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FOR PUBLICATION

**IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

In the Matter of:	)	CIVIL ACTION NO. 15-0103
	)	DISCIPLINARY CASE NO. 2011-0010
)	
DAVID GEORGE BANES,	)	ORDER GRANTING MOTION TO
	)	STRIKE DISCIPLINARY COMPLAINT
	)	BECAUSE THE NEW RULES OF
Respondent.	)	ATTORNEY DISCIPLINE AND
	)	PROCEDURE WERE
	)	CONSTITUTIONALLY ADOPTED AND
	)	NO PROSECUTING COUNSEL HAS
	)	BEEN APPOINTED PURSUANT TO
	)	THOSE RULES

I. INTRODUCTION

This matter came before the Court on November 10, 2015, in Courtroom 220 on Respondent David G. Banes’s Motion and Memorandum of Law to Strike Complaint and Strike Motions to Approve Settlement.¹ Respondent was represented by Attorney Joseph E. Horey and Attorney Mark Scoggins. Disciplinary Counsel for this matter, Attorney Mitchell Thompson, appeared telephonically. Respondent is moving to strike the complaint filed in this matter, as well as to strike both motions for the approval of settlement.

Based on a review of the filings, oral arguments, and applicable law, the Court **GRANTS** Respondent’s Motion to Strike Complaint and Strike Motions to Approve Settlement.

¹ Multiple motions were before the Court on November 10, 2015: Respondent’s Motion to Strike Complaint and Motion to Strike the Motions to Approve Settlement, and Respondent’s Motion to Vacate or Set Aside Order After Hearing. Respondent’s Motion to Vacate or Set Aside Order After Hearing relates to Respondent’s failure to answer the Complaint.

1 **II. BACKGROUND**

2 On March 3, 2015, the Commonwealth Supreme Court issued an administrative order
3 adopting the Northern Mariana Islands Rules of Attorney Discipline and Procedure (“New
4 Disciplinary Rules”). *In Re Northern Mariana Islands Rules of Attorney Discipline and Procedure*,
5 Admin. Order 2015-ADM-0005-RUL. These rules superseded the previous disciplinary rules, the
6 Commonwealth Disciplinary Rules and Procedures (“Old Disciplinary Rules”) when they went into
7 effect on February 14, 2015. *Id.* The present matter² straddles the adoption of the New Disciplinary
8 Rules, and the promulgation of new rules led to confusion as to the applicable disciplinary rules and
9 the proper procedure in this matter.

10 There are a number of differences between the Old Disciplinary Rules and the New
11 Disciplinary Rules. Different terminology is used in the Old Disciplinary Rules and New
12 Disciplinary Rules, most noticeable of which is the Old Disciplinary Rules’ “Disciplinary Counsel”
13 versus the New Disciplinary Rules’ “Prosecuting Counsel.” DRP § 8; NMI R. ATT’Y DISC. & 12.³
14 Although proceedings under the Old Disciplinary Rules were confidential, there is no such
15 guarantee under the New Disciplinary Rules. DRP § 9(f); NMI R. ATT’Y DISC. & P 5(a). Under the
16 New Disciplinary Rules, the disciplinary case files are public records. NMI R. ATT’Y DISC. & P
17 5(a). Settlements are possible under both the Old Disciplinary Rules and New Disciplinary Rules.
18 DRP § 8(b); NMI R. ATT’Y DISC. & P 12(c).

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21 ² A disciplinary complaint was filed with the CNMI Bar Disciplinary Committee pursuant to the Old Disciplinary
Rules. The New Disciplinary Rules were adopted before this case could be fully adjudicated.

