



FY 2013
Budget
Request

CNMI
Judicial
Branch

Supreme Court
Superior Court
Judiciary Administrative Office
Law Revision Commission

February 2013



February 29, 2012

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern Mariana Islands
Saipan, MP 96950

The Honorable Eloy S. Inos
Lieutenant Governor
Commonwealth of the Northern Mariana Islands
Saipan, MP 96950

Subject: CNMI Judiciary FY 2013 Budget Request

Dear Honorable Governor and Lieutenant Governor:

Please find attached the CNMI Judiciary's preliminary consolidated budget request for Fiscal Year 2013, in response to the budget call issued by the Office of Management and Budget. The Judiciary respectfully requests \$4,125,000 to fund the Supreme Court (1691), Superior Court (1690), Commonwealth Judiciary Administrative Office (1694), and the Commonwealth Law Revision Commission (1692) for FY 2013. With \$3,752,559 for personnel costs and \$372,441 for all other expenses, the judiciary seeks 70 Full Time Equivalent positions with the intention to continue limited austerity provisions implemented in FY 2011 and FY 2012.

For FY 2012, the CNMI Judiciary submitted and received a budget of \$4 million via Public Law 17-55, for which the Judiciary is very thankful. However, in prior fiscal years, the Judiciary's appropriation had declined by 44% from a peak of \$5.9 million in FY 1999. As a result, the judiciary projected a shortfall in necessary funding for previous fiscal years and subsequently implemented austerity measures, including furlough Fridays and a hiring freeze for all but the most essential court personnel in FY 2010 and 2011. Despite the increase in our budget in FY 2012, the Judiciary has continued to observe a reduction in working hours and commensurate pay.

Unified Court Administration

In FY 2012, the CNMI Judicial Council, created in late 2009 pursuant to Article 4, § 9 of the N.M.I. Constitution and Rule 52 of the CNMI Supreme Court Rules, continued to guide the judiciary's administrative agenda. The primary purpose of the Judicial Council was to unify administrative oversight and management of the Judiciary. Over the past two years, the Judicial Council has been responsible for many different administrative endeavors, including the allocation of the FY 2012 budget, implementation of austerity measures for all judicial staff, and oversight of the consolidation of the administrative functions of the Supreme and Superior Courts, such as human resources and financial and budgetary management. In FY 2013, the Judicial Council will continue to set the goals and objectives for the Judiciary.

Notable Changes in FY 2013 Budget Request

- Authorized FTEs.** In FY 2013 the judiciary seeks \$3,752,559 for personnel costs to fill 70 authorized FTEs. This is an increase by 4 more FTEs than the 66 FTEs authorized in PL 17-55 for FY 2012. Over the years, the Judiciary’s expenditure and hiring authorities deliberately reduced the number of requested FTEs to reduce the size of the Judiciary’s budget in direct response to dwindling government resources. The Judiciary’s authorized number of FTEs has decreased from 119 FTEs in 2003 to 66 FTEs in 2012, a decrease in total staffing of 45%. However, the Judiciary has come to a point where further decreases in the number of FTEs is unsustainable, and now has a critical need to increase the number of FTEs by four. The Judiciary requests to add the following new FTEs for FY 2013:

No.	Title	Account	Total Salary and Benefits
1	Chief Marshal	1694	\$52,636
2	Deputy Marshal – Tinian	1694	\$29,444
3	Deputy Clerk of Court	1690	\$52,636
4	Secretary to Associate Judge	1690	\$33,676
Total			\$168,392

- **Chief Marshal, Marshal Service Division, Judiciary Administrative Office (1694).** The Chief Marshal position had originally been established and funded by local appropriations. However, due to declining budget availability, the position had been left unfilled and subsequently eliminated from the Judiciary’s annual appropriations. In 2009, the Judiciary availed of federal grant funding through the American Recovery and Reinvestment Act of 2009 to re-establish the position of Chief Marshal. From the time of the grant award in 2009 until FY 2012, this position has been funded by federal dollars. In May 2011, the Marshal Service Division was given law enforcement authority under PL 17-41, increasing its functions and responsibilities. For these reasons and given this important role, we request the Chief Marshal position to be established and funded by local appropriation beginning in FY 2013.
- **Deputy Marshal – Tinian, Marshal Service Division, Judiciary Administrative Office (1694).** Like the Chief Marshal position, the Deputy Marshal for Tinian was established by the American Recovery and Reinvestment Act of 2009. However, the grant funding for this position has been exhausted, and efforts to seek additional grant assistance to continue funding this position in Tinian were unsuccessful. As a result, there is no Deputy Marshal in Tinian at this time, and, moreover, there is currently only one other established FTE for the Judiciary on the island of Tinian (a Deputy Clerk I). For these reasons, the Judiciary would like to request this position to be established and funded by local appropriation beginning in FY 2013.

- **Deputy Clerk of Court, Clerk of Court, Superior Court (1690).** In FY 2012, the Superior Court Clerk of Court's Office lost several senior personnel with years of institutional knowledge. The addition of this senior position would greatly strengthen the capacity of the Clerk of Court's Office. The Deputy Clerk of Court would assist the Clerk of Court with docket assignments, jury trial management, data integration, case management services, and the coordination of projects among the Superior Court Divisions.

- **Secretary for Associate Judge, Superior Court (1690).** Currently, there are five Superior Court Judges' chambers being serviced by only four secretaries. A fifth secretary position had been authorized in previous appropriations but had been left unfilled due to budget shortfalls and subsequently eliminated. Each secretary provides essential support to the Judge's caseload management, including drafting orders, scheduling matters for the judge, inputting key data in the case management software, coordinating correspondence and proposed court orders with the law clerks and the judge, tracking scheduling matters with the courtroom clerks, assisting with jury trials, transcribing court hearings, and providing general reception for each chamber, among other duties. The Judiciary seeks to re-establish this position for FY 2013.

In addition, the Judiciary seeks to restructure several of its existing FTEs as follows:

No.	Previous Job Title	New Job Title	Acct	Previous Salary	Previous Total Salary and Benefits	New Salary	Total New Salary and Benefits
1	Assistant Clerk of Court	Administrative Officer/Human Resource Manager	1691	\$30,000	\$46,316	\$35,000	\$52,636
2	Marshal Intern	Deputy Marshal	1694	\$14,389	\$26,584	\$16,652	\$29,444
3	Marshal Intern	Deputy Marshal	1694	\$14,389	\$26,584	\$16,652	\$29,444
4	Marshal Intern	Deputy Marshal	1694	\$14,389	\$26,584	\$16,652	\$29,444
5	Executive Director Law Revision Commission	Executive Director/ Legal Counsel for Judicial Council	1692	\$61,000	\$65,301	\$67,000	\$71,724
Total				\$134,167	\$191,369	\$151,956	\$212,692
Additional salary and benefits requested in FY2013 for restructuring 5 positions:							\$21,323

- **Administrative Officer/Human Resource Manager.** The restructuring of this position would continue to strengthen the Judiciary's objective of administrative unification. The job duties previously performed by the Assistant Clerk of Court can be divided among existing staff, but the vital function of human resource management is currently ad hoc and only partially administered. An Administrative Officer/Human Resource Manager would be responsible for recruiting, hiring, training, and retention of staff, as well as monitoring compliance with federal and local labor laws. We therefore seek to restructure the Assistant Clerk of Court position to an Administrative Officer/Human Resource Manager, with an increase in annual salary from \$30,000 to \$35,000.
 - **Deputy Marshals.** The restructuring of the three Marshal Intern positions to Deputy Marshal positions is necessary to enable the Marshal Service Division to meet its increased functionality, responsibilities, and law enforcement status provided under PL 17-41. In order to fulfill these new critical needs, the Marshal Service Division must be staffed with Deputy Marshals capable of fulfilling these job duties.
 - **Executive Director/ Legal Counsel for Judicial Council.** The Judicial Council has designed the current Executive Director for the CNMI Law Revision Commission as its Legal Council. In addition to being responsible for the job duties of the LRC Executive Director, the position now entails all the tasks and duties as assigned by the Judicial Council, including advising on human resources, procurement, and other matters. Due to the substantial increase in job responsibilities, the Judiciary seeks to restructure this position to accurately reflect the duties as assigned.
- **Continuation of Select Austerity Measures.** Due to the slowing effect current austerity measures have had on the judiciary's operations, we would need to cancel previously implemented austerity measures in FY 2012. However, it is clear that the continuing decline in general government revenues necessitates that we prolong cost saving measures. As such, this request proposes to maintain a reduction in staff salaries by 10%, in line with a 72 hour biweekly work schedule. Personnel wages and salaries listed in the proceeding schedules for all staff, except those constitutionally protected, reflect a 10% reduction. The imposition of a 64 hour biweekly work schedule, implemented in FY 2011, had an unsustainable impact on judiciary operations.
 - **Health Insurance.** Effective January 1, 2012, the CNMI Retirement Fund increased employer and employee contributions on the premiums paid to the insurance carrier (Aetna). For FY 2013, the Judiciary has calculated its cost on actual enrollment (for single, couple or family) by staff. The judiciary's total anticipated employer's share of health insurance for FY 2013 is \$224,430 for 31 staff.
 - **Change in Calculation of Defined Benefit Retirement Employer Contributions.** The judiciary's FY 2013 budget request assumes an employer's mandatory contribution cost

