



**E-FILED**  
**CNMI SUPREME COURT**  
E-filed: Dec 16 2021 02:51PM  
Clerk Review: Dec 16 2021 02:51PM  
Filing ID: 67171863  
Case No.: ADM-2021  
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# **NORTHERN MARIANA ISLANDS RULES FOR ELECTRONIC FILING AND SERVICE**

Effective December 11, 2021

## **EXHIBIT A**

## TABLE OF CONTENTS

<b>ARTICLE I. SCOPE AND AUTHORITY .....</b>	<b>4</b>
<b>Rule 1. Title, Scope, and Authority .....</b>	<b>4</b>
<b>(a) Title .....</b>	<b>4</b>
<b>(b) Scope.....</b>	<b>4</b>
<b>(c) Authority .....</b>	<b>4</b>
 <b>ARTICLE II. DEFINITIONS.....</b>	 <b>4</b>
<b>Rule 2. Definitions.....</b>	<b>4</b>
<b>(a) Clerk.....</b>	<b>4</b>
<b>(b) Confidential .....</b>	<b>4</b>
<b>(c) Conventional Service .....</b>	<b>4</b>
<b>(d) Court-Generated Document .....</b>	<b>4</b>
<b>(e) Electronic .....</b>	<b>4</b>
<b>(f) E-filing.....</b>	<b>4</b>
<b>(g) E-service .....</b>	<b>4</b>
<b>(h) E-system (Electronic Filing/Service System) .....</b>	<b>5</b>
<b>(i) E-system Provider.....</b>	<b>5</b>
<b>(j) File Stamp .....</b>	<b>5</b>
<b>(k) Nonregistered Filer .....</b>	<b>5</b>
<b>(l) Notice of Electronic Filing.....</b>	<b>5</b>
<b>(m) Party .....</b>	<b>5</b>
<b>(n) Public .....</b>	<b>5</b>
<b>(o) Public Access Terminal .....</b>	<b>5</b>
<b>(p) Registered Filer .....</b>	<b>5</b>
<b>(q) Transaction.....</b>	<b>5</b>
 <b>ARTICLE III. GENERAL PROVISIONS.....</b>	 <b>5</b>
<b>Rule 3. Clerk of Court Duties .....</b>	<b>5</b>
<b>Rule 4. E-system Registration.....</b>	<b>6</b>
<b>(a) Persons Who Must Use the E-system .....</b>	<b>6</b>
<b>(b) Pro Hac Vice Registration.....</b>	<b>6</b>
<b>(c) Exemption from E-system Registration .....</b>	<b>6</b>
<b>(d) Improper Use of the E-system .....</b>	<b>7</b>
<b>Rule 5. Submission of Paper Documents .....</b>	<b>7</b>
<b>(a) Submission of Paper Documents for Scanning .....</b>	<b>7</b>
<b>(b) Return of Documents by Mail.....</b>	<b>7</b>
<b>Rule 6. Registered Filer’s Duties .....</b>	<b>7</b>
<b>(a) Changes in Filer’s Contact Information .....</b>	<b>7</b>
<b>(b) Duty to Monitor Account.....</b>	<b>7</b>
<b>(c) Use of Registered Filer’s Account .....</b>	<b>7</b>