22 ³ The Disciplinary Counsel under the Old Disciplinary Rules is appointed by the Presiding Judge, while the Prosecuting
Counsel is appointed by the Chief Justice. DRP § 8(a); NMI R. ATT’Y DISC. & P 12(a). Under the New Disciplinary
23 Rules, the Chief Justice has 45 days to act by appointing either an investigator, in cases where the Committee has not
reached a quorum, or by appointing a prosecuting counsel, in cases where the Chief Justice has received a report
24 detailing the investigation. NMI R. ATT’Y DISC. & P 10(a)(2); NMI R. ATT’Y DISC. & P 10(c)(2). If the Chief Justice
does not appoint either an investigator or a prosecuting counsel within those 45 days, the matter is deemed closed. *Id.*
The prosecuting counsel has 60 days to file a complaint, and the case will be randomly assigned to a judge pursuant to
the Superior Court’s preexisting case assignment system. NMI R. ATT’Y DISC. & P 12.

1 In January 2015, Respondent and Mr. Thompson, the Disciplinary Counsel, were
2 negotiating a settlement under the Old Disciplinary Rules. Mr. Thompson states that he forwarded a
3 copy of a proposed settlement to Timothy Bellas, the Chair of the CNMI Bar Disciplinary
4 Committee, on February 13, 2015. Decl. of Mitchell Thompson at 2. Any potential settlement
5 discussed by Respondent and Mr. Thompson was not conferred upon between Mr. Thompson and
6 the CNMI Bar Disciplinary Committee, as is required under Section 8(b) of the Old Disciplinary
7 Rules.⁴ If a settlement did exist, it was never acted upon by the Disciplinary Committee. Mr.
8 Thompson filed a Complaint on June 2, 2015, as is required under the New Disciplinary Rules.

9 Respondent filed his Motion and Memorandum of Law to Strike Complaint and Strike
10 Motions to Approve Settlement on September 24, 2015. Disciplinary Counsel filed Disciplinary
11 Counsel's Response to Respondent's Motion to Strike Complaint and Motion to Strike Motion to
12 Approve Settlement on October 23, 2015. Respondent filed his reply on November 6, 2015.

13 III. DISCUSSION

14 Respondent argues that the complaint and the motions to approve settlement should be
15 stricken. In support of this argument, Respondent argues several grounds. First, Respondent argues
16 that the New Disciplinary Rules were not constitutionally adopted by the Commonwealth
17 Legislature.⁵ Second, he argues that the New Disciplinary Rules do not apply in this case, since the
18 parties had reached a settlement before the New Disciplinary Rules took effect. Third, he argues
19 that, should the Court find that there was no settlement reached prior to the New Disciplinary Rules
20 taking effect, that the New Disciplinary Rules only apply prospectively, rather than retroactively.
21 Finally, he argues that the New Disciplinary Rules were not followed since no prosecuting counsel

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23 ⁴ Section 8(b) of the Old Disciplinary Rules states that "the Disciplinary Counsel shall confer with the Disciplinary
24 Committee before taking any action that finally resolves the matter, including settlement, determination not to file suit,
or dismissal of an action." DRP § 8(b).

⁵ The full official name of the Commonwealth Legislature is the Northern Marianas Commonwealth Legislature. NMI
Const. art. II, § 1.

1 was appointed as is required under the New Disciplinary Rules, and that the complaint was
2 untimely filed. Mot. to Strike at 11-12, 18.

3 Disciplinary Counsel did not respond to all of the grounds argued by Respondent.
4 Disciplinary Counsel specifically argued that Respondent’s claims that the Disciplinary Counsel
5 had not been properly appointed under the New Disciplinary Rules, and that the complaint is
6 untimely were without merit. Resp. at 1. Disciplinary Counsel specifically stated that he “takes no
7 position as to the other arguments” in the Respondent’s motion to strike. *Id.*

8 **A. The New Disciplinary Rules Were Constitutionally Adopted**

9 Respondent argues that the New Disciplinary Rules were not constitutionally adopted by the
10 Commonwealth Legislature. Mot. to Strike at 12. Article IV, Section 9 of the Commonwealth
11 Constitution states:

12 The chief justice of the Commonwealth may propose rules governing civil and criminal
13 procedure, judicial ethics, admission to and governance of the bar of the Commonwealth,
14 and other matters of judicial administration. A proposed rule shall be *submitted to the
legislature and shall become effective sixty (60) days after submission unless disapproved*
by a majority of the members in either house of the legislature.

