



IN THE  
**SUPREME COURT**  
OF THE  
**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

---

IN RE THE  
**NORTHERN MARIANA ISLANDS SUPRME COURT RULES**

---

**SUPREME COURT NO. 2010-ADM-0002-RUL**

---

**ADMINISTRATIVE ORDER**

¶1 On December 1, 2009, the attached rule establishing the Judicial Council was adopted as Rule 52 of the former Appellate Rules. On January 20, 2010, the *Northern Mariana Islands Supreme Court Rules* were adopted. As indicated in the Order, adopting said rules and in the introduction of the *Supreme Court Rules*, this body of rules is intended to incorporate the *Rules of Appellate Procedure*, and will continue to incorporate other rules which govern, among other things, the Judicial Council. It is the intention of the Court that Rule 52 be incorporated into the *Supreme Court Rules* as Title VIII: *The Rules of the Judicial Council* and that *Appellate Rules 49 – 51* are left intentionally blank and reserved. Further, to the extent which Administrative Order No. 2010-ADM-001-RUL repealed or modified Rule 52 with adoption of the new *Rules of Appellate Procedure*, that Order is hereby amended.

¶2 IT IS HEREBY ORDERED that *The Rules of the Judicial Council*, be incorporated as Title VIII of the *Northern Mariana Islands Supreme Court Rules* and are permanent pursuant to Article IV, § 9A of the Commonwealth Constitution. Further,

*Judicial Council Rules 53-60 shall be intentionally left blank and reserved.*

Dated this 6th day of July, 2010.

/s/ \_\_\_\_\_  
MIGUEL S. DEMAPAN  
Chief Justice

/s/ \_\_\_\_\_  
ALEXANDRO C. CASTRO  
Associate Justice

/s/ \_\_\_\_\_  
JOHN A. MANGLONA  
Associate Justice

## **Rule 52. Judicial Council**

- (a) **General.** In an effort to ensure fair, accountable, and efficient court management, and to institutionalize an administrative structure that strengthens public trust in the judicial branch, there is established a Northern Mariana Islands Judicial Council. The Council shall oversee court administration, set policies and procedures for all Commonwealth courts, and perform such other tasks as provided in this rule. The Council shall be authorized to execute such authority over judicial branch administration as granted to the Supreme Court under Commonwealth law.
- (b) **Composition.**
- (1) **Judicial Council Members.** The Council shall consist of five voting members and at least three nonvoting members.
- (A) **Voting Members.** Voting members of the Council shall include:
- (i) the justices of the Supreme Court;
  - (ii) the presiding judge of the Superior Court, or the acting presiding judge as provided by law; and
  - (iii) an associate judge of the Superior Court who shall be elected by a simple majority vote of all Superior Court judges (the “elected judge”).
- (B) **Non-voting Members.** Non-voting members of the Council shall include:
- (i) the Clerk of the Supreme Court;
  - (ii) the Clerk of the Superior Court;
  - (iii) the president of the Northern Marianas Islands Bar Association or his or her designee; and
  - (iv) other individuals as may be determined by the Council.
- (2) **Term of Membership.** Except as provided in this section, each member shall serve on the Council for the duration of his or her time in the office upon which his or her membership is based.
- (A) The elected judge shall serve a two year term.
- (B) The term of persons whose membership is based on Rule 60(b)(1)(B)(iv) shall be set by the Council at the time of the person’s appointment.
- (3) **Chairperson.** The chief justice shall serve as chairperson of the Council.
- (A) **Powers and Responsibilities.** The chairperson shall have such additional authority as provided in this rule or by Council resolution, but shall in all other respects enjoy the same powers and responsibilities as the other voting members.
- (B) **Temporary Absence.** If the chief justice is absent, the acting chief justice shall serve as the chairperson.
- (c) **Meetings.** The Council shall hold regular meetings. The Council shall determine the location and frequency of its meetings, but the Council must meet at least quarterly within the Commonwealth. The chairperson may call special meetings as needed.
- (1) **Quorum.** A quorum is required for the Council to take an official action.

- (A) A quorum exists if a majority of the voting members are present, including at least one judge of the Superior Court.
- (B) If the elected judge is unavailable to attend a meeting, the presiding judge, or the acting presiding judge, may designate an associate judge of the Superior Court to serve during the elected judge's unavailability.
- (2) Majority Vote Required. A majority vote of the members present shall be required for the Council to act. However, the Council may require a supermajority vote in certain instances.
- (3) Meetings Generally Public. Meetings are generally open to the public.
  - (A) Notice. Notice of the time and location of a meeting shall be made public at least one week prior to a meeting, except in the case of a special meeting called by the chairperson when circumstances necessitate a shorter notice period. The notice shall include a copy of the meeting agenda.
  - (B) Exclusion of Public or Non-voting Members.
    - (i) The Council may, by majority vote, exclude the public during discussion of confidential matters.
    - (ii) The Council may, by unanimous vote, exclude any or all non-voting members during discussion of confidential matters.
- (d) Resolutions.** The Council may pass binding resolutions regarding any topic over which the Council is authorized to act. The Council's authority shall include, among other things:
  - (1) promulgating rules governing Council business;
  - (2) setting judicial branch administrative policies and procedures and overseeing court managers responsible for effectuating such policies and procedures;
  - (3) recommending court rules to the Supreme Court for submission to the legislature;
  - (4) reviewing proposed legislation and suggesting new legislation affecting the judicial branch; and
  - (5) performing such other functions as provided by law.



