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CNMI SUPREME COURT
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Deanna M Ogo

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

IN RE THE NORTHERN MARIANA ISLANDS
SUPREME COURT RULE 53

ADMINISTRATIVE ORDER 2018-ADM-0002-RUL

ORDER

¶ 1 On January 23, 2018, the attached proposed *Northern Mariana Islands Supreme Court Rule 53* was submitted to the Nineteenth Northern Marianas Commonwealth Legislature for approval. Sixty (60) days have elapsed since submission and neither house of the Legislature has disapproved of the proposed rules.

¶ 2 IT IS HEREBY ORDERED that the *Northern Mariana Islands Supreme Court Rule 53*, attached as Exhibit A, is adopted as permanent pursuant to Article 4, § 9 of the NMI Constitution. Rule 53 became effective on March 26, 2018; and the former *Rule 18 of Northern Mariana Islands Rules of Practice*, which took effect on January 19, 2005, is hereby replaced by Rule 53.

SO ORDERED this 17th day of April, 2018.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLONA
Associate Justice

/s/

PERRY B. INOS
Associate Justice



Rule 53. PHOTOGRAPHING; RECORDING; BROADCAST

- (a) **Photographing, Recording, Broadcasting, and Webcasting Prohibited.** Except as provided in subsection (b) of this rule, proceedings in this Court and the Superior Court may not be photographed, recorded, broadcasted, or webcasted.
- (b) **Exceptions.**
- (1) **Voice Recording by Court Reporters Permitted.** Official court reporters are permitted to make voice recordings for the sole purpose of discharging their official duties.
 - (2) **Photographing, Recording, Broadcasting, Webcasting, and Archiving Permitted by the Court and Superior Court.** As public service, the Court and the Superior Court are permitted to photograph, record, broadcast, webcast, and archive trial and appellate court proceedings in accordance with the policies and procedures of this Court. This rule is not intended to provide an official record of proceedings. Webcast or broadcast may not be re-published in any manner by any person, in whole or in part, without the prior express written permission of the Court.



RULES OF PRACTICE

COMMONWEALTH SUPERIOR COURT

EFFECTIVE DATE JANUARY 19, 2005

FILED
CLERK OF COURT
COMMONWEALTH SUPREME COURT
DATE/TIME: 7-12-00 3:10
BY: *Quinn*
CLERK

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

IN RE THE MATTER OF
COURTROOM ATTIRE.

GENERAL ORDER NO. 2000-100

ORDER

Effective July 25, 2000 all attorneys and their staff appearing before the Commonwealth Supreme Court in Saipan, Tinian, or Rota must be appropriately groomed and dressed in business attire. Following are the guidelines for acceptable courtroom dress.

Appropriate (✓) Attire Includes:

- Men's business suit and tie
- Women's pantsuit or dress suit
- Dress pants and dress shirt with tie or blouse, with blazer or jacket
- Dress with blazer or jacket
- Skirt and blouse, with blazer or jacket
- Dress shoes, women's pumps


Prohibited (X) Attire Includes:

- Island shirts and dresses
- Jeans or shorts
- Leggings
- Extremely short dresses
- See-through blouses
- Halter Tops
- Midriffs
- Athletic shoes, zoris or thong slippers

Supreme Court law clerks and personnel from the Clerk of Court's Office must also adhere to the dress code. Persons unable to comply with this Order because of medical reasons are hereby excused.

SO ORDERED this 11th day of July, 2000.


MIGUEL S. DEMAPAN, Chief Justice


ALEXANDRO C. CASTRO, Associate Justice


JOHN A. MANGLONA, Associate Justice

FILED
CLERK OF COURT
GENERAL SUPREME COURT
DATE/11: E. 8/8/00 2:45P
BY: [Signature]
CLERK

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

IN RE THE MATTER OF)
CITATION TO LOCAL CASE LAW.)
ORDER)

WHEREAS, it has been the experience of the Court that many attorneys in this Commonwealth fail to include citations to local case law in their legal memoranda; and

WHEREAS, cases of the Commonwealth Supreme and Superior Courts are now readily accessible in a searchable database on CD-ROM available through the Commonwealth Law Revision Commission;

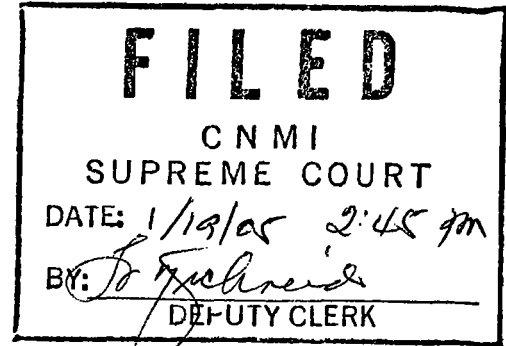
NOW, THEREFORE, effective September 2000, all attorneys practicing before the Commonwealth Supreme Court are put on notice that all briefs and other legal memoranda filed with the Court must contain citations to local cases, wherever relevant. Failure to cite to a local case that is binding authority for a legal proposition advanced by counsel may result in the imposition of sanctions on counsel.

DATED this 8th day of August, 2000.

[Signature]
MIGUEL S. DEMAPAN, Chief Justice

[Signature]
ALEXANDRO C. CASTRO, Associate Justice

[Signature]
JOHN A. MANGLONA, Associate Justice



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

IN RE:

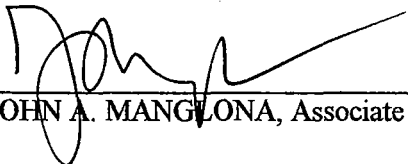
ATTORNEY'S CNMI BAR IDENTIFICATION NUMBER

GENERAL ORDER NO. 2005-100

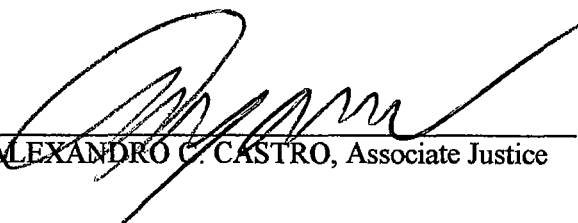
ORDER

¶1 All attorneys licensed to practice law in the Commonwealth Courts shall affix their Commonwealth Bar Association identification number immediately to the right of their names on the signature page of all pleadings filed in the Commonwealth Courts. Attorneys admitted Pro Hac Vice shall affix their identification number issued by the Clerk of Court of the Commonwealth Supreme Court.

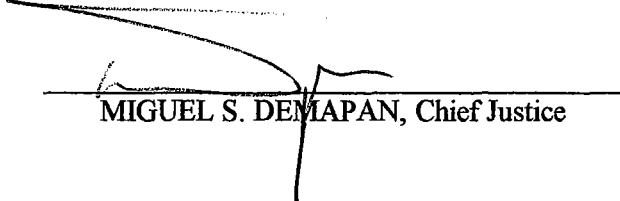
SO ORDERED this 19th day of January, 2005.



JOHN A. MANGIONA, Associate Justice



ALEXANDRO C. CASTRO, Associate Justice



MIGUEL S. DEMAPAN, Chief Justice



Superior Court
of the
Commonwealth of the Northern Mariana Islands

P.O. Box 307, Saipan, MP 96950

Presiding Judge
Alexandro C. Castro

Associate Judge
Marty W.K. Taylor

Associate Judge
Miguel S. Demapan

Associate Judge
Edward Manibuan

Telephones: (670) 234-6401/2/3/4
Telecopier: (670) 234-8010

NOTICE TO COUNSEL

Rule 8(a) of the Commonwealth Rules of Practice has been amended by adding subsection (3). The following amendment shall take effect on January 17, 1994, and reads as follows:

(3) Length of Memorandum. Except by prior permission of the court, the memorandum of law in support of or in opposition to a motion may not exceed twenty-five (25) pages, and a reply memorandum may not exceed fifteen (15) pages. Pages containing exhibits, the table of contents, the table of citations and addenda containing statutes, rules, regulations, etc., are excluded from the page limitation.

