with less than ±
79 one full year of employment will be waived.

80 ~~Rule~~ Section 5. Duties of Commission. The commission ~~shall~~ will:

81 (1) develop high quality judicial branch training and continuing education
82 programs in this state for individuals involved in providing judicial services to the
83 citizens of North Dakota from any municipal, district or appellate court of the ~~State~~ state
84 of North Dakota, or any municipal subdivision ~~thereof~~, to enhance performance of their
85 duties in the unified judicial system and their professional growth, and to provide them
86 with a reasonable opportunity to fulfill any mandatory continuing educational
87 requirements;

88 (2) develop and cooperate with other states, Canadian ~~Provinces~~ provinces, and

89 judicial branch training and continuing educational organizations, in presenting regional
90 training and educational programs;

91 (3) develop and recommend to the ~~Supreme Court~~ supreme court a biennial budget
92 for mandatory judicial branch training and continuing education;

93 (4) seek, apply for, and administer grants to fund other judicial branch training and
94 continuing educational projects approved by the commission;

95 (5) develop a resource library of materials on judicial branch training and
96 continuing education, including bench books, manuals, instructional materials, video
97 tapes, and other judicial aids;

98 (6) receive, review, and grant applications for funds for expenses of attendees for
99 attending judicial branch training and continuing educational programs conducted out of
100 state, in accordance with policies adopted by the commission;

101 (7) draft, review, and recommend appropriate legislation and rules of court relating
102 to judicial branch training and continuing education; and

103 (8) perform such related functions as may be necessary or desirable to improve the
104 delivery of judicial branch training and continuing educational services to the unified
105 judicial system of this state.

106 ~~Rule~~ Section 6. Crediting Attendance of Programs.

107 (a) Consistent with ~~Judicial Branch Education Commission~~ judicial branch
108 education commission policy, the commission ~~shall~~ must give credit for attendance at a
109 judicial branch training or continuing educational program sponsored or approved for
110 credit by the commission on the basis of one hour for each hour of attendance. If a

111 program attended is not sponsored by a presumptively approved organization, an
112 applicant for credit must furnish the commission a description of the program and the
113 number of qualifying hours. The commission will review the information and promptly
114 notify the applicant of the number of credits to be approved.

115 (b) The commission ~~shall~~ will determine what ~~shall constitute~~ constitutes
116 “approved course work.” Courses sponsored by the following organizations and their
117 associated entities ~~shall~~ must be presumptively approved:

- 118 1. (1) Accredited law schools;
- 119 2. (2) American Association for Justice;
- 120 3. (3) American Bar Association;
- 121 4. (4) American Institute for Justice;
- 122 5. (5) American Judges Association;
- 123 6. (6) American Judicature Society;
- 124 7. (7) American Law Institute;
- 125 8. (8) American Parole and Probation Association;
- 126 9. (9) Defense Research Institute;
- 127 10. (10) Institute for Court Management;
- 128 11. (11) National Association for Court Management; and
- 129 12. (12) National Association for Presiding Judges and Court Executive Officers;
- 130 13. (13) National Association of Drug Professionals;
- 131 14. (14) National Association of Women Judges;
- 132 15. (15) National Center for State Courts;

- 133 ~~16.~~ (16) National Consortium on Racial and Ethnic Fairness in the Courts;
- 134 ~~17.~~ (17) National Council of Juvenile and Family Court Judges;
- 135 ~~18.~~ (18) National Drug Court Institute;
- 136 ~~19.~~ (19) National Institute of Trial Advocacy;
- 137 ~~20.~~ (20) National Judicial College;
- 138 ~~21.~~ (21) Native American Training Institute--Indian Child Welfare Act
- 139 Conference;
- 140 ~~22.~~ (22) North Dakota Association for Justice;
- 141 ~~23.~~ (23) North Dakota Judicial System;
- 142 ~~24.~~ (24) Office of Juvenile Justice and Delinquency Prevention, U.S. Department
- 143 of Justice;
- 144 ~~25.~~ (25) State Bar Association;
- 145 ~~27.~~ (26) Uniform Law Commission.

146 (c) Consistent with ~~Judicial Branch Education Commission~~ judicial branch

147 education commission policy, the commission may grant credit for self-study courses and

148 other educational means approved in advance on a case-by-case basis. Twenty percent of

149 the required hours for any reporting period may be acquired through self-study.

150 ~~Rule~~ Section 7. Crediting Attendance as Faculty. A judge who serves on the

151 faculty of an approved judicial education or continuing legal education course is entitled

152 to claim as continuing judicial education hours an amount of time equal to the judge's

153 actual presentation and up to two times the presentation time for preparation.

154 A judge who serves on a panel may claim the entire time of the panel presentation

155 as presentation time. A judge claiming continuing judicial education hours for faculty
156 participation ~~shall~~ must list those hours on the ~~Judicial Education Report~~ judicial
157 education report provided to the judge annually or by separate affidavit. A judge may
158 claim only ~~fifteen~~ (15) judicial education hours for faculty participation in any one
159 reporting period.

160 ~~Rule~~ Section 8. Self-Reporting Requirements. Within 30 days after the end of each
161 reporting period, commencing July 1, 1993, each individual subject to the mandatory
162 training or educational requirements of this ~~Rule~~ rule must submit, on a form furnished by
163 the commission, a statement of the courses and hours completed during the reporting
164 period.

165 ~~Rule~~ Section 9. Noncompliance. The commission may grant an extension of time
166 for completion of the requirements of this ~~Rule~~ rule, including the duty to self-report, to
167 an individual who fails to meet the requirements and shows good cause for
168 noncompliance. If the individual fails to comply within the extended time, the
169 commission ~~shall~~ must report the dereliction to the North Dakota ~~Judicial Conduct~~
170 Commission judicial conduct commission or the employee's supervisor for appropriate
171 action against the individual.

172 ~~Rule~~ Section 10. Transitional Provisions. On July 1, 1993, the ~~Judicial Training~~
173 Committee of the Judicial Conference judicial training committee of the judicial
174 conference is dissolved and the bylaws of the committee are superseded by this ~~Rule~~ rule.

175 ~~Rule~~ Section 11. Repeal. Administrative Rule 30.1, Mandatory Continuing Judicial
176 Education for Municipal Court Judges, is repealed by this ~~Rule~~ rule.

177 Rule Section 12. Effective Date. This ~~Rule~~ rule, as further amended, is effective
178 ~~December 1, 2018~~ August 11, 2021.

179 EXPLANATORY NOTE

180 SOURCE: Adopted June 23, 1993, as an emergency rule effective July 1, 1993.
181 Amendments adopted December 29, 1993, effective January 1, 1994. Emergency
182 amendments adopted effective April 13, 1994 (repeal of AR 30.1 effective April 13,
183 1994); Amended effective April 1, 1998; ~~Amended effective March 1, 2005; Amended~~
184 ~~effective August 1, 2005; Amended effective April 1, 2006 (Supreme Court No.~~
185 ~~20060059); Amended effective April 1, 2008 (Supreme Court No. 20080067); Amended~~
186 ~~effective March 1, 2011 (Supreme Court No. 20110035);~~ December 1, 2018; ~~Amended~~
187 ~~effective July 1, 2020 (Supreme Court No. 20180428); Amended effective March 1, 2021~~
188 ~~(Supreme Court No. 20200302);~~ August 11, 2021.

RULE 37. COMMITTEE ON TRIBAL AND STATE COURT AFFAIRS

Section 1. Policy and Purpose. The North Dakota ~~Judicial System~~ judicial system encourages greater understanding and exchange of information between the tribal and state judicial systems in North Dakota. The ~~Committee on Tribal and State Court Affairs~~ committee on tribal and state court affairs is a vehicle for expanding tribal and state court judges' knowledge of the respective judicial systems; for identifying and discussing issues regarding court practices, procedures, and administration which are of common concern to members of tribal and state judicial systems; and for cultivating mutual respect for and cooperation between tribal and state judicial systems.

Section 2. Creation. The ~~Committee on Tribal and State Court Affairs~~ committee on tribal and state court affairs is a standing committee of the North Dakota ~~Supreme Court~~ supreme court. The ~~Chief Justice~~ chief justice appoints the chair and vice-chair of the ~~Committee~~ committee.

Section 3. Membership-Terms-Rotation.

A. (a) The ~~Committee on Tribal and State Court Affairs~~ committee on tribal and state court affairs consists of the following members:

(1-) Two state court judges appointed by the ~~Chief Justice~~ chief justice for three-year terms.

(2-) The ~~Chief Tribal Judge~~ chief tribal judge, or designee, of each of the five tribal judicial systems serving reservation areas in North Dakota.

(3-) Two representatives each, selected according to subsection B 3(b), of tribal

23 and state court administrative support services, including clerks of court. Each
24 representative is limited to one three-year term, but may be reappointed as provided in
25 subsection B 3(b).

26 ~~(4-)~~ Two public members, who have an interest or expertise in the operation of
27 tribal and state judicial systems, appointed by the ~~Chief Justice~~ chief justice for three-year
28 terms.

29 ~~(5-)~~ One representative each, selected according to subsection B 3(b), of tribal and
30 state juvenile courts. Each representative is limited to one three-year term, but may be
31 reappointed as provided in subsection B 3(b).

32 ~~(6-)~~ The ~~Director~~ director, or designee, of the Northern Plains Tribal Judicial
33 Training Institute.

34 ~~(7-)~~ The ~~Executive Director~~ executive director, or designee, of the North Dakota
35 ~~Indian Affairs Commission~~ indian affairs commission.

36 ~~(8-)~~ The ~~Chairperson~~ chair of the ~~Indian Law Section of the State Bar Association~~
37 indian law section of the state bar association.

38 B: ~~(b)~~ At the ~~Committee's~~ committee's first meeting, the judge members of the
39 ~~Committee~~ committee ~~shall~~ will forward to the ~~Chief Justice~~ chief justice two
40 nominations for each tribal and state court administrative support services and juvenile
41 court representative. The ~~Chief Justice~~ chief justice ~~shall~~ will appoint two members for
42 each administrative support services representative category and one member for each
43 juvenile court representative category. Before expiration of the term of a tribal or state
44 court administrative support services or juvenile court representative, or in the event of a

45 vacancy during a term, the judge members of the ~~Committee~~ committee ~~shall~~ will forward
46 to the ~~Chief Justice~~ chief justice two nominations for each present or impending vacancy.
47 If a suitable replacement cannot be identified, the serving member may be reappointed.

48 ~~C.~~ (c) Each member who serves for a specified term serves until the member's
49 successor is appointed. State court judges and public members may not serve more than
50 three consecutive three-year terms. A state judge or public member who served three
51 consecutive terms is eligible for reappointment after a six-year break in service.

52 ~~D.~~ (d) Members of the ~~Committee~~ committee serve without compensation for their
53 services, but are entitled to reimbursement at state rates for actual expenses.

54 Section 4. Duties of the Committee.

55 ~~A.~~ (a) The ~~Committee~~ committee ~~shall~~ will:

56 (1-) Study the comparative operation, practices, and procedures of tribal and state
57 judicial systems for purposes of identifying possible areas of mutually agreeable
58 cooperative action;

59 (2-) Serve as a forum for discussion of areas of common concern shared by tribal
60 and state judges and judicial system personnel;

61 (3-) Serve as a vehicle for establishing and maintaining a long-term, continuing
62 relationship between tribal and state judicial systems; and

63 (4-) Review any other matters referred to it by the ~~Supreme Court~~ supreme court, a
64 tribal court, or a tribal council.

65 ~~B.~~ (b) The ~~Committee~~ committee may recommend to the ~~Supreme Court~~ supreme
66 court, tribal courts, or tribal councils, potential agreements, informal inter-system

67 working relationships, education initiatives, or proposed or revised statutes or rules to
68 resolve conflicts and to remove barriers to understanding and cooperation between tribal
69 and state judicial systems.

70 Section 5. Meeting Locations. The ~~Committee~~ committee, at the direction of the
71 ~~Chair~~ chair, ~~shall~~ will periodically meet on each of the four reservations in North Dakota
72 and at other locations determined appropriate by the ~~Chair~~ chair.

73 Section 6. Staffing. Staffing for the ~~Committee~~ committee will be provided
74 through staff of the ~~Office of State Court Administrator~~ office of state court administrator.

75 EXPLANATORY NOTE

76 Adopted on an emergency basis effective May 18, 1994; amended and readopted
77 effective October 3, 1994; amended and readopted under § 6, effective March 13, 1996,
78 and notice given N.D.R.Proc.R. § 7. The Court does not apply the provisions of
79 N.D.R.Proc.R. § 3. Amended effective April 1, 2006 (Supreme Court No. 20060059);
80 January 1, 2018; August 11, 2021.

