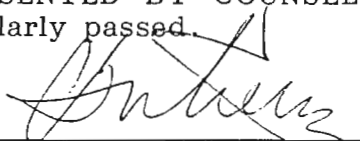


EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 177 (COR), "AN ACT TO AMEND SECTIONS 680.4 AND 680.9 OF THE CIVIL PROCEDURE CODE RELATIVE TO RIGHT TO JURY TRIAL AND PAYMENT OF JURORS, TO AMEND SECTION 28062 OF THE GOVERNMENT CODE RELATIVE TO ADOPTION OF RULES BY THE SUPERIOR COURT, MAKING AN APPROPRIATION FOR JURY FEES AND COURT APPOINTED ATTORNEYS FEES, AUTHORIZING BRANCHES OF THE GOVERNMENT TO BE REPRESENTED BY COUNSEL", was on the 28th day of March 1985, duly and regularly passed.

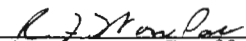
  
CARL T. C. GUTIERREZ  
Speaker

Attested:


  
ELIZABETH P. ARRIOLA  
Senator and Legislative Secretary

-----

This Act was received by the Governor this 29<sup>th</sup> day of March 1985, at 4:45 o'clock p.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
RICARDO J. BORDALLO  
Governor of Guam

Date: 4/9/85

Public Law No. 6:10pm  
18-4

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. 177 (COR)  
Substitute  
Committee on Federal, Foreign  
and Legal Affairs

Introduced by:

F. R. Santos  
J. T. San Agustin  
T. S. Nelson

---

E. P. Arriola

AN ACT TO AMEND SECTIONS 680.4 AND 680.9 OF  
THE CIVIL PROCEDURE CODE RELATIVE TO RIGHT TO  
JURY TRIAL AND PAYMENT OF JURORS, TO AMEND  
SECTION 28062 OF THE GOVERNMENT CODE RELATIVE  
TO ADOPTION OF RULES BY THE SUPERIOR COURT,  
MAKING AN APPROPRIATION FOR JURY FEES AND  
COURT APPOINTED ATTORNEYS FEES, AUTHORIZING  
BRANCHES OF THE GOVERNMENT TO BE  
REPRESENTED BY COUNSEL.

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

2 Section 1. Section 680.4 of the Civil Procedure Code (as amended by  
3 Public Law 17-62) is amended to read:

4 "Section 680.4. Right to Jury Trial. In all cases at law in which  
5 the demand, exclusive of interest and costs, or the value of the  
6 property in controversy amounts to more than Twenty Dollars  
7 (\$20.00), except for small claims cases and appeals thereafter, and in  
8 all criminal cases where the authorized punishment consists of  
9 confinement for more than sixty (60) days or a fine of more than Five  
10 Hundred Dollars (\$500.00), the parties shall be entitled to a trial by  
11 jury."

12 Section 2. Section 680.9 of the Civil Procedure Code (as amended by  
13 P.L. 17-62) is amended to read:

14 "Section 680.9. (b) Jurors in the courts of Guam shall receive  
15 the following fees, except as otherwise expressly provided by law:

1 For actual attendance at the place of trial or hearing and for the  
2 time necessarily occupied in going to and from such place at the  
3 beginning and end of such service or at any time during the same,  
4 thirty dollars (\$30.00) per day, except that any juror required to  
5 attend more than thirty (30) days in hearing one case may be paid in  
6 the discretion and upon the certification of the judge a per diem fee  
7 not exceeding forty dollars (\$40.00) for each day in excess of thirty  
8 (30) days he is required to hear each case.

9 Whenever in any case the jury is ordered to be kept together and  
10 not to separate, the cost of subsistence during such period shall be  
11 paid upon the order of the court. Jury fees provided by this Section  
12 shall be paid on the certificate of the clerk of the court, and in the  
13 case of jury fees in excess of thirty dollars (\$30.00) per diem, when  
14 allowed as herein above provided, on the certificate of the trial  
15 judge."