of 37.39% of total base salaries for those employees who continue to be enrolled in the CNMI Retirement Fund's Defined Benefit (DB) plan. This is consistent with the rate indicated in the Budget Call for Fiscal Year 2013 (OMB12-012). The judiciary's total anticipated employer's share of defined benefit contributions for 39 employees is \$596,866 for FY 2013.

However, the Northern Mariana Islands Retirement Fund (NMIRF) Board of Trustees had adopted an actuarially determined rate of 60.87% for the employer contribution to the DB plan. The Board posits that employers who do not contribute at this actuarially determined rate will show deficient employer's contributions to their members' benefits. A Court order in *Northern Mariana Islands Retirement Fund v. Commonwealth of the Northern Mariana Islands*, et al., CNMI Superior Court Civil Action No. 06-0367 gives judicial notice related to payments on this issue. As the Legislative Branch considers employer responsibilities in its Fiscal Year 2013 allocations, and in the event it continues its position that projected revenues commit the CNMI Government to a lower rate, the CNMI Judiciary requests that the amount in this category be re-calculated accordingly and the adjusted calculation be provided for it in the judiciary's total budget allocation. Below is a summary of same:

➤ 39 FTEs with DB Plan at 60.87%
Actuarially Determined Rate: \$980.686

- **Utilities.** This budget request does not contain a proposed amount for utilities, consistent with recent fiscal year budget appropriations.

Law Revision Commission (1692)

The Commonwealth Law Revision Commission requests \$196,447 for the basic operations of the Commission office for FY 2013.

The amount currently requested does not include funds for a second staff attorney and may not be sufficient for the Commission to fulfill all of its statutory duties to codify and compile the laws of the CNMI, including the production of the statutory code, the NMI Reporter series, and the CNMI administrative code, as well as providing vital legal information to the community for free through the Commission's website (www.cnmilaw.org). However, based on drastic reductions in the Commission's prior year requests and bleak projections of future government revenue, the Commission is only requesting an amount to maintain the current staff level and produce two out of three publications.

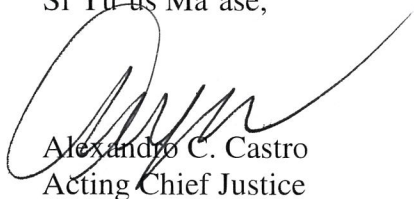
Since 2006, the Commission has had only one staff attorney, which has resulted in the long delay of at least one publication, the NMI Reporter with digest. The lack of this publication makes it difficult for lawyers, judges, legislators and interested community members to efficiently research CNMI case law. If the Commission's request for the professional services (\$15,000) is granted then it may be able to update the digest and NMI Reporter series in the future. This would mean that all three statutorily mandated publications would be produced.

The Commission recognizes that the CNMI has declining revenues due to a suffering economy and tough choices need to be made by the Legislature while it prepares a final budget bill. The Commission is merely a tiny part of the overall CNMI budget; yet it produces vital legal publications needed by all government branches and agencies, lawyers, businesses, investors, and the entire community. If Commission is to continue to make public laws, court decisions and agency regulations available in an organized and accessible format, the Commission simply cannot withstand any more budget cuts.

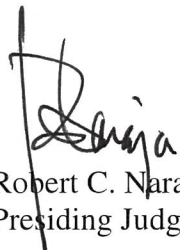
Conclusion

The CNMI Judiciary continues to meet its obligation to be a good partner in government during the ongoing fiscal crisis afflicting the CNMI Government. We have consistently stood ready to work with other government agencies, particularly in the criminal justice network, to assist in many ways. We have also taken numerous actions to reduce our personnel and operating expenses. However, there must be a clear understanding about the absolute necessity and importance of providing the court with adequate funding and the flexibility to determine how best to reduce operating expenses without jeopardizing our constitutionally mandated duties. Under our constitutional system, the judiciary is responsible for upholding the rule of law upon which all our society's social and economic relationships are based. We understand the gravity of our financial dilemma, but we cannot put a price tag on justice or its significance to our Commonwealth. For this reason, we respectfully request your earnest consideration of our funding. We ask only for what we need; enough to make sure that each person who comes before us receives the justice promised by the Constitution and our representative democratic system of government. We welcome an opportunity to elaborate further on these issues if needed. As always, please feel free to contact us directly at your convenience.

Si Yu'us Ma'ase,



Alexandro C. Castro
Acting Chief Justice



Robert C. Naraja
Presiding Judge

Cc: Ms. Virginia Villagomez, Special Assistant for Management and Budget

Dept.	JUDICIARY FY 2013
Activity	Supreme Court/Superior Court/Commonwealth Judiciary Administrative Office/Law Revision Commission
Bus. Units	1691/1690/1694/1692

CLASS CODE	OBJECT CLASSIFICATION	SUPREME COURT	SUPERIOR COURT	ADMINISTRATIVE OFFICE	LAW REVISION COMMISSION	GRAND TOTAL
61090	Wages/Salaries - CSC	0	247,544	72,929	0	320,473
61100	Wages/Salaries - Ung	706,182	1,324,202	293,947	152,950	2,477,281
61180	Life Insurance (1.6%)	11,299	25,148	5,870	2,447	44,764
61190	Retirement Contribution (37.39%)	191,692	338,190	66,984	0	596,866
61195	401K D.C. Retirement Contribution (4%)	7,740	26,811	7,509	6,118	48,178
61200	Subsistence/Housing Allowance	0	0	0	0	0
61210	Health Insurance Premium	47,037	123,561	50,382	3,450	224,430
61220	Medicare Contribution (1.45%)	10,240	22,790	5,320	2,218	40,567
Total Personnel Costs		974,189	2,108,247	502,941	167,183	3,752,559
Number of Positions:		11	40	15	4	70
62050	Official Representation	0	0	760	0	760
62060	Professional Services	0	0	95,000	15,000	110,000
62070	Public Auditor's Fee	9,840	21,017	8,177	1,964	40,998
62080	Advertising	0	0	983	150	1,133
62090	Recruitment & Repatriation	0	0	10,500	0	10,500
62100	Boards & Other Comp.	0	0	0	0	0
Total Professional Services		9,840	21,017	115,420	17,114	163,391
62240	Bank Charges	0	0	400	0	400
62250	Communications	0	0	35,000	6,000	41,000
62260	Dues & Subscriptions	0	0	4,000	0	4,000
62280	Insurance	0	0	0	0	0
62290	Licenses & Fees	0	0	900	300	1,200
62300	Printing & Photocopying	0	0	2,300	0	2,300
Total Office Expenses		0	0	42,600	6,300	48,900
62500	Travel	0	0	30,000	0	30,000
62660	Repair & Maintenance	0	0	71,520	1,950	73,470
62680	Freight & Handling	0	0	800	200	1,000
62690	Personnel Training Cost	0	0	1,400	0	1,400
62710	Utilities (Rota, Saipan, Tinian)	0	0	0	0	0
62750	Cleaning Services (Rota, Saipan, Tinian)	0	0	0	0	0
Total Others		0	0	73,720	2,150	75,870
63010	Books & Library Materials	0	0	4,600	0	4,600
63020	Food Items	0	0	2,780	200	2,980
63030	Fuel & Lubrication (POL)	0	0	8,000	500	8,500
63040	Supplies - Office	0	0	18,200	1,500	19,700
63050	Supplies - Operations	0	0	11,000	0	11,000
Total Supplies		0	0	44,580	2,200	46,780
64550	Computer Systems & Equipment	0	0	6,000	1,500	7,500
64560	Office Equipment	0	0	0	0	0