This amendment shall apply to all memoranda of law in support of motions filed on or after January 17, 1994, and all opposition memoranda and replies relating to the motions filed on or after that date.


ALEXANDRO C. CASTRO, Presiding Judge

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

**IN RE THE
ADOPTION OF UNIVERSAL CITATIONS
FOR APPELLATE OPINIONS**

GENERAL ORDER NO. 2001- 100

FILED
CLERK OF COURT
CNMI SUPREME COURT
DATE/TIME: Dec 21 2:09p
BY: [Signature]
CLERK
[Signature]

ORDER

¶1 WHEREAS, the matter came on for consideration upon the Court's own motion to adopt a public domain citation format for appellate opinions, as described under rules 10.3.1 and 10.3.3 of The Bluebook; A Uniform System of Citation (17th Ed. 2000); and

¶2 WHEREAS, the court recognizes that advanced technology for disseminating judicial opinions has developed with the proliferation of computers and the Internet, and that the traditional citation format developed solely for the print medium has become inefficient in the age of electronic document access; and

¶3 WHEREAS, the American Bar Association and the American Association of Law Libraries have issued committee reports and recommendations favoring adoption of a new vendor-neutral and medium-neutral public domain citation format for judicial opinions, which remains constant from the date of issuance throughout all the various media now used to disseminate judicial opinions;

¶4 NOW THEREFORE, this Court adopts the public domain citation format recommended by the American Association of Law Libraries (AALL), as published in the Universal Citation Guide (1999)¹, containing the following four elements without extraneous commas or periods: 1) the calendar year of issuance, 2) the geographic court designation of "MP", 3) a sequential opinion number and, for pinpoint

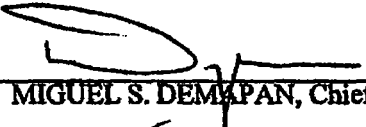
¹Published by the State Bar of Wisconsin, 5302 Eastpark Blvd., PO Box 7158, Madison WI 53707-7158 and available at the CNMI Law Revision Commission. Information on the Universal Citation format is available at <www.allnet.org/committee/citation/>

citations and 4) a paragraph number designating the precise location of the language cited.²

¶5 The Clerk of the Supreme Court shall publish each new appellate opinion with a centered caption indicating the opinion number within the permanent official Universal Citation for that opinion. Paragraphs shall be numbered using the paragraph symbol (¶) for pinpoint citations.

¶6 IT IS FURTHER ORDERED THAT effective April 2, 2001, this AALL Universal Citation shall be used in every brief, memorandum or other document filed with this Court, when citing any published opinion of this Court released on or after January 1, 2001 and for those opinions published in the Northern Mariana Islands Reporter Volume 5 and subsequent volumes. A parallel citation to the N.M.I. Reporter may be included but is not required, since it is a local rather than a regional Reporter and a parallel citation to it is essentially redundant.

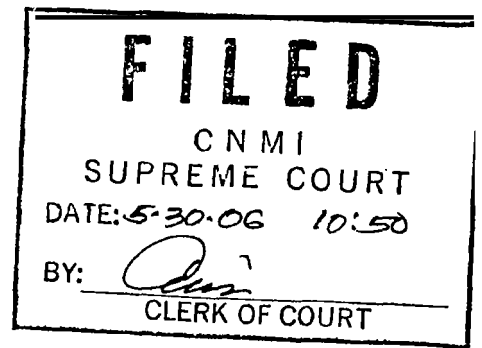
Dated this 13th day of March, 2001.


MIGUEL S. DEMAPAN, Chief Justice


ALEXANDRO C. CASTRO, Associate Justice


JOHN A. MANGLONA, Associate Justice

² For example, ABC Company vs. XYZ Company, 2001 MP 1 ¶10.



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

IN RE
ELECTRONIC FILING AND SERVICE

GENERAL ORDER NO. 2006-302

¶1 Effective June 21, 2006, the Commonwealth Supreme Court will implement electronic filing and service of documents. Attorneys shall file with the Clerk of Court of the Supreme Court all pleadings and other documents using the LexisNexis CourtLink eFile service. Counsel should refer to the electronic filing rules, which are available at www.cnrnilaw.org

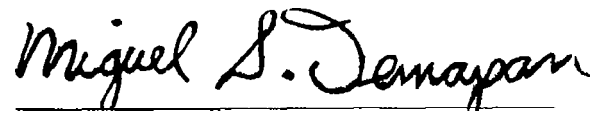
¶2 Parties who are not represented by an attorney are also required to file electronically. The Clerk of Court will be available to assist pro se litigants in filing electronically if necessary.

¶3 The LexisNexis CourtLink web site, <http://www.lexisnexus.com/fileandserve>, provides information regarding computer requirements, fees, service of documents, and training opportunities.

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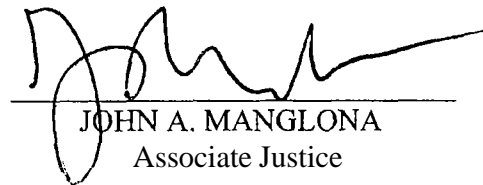
SO ORDERED this 30th day of May, 2006.



MIGUEL S. DEMAPAN
Chief Justice



ALEXANDRO C. CASTRO
Associate Justice



JOHN A. MANGLONA
Associate Justice

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

IN RE:
COMMONWEALTH RULES
FOR ELECTRONIC FILING AND SERVICES

GENERAL ORDER NO. 2006-301

ORDER

¶1 On January 12, 2006, the Commonwealth Rules for Electronic Filing and Services were made permanent and binding by order of the Supreme Court after being submitted to the Fourteenth Northern Mariana Islands Legislature for approval.

¶2 Pursuant to Rule 8, “[t]hese rules shall become effective on the date to be set by the Commonwealth Supreme Court.”

¶3 IT IS HEREBY ORDERED, that the Commonwealth Rules for Electronic Filing and Service shall become effective on April 21, 2006, and electronic filing and service of legal documents shall be implemented in three phases:

1. Beginning April 24, 2006, all Civil Actions in the Commonwealth Superior Court involving claims, negligence, personal injury, tort, and wrongful death, along with selected high volume civil cases shall be filed electronically;

2. Beginning June 24, 2006 all new non-domestic civil cases in the Commonwealth Superior Court shall be filed electronically; and
3. Beginning August 24, 2006, all domestic civil cases in the Commonwealth Superior Court shall be filed electronically.

¶4 Later phases will be implemented by further order of the court, and will include Supreme Court cases and criminal cases.

SO ORDERED this 27th day of March, 2006.

/S/ _____
MIGUEL S. DEMAPAN
Chief Justice

/S/ _____
ALEXANDRO C. CASTRO
Associate Justice

/S/ _____
JOHN A. MANGLONA
Associate Justice

FILED

CNMI

SUPREME COURT

DATE: 1.12.06 4:00

BY:

CLERK OF COURT

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

IN RE:
COMMONWEALTH RULES
FOR ELECTRONIC FILING AND SERVICES

GENERAL ORDER NO. 2006-300

ORDER

¶1 On October 28, 2005, the proposed *Commonwealth Rules for Electronic Filing and Services* were submitted to the Fourteenth Northern Mariana Islands Legislature for approval. Sixty (60) days have elapsed since submission and neither house of the Legislature has disapproved of the proposed Rules.