15 NMI Const. art. IV, § 9(a) (emphasis added). The key issue is whether “the legislature” cited in
16 Article IV, Section 9 is a single legislative session. Stated more specifically, the issue is whether
17 “the legislature” with the power to disapprove of rules submitted by the Chief Justice must be the
18 same legislature to whom the rules were originally submitted.⁶

19 The Commonwealth Legislature “[i]s a continuous body only for two years, after which it is
20 adjourned sine die and replaced with a new legislature.” *Mafnas v. Inos*, 1 NMI 101, 106 (1990)
21 (citing NMI Const. art. II, § 13). Each individual legislature “meet[s] for organizational purposes on

22 ⁶ The Court notes that a number of rules were submitted to the Commonwealth Legislature at the same time. If the
23 Rules of Attorney Discipline and Procedure were unconstitutionally adopted, then these other sister rules would be
24 unconstitutionally adopted as well. The other rules submitted in late 2014 include: the Northern Mariana Islands Rules
of Evidence, which took effect on February 22, 2015; the Northern Mariana Islands Rules for Mandatory Alternative
Dispute Resolution, which took effect on January 19, 2015; and, the Commonwealth Rules of Civil Procedure as to the
Small Claims procedures, which took effect on December 22, 2014.

1 the second Monday of January in the year following the regular general election at which members
2 of the legislature are elected and shall be a continuous body for two years between these
3 organizational meetings.” NMI Const. art. II, § 13.

4 The order enacting the New Disciplinary Rules on March 3, 2015, stated that the New
5 Disciplinary Rules were “submitted to the Eighteenth Northern Marianas Commonwealth
6 Legislature for approval” on December 15, 2014, and that neither the House of Representatives nor
7 the Senate had disapproved of the rules in the sixty (60) days following the submission of the rules.
8 Admin. Order 2015-ADM-0005-RUL. The Eighteenth Legislature adjourned sine die and was
9 replaced by the Nineteenth Legislature on January 12, 2015, which was “the second Monday of
10 January in the year following the regular general election” as outlined in the Commonwealth
11 Constitution. NMI Const. art. II, § 13.

12 Generally, if a legislature fails to act upon pending bills or “other matters needing legislative
13 approval,” these pending matters perish when the legislature adjourns *sine die*. *Watkins v. Board of*
14 *Trustees of Alabama State University*, 703 So.2d 335, 339 (Ala. 1997). This concept does not apply
15 when the legislature must actively disapprove of an action item, such as rules submitted by the
16 Commonwealth Supreme Court.⁷ In *Watkins*, the Alabama State Legislature’s failure to vote on a
17 gubernatorial appointment before adjourning *sine die* did not kill the appointment since legislative
18 inaction did not amount to adverse action. 703 So.2d at 341.

19 These rules would not perish when the Commonwealth Legislature adjourns *sine die*.⁸ The
20 rules submitted by the Commonwealth Supreme Court to the Commonwealth Legislature are

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22 ⁷ The Court takes judicial notice that both the Eighteenth and Nineteenth Legislatures reviewed the proposed rules and
neither rejected the proposed rules.

23 ⁸ The undersigned judge was the Floor Leader in the Sixteenth Northern Marianas Commonwealth Legislature, House
of Representatives. In his capacity as Floor Leader, the undersigned judge was in charge of calendaring items on the
24 House of Representatives’ agenda, which would include a deep understanding and appreciation of the significance of
parliamentary procedures and the mechanics of a legislative body. This includes an understanding of how proposed

1 received as communications, rather than as bills introduced by a legislator. This is similar to
2 legislation sent to the Commonwealth Governor—these are also sent and received as
3 communications.⁹ When the Legislature terminates *sine die*, the proposed legislation that has
4 already been transmitted to the executive branch does not terminate with it. Rather, the executive
5 branch has time to act upon the legislation, and the transmission may at that point straddle two
6 legislatures. See MASON’S MANUAL OF LEGISLATIVE PROCEDURE, § 754(11).¹⁰ Likewise, proposed
7 rules sent as communications by the Commonwealth Supreme Court to the Commonwealth
8 Legislature would not perish *sine die* if the transmission straddles two legislatures. Thus, the New
9 Disciplinary Rules were constitutionally adopted.

