CHAPTER 27-02
SUPREME COURT

27-02-01. Appointment and duties of chief justice of the supreme court.

The judges of the supreme court and district courts shall appoint from the members of the supreme court a chief justice who shall serve for a term of five years or until that justice's term expires, whichever shall first occur. The chief justice may resign the office of chief justice without resigning from the office of judge of the supreme court. The chief justice shall preside at all terms of the supreme court. In the absence of the chief justice, the judge having the shortest term to serve shall preside in the chief justice's stead.

27-02-02. Salaries of justices of supreme court.

The annual salary of each justice of the supreme court is two hundred seven thousand two hundred forty-nine dollars. The chief justice of the supreme court is entitled to receive an additional seven thousand six hundred forty-seven dollars per annum.

27-02-02.1. Additional compensation - Supreme and district court judges.

Repealed by S.L. 1975, ch. 266, § 3.

27-02-03. Stenographers for supreme court.

The supreme court may employ such stenographic assistance as may be necessary, but the salaries and expenses therefor may not exceed the amount appropriated for salaries and expenses by the legislative assembly.

27-02-04. Jurisdiction of supreme court - Appellate - Original.

The supreme court may exercise appellate jurisdiction only, except when otherwise specially provided by law or by the constitution. Such court, in the exercise of its original jurisdiction, may issue writs of habeas corpus, mandamus, quo warranto, certiorari, and injunction. In the exercise of its appellate jurisdiction, and in its superintending control over inferior courts, it may issue such original and remedial writs as are necessary to the proper exercise of such jurisdiction. Such court shall exercise its original jurisdiction only in habeas corpus cases and in such cases of strictly public concern as involve questions affecting the sovereign rights of this state or its franchises or privileges.

27-02-05. General powers of supreme court.

The supreme court is vested with full power and authority necessary to carry into complete execution all its judgments, decrees, and determinations in the matters over which it has jurisdiction and for the exercise of its jurisdiction as the supreme judicial tribunal of this state.

27-02-05.1. Administration by supreme court.

The supreme court shall have and exercise administrative supervision over all courts of this state and the judges, justices, or magistrates of such courts under such rules and procedures as it shall from time to time prescribe. The supreme court shall provide to the extent it deems necessary or desirable, rules for:

1. Administrative supervision by the supreme court of all courts.
2. Administrative practice and procedure in all courts, including:
   a. The required filing by all courts of all reports deemed necessary by the supreme court; and
   b. The establishment of uniform standards and procedures for the effective management of court records.

   All judges, clerks of court, and other officers or employees of the courts and of offices related to and serving the courts shall comply with all administrative practice and procedure rules promulgated by the supreme court.
3. Personnel policies, procedures, qualifications, duties, and compensation for court personnel.

4. Uniform financial accounting procedures to be followed by all judicial officers and employees designated to receive and transmit fees, fines, costs, and other moneys. The court may not establish any accounting procedures which conflict with those established by the state auditor for county agencies.
5. The transfer of any matter to any proper court when the jurisdiction of any court has been improvidently invoked.
6. Withdrawal of any case or other matter pending before any judge and to reassign the proceeding or case to another judge, when, in the opinion of the supreme court, the withdrawal and reassignment should be made in order to expedite and promote justice.

27-02-05.2. State juvenile services coordinator - Powers and duties - Selection and salary - Administrative support.

Repealed by S.L. 2005, ch. 276, § 1.

27-02-06. Terms.

Repealed by S.L. 1981, ch. 316, § 2.

27-02-07. Rules relating to the unauthorized practice of the law may be made by supreme court.

The supreme court of this state may make all necessary rules for the restraint of persons unlawfully engaging in the practice of the law in this state.

27-02-08. Rules of pleading, practice, and procedure may be made by supreme court.

The supreme court of this state may make all rules of pleading, practice, and procedure which it may deem necessary for:

1. The administration of justice in all civil and criminal actions, remedies, and proceedings in any and all courts of this state; and
2. The method of taking, hearing, and deciding appeals to the courts from all decisions of public officers, boards, commissions, departments, and institutions exercising quasi-judicial functions, in any case in which an appeal from any such decision is allowed by law.

27-02-09. Statutes regulating procedure effective as rules of supreme court.

All statutes relating to pleadings, practice, and procedure in civil or criminal actions, remedies, or proceedings, enacted by the legislative assembly, have force and effect only as rules of court and remain in effect unless and until amended or otherwise altered by rules promulgated by the supreme court.

27-02-10. Limitation on rulemaking powers of supreme court.

No rule promulgated under sections 27-02-07 and 27-02-08 may abridge, enlarge, or modify in any manner the substantive rights of any litigant.

27-02-11. Notice of intention to promulgate rule - Requirement - Method of giving - Hearing interested parties.

Repealed by S.L. 1981, ch. 317, § 1.

27-02-12. Proposal of new rules and amendments to rules of practice by attorneys.

Repealed by S.L. 1981, ch. 317, § 1.

27-02-13. Means of putting into effect rules or amendments to rules adopted by supreme court.

Repealed by S.L. 1981, ch. 317, § 1.

27-02-14. Effective date of rules promulgated by supreme court.