¶2 IT IS HEREBY ORDERED that the attached *Commonwealth Rules for Electronic Filing and Services* are now permanent Rules pursuant to Article IV, § 9 of the Constitution of the Northern Mariana Islands.

SO ORDERED this 12th day of January, 2006.


MIGUEL S. DEMAPAN, Chief Justice


ALEXANDRO C. CASTRO, Associate Justice


JOHN A. MANGLONA, Associate Justice

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

**IN RE:
SLIP OPINION FORMAT**

SUPREME COURT NO. 2007-ADM-0013-MSC

ADMINISTRATIVE ORDER

¶ 1 Beginning June 22, 2007, each opinion issued by this Court shall be designated “SLIP OPINION” until certified for publication. Slip opinions carry full precedential force and effect, but are subject to modification or revocation by this Court. Modification of slip opinions shall not require notice or published modification orders, although either may be used at the Court’s discretion. Revocation of slip opinions shall occur only through published revocation orders, with notice to parties. Slip opinions shall be available through the Commonwealth Law Revision, and, to the extent possible, any modification to slip opinions shall be expeditiously transmitted to the Commonwealth Law Revision. However, the official copy of all slip opinions, and all modification or revocation orders, shall remain at all times with the Clerk of the Supreme Court. When citing a slip opinion, the citation must include the designation “slip opinion” and the date filed.

¶ 2 The Clerk of the Supreme Court shall certify an opinion as “For Publication” and transmit it to the Commonwealth Law Revision for inclusion in the Reporter thirty days after issuing the mandate, or at such time the Court determines. If there exists any

discrepancy between slip opinions and opinions designated “For Publication,” the latter controls. After an opinion has been designated “For Publication,” a modification order shall be required for any non-clerical change, and such modification order shall appear with the opinion or the opinion shall note it was changed due to a modification order.

SO ORDERED this 22nd day of June, 2007.

/s/
MIGUEL S. DEMAPAN
Chief Justice

/s/
ALEXANDRO C. CASTRO
Associate Justice

/s/
JOHN A. MANGLONA
Associate Justice

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
COMMONWEALTH SUPERIOR COURT

RULES OF PRACTICE
TABLE OF CONTENTS

Rule	Title.....	PAGE
1.	Title.....	1
2.	Application	
	(a) In General.....	1
	(b) Cases Pending When Rules Adopted.....	1
	(c) Exceptional Circumstances.....	1
3.	Construction	
	(a) In General.....	1
	(b) Court	1
4.	Sittings	
	(a) In General.....	1
	(b) In Tinian and Rota	1
	(c) Special Sessions.....	1
5.	Appearance	
	(a) Generally.....	2
	(b) Notice of Appearance.....	2
	(c) Appearance Pro Se.....	2
	(d) Withdrawal of Appearance.....	2
6.	Service and Filing of Pleadings and Other Papers	
	(a) Manner of Service.....	2
	(b) Proof of Service	2
	(c) Service on Party Acting Pro Se.....	3
	(d) Application for Default.....	3
	(e) Relief from Default.....	3
	(f) Time and Place of Filing.....	3
	(g) Additional Copies.....	3
	(h) Removal of Papers.....	3
7.	Form of Pleadings and Motions	
	(a) Form.....	3
	(b) Flat Filing.....	4
	(c) Flyleafs.....	4
	(d) Format.....	4
	(e) Multiple Pleadings.....	4
	(f) Acceptance for Filing.....	4
8.	Motions	
	(a) Submission of Motion and Opposition to Motion.....	4
	(b) Service.....	5
	(c) Notice of Hearing.....	5

9.	Depositions	5
10.	Interrogatories; Requests for Admission	
	(a) Form of Response.....	5
	(b) Provisions of Rule 8 Applicable to Objections.....	5
	(c) Answers to Interrogatories Accompanying or Following Objections.....	6
	(d) Statements in Response to Requests for Admission Following Objections.....	6
	(e) Conference of Counsel to Settle Objections.....	6
	(f) Supplemental Answers to Certain Interrogatories.....	6
	(g) Notice of Delinquency in Responding to Interrogatories.....	6
11.	Witnesses	
	(a) Unavailable Witnesses.....	6
	(b) Bench Warrants for Witnesses.....	6
	(c) Continuance to Secure the Presence of a Witness	7
12.	Exhibits	
	(a) Custody.....	7
	(b) Disposition.....	7
	(c) Custody of Parties.....	7
	(d) Photographs of Chalks	7
13.	Stipulation; Settlement	
	(a) Stipulations.....	7
	(b) Settlement.....	7
14.	Findings, Orders, Judgments	
	(a) Orders Grantable by the Clerk.....	8
	(b) Orders and Judgments Entered by Clerk.....	8
	(c) Formal Orders Unnecessary in Certain Cases.....	8
	(d) Entry of Judgments and Order.....	8
	(e) Settlement of Judgments and Orders by the Court.....	9
	(f) Settlement of Findings of Fact and Conclusions of Law.....	9
15.	Security for Costs	
	(a) Security for Costs.....	9
	(b) Failure to Furnish Security.....	9
16.	Dismissal for Want of Prosecution	
	(a) Dismissal of Cases Inactive for Two (2) Years.....	10
	(b) Effect of Dismissal.....	10
17.	Habeas Corpus Cases	10
18.	Photographing; Recording; Broadcasting	
	(a) Recording and Broadcasting Prohibited.....	10
	(b) Voice Recordings by Court Reporters.....	10

19.	Sureties	
	(a) Members of the Bar and Court Officer.....	11
	(b) Execution of Bond.....	11
	(c) Security.....	11
	(d) Individual Sureties.....	11
	(e) Service.....	11
	(f) Modification of Bond.....	11
20.	Supersedeas Bond.....	11
21.	Mandate of an Appellate Court.....	12
22.	Office of the Clerk.....	12
23.	Fees.....	12
24.	Release of Information by Attorneys in Criminal and Civil Cases.....	12
25.	Release of Information by Courthouse Personnel in Criminal and Civil Cases.....	14
26.	Special Orders for the Protection of the Accused or the Litigants in Widely Publicized or Sensational Criminal or Civil Cases.....	14
27.	Absence of Counsel.....	15
28.	Translators.....	15
29.	Citation of Cases	
	(a) Cases Included in the Commonwealth Reporter.....	15
	(b) Cases Not Included in the Commonwealth Reporter.....	15
30.	Rule for Taking Testimony by Closed Circuit Television.....	16
31.	Disposal of Deposition.....	16
32.	Photographing, Microfilming, Etc., of Court Records..	16
33.	Automated Court Indexes.....	17
34.	Disposition of Exhibits in Criminal Cases.....	17
35.	Retention and Destruction of Cassette Tapes and Reporters' Notes.....	18
36.	Preparation of Transcripts of Court Proceedings for Appellate and Other Purposes.....	18

**RULES OF PRACTICE
FOR THE
COMMONWEALTH SUPERIOR COURT**

**Rule 1
TITLE**

These rules shall be known as Commonwealth Rules of Practice and may be cited as Com. R. Prac.

**Rule 2
APPLICATION**

(a) In General. These rules shall apply to all proceedings in the Commonwealth Superior Court.

