



# **Northern Mariana Islands Supreme Court Rules**

## **TITLE VIII Rules of Judicial Council**

Effective March 18, 2020



**E-FILED**  
**CNMI SUPREME COURT**  
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NoraV Borja

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

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**IN RE THE RULES OF JUDICIAL COUNCIL**

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SUPREME COURT NO. 2020-ADM-0003-RUL

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**ORDER ADOPTING AMENDMENTS TO THE RULES OF JUDICIAL COUNCIL**

¶ 1 On January 8, 2020, the attached proposed amendments to the Rules of Judicial Council, encompassed at Rule 52 of the NMI Supreme Court Rules, was submitted to the Twenty-First Northern Marianas Commonwealth Legislature for approval. Sixty days have elapsed since submission and neither house of the legislature has disapproved of the proposed rule amendments.

¶ 2 IT IS HEREBY ORDERED that the amendments to the Rules of Judicial Council, attached as Exhibit A, is adopted pursuant to Article IV, Section 9 of the NMI Constitution. The amendments are effective as of the date of this Order.

SO ORDERED this 18th day of March, 2020.

/s/  
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ALEXANDRO C. CASTRO  
Chief Justice

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

/s/  
\_\_\_\_\_  
PERRY B. INOS  
Associate Justice



## **EXHIBIT A**

### **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 non-voting 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 52(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 at a regular or special meeting.
    - (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 at a regular or special meeting. 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) Council Action without Meeting. Any action which may be taken at a meeting of the Council, may be taken without a meeting if written consent, setting out the action so taken, shall be signed by all of the voting members. Any action taken under this section shall be announced and entered into the minutes at the next regular or special meeting.
- (e) 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.