Repealed by S.L. 1981, ch. 317, § 1.

27-02-15. Duties of clerks of district courts with reference to rules - Rules open to inspection.

Repealed by S.L. 1981, ch. 317, § 1.

27-02-16. Issuance and return of writs by supreme court.

The supreme court, subject to such regulations and conditions as it may prescribe, always must be open for the issuance and return of all writs and process which it may lawfully issue and for the hearing and determination of the same. Any judge of said court may order the issuance of any such writ or process and prescribe the time and manner of service and the time and place of return of the same. In cases of habeas corpus, the judge of the supreme court who issues or causes the writ to issue may direct that the writ must be made returnable and must be heard and determined, either before the supreme court or any judge thereof, or before any district court of this state, or any judge of any district court of this state. Any district court or any judge thereof before whom any writ is made returnable as prescribed in this section is authorized to carry into complete execution all of its judgments, decrees, and determinations, subject to appeal as provided by law.

27-02-17. Issues of fact in original proceedings in supreme court may be sent to district court for trial.

If an issue of fact is joined, or an assessment of damages by a jury is necessary, in any action or proceeding commenced in the supreme court, the court, in its discretion, may send the same to some district court, and it there must be determined in the same manner as other issues of fact are tried or other assessments are made, and a return thereof must be made as directed by the supreme court. In such cases, the supreme court may order a special verdict to be found and returned.

27-02-18. Calendar of the supreme court.

All cases pending in the supreme court, on appeal or otherwise, must be placed on the calendar of such court and are subject to call for argument and for final disposition in such manner and at such times as the supreme court, by rule or order, may prescribe.

27-02-19. Causes given preference on supreme court calendar.

On a second and each subsequent appeal to the supreme court, or when an appeal has once been dismissed for defect or irregularity, the cause must be placed upon the calendar as of the time of filing the first appeal. If an appeal is taken from any judgment or order for or against the state of North Dakota, any state officer, or any board of state officers, as sole plaintiff or defendant, such appeal must have a preference in the supreme court and upon motion of either party thereto may be moved out of the order on the calendar.

27-02-20. When causes on calendar stand over.

If, for any cause, there is no general term of the supreme court at the time fixed therefor by law, or if there is a continuance of the term of said court or a change in the time of holding any term by rule of court or otherwise, all causes then upon the calendar of said court, all writs, recognizances, appeals, and proceedings commenced, taken, or made returnable to said court at said term, must stand over to and be heard at the next general term with like effect as if no such failure, continuance, or change had occurred.

27-02-21. Adjournments.

If a majority of the judges of the supreme court do not attend on the first or on any other day of a term, the clerk of such court must enter such fact on record, and the judge or judges present shall adjourn the court to the next day and so on from day to day for six days, if a majority of the judges fail to appear. At the end of such period, said court must be adjourned and

all matters pending therein must stand continued until the next regular or special term. If none of the judges appear at such time, the clerk of said court may adjourn the term from day to day as provided in this section.

27-02-22. Majority of judges must concur in judgment - Effect if concurrence of majority is lacking.

The concurrence of a majority of the judges of the supreme court is necessary to pronounce judgment. If a majority does not concur, the case must be reheard, but no more than two rehearings may be had. If on the second rehearing a majority of the judges does not concur, the judgment must be affirmed.

27-02-23. Decisions must be written - Filing - Requirement.

The supreme court, in any case decided by it, shall give its decision in writing, which must be filed with the clerk of said court with the other papers in the case. A decision in a case heard at a general or special term, and all orders affecting the same, may be filed in vacation, and judgment entered thereon in pursuance of the finding and order of the court with the same effect as upon a decision made and filed in that term.

27-02-24. Regulations governing publication and distribution of official reports to be made by supreme court.

The supreme court, by rules and regulations, shall provide for the filing, printing, publication, and distribution of the official reports of the opinions of the court and for the making of a contract through the supreme court reporter with any person, corporation, or limited liability company for the printing, publishing, or distributing of such reports, not in excess of the biennial appropriation made for that purpose by the legislative assembly.

27-02-25. Supreme court may call special terms for district courts - Court may designate judge to preside.

Repealed by S.L. 1981, ch. 316, § 2.

27-02-26. Uniform traffic summons and complaint.

Repealed by S.L. 1959, ch. 249, § 2.

27-02-27. Judicial emergency.

1. If the supreme court of this state declares a judicial emergency due to an emergency or natural disaster that substantially endangers or infringes upon the normal functioning of the judicial system, the ability of persons to avail themselves of the judicial system, or the ability of litigants or others to have access to the courts or to meet schedules or time deadlines imposed by law or court order, notice of the declaration must be provided as required by supreme court rule.
2. An order declaring a judicial emergency may suspend, toll, extend, or otherwise grant relief from deadlines, time schedules, statutes of limitations, statutes of repose, or filing requirements imposed by law, whether in civil or criminal cases, administrative matters, or any other legal proceedings as determined by the supreme court. An order declaring a judicial emergency may not suspend, toll, extend, or otherwise grant relief from deadlines, time schedules, or filing requirements that are required by the United States Constitution or the Constitution of North Dakota.