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12 **B. This Case Was Not Settled Prior to the Enactment of the New Disciplinary Rules**

13 Respondent next argues that since this case was allegedly settled on January 21, 2015, that
14 the Old Disciplinary Rules apply in this case. The New Disciplinary Rules took effect on February
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16 rules from the Commonwealth Supreme Court are received by the Commonwealth Legislature. The undersigned judge
17 was also a member of the American Institute of Parliamentarians and the National Association of Parliamentarians, two
prestigious parliamentarian organizations.

18 ⁹ The Court takes judicial notice that the Eighteenth and Nineteenth House of Representatives uses Robert’s Rules of
Order in addition to their adopted Legislative Rules of Procedure and the Mason’s Manual of Legislative Procedure.
Under Robert’s Rules of Order Newly Revised, communications are treated with less formality than formal motions:

19 It is not customary to make a motion to *receive* a communication or committee report, which means
20 only to permit or cause such a paper to be read. This is an example of a case in the ordinary routine of
business where the formality of a motion is dispensed with. It should be noted that a motion ‘to
receive’ a communication after it has been read is meaningless and should be avoided.

21 The reading of a communication does not in itself formally bring a question before the assembly.
After the reading, or at the time provided by the order of business, a motion can be offered proposing
appropriate action. If no member feels that anything needs to be done, the matter is dropped without a
22 motion.

RONR (10th ed.), p. 27.

23 ¹⁰ Mason’s Manual of Legislative Procedure is the authority on parliamentary procedures for legislative bodies. The
Court takes judicial notice that the Eighteenth and Nineteenth House of Representatives use the Mason’s Manual of
Legislative Procedure in addition to their own house rules. EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH
24 LEGISLATURE RULES OF PROCEDURE R. XVI, § 2; NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
RULES OF PROCEDURE, R. XVI, § 2.

1 14, 2015, so if a settlement was indeed reached, the Old Disciplinary Rules would apply to that
2 settlement. Whether a settlement was reached would be governed under the Old Disciplinary Rules,
3 since the alleged settlement occurred on January 21, 2015.

4 Under the Old Disciplinary Rules, “the Disciplinary Counsel shall confer with the
5 Disciplinary Committee before taking any action that finally resolves the matter, including
6 settlement, determination not to file suit, or dismissal of an action.” DRP § 8(b). The Disciplinary
7 Counsel is unable to agree to a settlement without first conferring with the Disciplinary Committee,
8 thus he or she cannot unilaterally decide to settle without working through the settlement with the
9 Disciplinary Committee. *Id.*

10 The Respondent asserts that “[t]he [p]arties had agreed on all essential terms of the
11 settlement as of January 21, 2015, leaving only minor details for further negotiation and
12 resolution.” Mot. to Strike at 14. Despite this assertion, Mr. Thompson, Disciplinary Counsel under
13 the Old Disciplinary Rules, disagrees and states that a settlement had not been reached. Resp. at 2.
14 According to Mr. Thompson, although the parties all desired an “amicable resolution” and
15 discussed “possible terms,” Mr. Thompson then encouraged the Respondent to submit a settlement
16 proposal.

17 Although Mr. Thompson states that he forwarded a copy of a proposed settlement to
18 Timothy Bellas, the Chair of the CNMI Bar Disciplinary Committee, on February 13, 2015, an
19 email is not conferring. Decl. of Mitchell Thompson at 2. There is nothing before the Court
20 showing that Mr. Thompson and the CNMI Bar Disciplinary Committee actually conferred,
21 discussed, and acted upon any settlement.