<b>Rule 7. Electronic Document Format.....</b>	<b>7</b>
<b>(a)</b> Basic Requirements .....	7
<b>(b)</b> Separate Transactions .....	8
<b>(c)</b> Attachments .....	8
<b>(d)</b> Proposed Orders.....	8
<b>(e)</b> Related Filings .....	8
<b>(f)</b> Additional Requirements .....	8
<b>Rule 8. Signatures .....</b>	<b>8</b>
<b>(a)</b> Registered Filer.....	8
<b>(b)</b> Victims and Protected Persons.....	8
<b>(c)</b> Forms of Electronic Signature .....	8
<b>(d)</b> Conventional Signatures .....	9
<b>(e)</b> Effect of Multiple Signatures.....	9
<b>(f)</b> Signatures Presumed Valid.....	9
<b>(g)</b> Disputing Authenticity or Validity of Signatures .....	9
<b>Rule 9. E-filing.....</b>	<b>9</b>
<b>(a)</b> Filing .....	9
<b>(b)</b> Emailing or Faxing Documents .....	10
<b>(c)</b> When E-Filing is Permitted.....	10
<b>(d)</b> Date and Time of Filing .....	10
<b>(e)</b> Effect on Deadlines.....	10
<b>(f)</b> Court-Generated Documents.....	10
<b>Rule 10. Filing Fees.....</b>	<b>10</b>
<b>(a)</b> Court Filing Fees.....	10
<b>(b)</b> E-system Filing Fees.....	10
<b>Rule 11. File Stamp.....</b>	<b>10</b>
<b>Rule 12. Correction of E-Filing Errors. ....</b>	<b>11</b>
<b>(a)</b> Selecting Document Types .....	11
<b>(b)</b> Correcting Document Types .....	11
<b>(c)</b> Minor Corrections.....	11
<b>(d)</b> Request for Correction by Registered Filer.....	11
<b>Rule 13. Technical Problems.....</b>	<b>11</b>
<b>(a)</b> Technical Error .....	11
<b>(b)</b> Relation Back.....	11
<b>(c)</b> Extended System Unavailability .....	12
<b>Rule 14. E-service; Conventional Service .....</b>	<b>12</b>
<b>(a)</b> Who Must be E-served.....	12
<b>(b)</b> Duty to Select Appropriate E-service Recipients.....	12
<b>(c)</b> Automatic Consent to E-service .....	12
<b>(d)</b> Completion of Service. ....	12
<b>(e)</b> Time of Service.....	12
<b>(f)</b> Conventional Service .....	12
<b>(g)</b> Procedure for Conventional Service .....	13
<b>(h)</b> Service of Documents Filed by a Nonregistered Filer .....	13

**Rule 15. Certificate of Service..... 13**

**Rule 16. Additional Time After Electronic Service..... 13**

**Rule 17. Service of Court-Generated Documents. .... 13**

**(a) Electronic Notice and Service on a Registered Filer..... 13**

**(b) Service on a Nonregistered Filer..... 14**

**(c) Certificate of Service ..... 14**

**ARTICLE IV. ACCESS ..... 14**

**Rule 18. Access to Court Files..... 14**

## Article I. SCOPE AND APPLICABILITY

### Rule 1. Title, Scope, and Authority.

- (a) **Title.** These rules shall be known as the NMI Rules for Electronic Filing and Service. These rules shall be cited as “NMI R. Elec. Filing.”
- (b) **Scope.** These rules govern electronic filing (“e-filing”) and electronic service (“e-service”) of documents in all cases filed in all CNMI courts. To the extent other court rules are inconsistent with these rules, these rules will control with respect to e-filing and e-service.
- (c) **Authority.** These rules are adopted under the authority of Article IV, Section 9(a) of the NMI Constitution.

## Article II. DEFINITIONS

### Rule 2. Definitions.

In these rules, the following definitions apply:

- (a) **Clerk** means the Clerk of the Supreme Court or the Clerk of the Superior Court, who manage the Supreme Court docket and the Superior Court docket, respectively, and their designees. The docket consists of all disposed of and pending cases.
- (b) **Confidential**, when referring to court files or documents, means information excluded from public view by federal or state law or administrative rule, court rule, court order, or case law.
- (c) **Conventional Service** means the service of a document by email, mail, or in person, as required by the applicable rules and statutes.
- (d) **Court-Generated Document** means a document created and signed by court employees, including justices, judges, court administrators, the Clerk, and their designees.
- (e) **Electronic** means technology having digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (f) **E-filing** means the process through which a registered filer electronically transmits one or more documents to a court in electronic form to initiate a case or include in a court file. The Clerk subsequently accepts the document into the E-system and affixes a Clerk-reviewed stamp to the first page.
- (g) **E-service** means the electronic transmission of a notice of

Effective December 11, 2021

filing by the electronic filing service provider to the email address provided by a registered filer who is entitled to be served with an e-filed document.

