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COMMONWEALTH SUPREME COURT
DATE/TIME: 11/08/01 8:15a
BY: [Signature]
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**IN THE SUPREME COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**IN THE MATTER OF
INTERNAL OPERATING PROCEDURES
GOVERNING JUDICIAL ADMINISTRATION**

JUDICIAL ADMINISTRATIVE ORDER NO. 2001-501

¶1 WHEREAS, in 1997, Article IV of the Constitution of the Commonwealth of the Northern Mariana Islands was amended by Legislative Initiative 10-3, so that the Judicial Branch of this Commonwealth have a firm and secure constitutional foundation, co-equal with and independent of the executive and legislative branches;

¶2 WHEREAS, Legislative Initiative 10-3 empowers the Chief Justice of the Commonwealth Supreme Court to propose rules governing civil and criminal procedure, judicial ethics, admission to and governance of the bar, and other matters of judicial administration;

¶3 WHEREAS, Legislative Initiative 10-3 mandates the Chief Justice to submit a unified annual budget for the judiciary to the legislature;

¶4 WHEREAS, Legislative Initiative 10-3 directs the Chief Justice to submit to the people of the Commonwealth an annual report on the state of the judiciary;

¶5 WHEREAS, 1 CMC §3401(a) provides that administrative responsibility for the Commonwealth judiciary is vested in the Supreme Court of the Commonwealth, under the direction of the Chief Justice;¹

¹1 CMC §3401(a) predates the passage of Legislative Initiative 10-3. However, Section 3 of the Initiative provides that "... all laws, regulations, and rules affecting the judiciary shall continue to exist and operate as if established pursuant to [Legislative Initiative 10-3] and shall, unless clearly inconsistent, be read to be consistent with Article IV, as amended." [Insertion made] 1 CMC §3401(a) is clearly consistent with both the spirit and letter of Legislative Initiative 10-3.

¶6 WHEREAS, 1 CMC §3104 provides that the Supreme Court has supervisory jurisdiction over the Superior Court and its judges;² and

¶7 WHEREAS, internal operating procedures governing judicial administration need to be established so that the Commonwealth judiciary, its justices, judges, and employees³ have a clear understanding and direction in the execution of their respective duties and responsibilities under the Constitution and laws of the Commonwealth of the Northern Mariana Islands;

¶8 NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- ¶9 1. *PROPOSED RULES.* All proposed rules⁴ governing civil and criminal procedure, judicial ethics, admission to and governance of the bar, and other matters of judicial administration shall be submitted to the Office of the Chief Justice for review, approval, and transmittal to the legislature.
- ¶10 2. *BUDGET SUBMISSIONS.* A unified annual budget of the Commonwealth judiciary shall be submitted to the Office of the Chief Justice for review, approval, and transmittal to the legislature. The presiding judge of the Superior Court and the Executive Director of the Law Revision Commission shall submit the proposed budget of their respective offices with appropriate justifications no later than January 15 of each year.
- ¶11 3. *JUDICIAL BRANCH POLICIES.* The policies of the Judicial Branch shall be enunciated by the Supreme Court or by the Office of the Chief Justice of the Supreme Court. Accordingly, any and all actions or communications by a justice, judge, or employee of the Commonwealth judiciary which affect judicial administration policy shall first be submitted to the Office of the Chief Justice for review, approval, adoption, and dissemination. The review process shall, *inter alia*, take into account the independence of the judiciary and the separation of powers doctrines.
- ¶12 4. *JUSTICES' EXECUTIVE MEETINGS.* An executive meeting between the Chief Justice and the Associate Justices may be convened by the Chief Justice at any time for the purpose of discussing policies of the Commonwealth judiciary and addressing other matters of judicial administration. Attendance in these meetings is mandatory and discussion of pending cases is strictly prohibited.

² This statutory provision which also predated the passage of Legislative Initiative 10-3 is clearly consistent with Section 3 of Legislative Initiative 10-3.

³ The term “employee” as used in this Order includes employees of the Supreme Court, Superior Court, Family Court Division, Commonwealth Recorder’s Office, Probation Office, and the Commonwealth Law Revision Commission.

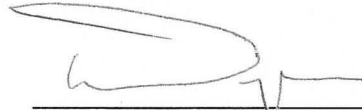
⁴ The statutory rule-making power of the Presiding Judge under 1 CMC §3403(b) is clearly inconsistent with the Chief Justice’s constitutional rule-making authority and administrative responsibility of the Commonwealth Judicial Branch. *See*, Section 3 of Legislative Initiative 10-3.

- ¶13 5. *JUSTICES & JUDGES EXECUTIVE MEETINGS.* An executive meeting between the Chief Justice and the Associate Justices, Presiding Judge, and the Associate Judges shall be bi-monthly for the purpose of discussing policies of the Commonwealth judiciary and addressing other matters of judicial administration. Attendance in these meetings is mandatory and discussion of pending cases is strictly prohibited.
- ¶14 6. *LEGISLATIVE BILLS.* A justice or a judge may personally comment and/or testify on legislative bills which seeks to improve the administration of justice in the Northern Mariana Islands. A copy of such comment or testimony shall be provided to the Chief Justice of the Commonwealth Supreme Court. No justice, judge, or judicial branch employee shall prepare, submit, testify, or otherwise author a bill on behalf of the Commonwealth judiciary without the prior knowledge and approval of the Office of the Chief Justice.
- ¶15 7. *BENCH/BAR COMMITTEE MEETINGS.* Justices and Judges shall attend the Bench/Bar Committee Meetings conducted periodically by the Northern Mariana Islands Bar Association so that matters affecting the administration of justice and the operations of the Commonwealth courts as they affect attorneys and litigants may be dealt with on a timely fashion.
- ¶16 8. *ANNUAL REPORTS.* To ensure timely preparation and delivery of the Report on the State of the Commonwealth judiciary to the People of the Commonwealth, the Presiding Judge of the Superior Court and the Executive Director of the Law Revision Commission shall submit a report of their respective offices on or before February 15 of each year which shall include but not be limited to activities, caseloads, statistics, accomplishments, future plans, and other pertinent information.
- ¶17 9. *BUSINESS HOURS.* The business hours of the Commonwealth Supreme Court shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on holidays.⁵ The business hours of the Commonwealth Superior Court shall be as provided for in Rule 22 of the Commonwealth Rules of Practice. These business hours may be suspended by the Office of the Chief Justice in the event of an emergency or in cases where a judicial branch activity or event requires its suspension.
- ¶18 10. *COMPLIANCE.* In accordance with 1 CMC §3401(a) and the Code of Judicial Conduct, the Chief Justice shall report any case of neglect or refusal to comply with this Order to the permanent panel of the Commonwealth Supreme Court, including the name(s) of any judicial officer or personnel involved, the nature of the refusal to comply, and the text of any violation of this Order. The Supreme Court may require the attendance of the judicial officer or personnel involved at an Administrative Order to Show Cause hearing before the Supreme Court. The Supreme Court may

⁵ See, Memorandum Re Adoption of Executive Branch 2002 Legal Holidays dated September 10, 2001 issued by the Chief Justice.

enter such orders as may be appropriate to the circumstances of each case.

SO ORDERED this 8th of November, 2001.



MIGUEL S. DEMAPAN, Chief Justice



ALEXANDRO C. CASTRO, Associate Justice



JOHN A. MANGLONA, Associate Justice