22 The Disciplinary Counsel may not unilaterally settle a matter without conferring with the
23 Disciplinary Committee, and this has not occurred, regardless of whether or not Respondent and
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1 Mr. Thompson had allegedly reached an agreement. DRP § 8(b). Thus, there was no settlement in
2 this case.

3 **C. The New Disciplinary Rules Apply To Pending Cases Unless Their Application**
4 **Would Not Be Feasible or Would Work An Injustice**

5 The New Disciplinary Rules do not contain transition instructions indicating which set of
6 disciplinary rules apply to cases pending at the date the New Disciplinary Rules took effect.
7 Generally, newly adopted rules contain transition language explaining when and how they impact
8 pending cases. *See* NMI R. Evid. 1004; NMI R. ADR § 1003(d); NMI R. Civ. P. 86. When a new
9 rule’s application “would not be feasible or would work an injustice, that new rule should not be
10 applied.” *Valerio v. Crawford*, 306 F.3d 742, 766 (9th Cir. 2002). When a new rule lacks transition
11 language, Courts “view such a statement as implicit in the promulgation of any...rule.” *Id.*

12 In addressing the prospective or retroactive effect of the New Disciplinary Rules, the Court
13 will look to the standard transition language in both Commonwealth and Federal rules. In other
14 instances where new rules were transmitted to the Commonwealth Legislature, transition language
15 was included in the newer rules to indicate which cases fall under the newer rules. The transition
16 language in Commonwealth and Federal rules mirrors the language in *Valerio* regarding the
17 application of newly adopted rules.

18 **1. Transition Language Under the “Sister Rules” Adopted In Late 2014 and**
19 **Early 2015**

20 A number of “Sister Rules” were transmitted to the Commonwealth Legislature in late 2014,
21 and the Court will look at the transition language present in these Sister Rules as guidance. The
22 Sister Rules include: the Northern Mariana Islands Rules of Evidence, which took effect on
23 February 22, 2015; the Northern Mariana Islands Rules for Mandatory Alternative Dispute
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1 Resolution, which took effect on January 19, 2015; and, the Commonwealth Rules of Civil
2 Procedure,¹¹ which took effect on December 22, 2014.

3 The Northern Mariana Islands Rules of Evidence included transition language in the form of
4 Rule 1104. Rule 1104 states: “These rules also apply to further procedure in actions, cases and
5 proceedings pending at the effective date, except to the extent that application of the rules would
6 *not be feasible, or would work injustice*, in which event former evidentiary principles apply.” NMI
7 R. Evid. 1104 (emphasis added).

8 The Northern Mariana Islands Rules for Mandatory Alternative Dispute Resolution were an
9 entirely new set of rules, and did not modify a previous set of rules. Despite this, these rules also
10 included language as to the effective date, to clear up any confusion or ambiguity as to which cases
11 must comply. *See* NMI R. ADR § 1003(d) (“Courts are authorized and directed to apply this title to
12 all applicable civil actions pending or commenced on or after January 1, 2015.”); NMI R. ADR §
13 1003(e) (“In relation to civil actions filed before the effective date of this title, Sections 1006 and
14 1007 shall not be applicable.”).

15 The amendments to the Commonwealth Rules of Civil Procedure specifically involved Rule
16 83, the Small Claims Procedure. Although Rule 83 itself does not include transition language, “[a]ll
17 other matters in small claims proceedings which are not expressly covered by this rule shall be
18 governed by the Commonwealth Rules of Civil Procedure.” Com. R. Civ. P. 83(k). The
19 Commonwealth Rules of Civil Procedure includes transition language, which would thus apply to
20 the amended Small Claims Procedure in Rule 83. Rule 86 states that “these rules will govern all
21 proceedings thereafter commenced and, *so far as just and practicable*, all proceedings then
22 pending.” Com. R. Civ. P. 86 (emphasis added).