- (h) **E-system (Electronic Filing/Service System)** means the service provided by the court or vendor designated by the court for e-filing and e-service of documents.
- (i) **E-system Provider** means the E-System provider authorized by the NMI Supreme Court.
- (j) **File Stamp** means the electronic stamp that is affixed to the first page of every e-filed document.
- (k) **Nonregistered Filer** means a person who is exempt from registering with the E-system and who is thereby authorized to submit conventional documents to the court.
- (l) **Notice of Electronic Filing** means the electronic receipt that the E-system generates when a document is e-filed.
- (m) **Party** means a person or entity by or against which a case is brought, including a plaintiff, petitioner, defendant, third-party defendant, or respondent, a court-approved intervenor, or any other person or entity defined as a party to a case by a statute, rule, or court order.
- (n) **Public** means, when referring to court files or documents, all information that is not confidential.
- (o) **Public Access Terminal** means a computer through which the public may view, print, and e-file documents.
- (p) **Registered Filer** means a person who has registered with and e-files and e-serves through the E-system.
- (q) **Transaction** means a service for which the E-system provides a transaction ID.

### Article III. GENERAL PROVISIONS

#### Rule 3. Clerk Duties.

- (a) The Clerk shall:
  - (1) maintain an electronic court file in the E-system for each case filed under these rules;
  - (2) e-file and e-serve documents that are submitted to the Court by a nonregistered filer; and
  - (3) not accept paper documents unless the filer is a nonregistered filer or the filing of paper documents is expressly permitted or required by these rules or other court

Effective December 11, 2021

rules.

**Rule 4. E-system Registration.**

**(a) Persons Who Must Use the E-system.** Unless otherwise permitted under these rules, every person identified below shall be a registered filer and shall use the E-system:

- (1) Attorneys, including attorneys admitted *pro hac vice* and attorneys who represent themselves;
- (2) Court-approved mediators, evaluators, or other service providers, including any person on a roster published by the CNMI Judiciary;
- (3) Any person who is compensated for preparing or submitting reports or evaluations to the court;
- (4) Individuals representing themselves, potential intervenors, and claimants; and
- (5) Any other person as ordered by the court.

**(b) Pro Hac Vice Registration.** An attorney not licensed in the CNMI must register with the E-system upon admission *pro hac vice*. The attorney admitted *pro hac vice* shall enter an appearance in the case.

**(c) Exemption from E-system Registration.**

- (1) *Good Cause Exemption.* Upon motion and for good cause, the court may excuse a person otherwise required to be a registered filer from registering with the E-system and from e-filing and e-service. Good cause includes incarceration or a disability that prevents a person from registering with the E-system or from using e-filing and e-service.
- (2) *Duties of Persons Excused from Using the E-system.* A nonregistered filer shall provide an email address for service of all documents. If an email address is not available, the nonregistered filer shall identify a physical address for service of all documents. The nonregistered filer shall pay mailing or service fees charged by the Clerk at the time of filing. The Clerk may reject documents submitted by a nonregistered filer if the nonregistered filer does not provide a service address or fails to pay mailing or other filing fees without an appropriate exemption.
- (3) *Change of Nonregistered Filer Status.* A nonregistered filer who becomes a registered filer automatically terminates, without notice, any previously granted good cause exemption. The filer must apply for a new good cause exemption to return to nonregistered filer status.

**(d) Improper Use of the E-system.**

- (1) To prevent improper use of the E-system, the court may, for good cause, prohibit a registered filer from conducting certain activities in the E-system and may prohibit a registered filer from using the E-system through court order. The court may provide instructions on the new filing procedure for that filer.
- (2) The court may sanction any person who violates any prohibition issued by the court with respect to use of the E-system.

**Rule 5. Submission of Paper Documents.**

- (a) **Submission of Paper Documents for Scanning.** A person permitted to deliver a paper document to the court under these rules shall deliver that document to the Clerk in a form suitable for scanning: single-sided and without tabs, staples, or permanent clips. The Clerk may reject any document that the Clerk deems unsuitable for scanning into the E-system.
- (b) **Return of Documents by Mail.** Any filer who wants the Clerk to return by mail the original of a document that the filer submits to the Clerk in paper form shall provide the Clerk a self-addressed, stamped envelope large enough to accommodate the document.

