

IN THE SUPREME COURT AND THE HIGH COURT
of the
REPUBLIC OF THE MARSHALL ISLANDS

IN THE MATTER OF PROMULGATION OF A COURT THE RULE PROVIDING FOR A SCHEDULE OF COURT COSTS AND FEES	GENERAL COURT ORDER NO. 2020- 001
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SCHEDULE OF COURT COSTS AND FEES

Under the authority of Article VI, Section 1 of the Constitution and Sections 217 and 218 of the Judiciary Act of 1983, 27 MIRC Chp. 2, and notwithstanding any existing rule of court to the contrary, the Supreme Court and the High Court hereby adopt and promulgate the following Schedule of Court Costs and Fees:

The Clerk of Courts shall charge and collect the following fees with regard to work handled by the Office of the Clerk of the Courts.

I. FILING FEES IN CIVIL ACTIONS

A. FOR THE FILING OF A COMPLAINT, PETITION, COUNTERCLAIM, CROSS-CLAIM, THIRD-PARTY CLAIM, OR MOTION TO INTERVENE IN THE HIGH COURT the following fees shall be charged:

1. In Admiralty Cases - \$250.00, except for admiralty cases involving a non-resident entity, or a foreign entity or a foreign maritime entity, in which case the fee shall be \$1,000.00, and except when the claim is for seamen's wages, in which case the fee shall be \$25.00;
2. In Land Cases - \$25.00;
3. For Breach of Contract, including the collection of debts on promissory notes and similar types of suits on accounts, and for Monetary Damages (Tort Cases):
 - a. Where amount demanded is \$5,000.00 or less - \$25.00;
 - b. Where amount demanded is more than \$5,000.00 but not more

than \$50,00.00 - \$50.00; and

- c. Where the amount demanded is more than \$50,000.00 - \$100.00
4. In cases brought in whole or in part under Parts I through IV of the Associations Law, 52 MIRC (*e.g.*, cases involving a corporation, partnership, trust, unincorporated association, limited liability company, or other entity):
 - a. Where the entity is a non-resident domestic entity or a foreign entity or a foreign maritime entity - \$1,000.00; and
 - b. Where the entity is a resident entity - \$100.00
5. Divorce and Annulment Cases (other than customary divorce cases) - \$50.00, unless one party is a Marshallese citizen, then the fee shall be \$25.00;
6. Adoption Cases (other than customary adoption cases) - \$500.00, unless one adopting parent is a resident of the Republic or unless one adopting parent is related to the child by blood, in which case the fee shall be \$25.00. For purposes of this rule “a resident” means a person physically present in the Republic for 181 days out of 365 days immediately prior to the filing of a petition for adoption;
7. Confirmation of Customary marriages, divorces, and adoptions - \$25.00;
8. Guardianship Cases - \$25.00;
9. Probate Cases - \$25.00, except that if the estate is over \$7,000.00 the fee shall \$100.00;
10. Writ of Habeas Corpus - \$25.00;
11. Citizenship Application - \$500.00;
12. Delayed Registration of Birth and Delayed Registration of Death - \$5.00;
13. Deportation Cases - \$0.00;
14. Juvenile Cases - \$0.00;
15. Domestic Violence Cases - \$0.00;
16. Child support and custody (not including a divorce) - \$5.00;

17. Name Change - \$5.00;
 18. Enforcement of Foreign Judgments, Arbitration Awards, and the like - \$1,000.00; and
 19. Other types of cases not covered by above - \$25.00.
- B. FOR THE FILING OF A COMPLAINT, PETITION, COUNTERCLAIM, CROSS-CLAIM, THIRD-PARTY CLAIM, OR MOTION TO INTERVENE IN DISTRICT COURT - \$10.00, except for
1. Divorce Cases, Delayed Registrations of Birth, and Delayed Registration of Deaths for which the fee shall be the same fee as charged in the High Court; and
 2. Small Claims Cases - \$5.00 .
- C. FOR THE FILING OF A COMPLAINT, PETITION, COUNTERCLAIM, CROSS-CLAIM, THIRD-PARTY CLAIM, OR MOTION TO INTERVENE IN ANY COMMUNITY COURT - \$0.00.
- D. FOR THE FILING OF A NOTICE OF APPEAL, PETITION, WRIT, CROSS-APPEAL, OR SEPARATE APPEAL TO THE SUPREME COURT
1. \$100.00 for each appellant, petitioner, etc., but if the appeal is a joint appeal then only one fee must be paid; or
 2. \$1,000.00 for each appellant, petitioner, etc., if the appellant, petitioner, appellee, or respondent, etc. is a non-resident entity, a foreign entity, or a foreign maritime entity, or the case involves the enforcement of a foreign judgment, arbitration award, or the like, but if the appeal is a joint appeal then only one fee must be paid.
- E. FOR THE FILING OF A NOTICE OF APPEAL, PETITION, CROSS-APPEAL, OR SEPARATE APPEAL FROM THE DISTRICT COURT TO THE HIGH COURT - \$25.00 for each appellant, petitioner, etc. but if the appeal is a joint appeal than only one fee must be paid.
- F. FOR THE FILING OF A NOTICE OF APPEAL, PETITION, CROSS-APPEAL, SEPARATE APPEAL FROM A COMMUNITY COURT TO THE DISTRICT COURT - \$5.00 for each appellant, petitioner, etc. but if the appeal is a joint appeal than only one fee must be paid.

