N.D. Sup. Ct. Admin. Order 25
Amended Effective May 20, 2020

Administrative Order 25 – Coronavirus Pandemic

[¶1] In response to the coronavirus, COVID-19, pandemic, and as authorized by law, the Justices of the North Dakota Supreme Court declare a state of emergency statewide for the Judicial Branch.

[¶2] Due to the pandemic, and consistent with guidance issued by the Centers for Disease Control and the World Health Organization, the President of the United States declared a national emergency March 13, 2020. The Governor of the State of North Dakota declared a state of emergency March 13, 2020. The Governor ordered public schools closed statewide March 16, 2020 through March 20, 2020.

[¶3] The pandemic presents challenges to the administration of the North Dakota Judicial Branch statewide. An emergency exists that substantially endangers and infringes upon the normal functioning of the judicial system in North Dakota. The pandemic poses a threat to individuals who come into contact with a court or judicial facility and personnel. This order is entered in an effort to slow the spread of COVID-19 and minimize the health risks for those who visit or work in courts.

[¶4] Section 27-02-27, N.D.C.C., grants the Supreme Court authority to declare a state of judicial emergency. Article VI, Section 3, of the North Dakota Constitution gives the Supreme Court authority to promulgate rules and issue orders of practice and procedure for the administration of justice in all civil and criminal actions, and for all proceedings in the courts of this state. Rule 57 of the North Dakota Administrative Rules governs a Supreme Court declaration of a judicial emergency.

[¶5] After consideration, it is hereby ORDERED:

1. Civil jury trials are suspended through July 1, 2020 unless otherwise ordered by the Court.

2. Criminal jury trials are suspended through July 1, 2020 unless otherwise ordered by the Court.

3. Civil and criminal bench trials and hearings are not suspended. However, presiding judges are given discretion until July 1, 2020 to continue bench trials or hearings.

4. For criminal trials, if a district court grants a continuance in a case where a speedy trial has been demanded, by this Order, the Supreme Court determines

the period from March 16, 2020 to July 1, 2020 shall be deducted from the date by which trial must be commenced.

5. Guardianship reviews are suspended until June 1, 2020. Existing guardianships are extended until further order of the Supreme Court.

6. Continuances and extension requests related to COVID-19 should be presumptively granted. This subsection does not apply to mandatory hearings in juvenile holds, juvenile detention, mental health, protection orders, interim family law orders, shelter care, and initial appearances when defendant is detained, or any other hearing required by the district court or statute.

7. Any matter in which a party is detained beyond a deadline or held pending extradition must be reviewed within 14 days after June 1, 2020.

8. ~~Multi-person, in-person, compelled group meetings or hearings, with the exception of specialty courts, are suspended from March 16, 2020 through July 1, 2020.~~ The prior suspension of multi-person, in-person, compelled group meetings or hearings of specialty courts is repealed. Specialty courts may resume convening in-person at the discretion of the presiding judge, subject to following the recommended guidelines for social distancing as provided by the North Dakota Department of Health. Specialty courts retain authority to use electronic communication, small meetings or individual hearings with participants.

9. Unless otherwise ordered, for proceedings suspended under authority of this order the days covered by the judicial emergency are considered legal holidays for time computation under North Dakota's court rules.

[¶6] IT IS FURTHER ORDERED that this order does not suspend, toll, extend, or otherwise grant relief from deadlines, time schedules, or filing requirements required by the Constitution of the United States or the Constitution of North Dakota.

[¶7] IT IS FURTHER ORDERED that this order does not stay or extend any statute of limitation or repose for commencing an action in a civil cases.

[¶8] IT IS FURTHER ORDERED that deadlines to file a notice of appeal to the district court in administrative matters and to the Supreme Court are not extended.

[¶9] This order is adopted on an emergency basis, effective immediately. Amended March 17, 2020, effective immediately. Amended April 15, 2020, effective immediately. Amended May 20, 2020, effective immediately.

[¶9] The Supreme Court of the State of North Dakota convened this 20th day of May, 2020, with the Honorable Jon J. Jensen, Chief Justice, and the Honorable Gerald W. VandeWalle, the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, and the Honorable Jerod E. Tufte, Justices, directing the Clerk of the Supreme Court to enter the above order.

Petra H. Mandigo Hulm
Clerk
North Dakota Supreme Court