**Rule 6. Registered Filer's Duties.**

- (a) **Changes in Filer's Contact Information.** A registered filer shall maintain a valid email address, mailing address, and telephone number in the E-system at all times. Every registered filer shall promptly update their account information in the E-system to reflect any change in email address, mailing address, or telephone number. The filer must provide appropriate notice of changes in contact information to any nonregistered filer in every active case.
- (b) **Duty to Monitor Account.** A registered filer shall monitor their account regularly and shall promptly review all documents e-served on that registered filer.
- (c) **Use of Registered Filer's Account.** A registered filer shall safeguard passwords necessary to access the E-system. Any person who uses a registered filer's account in the E-system will be deemed to have used that account with the consent of the registered filer.

**Rule 7. Electronic Document Format.**

- (a) **Basic Requirements.** A complaint, answer, motion, brief,

Effective December 11, 2021

memorandum, or similar document, other than those excluded under Rule 9(c) and (d), must:

- (1) be in the form of a text-searchable Portable Document Format file (PDF) or a text-searchable Portable Document Format/A file (PDF/A);
  - (2) be directly converted to PDF whenever possible (rather than printed and scanned); and
  - (3) not exceed the maximum size permitted by the E-system.
- (b) **Separate Transactions.** Each motion, request, or petition shall be filed as a separate transaction.
- (c) **Attachments.** Attachments to documents in Rule 9(a)(1) must be in PDF format but need not be text-searchable.
- (d) **Proposed Orders.** Proposed orders must be submitted to the E-system:
- (1) in Microsoft Word format; and
  - (2) as a separate document.
- (e) **Related Filings.** A registered filer shall e-file a document together with all attachments in the same transaction. For example, a registered filer must submit the following to the E-system in a single transaction: a motion, any exhibits or appendices, a notice of hearing, and a proposed order.
- (f) **Additional Requirements.** Documents e-filed must comply with any additional technical or formatting requirements specified in the NMI Supreme Court Rules and other court rules.

#### **Rule 8. Signatures.**

- (a) **Registered Filer.** Every document requiring a signature must be electronically signed and must include the filer's name, mailing address, email address, telephone number, and Bar number as provided in other applicable rules.
- (b) **Victims and Protected Persons.** Victims and protected persons may omit mailing addresses, telephone numbers, and email addresses from their signature block when necessary for their protection.
- (c) **Forms of Electronic Signature.** A document may be signed electronically by:
- (1) inserting a digital image of the signatory's handwritten signature into the document;
  - (2) scanning an individual's handwritten signature after the document has been signed; or

Effective December 11, 2021

- (3) using a signature block that has the notation “/s/” before the name of the person who electronically signed in the space where that individual’s signature would otherwise appear.
- (d) **Conventional Signatures.** If a document contains a conventional signature, including a verification or acknowledgment performed by a notary public or one or more witness signatures, the filer shall scan the document, cause optical character recognition to be performed on the document, and retain a copy of the conventionally signed document until the time for appeal expires.
- (e) **Effect of Multiple Signatures.** A registered filer who e-files a document that contains two or more signatures is deemed to have represented to the court that the document was approved for filing by every person who signed the document and that all signatories consented to have their signatures appear on the document.
- (f) **Signatures Presumed Valid.** A signature on an e-filed document is presumed valid or authentic unless disproven by clear and convincing evidence.
- (g) **Disputing Authenticity or Validity of Signatures.** A person who wants to dispute the authenticity or validity of any signature on any document e-filed in the E-system shall file all objections no later than 30 days after the objecting person knew or should have known that the disputed signature was not authentic or valid.

**Rule 9. E-filing.**

- (a) **Filing.** A document is e-filed when submitted to the E-system, except when rejected under Rule 9(a)(2). Once the Clerk has reviewed and accepted the document, the E-system will include a File Stamp on the first page of the document.
  - (1) If the Clerk accepts a document on a date later than when it was submitted, the date of e-filing will relate back to the day on which the registered filer submitted the document to the E-system.
  - (2) A document not in substantial compliance shall be rejected. Documents containing only technical defects, such as incorrect case captions or numbers or the failure to include certificates of service or proposed orders, will be considered to be in substantial compliance. If rejected, the document shall not become part of the record and the filer will be notified of the rejection. In the event there is a deficiency in the filing, the clerk shall accept the document but make a note in the case file. The clerk will notify the

Effective December 11, 2021

filer, either by telephone, e-mail, or other means, of the error and agree on a deadline for the submission of an amended document. The clerk shall include “AMENDED” before the original docket entry information for such documents.