RULE 38. JOINT COMMITTEE ON ATTORNEY STANDARDS

Section 1. Policy and Purpose. It is the policy of the North Dakota ~~Judicial System~~ judicial system to provide a mechanism that satisfies the constitutional obligation of the ~~Supreme Court~~ supreme court to adopt rules governing lawyer discipline and that encourages an active and substantial involvement of the unified bar in reviewing issues concerning the professional stature and obligations of the legal profession in North Dakota. The ~~Joint Committee on Attorney Standards~~ joint committee on attorney standards established by this rule replaces the previously existing ~~Attorney Standards Committees of the Supreme Court and the State Bar Association~~ attorney standards committees of the supreme court and the state bar association. The purpose of the ~~Joint Committee~~ committee is to provide a single vehicle for the coordinated, complementary, and continuing study and review of the range of issues concerning attorney standards and supervision.

Section 2. Membership.

~~A.(a)~~ The membership of the ~~Attorney Standards Committee~~ committee is composed of seven members, including two lay members, appointed by the ~~Chief Justice~~ chief justice after consultation with the ~~Supreme Court~~ supreme court and seven members, including two lay members, appointed by the ~~Board of Governors of the State Bar Association~~ board of governors of the state bar association of North Dakota. Of the members initially appointed and as determined by lot at the first meeting, four members will be appointed for one year, five members will be appointed for two years, and five

23 members will be appointed for three years. Thereafter, each appointment is for a
24 three-year term. Each member is eligible for reappointment but may not serve more than
25 three consecutive terms. Each member serves until the member's successor is appointed.

26 ~~B.~~(b) Each member is entitled to reimbursement by the member's appointing
27 authority for actual expenses incurred in the performance of committee duties.

28 ~~C.~~(c) The ~~President~~ president of the ~~State Bar Association~~ state bar association
29 ~~shall appoint~~ appoints the committee chair, whose term as chair may not exceed two
30 years.

31 Section 3. Duties of the Committee.

32 ~~A.~~(a) The ~~Committee shall~~ committee will study and review all rules and proposals
33 concerning attorney supervision including:

34 (1-) Admission to the Bar;

35 (2-) Attorney Discipline;

36 (3-) Code of Professional Responsibility;

37 (4-) Student Practice; and

38 (5-) Other matters of attorney supervision referred to it by the ~~Supreme Court~~
39 supreme court or the ~~Board of Governors of the State Bar Association~~ board of governors
40 of the state bar association.

41 ~~B.~~(b) The ~~Committee shall~~ committee must make any reports as requested by the
42 ~~Supreme Court~~ supreme court or the ~~Board of Governors~~ board of governors and shall
43 must submit any recommendations to the ~~Board of Governors~~ board of governors for
44 review and comment before submission of final recommendations to the ~~Supreme Court~~

45 supreme court.

46 Section 4. Staffing. Staff services for the ~~Committee~~ committee will be provided
47 through staff of the ~~Office of State Court Administrator~~ office of state court administrator
48 and by the executive director of the ~~State Bar Association~~ state bar association, or the
49 executive director's designee.

50 EXPLANATORY NOTE

51 SOURCE: AR 38 adopted on an emergency basis September 7, 1994; permanently
52 adopted November 16, 1994; amended and adopted December 16, 2009; amended
53 effective August 11, 2021.

RULE 39. RECORDING DISTRICT COURT TRIALS AND PROCEEDINGS, AND
PREPARING TRANSCRIPTS

Section 1. Authority. Under ~~Article VI, Section 3 of the North Dakota Constitution~~
N.D. Const. art. VI, § 3, the supreme court has the authority to establish policies and
procedures to be followed by all courts of the state. The court also has specific authority
to establish policies relating to personnel under N.D.C.C. § 27-02-05.1, ~~N.D.C.C.~~

Section 2. Preserving the Record. Except in small claims court cases under
N.D.C.C. ch. 27-08.1 and in traffic cases under N.D.C.C. § 39-06.1-03, the record of
testimony and proceedings of the district court must be preserved using audio-recording
devices, video-recording devices, or stenographic shorthand notes. All electronic
recording devices must meet the minimum specifications established in administrative
policies.

Section 3. Filing. The operator of the recording device or court reporter must file
the original ~~tape recording~~ recording or shorthand notes of the proceeding with the clerk of district
court at the conclusion of the trial or proceeding or as soon ~~thereafter~~ after as is practical.

The date(s) and case number(s) must be indicated on the ~~tape recording~~ recording or
shorthand notes in such a manner that the clerk may establish an index and filing system.

Section 4. Access to Originals.

~~A.~~ (a) Employees. An employee of the district court, or other individual under
contract with the court, who is charged with preparing the transcript may withdraw the
original ~~tape recording~~ recording or shorthand notes for a reasonable period of time for the purpose

23 of preparing the transcript. The clerk must indicate any withdrawal in the case file.

24 B. (b) Non-Employees.

25 (1-) If the court reporter who attended the proceeding is not able to prepare the
26 transcript, the court may order that another person be allowed to withdraw the original
27 shorthand notes.

28 (2-) If the proceeding was recorded electronically, a copy of the original ~~tape~~
29 recording will be forwarded for transcription.

30 Section 5. Transcript - Duty to Prepare.

31 A. (a) Court Reporter. The court reporter of any district court in which a criminal
32 or civil action or proceeding has been tried ~~shall~~ must prepare a transcript of the original
33 shorthand notes of the action or proceeding, or of any part ~~thereof~~, upon receiving an
34 order from the court or an order for transcript from the clerk of district court and upon
35 payment of fees as provided by court rule or when requested to do so by any party with
36 the approval of the presiding judge and upon payment of fees as provided by court rule.

37 B. (b) Electronic Recordings. Each district ~~shall~~ must establish procedures to
38 ensure that transcripts of proceedings which are recorded electronically; are prepared in
39 accordance with time lines established in the North Dakota Rules of Appellate Procedure.

40 Section 6. Criminal Action Prepared at State Expense. A judge of a district court in
41 which a criminal action or proceeding has been tried, on the judge's own motion or on
42 application of the defendant or the state's attorney of the county, may order a transcript of
43 the action or proceeding, or of any part ~~thereof~~, to be made at state expense whenever
44 there is reasonable cause ~~therefor~~.

45 Section 7. Form of Transcript. The transcript must be prepared in the form
46 prescribed by N.D.R.App.P. 10.

47 Section 8. Certification. The transcript must be certified by the person preparing
48 the transcript in accordance with ~~Rule 10, N.D.R.App.P.~~ N.D.R.App.P. 10.

49 Section 9. Fees.

50 ~~A.~~ (a) Individuals Employed by the Judiciary. Court reporters and other
51 individuals employed by the judiciary to make the record ~~shall~~ must receive a transcript
52 preparation fee as established by administrative policy.

53 ~~B.~~ (b) Non-Judicial Employees. If the transcript is prepared by an individual who
54 is not a judicial employee, payment will be made directly to the preparer, at a rate not to
55 exceed administrative policy, and in accordance with ~~Rule 10, N.D.R.App.P.~~
56 N.D.R.App.P. 10.

57 ~~C.~~ (c) Originals and Copies. The original shorthand notes or ~~tape~~ recording of the
58 proceeding are the property of the ~~State~~ state of North Dakota and must be filed with the
59 clerk of court. The transcript is the property of the ~~State~~ state of North Dakota after it has
60 been filed with the clerk of district court or clerk of the ~~Supreme Court~~ supreme court.

61 EXPLANATORY NOTE

62 Administrative Rule 39 was adopted, effective March 1, 1995; amended effective
63 July 1, 1997; March 1, 1998; December 1, 2019; August 11, 2021.

64 SOURCES: Joint Procedure Committee Minutes of January 30, 1997, pages 9-10.

RULE 40. ACCESS TO ~~AUDIOTAPES~~ RECORDINGS OF PROCEEDINGS IN
DISTRICT COURT

Section 1. Authority. Under N.D. Const. Art. VI, § 3, ~~of the North Dakota Constitution~~, the supreme court has the authority to establish policies and procedures to be followed by all courts of the state. The court also has specific authority to establish policies relating to court records under N.D.C.C. § 27-02-05.2.

Section 2. Access to Recording - Copies - On-site Access.

1. (a) The following persons have access to and may obtain copies of a recording of trial court proceedings:

a. (1) parties to an action and their attorneys, if any, unless access is restricted by order of the court; and

b. (2) federal, state, and local officials, or their agents, examining the recording in the exercise of their official duties and powers.

2. (b) Copies of a recording of trial court proceedings made under this rule may be purchased by the public unless the proceeding is closed or confidential, or the judge has ordered that all or part of the recording not be available because:

a. (1) it would materially interfere with a party's right to fair trial;

b. (2) a witness or party has objected and shown good cause why it should not be available;

c. (3) it includes testimony of an adult victim or witness in a prosecution under N.D.C.C. ch 12.1-20 or for charges in which an offense under that chapter is an included

23 offense or an essential element of the charge, unless the victim or witness consents;

24 ~~d.~~ (4) it includes testimony of a juvenile victim or witness in a proceeding in which
25 illegal sexual activity is an element of the evidence;

26 ~~e.~~ (5) it includes testimony of undercover agents or relocated witnesses; or

27 ~~f.~~ (6) it includes by testimony or other comment information protected under
28 N.D.R.Ct. 3.4(a).

29 ~~3.~~ (c) A person seeking to limit access to or availability of a recording under
30 ~~Section 2 (2)(a) or (b)~~ subsection 2(b)(1) or (b)(2) must submit a written motion to the
31 court. The person ~~shall~~ must give notice of the motion to all parties to the proceedings.
32 The court may require the person to give notice of the motion to any other persons or
33 entities identified in the recording.

34 ~~4.~~ (d) If suitable, supervised accommodations are available, a member of the public
35 requesting access to a recording of trial court proceedings may listen to the recording in a
36 dedicated area, unless access is restricted by order of the court. The recording may not be
37 copied or recorded by any electronic or other means.

38 ~~5.~~ (e) ~~The Administrative Council shall~~ administrative council must establish
39 procedures to ensure appropriate access to recordings.

40 ~~6.~~ (f) Video or electronic media coverage, if granted, is governed by
41 ~~Administrative Rule~~ N.D.Sup.Ct.Admin.R. 21.

42 Section 3. Status of Recording. Unless otherwise provided by court rule, the
43 transcript of the proceeding, and not a recording provided under this ~~Rule~~ rule, is the
44 official record of the proceeding.

45

EXPLANATORY NOTE

46

Adopted effective January 17, 1996, subject to comment; final adoption effective

47

March 6, 1996; amended effective January 1, 1997; ~~amended effective October 1, 2016;~~

48

August 11, 2021.

RULE 43. JOINT COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION

Section 1. Purpose. The North Dakota ~~Supreme Court~~ supreme court and the ~~State Bar Association~~ state bar association of North Dakota (“~~Association~~ SBAND”) recognize the importance of alternative dispute resolution (“ADR”) as a tool to assist the citizens of North Dakota in resolving disputes in a timely and cost-effective manner. The joint committee established by this rule is responsible for continuing study and review of ADR in the justice system.

Section 2. Membership.

~~A.(a)~~ The Joint Committee on Alternative Dispute Resolution joint committee on alternative dispute resolution is composed of six members, including two lay members, appointed by the ~~Chief Justice~~ chief justice after consultation with the ~~Supreme Court~~ supreme court and five members, including one lay member, appointed by the ~~Board of Governors~~ board of governors of the ~~Association~~ SBAND. Of the members initially appointed and as determined by lot at the first meeting, three members will be appointed for one year, four members will be appointed for two years, and four members will be appointed for three years. Thereafter, each appointment is for a three-year term. Each member is eligible for reappointment but may not serve more than two consecutive terms. Each member serves until the member's successor is appointed.

~~B.(b)~~ Each member is entitled to reimbursement by the member's appointing authority for actual expenses incurred in the performance of committee duties.

~~C.(c)~~ The Chief Justice chief justice, after consultation with the ~~President~~ president

23 of ~~the Association shall~~ SBAND will appoint the committee chair, whose term as chair
24 may not exceed two years.

25 Section 3. Duties of the Committee.

26 ~~A.(a) The Committee~~ committee shall will:

27 (1-) Study and review trends in ADR and make recommendations for the
28 improvement of ADR programs in the ~~State~~ state of North Dakota;

29 (2-) Develop administrative rules regarding ADR procedures for consideration by
30 the ~~Supreme Court~~ supreme court;

31 (3-) Develop education standards and ethical rules for neutrals, mediators and
32 arbitrators for consideration by the ~~Supreme Court~~ supreme court;

33 (4-) Approve training programs for neutrals as required by N.D.R.Ct. 8.9(e);

34 (5-) Study and make recommendations concerning the need to implement a
35 discipline program relating to neutrals or some other safeguard to ensure the protection of
36 the public; and

37 (6-) Consider other matters involving ADR referred to it by the ~~Supreme Court~~
38 supreme court or the ~~Board of Governors~~ board of governors of the ~~Association~~ SBAND.

39 ~~B.(b) The Committee~~ committee shall must make ~~any~~ reports as requested by the
40 ~~Supreme Court~~ supreme court or the ~~Board of Governors~~ board of governors and shall
41 must submit any recommendations to the ~~Board of Governors~~ board of governors for
42 review and comment before submission of final recommendations to the ~~Supreme Court~~
43 supreme court.

44 Section 4. Staffing. Staff services for the ~~Committee~~ committee will be provided

45 by ~~the Association~~ SBAND. Administrative costs will be shared by the ~~Supreme Court~~
46 supreme court and ~~the Association~~ SBAND as mutually agreed.