(b) Cases Pending When Rules Adopted. Where justice so requires, proceedings in cases or other matters before the court on the effective date of these rules shall be governed by the practice of the court prior to the adoption of these rules.

(c) Exceptional Circumstances. In any proceedings, these rules shall not be applied if the court determines that there are clearly exceptional circumstances because of which application of the rules would be unjust.

**Rule 3
CONSTRUCTION**

(a) In General. These rules shall be construed consistently with other applicable statutes and rules, and to secure the just and efficient determination of all proceedings before the court.

(b) "Court". As it is used in these rules, the term "court" refers to the judge of the court before whom a proceeding is pending unless the rule expressly refers to the full court or the intention of the rule plainly requires that meaning.

**Rule 4
SITTINGS**

(a) In General. The court will sit regularly in Saipan.

(b) In Tinian and Rota. The court will sit in Tinian and Rota at such times and to conduct such proceedings as shall be necessary to meet the needs of the inhabitants thereof.

(c) Special Sessions. Any judge of the court may, in the interest of justice or to further the efficient performance of the business of the court, conduct proceedings in a case pending before him at a special session anywhere in the Northern Mariana Islands, on the request of a party or otherwise.

Rule 5 APPEARANCE

(a) **Generally.** The filing of any pleading or other paper shall constitute an appearance by the attorney who signs it in the case in which the paper is filed, unless the paper states otherwise.

(b) **Notice of Appearance.** An appearance in a case may be made by filing a notice of appearance, containing the name, address, and telephone number of the person entering an appearance.

(c) **Appearance Pro Se.** A party who appears pro se shall so state in the initial pleading or other paper filed by him or in his notice of appearance. The words "pro se" shall follow his signature on all papers subsequently filed by him in the same case.

(d) **Withdrawal of Appearance.** An attorney may withdraw from a case by serving notice of his withdrawal on his client and all other parties and filing the notice, provided that

- (1) such notice is accompanied by notice of the appearance of other counsel;
- (2) there are no motions pending before the court; and
- (3) no trial date has been set.

Unless these conditions are met, an attorney may withdraw from a case only by leave of court.

Rule 6 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) **Manner of Service.** Service of all pleadings subsequent to the original complaint and of all other papers required to be served shall be made in the manner specified by Rule 5, Commonwealth Rules of Civil Procedure; provided further, in serving counsel with orders, judgments, notices or any other document by the Court or clerk, and if a box is maintained in the Clerk's office for the attorney, service is considered complete upon depositing the document in the respective attorney's box.

(b) **Proof of Service.**

(1) Except as otherwise provided by the Commonwealth Rules of Civil Procedure, proof of service of all pleadings and other papers required to be served shall be filed in the office of the clerk promptly after service has been made. The proof shall show the date and manner of service and may be made by written acknowledgment of service, a certificate of a member of the bar of this court, or an affidavit of the person who served the paper.

(2) Failure to make proof of service does not affect the validity of the service.

(c) Service on Party Acting Pro Se. On application of a party, the court may order any party who is appearing without an attorney and who does not maintain an office or residence within the Northern Mariana Islands where service can be made on him by delivery in the manner provided by Rule 5(b), Commonwealth Rules of Civil Procedure, either

(A) to designate an address within the Northern Mariana Islands at which service can be made on him by delivery, or

(B) to designate the clerk as a person authorized to receive service in his behalf. If the clerk is so designated, he shall forthwith on receipt of papers served on him as the representative of the party mail the papers to the party at the latter's address.

(d) Application for Default. When a member of the bar of this court applies to the clerk for the entry of a default or of a default judgment or for the certification of the record on appeal, or applies to the court for an order or judgment, such application is a representation that due service has been made of all pleadings or papers required by the Commonwealth Rules of Civil Procedure to be made as a condition to the relief sought.

(e) Relief from Default. A party who has been prejudiced by failure to receive due notice may apply to the court for appropriate relief.

(f) Time and Place of Filing. The original of all papers required to be served shall, unless otherwise submitted to the court, be filed in the office of the clerk within three (3) days after service has been completed.

(g) Additional Copies. Whenever because of the nature of a proceeding additional copies of a paper required to be filed are necessary, either for the use of the court or to enable the clerk to carry out his duties, it is the responsibility of the person filing or having filed the paper to provide the necessary copies.

(h) Removal of Papers. Except as otherwise provided, papers filed in the office of the clerk shall not be removed from the office except by a judge, official, or employee of the court using the papers in his official capacity, or by order of the court.

Rule 7 FORM OF PLEADINGS AND MOTIONS

(a) Form. Effective July 1, 1982, all pleadings and papers to be filed in this Court shall be typewritten, printed, mimeographed, or otherwise similarly prepared, upon unruled, opaque, unglazed white paper of standard quality not less than sixteen pound weight, 8 1/2 x 11 inches in size. Each sheet shall have a margin at the top, bottom and left-hand side (except as otherwise provided in paragraph (d) of this Rule) of not less than 1 1/2 inches. All papers shall be typewritten in heavily inked black ribbon or printed in black. The type shall be standard 10 pitch pica or equivalent. Only one side of the paper shall be used, and the lines on each page shall be double-spaced; provided, however, descriptions of real property, and quotations, may be singled spaced. All pages shall be numbered consecutively at the bottom and shall be firmly bound together at the top. Exhibits may be fastened to pages of the specified size and, when prepared by a machine-copying process, shall be equal to typewritten material in legibility and permanency of image. Signatures and all other handwritten entries on papers shall be in blue or black ink. This paragraph shall not apply to forms furnished by the Court.

(b) **Flat Filing.** In order that files in the clerk's office may be kept under the system commonly known as "flat filing", all papers presented to the clerk or judge for filing shall be flat and unfolded.

(c) **Flyleafs.** No flyleaf shall be attached to any paper. All papers shall be filed without backs and shall be neat, clean, legible and free of interlineations.

(d) **Format.** The first page of all papers, except as provided hereinbelow in (e) shall be in the following form:

(1) The space at the top left of the center of the page shall contain the name, office address including the Zip Code and telephone number of the attorney for the party in whose behalf the paper is filed, or of the party if he is appearing in person;

(2) The space at the top right of the center of the page shall be left blank for use by the Clerk of Court.

(3) There shall be centered the name of the court, which shall not be less than three inches from the top of the page;

(4) The space to the left of the center of the page and below the name of the court shall contain the title of the cause, which title shall include the names of all of the parties. Thereafter, the title in all subsequent pleadings may be appropriately abbreviated.

(5) In the space to the right of the title of the cause, there shall be listed the case number followed by the title of the paper (which shall include an appropriate notation if a jury trial is demanded in the paper).

(6) Certification or acknowledgment of service may be entered in the bottom margin of the first page.

(e) **Multiple Pleadings.** Where two or more pleadings or other papers are filed together, only the first page of the first paper shall follow all of the requirements of (d) herein above. In addition thereto, there shall be listed and combined after the case number, the title of the paper, and the titles of all of the other papers that are being filed together.

(f) **Acceptance for Filing.** Any paper which does not comply with this rule will not be accepted for filing; except with the prior approval of the Court.

Rule 8 MOTIONS

(a) Submission of Motion and Opposition to Motion.

(1) **Submission of Motion.** A party making a motion may (and, if the motion involves a question of the interpretation of law, shall) file together with the motion a separate memorandum of reasons, including citation of supporting authorities, why the motion should be granted. Affidavits and other documents setting forth or evidencing facts on which the motion is based shall be filed with the motion.