- (b) **Emailing or Faxing Documents.** A document that is emailed or faxed to the Clerk or the court is not e-filed unless otherwise permitted under these rules or by court order.
- (c) **When E-Filing is Permitted.** In addition to business days, a document may be e-filed and e-served on holidays, weekends, and evenings.
- (d) **Date and Time of Filing.** A document will be deemed to be timely filed on a particular day if the document is submitted to the E-system at or before 11:59 p.m. ChST on that day. The date and time stated in the file stamp are the official filing date and time for the purpose of computing deadlines.
- (e) **Effect on Deadlines.** The unavailability of the E-system does not affect the provision or extension of deadlines. If a deadline established in these rules is different from a deadline established in a court order in a particular case, the deadline established in the court order will control.
- (f) **Court-Generated Documents.** The court may e-file documents at any time. Documents e-filed by the court will receive a file stamp indicating the date and time of filing. The Clerk shall process all court filings with reasonable promptness during regular weekday hours. Regardless of when a party receives notice of e-filing of a court-generated document, a court-generated document is e-filed at the date and time indicated on the file stamp.

#### **Rule 10. Filing Fees.**

- (a) **Court Filing Fees.** All filers shall pay all statutory, court filing, and transaction fees for documents e-filed through the E-system.
- (b) **E-system Filing Fees.** A registered filer shall pay all fees imposed by the E-system provider to access and use the E-system. These fees are in addition to statutory and court filing fees.

#### **Rule 11. File Stamp.**

- (a) If the Clerk accepts a document, the E-system shall affix an electronic file stamp on the first page of every e-filed document.

Effective December 11, 2021

- (b) The file stamp must be visible on the first page when the document is printed or viewed online. An electronic file stamp has the same force with respect to electronic submissions that conventional file stamps have with respect to conventional submissions.
- (c) The Clerk shall conventionally file stamp all authorized conventional submissions and shall scan and upload those documents to the E-system.

**Rule 12. Correction of E-Filing Errors.**

- (a) **Selecting Document Types.** For each e-filed document, a filer must choose the best available document type from the options listed on the E-system.
- (b) **Correcting Document Types.** The Clerk may reject documents that do not comply with these rules or procedures. The Clerk will return rejected documents to the registered filer for correction and may provide an explanation of the error and instructions for correcting the document.
- (c) **Minor Corrections.** If the error is minor, the Clerk may, with or without notifying the parties, either correct or disregard the error.
- (d) **Request for Correction by Registered Filer.**
  - (1) A registered filer who discovers an error in the e-filing of a document shall promptly notify the Clerk of such error, the case number of the document that was e-filed in error, and a short statement of the relief requested. A registered filer shall move to correct the error or amend the document by the agreed upon deadline.
  - (2) A registered filer shall not attempt to refile a document that has been e-filed in error unless the Clerk specifically directs the registered filer to do so.

**Rule 13. Technical Problems.**

- (a) **Technical Error.** A technical error may have occurred if:
  - (1) the E-system is temporarily unavailable;
  - (2) there is an error in the transmission of the document to the E-system; or
  - (3) a similar problem prevents the E-system from receiving a document.
- (b) **Relation Back.** Upon satisfactory proof and a registered filer's declaration, the court shall relate the filing back to the day and time of the first attempt. If appropriate, the court may

Effective December 11, 2021

adjust the schedule for responding to these documents, move a scheduled hearing date, or provide other relief.

- (c) **Extended System Unavailability.** If the registered filer is unable to access the E-system for a period longer than 48 hours (e.g., during natural disasters or widespread power outages), the registered filer may file documents in person during business hours or by emailing the document to the Clerk. If documents are delivered to the Clerk under Rule 15(c), the party or registered filer shall serve the documents on all case parties entitled to service.