47 EXPLANATORY NOTE

48 {Adopted effective January 1, 2001; amended effective August 11, 2021.}

RULE 44. INFORMAL COMPLAINT PROCEDURE

Section 1. Policy and Purpose. This rule provides an informal, confidential, non-confrontational, and educational method for addressing complaints or concerns about judicial officers and employees of the state judicial system. Through this procedure, the ~~Informal Complaint Panel~~ informal complaint panel offers an avenue for constructively influencing judicial and employee conduct and resolving issues before they rise to the level of a formal grievance process or result in initiation of a disciplinary proceeding.

Section 2. Informal Complaint Panel - Membership. The ~~Informal Complaint Panel~~ informal complaint panel consists of three judges and one lay person appointed by the ~~Chief Justice~~ chief justice after consultation with the ~~Supreme Court~~ supreme court, and one lawyer member appointed by the ~~Chief Justice~~ chief justice after consultation with the ~~President~~ president of the ~~State Bar Association~~ state bar association of North Dakota. Panel members are appointed for three year terms. Of the members initially appointed and as determined by lot at the first meeting, one-third of the members will be appointed for one year, one third for two years, and one-third for three years. Each member is eligible for reappointment and serves until the member's successor is appointed. A member may not serve more than three consecutive terms. A former member who served three consecutive terms is eligible for reappointment after a six-year break in service. The ~~Chief Justice~~ chief justice appoints the panel chair. Expenses incurred by members in the performance of panel duties are reimbursed by the ~~Supreme Court~~ supreme court.

Section 3. Informal Procedure - Confidentiality

23 A.(a) ~~The Panel shall provide~~ panel provides a means of informally addressing
24 complaints concerning the conduct of judicial officers and employees of the state judicial
25 system. Complaints are limited to conduct occurring in connection with judicial
26 proceedings or in the judicial employment environment.

27 B.(b) Complaints eligible for consideration include those involving temperament;
28 bias related to race, sex, religion, national origin, disability, age, sexual orientation, or
29 socio-economic status; or other inappropriate behavior.

30 C.(c) Complaints that a judicial officer committed legal error or complaints against
31 a judicial officer in a pending case are not eligible for consideration. If the panel chair
32 determines that a complaint involves a pending case, the chair ~~shall~~ will notify the
33 complainant that the complaint must be addressed through a motion for disqualification.

34 D.(d) Complaints will be accepted only if the identities of the complainant and the
35 person who is the subject of the complaint are known to the ~~Panel~~ panel. The
36 complainant's identity may be disclosed to the person who is the subject of the complaint
37 only if the complainant consents to the disclosure.

38 E.(e) Complaints may be submitted to individual ~~Panel~~ panel members or may be
39 submitted to the ~~Panel Chair~~ panel chair for consideration by the full ~~Panel~~ panel. If a
40 complaint is submitted to an individual ~~Panel~~ panel member, the member, after
41 consultation with the ~~Panel Chair~~ panel chair, may pursue such informal methods of
42 addressing the complaint as are considered appropriate under the circumstances. An
43 individual ~~Panel~~ panel member, after receiving a complaint, may refer the complaint to
44 the full ~~Panel~~ panel for consideration.

45 F.(f) If a complaint involves a ~~Panel~~ panel member, that ~~Panel~~ panel member may
46 not participate in any review or consideration of the complaint.

47 G.(g) Before the complaint is fully reviewed, the complainant must be informed of
48 the procedures available for initiating a grievance or disciplinary proceeding. Nothing in
49 this procedure prevents or discourages the complainant from taking such action.

50 However, initiating an informal complaint under this rule does not constitute initiation of
51 a complaint under the Rules of the Judicial Conduct Commission, or notice of a grievance
52 under North Dakota Court System Policy 142.

53 H.(h) The ~~Panel~~ panel, or an individual ~~Panel~~ panel member, may contact the
54 appropriate ~~Presiding Judge~~ presiding judge or another judge or judicial system employee
55 for purposes of assisting in contacting the person who is the subject of the complaint and
56 addressing the matter. The complainant's identity must be kept confidential unless the
57 complainant agrees those assisting in addressing the complaint will be informed of the
58 complainant's identity.

59 I.(i) Except as provided in these procedures, the identity of the complainant and
60 the person who is the subject of the complaint must be kept confidential. The ~~Panel~~ panel
61 ~~shall~~ may not retain any records regarding complaints filed with the ~~Panel~~ panel, and the
62 fact a complaint was filed may not be used in any subsequent disciplinary action or
63 litigation, but the ~~Panel~~ panel may collect non-identifying data on types of complaints or
64 underlying anecdotes that might be useful in educational programs.

65 Section 4. Application of Other Provisions. The requirements of N.D.R. Prof.
66 Conduct 8.3 and N.D. Code Jud. Conduct Canon 3D do not apply to participants in this

67 procedure or to information obtained through this procedure.

68 Section 5. Report. The ~~Panel~~ panel ~~shall~~ must submit a report, which includes
69 information on the number and nature of complaints, and the methods used to address the
70 complaints, to the ~~Supreme Court~~ supreme court by October 1 of each year.

71 Section 6. Effective Date. This rule is amended effective ~~September 1, 2018~~August
72 11, 2021.

73 EXPLANATORY NOTE

74 Source: Adopted effective March 1, 2001; amended effective November 12, 2003;
75 ~~amended effective~~ April 1, 2006 (Supreme Court No. 20060059); ~~amended effective~~
76 September 1, 2018 (Supreme Court No. 20180306); August 11, 2021.

RULE 45. RECORDS MANAGEMENT PROGRAM FOR SUPREME COURT

RECORDS

Section 1. Statement of Authority, Policy and Scope.

(a:) Under ~~Article VI, Section 3 of the North Dakota Constitution~~ N.D. Const. art. VI, § 3, the ~~Supreme Court~~ supreme court has authority to promulgate rules regarding the administration of court records.

(b:) The ~~Supreme Court~~ supreme court recognizes the need to provide a policy that addresses the retention and disposition of those ~~Supreme Court~~ supreme court records maintained by the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court as listed in ~~Section~~ section 2.

(c:) The ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court is responsible for the retention, imaging, or disposition of records maintained by the ~~Clerk's~~ clerk's office. See ~~Rule N.D.R.App.P. 45, N.D.R.App.P.~~

Section 2. Applicable Record Defined.

(a:) Supreme Court Case Files contain the docket sheets, briefs, computer diskette of briefs, appendices, transcripts, computer diskette of transcripts, other substantive pleadings and orders, the final order or opinion disposing of the case, and the judgment. In appeals relating to the ~~Disciplinary Board, Judicial Conduct Commission, and Board of Law Examiners~~ disciplinary board, judicial conduct commission, and board of law examiners, the ~~Supreme Court~~ supreme court case file will also contain the record on appeal.

23 (b-) Supreme Court Docket is the official summary of the proceedings in the case
24 maintained by the ~~Clerk~~ clerk. The docket includes information about the case, including
25 case number and case type, parties to the case, attorneys of record, chronological list of
26 all documents filed in the case, and actions taken by the ~~Court~~ court.

27 (c-) Supreme Court Change of Judge Register consists of those documents filed
28 under ~~Administrative Rule~~ N.D.Sup.Ct.Admin.R. 2 and all assignments or appointments
29 of judges or surrogate judges made by the ~~Chief Justice~~ chief justice, ~~Justice~~ justice, ~~Clerk~~
30 clerk of the ~~Supreme Court~~ supreme court, or the ~~Supreme Court~~ supreme court.

31 (d-) State Board of Law Examiners Files contain the application, test results,
32 character and fitness evaluation, any investigatory documents, motions for admission in
33 absentia, if applicable, executed power of attorney, oath of office and attorney's pledge.
34 Board files are not public, but limited information under the North Dakota Admission to
35 Practice Rules may be released.

36 (e-) Minutes include notes taken by the clerk or deputy during oral argument and
37 motions conference.

38 (f-) Rules Case Files contain the petition, proposed changes, comments (if any),
39 sound recording (if any), disposition and final rule.

40 Section 3. Disposition of Supreme Court Records. Disposition means:

41 (a-) destruction by burning or shredding, if confidential;

42 (b-) destruction by ordinary means, such as landfill or recycling, if not
43 confidential; or

44 (c-) transfer to the ~~State Archivist~~ state archivist under ~~Section~~ section 8.

45 Section 4. Supreme Court Record of Disposition. The ~~clerk of the Supreme Court~~
46 ~~supreme court Clerk shall~~ must keep a record of the disposition of any ~~Supreme Court~~
47 ~~supreme court Record record~~ maintained in the ~~Clerk's~~ clerk's office. This record must
48 include the title, the ~~Supreme Court~~ supreme court number if applicable, a description of
49 the contents, the inclusive years of the records, and the date and means of disposition. For
50 ~~Supreme Court~~ supreme court case files, a notation of the date and means of disposition
51 on the docket constitutes compliance with this section.

52 Section 5. Supreme Court Records Disposition. The ~~Clerk~~ clerk of the ~~Supreme~~
53 ~~Court~~ supreme court will prepare a ~~Supreme Court Records Retention Schedule~~ supreme
54 court records retention schedule and submit it to the ~~Supreme Court~~ supreme court for
55 approval. The ~~Supreme Court Records Retention Schedule~~ supreme court records
56 retention schedule must identify and describe each applicable record as defined in ~~Section~~
57 section 2. The approved ~~Supreme Court Records Retention Schedule~~ supreme court
58 records retention schedule will be filed in the office of the ~~Clerk~~ clerk of the ~~Supreme~~
59 ~~Court~~ supreme court.

60 Section 6. Notice of Intent to Destroy.

61 (a-) Records may be destroyed after they have been maintained for the retention
62 period.

63 (b-) The ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court will notify the ~~State~~
64 ~~Archivist~~ state archivist, at least 60 days prior to destruction of public records, in writing,
65 of the intended disposition of the records.

66 (c-) Upon the request of the ~~State Archivist~~ state archivist, public records awaiting

67 destruction will be transferred to the ~~State Archivist~~ state archivist or to an agency or
68 institution that meets the criteria of the ~~State Archivist~~ state archivist.

69 (d-) Arrangements will be made by the ~~State Archivist~~ state archivist to take
70 possession of the records requested within 60 days of notice to the ~~State Archivist~~ state
71 archivist. The ~~State Archivist~~ state archivist ~~shall~~ must complete certification for archival
72 transfer and send it to the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court after the
73 records have been transferred.

74 Section 7. Permanent Retention.

75 (a-) Supreme ~~Court~~ court records assigned “permanent” retention periods must be
76 retained by the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court for an indefinite period of
77 time subject to review by the ~~Supreme Court~~ supreme court. Records may be recorded,
78 maintained and preserved upon traditional paper media, electronic media (text or digital
79 images), or microfilm or microfiche (including computer output to microfilm or
80 microfiche).

81 (b-) Upon mutual agreement, the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court
82 may deposit public records designated “permanent” with the ~~State Archivist~~ state
83 archivist for preservation under ~~Section~~ section 8.

84 Section 8. Correspondence and General Administrative Files.

85 (a-) Financial records maintained by the ~~Clerk’s~~ clerk’s office will be disposed of
86 in accordance with Fiscal Department Records Retention Schedule requirements.

87 (b-) Nothing in this rule prohibits the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme
88 court from disposing of general office and correspondence files regarding the

89 administrative responsibilities of the ~~Supreme Court~~ supreme court after seven years.

90 EXPLANATORY NOTE

91 SOURCE: Adopted effective March 1, 2001. Amended effective August 1, 2001,

92 to reflect the name change of the State Bar Board to State Board of Law Examiners.

93 Amended effective August 11, 2021.

RULE 46. DUTIES AND APPOINTMENT OF THE CLERK OF THE DISTRICT
COURT

Section 1. Authority and Purpose. In accordance with N.D. Const. art. VI, § 3 and N.D.C.C. ch. 27-05.2 concerning clerk of district court funding and services, this rule establishes the duties of the clerk of district court and provides for the appointment of the clerk of district court in accordance with N.D.C.C. § 27-05.2-02(3) and otherwise implements in part ch. 27-05.2.

Section 2. Clerk of District Court - Duties. The clerk of district court in every county ~~shall~~ must:

~~A.~~ (a) Take charge of all papers and records filed or deposited in the clerk of district court office and maintain and dispose of the papers and records in accordance with N.D. Sup. Ct. Admin. R. 19.

~~B.~~ (b) Attend sessions of the district court during criminal master calendar proceedings, sentencing proceedings, jury selection, or trials or other civil or criminal proceedings if, after consultation with the judge, the judge determines the complexity of the trial or proceeding or number of exhibits requires attendance by the clerk.

~~C.~~ (c) Prepare judgments of the court in criminal cases, unless judgments are prepared by other court personnel or the judge.

~~D.~~ (d) Comply with and implement procedures consistent with this rule included in the ~~Clerk of Court Manual~~ clerk of court manual and other manuals and guides adopted by the ~~Office of the State Court Administrator~~ office of state court administrator.