64570	Office Furniture & Fixtures	0	0	0	0	0
Total Capitalized Fixed Assets		0	0	6,000	1,500	7,500
Total All Others		9,840	21,017	312,320	29,264	372,441
Total Personnel and All Others		984,029	2,129,264	815,261	196,447	4,125,000

SUPREME COURT

Dept.	JUDICIARY
Activity	Supreme Court FY 2013 Budget Request
Bus.	
Units	1691

CLASS CODE	Object Classification	FY2012 PL 17-55 Actual	FY 2013 Budget Request
61090	Wages/Salaries -CSC		0
61100	Wages/Salaries - UNG		706,182
61180	Personnel Insurance (1.6%)		11,299
61190	Retirement Contribution (37.39%)		191,692
61195	401K DC Ret. Employer Contribution		7,740
61200	Subsistence Allowance		0
61210	Health Insurance Premium		47,037
61220	Medicare Contribution (1.45%)		10,240
Total Personnel Costs		853,143	974,189
	Number of Positions:	11	11
62050	Official Representation		0
62060	Professional Services		0
62070	Public Auditor's Fee 1%		9,840
62080	Advertising		0
62090	Recruitment & Repatriation		0
62100	Boards & Other Comp.		0
Total Professional Services			9,840
62250	Communications		0
62260	Dues & Subscriptions		0
62280	Insurance		0
62290	Licenses & Fees		0
62300	Printing & Photocopying		0
Total Office Expenses			0
62500	Travel		0
62660	Repair & Maintenance		0
62680	Freight & Handling		0
62690	Personnel Training Cost		0
62700	Storage & Handling		0
62710	Utilities		0
62750	Cleaning Services		0
Total Others			0
63010	Books & Library Materials		0
63020	Food Items		0
63030	Fuel & Lubrication (POL)		0
63040	Supplies - Office		0
63050	Supplies - Operations		0
Total Supplies			0
64550	Computer Systems & Equipment		0
64560	Office Equipment		0
64570	Office Furniture & Fixtures		0
Total Capitalized Fixed Assets			0
Total All Others		30,246	9,840
Total Personnel & All Others		883,389	984,029

**FISCAL YEAR 2013
SUPREME COURT
BUDGET JUSTIFICATION**

61100	WAGES/SALARIES UNGRADED	\$974,189
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This amount is requested to maintain the wages and salaries of Commonwealth Supreme Court current eleven Full Time Employees (FTEs). With the exception of the constitutionally protected salaries, this amount reflects a work schedule for all staff of 72 hours biweekly and a corresponding 10% reduction in salaries.

The eight current FTEs consist of the Chief Justice and two Associate Justices, three law clerks, Clerk of the Supreme Court, and one assistant to the Clerk of Court, which we are seeking to restructure to an Administrative Officer/Human Resource Officer. Salaries of the Chief Justice at \$130,000 and two Associate Justices at \$126,000 each are constitutionally protected. Previous Supreme Court budgets also included FTEs for one secretary for each of the three Justices.

Restructuring of Position: Assistant Clerk of Court to Administrative Officer/Human Resource Manager. The restructuring of this position would continue to strengthen the Judiciary’s objective of administrative unification. The job duties previously performed by the Assistant Clerk of Court can be divided among existing staff, but the vital function of human resource management is currently ad hoc and only partially administered. An Administrative Officer/Human Resource Manager would be responsible for recruiting, hiring, training, and retention of staff, as well as monitoring compliance with federal and local labor laws. We therefore seek to restructure the Assistant Clerk of Court position to an Administrative Officer/Human Resource Manager, with an increase in annual salary from \$30,000 to \$35,000.

61180	PERSONNEL INSURANCE	\$11,299
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This amount is requested to cover the employer’s mandatory contribution to the select life insurance carrier for the group plan administered by the CNMI Retirement Fund. This cost is calculated at 1.6% of all salaries.

61190	RETIREMENT CONTRIBUTIONS	\$191,692
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This amount is requested to cover the employer’s mandatory contribution to the retirement program (Northern Mariana Islands Retirement Fund) currently based on 37.39% of the total base salaries of the four Supreme Court employees who continue to participate in the defined benefit plan. This requirement is mandated by CNMI law.

No. of FTEs	Total Personnel	Percentage	Total

7	\$512,682	37.39%	\$191,692
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The Northern Marianas Islands Fund (NMIRF) Board of Trustees has adopted an actuarially determined rate of 60.87% as the necessary employer contribution to the DB plan. Should the Legislative Branch consider adjusting employer contributions in its Fiscal Year 2013 allocations to this rate as recommended by the NMIRF or should additional funding become available for appropriation, the Supreme Court requests that the amount of its employer contributions to the NMIRF be adjusted accordingly.

No. of FTEs	Total Personnel	Percentage	Total
7	\$512,682	60.87%	\$312,069

61195	RETIREMENT CONTRIBUTIONS (401K DC PLAN)	\$7,740
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This amount is requested to cover the employer's mandatory contribution to the retirement program Defined Contribution (DC) Plan currently based on 4% of the total base salaries of the four court employees. This requirement is mandated by CNMI law.

No. of FTEs	Total Personnel	Percentage	Total
4	\$193,500	4%	\$7,740

61210	HEALTH INSURANCE PREMIUM	\$47,037
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Effective January 1, 2012, the CNMI Retirement Fund increased employer and employee contributions on the premiums paid to the insurance carrier (Aetna). For FY 2013, the judiciary has calculated its cost on actual enrollment (for single, couple or family) by staff.

61220	MEDICARE CONTRIBUTION	\$10,240
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This amount is budgeted to cover the employer's mandatory contribution to the Medicare program currently based at 1.45% of total base salaries of \$706,182. This budget category is included by the court to ensure that sufficient funds are appropriated to cover Medicare costs for the nine Supreme Court employees as required by law.

No. of FTEs	Total Personnel	Percentage	Total
11	\$706,182	1.45%	\$10,240

62050	OFFICIAL REPRESENTATION	\$0
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This budget category is requested to cover official representation costs to enable the Chief Justice and the Associate Justices of the Supreme Court to carry out their Constitutional duties and other related mandates and may include reasonable expenses for the entertainment of government officials, guests, and the promotion of goodwill and other public interests. In line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJA0 (1694).

62060	PROFESSIONAL SERVICES	\$0
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This budget category is considered one of the most important budget line items for the Commonwealth Judiciary. It is used to cover charges required by law and/or for the efficient administration of justice and includes payment for *Justice Pro Tem* fees, court appointed counsels, and other related fees. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJA0 (1694).

62070	PUBLIC AUDITOR'S FEE	\$9,840
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This amount is requested to cover the required Public Auditor's Fee at 1%.

62080	ADVERTISING	\$0
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This budget category is requested to cover advertising costs necessary to comply with existing laws on mandatory public announcements for bids, requests for proposals, and judicial public notices. Also included are costs for advertisements in local newspapers for court public notices, and publication announcements. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJA0 (1694).

62090	RECRUITMENT & REPATRIATION	\$0
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This amount is budgeted to cover the costs of recruitment and repatriation of Law Clerks assigned to the Supreme Court. This category is used for airfare, stipend, shipping of household items, and related expenses included in the employees employment contracts. The courts have law clerks on annual contracts which will require repatriation expenses upon completion of their employment contracts in FY2013 and recruitment of their replacements. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJA0 (1694).