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24 ¹¹ The changes to the Rules of Civil Procedure specifically relate to Small Claims procedures under Rule 83.

1 **2. Transition Language in the Federal Context**

2 In the Federal context, new rules transmitted to Congress by the United States Supreme
3 Court are subject to transition guidelines. In particular:

4 The Supreme Court may fix the extent such rule shall apply to proceedings then pending,
5 except that the Supreme Court shall not require the application of such rule to further
6 proceedings then pending to the extent that, in the opinion of the court in which such
7 proceedings are pending, the *application of such rule in such proceedings would not be*
8 *feasible or would work injustice, in which event the former rule applies.*
9 28 U.S.C. § 2074 (emphasis added). The Federal Rules of Civil Procedure also contain transition
10 guidelines within the rules themselves, stating that more recently adopted rules apply in pending
11 actions unless “the court determines that applying them would be infeasible or work an injustice.”).
12 Fed. R. Civ. P. 86(a)(2)(B).

13 **3. Applying Transition Language to the New Disciplinary Rules**

14 Where no transition language is present, Courts read in the language that a new rule would
15 apply unless it “would not be feasible or would work an injustice.” *Valerio v. Crawford*, 306 F.3d at
16 766. Similar language, stating that new rules are not applied to pending cases where it would either
17 “not be feasible or would work injustice,” is used as the transition language for Federal rules, as
18 well as in the transition language for the Northern Mariana Islands Rules of Evidence. 28 U.S.C. §
19 2074; NMI R. Evid. 1104. To determine whether the New Disciplinary Rules should apply to this
20 case, the Court will look to the standard outlined in *Valerio*, asking whether the application of the
21 New Disciplinary Rules would either not be feasible or would work an injustice.

22 Respondent argues that applying the New Disciplinary Rules to his case would “eliminate a
23 former avenue of discretionary relief,” specifically, the ability to obtain a confidential settlement.
24 Mot. to Strike at 17. Respondent goes so far as to claim that the lack of a confidential settlement
 would “work such a manifest injustice,” and that if the parties had known of the New Disciplinary

1 Rules before its passage, they would have “act[ed] more quickly to secure the resolution they both
2 considered appropriate.” Mot. to Strike at 18.¹²

3 The Court notes that the New Disciplinary Rules do not remove the Respondent’s ability to
4 enter into a settlement. NMI R. ATT’Y DISC. & P. 12(C) (“Prosecuting counsel can settle the
5 charges only if the Superior Court consents.”). Thus, under the New Disciplinary Rules, the parties
6 would be able to still reach what they would consider to be an appropriate settlement. The New
7 Disciplinary Rules do not remove the ability of the parties to settle in a disciplinary case. The
8 sticking point for the respondent appears to be the lack of confidentiality¹³ under the New
9 Disciplinary Rules.¹⁴ The fact that disciplinary cases are now public record, the same as a wide
10 variety of other court cases, is not sufficient to convince the Court that the New Disciplinary Rules
11 would work an injustice. Again, parties are still entitled to reach a settlement under the New
12 Disciplinary Rules. Since the New Disciplinary Rules do not work an injustice in this case, the New
13 Disciplinary Rules apply to this currently pending disciplinary case.

14 **D. A Prosecuting Counsel Has Not Yet Been Properly Appointed by the**
15 **Commonwealth Supreme Court**

16 The New Disciplinary Rules and the Old Disciplinary Rules have a number of significant
17 procedural differences, which impact whether the New Disciplinary Rules were properly complied
18 with in this case. Under the Old Disciplinary Rules, the Presiding Judge of the Commonwealth
19 Superior Court would appoint the Disciplinary Counsel. DRP § 8(a). The New Disciplinary Rules,
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21 ¹² The disciplinary complaint under the Old Disciplinary Rules was filed with the CNMI Bar Disciplinary Committee in
22 August 2011. Mr. Thompson was appointed to this case as Disciplinary Counsel under the Old Disciplinary Rules on
October 27, 2014. Respondent has been aware of the allegations in this case for years.

