

**HIGH COURT
REPUBLIC OF THE MARSHALL ISLANDS**

IN THE MATTER OF THE ADOPTION AND PROMULGATION OF CLEARANCE GOALS, TIME STANDARDS, AND OTHER DELAY REDUCTION MEASURES FOR THE HIGH COURT AND THE DISTRICT COURT	GENERAL COURT ORDER NO. 2023- 001
--	--

Under the authority of Article VI, Section 1 of the Constitution, and notwithstanding any existing rule of court to the contrary, the High Court hereby adopts and promulgates the following clearance goals, time standards, other delay reduction measures, and reporting requirements.

CLEARANCE GOALS

For both the High Court and the District Court, the clearance rate goal for all cases, including civil, probate, criminal, and juvenile case types, is to average 100% over five years.

TIME STANDARDS

High Court

The High Court’s annual time standards include the following:

- All civil cases as a group (excluding probate cases): clear 75% within 120 days and 90% within 365 days.

- For internal guidance only:
 - Temporary Restraining Orders (“TRO”): There are too few High Court TRO motions to have a meaningful time standard. However, as internal guidance only, the goal is clear 75% within 7 days, and, if the underlying matter

involves the threat of violence or is a domestic matter, then clear 75% within 48 hours.¹

- Family and personal status cases: clear 75% within 45 days and 90% within 120 days.
 - Domestic violence (“DV”) matters: issue temporary protection orders in 90% within 48 hours; and clear 75% of DV matters within 35 days.
- Collection cases: clear 90% in 550 days.
- Land cases: clear 75% within 1,460 days (48 months).
- Maritime/Admiralty cases, enforcement of foreign judgment cases, enforcement of foreign arbitration cases, and nonresident corporation cases: No time standard, as these cases are too few in number and can be held in abeyance pending the resolution of related cases on other jurisdictions.
- Other civil matters (including commercial matters): No time standard, as these cases are too few in number each year to set a time standard.
- Probate cases: clear 75% within 90 days
- Criminal cases: clear 90% within 550 days (18 months)
- Juvenile cases: There are too few High Court juvenile cases to have a meaningful time standard. However, for internal guidance only, the goal will be to clear 75% within 180 days.

District Court

The District Court’s annual time goals include the following:

- Small Claims cases: clear 75% in 90 days and 90% in 180 days;
- Criminal cases: clear 75% in 45 days and 90% in 90 days;
- Traffic cases: clear 75% in 30 days and 90% in 90 days;

¹Some matters, such as domestic violence cases, are too few in number per year (i.e., 10-15) to set a statistically viable time standard for clearing 90%. In such cases, the Judiciary only sets the time standard for 75% completion, if there are enough cases for that.

- Juvenile cases: clear 75% days in 45 days and 90% in 180 days (not in detention); and
- Domestic violence (“DV”) matters: issue temporary protection orders in 90% within 48 hours; and clear 75% of DV matters within 35 days.

OTHER DELAY REDUCTION MEASURES

In addition to the clearance standards and time goals, the High Court has adopted other delay reduction measures appropriate for the trial courts. All trial courts employ the following three delay reduction measures:

1. a continuance policy to reduce excessive delay due to requests for continuances,
2. scheduling “next actions” with dates certain for all pending cases, and
3. a checklist of timeliness indicators for the Judiciary as a whole.

For the High Court, the delay reduction measures also include the following: fixed times for filing oppositions to motion and replies; page limits on motions, oppositions, and replies; earlier pre-trial conferences; and tracking the average age of pending cases and the average age of cleared cases. For the Traditional Rights Court, the delay reduction measures also included the following: pre-trial conference notice that requires counsel be ready to discuss their cases; differentiating between complex and more simple cases, using simple cases as filler when scheduled cases are delayed; and more certain scheduling of trials. For the District Court the delay reduction measures also included a system of calendaring 12 defended hearing matters per day, instead of only two.

REPORTING REQUIREMENTS

In its annual report, the Judiciary shall report on adherence to clearance goals, time standards, and other delay reduction measures.

So ordered and entered.

Carl B. Ingram
Chief Justice, High Court
Date: January 11, 2023