



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

IN RE THE
NORTHERN MARIANA ISLANDS SUPREME COURT RULES

SUPREME COURT NO. 2011-ADM-0001-RUL

ADMINISTRATIVE ORDER

¶ 1 On November 3, 2010, the attached amendments to the *Northern Mariana Islands Supreme Court Rules* were submitted to the Seventeenth Northern Mariana Islands legislature for approval. Sixty (60) days have elapsed since its submission and neither house of the Legislature has disapproved of the amendments.

¶ 2 IT IS HEREBY ORDERED that the proposed amendments to NMI Sup. Ct. R. 39-1(a)(1), NMI Sup. Ct. R. 41(b), and NMI Sup. Ct. R. 41(d) of the *Northern Mariana Islands Supreme Court Rules* are permanent pursuant to Article 4, § 9 of the NMI Constitution. The amendments shall become effective immediately.

ORDERED this 6th day of January, 2011.

/s/

MIGUEL S. DEMAPAN
Chief Justice

/s/

ALEXANDRO C. CASTRO
Associate Justice

/s/

JOHN A. MANGLONA
Associate Justice



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Rule 39-1. Request for Attorney Fees; Opposition

- (a) Request for Attorney Fees. A request for attorney fees must be filed separately from any bill of costs.
 - (1) Time Limits for Request. Absent a statutory provision to the contrary, a request for attorney fees shall be filed no later than 5 days after the expiration of the period within which a petition for rehearing may be filed, unless a timely petition for rehearing is filed. If a timely petition for rehearing is filed, the request for attorney fees shall be filed no later than 5 days after the court's disposition of the petition.
 - (2) Contents of Request. A request for an award of attorney fees must be supported by a memorandum showing that the party seeking fees is legally entitled to them and must be accompanied by a document stating the total amount sought and containing:
 - (A) A detailed itemization of the tasks performed each date and the amount of time spent by each lawyer on each task;
 - (B) A showing that the hourly rates claimed are justified; and
 - (C) An affidavit or declaration attesting to the accuracy of the information.
- (b) Opposition to Request. An opposition to a request for attorney fees must be filed separately from any objection to a bill of costs. Any party from whom attorney fees are requested may file an opposition within 10 days after being served with the request. The party seeking fees may file a reply to the opposition with 5 days after being served with the opposition.

Notes

- [1] This rule is based on 9th Cir. R. 39-1.6 and 39-1.7. It expands upon the provisions of Rule 39(d) (1992).

Rule 41. Mandate: Contents; Issuance and Effective Date; Stay

- (a) Contents. Unless the Court directs that a formal mandate issue, the mandate consists of a certified copy of the judgment, a copy of the Court's opinion, if any, and any direction about costs.
- (b) When Issued. The court's mandate must issue 7 calendar days after the time to file a petition for rehearing expires, or 7 calendar days after entry of an order denying a timely petition for rehearing,

motion for stay of mandate, or petition for attorney's fees, whichever is later. The Court may shorten or extend the time.

- (c) Effective Date. The mandate is effective when issued.
- (d) Staying the Mandate.
 - (1) On Petition for Rehearing or Motion. The timely filing of a petition for rehearing or motion for stay of mandate stays the mandate until disposition of the petition or motion, unless the Court orders otherwise.
 - (2) Pending Petition for Certiorari.
 - (A) A party may move to stay the mandate pending the filing of a petition for a writ of certiorari in the United States Supreme Court. The motion must be served on all parties and must show that the certiorari petition would present a substantial question and that there is good cause for a stay.
 - (B) The stay must not exceed 90 days, unless the period is extended for good cause or unless the party who obtained the stay files a petition for the writ and so notifies the Clerk in writing within the period of the stay. In that case, the stay continues until the United States Supreme Court's final disposition.
 - (C) The Court may require a bond or other security as a condition to granting or continuing a stay of the mandate.
 - (D) The Court should generally issue the mandate immediately when a copy of a United States Supreme Court order denying the petition for writ of certiorari is filed.
 - (3) On Petition for Attorney's Fees. The timely filing of a petition for attorney's fees stays the mandate until disposition of the petition, unless the Court orders otherwise.