

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

**COMMONWEALTH RULES
FOR ELECTRONIC FILING AND SERVICES**

**Rule 1
Definitions**

The following terms in these rules shall be defined as follows:

- 1.1 "Electronic Filing Service Provider" (EFSP) means the service provided by the court or vendor designated by the court for e-filing and e-service of documents via the Internet. The service may be accessed at <http://www.justice.gov.mp> or in person at the courthouse using a Public Access Terminal.
- 1.2 "Public Access Terminal" means a publicly accessible computer provided by the court for the purposes of allowing e-filing and viewing of public court records. The public access terminal shall be located in the Clerk's office at the courthouse or a designated area within the courthouse and made available during normal business hours.
- 1.3 "Electronic Filing" (e-file) means the electronic transmission of documents to the court, and from the court, for the purposes of filing.
- 1.4 "Electronic Service" (e-service) means the electronic transmission of documents to a party, attorney or representative under these rules. Electronic service does not include service of process or summons to gain jurisdiction over persons or property.

**Rule 2
Authority**

The rules are made effective pursuant to Article IV, section 8 of the Commonwealth of the Northern Mariana Islands Constitution.

Rule 3
Scope of Rules

- 3.1 As of the effective date of this rule, except as expressly provided herein, all courts within the Commonwealth of the Northern Mariana Islands shall accept electronic filing and service of pleadings and other documents designated in this rule as valid.
- 3.2 The Supreme Court may at any time mandate electronic filing and service of pleadings in designated cases.
- 3.3 The Supreme Court and the clerk's office may issue, file, and serve notices, orders, and other documents electronically, subject to the provision of these rules.
- 3.4 All courts shall accept the filing of pleadings and other documents in designated case types rule by e-file.
- 3.5 The Supreme Court shall publish and maintain a list of courts and cases where e-filing and e-service is permitted and required. This list may be accessed at <http://www.justice.gov.mp>.
- 3.6 The following pleadings shall be filed and served electronically:
- a) New civil complaints and petitions filed in the Superior Court;
 - b) Original Answers;
 - c) All civil writs, petitions, and appeals to the Commonwealth Supreme Court.
- 3.7 The following pleadings may not be e-filed and shall be filed conventionally:
- a) Criminal cases and petitions, unless expressly permitted by General Order of the Court;
 - b) Sealed documents.
- 3.8 For designated case types, the court shall not accept or file any pleadings or instrument in paper form. Parties shall e-file a document either:
- a) By registering to use the EFSP;

- b) In person, by electronically filing through the Public Access Terminal. Parties filing in this manner shall be responsible for furnishing the pleading or instrument on an IBM formatted 3 ½” computer disk, CD ROM, or any other disk compatible with the clerk's office-system to be uploaded in person.

**Rule 4
Authorized Users**

4.1 For the purpose of accessing the EFSP over the Internet, the following users are authorized to register as EFSP users:

- a) Licensed attorneys to practice law in the Commonwealth of the Northern Mariana Islands and their staff, including paralegals, and secretaries;
- b) Pro hac vice attorneys;
- c) Judges, justices, and their staff;
- d) Court administrative staff, including technical support staff;
- e) Pro se litigants;
- f) Other public users, including media representatives.

**Rule 5
Electronic Case File**

The Clerk of Court of the Supreme Court and Superior Court may maintain the original and official case file in electronic format.

**Rule 6
Filing and Service Procedures**

6.1 Registration Requirements

- a) Persons who are authorized users and who desire to e-file or e-serve shall register with Clerk of the Supreme Court. Upon receipt of a properly executed user registration agreement, the Clerk shall assign to the user a confidential login and password to the system. No attorney or other user shall knowingly authorize or permit his or her user name or password to be utilized by anyone.
- b) Registered users of the system shall notify the Clerk within 10 days of any changes in firm name, delivery address, fax number or email address.

6.2 Time and Effect of E-Filing

Any pleading filed electronically shall be considered as filed with the court when the transmission to the EFSP is received by the court. Any document e-filed and received by 11:59 p.m. (Chamorro Standard Time, which is GMT + 10:00) shall be deemed filed on that date. The EFSP is an agent of the court for the purpose of electronic filing, receipt, service and retrieval of electronic documents. Upon completion of filing, the EFSP shall issue a confirmation receipt that includes the date and time of receipt. The confirmation receipt shall serve as proof of filing. In the event the court rejects the submitted documents following review, the documents shall not become part of the official record and the filer will receive notification of the rejection. Users may be required to re-file the instruments to meet necessary filing requirements.