62250	COMMUNICATIONS	\$0
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This amount is requested to cover communications costs associated with the procurement of postage stamps and other mailing costs and for the payment of monthly telephone, facsimile, internet services for our e-filings and information management, and online research. Again, in line

with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62260	DUES & SUBSCRIPTIONS	\$0
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This budget category is requested to cover annual membership dues to various court management and other judicial organizations and for annual subscriptions to professional journals, newsletters, and other legal publications. The Commonwealth Judiciary is a member of several organizations including the Pacific Judicial Council, Conference of Chief Justices, Conference of Court Administrators, American Bar Association, National Conference of Appellate Court Clerks, National Association of Court Management, National Conference of Bar Examiners, and other related professional organization. Membership to these organizations are extremely beneficial to the Commonwealth Judiciary as they provide the forum for exchange of vital information on judicial administration, court technology, alternative dispute resolution, domestic violence, drug and other specialized courts, and other related court management practices. As noted, this category also includes costs for annual subscriptions to legal publications necessary to keep judges, justices, law clerks, and other court personnel informed on current issues affecting the administration of the courts, the judicial decision-making processes, and other related matters. For the past several years, these membership fees have remained unpaid due to the implementation of austerity measures. We are again seeking to reinstate our active memberships in these organizations. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62280	INSURANCE	\$0
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This amount is allocated to cover costs of procuring premises liability insurance for the Guma Hustisia/Imwal Aweewe. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62290	LICENSES & FEES	\$0
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This amount is budgeted for payment of the annual license fees of software and the registration of court vehicles and other matters that need special licenses and fees. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62300	PRINTING & PHOTOCOPYING	\$0
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This amount is budgeted to cover costs for printing of forms, letterhead, and envelopes for the Commonwealth Supreme Court. Further, funds are requested to pay for the printing of the items necessary for the efficient operation of the courts. A steady increase in the number of Bar members require additional reprints of Appellate Rules, bar examination materials, and related

information. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJA0 (1694).

62500	TRAVEL	\$0
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This amount will cover travel expenses for off-island *Justices Pro Tem*. Additionally, the justices are normally scheduled to attend annual training sessions at the National Judicial College in Reno, Nevada. The justices, judges, and court staff also attend national and regional training, seminars, and conferences sponsored by various professional associations throughout the year, including the National Center for State Courts, the Institute for Court Management, the National Conference of Bar Examiners, and the Conference of State Court Administrators. Importantly, the Chief Justice attends the annual meeting of the Conference of Chief Justices. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJA0 (1694).

62660	REPAIR AND MAINTENANCE	\$0
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This budget category is requested to cover for repair and maintenance of copier machine, fax machine computers, printers, and other office equipment. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJA0 (1694).

62690	PERSONNEL TRAINING COST	\$0
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This budget category is requested to cover tuition for judicial education for justices at the National Judicial College and the Institute of Court Management and tuition/conference fee for staff.

63010	BOOKS & LIBRARY MATERIALS	\$0
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This budget category is requested to pay for books, journals, periodicals, and other publications and instructional materials for staff development. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJA0 (1694).

63020	FOOD ITEMS	\$0
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This budget category is for the purchase of drinkable water. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJA0 (1694).

63030	FUEL & LUBRICATION	\$0
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This budget category is requested to cover fuel and lubrication costs for all vehicles used by the Commonwealth Supreme Court. The costs will include gasoline, oil, and other lubrications used by the court.

63040	SUPPLIES-OFFICE	\$0
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This budget category is requested to cover office supplies to enable the court to function effectively and efficiently and will include reasonable expenses for paper, folders, pencils, pens, typewriter ribbons, paper clips, fasteners, logbooks, re-writable CDs, printer ink, labels, stickers, binders, staplers, staples, storage boxes, markers, filing trays, toner, dry ink, recording tapes, and other expendable office supplies. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

64550	COMPUTER SYSTEMS & EQUIPMENT	\$0
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The budget category is requested to upgrade the Supreme Court's computer infrastructure. Again, in line with the judiciary's efforts to unify court administrative functions, the Supreme Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

CNMI SUPERIOR COURT

Dept.	CNMI Judiciary
Activity	CNMI Superior Court FY 2013 Budget Request
Bus. Unit	1690

Class Code	Object Classification	FY 2012 PL 17-55 Actual	FY 2013 Budget Request
61090	Wages/Salaries - CSC		247,544
61100	Wages/Salaries - Ung		1,324,202
61180	Personnel Insurance		25,148
61190	Retirement Contribution (37.39%)		338,190
61195	401K D.C. Retirement Contribution (4%)		26,811
61200	Subsistence		0
61210	Health Insurance Premium		123,561
61220	Medicare Contribution		22,790
Total Personnel Costs		1,797,863	2,108,247
	Number of Positions	38	40
62050	Official Representation		0
62060	Professional Services		0
62070	Public Auditor's Fee		21,295
62080	Advertising		0
62090	Recruitment/Repatriation		0
Total Professional Services			21,295
62240	Bank Charges		0
62250	Communications		0
62260	Dues and Subscriptions		0
62280	Insurance		0
62290	Licenses and Fees		0
62300	Printing and Photocopying		0
Total Office Expenses			0
62500	Travel		0
62660	Repair & Maintenance		0
62680	Freight & Handling		0
62690	Personnel Training Cost		0
62700	Storage and Handling		0
62750	Cleaning Services		0
Total Others			0
63010	Books and Library Materials		0
63020	Food Items		0
63030	Fuel and Lubricate		0
63040	Supplies Office		0
63050	Supplies Operations		0
Total Supplies			0
64550	Computer Systems & Equip.		0
64560	Office Equipment		0
64570	Office Furniture & Fixtures		0
Total Capitalized Fixed Asset			0
Total All Others		44,744	21,295
Total Personnel & All Others		1,842,607	2,129,542

**FISCAL YEAR 2013
CNMI SUPERIOR COURT
BUDGET JUSTIFICATION**

61090	WAGES/SALARIES - CIVIL SERVICE SYSTEM	\$247,544
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The Superior Court requests for funding for 11 personnel/full-time Civil Service employees in order to meet its statutory duties and responsibilities. This amount reflects a work schedule for all staff of 72 hours biweekly and a corresponding 10% reduction in salaries. Funds requested will help retain the necessary personnel for all trial court services on Tinian, Saipan, and Rota, as the Court maintains offices and holds regular sessions on these islands. The total amount requested is to cover wages and salaries for the personnel classified under this budget category. It covers the employees' base pay, **without** projected increases.

The Superior Court would like to highlight that, in light of the Government's projected diminishing revenue the total amount requested for wages and salary **does not** include within-grade increase adjustments from Calendar Year 2001 to the present. This type of increase, as well as others, remain unpaid and must be addressed as soon as funds are readily available to compensate qualifying employees. Other unpaid amounts for career-service employees include, but are not limited to, increases resulting from reclassifications, restructures, and promotions, as well as 5% lump sum payments for graded employees who have been frozen at step 12 within their class pay levels. Public Laws 10-76 and 11-59 qualify employees in frozen salary grades for lump sum payments pursuant to availability of funding. As funds become available, adjustments may be considered to compensate the personnel that have performed satisfactorily in their line of work and have been rated accordingly. Calculations and/or a listing of these adjustments may be made available upon request. For purposes of this budget proposal, the Superior Court takes consideration of the decreasing revenue projections and does not include any increases in its personnel worksheet.

61100	WAGES/SALARIES - UNGRADED	\$1,324,202
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The Superior Court requests for funding in this category for 29 personnel/full-time employees in order to meet its statutory duties and responsibilities. With the exception of the constitutionally protected salaries, this amount reflects a work schedule for all staff of 72 hours biweekly and a corresponding 10% reduction in salaries. Funds requested will help retain the necessary personnel for all trial court services on Tinian, Saipan, and Rota, as the Court maintains offices and holds regular sessions on these islands.

In addition, the Superior Court requests to add the following new FTEs for FY 2013:

- **Deputy Clerk of Court, Clerk of Court, Superior Court (1690).** In FY 2012, the Superior Court Clerk of Court's Office lost several senior personnel with years of institutional knowledge. The addition of this senior position would greatly strengthen

the capacity of the Clerk of Court's Office. The Deputy Clerk of Court would assist the Clerk of Court with docket assignments, jury trial management, data integration, case management services, and the coordination of projects among the Superior Court Divisions.

➤ **Secretary for Associate Judge, Superior Court (1690).** Currently, there are five Superior Court Judges' chambers being serviced by only four secretaries. A fifth secretary position had been authorized in previous appropriations but had been left unfilled due to budget shortfalls and subsequently eliminated. Each secretary provides essential support to the Judge's caseload management, including drafting orders, scheduling matters for the judge, inputting key data in the case management software, coordinating correspondence and proposed court orders with the law clerks and the judge, tracking scheduling matters with the courtroom clerks, assisting with jury trials, transcribing court hearings, and providing general reception for each chamber, among other duties. The Judiciary seeks to re-establish this position for FY 2013.

