

**IN THE HIGH COURT**  
*of the*  
**REPUBLIC OF THE MARSHALL ISLANDS**

<b>IN THE MATTER OF THE ADOPTION AND PROMULGATION OF RULES FOR CONDUCTING CIVIL TRIAL COURT PROCEEDINGS BY REMOTE MEANS</b>	<b>GENERAL COURT ORDER NO. 2026-01</b>
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Under Article VI, Subsection 1(2) of the Constitution and Section 218 of the Judiciary Act of 1983, 27 MIRC Ch. 2, and notwithstanding any contrary rule (which by this reference are amended hereby), the High Court hereby adopts the following rules for civil trial court proceedings.

1. **Purpose.** This order establishes uniform rules and procedures for when civil trial court proceedings, including hearings and trials, may be conducted by remote means using telephones, Zoom, MS Teams, or similar video-conferencing technology.

2. **General Rule.** All proceedings shall be conducted in person unless the court, upon motion, permits remote participation.

3. **Presumptions and Applicable Standards.**

a. **Contested Proceedings.**

i. There is a strong presumption against conducting contested or complex proceedings by remote means, whether or not the proceeding involves the presentation of evidence.

ii. A contested or complex proceeding may be conducted remotely only upon a showing of compelling circumstances establishing the following:

(1) that an in-person proceeding is impracticable or would result in substantial injustice (e.g., in cases involving customary land rights, where a party or witness resides in a neighboring island or outside of the Republic and upon good cause cannot appear in person); and

(2) that the integrity, fairness, and orderly conduct of the proceeding will not be compromised (e.g., court control over the proceedings, and the court's ability to make credibility and demeanor determinations).

b. **Uncontested Proceedings.** Where a proceeding is uncontested, the court may permit a remote proceeding upon a showing of good cause, supported by specific facts (e.g., in confirmation of customary adoption and guardianship cases involving citizens of the Republic, the parties reside in a neighboring island or outside of the Republic).

c. **Effect of Consent.** Party consent, standing alone, does not establish entitlement to a remote proceeding, but may be considered in determining whether the applicable standard has been met.

#### 4. **Motion for Remote Proceeding.**

a. A party seeking permission to conduct a proceeding by remote appearance must file a written motion no later than 14 days before the scheduled proceeding date.

b. The motion must:

i. Identify the specific proceeding for which remote appearance is requested;

ii. State whether the proceeding is contested;

iii. Set forth the facts relied upon to meet the applicable standard under Section 3; and

iv. State whether any party, witness, or counsel objects.

c. Failure to file a timely motion may result in denial of the request.

5. **Scheduling and Status Conferences.** Notwithstanding Section 4, a party or counsel may appear at a scheduling and status conference by telephone or video-conferencing technology upon 24-hour notice.

6. **Court Considerations.** In ruling on a motion for a remote proceeding, the court may consider, among other factors:

a. The nature and purpose of the proceeding;

- b. Whether credibility determinations, legal argument, or evidence will be presented;
- c. The availability and reliability of technology;
- d. Travel constraints or exceptional circumstances;
- e. The availability of counsel in the Republic; and
- f. Any potential prejudice to a party or to the administration of justice.

7. **Court Discretion.** The court retains discretion to:

- a. Grant or deny a request for a remote proceeding;
- b. Require in-person appearance notwithstanding party consent;
- c. Limit remote participation to certain participants or issues; or
- d. Convert a scheduled remote proceeding to an in-person proceeding if circumstances so require.

8. **Technical and Procedural Requirements.** If a remote proceeding is approved, the following technical and procedural requirements apply:

- a. All participants must comply with the court's technical instructions.
- b. Participants must ensure a stable internet connection, suitable audio and video capability, and a quiet, secure location.
- c. The court may suspend, terminate, or continue the proceeding if technical or procedural issues interfere with the orderly administration of justice.

9. **Construction.** This rule shall be applied and construed consistent with the Constitution, including Article II, Section 4(1), due process and fair trial, Section 14(1) access to judicial process, and Section 15, legal services. *See, Sammons v. Economou and Dryships, Inc.*, 4 MILR 73, 78-80 (RMI SCT Nov 2017); *see also*, Federal Rules of Civil Procedure, Rule 43(a).

10. **Title.** These rules may be known and cited as "Rules Conducting Civil Trial Court Proceedings by Remote Means."

11. **Effective Date.** This order shall take effect on May 6, 2026, and shall apply to all cases unless otherwise ordered by the court.

**SO ORDERED AND ENTERED: April 6, 2026.**

A handwritten signature in black ink, appearing to read 'C. Ingram', written over a horizontal line.

Carl B. Ingram  
Chief Justice, High Court