23 E: (e) Issue all process and notices required to be issued by the district court.

24 F: (f) Maintain money judgment information in the case management system
25 which includes the name of each judgment debtor, the amount of the judgment, and the
26 precise time of entry.

27 G: (g) Satisfy all liens and judgments docketed or on file in the office immediately
28 after the satisfaction of the lien or judgment is filed.

29 H: (h) Maintain information in the case management system regarding civil,
30 criminal, and juvenile actions in which the clerk ~~shall~~ must enter the title of each action
31 with brief notes of all papers filed in the action together with the date of the filing, and
32 enter such other matters as required by supreme court rule.

33 I: (i) Implement financial controls in accordance with judicial branch policies and
34 procedures.

35 J: (j) Receive, safeguard, and disburse, all money required to be paid to the clerk of
36 district court and maintain required records.

37 K: (k) Keep other records and perform other duties prescribed by statute, rule,
38 policy, or procedure.

39 L: (l) Seek the assistance of the ~~Office of the State Court Administrator~~ office of
40 state court administrator or the ~~Clerk~~ clerk of the ~~Supreme Court~~ supreme court
41 concerning the application of statutes, rules, policies, and procedures governing clerk of
42 district court services.

43 Section 3. Clerk of District Court - Deputies and Other Clerk Personnel

44 A: (a) Upon the retirement or resignation of a clerk of district court who has

45 become an employee of the unified judicial system in accordance with N.D.C.C. §
46 27-05.2-02, the clerk of district court for each county in which there is a state-employed
47 clerk shall be hired and supervised by the ~~trial court~~ unit administrator for the
48 administrative unit in which the county is located. Sufficient deputies and other clerk of
49 court personnel ~~shall~~ will be employed to assist the clerk of district court in providing
50 effective clerk services. After consultation with the state court administrator and the clerk
51 of district court who has become a state employee in accordance with N.D.C.C. §
52 27-05.2-02, the ~~trial court~~ unit administrator ~~shall~~ must designate clerk staff who ~~shall~~
53 will become state employees in accordance with N.D.C.C. § 27-05.2-02(3). The clerk of
54 district court, deputies, and other clerk of court personnel are classified employees of the
55 unified judicial system.

56 B: (b) The clerk of district court, deputies, and other clerk of court personnel who
57 are employees of the unified judicial system must have the qualifications prescribed by
58 supreme court policy.

59 C: (c) The assistant state court administrator for trial courts, in coordination with
60 the ~~trial court~~ unit administrators and clerks of court, is responsible for general oversight
61 of clerk of court operations to ensure compliance with statutes, rules, policies, and
62 procedures governing the delivery of clerk of district court services. The assistant state
63 court administrator ~~shall~~ must periodically, but at least annually, assess clerk of court
64 operations in each administrative unit and, as requested, provide a report to the
65 ~~Administrative Council~~ administrative council.

66 D: (d) Each state employed clerk of district court ~~shall~~ will supervise all personnel

67 within the clerk's office.

68 Section 4. Analysis of Duties - Review. For purposes of the options available to
69 counties under N.D.C.C. § 27-05.2-02, the number of employees determined necessary to
70 provide clerk of district court services is based on an analysis of clerk of district court
71 duties as identified in ~~Section~~ section 2. The analysis must be thoroughly reviewed
72 periodically, but at least once each 24 months, to ensure the analysis accurately reflects
73 the duties of the clerk of district court.

74 EXPLANATORY NOTE

75 Adopted March 12, 2001, with an effective date of April 1, 2001; amended
76 effective May 4, 2005; August 1, 2016; August 11, 2021.

RULE 47. RECORD SEARCHES

Section 1. Authority and Purpose. In accordance with N.D. Const. art VI, § 3, and N.D.C.C. § 27-02-05.1, this rule establishes the method and manner in which clerks of district court respond to requests for searches of record information in the custody of the clerk and the manner in which search information is provided.

Section 2. Definition - Exception. For purposes of this rule, “record search” means a search by the clerk of district court or staff of criminal or civil records regarding a specific person or entity at the request of a person or entity other than a party to a proceeding, or a party's representative, and the provision of search result information to the requestor. A request to confirm the existence or non-existence, or the filing, of a particular document or record, without regard to the specific contents of the document or record, is not a record search for purposes of this rule. A fee may not be assessed for responding to such a request.

Section 3. Search Request and Response.

~~A.~~ (a) Requests for record searches must be submitted in writing and must provide information sufficiently detailed to enable the clerk of district court to conduct the search without extensive research.

~~B.~~ (b) The clerk of district court ~~shall~~ must respond as promptly as practical in writing to a request for a record search of criminal or civil record information. Verbal responses regarding search results are not permitted.

Section 4. Search Fee.

23 ~~A.~~ (a) The clerk of district court shall must assess a records search fee in the
24 amount prescribed by the ~~Court Fee Schedule~~ court fee schedule distributed by the State
25 ~~Court Administrator~~ state court administrator.

26 B. (b) A fee must be assessed for each name, individual or corporate, and record
27 category, civil or criminal, for which a search is requested.

28 ~~C.~~ (c) The fee assessed under this section must be received by the clerk before the
29 search results may be provided.

30 ~~D.~~ (d) Any search fees received by a clerk of district court who is an employee of
31 the unified judicial system must be forwarded for deposit in the state general fund.

32 Section 6. Effective Date. This rule is effective June 1, 2001.

33 EXPLANATORY NOTE

34 Adopted effective June 1, 2001; amended effective August 11, 2021.

RULE 48. NORTH DAKOTA JUDICIAL IMPROVEMENT PROGRAM

Section 1. Policy. The North Dakota ~~Judicial System~~ judicial system policy is to promote the self-improvement of judicial officers by establishing a mandatory judicial improvement program that assists each judicial officer in improving judicial performance and conduct in order to enhance the effective and efficient performance of judicial duties.

Section 2. Application. This rule applies to all judicial officers. For purposes of this ~~Rule~~ rule, “judicial officer” means justices of the ~~Supreme Court~~ supreme court, judges of the ~~District Court~~ district court, and judicial referees. This rule does not apply to surrogate judges or judges of the municipal courts.

Section 3. Implementation.

~~A.~~ (a) Except for the compiling and summarizing of survey results, the judicial improvement program will be managed by the office of the ~~State Court Administrator~~ state court administrator consistent with the requirements of this rule.

~~B.~~ (b) Approved forms must be used throughout the state as the minimum survey document to provide comments to the individual judicial officer. The forms may be modified periodically. Survey instruments may elicit both qualitative, non-numerical and quantitative, numerical responses.

~~C.~~ (c) Whenever possible, the court will use an electronic survey process. Attorneys and court personnel will be notified when the survey period for a judicial officer has been opened. The response period will be 14 days from the date of the notice.

~~D.~~ (d) The subject of the survey must not receive or see the completed survey

23 document. The subject judicial officer ~~shall~~ must select another judicial officer or other
24 person, or both, who will review the survey results with the judicial officer. The subject
25 judicial officer ~~shall~~ must provide the name of the reviewer to personnel designated under
26 ~~Section 3A~~ subsection 3(a), who ~~shall~~ must notify the entity identified in ~~Section 3E~~
27 subsection 3(e).

28 E: ~~(e)~~ (e) The ~~Supreme Court~~ supreme court ~~shall~~ will contract with an independent
29 entity for purposes of receiving and summarizing survey information, and transmitting
30 survey summaries to reviewers. Upon receiving the survey results, the entity ~~shall~~ must
31 summarize the responses and provide narrative and statistical summaries to the reviewer
32 selected by the subject judicial officer. The summaries should separately reflect
33 information provided by attorneys and self-represented litigants and by court personnel
34 unless, based on the number of responses, segregating the information may result in
35 identification of survey respondents.

36 F: ~~(f)~~ (f) Upon receiving the survey summary, the reviewer ~~shall~~ must review the
37 information with the subject judicial officer and make recommendations to aid in
38 improving judicial performance.

39 Section 4. Frequency of Surveys. Judicial improvement surveys must be conducted
40 within two years following the election of the subject judicial officer unless the judicial
41 officer is a referee, in which case the surveys must be conducted during each four year
42 period following the referee's appointment. Only one survey for each judicial officer is
43 required during each term of office, or four year period, but a judicial officer may elect to
44 have surveys conducted more frequently.

45 Section 5. Confidentiality - Disposition of Survey Results. Survey results,
46 summaries, and any reports are confidential and ~~shall~~ may not be disclosed except as
47 provided in this rule. The subject judicial officer ~~shall~~ may not publicly disclose
48 information resulting from the review conducted under ~~Section 3F~~ subsection 3(f). The
49 reviewer ~~shall~~ may not disclose survey summary information to anyone other than the
50 survey subject. Following completion of each survey process, the reviewer ~~shall~~ must
51 return the summary information to the entity described in ~~Section 3E~~ subsection 3(e).
52 After the return of the survey summary, the entity ~~shall~~ must immediately destroy the
53 summary, along with any related survey information. The entity ~~shall~~ may not retain any
54 survey information concerning a subject judicial officer after completion of the survey
55 process.

56 EXPLANATORY NOTE

57 Rule 48 was adopted March 1, 2003; amended effective March 1, 2005; ~~amended~~
58 ~~effective June 1, 2016; amended effective January 6, 2021; August 11, 2021.~~

RULE 49. LAWYER ASSISTANCE PROGRAM

Section 1. Purpose. In furtherance of the ~~Supreme Court's~~ supreme court's constitutional responsibility for the supervision of lawyer conduct, this rule provides for the establishment of a mechanism to protect the public, assist lawyers in the performance of their duties and responsibilities in the representation of clients, and to maintain and improve the integrity of the legal profession.

Section 2. Lawyers Assistance Program - Establishment. The ~~State Bar Association~~ state bar association of North Dakota may establish an assistance program for lawyers and for students attending the University of North Dakota School of Law to aid in preventing and alleviating problems that may adversely influence a lawyer's or student's performance.

Section 3. Lawyer Assistance Committee. A ~~Lawyer Assistance Committee~~ lawyer assistance committee is established to oversee the operations of the lawyer assistance program established ~~pursuant to~~ under this rule. The ~~Committee~~ committee ~~shall~~ will be comprised of three members, including one lay member, appointed by the ~~Board of Governors~~ board of governors of the ~~State Bar Association~~ state bar association and three members, including one lay member, appointed by the ~~Chief Justice~~ chief justice. Of the members initially appointed and as determined by lot at the first meeting, two members will be appointed for one year, two members will be appointed for two years, and two members will be appointed for three years. Thereafter, each appointment is for a three year term. Each member is eligible for reappointment, but may not serve more than two

23 consecutive terms. Each member serves until the member's successor is appointed. Each
24 member is entitled to reimbursement by the member's appointing authority for actual
25 expenses incurred in the performance of committee duties. The president of the ~~State Bar~~
26 ~~Association~~ state bar association, after consultation with the ~~Chief Justice~~ chief justice,
27 ~~shall~~ will appoint the committee chair, whose term as chair ~~shall~~ may not exceed two
28 years.

29 Section 4. Confidentiality. Information regarding a lawyer's or a student's
30 participation in a lawyer assistance program and any communications made to or
31 information received by a committee member, peer counselor, or program staff of the
32 program are confidential and may not be disclosed without the consent of the affected
33 party. Confidentiality under this section does not prohibit the disclosure of information
34 when disclosure is considered reasonably necessary to prevent the commission of an act
35 that is believed likely to result in imminent death or imminent substantial bodily harm.

36 Section 5. Immunity. A committee member, peer counselor, or program staff in a
37 lawyer assistance program is immune from suit for any conduct in the course of the
38 person's official duties. Any person who in good faith reports information in connection
39 with the program is immune from suit for reporting the information. A lawyer who
40 participates in the program as a committee member, peer counselor, or program staff has
41 qualified immunity from disciplinary complaints for conduct in the course of the lawyer's
42 official duties as a participant in the program.

43 EXPLANATORY NOTE

44 Rule 49 was adopted, effective August 1, 2004; and amended effective June 1,

45 2014; August 11, 2021.

46 SOURCES: Joint Committee on Attorney Standards Meeting Minutes of June 11,
47 2002, November 15, 2002, February 28, 2003, September 25, 2003, November 14, 2003,
48 and March 14, 2014.

RULE 50. COURT INTERPRETER QUALIFICATIONS AND PROCEDURES

Section 1. Policy. The ~~Judicial System's~~ judicial system's policy is to ensure that adequate court interpreter services are provided for those persons who are unable to readily understand or communicate in the English language because of a disability or a non-English speaking background. This rule establishes court interpreter qualifications and general procedures to assist in ensuring that effective interpreter services are provided.

Section 2. Providing Interpreters.