16 Section 3. Section 28062 of the Government Code (as enacted by P.L.  
17 17-62) is amended to read:

18 "Section 28062. Administrative Adjudication Law and Open  
19 Government Law Not Applicable. Neither the Administrative  
20 Adjudication Law nor the Open Government Law shall be applicable to  
21 proceedings, deliberations and activities covered by this Chapter;  
22 provided that the Administrative Adjudication Law and Open  
23 Government Law of Guam shall be applicable to any rule-making  
24 functions of the Ethics Committee, but not the Superior Court,  
25 provided herein."

26 Section 4. Six Hundred Ninety Three Thousand Eight Hundred and  
27 Seven Dollars (\$693,807.00) is appropriated from the General Fund to the  
28 Judicial branch to supplement the appropriation made on Section 5, Part  
29 XXII, B.6 and 7. (Jury fees/expenses and court appointed attorneys fees)  
30 of P.L. 17-70.

31 Section 5. Subsection (c) of Section 7008 of the Government Code is  
32 amended to read:

33 "(c) conduct on behalf of the Government of Guam all civil  
34 actions in which the government is an interested party; provided that

1           those branches, departments or agencies which are authorized to  
2           employ their own legal counsel may use them instead of the Attorney  
3           General."

EIGHTEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No.: 177      DATE: 3-28-85

Resolution No.: \_\_\_\_\_

QUESTION: \_\_\_\_\_

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>VOTING</u>	<u>ABSENT</u>
J. F. Ada	✓			
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. M. Bamba	✓			
F. F. Blas	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
C. T. C. Gutierrez	✓			
F. J. Gutierrez	✓			
A. C. Lamorena III	✓			
P. C. Lujan	✓			
M. D. A. Manibusan	✓			
J. Miles	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. Quitugua	✓			
J. M Rivera	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco				✓

20

1



# Eighteenth Guam Legislature

P.O. Box CB-1  
Agana, Guam H.S.A. 96910

SENATOR F. R. SANTOS  
Chairman, Committee on Federal,  
Foreign and Legal Affairs

March 25, 1985

The Honorable Carl T.C. Gutierrez  
Speaker, 18th Guam Legislature  
P. O. Box CB-1  
Agana, Guam 96910

Dear Speaker Gutierrez:

The Committee on Federal, Foreign and Legal Affairs  
recommends that Bill No. 177 as substituted, be passed by  
the following vote:

