CHAPTER 29-15
REMOVAL OF CAUSE AND CHANGE OF JUDGE

29-15-01. Causes for removal of action.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-02. Petition - Notice - Time to prepare.
Superseded by N.D.R.Crim.P., Rules 21, 22.

29-15-03. Court must order only one change.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-04. Duty of clerk.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-05. Disposition of defendant upon removal.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-06. Court may require bail.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-07. Witnesses upon removal - Undertaking - Notice - Subpoena.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-08. Trial upon removal - Original pleadings - Copies.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-09. Clerk, neglect upon removal - Damages.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-10. Several defendants, removal by one.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-11. Removal by state - Procedure.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-12. Prosecution by officers of county where action was commenced - Jurisdiction of court.
Superseded by N.D.R.Crim.P., Rule 21.

29-15-13. Prejudice or bias of judge - Affidavit - Filing.
Repealed by S.L. 1971, ch. 316, § 2.

29-15-14. Affidavit of prejudice to be filed.
Repealed by S.L. 1971, ch. 316, § 2.

29-15-15. The supreme court to designate trial judge.
Repealed by S.L. 1971, ch. 316, § 2.

29-15-16. Judge designated to conduct trial forthwith - Notice to parties.
Repealed by S.L. 1971, ch. 316, § 2.

29-15-17. Expenses of judge designated.
Repealed by S.L. 1971, ch. 316, § 2.

29-15-18. Jurors not to be excused by disqualified judge.
Repealed by S.L. 1951, ch. 203, § 1.

29-15-19. Only one change of judges allowable.
Repealed by S.L. 1971, ch. 316, § 2.

29-15-20. Procedure when affidavit of prejudice and for change of venue is filed in criminal action.
Repealed by S.L. 1971, ch. 316, § 2.

29-15-21. Demand for change of judge.

1. Subject to the provisions of this section, any party to a civil or criminal action or proceeding pending in the district court may obtain a change of the judge before whom the trial or any proceeding with respect thereto is to be heard by filing with the clerk of the court in which the action or proceeding is pending the original of a written demand for change of judge, executed either:
   a. By the personal signature of the party, if an individual, and by the personal signature of an authorized officer or manager, if a corporation, limited liability company, or association; or
   b. By the attorney for a party with the permission of the party, in which event the attorney shall file with the demand a certificate that the attorney has mailed a copy of the demand to such party.
2. The demand is invalid unless it is filed with the clerk of the court not later than ten days after the occurrence of the earliest of any one of the following events:
   a. The date of the notice of assignment or reassignment of a judge for trial of the case;
   b. The date of notice that a trial has been scheduled; or
   c. The date of service of any ex parte order in the case signed by the judge against whom the demand is filed.
3. Any party who has been added, voluntarily or involuntarily, to the action or proceeding after the date of any occurrence in subsection 2 has the right to file a demand for change of judge within ten days after any remaining event occurs or, if all of those events have already occurred, within ten days after that party has been added. In any event, no demand for a change of judge may be made after the judge sought to be disqualified has ruled upon any matter pertaining to the action or proceeding in which the demanding party was heard or had an opportunity to be heard. Any proceeding to modify an order for alimony, property division, or child support pursuant to section 14-05-24 or an order for child custody pursuant to section 14-05-22 must be considered a proceeding separate from the original action and the fact that the judge sought to be disqualified made any ruling in the original action does not bar a demand for a change of judge.
4. The demand for change of judge must state that it is filed in good faith and not for the purposes of delay. It must indicate the nature of the action or proceeding, designate the judge sought to be disqualified, and certify that that judge has not ruled upon any matter pertaining to the action or proceeding in which the moving party was heard or had an opportunity to be heard.
5. Upon the filing of the demand for change of judge, the clerk shall immediately send a copy of the demand for a change of judge to the presiding judge of the judicial district and the judge sought to be disqualified.
6. Upon receipt of a copy of a demand for change of judge, the judge sought to be disqualified has no authority or discretion to determine the timeliness or validity of the demand and shall proceed no further or take any action in the action or proceeding and is thereafter disqualified from doing any further act in the cause unless the demand is invalidated by the presiding judge. The judge sought to be disqualified shall promptly submit to the presiding judge any comments the judge may have regarding

the demand. If the presiding judge thereafter invalidates the demand because it was not timely filed or for other reasons, the judge sought to be disqualified shall resume jurisdiction in the case and hear and determine the case to conclusion.

7. If a demand for a change of judge has been made and another judge assigned by the presiding judge of the judicial district, the presiding judge may decline to grant another demand for a change of judge made by a party whose interests in the matter are not adverse to those of the party whose demand was granted. A judge assigned by the presiding judge pursuant to a demand for change of judge is not disqualified upon a subsequent demand for change of judge unless and until the subsequent demand is granted and notice thereof is given to that judge by the presiding judge. A subsequent demand for a change of judge may be made only within five days after receiving notice of the assignment of a judge by the presiding judge pursuant to a previous demand.
8. Upon receipt of a timely filed demand for a change of judge from the clerk of the court, the presiding judge of the judicial district in which the demand is filed shall promptly designate another judge to act in the place and stead of the judge disqualified.
9. The judge designated, after receiving such notice of the assignment from the presiding judge, shall promptly proceed with the hearing or trial, first giving to the parties or their attorneys reasonable notice of the date of the hearing or trial.