~~A.~~ (a) Interpreter at No Cost. A limited English proficiency individual is one whose first language is other than English and who has a limited ability to speak, read, write or understand English. Interpreters will be provided at no cost to a limited English proficiency individual or deaf individual under the following circumstances:

(1-) for deaf or hearing impaired individuals who are a party or witness in any type of case;

(2-) for limited English proficiency parties and witnesses in criminal, administrative traffic, or infraction cases;

(3-) for limited English proficiency parties and witnesses in juvenile hearings;

(4-) for limited English proficiency parties and witnesses in ~~Mental Health~~ mental health cases under N.D.C.C. ch. 25-03.1;

(5-) for limited English proficiency parties and witnesses in ~~Sexually Dangerous Commitment~~ sexually dangerous commitment cases under N.D.C.C. ch. 25-03.3;

23 ~~(6-)~~ for limited English proficiency parties and witnesses in ~~Guardianship~~
24 guardianship cases under N.D.C.C. ch. 30.1-27 (minors) and 30.1-28 (incapacitated
25 person);

26 ~~(7-)~~ for limited English proficiency parties and witnesses in ~~Conservatorship~~
27 conservatorship cases under N.D.C.C. ch. 30.1-29;

28 ~~(8-)~~ for limited English proficiency parties and witnesses in ~~Domestic Violence~~
29 ~~Protection Order~~ domestic violence protection order cases under N.D.C.C. ch. 14-07.1;

30 ~~(9-)~~ for limited English proficiency parties and witnesses in ~~Sexual Assault~~
31 ~~Restraining Order~~ sexual assault restraining order cases under N.D.C.C. § 12.1-31-01.2;

32 ~~(10-)~~ for limited English proficiency parties and witnesses in ~~Disorderly Conduct~~
33 ~~Restraining Order~~ disorderly conduct restraining order cases under N.D.C.C. ch.
34 12.1-31.2;

35 ~~(11-)~~ for limited English proficiency parties and witnesses in ~~Annulment of~~
36 ~~Marriage~~ annulment of marriage cases under N.D.C.C. ch. 14-04;

37 ~~(12-)~~ for limited English proficiency parties and witnesses in ~~Divorce~~ divorce cases
38 under N.D.C.C. ch. 14-05;

39 ~~(13-)~~ for limited English proficiency parties and witnesses in ~~Paternity~~ paternity
40 cases under N.D.C.C. ch. 14-20;

41 ~~(14-)~~ for limited English proficiency parties and witnesses in ~~Contempt of Court~~
42 contempt of court cases under N.D.C.C. ch. 27-10.

43 B: (b) Appointment under Rule. An interpreter will be appointed for a person with
44 limited English proficiency who does not qualify for a free interpreter under ~~Section 2 (A)~~

45 subsection 2(a) but who meets the standards of N.D.R.Civ.P. 43 or N.D.R.Crim.P. 28. A
46 party in a civil case may be required to reimburse the court for interpreter costs based
47 upon ability to pay.

48 ~~C.~~ (c) Payment for Interpreters. Payment for interpreter services on behalf of law
49 enforcement, counsel for indigents, prosecutors or corrections agents, other than at court
50 appearances, is the responsibility of the agency that requested the services or the political
51 subdivision that appointed counsel. Interpreter services required for evaluations,
52 treatment, classes, or other similar services is the responsibility of the agency providing
53 the service.

54 ~~D.~~ (d) Exclusions. Payment for interpreter services for discussions or meetings
55 with an attorney, depositions, discovery process, or other legal process outside of a court
56 appearance is the responsibility of the party requesting the service.

57 Section 3. Court Interpreter Qualifications. Except as otherwise provided in this
58 rule, in order to provide court interpreter services in a judicial proceeding as required by
59 statute, rule, or order of the court, a person must have the following qualifications:

60 ~~A.~~ (a) If providing interpreter services for a person who is deaf or hearing
61 impaired, certification by the Registry of Interpreters for the Deaf, certification by the
62 National or North Dakota Association for the Deaf, or approval by the superintendent for
63 the state school for the deaf.

64 ~~B.~~ (b) If providing interpreter services for a non-English speaking person,
65 certification by a recognized interpreter certification program in another jurisdiction and
66 presence on a statewide roster of interpreters, if any, maintained by that jurisdiction.

67 Section 4. Qualifications Exception. If a court interpreter satisfying the
68 requirements of ~~Section~~ section 2 is not available, a court may obtain the services of any
69 other interpreter whose actual qualifications have been determined by examination or
70 other appropriate means. For purposes of this section, “actual qualifications” means the
71 ability to readily communicate with a non-English speaking person and orally transfer the
72 meaning of statements to and from English and the language spoken by the non-English
73 speaking person, or the ability to communicate with a hearing-impaired or otherwise
74 disabled person, interpret the proceedings, and accurately repeat and interpret the
75 statements of the hearing-impaired or otherwise disabled person.

76 Section 5. General Procedures-Requirements.

77 ~~A.~~ (a) Interpreter Oath. Before commencing duties, an interpreter ~~shall~~ must take
78 an oath that the interpreter will make a true, complete, and impartial interpretation in an
79 understandable manner to the person requiring interpretation services and that the
80 interpreter will truly, completely, and impartially repeat the statements of the person to
81 the best of the interpreter's skills and judgment.

82 ~~B.~~ (b) Conflicts of Interest--Bias. An interpreter ~~shall~~ must disclose to the court
83 any actual or perceived conflicts of interest that may impair the interpreter's ability to
84 adequately interpret the proceedings. An interpreter ~~shall~~ must be impartial and unbiased
85 and ~~shall~~ must refrain from conduct that may give the appearance of bias.

86 ~~C.~~ (c) Objection to Interpreter. An objection regarding any circumstances that may
87 render an interpreter unqualified to interpret in the proceeding must be made in a timely
88 manner. The court ~~shall~~ must consider the objection and make a ruling on the record.

89 ~~D.~~ (d) Method of Interpretation. As the circumstances require, the court ~~shall~~ will
90 consult with the interpreter and the parties regarding the method of interpretation to be
91 used to ensure that a complete and accurate interpretation of the testimony of a witness or
92 party is obtained.

93 ~~E.~~ (e) Recording of Proceeding. The court on its own motion or on the motion of a
94 party may order that the testimony of the person for whom interpretation services are
95 provided and the interpretation be recorded for use in verifying the official transcript of
96 the proceeding. If an interpretation error is believed to have occurred based on review of
97 the recording, a party may file a motion requesting that the court direct that the official
98 transcript be amended.

99 ~~F.~~ (f) Additional Interpreter. As circumstances may require, the court may provide
100 an additional interpreter to afford relief and reduce fatigue if the time period of
101 interpretation exceeds ~~[2]~~ two continuous hours.

102 ~~G.~~ (g) Removal of Interpreter. The court may remove an interpreter if the
103 interpreter:

104 (1) is unable to adequately interpret the proceedings;

105 (2) knowingly makes a false interpretation;

106 (3) knowingly discloses confidential or privileged information obtained while
107 serving as an interpreter;

108 (4) knowingly fails to disclose a conflict of interest that impairs the ability to
109 provide complete and accurate interpretation; or

110 (5) fails to appear as scheduled without good cause.

111 Section 6. Effective Date. This rule is effective March 1, 2005. ~~This rule was~~
112 ~~amended, effective August 1, 2015; March 1, 2019.~~

113 EXPLANATORY NOTE

114 This rule is effective March 1, 2005; amended effective August 1, 2015; March 1,
115 2019; August 11, 2021.

RULE 51. SENTENCING OFFENDERS - MORTALITY TABLE

Section 1. Authority and Purpose. In accordance with ~~Article VI, Section 3 of the North Dakota Constitution~~ N.D. Const. art. VI, § 3 and N.D.C.C. ~~Section~~ § 12.1-32-09.1, the ~~Supreme Court~~ supreme court adopts this administrative rule relating to mortality tables in determining the sentence imposed upon certain offenders.

Section 2. Applicable Mortality Table. In determining the sentence imposed upon a violent offender in accordance with N.D.C.C. ~~Section~~ § 12.1-32-09.1, the trial court ~~shall~~ must compute the remaining life expectancy of the offender by reference to Table A (Expectation of life by age, race, and sex) of the United States Life Tables, ~~2002~~ 2008, included in the National Vital Statistics Reports prepared by the National Center for Health Statistics (Center for Disease Control and Prevention)
www.cdc.gov/nchs/products/pubs/pubd/lftb1s/life/1966.htm
https://www.cdc.gov/nchs/products/life_tables.htm.

Section 3. Effective Date. This rule is effective February 9, 2005.

EXPLANATORY NOTE

This rule is effective February 9, 2005; amended effective August 11, 2021.

RULE 52. CONTEMPORANEOUS TRANSMISSION BY RELIABLE ELECTRONIC
MEANS

Section 1. Purpose and Definition. This rule provides a framework for the use of contemporaneous audio or audiovisual transmission by reliable electronic means in North Dakota's district and municipal courts. This rule is intended to enhance the current level of judicial services available within the North Dakota court system through the use of reliable electronic means and not in any way to reduce the current level of judicial services.

Section 2. In General.

(A a) Subject to the limitations in ~~Sections~~ sections 3, 4 and 5, a district or municipal court may conduct a proceeding by reliable electronic means on its own motion or on a party's motion.

(B b) A party wishing to use reliable electronic means must obtain prior approval from the court after providing notice to other parties.

(C c) Parties must coordinate approved reliable electronic means proceedings with the court to facilitate scheduling and ensure equipment compatibility.

(D d) Each site where reliable electronic means are used in a court proceeding must provide equipment or facilities for confidential attorney-client communication.

(E e) A method for electronic transmission of documents must be available at each site where reliable electronic means are used in a court proceeding for use in conjunction with the proceeding.

23 Section 3. Civil Action.

24 In a civil action, a district or municipal court may conduct a hearing, conference,
25 or other proceeding, or take testimony, by reliable electronic means.

26 Section 4. Criminal Action.

27 (~~A~~ a) In a criminal action, a district or municipal court may conduct a hearing,
28 conference, or other proceeding by reliable electronic means, except as otherwise
29 provided in ~~Section 4(B)~~ subsection 4(b).

30 (~~B~~ b) Exceptions.

31 (1) A defendant may not plead guilty nor be sentenced by reliable electronic means
32 unless the parties consent.

33 (2) Except when otherwise allowed by rule or law, a witness may not testify by
34 reliable electronic means unless the defendant knowingly and voluntarily waives the right
35 to have the witness testify in person.

36 (3) An attorney for a defendant must be present at the site where the defendant is
37 located unless the attorney's participation by reliable electronic means from another
38 location is approved by the court with the consent of the defendant. In a guilty plea
39 proceeding, the court may not allow the defendant's attorney to participate from a site
40 separate from the defendant unless:

41 (~~a~~ A) the court makes a finding on the record that the attorney's participation from
42 the separate site is necessary;

43 (~~b~~ B) the court confirms on the record that the defendant has knowingly and
44 voluntarily consented to the attorney's participation from a separate site; and

45 (e C) the court allows confidential attorney-client communication, if requested.

46 Section 5. Revocation of Probation Proceedings for Out of State Offenders.

47 (A a) When a petition for revocation of probation has been issued for a probationer
48 who is in another state and who has been sentenced by a court having jurisdiction in the
49 other state to a period of incarceration, a North Dakota district court may conduct the
50 revocation of probation hearing by reliable electronic means. Before a district court may
51 conduct a revocation of probation hearing by reliable electronic means for a probationer
52 serving a sentence of incarceration in another state, the district court ~~shall~~ must:

53 (1) confirm on the record that the probationer has knowingly and voluntarily
54 consented to a revocation of probation hearing by reliable electronic means; ~~and~~

55 (2) confirm on the record that the probationer has knowingly and voluntarily
56 consented to the probationer's attorney's representation from a site separate from the
57 probationer; and

58 (3) allow the probationer opportunity for confidential attorney-client
59 representation.

60 (B b) If the district court orders probation be revoked, the district court ~~shall~~ must
61 state on the record whether the period of incarceration imposed by the other state fully or
62 partially satisfies the sentence imposed by the district court.

63 Section 6. Mental Health Proceeding.

64 (A a) In a mental health proceeding, a district court may conduct a proceeding by
65 reliable electronic means and allow the following persons to appear or present testimony:

66 (1) the respondent or patient;

67 (2) a witness;

68 (3) legal counsel for a party.

69 (B b) Notice, Objection, and Waiver.

70 (1) Notice. Before holding any mental health proceeding by reliable electronic
71 means, the court must give notice to the petitioner and the respondent. The notice must:

72 (a A) advise the parties of their right to object to the use of reliable electronic
73 means;

74 (b B) inform the respondent that the proceedings may be recorded on video and
75 that, if there is an appeal, the video recording may be made part of the appendix on appeal
76 and is part of the record on appeal.

77 (2) Objection.

78 (a A) Reliable electronic means may not be used in a mental health proceeding if
79 any party objects. The respondent must be given the opportunity to consult with an
80 attorney about the right to object to the use of reliable electronic means.

81 (b B) If the respondent fails to make an objection or fails to make a timely
82 objection to the use of reliable electronic means, the court may nevertheless continue the
83 proceeding for good cause.

84 (c C) If the proceeding is continued, the respondent will continue to be held at the
85 facility where the respondent was receiving treatment or, at the choice of the treatment
86 provider in a less restrictive setting, until a face-to-face hearing can be completed.

