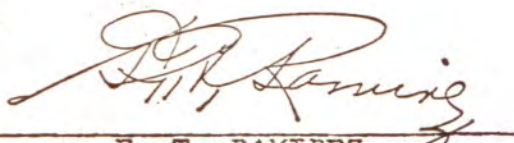


TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

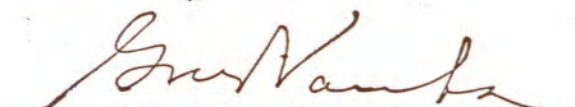
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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 637, "An Act to repeal and reenact and to amend sections of the Code of Civil Procedure relative to the selection of judges", was on the 6th day of December, 1974, duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 6th day
of December, 1974 at 4:35 o'clock 7 P. M.

/s/ KEITH LI ANDREWS

KEITH L. ANDREWS
Attorney General of Guam

APPROVED:

151

CARLOS G. CAMACHO
Governor of Guam

DATED: 12/18/74
2:20 p.m.

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12-189

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TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

Bill No. 637
Substitute Bill by
Committee on Judiciary

Introduced by _____
E. S. Terlaje
G. M. Bamba

AN ACT TO REPEAL AND REENACT AND TO AMEND
SECTIONS OF THE CODE OF CIVIL PROCEDURE
RELATIVE TO THE SELECTION OF JUDGES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Section 90 of Chapter III-A of Title I, Part I,
3 of the Code of Civil Procedure 'is hereby repealed and reenacted
4 to read as follows:

5 "Section 90. Selection of judges. Whenever a vacancy
6 shall occur in the office of the judge or justice, the
7 Governor shall fill such vacancy by appointing a person
8 with the consent of the Legislature, who has practiced
9 law on Guam for at least six (6) months. In making said
10 appointment, the Governor shall give consideration to
11 names which have been timely submitted to him by the
12 Judicial Council. Within fifteen (15) calendar days of
13 the expiration of the term of any judge or justice
14 whose office has not been filled pursuant to Section 91
15 of this Chapter, the Governor shall submit his appoint-
16 ment for said office to the Legislature for consent.
17 Failure by the Legislature to affirmatively reject said
18 appointment by majority vote before the expiration date
19 of said term, shall be deemed consent to said appointment.
20 Should a judge or justice vacate his office before his
21 term expires, the Governor shall submit his appointment
22 for that office to the Legislature for consent. Failure
23 by the Legislature to affirmatively reject said appoint-
24 ment by majority vote within fifteen (15) calendar days
25 shall be deemed consent to said appointment."

1 Section 2. Section 91 of Chapter III-A of Title I, Part I,
2 of the Code of Civil Procedure is hereby repealed and reenacted
3 to read as follows:

4 "Section 91. Tenure; declarations of candidacy;
5 form of judicial ballot; rejection and retention. Each
6 judge or justice appointed or elected pursuant to the
7 provisions of this Act and each judge or justice holding
8 office at the time the provisions of this Act go into
9 effect, shall hold office for a term ending January 30th
10 following the next general election after the expiration
11 of five (5) years since his appointment or election to
12 office. At the expiration of the term of any judge or
13 justice holding office at the time the provisions of
14 this Act go into effect, said office shall be deemed
15 vacant and shall be filled pursuant to Section 90 of
16 this Chapter. No less than sixty (60) days prior to the
17 holding of the general election next preceding the
18 expiration of his term of office, any judge or justice
19 appointed pursuant to Section 1 of this Act or who was
20 elected pursuant to this section may file in the office
21 of the Election Commission a declaration of candidacy
22 for election to succeed himself. If a declaration is not
23 filed, the vacancy resulting from the expiration of his
24 term of office shall be filled by appointment pursuant
25 to Section 90. If such a declaration is filed, his name
26 shall be submitted at said next general election on a
27 separate judicial ballot, without party designation
28 reading:

29 'Shall Judge/Justice _____ (here
30 the name of the judge/justice shall be inserted) of
31 the _____ Court (here insert name
32 of Court) be retained in office? Yes No.' (scratch one.)

1 If a majority of those voting on the question vote
2 against retaining him in office, upon the expiration
3 of his term of office, a vacancy shall exist which shall
4 be filled by appointment as provided in Section 90;
5 otherwise, said judge shall, unless removed for cause,
6 be retained in office for a term commencing upon the
7 expiration of his existing term of office."

