

THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA

GENERAL COURT ORDER)
)
Trial and Appellate Divisions)

GCO No. 2017-001

**TIMELINE STANDARDS FOR THE
SUPREME COURT OF THE FEDERATED STATES OF MICRONESIA**

Pursuant to the authority granted to the Chief Justice of the FSM Supreme Court in art. XI, sec. 9 of the Constitution and section 117 of title 4 of the Judiciary Act of the Code of the Federated States of Micronesia (4 F.S.M.C. sec. 117) , and in conformity with

Action Item 1.2(b) and 1.6(a) and (d) of the Strategic Plan (2012 to 2017) of the FSM Supreme Court, which empowers the FSM Supreme Court to develop timelines and standards for management of all cases from filing to disposition, and to set specific limits on how long a legal matter may be left pending without justification.

In recognition of the need to dispose of cases in a timely and efficient manner, to ensure that the administration of justice to the public is not unduly delayed, to maintain a proficient and well-organized court docket, and after a survey of other judiciary timeline standards of jurisdictions in similarly situated Pacific-island nations, and after a two (2) year provisional period,

NOW THEREFORE IT IS HEREBY ORDERED, that the following Timeline Standards are HEREBY ADOPTED:

All of the FSM Supreme Court’s Justices and staff shall adhere to the following Timeline Standards for matters pending before the Court.

TIMELINE STANDARDS FOR THE FSM SUPREME COURT
(Promulgated April, 2017)

1. Definitions:

(a) *Appeal case*: is a matter filed in the Appellate Division of the FSM Supreme Court, initiated by the filing of a Notice of Appeal until an Opinion is rendered by the Appellate Division.

(b) *Attorney disciplinary case*: is a matter filed pursuant to the FSM Disciplinary Rules and Procedures, initiated by the filing of a complaint until a judgment or conviction is rendered by the court.

(c) *Civil case*: is a civil dispute between parties initiated by the filing of a civil matter with Trial Division until judgment is rendered by the Trial Division of the court. The timeline for

civil cases does not include post judgment matters, bankruptcy matters, or disciplinary matters.

(d) *Criminal case*: is a matter where charges are brought against an individual by the Government of the Federated States of Micronesia in the Trial Division of the court, from the time a complaint/information is filed until a conviction or dismissal is entered by the court. The timeline for criminal cases does not include post-conviction matters, including revocation hearings and monitoring proceedings.

(e) *Matter taken under advisement*: are matters that are heard in open court, and the court does not make a ruling before the conclusion of the hearing.

(f) *Pending motion*: does not include non-substantive motions, such as motions for enlargement of time and motions to reschedule matters.

2. Review:

(a) Judges, attorneys, and committee members shall meet at least every six months and review how many of their cases were decided within the time limits prescribed under the standards. The Chief Clerk shall provide statistical data during this meeting to assist in the review.

3. Timelines: The following are the time standards for cases in the FSM Supreme Court:

(a) Civil Case Disposition: 21 months

(b) Criminal Case Disposition: 9 months

(c) Appeal Case Disposition: 24 months

(d) Attorney Disciplinary Case Disposition: 15 months

(e) Pending motions: 6 months

The timeline standard for a pending motion shall begin when responsive papers have been filed, or when the time to respond has lapsed, or when the hearing on the motion has concluded.

(f) Matters taken under advisement: 4 months

The timeline standard shall begin at the conclusion of the hearing.

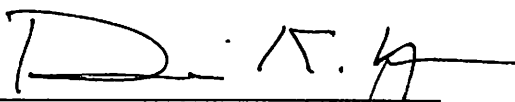
4. Deadlines and Monitoring: Deadlines shall be monitored by publishing an annual public report on the FSM Supreme Court website, in the court newsletter or a newspaper of general circulation.

5. Compliance Committee: A committee, consisting of three members, shall oversee compliance with these Timeline Standards. The members of the committee are: the General


Counsel, who shall be the chairman of the committee, the Chief Clerk of Court, and the National Justice Ombudsman. The findings of this committee shall be published at least annually on the FSM Supreme Court website, in the court newsletter or a newspaper of general circulation.

6. **Notifications:** The Chief Clerk shall notify judges and relevant parties of upcoming deadlines within a reasonable time.
7. **Other Factors Contributing to Delay:** In adhering to these standards, the Chief Justice and the committee may also consider other factors that may cause delay, on a case by case basis.
8. **Amendments:** Amendments to these Timeline Standards may be recommended by anyone effected by these standards. Any recommended amendments to these standards shall be reviewed by the committee and approved by the Chief Justice.

SO ORDERED this 17th day of April, 2017.


Dennis K. Yamase
Chief Justice

ENTERED this 17th day of April, 2017.


Sandy A. Albert
Clerk of the FSM Supreme Court