61180	PERSONNEL INSURANCE	\$25,148
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This amount is requested to cover the employer's mandatory contribution to the selected life insurance carrier for the group plan administered by the CNMI Retirement Fund. This cost is calculated at 1.6% of all salaries.

61190	RETIREMENT CONTRIBUTION-DB PLAN	\$338,190
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This amount is requested to cover the employer's mandatory contribution to the CNMI Retirement Fund's Defined Benefit (DB) plan. CNMI law mandates this requirement. For FY 2013, the judiciary assumes a 37.39% employer contribution rate consistent with that being used by the administration for FY 2013.

➤ 23 FTEs with DB plan and employer contribution rate at 37.39% = \$338,190

However, the Northern Mariana Islands Retirement Fund (NMIRF) Board of Trustees had adopted an actuarially determined rate of 60.87% for the employer contribution to the DB plan. The Board posits that employers who do not contribute at this actuarially determined rate will show deficient employer's contributions to their members' benefits. A Court order in *Northern Mariana Islands Retirement Fund v. Commonwealth of the Northern Mariana Islands*, et al., CNMI Superior Court Civil Action No. 06-0367 gives judicial notice related to payments on this issue. As the Legislative Branch considers employer responsibilities in its Fiscal Year 2013 allocations, and in the event it continues its position that projected revenues commit the CNMI Government to a lower rate, the Superior Court requests that the amount in this category be recalculated accordingly and provide for it in the judiciary's total budget allocation. Below is a summary of same:

➤ 23 FTEs with DB Plan and employer contribution rate at 60.87% = \$550,565

61195	RETIREMENT CONTRIBUTION-DC PLAN	\$26,811
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This amount is requested to cover the employer's mandatory contribution to the CNMI Retirement Fund's Defined Contribution Plan. CNMI law mandates this requirement. The proposal projects a cost for 17 employees with the DC plan at **4%** of total base salary.

61200	HOUSING ALLOWANCE/SUBSISTENCE	\$0
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In FY 2010, the Superior Court eliminated housing allowance benefits in favor of a proportional salary increase.

61210	HEALTH INSURANCE PREMIUM	\$123,561
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Effective January 1, 2012, the CNMI Retirement Fund increased employer and employee contributions on the premiums paid to the insurance carrier (Aetna). For FY 2013, the Judiciary has calculated its cost on actual enrollment (for single, couple or family) by staff. The Superior Court requests \$123,561 for the employer's share of health insurance based on actual enrollment.

61220	MEDICARE CONTRIBUTION	\$22,790
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This amount is budgeted to cover the employer's contribution to the Medicare program currently based at 1.45% to total base salary \$1,571,746. This requirement is mandated by CNMI law.

62050	OFFICIAL REPRESENTATION	\$0
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The Superior Court requests this budget to cover expenses associated with the constitutional and statutory duties of the Office of the Presiding Judge. The amount is to cover reasonable expenses to promote public interest and goodwill regarding topics central to the CNMI justice system. Goodwill events will include off-island visitors/guest programs, inter-island judicial exchanges, inter-agency functions, and other judiciary-hosted projects. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62060	PROFESSIONAL SERVICES	\$0
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Please see the Commonwealth Judiciary Administrative Office Budget (1694) for this category. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62070	PUBLIC AUDITOR'S FEE	\$21,295
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This amount covers the mandated 1% allocation from the total budget amount for the public auditor's fee. This requirement is mandated by CNMI law.

62080	ADVERTISING	\$0
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This budget category is requested to cover the advertising costs in relation to Court announcements to the public, including but not limited to, judicial notices required by rules, regulations, or statutes. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62090	RECRUITMENT & REPATRIATION	\$0
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The amount is requested to cover the costs of recruitment and repatriation of the trial court's law clerks. This will include airfare and related expenses for the law clerk and his/her dependent(s). A number of Superior Court law clerk contracts will expire during the fiscal year and will require the payment of these expenses. When contracts of current law clerks are not renewed, new recruitment must take place, and the requested amount is to cover this as well. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62250	COMMUNICATIONS	\$0
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Please see the Commonwealth Judiciary Administrative Office Budget (1694) for this category. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62260	DUES AND SUBSCRIPTIONS	\$0
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This budget item is requested to cover membership dues in several Court, Probation, and Family Court organizations. The Superior Court is also a member of the Pacific Judicial Council in which membership dues are required. These organizations are important in order to keep the Court informed on issues confronting similar jurisdictions. Information and alternative funding concerning conferences, seminars, training, and legal innovations are promoted through these organizations and subscriptions. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62300	PRINTING AND PHOTOCOPYING	\$0
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This amount is budgeted to cover costs for printing and reproduction of forms, letterhead, business cards, program brochures for docket procedures, reports, and envelopes. The forms include legal documents used by the court staff, parties in litigation, and other agencies. They include, but are not limited to, Judgment and Commitment Orders for Criminal and Traffic cases, forms for Pro Se litigants including Financial Affidavit, Divorce, Paternity, Probation Services, Civil Complaints, etc. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62500	TRAVEL	\$0
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The amount is requested to cover travel expenses for judges, courtroom clerks, and probation officers to Tinian and Rota to conduct the business of the Court in FY 2013. Civil, criminal, and family courts matter are scheduled on both islands twice monthly. In addition to the regularly set schedule, jury trials are calendared for both islands. The travel cost of judges and support staff attending all sessions will be charged to this category. Inter-island visits done by probation officers are to monitor and supervise defendants that are on probation and/or to do investigations to provide pre-sentence reports for Judges. National and regional travel is also funded from this category to meet continuing legal education enhancements for our general jurisdiction courts. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62660	REPAIR AND MAINTENANCE	\$0
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Please see the Commonwealth Judiciary Administrative Office Budget (1694) for this category.

62680	FREIGHT AND HANDLING	\$0
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This amount is allocated to cover freight, handling, and other shipping costs of court documents and/or items to Rota and Tinian and to off-island Pro Tem Judges assigned to cases in the Superior Court. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62690	PERSONNEL TRAINING COST	\$0
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This amount is allocated to cover training costs of trial court judges and staff. Professional development and other continuing legal education requirements may be routinely met through

webinars, local hosting, or national chapter sessions. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

62750	CLEANING SERVICES	\$0
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Please see the Commonwealth Judiciary Administrative Office Budget (1694) for this category. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

63010	BOOKS AND LIBRARY MATERIALS	\$0
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Please see the Commonwealth Judiciary Administrative Office Budget (1694) for this category. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

63020	FOOD ITEMS	\$0
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This amount is requested to cover expenses for food items incurred during jury trials held on Rota, Saipan, and Tinian. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

63030	FUEL AND LUBRICATION	\$0
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Please see the Commonwealth Judiciary Administrative Office Budget (1694) for this category. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

63040	SUPPLIES - OFFICE	\$0
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This amount is requested to cover expenses related to purchases of office supplies for all Superior Court offices on the three islands: the offices of the Presiding Judge and Associate Judges, the Office of the Clerk of Court, the Office of Adult Probation, and the Family Court Division. The supplies include: file folders, fasteners, number and month labels, cassette tapes (for recording sessions), pens, pencils, markers, highlighters, envelopes, writing tablets, staples, small office equipment (such as staplers, hole punchers, etc.), and copying paper. Again, in line

with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

63050	SUPPLIES - OPERATIONS	\$0
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This request is to cover expenses for anticipated equipment and/or industry-standard tools for use by the staff of the Office of Adult Probation, Clerk of Court, and the Family Court Division. The probation officers must be properly equipped as they go out to enforce post-trial sentences imposed by the Court. Certain enforcement methods and precautions that need to take place requires each officer to be equipped with proper tools. The Office of the Clerk of Court and the Commonwealth Recorder also require specialized supplies with its operational needs. Again, in line with the judiciary's efforts to unify court administrative functions, the Superior Court requests this amount historically budgeted for this line item to be transferred to the CJAO (1694).