II. FEE FOR MARRIAGES – \$25.00.

III. COPIES OF RECORDS.

- A. For recording or certifying copies of documents - \$5.00.
- B. For apostille certifications - \$10.00.
- C. Unless a court rule or order provides otherwise, the charge for a photocopy is ten cents per page. This charge is separate from other fees mentioned in this rule. Copies may be made elsewhere if desired, but if made on the Court's machine, the ten cents per page charge must be paid in addition to the fees and costs covered by this rule. In cases of documents already filed in Court, these records may not be removed from the Court.

IV. RECORDS CHECKS. For a records check with respect to

- A. individuals 22 years of age or older - \$25.00;
- B. individuals under the age of 22 years; and
- C. entities, including corporations - \$100.00.

V. RESPONSIBILITY FOR SERVICE OF PROCESS. Every party (and the party's counsel, if there is one) is responsible for making certain that service of the Complaint, Summons, and other papers required to be served is accomplished. The Clerk of Court may, but need not, assist in such service.

VI. FEES AND COSTS FOR SERVICE OF PROCESS, ETC. Each Chief of Police, policeman, or other person authorized to execute or serve process shall be entitled to collect fees for duties performed by him or her other than in criminal, contempt or juvenile proceedings, as set forth in 29 MIRC Section 105. The current fee for service of process is \$5.00 plus 0.25 cents per mile for any travel actually performed and necessary in connection with the service.

VII. TRANSCRIPTS OF PROCEEDINGS.

- A. For a transcript of proceedings in any court:
 - 1. \$4.00 per page, or part thereof, for the original certified hard copy;
 - 2. \$0.25 per page, or part thereof, for each additional hard copy ordered at the same time as the original; and
 - 3. \$25.00 for an electronic copy ordered at the same time as the original.

Any party desiring to raise an issue on appeal from the High Court or the District Court, depending on the whole or any part of the evidence, must order at the party's own expense an original for the court, one hard copy for the party ordering the transcript, and one hard copy for each of the opposite parties. Any party requesting a transcript for proceedings other than an appeal must order at the party's own expense an original hard copy for the court and one hard copy for the party ordering the transcript. Opposing parties (plaintiffs, defendant, intervenors, etc.) may obtain a hard copy and/or an electronic copy of the transcript upon paying a proportionate share of the cost of the original hard copy. The party ordering transcripts must pay the costs, and court reporters and counsel should take care that this is done. If a party fails to pay the cost of transcripts, the Clerk of the Cost must not file submissions by the party without a Court order.

B. For audio tapes or CDs:

1. requests to listen - \$10.00;
2. duplicate (if court provides tape or CD) - \$15.00; and
3. duplicate (if requestor provides tape or CD) - \$10.00.

VIII. FEE WAIVER. Anyone who is unable to pay the fees set forth in this rule may petition the court to waive all or part of the fees pursuant to 29 MIRC 136.

IX. MATTERS NOT COVERED BY THIS RULE. Any transaction or matter within the subject matter of this rule and not inconsistent with or not covered by this rule shall be governed by existing rules and statutes.

X. EFFECTIVE DATE. This schedule of costs and fees shall take effect January 1, 2020, and supercede and replace the Courts' November 1, 2018 order.



DANIEL N. CADRA
Chief Justice, Supreme Court



CARL B. INGRAM
Chief Justice, High Court