23 ¹³ The Court notes that, under the Old Disciplinary Rules, some forms of discipline are public, including disbarment,
suspension, and public censure. DRP § 3(a).

24 ¹⁴ Although proceedings under the Old Disciplinary Rules were confidential, there is no such guarantee under the New
Disciplinary Rules. DRP § 9(f); NMI R. ATT’Y DISC. & P 5(a). Under the New Disciplinary Rules, the disciplinary case
files are public records. NMI R. ATT’Y DISC. & P 5(a).

1 on the other hand, require that a Prosecuting Counsel be appointed by the Chief Justice of the
2 Commonwealth Supreme Court. NMI R. ATT'Y DISC. & P 12(A).

3 In the time since the New Disciplinary Rules took effect, no Prosecuting Counsel has been
4 appointed by the Chief Justice pursuant to the New Disciplinary Rules. Although a complaint was
5 filed, it was filed by a Disciplinary Counsel appointed by the Presiding Judge pursuant to the Old
6 Disciplinary Rules. No Prosecuting Counsel has been appointed in this case pursuant to the New
7 Disciplinary Rules. The complaint was not filed by an officer with the proper authority to do so. *See*
8 *United States v. Gantt*, 194 F.3d 987, 998 (9th Cir. 1999) (“If the United States Attorney has not
9 been validly appointed, the government has taken this appeal in violation of § 3731, and we should
10 decline to hear the appeal.”); *Commonwealth v. Fitial*, Crim. No. 14-0051 (Nov. 6, 2014) (Order
11 Granting Dismissal Without Prejudice at 19) (dismissing a criminal case filed by an attorney
12 without the proper statutory authority to do so).

13 Since no Prosecuting Counsel has been formally appointed by the Chief Justice of the
14 Commonwealth Supreme Court pursuant to the New Disciplinary Rules, this matter is improperly
15 before the Court. This case must be remanded to the proper appointing authority, the Chief Justice
16 of the Commonwealth Supreme Court. Accordingly, the Complaint filed on June 2, 2015 by the
17 Disciplinary Counsel, Mr. Thompson, is hereby stricken.

18 V. CONCLUSION

19 Accordingly, Respondent’s Motion to Strike Complaint and Strike the Motions to Approve
20 Settlement is **GRANTED**.

21 As the Complaint filed June 2, 2015 has been **stricken**, the related Motions to Approve
22 Settlement are **moot**. Since the Complaint has been stricken, Respondent’s Motion to Vacate or Set
23 Aside Order After Hearing is **moot**, as it arises out of the Complaint.

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IT IS SO ORDERED this 10th day of March, 2016.

/s/

JOSEPH N. CAMACHO
Associate Judge



By Order of the Court, Judge Joseph N. Camacho

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E-FILED
CNMI SUPERIOR COURT
E-filed: Mar 10 2016 05:09PM
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Filing ID: 58697377
Case Number: 15-0103-CV
N/A

**IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

In the Matter of:	)	CIVIL ACTION NO. 15-0103
	)	DISCIPLINARY CASE NO. 2011-0010
)	
DAVID GEORGE BANES,)	
)	
Respondent.)	ERRATA ORDER (CORRECTING DATE ON PAGE 13, LINE 1)
)	
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The Court is hereby correcting the Order Granting Motion to Strike Disciplinary Complaint Because The New Rules of Attorney Discipline and Procedure Were Constitutionally Adopted and No Prosecuting Counsel Has Been Appointed Pursuant To Those Rules filed on March 10, 2016.

IT IS HEREBY ORDERED that on page 13 line 1 the date shall read this 10th day of March, 2016. The published opinion shall reflect this change.

SO ORDERED this 10th day of March, 2016.

/s/

JOSEPH N. CAMACHO
Associate Judge