(2) **Submission of Opposition to a Motion and a Reply Thereto.** A party opposing a motion may file and serve any opposition to the motion not later than five (5) days preceding the noticed date of hearing, unless another period is fixed by order of the

court. The party may (and, if the movant has filed a memorandum, shall) file together with the opposition to the motion a separate memorandum of reasons, including citation of supporting authorities, why the motion should not be granted. Affidavits and other documents setting forth or evidencing facts on which the opposition is based shall be filed with the opposition. The movant shall serve and file any reply to the opposition not less than two (2) days preceding the hearing date.

(b) Service. All papers filed pursuant to Section (a) of this Rule shall be served.

(c) Notice of Hearing. Together with the filing of a written motion, a Notice of Hearing shall be attached to and made a part of the pleadings. The day, date, and time of hearing shall be designated and inserted by counsel. Service of a copy of the pleadings shall be made upon opposing counsel or party by the movant in accordance with the Commonwealth Rules of Civil Procedure - Rules 5 and 6. A certificate of Service shall be filed by the movant with the clerk of court on or before the date of hearing.

Rule 9 DEPOSITIONS

After being filed, unless the court directs otherwise,

(1) Depositions pending action taken pursuant to Rule 26, Commonwealth Rules of Civil Procedure, may be opened by the clerk and made available for inspection and copying on the request of counsel for any party to the proceeding or by a party appearing pro se;

(2) Depositions before action or pending appeal taken pursuant to Rule 27, Commonwealth Rules of Civil Procedure, may be opened by the clerk and made available for inspection and copying on the request of any person served with notice pursuant to Section (a) (2) of that rule, or by his counsel.

Rule 10 INTERROGATORIES; REQUESTS FOR ADMISSION

(a) Form of Response.

(1) Answers and objections in response to interrogatories served pursuant to Rule 33, Commonwealth Rules of Civil Procedure, and statements and objections in response to requests for admission served pursuant to Rule 36, Rules of Civil Procedure, shall be made and numbered in the order of the interrogatories or requests for admission.

(2) An answer, statement or objection need not be preceded by the interrogatory or request for admission to which it responds.

(3) Each objection and the grounds therefor shall be stated separately.

(b) Provisions of Rule 8 Applicable to Objections. The provisions of Rule 8 of these rules shall be applicable to objections to interrogatories and objections to requests for admission.

(c) Answers to Interrogatories Accompanying or Following Objections.

(1) When there is an objection to part of an interrogatory which is separable from the remainder, the part to which there is no objection shall be answered.

(2) Answers to interrogatories with respect to which objections were served and which are subsequently required to be answered shall be served within 15 days after it is determined that they should be answered, unless the court directs otherwise.

(d) Statements in Response to Requests for Admission Following Objections.

When there is objection to a request for admission and it is subsequently determined that the request is proper, the matter, the admission of which is requested, shall be deemed admitted unless within ten (10) days after such determination, or such other period as the court directs, the party to whom the request was directed serves a statement denying the matter or setting forth the reasons why he cannot admit or deny the matter, as provided in Rule 36, Commonwealth Rules of Civil Procedure.

(e) Conference of Counsel to Settle Objections. When objections are made to interrogatories or requests for admission, counsel for the parties shall attempt in good faith to settle the objections by agreement. It shall be the responsibility of counsel for the objecting party to initiate such attempt and to notify the court if the objections are settled by agreement.

(f) Supplemental Answers to Certain Interrogatories. If a party has served an answer to an interrogatory which directly requests information concerning the identity and location of persons having knowledge of relevant facts and the party later learns that the answer is substantially incomplete, he shall promptly file a supplemental answer or objection as appropriate.

(g) Notice of Delinquency in Responding to Interrogatories. If a party on whom interrogatories have been served does not serve answers or objections, as appropriate, within the time allowed, the party who served the interrogatories may apply for a notice of his delinquency. The clerk shall issue such a notice on application, and the party making the application shall not for 20 days thereafter make a motion for an order compelling an answer or an order penalizing the delinquent party for failing to serve answers.

Rule 11 WITNESSES

(a) Unavailable Witnesses. When a party learns or has reason to believe in advance of the date set for trial that a person whom he intends to call or has called as a witness will not appear, with or without cause, the party shall, unless he prefers to proceed to trial without the witness, move in writing for a continuance as far in advance of the trial date as practicable.

(b) Bench Warrants for Witnesses. When a person who has been summoned to appear as a witness does not appear as directed, the party on whose behalf the subpoena was issued shall, unless he prefers to proceed to trial without the witness, apply for a bench warrant as soon as it is reasonably apparent that the person summoned has not complied with the subpoena and will not voluntarily comply, whether or not the case has been called for trial.

(c) Continuance to Secure the Presence of a Witness.

(1) A continuance will not be granted on the date set for trial because of the absence of a witness, unless it appears that the party seeking the continuance has complied with the provisions of this rule.

(2) A party moving for a continuance to secure the presence of a witness shall explain in writing or, if the need for a continuance arises on the date of trial, in open court why he thinks a continuance will enable him to secure the presence of the witness, and state the facts to which the witness is expected to testify.

**Rule 12
EXHIBITS**

(a) Custody.

(1) In any proceeding, exhibits admitted into evidence shall remain in the custody of the clerk.

(2) The clerk shall retain custody of the exhibits until a judgment on the merits has been entered and the time for filing notice of an appeal has elapsed, or if notice of an appeal is filed, the appeal has been finally determined. If an appeal is taken, the clerk shall make any disposition of the exhibits required by the appeal.

(b) Disposition. After the time for filing notice of an appeal has elapsed or, if an appeal has been taken, the appeal has been finally determined, the clerk shall notify the parties that the exhibits should be removed from his office within 30 days and that if not removed within that period the clerk will dispose of them. If the exhibits are not removed or another arrangement made with the clerk within 30 days, he may, without further notice, destroy or otherwise dispose of them.

(c) Custody of Parties. The court may allow an exhibit to remain in, or be returned to, the custody of a party or his attorney after the case is submitted for decision. A party or his attorney who has custody of an exhibit by permission of the court shall keep it available for the use of the court or an appellate court, and shall grant the reasonable request of any party to examine or reproduce the exhibit for use in the proceedings.

(d) Photographs of Chalks. In order to make a record of a chalk, the court may permit a party to photograph it or otherwise copy it, on such terms as are just.

**Rule 13
STIPULATION; SETTLEMENT**

(a) Stipulations. All stipulations affecting a case before the court, except stipulations which are made in open court and recorded, shall be in writing and signed, and shall be filed. Except to prevent injustice, no stipulation which does not satisfy these requirements shall be given effect.

(b) Settlement. When a case is settled, the parties shall within 30 days, or if the settlement is announced in open court within a shorter period if the court so directs, file in the office of the clerk a signed agreement for judgment or stipulation for dismissal as

appropriate. If the signed agreement is not filed, the court may, on its own motion, dismiss the matter.

Rule 14 FINDINGS, ORDERS, JUDGMENTS

(a) **Orders Grantable by the Clerk.** The Clerk of this court is authorized to grant, sign, and enter the following orders without further direction by the court, but any orders so entered may be suspended, altered, or rescinded by the court for cause shown:

(1) Orders on consent extending once (for ten (10) days) the time within which to plead or otherwise defend or to make any motion (except a motion for a new trial) if the time originally prescribed to plead, defend, or move has not expired;

(2) Orders on consent for the substitution of attorneys;

(3) Orders on consent satisfying a judgment or an order for the payment of money, annulling bonds, and exonerating sureties;

(4) Any other of the orders referred to in Rule 77 (c) of the Commonwealth Rules of Civil Procedure which do not require allowance or order of the court.