JUDICIARY ADMINISTRATIVE OFFICE

Dept.	JUDICIARY
	Commonwealth Judiciary Administrative Office FY
Activity	2013
Bus. Unit	1694

CLASS CODE	Object Classification	FY 2012 PL 17-55 Actual	FY 2013 Dept. Request
61090	Wages/Salaries -CSC		72,929
61100	Wages/Salaries - UNG		293,947
61180	Personnel Insurance		5,870
61190	Retirement Contribution		66,984
61195	401K DC Ret. Employer Contribution (4%)		7,509
61200	Subsistence Allowance		0
61210	Health Insurance Premium		50,382
61220	Medicare Contribution (1.45%)		5,320
Total Personnel Costs		326,098	502,941
	Number of Positions:	13	15
62050	Official Representation		760
62060	Professional Services		95,000
62070	Public Auditor 1%		8,152
62080	Advertising		983
62090	Recruitment & Repatriation		10,500
62100	Boards & Other Comp.		0
Total Professional Services			115,395
62240	Bank Charges		400
62250	Communications		35,000
62260	Dues & Subscriptions		4,000
62280	Insurance		0
62290	Licenses & Fees		900
62300	Printing & Photocopying		2,300
Total Office Expenses			42,600
62500	Travel		30,000
62660	Repair & Maintenance (Saipan, Tinian and Rota)		71,267
62680	Freight & Handling		800
62690	Personnel Training Cost		1,400
62710	Utilities	0	0
62750	Cleaning Services (Saipan, Tinian, and Rota)		0
Total Others			73,467
63010	Books & Library Materials		4,600
63020	Food Items		2,780
63030	Fuel & Lubrication (POL)		8,000
63040	Supplies - Office		18,200
63050	Supplies - Operations		11,000
Total Supplies			44,580
64550	Computer Systems & Equipment		6,000
64560	Office Equipment		0
64570	Office Furniture & Fixtures		0
Total Capitalized Fixed Assets			6,000
Total All Others		800,668	312,042
Total Personnel, Utilities & All Others		1,126,766	814,983

**FISCAL YEAR 2013
JUDICIARY ADMINISTRATIVE OFFICE
BUDGET JUSTIFICATION**

The Commonwealth Judiciary Administrative Office (CJAO) oversees the operations and maintenance of the Guma Hustisia/Imwal Aweewe/House of Justice. Accordingly, this office must be staffed to assist the Chief Justice and the Presiding Judge in their administrative responsibilities. The budget includes the wages and salaries of the Director of Courts, Administrative Officer, Building Superintendent, Administrative Assistant, Building and Grounds Maintenance personnel, Marshals, Systems Administrator and Computer Specialists.

Also in line with the judiciary's administrative unification efforts, the Judicial Council transferred select operating expenses from the Supreme Court and Superior Court to the CJAO to achieve greater administrative efficiencies. These accounts include all non-personnel expenses, with the exception of recruitment and repatriation expenses associated with hiring qualified law clerks and the mandatory Public Auditor's Fee for each account respectively. Importantly, these administrative expenses are transferred to the CJAO to be administered centrally for the benefit of the entire judiciary

61090	WAGES/SALARIES – CIVIL SERVICE	\$79,929
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The amount of \$79,929 is budgeted to cover the wages and salaries of four full-time civil service employees (FTEs) previously assigned to the CJAO. This amount reflects a work schedule for all staff of 72 hours biweekly and a corresponding 10% reduction in salaries.

The total amount requested for wages and salary does not include within-grade increase adjustments from calendar year 2001 to the present. This type of increase, as well as others, remain unpaid and must be addressed as soon as funds are readily available to compensate qualifying employees. Other unpaid amounts for career-service employees include, but are not limited to, increases resulting from reclassifications, restructures, and promotions, as well as 5% lump sum payments for graded employees who have been frozen at step 12 within their class pay levels. Public Laws 10-76 and 11-59 qualify employees in frozen salary grades for lump sum payments pursuant to availability of funding. As funds become available, adjustments may be considered to compensate the personnel that have performed satisfactorily in their line of work and have been rated accordingly. Calculations and/or a listing of these adjustments may be made available upon request.

61100	WAGES/SALARIES – UNGRADED	\$293,947
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The amount of \$293,947 is requested to pay for 11 ungraded FTEs. This amount reflects a work schedule for all staff of 72 hours biweekly and a corresponding 10% reduction in salaries.

The Judiciary Administrative Office requests two new FTEs for FY 2013:

- **Chief Marshal, Marshal Service Division, Judiciary Administrative Office (1694).** The Chief Marshal position had originally been established and funded by local appropriations. However, due to declining budget availability, the position had been left unfilled and subsequently eliminated from the Judiciary’s annual appropriations. In 2009, the Judiciary availed of federal grant funding through the American Recovery and Reinvestment Act of 2009 to re-establish the position of Chief Marshal. From the time of the grant award in 2009 until FY 2012, this position has been funded by federal dollars. In May 2011, the Marshal Service Division was given law enforcement authority under PL 17-41, increasing its functions and responsibilities. For these reasons and given this important role, we request the Chief Marshal position to be established and funded by local appropriation beginning in FY 2013.

- **Deputy Marshal – Tinian, Marshal Service Division, Judiciary Administrative Office (1694).** Like the Chief Marshal position, the Deputy Marshal for Tinian was established by the American Recovery and Reinvestment Act of 2009. However, the grant funding for this position has been exhausted, and efforts to seek additional grant assistance to continue funding this position in Tinian were unsuccessful. As a result, there is no Deputy Marshal in Tinian at this time, and, moreover, there is currently only one other established FTE for the Judiciary on the island of Tinian (a Deputy Clerk I). For these reasons, the Judiciary would like to request this position to be established and funded by local appropriation beginning in FY 2013.

61180	PERSONNEL INSURANCE	\$5,870
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This amount is requested to cover the employer’s mandatory contribution to the selected life insurance carrier for the group plan administered by the CNMI Retirement Fund. This cost is calculated at 1.6% of all salaries.

61190	RETIREMENT CONTRIBUTION – DB PLAN	\$66,984
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This amount is requested to cover the employer’s mandatory contribution to the CNMI Retirement Fund’s Defined Benefit (DB) plan. CNMI law mandates this requirement. The judiciary assumes a 37.39% DB employer contribution rate, consistent with that used by the administration.

- 9 FTEs with a DB plan and employer contribution rate of 37.39% = \$66,984

The Northern Mariana Islands Retirement Fund (NMIRF) Board of Trustees had adopted an actuarially determined rate of 60.87% for the employer contribution to the DB plan. The Board posits that employers who do not contribute at this actuarially determined rate will show deficient employer’s contributions to their members’ benefits. A Court order in *Northern Mariana Islands Retirement Fund v. Commonwealth of the Northern Mariana Islands*, et al., CNMI Superior Court Civil Action No. 06-0367 gives judicial notice related to payments on this

issue. As the Legislative Branch considers employer responsibilities in its Fiscal Year 2013 allocations, and in the event it continues its position that projected revenues commit the CNMI Government to a lower rate, the CJAO requests that the amount in this category be re-calculated accordingly and provide for it in the judiciary's total budget allocation. Below is a summary of same:

- 9 FTEs with DB Plan and employer contribution rate of 60.87% = \$118,051

61195	RETIREMENT CONTRIBUTION (401K PLAN)	\$7,509
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This amount is budgeted to cover the employer's mandatory contribution to the retirement program Defined Contribution (DC) Plan currently based on 4% of the total base salaries of 6 employees who have elected to participate in this plan. CNMI law mandates this requirement.

- 6 FTEs with DC plan and employer contribution rate of 4% = \$7,509

61200	SUBSISTENCE/HOUSING ALLOWANCE	\$0
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In FY 2010, the Judiciary eliminated housing allowance benefits in favor of a proportional salary increase.

61210	HEALTH INSURANCE PREMIUM	\$50,382
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Effective January 1, 2012, the CNMI Retirement Fund increased employer and employee contributions on the premiums paid to the insurance carrier (Aetna). For FY 2013, the Judiciary has calculated its cost on actual enrollment (for single, couple or family) by staff.

61220	MEDICARE CONTRIBUTION	\$5,320
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This amount is budgeted to cover employer's mandatory contribution to the Medicare program currently based on 1.45% of total base salaries of \$316,079. This budget category is included by the court to assure that sufficient funds are appropriated to cover Medicare costs for the 13 employees as required by law.

62050	OFFICIAL REPRESENTATION	\$760
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The amount is to cover reasonable expenses to promote public interest and goodwill regarding topics central to the CNMI justice system. Goodwill events will include off-island visitors/guest programs, inter-island judicial exchanges, inter-agency functions, and other judiciary-hosted projects.