8 Section 3. Section 92 of Chapter III-A of Title I, Part I,
9 of the Code of Civil Procedure is hereby repealed and reenacted
10 to read as follows:

11 "Section 92. Certification of names upon declara-
12 tions; law applicable to elections. Whenever a declara-
13 tion of candidacy for election to succeed himself is
14 filed by any judge or justice under the provisions of
15 this Chapter, the Election Commission shall not less
16 than thirty (30) days before the election certify the
17 name of said judge or justice and the judicial ballots
18 required by this Chapter shall be prepared, printed,
19 published and distributed, and the election upon
20 the question of such judge or justice in office shall
21 be conducted and the votes counted, canvassed, returned,
22 certified and proclaimed by such public officials in
23 such manner as is now provided by the Election Law."

24 Section 4. Section 61 of Chapter II, Title I, Part I, of
25 the Code of Civil Procedure is hereby amended to read as follows:

26 "Section 61. Composition of court. The Supreme
27 Court shall be presided over by the Chief Justice of
28 Guam and two (2) associate justices. The salary of the
29 Chief Justice shall be equal of the salary of the
30 Governor of Guam, and the salary of each of the
31 associate justices shall be Two Thousand Dollars
32 (\$2,000) less than the salary of the Chief Justice.

1 (a) Temporary designation of associate justices.
2 Until such time as the Chief Justice shall find that
3 the business of the Supreme Court warrants the appoint-
4 ment of associate justices, he may designate as asso-
5 ciate justices to sit with him in any session of the
6 Supreme Court:

- 7 1. Any Judge of the Superior Court;
- 8 2. The Judge of the District Court of Guam,
9 with his consent; and
- 10 3. Any Judge of the High Court of the Trust
11 Territory, with the consent of the Chief
12 Justice of that court and the justice to
13 be so designated.

14 (b) Disqualification or inability of Chief Justice
15 to act. In the case where the Chief Justice is dis-
16 qualified, unable to act, or is temporarily absent, the
17 associate justice most senior in tenure shall sit as
18 Chief Justice.

19 (c) Concurrence of two (2) justices is necessary
20 for any decision. The concurrence of two (2) justices
21 shall be necessary to any decision of the Supreme Court
22 on the merits of an appeal, but the Chief Justice alone,
23 or an associate justice sitting in his place alone, may
24 make any appropriate orders with respect to an appeal
25 and dismiss an appeal for want of jurisdiction, or failure
26 to take or prosecute it in accordance with the applicable
27 law or rules of procedure.

28 (d) Temporary appointment of justices. In any case
29 where a permanent justice of the Supreme Court is
30 temporarily absent due to any cause or has excused
31 himself from hearing a particular case or is otherwise
32 disqualified, the Chief Justice may appoint a temporary

1 justice from among the Superior Court judges."

2 Section 5. Section 81 of Chapter III, Title I, Part I,
3 of the Code of Civil Procedure is hereby amended to read as
4 follows:

5 "Section 81. Composition of Court. The Superior
6 Court shall consist of a presiding judge and such
7 additional judges as may be necessary for the proper
8 dispatch of the business of the court. The annual
9 salary of the presiding judge shall be Two Thousand,
10 Five Hundred Dollars (\$2,500) less than an associate
11 justice and the annual salary of the other judges
12 shall be Five Hundred Dollars (\$500) less than the
13 presiding judge; provided, however, that any judge of
14 the Superior Court assigned exclusively to the Traffic
15 Court Division shall receive an annual salary of Three
16 Thousand Dollars (\$3,000) less than the other Superior
17 Court judges.

18 In carrying out the provisions of Section 81 of
19 the Code of Civil Procedure, as amended by the preceding
20 section of this Act, the Chief Judge and judges of the
21 Island Court will then assume the office of Presiding
22 Judge and judges of the Superior Court, respectively,
23 and the Judge of the Police Court will be the Judge of
24 the Superior Court, assigned exclusively to the Traffic
25 Court Division of the Superior Court for terms to expire
26 upon the expiration of their present term of office."

27 Section 6. Section 136 of Chapter VII, Title I, Part I, of
28 the Code of Civil Procedure is hereby amended to read as follows:

29 "Section 136. Assignment and appointment of temporary
30 judges. If the proper dispatch of the business of the
31 Superior Court so requires, the Chief Justice may appoint
32 a judge pro tempore to serve for a designated temporary
33 period in the Court."