(b) **Orders and Judgments Entered by Clerk.** The clerk shall promptly prepare and enter on the docket any order or judgment which he is authorized to make without order of the court.

(c) **Formal Orders Unnecessary in Certain Cases.** When a motion is determined by a written memorandum of the court or by a ruling in open court which is entered on the docket by the clerk, it shall not be necessary for a formal order to be prepared and entered, unless

(1) the court so directs on its own motion or at the request of a party or

(2) the determination of the motion is by an order a copy of which is required to be kept by the Commonwealth Rules of Civil Procedure. When a formal order is not necessary, the clerk shall enter on the docket the substance of the order, the date on which it was made, and the manner in which it was made.

(d) **Entry of Judgments and Order.**

(1) In all cases, the notation of judgments and orders in the civil docket by the clerk will be made at the earliest practicable time. The notations of judgment will not be delayed pending taxation of costs, but a blank space may be left in the form of judgment for insertion of costs by the clerk after they have been taxed or there may be inserted in the judgment a clause reserving jurisdiction to tax and apportion the costs by subsequent order.

(2) Orders under subdivision (a) of this rule will be noted in the civil docket immediately after the clerk has signed them. The clerk may require any party obtaining a judgment or order which does not require approval as to form by the judge, to supply him with a draft thereof.

(3) No judgment or order except orders grantable, of course, by the clerk under subdivision (a) of this rule and judgments which the clerk is authorized by the

Commonwealth Rules of Civil Procedure to enter without direction of the court will be noted in the civil docket until the clerk has received from the court a specific direction to enter it. Unless the court's direction be given to the clerk in open court and noted in the minutes, it should be evidenced by the signature or initials of the judge on the form of judgment or order.

(e) Settlement of Judgments and Orders by the Court.

(1) Within ten (10) days after the announcement of the decision of the court awarding any judgment or order which requires settlement and approval as to form by the judge, the prevailing party shall prepare a draft of the order or judgment embodying the court's decision and serve a copy thereof upon each party who has appeared in the action and mail or deliver a copy to the clerk. Any party thus receiving the proposed draft of judgment or order shall within five (5) days thereafter serve upon the prevailing party and mail or deliver to the clerk a statement of his approval or disapproval as to the form of the draft and, in the latter instance, a statement of his objections and the reasons therefor and a draft of the order or judgment which he proposed as a substitute for the draft transmitted to him. At the expiration of 15 days after the announcement of the decision the clerk will submit to the judge for such further proceedings as are necessary in the circumstances all drafts and accompanying papers which he has received.

(2) No judgment need be signed by the judge, but an initialed approval on the draft of judgment will be sufficient evidence of direction to enter it and authorization to the clerk to note the judgment forthwith in the civil docket.

(f) Settlement of Findings of Fact and Conclusions of Law. Within ten (10) days after the announcement of the decision of the court awarding judgment in any action tried upon the facts without a jury, including actions in which a jury may have been called and acted only in an advisory capacity under Rule 39 (c) of the Commonwealth Rules of Civil Procedure, the prevailing party shall, unless the court otherwise orders, prepare a draft of the findings of fact and conclusions of law required by Rule 52 (a) of the Commonwealth Rules of Civil Procedure, and serve a copy thereof upon each party who has appeared in the action and mail or deliver a copy to the clerk. Any party thus receiving the proposed draft of findings of fact and conclusions of law shall within five (5) days thereafter serve upon the prevailing party and mail or deliver to the clerk a statement of his approval or disapproval of the form of the draft and, in the latter instance, a statement of his objections and the reasons therefore and a draft of the findings and conclusions which he proposes as a substance for the draft transmitted to him. At the expiration of 15 days after the announcement of the decision, the clerk will submit to the judge for such further proceedings as are necessary in the circumstances all drafts and accompanying papers which he has received.

Rule 15 SECURITY FOR COSTS

(a) Security for Costs. Any party may be required by order of the court to furnish security for costs in an amount and on such terms as are just. The court may modify an order to furnish security for costs at any time.

(b) Failure to Furnish Security. The failure of a party to furnish security for costs after being directed to do so shall, as appropriate, constitute grounds for an involuntary dismissal under Rule 41 (b), Commonwealth Rules of Civil Procedure, or be treated as a default under Rule 55, Commonwealth Rules of Civil Procedure.

Rule 16
DISMISSAL FOR WANT OF PROSECUTION

(a) Dismissal of Cases Inactive for Two (2) Years.

(1) At the end of each calendar year, the clerk shall prepare a list of all cases pending in the court, other than criminal cases, in which no action was taken by any party during the preceding two (2) years. The clerk shall then mail notice to all persons who have entered an appearance in such a case that, subject to the provisions of subdivision (3) of this section, the case will be dismissed without further notice 30 days after the sending of the notice.

(2) After the thirtieth day following the sending of the notice, without order of the court the clerk shall, subject to the provisions of subdivision (3) of this section, enter an order of dismissal for all cases on the list. It shall not be necessary for the clerk to send notice of the dismissal to any party.

(3) A case shall not be dismissed for lack of prosecution if within 30 days of the sending of notice,

(A) there are further proceedings in the case or

(B) an explanation for the lack of proceedings is filed and the court directs that it not be dismissed.

(b) Effect of Dismissal. The dismissal of a case pursuant to this rule shall not operate as an adjudication on the merits unless the court on motion of a party directs otherwise.

Rule 17
HABEAS CORPUS CASES

Proceedings in habeas corpus cases shall be had in accordance with Division 7 of Title 6 of the Commonwealth Code, and, to the extent not inconsistent therewith, the provisions of the Commonwealth Rules of Civil Procedure and these Rules.

Rule 18
PHOTOGRAPHING; RECORDING; BROADCASTING

(a) Recording and Broadcasting Prohibited. Except as specifically provided in these rules, no person shall take any photograph, make any recording, or make any broadcast by radio, television or other means in the course of or in connection with any proceeding in this court.

(b) Voice Recordings by Court Reporters. Official court reporters are not prohibited by Section (a) of this rule from making voice recordings for the sole purpose of discharging their official duties. No recording made for that purpose shall be used for any other purposes by any other person.

Rule 19 SURETIES

(a) Members of the Bar and Court Officers. No member of the bar or officer or employee of the court may be surety or guarantor of any bond or undertaking in any proceeding in this court.

(b) Execution of Bond. Except as otherwise provided by law, it shall be sufficient if a bond or similar undertaking is executed by the surety or sureties alone.

(c) Security. Except as otherwise provided by law or order of the court, a bond or similar undertaking must be secured by:

(1) The deposit of cash or obligations of the United States in the amount of the bond; or

(2) The guaranty of a company or corporation holding a certificate or authority from the Secretary of the Treasury pursuant to 6 U.S.C. §8; or

(3) The guaranty of two individual residents of the Northern Mariana Islands each of whom owns unencumbered real or personal property within the Northern Mariana Islands worth the amount of the bond, in excess of legal obligations and exemptions.

(d) Individual Sureties. An individual acting as surety pursuant to Section (c) (3) of this Rule shall file an affidavit;

(1) Giving his name, occupation, and residential and business addresses;

(2) Showing that he is qualified to act as surety;

(3) In criminal cases, stating that he will not encumber or dispose of the property on which his qualification as surety depends while the bond remains in effect.

(e) Service. The party on whose behalf a bond is given shall promptly after approval and filing of the bond serve a copy of it on all other parties to the proceeding, but such service need not be made on the Government of the Northern Mariana Islands in a criminal case.