**Rule 14. E-service; Conventional Service.**

- (a) **Who Must be E-served.** A party shall e-serve a document on all parties to the case and any persons designated for service by court order, unless conventional service is permitted by these rules. When a party is represented by one or more attorneys, a registered filer serving a document on that party shall e-serve all attorneys appearing for that party.
- (b) **Duty to Select Appropriate E-service Recipients.** When preparing a document for submission through the E-system, a party is responsible for selecting the appropriate e-service recipients for the purpose of accomplishing e-service as required by law, rule, or court order with respect to the document being e-filed.
- (c) **Automatic Consent to E-service.** A party who appears electronically in a case is deemed to have given consent to accept e-service of any document filed by any party to that case, except for any document for which conventional service is required. A registered filer, whatever their E-system subscriber class, shall provide a valid email address to receive e-service and notification.
- (d) **Completion of Service.** E-service of a document is complete when the E-system sends an email notification to the persons designated to receive e-service of that document. E-service is not effective if the notice of e-filing was not transmitted to a party.
- (e) **Time of Service.** The time of e-service is the time when notification of service is emailed to that party.
- (f) **Conventional Service.** Parties may serve documents by conventional means when:
  - (1) the party being served has not appeared in the lawsuit;
  - (2) the person to be served is not a party to the case and not a registered filer;

Effective December 11, 2021

- (3) the party being served is a nonregistered filer; or
  - (4) ordered by the court or provided by law.
- (g) Procedure for Conventional Service.** A party shall serve a paper copy of any e-filed document on any party exempt from e-service under these rules. Conventional service must conform to a manner authorized by court rules. When serving paper copies of e-filed documents, the filer shall e-file the document before serving it conventionally and shall include a copy of the notice of e-filing together with the conventional service.
- (h) Service of Documents Filed by a Nonregistered Filer.**
- (1) *By the Clerk.* When a nonregistered filer submits a document to the Clerk for filing, the Clerk shall, with reasonable promptness, upload the document to the E-system and serve it on all parties entitled to receive e-service. If the court e-serves a document submitted by a nonregistered filer, the time of service will be the time stamped on the E-system-generated email notification to the persons designated to receive e-service of that document.
  - (2) *By the Nonregistered Filer.* A nonregistered filer shall serve documents on all other nonregistered filers entitled to service.

**Rule 15. Certificate of Service.**

- (a) A person who serves a document conventionally shall prepare and file a proof of service affirming that service was completed on all conventionally served persons. The certificate shall state the date, time, and manner of service.
- (b) A certificate of service is not required for any document e-filed and e-served through the E-system.

**Rule 16. Additional Time After Electronic Service.**

When a document is e-served, any party who may or is required to respond to that document will have one day added to the number of days provided by the applicable statute, rule, or court order to respond to that document.

**Rule 17. Service of Court-Generated Documents.**

- (a) **Electronic Notice and Service on a Registered Filer.** A registered filer shall designate and maintain at least one email address for service of documents from the court to that registered filer. The email address may be a general work email address or an individual email address. The court shall use this email address for service of all notices or orders it

Effective December 11, 2021

generates and serves. The registered filer is responsible for ensuring that the court has the correct email address.

**(b) Service on a Nonregistered Filer.**

- (1) A nonregistered filer shall, to the extent reasonably practicable, maintain at least one email address for service of court-generated documents from the court to that nonregistered filer. The court shall use this email address for service of all notices or orders generated and served by the court and shall include a copy of the notice that the document was e-filed by the court.
  - (2) Every nonregistered filer who does not maintain an email address shall designate a mailing address for mail delivery of court-generated documents and the Clerk shall mail copies of e-filed court-generated documents to that mailing address.
  - (3) Every nonregistered filer shall promptly update their account information to reflect any change in email address, mailing address, or telephone number. The filer must provide appropriate notice of changes in contact information to any nonregistered filer in every active case.
- (c) Certificate of Service.** The Clerk shall file a certificate of service for any court-generated document conventionally served.

#### **Article IV. ACCESS**

**Rule 18. Access to Court Files.**

- (a) A registered filer may search, view, copy, or download public documents through the E-system.
- (b) A member of the general public may access electronic documents in public cases, except for sealed documents and cases, by requesting the paper or digital file from and paying copy charges to the Clerk. They may also access electronic documents by using the public access terminal.
- (c) A person requiring a paper or digital copy of a document must pay the appropriate court fee.