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CNMI SUPREME COURT
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Judy Aldan

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

IN RE PUBLICATION OF
DISPOSITIVE OPINIONS, DECISIONS, AND ORDERS

Supreme Court No. 2022-ADM-0006-MSC

ORDER ESTABLISHING PUBLICATION CRITERIA AND PROCEDURES

¶ 1 This matter comes before the Court on its own motion to set criteria and procedures for publication of opinions, decisions, and orders. The Court recognizes the need to clarify the circumstances under which publication is appropriate and the legal status of published and unpublished opinions, decisions, and orders.

¶ 2 The Supreme Court issues opinions and orders. An opinion or order issued for “publication” has precedential effect under the rule of stare decisis, while an unpublished opinion or order is not precedentially binding. A published opinion or order is printed in the NMI Reporter and made available online through the Commonwealth Law Revision Commission.

¶ 3 The Superior Court issues decisions and orders which do not have a precedential effect but may be cited for their persuasive value. A Superior Court decision or order selected for “publication” is not printed in the NMI Reporter, but is made available online. A decision or order that is not selected for publication binds the parties to the case, but should not be cited to or relied on in future cases.

¶ 4 Pursuant to the Supreme Court’s inherent and supervisory powers under Article IV, Sections 3 and 9 of the NMI Constitution, the Court ORDERS the following:

1. **Supreme Court.** A dispositive opinion, order, or judgment of the Supreme Court shall be designated for publication when the Supreme Court determines the disposition:
 - a. Overrules existing NMI precedent;
 - b. Involves a substantial question under the United States or NMI Constitution;
 - c. Establishes, alters, modifies, or clarifies a rule of law;

- d. Applies an existing rule to a set of facts significantly different from those stated in other published opinions;
 - e. Calls attention to a rule of law that is generally overlooked;
 - f. Involves a legal or factual issue of unique interest or substantial public importance; or
 - g. Makes a significant contribution to legal literature by reviewing either the development of a common law or the legislative or judicial history of a provision of a constitution, statute, or other written law.
2. **Superior Court.** After the time to file an appeal has expired, the Superior Court may request to publish a decision, order, or judgment. No decision, order, or judgment shall be published without approval of the Supreme Court. A dispositive decision, order, or judgment shall be selected for online publication when the Supreme Court determines the disposition:
- a. Involves a substantial question under the United States or NMI Constitution;
 - b. Applies an existing rule to a set of facts significantly different from those stated in other published opinions or decisions;
 - c. Calls attention to a rule of law that is generally overlooked;
 - d. Involves a legal or factual issue of unique interest or substantial public importance; or
 - e. Makes a significant contribution to legal literature by reviewing either the development of a common law or the legislative or judicial history of a provision of a constitution, statute, or other written law.

SO ORDERED this 7th day of March, 2022.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLONA
Associate Justice

/s/

PERRY B. INOS
Associate Justice