6.3 Format of Documents

- a) All electronically filed and served pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, subject to the following exception: the rules requiring that briefs or other

documents contain designated colored covers shall not apply to electronically filed documents.

- b) The electronic title of each pleading or other document shall include all information required by the applicable rules governing the particular pleading or document.
- c) All motions, papers, and briefs, or other similar documents filed electronically with the court, including all exhibits, attachments, and other like documents, whether accompanying motions, papers, or briefs, or not, shall be filed in Portable Document Format (PDF).
- d) If filing any document electronically, only one copy shall be electronically transmitted to the court, and the original must be made available upon the court's request.

6.4 Payment of Filing Fees

- a) Registered users shall pay statutory filing fees for e-filed documents electronically to the Court through their EFSP.
- b) The EFSP may charge registered users additional fees to deliver, access and use the service. These fees are payable to the court through the EFSP at the time of the filing and are in addition to regular filing fees.

6.5 Signatures

- a) Every pleading, document and instrument electronically filed or served shall be deemed to have been signed by the justice, judge, clerk, attorney or declarant and shall bear a scanned facsimile or typographical signature of such person, along with the typed name, address, telephone number, and Bar number of a signing attorney.

Typographical signatures shall be in the form of a conforming signature (“/s/”).

- b) In the case of a signatory who is a registered EFSP user, such document shall be deemed signed provided that such document is filed using the User Name and Password of the signatory.
- c) Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically bearing a scanned or typographical signature of the third party. In the case of a signatory who is not an EFSP user, or who is an EFSP user but whose User Name and Password will not be utilized in signatures, the filer of the document shall list thereon all the names of any other signatory or signatories. The filer shall attest that concurrence in the filing of the document has been obtained from each of the other signatories, or from the single signatory (in the case, e.g., of a declaration) which shall serve in lieu of their signature(s) on the document. The filer's attestation may be incorporated in the document itself, or take the form of a declaration to be attached to the document.
- d) Any filing made under this rule shall bind the signatory as if the document were physically signed and filed, and shall function as the signatory's signature to attest to the truthfulness of an affidavit or declaration, or for any other purpose.
- e) Unless otherwise ordered by the clerk of court, a printed copy of all documents filed or served electronically, including original signatures, shall be maintained by the party filing the document and shall be made available, upon reasonable notice, for inspection by other counsel, or the Clerk of Court. Parties shall retain originals until final disposition of the case and the expiration of all appeal opportunities. From time

to time, it may be necessary to provide the Clerk with a hard copy of the electronically filed document.

6.6 Electronic Service

- a) Delivery of e-service documents are permitted under these rules to other registered users shall be considered as valid and effective service and shall have the same legal effect as an original paper document. Recipients of e-service documents shall access their documents through the EFSP.
- b) E-service is accomplished by use of the other party's or attorney's correct and current electronic mail address as registered with the Clerk's office. A "Notice of Electronic Filing" is generated automatically by the EFSP system upon completion of an electronic filing. The "Notice of Electronic Filing" when e-mailed to the e-mail addresses of record in the case acts as the proof of service.
- c) E-service shall be deemed complete when the transmission to the EFSP is completed.
- d) For the purpose of computing time to respond to documents received via e-service, any document served on a day or at a time when the court is not open for business shall be deemed served at the time of next opening of the court for business. When a document is e-served, the responding party shall be given one additional day, added to the number of days provided by the applicable rule, to respond to the document.
- e) Parties who register with the Court to use the EFSP for filing documents to a case shall consent to receive e-service documents, other than service of subpoenas.

6.7 System or User Filing or Service Errors

If the electronic filing or electronic service does not occur because of (1) an error in the transmission of the document to the EFSP or served party which was unknown to the sending party, (2) a failure to process the electronic document when received by the EFSP, (3) the party was erroneously excluded from the service list, or (4) other technical problems experienced by the filer or recipient, the court may upon satisfactory proof enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be filed electronically. Or in the case of service, the party shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or period within which any right, duty or other act must be performed.

6.8 Authority of the Supreme Court to Augment or Supplement these Rules

The Supreme Court, in the interest of justice, may issue general order suspending or supplementing any or all of the above rules, or may issue general orders to effectuate the intent of these rules.

6.9 Conflicts with other Rules

To the extent of any inconsistency with any other rule, these e-filing and e-service rules and any administrative order entered pursuant to it shall prevail.

Rule 7 **Short Title**

These rules may be cited as "Com. E-Filing R."

Rule 8
Effective Date

These rules shall become effective on the date to be set by the Commonwealth Supreme Court.