

FILED
CLERK OF COURT
N.M.I. SUPREME COURT
DATE/TIME: 9/18/01 11:45A
BY: 
CLERK

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

IN THE MATTER OF
GUIDELINES GOVERNING JUDICIAL
RETENTION ELECTION CONDUCT

JUDICIAL ADMINISTRATIVE ORDER NO. 2001-500

ORDER

¶1 WHEREAS, N.M.I. Constitution art. IV, § 5 requires that a retention election be conducted in the general election occurring immediately before the end of a justice or judge's initial term of office;

¶2 WHEREAS, it is the responsibility of the Commonwealth Judiciary as a public institution to ensure that judicial retention election be conducted and maintained with the dignity and integrity required by the office; and

¶3 WHEREAS, the Commonwealth Judiciary does not have existing guidelines for justices or judges undergoing a retention election;

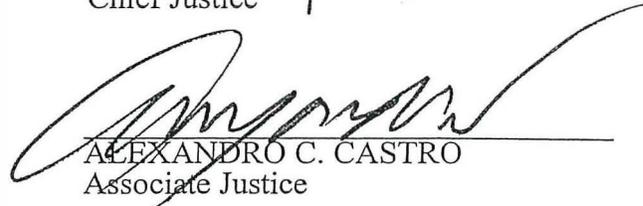
¶4 NOW, THEREFORE, IT IS ORDERED that the Guidelines Governing Judicial Retention Election Conduct set forth in Attachment A should be and are HEREBY ADOPTED as interim guidelines until permanent rules become effective. These guidelines are adopted pursuant to the administrative and inherent powers of the court under N.M.I. Constitution, art. IV, § 3 and 1 CMC

§ 3401(a).

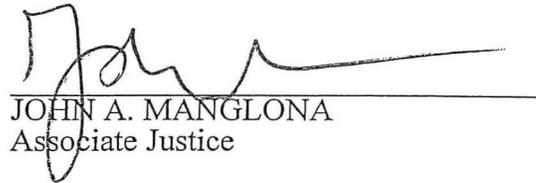
Dated this 18th day of September, 2001.



MIGUEL S. DEMAPAN
Chief Justice



ALEXANDRO C. CASTRO
Associate Justice



JOHN A. MANGLONA
Associate Justice

ATTACHMENT A

GUIDELINES GOVERNING JUDICIAL RETENTION ELECTION CONDUCT COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Section 1. Basic Guideline.

A basic guideline for judicial retention election conduct is honesty. No justice or judge should knowingly misrepresent a fact. The justice or judge must be personally responsible for the truth and propriety of retention election literature and he or she should first approve all retention election advertisements, handbills, posters, releases to news and electronic media, scripts for television and radio broadcasts and any other forms of literature issued by others on his or her behalf.

Section 2. Credentials.

A justice or judge may discuss his or her credentials. He or she may pledge the faithful and proper performance of his or her duties, but should make no other promises of conduct in office. He or she should not state his or her views on disputed legal or political issues. A justice or judge must approach each case before him or her with an open mind and decide it on the basis of the evidence, the law and precedent. Thus, a justice or judge should not indicate what his or her decision would be should a particular case or type of case come before him or her, or what sentence he or she would pass on a defendant charged with a particular crime.

Section 3. Retention Election Process.

The retention election process should be conducted with the dignity and integrity required

of the office.

(a) There should be no references to ethnic groups, religions, sex, political or other issues, which tend to stir up the emotions or impugn the justice or judge's capabilities for functioning impartially and without bias.

(b) There should be no dramatized presentations, either verbal or pictorial, using props such as jail doors, guns, or any other indicia of sensationalism.

(c) A justice or judge may use his or her picture in retention election material in judicial robes and may be pictured sitting on the Bench. However, such a picture may be used only in retention election materials limited to statements of his or her credentials for office.

Section 4. Public Appearances.

A justice or judge may appeal and speak in support of his or her retention before civic, religious, ethnic, and social groups. A justice or judge should refrain from political activity inappropriate to his judicial office pursuant to Canon 7 of the Code of Judicial Conduct and N.M.I. Constitution article IV, § 8.

Section 5. Financial aspects.

A justice or judge should not himself or herself solicit or accept retention election funds, but he or she may establish committees of responsible persons to secure and manage the expenditure of funds for his or her retention election and to obtain public statements of support for his or her retention election. Such committees are not prohibited from soliciting contributions and public support from lawyers. A justice or judge's committees may solicit funds for his or her retention election no earlier than January 1 of the retention election year, and all fundraising activities in connection with such judicial retention election shall terminate no later than election day. A justice

or judge should not use or permit the use of contributions for the private benefit of himself or herself or members of his or her family.

Section 6. Actions By Others.

The justice or judge may not do through others, including his family and relatives, what he or she may not do himself or herself.

Section 7. Compliance With Election Laws.

The justice or judge must comply with all election laws and must require those working for him or her to do the same.

Section 8. Partisan political activity.

(a) All Justices and Judges are also subject to restrictions of political conduct. Canon 7 of the Code of Judicial Conduct states that “A Judge Should Refrain from Political Activity Inappropriate to His Judicial Office.” A justice or judge should not engage in partisan political activity because it creates the appearance of partiality and is inappropriate to judicial office. He or she shall not hold office in a political organization, make speeches for a political party, or publicly endorse a candidate for public office.

(b) He or she shall not solicit funds, make contributions or pay assessments to a political organization or candidate. He or she shall not attend political gatherings or purchase tickets for party functions.

Section 9. Effective Date.

These guidelines shall take effect on September 18, 2001.