87 (d D) A face-to-face hearing must be scheduled to occur within four days,
88 exclusive of weekends and holidays, of the date the objection was made, unless good

89 cause is shown for holding it at a later time.

90 (3) Waiver. Upon mutual consent of the parties, and with the approval of the court,
91 notice requirements in a mental health proceeding may be waived to allow for the conduct
92 of proceedings without prior notice or with notice that does not conform to ~~Section 5(B)~~
93 ~~(†)~~ subsection 5(b)(1).

94 EXPLANATORY NOTE

95 This rule was adopted effective May 1, 2005. Amended effective June 1, 2005;
96 March 1, 2015; March 1, 2019; March 1, 2021; August 11, 2021.

97 This rule was amended, effective March 1, 2015, to extend the application of the
98 rule to proceedings conducted by contemporaneous audio or audiovisual transmission
99 using reliable electronic means.

100 ~~Section 4(B)(2)~~ Subsection 4(b)(2) was amended, effective March 1, 2021, to
101 allow witness testimony by reliable electronic means when authorized by rule or law.

102 A new ~~Section~~ section 5 was added, effective March 1, 2019, to establish a
103 procedure for the use of contemporaneous audio or audiovisual transmission using
104 reliable electronic means in proceedings to revoke probation for probationers who are in
105 another state.

106 SOURCES Joint Procedure Committee Minutes of January 30, 2020, page 24;
107 September 26, 2019, pages 21-22; January 25, 2018, pages 15-16; April 24-25, 2014,
108 pages 15-16; April 27-28, 2006, pages 22-24; April 28-29, 2005, pages 21-22; April
109 24-25, 2003, pages 20-23; September 26-27, 2002, pages 4-12.

110 STATUTES AFFECTED:

RULE 53. JURY STANDARDS COMMITTEE

Section 1. Policy. It is the policy of the North Dakota ~~Judicial System~~ judicial system to provide a mechanism for the continuing study and improvement of the management and operation of the jury system. The ~~Jury Standards Committee~~ jury standards committee is established by this rule to regularly review the operation, administration, and management of the jury system and make recommendations for improvement.

Section 2. Committee Membership. The ~~Jury Standards Committee~~ jury standards committee consists of five district court judges, four attorneys, and three members representing court administration and clerks of district court. Members are appointed by the ~~Chief Justice~~ chief justice after consultation with the ~~Supreme Court~~ supreme court. The ~~Chief Justice~~ chief justice appoints the chair of the ~~Committee~~ committee. Of the members initially appointed, and as determined by lot at the first meeting, four members will be appointed for one year, four members will be appointed for two years, and four members will be appointed for three years. Thereafter, each appointment is for a three-year term. Each member is eligible for reappointment but may not serve more than three consecutive terms. Each member serves until the member's successor is appointed. A former member who served three consecutive terms is eligible for appointment after a six-year break in service.

Section 3. Duties of the Committee. The ~~Committee~~ committee shall will:

~~A.~~ (a) Review and make recommendations, as considered appropriate, regarding

23 the Uniform Jury Selection and Service Act, N.D.C.C. ch 27-09.1.

24 B: ~~(b)~~ Review and make recommendations, as considered appropriate, regarding
25 ~~Administrative Rule N.D.Sup.Ct.Admin.R.~~ 9 and the Standards Relating to Juror Use and
26 Management.

27 ~~C:~~ ~~(c)~~ Consult with the ~~State Court Administrator~~ state court administrator
28 regarding development of a jury selection plan.

29 ~~D:~~ ~~(d)~~ Review the operation, administration, and management of the jury system
30 and make recommendations to the ~~Supreme Court~~ supreme court or ~~State Court~~
31 ~~Administrator~~ state court administrator.

32 E: ~~(e)~~ Review matters referred to it by the ~~Supreme Court~~ supreme court or ~~State~~
33 ~~Court Administrator~~ state court administrator.

34 Section 4. Staffing. Staffing for the ~~Committee~~ committee will be provided
35 through the ~~Office of State Court Administrator~~ office of state court administrator.

36 EXPLANATORY NOTE

37 SOURCE: Adopted effective June 28, 2006, subject to a 30-day comment period;
38 amended effective August 11, 2021.

RULE 54. JUDICIAL ETHICS ADVISORY COMMITTEE

Section 1. Policy. North Dakota ~~Judicial System~~ judicial system policy is to provide ethics advisory services to members of North Dakota's judiciary and others subject to the Code of Judicial Conduct through a judicial ethics advisory committee that offers timely advice and opinions on compliance with the code.

Section 2. Membership.

A. ~~(a)~~ (a) The ~~Judicial Ethics Advisory Committee~~ judicial ethics advisory committee is composed of one district or surrogate judge member and two lawyer members appointed by the ~~Chief Justice~~ chief justice after consultation with the ~~Supreme Court~~ supreme court and two district judge members appointed by the ~~President~~ president of the North Dakota ~~Judges Association~~ judges association. Of the members initially appointed and as determined by lot at the first meeting, two members will serve one-year terms, two members will serve two-year terms, and one member will serve a three-year term. Following initial appointment, each member serves a three-year term and is eligible for reappointment. A member may not serve more than three consecutive three-year terms. A former member who served three consecutive three-year terms is eligible for appointment after a six-year break in service. Each member serves until the member's successor is appointed.

B. ~~(b)~~ (b) Each member is entitled to reimbursement for actual expenses incurred in the performance of committee duties.

C. ~~(c)~~ (c) The ~~Chief Justice~~ chief justice appoints the committee chair.

23 Section 3. Committee Duties.

24 ~~A.~~ (a) The committee ~~shall~~ will provide ethics advisory services on matters related
25 to the Code of Judicial Conduct to those subject to the code. Services provided under this
26 section are limited to personal requests regarding the requester's prospective conduct. The
27 committee will not issue an opinion on a question of the constitutionality of the code. The
28 committee will not usually issue an opinion on a question known to be pending before a
29 court in a proceeding in which the requester is involved.

30 ~~B.~~ (b) The committee may provide ethics advisory services in the form of
31 telephone advice, followed by a written letter or formal opinion at the option of the
32 requester. There is no effect on any disciplinary proceeding if a written letter or formal
33 opinion is not requested. The committee may provide advisory letters individualized to
34 the requester or formal opinions that are submitted to the requester and distributed to all
35 judges. The decision to proceed with a written letter or a formal opinion, or both, is made
36 in consultation with the requester. Formal opinions or advisory letters issued by the
37 ~~Committee~~ committee are non-binding.

38 ~~C.~~ (c) Compliance with a written advisory letter or formal opinion issued by the
39 committee is evidence of good faith for consideration in any sanction decision in a
40 disciplinary proceeding.

41 Section 4. Staffing and Research Services. General staff services for the committee
42 will be provided through staff of the office of ~~State Court Administrator~~ state court
43 administrator. The committee, in consultation with the ~~State Court Administrator~~ state
44 court administrator, may enter into agreements with other entities for purposes of

45 obtaining legal research, memorandums, and draft opinions for consideration or use by
46 the committee.

47 Section 5. Confidentiality. All proceedings of the committee, the identity of a
48 requester, drafts and other records of the committee, other than formal opinions, are
49 confidential.

50 Section 6. Effective Date. This ~~Rule~~ rule is effective May 1, 2007, subject to
51 comment.

52 EXPLANATORY NOTE

53 This rule is effective May 1, 2007; amended effective August 11, 2021.

RULE 55. INCOME TAX RETURN SETOFF FOR UNPAID COURT-ORDERED
FINES, FEES, AND COSTS

Section 1. Purpose. This rule implements N.D.C.C. ch. 57-38.3, which enables the state court administrator on behalf of the state courts to seek a setoff against income tax refunds for purposes of satisfying unpaid court-ordered fines, fees, or costs.

Section 2. Identification and Submission of Unpaid Fines, Fees, or Costs. On at least an annual basis the state court administrator must identify persons owing unpaid fines, fees, or costs deemed delinquent. For purposes of this rule, an unpaid fine, fee, or cost is delinquent if payment has not been received within ninety days of the payment due date. The state court administrator must certify to the tax commissioner the full name and social security number of each person obligated to pay the unpaid amount and the amount of the outstanding obligation, which must exceed ~~twenty-five~~ 25 dollars. The state court administrator must provide any additional information required by the tax commissioner to initiate the setoff process.

Section 3. Notice Requirements - Joint Return - Hearing Request.

~~A.~~ (a) Within 14 days of being notified by the tax commissioner that a transfer of funds to achieve a setoff against a person's income tax return has been approved, the state court administrator must provide the person with written notice setting forth the person's name, the manner in which the unpaid obligation arose, the amount of the unpaid obligation, the intention to setoff the person's income tax return against the unpaid obligation, and the amount of income tax refund in excess of the unpaid obligation, if any.

23 B: (b) If the income tax return affected by the requested setoff is a joint return, the
24 notice required under ~~Section 3A~~ subsection 3(a) must also set forth the name of the
25 person named in the return, if any, against whom no debt is claimed; the fact that the
26 unpaid obligation is not claimed against the person; the fact that the person may be
27 entitled to receive a refund if it is due the person regardless of the unpaid obligation
28 asserted against the person's spouse; that in order to obtain a refund due the person, the
29 person must apply in writing within 30 days of the date of the mailing of the notice for a
30 hearing with the state court administrator; and that failure to apply for a hearing within 30
31 days of the mailing of the notice will be ~~deemed~~ considered a waiver of the opportunity to
32 contest the setoff.

33 C: (c) Notices required under this section must be sent by first class mail to the
34 address listed on the income tax return.

35 Section 4. Hearing. If a hearing under ~~Section 3B~~ subsection 3(b), the hearing must
36 be held within 14 days of the request. A formal hearing is not required but the state court
37 administrator must record the hearing and retain the recording for six months. All
38 documents submitted and considered during the hearing must be retained for six months.
39 Issues to be considered at the hearing are limited to whether the person against whom the
40 unpaid obligation is asserted was required by court order to pay the fine, fee, or cost;
41 whether the amount identified for collection is correct; and whether the person identified
42 in the joint return is entitled to receive a refund regardless of the unpaid obligation
43 asserted against the person's spouse. The nonobligated spouse must provide to the state
44 court administrator copies of the obligated and nonobligated spouse's federal W-2 forms

45 and state and federal tax returns for the affected year of return. If the state court
46 administrator determines the setoff is proper, the setoff must be limited to a proportionate
47 share of the joint return amount. The person requesting the hearing must be notified of the
48 state court administrator's decision within seven days after conclusion of the hearing.

49 Section 5. Appeal. The person requesting a hearing under ~~Section~~ section 4 may
50 appeal the decision of the state court administrator. The person must send or deliver a
51 written notice of appeal to the state court administrator within 14 days after the date of the
52 mailing of the state court administrator's decision. Failure to send or deliver the written
53 notice waives the appeal. An appeal hearing must be conducted within 30 days after
54 receipt by the state court administrator of the written notice of appeal. The appeal will be
55 conducted by a panel of three members designated by the ~~Chief Justice~~ chief justice.
56 Issues to be considered during the appeal hearing are limited to issues raised under
57 ~~Section~~ section 4 and to whether the state court administrator's decision was in error.

58 Section 6. Disposition of Funds Transferred for Setoff. Upon final determination
59 of the setoff amount following a hearing under ~~Section~~ section 4 or an appeal under
60 ~~Section~~ section 5, or upon the failure of the person to request a hearing under ~~Section 3B~~
61 subsection 3(b), the state court administrator must submit funds transferred for setoff to
62 the state treasurer for deposit in the manner provided by law. Any funds in excess of the
63 final setoff amount must be refunded to the person whose income tax return was the
64 subject of the setoff. Court records must reflect application of the setoff amount to any
65 outstanding fines, fees, or costs owed by the person whose tax return was subject to
66 setoff.

67 Section 7. Confidentiality. Any confidential information provided by the tax
68 commissioner to the state court administrator and any information submitted by a person
69 requesting a hearing as part of the setoff process is confidential and may be used only for
70 collection activities.

71 Section 8. Effective Date. This rule is effective September 1, 2007.

72 EXPLANATORY NOTE

73 Rule 55 was adopted, effective September 1, 2007; ~~and~~ amended; effective March
74 1, 2011; August 11, 2021.

75 ~~Section 3A~~ Subsection 3(a) was amended, effective March 1, 2011, to increase the
76 time for the state court administrator to notify a person about an unpaid obligation from
77 10 to 14 days after being notified by the tax commissioner.

78 Section 4 was amended, effective March 1, 2011, to increase the time to notify a
79 person of the state court administrator's decision from five to seven days.

80 Section 5 was amended, effective March 1, 2011, to increase the time to appeal the
81 state court administrator's decision from 10 to 14 days.

82 SOURCES: Joint Procedure Committee Minutes of April 29-30, 2010, page 21.

RULE 56. JUVENILE DRUG COURT ADVISORY COMMITTEE

Section 1. Statement of Authority and Intent.

