

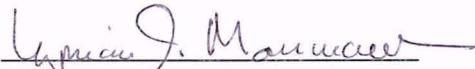
IN THE STATE COURT OF YAP

GENERAL COURT ORDER)
)
No. 2014-001)
_____)

ORDER ADOPTING ADVISORY
CASE PROCESSING TIME
STANDARDS

Pursuant to the rulemaking authority vested under Article VII, Section 6, of the Constitution of the State of Yap, and under Section 182 of the State Judiciary Act, and in accordance with Yap State Court's General Court Order 2009-001, the Court HEREBY ADOPTS the attached Advisory Case Processing Time Standards to take effect on August 1, 2014.

SO ORDERED on this 29th day of July, 2014.


Chief Justice Cyprian J. Manmaw



ADVISORY CASE PROCESSING TIME STANDARDS
YAP STATE COURT

Preamble

The fair and efficient administration of justice in the State of Yap requires that controversies, both civil and criminal, receive the timely attention of the Yap State Court. Accordingly, the judicial system must achieve a disposition of cases as expeditiously as is consistent with fairness.

The time standards listed below represent aspirational goals against which to measure the actual movement of trial and appellate court cases. They should not be treated as rules of court that limit the discretion of the Yap State Court to schedule individual cases and associated proceedings. Furthermore, they do not supersede time periods applicable to specific cases under court rules or statutes. Each case is unique, and the judges of the Yap State Court must, within the bounds of the rules of court and statutes, exercise sound judgment in such a manner as to provide the parties with a fair opportunity to be heard and to allow the court to achieve a reasoned disposition. The Yap State Court, however, recognizes the importance in observing and comparing the flow of cases in order to determine the special needs of the court and allocate resources to the best end.

There are many factors that determine the movement of the business of the courts, some which are within the control of the presiding judges, and some which are not. To use these benchmarks alone as a measure of the quality of the court or its judges would be to misunderstand and misapply them. Their purpose is to provide each judge and the judiciary as a whole with tools for the improvement of procedures and the allocation of resources. In sum, the intent of the advisory case processing time standards is to assist the Yap State Court in developing internal goals that can and should be reached and maintained, ultimately benefiting the public as a whole.

Finally, timely disposal of cases requires actions to be expeditiously prepared by the parties. Minimizing continuances is crucial in helping the court reach time goals. Excessive continuances delay case resolution, consume court time and limited resources, and can cause disorder. Stakeholders, particularly local lawyers and trial counselors, must be aware of the effect that continual continuances have on court performance and understand that the court expects matters to proceed on the date allocated.

The Yap State Court looks forward to the commitment of all stakeholders to ensure that the court can guarantee for its users and the citizens of Yap that cases are dealt with promptly and without delay. Accordingly, below are Advisory Case Processing Time Standards for the Yap State Court Trial and Appellate Divisions.

Advisory Case Processing Time Standards

The following time standards measure from the date of filing to the case resolution date. Case resolution occurs by a court decision, notice of settlement, dismissal, or other dispositive actions. The “Civil” category consists of trial division matters that do not fall under the category of Criminal/Juvenile.

Criminal/Juvenile: 90% of all criminal cases should be resolved within 4 months (120 days) of the date of filing the information; 98% within 8 months (240 days) of filing; and 100% within 12 months (360 days) of filing.

Civil: 90% of all civil cases should be resolved within 6 months (180 days) of the date of filing; 98% within 9 months (270 days) of filing; and 100% within 18 months (540 days) of filing.

Appeals: 90% of all appellate cases should be resolved within 9 months (270 days) of the date of filing; 98% within 12 months (360 days) of filing; and 100% within 18 months (540 days) of filing.