62060	PROFESSIONAL SERVICES	\$95,000
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As part of the judiciary's organizational realignment to realize greater efficiencies in administration, professional service expenses have been consolidated from the Supreme Court and Superior court in the CJAO. As such, this budget category is requested to cover the charges for the continuing cost of court-ordered services associated with trial and appellate court activities. It will cover payment for Pro Tem Judges and Justices (fees for Pro Tem Judges are paid at the rate of a sitting judge on a per hour basis), special prosecutors appointed to sit in judicial discipline cases, expenses incurred for paternity testing and other pre-trial proceedings in Family Court cases, and fees for the services of jury panels in cases disposed through trial by jury. This budgeted amount will also encompass professional services for support of the judiciary's court case management system and online legal research contract.

In addition, this amount includes indigent defense fees and associated costs, which has historically been the biggest operational cost for the trial court. Again, in line with the judiciary's administrative unification efforts, this amount has been transferred from the Superior Court to the CJAO. The requested amount is to cover the continuing costs of court-ordered services associated with the legal defense of indigent clients. The following lists items paid for in prior fiscal years, and will continue to be paid in FY 2013: Court-appointed counsel, Court-appointed translators, Expert/Psychiatrist fees, investigative fees, and jury costs for court-appointed defense cases.

The requested amount covers attorney's fees for all indigent (criminal, traffic, juvenile, and paternity) defendants appearing before the trial court in all three islands. There are many instances where there are multiple defendants in a given case requiring the appointment of several attorneys. This budget also includes fees for listed experts and other expenses where justified by the indigent-defense parties. Due to the permanent demand for payment of these costs, the CJAO requests from the Secretary of Finance and/or Special Assistant for Management and Budget for consideration of a separate account classification to cover this particular category to differentiate it from the other professional services paid by the judiciary.

62070	PUBLIC AUDITOR'S FEE	\$8,152
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This amount is requested to cover the Public Auditor's Fee at 1%.

62080	ADVERTISING	\$983
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This budget category is requested to cover advertising costs necessary to comply with existing laws on mandatory public announcements for bids, requests for proposals, and judicial public notices. Also, included will be costs for advertisements in local newspapers for court public notices, and publications announcements.

62090	RECRUITMENT & REPATRIATION	\$10,500
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No amount is requested at this time for recruitment and repatriation expenses under this account.

62240	BANK CHARGES	\$400
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This budget category is used to purchase checks for our accounts payable imprest fund, fiduciary, and other revolving accounts.

62250	COMMUNICATIONS	\$35,000
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This budget category is also being consolidated in the judiciary's efforts to streamline administrative functions from the Supreme and Superior Courts to the CJAO. This is requested to cover communications costs associated with the procurement of postage stamps and other mailing costs and for the payment of monthly telephone, internet, and facsimile. In addition, high speed internet access for the judicial facilities in Saipan, Tinian and Rota is absolutely necessary to facilitate online legal research via databases such as Lexis Nexis and Westlaw and electronic case filing systems. It is anticipated that this category will increase due to greater communications needs of the Commonwealth Judiciary; as court technology advances, telecommunications play an ever-increasing role in the administration of justice in the Commonwealth.

62260	DUES & SUBSCRIPTIONS	\$4,000
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This budget category is requested to cover annual membership dues to various court management and other judicial organizations and for annual subscriptions to professional journals, newsletters, and other legal publications. The Commonwealth Judiciary is a member of several organizations including the Pacific Judicial Council, Conference of Chief Justices, Conference of Court Administrators, American Bar Association, National Conference of Appellate Court Clerks, National Association of Court Management, National Conference of Bar Examiners, and other related professional organization. Membership to these organizations are extremely beneficial to the Commonwealth Judiciary as they provide the forum for exchange of vital information on judicial administration, court technology, alternative dispute resolution, domestic violence, drug and other specialized courts, and other related court management practices. As noted, this category also includes costs for annual subscriptions to legal publications necessary to keep judges, justices, law clerks, and other court personnel informed on current issues affecting the administration of the courts, the judicial decision-making processes, and other related matters. For the past several years, these membership fees have remained unpaid due to the implementation of austerity measures.

62280	INSURANCE	\$0
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No amount is requested at this time for insurance under this account.

62290	LICENSES & FEES	\$900
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This amount is budgeted for payment of the annual license fees of software programs, court vehicles, and other matters that need special licenses and fees.

62300	PRINTING & PHOTOCOPYING	\$2,300
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This amount is budgeted to cover costs for printing of forms, letterheads, and envelopes for the Administrative Office.

62500	TRAVEL	\$30,000
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This amount is requested to pay for the cost of sending maintenance staff to the Tinian and Rota courthouses periodically for inspection, repairs, and maintenance. It also will be used to send court personnel to attend national and regional conferences and seminars conducted by the National Center for State Courts, the Institute for Court Management, the National Conference of Bar Examiners, and the National Association of Court Management.

62660	REPAIR & MAINTENANCE (SAIPAN, TINIAN AND ROTA)	\$71,267
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This amount is budgeted to cover repairs and maintenance of specialized equipment, machines, and air conditioning systems of the Saipan, Rota, and Tinian judicial centers. Equipment includes but is not limited to water pumps, fan motors, a reverse osmosis system and air conditioning systems. This amount also includes the cost of outsourcing maintenance to the six elevators located in the Guma Hustisia, required to maintain compliance with ADA requirements.

62680	FREIGHT & HANDLING	\$800
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This amount is allocated to cover freight, handling, and other shipping costs of court documents and/or items to Rota and Tinian and to off-island Pro Tem Judges assigned to cases in the Superior Court.

62690	PERSONNEL TRAINING COST	\$1,400
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This amount is allocated to cover training costs of trial court judges and staff. Professional development and other continuing legal education requirements may be routinely met through webinars, local hosting, or national chapter sessions.

62710	UTILITIES (SAIPAN, ROTA, & TINIAN)	\$0
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No amount is requested for utilities under this account at this time, consistent with recent advice by high level administration officials. However, this budget category is typically requested for utilities expenses incurred by the judiciary's Saipan Facility, the Guma' Hustisia/Imwaal Aweewe/House of Justice. This includes electrical, water, and sewer disposal fees assessed by the Commonwealth Utilities Corporation. Based on our actual historical usage, \$550,000 would be included in this budget request for utilities consumption in FY 2013 for the Saipan judicial facility, the Rota Judicial Center, and the Tinian Judicial Center.

62750	CLEANING SERVICES	\$0
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This budget category is requested for cleaning and other janitorial services for the Saipan Judicial Complex (Guma Hustisia/Imwal Aweewe/House of Justice), Rota, and Tinian Courthouses. No amount is requested for cleaning services under this account at this time.

63010	BOOKS & LIBRARY MATERIALS	\$4,600
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This budget category is requested to pay for books, journals, periodicals, and other publications and instructional materials for staff development.

63020	FOOD ITEMS	\$2,780
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This budget category is for the purchase of drinkable water for staff.

63030	FUEL & LUBRICATION	\$8,000
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Another consolidated budget line item from Supreme and Superior Courts into CJAO, this budget category is requested to cover fuel and lubrication costs for all vehicles used. The costs will include gasoline, oil, and other lubrications used by the court. Additional funds for fuel and lubricants are budgeted for lawn mowers, bush cutters, and other related equipment used by the grounds maintenance staff. Additionally, portions of this budget will be used to pay for the fuel and oil expenses of the reserve fuel tank that has been installed to provide fuel for the emergency generator of the court.

63040	SUPPLIES – OFFICE	\$18,200
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This budget category is requested to cover office supplies to enable the courts to function effectively and efficiently and will include reasonable expenses for stationery supplies such as paper, folders, pencils, pens, paper clips, fasteners, erasers, logbooks, computer diskettes and discs, printer inks, labels, stickers, binders, folders, staplers, staples, toners, dry ink, and other expendable office supplies.

63050	SUPPLIES – OPERATIONS	\$11,000
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This budget category is requested to enable the courts to purchase parts for the Guma Hustisia's air conditioning systems, electrical, plumbing supplies, batteries, and ground maintenance supplies. This category will also purchase batons, marshal uniforms, and other related supplies for the operation of the Marshal Service Unit.