(f) Modification of Bond. The amount or terms of a bond or similar undertaking may be changed at any time as justice requires, by order of the court on its own motion or on motion of a party.

Rule 20 SUPERSEDEAS BOND

A supersedeas bond staying execution of a money judgment shall be in the amount of the judgment plus 10% of the amount to cover interest and any award of damages for delay plus \$250 to cover costs, unless the court directs otherwise.

Rule 21
MANDATE OF AN APPELLATE COURT

An order or judgment of an appellate court in a case appealed from this court shall, if further proceedings are not required, become the order or judgment of this court and be entered as such on receipt of the mandate of the appellate court.

Rule 22
OFFICE OF THE CLERK

The office of the Clerk of the Court shall be open from 7:30 a.m. until 11:30 a.m. and from 12:30 p.m. until 4:30 p.m. on all days except Saturdays, Sundays, and legal holidays. As used in this rule, "legal holiday" has the meaning prescribed by Rule 6(a), Commonwealth Rules of Civil Procedure.

Rule 23
FEEs

(a) Except as otherwise provided by law, the clerk and other officers of the court shall not be required to perform any service for a party other than the Government of the Northern Mariana Islands for which a fee is lawfully prescribed, unless the amount of the fee, if it is known, or an amount sufficient to cover the fee reasonably expected by the officer to become due for performance of the service has been deposited with the court.

(b) This provision shall not apply to a party who is proceeding in forma pauperis.

Rule 24
**RELEASE OF INFORMATION BY ATTORNEYS
IN CRIMINAL AND CIVIL CASES**

It is the duty of the lawyer or law firm not to release or authorize the release of information or opinion which a reasonable person would expect to be disseminated by means of public communication, in connection with pending or imminent criminal litigation which he or the firm is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

With respect to a pending investigation of any criminal matter, a lawyer participating in or associated with the investigation shall refrain from making any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer or law firm associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication, relating to that matter and concerning:

(1) The prior criminal record (including arrest, indictments, or other charges of crime), or the character or reputation of the accused, except that the lawyer or law firm may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;

(2) The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(3) The performance of any examination or tests or the accused's refusal or failure to submit to an examination or test;

(4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer or law firm may announce the identity of the victim if the announcement is otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or a lesser offense;

(6) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

The foregoing shall not be construed to preclude the lawyer or law firm during this period, in the proper discharge of his or its official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigation and arresting officers or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him.

During the trial of any criminal matter, including the period of selection of the jury, no lawyer or law firm associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview, relating to the trial or the parties or issues in the trial which a reasonable person would expect to be disseminated by means of public communication, except that the lawyer or law firm may quote from or refer without comment to public records of the court in the case.

After the completion of a trial or disposition without trial of any criminal matter, and prior to the imposition of sentence, a lawyer or law firm associated with the prosecution or defense shall refrain from making or authorizing any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication if there is a reasonable likelihood that such dissemination will affect the imposition of sentence.

Nothing in this rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holder of hearings or the lawful issuance of reports by legislative,

administrative, or investigative bodies or to preclude any lawyer from replying to charges of misconduct that are publicly made against him.

A lawyer or law firm associated with a civil action shall not during its investigation or litigation make or participate in making an extrajudicial statement, other than a quotation from or reference to public records, which a reasonable person would expect to be disseminated by means of public communication if there is a reasonable likelihood that such dissemination will interfere with a fair trial and which relates to:

- (1) Evidence regarding the occurrence or transaction involved.**
- (2) The character, credibility, or criminal record of a party, witness, or prospective witness.**
- (3) The performance or results of any examination or tests or the refusal or failure of a party to submit to such.**
- (4) His opinion as to the merits of the claims or defenses of a party, except as required by law or administrative rule.**
- (5) Any other matter reasonably likely to interfere with a fair trial of the action.**

Rule 25
RELEASE OF INFORMATION BY COURTHOUSE PERSONNEL
IN CRIMINAL AND CIVIL CASES

All courthouse personnel, including among others, court clerks, deputy clerks, probation officers, assistant probation officers, court reporters and typists, all personnel under their supervision, and Judges' secretaries and law clerks, are prohibited from disclosing to any person, without authorization by the court, information relating to a criminal or civil case that is not part of the public records of the court. The divulgence of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public is prohibited.

Rule 26
SPECIAL ORDERS FOR THE PROTECTION OF THE ACCUSED OR
THE LITIGANTS IN WIDELY PUBLICIZED OR SENSATIONAL
CRIMINAL OR CIVIL CASES

In a widely publicized or sensational criminal or civil case, the Court, on motion of either party or on its own motion, may issue as special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused or the litigants to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order.

Rule 27
ABSENCE OF COUNSEL

Whenever an attorney plans to be away from the Northern Mariana Islands, or otherwise unavailable for the transaction of business at his regular office in the Northern Mariana Islands, for a period of three consecutive working days or more, such attorney shall notify all courts and law offices in the Northern Mariana Islands of his intended absence. The notice shall be given in writing, not later than fifteen (15) days prior to the anticipated dates of absence, shall request that no matters requiring the personal attention of the attorney be scheduled during the period of such absence, and shall indicate whether another attorney will be available in the absent attorney's office to handle emergency matters during the absence.

Rule 28
TRANSLATORS

In any civil or criminal proceeding which may require testimony to be translated in a language other than Chamorro or Carolinian, the party who anticipates producing such testimony shall notify the Court of that fact at least five (5) days before the time set for producing the testimony. Said notice shall be in writing and filed with the Court and shall include the language (and its specific dialect, if any) to be translated as well as the party's proposed translator, if any. A copy of the notice shall be served on the opposing counsel or party if unrepresented. Upon receiving notice of a proposed translator, the opposing counsel or party shall give prompt notice of any objection to the translator.

In civil proceedings, it shall be the responsibility of the party requiring the translator to have the translator present at the proceeding and to pay the costs of same. In criminal proceedings, the Court will provide and pay for the translator for the defendant.

Rule 29
CITATION OF CASES

(a) Cases Included in the Commonwealth Reporter. Any cases published in the Commonwealth Reporter may be cited by counsel as support for a legal proposition. This shall include any Trial and Appellate Division opinions of the District Court of the Northern Mariana Islands which are not published in the Federal Supplement. It shall also include any Ninth Circuit Court of Appeals cases which are not reported in the Federal Reporter but which dispose of cases originating from the Northern Mariana Islands.

(b) Cases Not Included in the Commonwealth Reporter. Should counsel wish to cite a matter decided in the Commonwealth Superior Court but which is not published in the Commonwealth Reporter, counsel shall notify all opposing counsel (or if not represented, the party) no later than 72 hours before the hearing date of any motion, trial, or other hearing at which the case is to be used and provide the opposing counsel (or party) and the court with a copy of the case. Rule 8 of the Rules of Practice and the pertinent provisions of the Rules of Civil Procedure shall be construed to be modified to the extent specified herein in so far as unpublished decisions/orders of the Commonwealth Superior Court are concerned.

Rule 30
RULE FOR TAKING TESTIMONY BY CLOSED CIRCUIT TELEVISION

(1) Should counsel or a party deem it necessary that a witness' testimony in a civil, criminal, or juvenile matter be taken by closed circuit television to avoid embarrassment, harassment, threats and the like or to facilitate the taking of the testimony because of the nature of the claim, charge or defense, a request shall be filed with the court and served on opposing counsel (or party if not represented by counsel) to take testimony by closed circuit television.