~~A.(a)~~ Under ~~Article VI, Section 3 of the North Dakota Constitution~~ N.D. Const. art. VI, § 3, the ~~Supreme Court~~ supreme court has the authority to adopt rules of procedure to be followed by all courts of the state, and to establish the powers, duties, and qualifications of court officials. Under N.D.C.C. § 27-02-05.1, the ~~Supreme Court~~ supreme court has administrative responsibility over all courts of the state and may establish rules to exercise that administrative authority as it ~~deems~~ considers necessary or desirable.

~~B.(b)~~ A ~~Juvenile Drug Court Advisory Committee~~ juvenile drug court advisory committee is established to serve as a mechanism for the development of policies and procedures regarding the establishment and operation of a statewide juvenile drug court program comprised of individual drug courts and to provide regular guidance and monitoring of the juvenile drug courts to ensure compliance with applicable laws, policies, and procedures.

~~C.(c)~~ The ~~Juvenile Drug Court Advisory Committee~~ juvenile drug court advisory committee is responsible for the development of policies and procedures and for the regular review of the performance, administration, and management of the juvenile drug court program.

Section 2. Membership.

~~A.(a)~~ The ~~Juvenile Drug Court Advisory Committee~~ juvenile drug court advisory

23 ~~committee shall consist~~ consists of a supreme court justice, the judicial officer assigned to
24 each juvenile drug court and members, appointed by the ~~Chief Justice~~ chief justice, after
25 consultation with the ~~Supreme Court~~ supreme court, from a list submitted by the chair of
26 the committee as follows: a defense attorney, a prosecuting attorney, a person involved in
27 secondary education, a juvenile court officer, a law enforcement officer, a local drug
28 court coordinator, a juvenile court director, a legislator, and a treatment provider. Other
29 than the legislator, an appointed member must have current or immediate past experience
30 as a team member in a juvenile drug court. The ~~Chief Justice~~ chief justice appoints the
31 chair of the committee.

32 B:(b) Except for terms of judicial officer members, initial terms will be established
33 by lot at the first meeting: three members will be appointed for one year, three members
34 will be appointed for two years, and three members will be appointed for three years.
35 Thereafter, each appointment is for a three-year term. Each appointed member is eligible
36 for reappointment, but may not serve more than three consecutive terms. Each member
37 serves until the member's successor is appointed. A former member who served three
38 consecutive terms is eligible for reappointment after a six-year break in service.

39 Section 3. Committee Responsibilities.

40 A:(a) The ~~Juvenile Drug Court Advisory Committee~~ juvenile drug court advisory
41 committee shall will:

42 a:(1) Develop and maintain, subject to ~~Supreme Court~~ supreme court approval, a
43 program manual that governs the administration, management, and operation of the
44 statewide juvenile drug court program.

45 ~~b.~~(2) Develop and facilitate a process for submission and review of applications
46 for the establishment of new juvenile drug courts for consideration and approval of the
47 ~~Supreme Court~~ supreme court.

48 ~~c.~~(3) Develop methods to evaluate the success of existing drug courts.

49 ~~d.~~(4) Review and approve forms for use throughout the juvenile drug court
50 program.

51 ~~e.~~(5) Review issues regarding program operations submitted to the ~~Committee~~
52 committee.

53 ~~f.~~(6) Cooperate with other governmental agencies or tribal governments to pursue
54 mutually beneficial relationships and activities that further the operation of the juvenile
55 drug court program.

56 ~~g.~~(7) Report annually at the end of the fiscal year to the ~~Supreme Court~~ supreme
57 court concerning the operation of the statewide juvenile drug court program.

58 ~~h.~~(8) Develop a budget for the operation of the statewide juvenile drug court
59 program, for the ~~Supreme Court's~~ supreme court's consideration and approval.

60 Section 4. Program Manual - Scope - Accountability. The program manual governs
61 the operation of the juvenile drug courts in the state. Policies and procedures included in
62 the manual must identify areas in which individual drug courts have the opportunity for
63 flexibility and experimentation, consistent with manual objectives, in the implementation
64 of the juvenile drug court program. Proposed policies, procedures, or other drug court
65 operational components must be distributed to all juvenile drug court team members for
66 comment before final action by the ~~Juvenile Drug Court Advisory Committee~~ juvenile

67 drug court advisory committee.

68 Section 5. Juvenile Drug Court Program Manager. The ~~State Juvenile Drug Court~~
69 ~~Program Manager shall~~ state juvenile drug court program manager will serve as staff for
70 the ~~Juvenile Drug Court Advisory Committee~~ juvenile drug court advisory committee.
71 The program manager coordinates and manages activities related to the state juvenile
72 drug court program and assists the ~~Juvenile Drug Court Advisory Committee~~ juvenile
73 drug court advisory committee in ensuring individual court compliance with the program
74 manual and other ~~Juvenile Drug Court Advisory Committee~~ juvenile drug court advisory
75 committee directives.

76 EXPLANATORY NOTE

77 Rule 56 was adopted, effective January 1, 2013; amended effective April 17, 2013;
78 August 11, 2021.

RULE 57. JUDICIAL EMERGENCY

Section 1. Declaration of Judicial Emergency - Grounds. A judicial emergency may be declared to exist if an emergency or natural disaster substantially endangers or infringes upon the normal functioning of the judicial system, the ability of persons to avail themselves of the judicial system, the ability of litigants or others to have access to the courts, or to meet schedules or deadlines imposed by court order or rule, statute, or administrative rule.

Section 2. Declaration of Judicial Emergency - Form and Content. A declaration of judicial emergency must be made by order of the ~~Supreme Court~~ supreme court, or in the absence of a majority of the ~~Supreme Court~~ supreme court by the ~~Chief Justice~~ chief justice, or if the ~~Chief Justice~~ chief justice is absent, a ~~Justice~~ justice or judge authorized to act under ~~North Dakota Supreme Court Administrative Order~~ N.D.Sup.Ct.Admin.R.

11. The order must state:

(~~1a~~) the area affected by the order;

(~~2b~~) the nature of the emergency necessitating the order;

(~~3c~~) the period or duration of the judicial emergency; and

(~~4d~~) any other information relevant to the suspension or restoration of court operations.

An order issued under this section is effective upon its issuance and may have retroactive effect to the extent specifically provided. The ~~Supreme Court~~ supreme court may modify an order declaring a judicial emergency.

23 Section 3. Declaration of Judicial Emergency - Notice. Upon the issuance or
24 modification of a judicial emergency order, notice must be given to the state court
25 administrator, the clerk of the ~~Supreme Court~~ supreme court, the judges and clerks of the
26 court for the affected area, litigants, attorneys and the public. Notice may be provided by
27 whatever means is reasonably calculated to reach such persons under the circumstances
28 and may, without limitation, include mailing, publication on the internet or in newspapers
29 of local or statewide circulation, posting of written notices at courthouses or other public
30 gathering sites, transmittal by facsimile or e-mail, or announcement on television, radio,
31 or public address systems.

32 Section 4. Suspension, Extension, or Other Relief From Deadlines, Time
33 Schedules, or Filing Requirements. An order declaring a judicial emergency, whether in
34 civil, criminal, administrative or any other legal proceedings, as determined necessary,
35 may suspend, toll, extend, or otherwise grant relief from deadlines, time schedules,
36 statutes of limitations, statutes of repose, or filing requirements imposed by otherwise
37 applicable rules, or court orders. An order declaring a judicial emergency may not, under
38 authority of this rule, suspend, toll, extend, or otherwise grant relief from deadlines, time
39 schedules, or filing requirements required by the Constitution of the United States or the
40 Constitution of North Dakota. The days covered by a judicial emergency order are
41 considered a legal holiday for time computation under North Dakota's court rules.

42 Section 5. Designation of Alternative Facility for, or Alternative Method of
43 Conducting, Court Business. If the emergency or natural disaster makes access to the
44 office of a clerk of court or a courthouse impossible or impractical, the order declaring the

45 judicial emergency may designate another facility, which is reasonably accessible and
46 appropriate, for the business of the court or an alternative method of conducting court
47 business.

48 EXPLANATORY NOTE

49 Rule 57 was adopted July 1, 2013. Amended effective March 1, 2021; August 11,
50 2021.

51 SOURCES: Joint Procedure Committee Minutes of January 30, 2020, pages 24-25;
52 September 26, 2019, page 22.

53 CROSS REFERENCE: N.D.C.C. § 27-02-27 (Judicial Emergency); N.D.R.App.P.
54 26 (Computing and Extending Time); N.D.R.Civ.P. 6 (Computing and Extending Time;
55 Time for Motion Papers); N.D.R.Crim.P. 45 (Computing and Extending Time).

RULE 58. VEXATIOUS LITIGATION

Section 1. Purpose. This rule addresses vexatious litigation, which impedes the proper functioning of the courts, while protecting reasonable access to the courts.

Section 2. Definition.

(a) Litigation means any civil or disciplinary action or proceeding, including any appeal from an administrative agency, any review of a referee order by the district court, and any appeal to the ~~Supreme Court~~ supreme court.

(b) Vexatious litigant means a person who habitually, persistently, and without reasonable grounds engages in conduct that:

(1) serves primarily to harass or maliciously injure another party in litigation;

(2) is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law;

(3) is imposed solely for delay;

(4) hinders the effective administration of justice;

(5) imposes an unacceptable burden on judicial personnel and resources; or

(6) impedes the normal and essential functioning of the judicial process.

(c) Presiding judge means the presiding judge of a district under N.D. Sup. Ct. Admin. R. 2.

Section 3. Pre-filing Order.

(a) The presiding judge may enter a pre-filing order prohibiting a vexatious litigant from filing any new litigation or any new documents in existing litigation in the courts of

23 this state as a self-represented party without first obtaining leave of a judge of the court in
24 the district where the litigation is proposed to be filed. A pre-filing order must contain an
25 exception allowing the person subject to the order to file an application seeking leave to
26 file.

27 (b) A district judge or referee may, on the judge's own motion or the motion of any
28 party, refer the consideration of whether to enter a pre-filing order to the presiding judge.
29 The presiding judge may also consider whether to enter such a pre-filing order on the
30 judge's own motion or the motion of a party if the litigant with respect to whom the
31 pre-filing order is to be considered is a party to an action before the presiding judge.

32 Section 4. Finding. A presiding judge may find a person to be a vexatious litigant
33 based on a finding that:

34 (a) in the immediately preceding seven-year period the person has commenced,
35 prosecuted or maintained as a self-represented party at least three litigations, other than in
36 small claims court, that have been finally determined adversely to that person; or

37 (b) after a litigation has been finally determined against the person, the person has
38 repeatedly relitigated or attempted to relitigate, as a self-represented party, either

39 (1) the validity of the determination against the same defendant or defendants as to
40 whom the litigation was finally determined; or

41 (2) the cause of action, claim, controversy, or any of the issues of fact or law,
42 determined or concluded by the final determination against the same defendant or
43 defendants as to whom the litigation was finally determined; or

44 (c) in any litigation while acting as a self-represented party, the person repeatedly

45 files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery,
46 or engages in other tactics that are frivolous or solely intended to cause unnecessary
47 burden, expense or delay; or

48 (d) the person has previously been declared to be a vexatious litigant by any state
49 or federal court of record in any action or proceeding.

50 Section 5. Notice. If the presiding judge finds that there is a basis to conclude that
51 a person is a vexatious litigant and that a pre-filing order should be issued, the presiding
52 judge must issue a proposed pre-filing order along with the proposed findings supporting
53 the issuance of the pre-filing order. The person who would be designated as a vexatious
54 litigant in the proposed order will have 14 days to file a written response to the proposed
55 order and findings. If a response is filed, the presiding judge may, in the judge's
56 discretion, grant a hearing on the proposed order. If no response is filed within 14 days, or
57 if the presiding judge concludes following a response and any subsequent hearing that
58 there is a basis for issuing the order, the presiding judge may issue the pre-filing order.

59 Section 6. Appeal. A pre-filing order entered by a presiding judge designating a
60 person as a vexatious litigant may be appealed to the ~~Supreme Court~~ supreme court under
61 N.D.C.C. § 28-27-02 and N.D.R.App.P. 4.

62 Section 7. Supreme Court Order. The ~~Supreme Court~~ supreme court may, on the
63 ~~Court's~~ court's own motion or the motion of any party to an appeal, enter a pre-filing
64 order prohibiting a vexatious litigant from filing any new litigation in the courts of this
65 state as a self-represented party without first obtaining leave of a judge of the court where
66 the litigation is proposed to be filed. If the ~~Supreme Court~~ supreme court finds that there

67 is a basis to conclude that a person is a vexatious litigant and that a pre-filing order should
68 be issued, the ~~Court~~ court must issue a proposed pre-filing order along with the proposed
69 findings supporting the issuance of the pre-filing order. The person who would be
70 designated as a vexatious litigant in the proposed order will have 14 days to file a written
71 response to the proposed order and findings. If no response is filed within 14 days, or if
72 the ~~Supreme Court~~ supreme court concludes following a response and any subsequent
73 hearing that there is a basis for issuing the order, the pre-filing order may be issued.

74 Section 8. Sanctions; New Litigation.

75 (a) Disobedience of a pre-filing order entered ~~pursuant to~~ under this rule may be
76 punished as a contempt of court.