64550	COMPUTER SYSTEMS & EQUIPMENT	\$6,000
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This budget category is requested to upgrade the judiciary's server infrastructure. The Information Infrastructure is the backbone of the CNMI Judicial Branch. It is composed of a complex LAN system comprised of pc systems, scanners, printers, hubs, switches, routers, cabling, and servers. Court employees access and retrieve justice information through this secure infrastructure in order to perform their duties. Because of this important role, the LAN system is kept on 24/7, 365 days a year. The decade-old LAN system has accumulated considerable wear and tear and needs to be upgraded due to the high volume of traffic and constant use. If this system were to fail, users will be cut off from access to essential court documents, not to mention the JustWare Case Management application for managing the court's docket.

64560	OFFICE EQUIPMENT	\$0
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This amount is requested to replacement parts for office equipment such as copier machines and digital recording equipment used in the courtrooms.

64570	OFFICE FURNITURE & FIXTURES	\$0
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This amount is budgeted to replace office furniture and fixtures such as desks and chairs.

LAW REVISION COMMISSION

OPERATING EXPENDITURE WORKSHEET - 37.39% DB and 72Hours

Department	JUDICIARY
Activity	Law Revision Commission FY 2013 Budget Request
Bus. Unit	1692

Class Code	Object Classification	FY 2012 PL 17-55 Actual	FY 2013 Department's Request
61090	Wages/Salaries - CSC		0
61100	Wages/Salaries - Ung		152,950
61180	Personnel Insurance (1.6%)		2,447
61190	Retirement Contribution DB (37.39%)		0
61195	401K DC Ret. Employer Contribution (4%)		6,118
61200	Subsistence		0
61210	Health Insurance Premium		3,450
61220	Medicare Contribution		2,218
Total Personnel Costs		130,230	167,183
	Number of Positions	4	4
62070	<i>Public Auditor's 1% Fee</i>		1,964
62050	Official Representation		0
62060	Professional Services		15,000
62080	Advertising		150
62090	Repatriation		0
62100	Boards and Other Comp.		0
Total Professional Services			17,114
62240	Bank Charges		0
62250	Communications		6,000
62260	Dues and Subscriptions		0
62280	Insurance		0
62290	Licenses and Fees		300
62300	Printing and Photocopying		0
Total Office Expenses			6,300
62500	Travel		0
62660	Repair & Maintenance		1,950
62680	Freight & Handling		200
62690	Personnel Training Cost		0
62700	Storage and Handling		0
62750	Cleaning Services		0
Total Others			2,150
63010	Books and Library Materials		0
63020	Food Items		200
63030	Fuel and Lubricate		500
63040	Supplies Office		1,500
63050	Supplies Operations		0
Total Supplies			2,200
64550	Computer Systems & Equip.		1,500
64560	Office Equipment		0
64570	Office Furniture & Fixtures		0
Total Capitalized Fixed Asset			1,500
Total All Others		17,008	29,264
Total Personnel & All Others		147,238	196,447

**FISCAL YEAR 2013
LAW REVISION COMMISSION
BUDGET JUSTIFICATION**

61100	WAGES/SALARIES	\$152,950
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This amount is budgeted to cover the wages cost of 4 personnel (FTE). The 4 FTEs consist of the Executive Director (codifies the Commonwealth Code), one Staff Attorney, one Executive Assistant, and one Publications Clerk. The meticulous and technological aspects of the personnel positions demand competitive salaries which are critical for the Commission to attract and retain the necessary efficient and competent personnel.

In addition, the Judiciary seeks to restructure the following position for FY 2013:

- **Executive Director/ Legal Counsel for Judicial Council.** The Judicial Council has designed the current Executive Director for the CNMI Law Revision Commission as its Legal Council. In addition to being responsible for the job duties of the LRC Executive Director, the position now entails all the tasks and duties as assigned by the Judicial Council, including advising on human resources, procurement, and other matters. Due to the substantial increase in job responsibilities, the Judiciary seeks to restructure this position to accurately reflect the duties as assigned.

61180	PERSONNEL INSURANCE	\$2,447
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This amount is budgeted to cover the employer's mandatory contribution to health and life insurance calculated using actual rates contributed on behalf of personnel.

61190	RETIREMENT CONTRIBUTIONS	\$0
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Currently, no employee of the Law Revision Commission is a member of the Defined Benefit plan.

61195	401K RETIREMENT CONTRIBUTIONS	\$6,118
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This amount is budgeted to cover the employer's mandatory contribution to the retirement program currently based on contribution of and 4%.

61200	SUBSISTENCE/HOUSING ALLOWANCE	\$0
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Currently, no employee of the Law Revision Commission receives a housing allowance.

61210	HEALTH INSURANCE PREMIUM	\$3,450
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Effective November 7, 2010, the CNMI Retirement Fund increased employer and employee contributions on the premiums paid to the insurance carrier (Aetna). For FY 2013, the judiciary has calculated its cost on actual enrollment (for single, couple or family) by staff.

61220	MEDICARE CONTRIBUTION	\$2218
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This amount is budgeted to cover the employer's mandatory contribution to the Medicare program currently based at 1.45%.

62070	PUBLIC AUDITOR'S FEE	\$1,964
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This amount is requested to cover the Public Auditor's Fee at 1%.

62060	PROFESSIONAL SERVICES	\$15,000
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For necessary professional services to work on the Judicial reporters (no more FTE provided for this legally mandated publication) and cross-checking and proofreading of other publications of the Commission.

62080	ADVERTISING	\$150
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For meeting, publication and procurement announcements in local newspapers; and for advertising in national legal publications for personnel vacancies.

62090	RECRUITMENT & REPATRIATION	\$0
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For the Commission to repatriate a staff attorney and recruit an attorney from off-island should the Commission be unable to hire a qualified professional from the CNMI.

62250	COMMUNICATIONS	\$6,000
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For the following expenses: (1) local, long distance, and Fax telephone services; (2) Internet connections necessary for updating and upkeeping the Commission's Internet site, and for doing legal research; and (3) packaging and mailing of Commission publications. **This amount is necessary for the Commission to serve the public through its website and to make publications available.**

62260	DUES AND SUBSCRIPTION	\$0
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Funds requested are for the following expenses: (1) dues for membership in the Association of Reporters of Judicial Decisions; (2) dues for membership in the National Conference of State Legislatures; (3) annual federal library use fee; and (4) subscriptions to publications of related professional organizations.

62290	LICENSES & FEES	\$300
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For user licenses of various professional software applications needed to create and maintain publications, and for vehicle registration.

62660	REPAIR AND MAINTENANCE	\$1,950
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For repairing and servicing photocopier, computers, and other electronic office equipment. The maintenance and repair of LRC's photocopier/printer is critical to the production of statutory and administrative code updates (supplements).

62680	FREIGHT & HANDLING	\$200
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For delivery of publications from stateside publishers to the Commission.

62690	PERSONNEL TRAINING COST	\$0
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For conference, training, workshop fees needed to keep abreast on the latest technological aspects/advances to improve jurisprudential accessibility and efficiency and for attorneys to meet continuing legal education requirements.

63010	BOOKS & LIBRARY MATERIALS	\$0
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For update supplements and update reference volumes such as Sutherlands on Statutory Construction, legislative manuals, legal dictionaries, blue book, and other reference materials required by the Commission in carrying out its daily duties.

63020	FOOD ITEMS	\$200
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For daily drinking water and also for food related to the activities and operation of the Commission such as light refreshments at Commission meetings.

63030	FUEL & LUBRICATION	\$500
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Requested to cover fuel costs of employees on official business using the Commission vehicle, and for routine lubrication of the Commission vehicle.

63040	SUPPLIES – OFFICE	\$1,500
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For consumption of paper, ink cartridges, and toner used in photocopying and printing Commission publications and drafts of publication prior to final publication, and for several other items commonly used in office work. **This amount is necessary for the Commission to codify and publish the Commonwealth and Administrative Code Supplements.**

64550	COMPUTER SYSTEMS & EQUIPMENT	\$1,500
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For routine and required upgrades of computer systems (example, necessary upgrade of Windows and scanning software) and components which are essential in creating and maintaining legal publications created by the Commission and for the continued productivity and efficiency of the Commission, especially considering the small number of staff. **This amount is necessary for the Commission to compile and publish the Commonwealth and Administrative Code Supplements and to prepare NMI Digest Volume 7.**