(2) The request shall provide the name of the witness, the general content of the proposed testimony and the reasons why the witness should not testify personally in court.

(3) The request must be filed with the court and served no later than 14 days prior to trial or hearing. If the opposing party has an objection to the request, said opposition must be filed with the court and served on the opposition within four (4) days thereafter. The opposition must state the reasons why closed circuit television should not be used for the witness.

(4) Should the court deem it necessary for a hearing on the request, it will set the matter down on short notice. The court may grant or deny the request without a hearing.

Rule 31
DISPOSAL OF DEPOSITION

Except for depositions which have been admitted into evidence, after judgment in any civil case has become final and no appeal is taken from it or, if appealed, and the matter is finally determined, counsel for the party filing the deposition(s) with the court will have 30 days to withdraw the deposition from the court. If not so withdrawn, the Clerk of Court may destroy the deposition(s).

Rule 32
PHOTOGRAPHING, MICROFILMING, ETC., OF COURT RECORDS

In lieu of maintaining dockets, minute books, and other records as may be specified in Com. R. Civ. P. 79 and 83, Com. R. Crim. P. 55, the Clerk of the Commonwealth Superior Court may maintain a docket by means of photographing, microphotographing, or mechanically or electronically storing the whole content of all papers and records, or any portion thereof as will constitute a memorandum necessary to the keeping of a docket so long as the completeness and chronological sequence of the record are not disturbed.

Such photograph, microphotograph, microphotographic film, photocopy or electric record shall be made in the manner and on the paper, file or computer storage device as will comply with the minimum standards of quality approved thereof by the National Bureau of Standards.

Upon making reproductions of court records described in the above paragraph, the original may be destroyed. The reproduction shall be deemed to be an original record.

All photographs, microphotographs, microfilm, or mechanically or electronically stored court records shall be properly indexed and kept in convenient, accessible files.

Each roll of microfilm shall be a book, and shall be designated and numbered, and provision shall be made for its preservation and examination and use by the public.

A duplicate of photographs, microphotographs, microfilm, or mechanically or electronically stored court records shall be made and kept in a safe and separate place to assure its preservation against loss, theft, defacement or destruction.

All dockets maintained by the Clerk of the Commonwealth Superior Court shall be permanently retained.

Rule 33 AUTOMATED COURT INDEXES

The Clerk of the Commonwealth Superior Court may create, maintain, update and make accessible court indexes by photographic, microphotographic, photocopy, mechanical, magnetic or electronic means. A single alphabetic index may be maintained so long as the plaintiff-defendant distinction is retained. The Clerk shall make provision for preserving the information on a medium that will insure its permanence and protect it from loss or damage arising from electronic failure or mechanical defect.

The indexes maintained under automated procedure shall be accessible for public examination and use.

Rule 34 DISPOSITION OF EXHIBITS IN CRIMINAL CASES

All exhibits which have been introduced or filed in any criminal action or proceeding shall be retained by the Clerk of the Commonwealth Superior Court until final determination of the action or proceeding.

For the purposes of this rule, the date when a criminal action or proceeding becomes final is as follows:

(a) when no notice of appeal is filed, 30 days after the last day for filing that notice;

(b) when a notice of appeal is filed, 30 days after the date the Clerk receives the notice affirming the judgment; and

(c) when an order for a rehearing, a new trial, or other proceeding is granted and the ordered proceedings have not been commenced within one year thereafter, one year after the date of that order.

Notwithstanding, the above provision, the court may, on application of the party entitled thereto or an agent designated in writing by the owner, order an exhibit delivered to that party at any time prior to the final determination of the action or proceeding, upon stipulation of the parties or on notice and motion if both of the following requirements are met:

(a) no prejudice will be suffered by either party; and

(b) a full and complete photographic record is made of the exhibits so released.

Rule 35
RETENTION AND DESTRUCTION OF CASSETTE TAPES
AND REPORTERS' NOTES

The Clerk of the Commonwealth Superior Court may, upon court order of the Presiding Judge, destroy cassette tapes of recorded court proceedings and reporters notes in his/her custody after the expiration of the following minimum periods:

Criminal Cases

Felonies.....	10 years
Misdemeanors..... (including negligent, reckless or drunk driving)	3 years

<u>Civil Cases</u>	5 years
<u>Civil Motions</u>	2 years
<u>Small Claims</u>	1 year
<u>Traffic</u> (other than negligent, reckless or drunk driving)	1 year
<u>Juvenile</u>	1 year.

Rule 36
PREPARATION OF TRANSCRIPTS OF COURT PROCEEDINGS
FOR APPELLATE AND OTHER PURPOSES

Upon the request of any party for a transcript of any proceedings in the Commonwealth Superior Court, the Court may cause the original cassette tapes of the proceedings to be duplicated by reliable mechanical means and the duplicate tape(s) shall be released to the party requesting the transcript upon the latter paying a fee established by the Court. No fee shall be required from the Commonwealth Government for a duplicate tape.

The Court shall confer with the party's counsel or the party if not represented by counsel and any opposing party and/or counsel as well as the person designated by the party to transcribe the cassette tape(s) into written form. As a result of the conference and if the court is satisfied that an accurate transcript can be prepared, the Court will order a return date for the transcript, giving due consideration to available reliable transcribing services, and necessary copies if it is needed for an appeal or further trial proceedings. Any transcript prepared shall be in a form acceptable to the Court. Any such transcript shall be accompanied by a written certification of the person actually doing the transcribing work, which certification shall be substantially in the following form:

"I, _____, did the actual transcription work for the above proceedings
(Name)
in the case of _____. In performing this function I took
(Title of Case and Case #)
possession of the duplicate cassette tape(s) provided to me by _____
(Name of Party)

and converted the audio content thereon to the above written form to the best of my ability without any alteration, revision or editing. If there are any places in the above transcript which are noted as "unintelligible", "phonetic", or "?", I was unable to accurately determine that portion of the taped proceedings.

I further state that I have no personal interest in the above proceedings, nor does any employee of mine have any such interest. I have not been paid any bonus or gratuity for my work by anyone and have charged only what would be my normal charges.

I hereby declare under penalty of perjury that the above is true and correct. Executed at Saipan, Northern Mariana Islands, _____.
(Date)

Signature of Transcriber

In the case of transcripts needed for appeals or further trial court proceedings, it shall be the sole responsibility of the party requesting the transcript to assure that the transcript is completed, certified, and returned to the Court within the time established by the Court, and any extensions thereof, and to pay for the transcription costs. The Court shall allow as court costs the maximum set for transcription fees by court rule.

Should the party requesting the transcript fail to procure the transcript by the Court ordered return date, and reasonable extensions thereof as may be granted, any opposing party, or the Court on its own motion, may dismiss the party's action or proceeding for which the transcript was ordered in the trial proceedings. In the event of an appellate transcript, the opposing party may file whatever proceeding may be warranted to dismiss the appeal and the Court may advise the Appellate Court of the failure of the appellant to diligently procure the transcript.

If any party or the Court has any reason to doubt or question the accuracy of any transcription produced pursuant to this Rule, the original tape(s) shall be made available to ascertain the accuracy of the transcription. In the case of any conflict, the audio on the original tape(s), shall prevail.

In the event a person designated to do the transcription work dies, becomes incapacitated, or certifies to the court that for other reasons they are unable to complete the transcript within the time designated by the Court, it is the responsibility of the party ordering the transcript to notify the court and opposing counsel as soon as such death, incapacity, or inability is discovered.

Extensions of time to prepare the transcript shall be given upon motion and good cause being shown.