# **Northern Mariana Islands Supreme Court Rules**

## **Title VIII Rules of Judicial Council**

Effective January 12, 2010

## Table of Contents

<b><u>TITLE VIII. THE RULES OF THE JUDICIAL COUNCIL</u> .....</b>	<b>3</b>
<b><u>Rule 52. Judicial Council</u>.....</b>	<b>3</b>

## **TITLE VIII. THE RULES OF THE JUDICIAL COUNCIL**

### **Rule 52. Judicial Council**

- (a) General. In an effort to ensure fair, accountable, and efficient court management, and to institutionalize an administrative structure that strengthens public trust in the judicial branch, there is established a Northern Mariana Islands Judicial Council. The Council shall oversee court administration, set policies and procedures for all Commonwealth courts, and perform such other tasks as provided in this rule. The Council shall be authorized to execute such authority over judicial branch administration as granted to the Supreme Court under Commonwealth law.
- (b) Composition.
- (1) Judicial Council Members. The Council shall consist of five voting members and at least three nonvoting members.
    - (A) Voting Members. Voting members of the Council shall include:
      - (i) the justices of the Supreme Court;
      - (ii) the presiding judge of the Superior Court, or the acting presiding judge as provided by law; and
      - (iii) an associate judge of the Superior Court who shall be elected by a simple majority vote of all Superior Court judges (the “elected judge”).
    - (B) Non-voting Members. Non-voting members of the Council shall include:
      - (i) the Clerk of the Supreme Court;
      - (ii) the Clerk of the Superior Court;
      - (iii) the president of the Northern Marianas Islands Bar Association or his or her designee; and
      - (iv) other individuals as may be determined by the Council.
  - (2) Term of Membership. Except as provided in this section, each member shall serve on the Council for the duration of his or her time in the office upon which his or her membership is based.
    - (A) The elected judge shall serve a two year term.
    - (B) The term of persons whose membership is based on Rule 60(b)(1)(B)(iv) shall be set by the Council at the time of the person’s appointment.
  - (3) Chairperson. The chief justice shall serve as chairperson of the Council.

- (A) Powers and Responsibilities. The chairperson shall have such additional authority as provided in this rule or by Council resolution, but shall in all other respects enjoy the same powers and responsibilities as the other voting members.
  - (B) Temporary Absence. If the chief justice is absent, the acting chief justice shall serve as the chairperson.
- (c) Meetings. The Council shall hold regular meetings. The Council shall determine the location and frequency of its meetings, but the Council must meet at least quarterly within the Commonwealth. The chairperson may call special meetings as needed.
- (1) Quorum. A quorum is required for the Council to take an official action.
    - (A) A quorum exists if a majority of the voting members are present, including at least one judge of the Superior Court.
    - (B) If the elected judge is unavailable to attend a meeting, the presiding judge, or the acting presiding judge, may designate an associate judge of the Superior Court to serve during the elected judge's unavailability.
  - (2) Majority Vote Required. A majority vote of the members present shall be required for the Council to act. However, the Council may require a supermajority vote in certain instances.
  - (3) Meetings Generally Public. Meetings are generally open to the public.
    - (A) Notice. Notice of the time and location of a meeting shall be made public at least one week prior to a meeting, except in the case of a special meeting called by the chairperson when circumstances necessitate a shorter notice period. The notice shall include a copy of the meeting agenda.
    - (B) Exclusion of Public or Non-voting Members.
      - (i) The Council may, by majority vote, exclude the public during discussion of confidential matters.
      - (ii) The Council may, by unanimous vote, exclude any or all non-voting members during discussion of confidential matters.
- (d) Resolutions. The Council may pass binding resolutions regarding any topic over which the Council is authorized to act. The Council's authority shall include, among other things:
- (1) promulgating rules governing Council business;
  - (2) setting judicial branch administrative policies and procedures and overseeing court managers responsible for effectuating such policies and procedures;



- (3) recommending court rules to the Supreme Court for submission to the legislature;
- (4) reviewing proposed legislation and suggesting new legislation affecting the judicial branch; and
- (5) performing such other functions as provided by law.