

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER OF ADOPTION

Supreme Court No. 20210251

**Amendments to North Dakota Supreme Court Administrative Rule
12 Regarding Case Management Time Standards for District Courts**

[¶1] The Caseflow Management Committee submitted proposed amendments to North Dakota Supreme Court Administrative Rule 12 regarding case management time standards for district courts. The proposal is available at <https://www.ndcourts.gov/supreme-court/dockets/20210251>. 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 adopted by the Court, the amendments to North Dakota Supreme Court Administrative Rule 12 are ADOPTED effective January 1, 2022.

[¶3] The Supreme Court of the State of North Dakota convened this 20th day of October, 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

Administrative Rule 12 - NORTH DAKOTA CASE MANAGEMENT TIME STANDARDS FOR DISTRICT COURTS

Effective Date: 3/1/2018

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 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 identifying specific cases which are in need of attention and to assist presiding judges and individual judges in management of their caseloads.
- g. The responsibility for management of cases rests with each individual judge. The formal unit of accountability for case management is the judicial district and the presiding judge. Because there are variations in case management techniques among the judicial districts, the assignment of accountability to the district permits flexibility in determining the best approach to case management while maintaining accountability among districts. Each judge is expected to actively participate in the management of their assigned cases and collaborate with other members of the bench, judicial support staff, and other justice system stakeholders within the judicial district.
- h. Each presiding judge has authority under AR 2 to assign cases and coordinate judicial resources and support services in order to maintain a current docket

throughout the district. To this end, the presiding judges have been directed to take appropriate action to meet this goal. The Supreme Court, through the Chief Justice, has communicated to each presiding judge the Court's commitment to respond to requests for assistance in meeting the standards.

i. Each presiding judge should exercise the authority to assure the timely resolution of cases within their respective judicial district. This authority includes assignment of cases among the judges of the judicial district (Sec. 8, AR 2), referral to the Advisory Board (Sec. 8, ND Local CtR), convening meetings of the judges within the judicial district (Sec. 7, AR 2), and supervision of all local administrative practice and procedure regulations by judges, clerks of court, and other officers and employees of the courts (Sec. 12, AR 2). The presiding judge may refer any matter to the Chief Justice for assistance.

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

Section 2. Time Standards.

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

Case Categories	Time Standard Groups	Case Types Included	Standard
Criminal	Criminal Major	Felony	75% within 120 days 90% within 180 days 100% within 365 days
	Criminal Minor	City Transfer Misdemeanors Municipal Appeals <u>Infractions</u>	75% within 90 days 90% within 120 days 100% within 270 days
	<u>Infractions</u>	<u>Infractions</u>	100% within 90 days

Civil	Administrative Appeal	Administrative Appeal	75% within 120 days 90% within 180 days 100% within 365 days
	Asbestos	Asbestos	100% within 730 days
	Post- Conviction Relief	Post-Conviction Relief	75% within 120 days 90% within 270 days 100% within 365 days
	Small Claims	Small Claims	100% within 90 days
	Civil Major	Condemnation/Eminent Domain Malpractice Personal Injury Property Damage	75% within 365 days 90% within 545 days 100% within 730 days
	Civil Minor	Contract Collection Foreclosure Other Civil Trust Quiet Title	75% within 120 days 90% within 545 days 100% within 730 days
	Civil Summary	Disorderly Conduct Restraining Order Foreign Judgment Forcible Detainer Name Change Special Proceedings	100% within 90 days
Family	Family Major	Divorce Legal Separation	75% within 180 days 90% within 270 days 100% within 365 days
	Family Minor	Child Support Paternity	75% within 90 days 90% within 180 days

		Parenting Responsibility <u>Adoption</u> <u>Annulment</u> <u>Domestic Violence Protection Order</u> <u>Other Family</u> <u>Post-Paternity</u> <u>Relinquishment of Rights</u> <u>Uniform Interstate Family Support Act (UIFSA)</u> <u>Uniform Child Custody Jurisdiction and Enforcement Act (UCCJ)</u>	100% within 365 days
	Family Summary	Adoption- Annulment- Domestic Violence Protection Order Other Family Post-Paternity- Relinquishment of Rights Uniform Interstate Family Support Act (UIFSA) Uniform Child Custody Jurisdiction and Enforcement Act	100% within 90 days

Probate	Formal/Informal Probate	Probate Administration (Formal) Probate of a Will (Formal) Probate Administration (Informal) Probate of a Will (Informal)	75% within 90 days 90% within 180 days 100% within 365 days
	Guardianships/ Conservatorships	Conservatorship Guardianship Conservatorship of Minor Guardianship of an Incapacitated Person Guardianship of a Minor	75% within 90 days 90% within 180 days 100% within 365 days
	Sexually Dangerous Individual	Sexually Dangerous Individual	100% within 365 days
	Domiciliary Proceeding/ Heirship/Other PR	Domiciliary Proceeding Heirship Other PR	100% within 120 days

Juvenile	Delinquent/ Unruly	Delinquent/ Unruly	Returned to Parental Home - 100% within 150 days
			Placed into Shelter Care - 100% within 120 days of placement
			Placed into Detention - 100% within 60 days
	Deprivation Child in Need of Protection (CHIP)	Deprivation Child in Need of Protection (CHIP)	Returned to Parental Home - 100% within 150 days
			Placed in Shelter Care - 100% within 120 days
	Juvenile Guardianship	Juvenile Guardianship	<u>100% within 150 days</u>
Termination of Parental Rights	Termination of Parental Rights	100% within 180 days	

b. Matters Submitted for Decision.

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

2. If a matter will not be decided within ninety (90) days, the judicial officer must report to the presiding judge within ten (10) days after the due date, indicating the reason the judicial officer has failed to decide the matter. If good cause is found for the delay, the presiding judge may grant an extension of up to ninety (90) additional days to decide the matter.

3. If the matter remains undecided after the extension, the Chief Justice may grant an additional thirty (30) day extension upon a showing of good cause, or may file a report with the Judicial Conduct Commission.

4. If the Chief Justice grants an extension and the matter is not decided in the time granted, the Chief Justice may file a report with the Judicial Conduct Commission.

c. Disability or Illness

The requirements of this policy may be waived by the presiding judge in consultation with the Chief Justice in cases of disability or illness. In such situations, time standards may be waived or cases may be reassigned.

Section 3. Caseflow Management Plans.

Each district court shall prepare and maintain a current caseflow management plan in the format specified by the Supreme Court. These plans and any subsequent amendments shall be filed with the State Court Administrator. Each presiding judge is encouraged to convene a local caseflow management committee to solicit input from other justice system agencies and representative, including the local bar, in the development of a local caseflow management plan.

Section 4. Caseflow Management Information.

Consistent with Policy 507, judges, clerks, and administrators are to review caseflow management reports and information available from the case management system to aid in monitoring the progress of individual cases, as well as assessing overall court performance towards meeting caseflow management goals.

AR 12-1980, effective July 1, 1980; AR 2-1978, AR 2-1981; Section 8, ND Local Ct R. AR 12 amended December 22, 1982, effective November 1, 1983, and July 1, 1983. AR 12 amended March 14, 1985, effective July 1, 1985; amended November 16, 1994, effective January 1, 1995; amended effective October 16, 1996; amended effective January 23, 2003; amended effective September 27, 2017; amended effective [March 1, 2018](#).