77 (b) A judge may permit the filing in the courts of this state of new litigation or any
78 documents in existing litigation by a vexatious litigant subject to a pre-filing order only if
79 it appears that the litigation or document has merit and has not been filed for the purpose
80 of harassment or delay.

81 (c) If a vexatious litigant subject to a pre-filing order files any litigation without
82 first obtaining the required leave of a judge to file the litigation, the court may dismiss the
83 action. In addition, any party named in the litigation may file a notice stating that the
84 plaintiff is a vexatious litigant subject to a pre-filing order. The filing of such notice stays
85 the litigation. The litigation must be dismissed by the court unless the plaintiff, within 14
86 days of the filing of the notice, obtains an order from the judge permitting the litigation to
87 proceed. If the judge issues an order permitting the litigation to proceed, the time for the
88 defendants to answer or respond to the litigation will begin to run when the defendants

89 are served with the order of the judge.

90 Section 9. Roster. The clerk of court must provide a copy of any pre-filing order
91 issued under this rule to the ~~State Court Administrator~~ state court administrator, who will
92 maintain a list of vexatious litigants subject to pre-filing orders.

93 Section 10. Effect of Pre-filing Order. A pre-filing order entered under this rule
94 supercedes any other order limiting or enjoining a person's ability to file or serve papers
95 or pleadings in any North Dakota ~~State~~ state court litigation.

96 EXPLANATORY NOTE

97 Rule 58 was adopted, effective March 1, 2017; amended effective June 21, 2017;
98 August 11, 2021.

99 SOURCES: Joint Procedure Committee Minutes of May 12-13, 2016, pages
100 25-29. Idaho Ct. Admin. R. 59.

101 STATUTES AFFECTED:

102 CONSIDERED: N.D.C.C. §§ 27-05-06, 27-05-22, 27-05-23, 28-27-02.

RULE 59. GUARDIANS

(A) Section 1. Purpose. This rule establishes qualifications and training requirements for nonprofessional and professional guardians appointed under N.D.C.C. ch. 30.1-28. For purposes of this rule, "nonprofessional guardian" means an individual who serves as guardian for two or fewer individuals at the same time, and "professional guardian" means an individual or entity that serves as guardian for three or more individuals at the same time, an individual or entity appointed to serve as a public guardian or administrator, or an individual or entity that holds itself out as providing guardianship services for hire. This rule does not apply to emergency guardians appointed under N.D.C.C. § 30.1-28-10.1.

(B) Section 2. Qualifications - Nonprofessional Guardian. An individual proposed to serve as a nonprofessional guardian:

(1a) ~~Shall~~ Must submit an affidavit stating that the proposed guardian has completed the online guardianship training program established by the North Dakota ~~Supreme Court~~ supreme court and file a certificate of completion with the appointing court before letters of guardianship are issued;

(2b) Unless waived by the court, ~~shall~~ must provide a criminal history record check report to the appointing court before the hearing on the petition to appoint a guardian; and

(3c) ~~Shall~~ Must provide to the appointing court before the hearing on the petition to appoint the guardian an affidavit stating whether the proposed guardian has been

23 investigated for offenses related to theft, fraud, or the abuse, neglect, or exploitation of an
24 adult or child and ~~shall~~ must provide a release authorizing access to any record
25 information maintained by an agency in this or another state or a federal agency.

26 ~~(C)~~ Section 3. Qualifications - Professional Guardian (Entity). An entity proposed
27 to serve as a professional guardian:

28 ~~(1a)~~ Must be accredited through the Council on Accreditation or its employed
29 guardians must possess certification through the Center for Guardianship Certification;

30 ~~(2b)~~ ~~Shall~~ Must provide to the court considering the petition for appointment as a
31 guardian an affidavit stating whether ~~the individual(s)~~ any individual who will provide
32 guardianship services for the ward has been investigated for a criminal offense related to
33 fraud, theft, or abuse, neglect or exploitation of an adult or child or there has been a
34 substantiated instance of abuse, neglect, or exploitation of an adult or child by the
35 guardian;

36 ~~(3c)~~ ~~Shall~~ Must provide to the court considering the petition for appointment as a
37 guardian an affidavit stating whether ~~the individual(s)~~ any individual who will provide
38 guardianship services for the ward has been the subject of a substantive disciplinary order
39 issued by a licensing entity or by an agency accredited through the Council on
40 Accreditation;

41 ~~(4d)~~ ~~Shall~~ Must provide to the court considering the petition for appointment as a
42 guardian an affidavit indicating the entity under the auspices of which ~~the individual(s)~~
43 any individual who will provide guardianship services has obtained a release authorizing
44 access to any record information maintained by an agency in this or another state or a

45 federal agency, a criminal history record check report and the results of a background
46 inquiry for offenses related to theft, fraud, or the abuse, neglect, or exploitation of an
47 adult or child with respect to ~~the individual(s)~~ any individual who will provide
48 guardianship services and indicating the results of the report and inquiry; and

49 (5e) ~~Shall~~ Must provide to the court considering the petition for appointment as a
50 guardian an affidavit indicating that all individuals employed by the entity to serve as a
51 guardian have completed the online guardianship training program established by the
52 North Dakota ~~Supreme Court~~ supreme court.

53 (D) Section 4. Qualifications - Professional Guardian (Individual). An individual
54 proposed to serve as a professional guardian, whether or not employed by a professional
55 guardian entity:

56 (1a) ~~Must~~ Must possess certification through the Center for Guardianship Certification;

57 (2b) ~~Shall~~ Must submit an affidavit that the proposed guardian has completed the
58 online guardianship training program established by the North Dakota Supreme Court and
59 file a certificate of completion with the appointing court before letters of guardianship are
60 issued;

61 (3c) Unless waived by the court, ~~shall~~ must provide a criminal history record check
62 report to the appointing court before the hearing on the petition to appoint a guardian; and

63 (4d) ~~Shall~~ Must provide to the appointing court before the hearing on the petition
64 to appoint the guardian an affidavit stating whether the proposed guardian has been
65 investigated for a criminal offense related to fraud, theft, or abuse, neglect or exploitation
66 of an adult or child, there has been a substantiated instance of abuse, neglect, or

67 exploitation of an adult or child by the guardian, or the guardian has been the subject of
68 any disciplinary proceeding by a licensing entity or by an agency accredited through the
69 Council on Accreditation, and ~~shall~~ must provide a release authorizing access to any
70 record information maintained by an agency in this or another state or a federal agency.

71 ~~(E)~~ Section 5. Criminal convictions - effect on appointment as guardian.

72 ~~(1a)~~ An individual may not be appointed as a professional and nonprofessional
73 guardian if the individual has been found guilty of, pled guilty to, or pled no contest to:

74 ~~(a1)~~ An offense described in ~~North Dakota Century Code chapter~~ N.D.C.C. ch.
75 12.1-16, homicide; § 12.1-17-01, simple assault, if a class C felony under subdivision a of
76 subsection 2 of that section; § 12.1-17-01.1, assault; § 12.1-17-01.2, domestic violence: §
77 12.1-17-02, aggravated assault; § 12.1-17-03, reckless endangerment; § 12.1-17-04,
78 terrorizing; § 12.1-17-06, criminal coercion; § 12.1-17-07.1, stalking; § 12.1-17-12,
79 assault or homicide while fleeing a peace officer; ch. 12.1-18, kidnapping; § 12.1-20-03,
80 gross sexual imposition; § 12.1-20-03.1, continuous sexual abuse of a child; 12.1-20-04,
81 sexual imposition; § 12.1-20-05, corruption or solicitation of minors; § 12.1-20-05.1,
82 luring minors by computer or other electronic means; § 12.1-20-06, sexual abuse of
83 wards; § 12.1-20-06.1, sexual exploitation by therapist; § 12.1-20-07, sexual assault; §
84 12.1-20-12.3, sexual extortion; § 12.1-21-01, arson; § 12.1-22-01, robbery; ~~or~~ §
85 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that
86 section; ch. 12.1-27.2, sexual performances by children; ~~or~~ ch. 12.1-41, Uniform Act on
87 Prevention of and Remedies for Human Trafficking; ~~or North Dakota Century Code~~
88 ~~section~~ § 12.1-29-01, promoting prostitution; § 12.1-29-02, facilitating prostitution; §

89 12.1-31-05, child procurement; § 12.1-31-07, endangering an eligible adult; §
90 12.1-31-07.1, exploitation of an eligible adult; § 14-09-22, abuse of a child; § 14-09-22.1,
91 neglect of a child; subsection 1 of ~~section~~ § 26.1-02.1-02.1, fraudulent insurance acts; or
92 an offense under the laws of another jurisdiction which requires proof of substantially
93 similar elements as required for conviction under any enumerated North Dakota statutes:
94 or

95 ~~(b2)~~ An offense, other than an offense identified in ~~subdivision (a)~~ subsection
96 5(a)(1), if the appointing court determines that the individual seeking appointment as a
97 professional or nonprofessional guardian has not been sufficiently rehabilitated.

98 ~~(2b)~~ For the purposes of ~~subdivision b of subsection I~~ subsection 5(a)(2), the court:

99 ~~(a1)~~ May not consider a claim that the individual has been sufficiently rehabilitated
100 until any term of probation, parole, or other form of community corrections or
101 imprisonment without subsequent charge or conviction has elapsed, unless sufficient
102 evidence is provided of rehabilitation: and

103 ~~(b1)~~ ~~Shall~~ Must treat completion of a period of five years after final discharge or
104 release from any term of probation, parole, or other form of community corrections, or
105 from imprisonment, without subsequent conviction, as prima facie evidence of sufficient
106 rehabilitation.

107 ~~(3c)~~ The offenses enumerated in ~~section E (1)(a)~~ subsection 5(a)(1) have a direct
108 bearing on the proposed professional or nonprofessional guardian's ability to provide
109 guardianship services.

110 ~~(F)~~ Section 6. Notification - professional and nonprofessional guardians. The

111 guardian ~~shall~~ must notify the ~~trial court~~ unit administrator in each administrative unit in
112 which the guardian provides guardianship services that the guardian has been charged
113 with a criminal offense related to fraud, theft, or abuse, neglect or exploitation of an adult
114 or child or there has been a substantiated instance of abuse, neglect, or exploitation of an
115 adult or child by the guardian. Where the guardian is or was employed by an entity, the
116 entity is also required to provide notification.

117 ~~(G)~~ Section 7. Rule Implementation. This rule applies to all guardianships
118 established after the effective date. For active guardianships established prior to the
119 effective date of this rule, the guardian must complete the requirements above and must
120 submit the required documentation to the court with jurisdiction over the guardianship
121 within 30 months from the March 1, 2018 effective date of this rule.

122 EXPLANATORY NOTE

123 Rule 59 was adopted effective March 1, 2018; amended effective January 31,
124 2020; August 11, 2021.

125 ~~Subdivision (F)~~ Section 6 was amended effective January 31, 2020, to require
126 guardians to complete the requirements and submit the required documentation to the
127 court with jurisdiction over the guardianship within 30 months from March 1, 2018.

128 SOURCES: Guardianship Standards Workgroup Minutes of July 20, 2015; August
129 31, 2015; October 26, 2015; January 25, 2016; March 28, 2016, October 10, 2016,
130 December 12, 2016, February 13, 2017, April 3, 2017, July 31, 2017, and August 21,
131 2017, May 13, 2019. June 10, 2019. July 22, 2019. December 16, 2019. May 11, 2020,
132 and April 1, 2021.

RULE 61. COLLECTION OF RACE DATA

Section 1. Purpose. This rule governs the collection of race data in the North Dakota criminal justice system. Race data is critical to criminal justice policy making decisions and will be used solely for this purpose.

Section 2. Data Collection.

~~A.~~(a) Each criminal case docketed in the Odyssey electronic filing system must include the race of the defendant.

~~B.~~(b) The prosecuting attorney ~~shall~~ must collect race data pertaining to defendants who are eighteen years of age or older at the time of the commission of an alleged offense. The race of the defendant and the state identification number of the defendant must be included with the charging document.

~~C.~~(c) If a case is initiated by citation, the clerk of district court ~~shall~~ must include on the Odyssey record the race indicated on the citation.

Section 3. Race Categories.

~~A.~~(a) White;

~~(1.)~~ Hispanic;

~~(2.)~~ Non-Hispanic;

~~B.~~(b) Black or African American;

~~C.~~(c) American Indian or Alaska Native;

~~D.~~(d) Asian;

~~E.~~(e) Native Hawaiian or Other Pacific Islander; and

23 F.(f) Multi-racial.

24 Section 4. Access.

25 ~~A.(a)~~ Data compiled for internal reports to inform policymaking decisions is not
26 accessible to the public unless made available in a final report.

27 ~~B.(b)~~ Reports of compiled race data may be disclosed for research purposes upon
28 request and payment of a fee for the cost of compilation.

29 Section 5. Effective Date. This rule is effective March 1, 2021.

30 EXPLANATORY NOTE

31 This rule was adopted March 1, 2021; amended effective August 11, 2021.

32 Sources: Minority Justice Implementation Committee Minutes of November 14,
33 2019; pages 3-4; Minority Justice Implementation Committee: Data Collection
34 Subcommittee Minutes of October 15, 2019, pages 1-2.