TO DO PASS	<u>9</u>
TO NOT PASS	<u>-0-</u>
ABSTAIN	<u>-0-</u>

Sincerely,

F.R. SANTOS



# Eighteenth Guam Legislature

H.O. Box CB-1

Agana, Guam H.S.A. 96910

SENATOR F. R. SANTOS

Chairman, Committee on Federal,  
Foreign and Legal Affairs

## VOTE SHEET

SUBSTITUTE BILL NO. 177

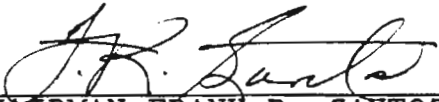
MEMBER

TO  
DO PASS

TO  
NOT PASS

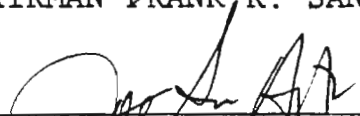
ABSTAIN

COMMENTS



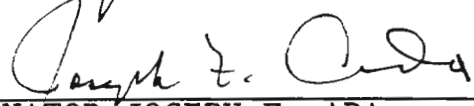
CHAIRMAN FRANK R. SANTOS

✓




SENATOR JOE T. SAN AGUSTIN  
VICE CHAIRMAN

✓



SENATOR JOSEPH F. ADA

✓

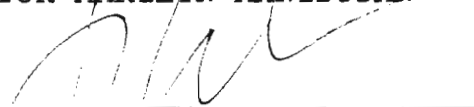


SENATOR JOHN P. AGUON

✓

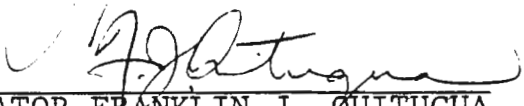
SENATOR ELIZABETH P. ARRIOLA

SENATOR MARILYN MANIBUSAN



SENATOR TED S. NELSON

✓



SENATOR FRANKLIN J. QUITUGUA

✓

SENATOR THOMAS V.C. TANAKA



# Eighteenth Guam Legislature

H.O. Box CB-1

Agana, Guam U.S.A. 96910

COMMITTEE REPORT

ON

SUBSTITUTE BILL NO. 177

"AN ACT TO AMEND SECTIONS 680.4 AND 680.9 OF THE CIVIL PROCEDURE CODE RELATIVE TO RIGHT TO JURY TRIAL AND PAYMENT OF JURORS, TO AMEND SECTION 28062 OF THE GOVERNMENT CODE RELATIVE TO ADOPTION OF RULES BY THE SUPERIOR COURT, MAKING AN APPROPRIATION FOR JURY FEES AND COURT APPOINTED ATTORNEYS FEES, AUTHORIZING BRANCHES OF THE GOVERNMENT TO BE REPRESENTED BY COUNSEL"

Committee Chairman Senator F.R. Santos convened the public hearing on Bill No. 177 at 10:00 a.m. on February 25, 1985 at the Legislative Session Hall. Committee members in attendance were Senators Franklin Quitugua, Marilyn Manibusan, Joseph Ada, Ted Nelson, Joe T. San Agustin and Alberto Lamorena III (non-voting member). Also in attendance was Senator Jim Miles.

Appearing before the Committee was Mr. Jesus Baza, Fiscal Officer of the Superior Court of Guam who submitted written testimony for Judge Paul J. Abbate, Presiding Judge (Attachment 1). Judge Abbate supports the proposals contained in the Bill, the result of its passage would mean a more efficient and less expensive judicial system.

Judge Abbate also stated that Guam's present jury fee is the highest in the entire nation, Forty Dollars (\$40), this is four times greater than the fees allowed in other jurisdictions, some of which are less than Ten Dollars (\$10) per day inclusive of meals, mileage and parking. He then added that if Bill No. 177 passes the court may be able to save \$140,000 in initial selection of jurors and another \$60,000 for the added days of jury service.

Also submitting written testimony in support of Bill No. 177 was Mr. Richard Oppen, Attorney General of Guam (Attachment 2). Mr. Oppen stated that it is a matter of public record that the resources of our judicial system are being stretched to the breaking point. Mr. Oppen further stated that without some legislative relief our courts will soon be unable to keep up with their ever-growing caseload. He also stated the current stipend is a luxury we can no longer afford.



Chairman F.R. Santos adjourned the public hearing at 4:30 p.m.

After the hearing, Ms. Ruth Hall, President of the Guam Bar Association submitted a written testimony suggesting that the Committee amend Section 28062 of Title XXIX of the Government Code in the same bill (Attachment 3).

The analysis of Substitute Bill No. 177 is attached.

COMMITTEE RECOMMENDATION

The Committee recommends that Bill No. 177 be passed, as substituted.

## ANALYSIS OF SUBSTITUTE BILL 177

Section 1 amends the provision of law governing the right to trial by jury in criminal matters. Under the amendment made in the Substitute Bill jury trials will be available to defendants accused of crimes which could result in confinement of longer than sixty days. Present law authorizes jury trials in all criminal cases which could result in any confinement or a fine of more than \$500.

Section 2 reduces the juror per diem allowance from \$40 to \$30 for short trials. For trials longer than 30 days per diem is reduced from \$50 to \$40.

Section 3 of the proposed substitute Bill is another technical amendment to Public Law 17-62. Rules pertaining to ethics adopted by the Superior Court are not subject to the Open Government Law and Administrative Adjudication Act according to Section 28050(c). However, some confusion has arisen regarding this point because Section 28062 may be to the contrary.

Other court rules adopted by the Judicial Council are submitted to the Legislature for a sixty day review. The Ethics Committee rules have been adopted pursuant to the Administrative Adjudication Act and the Open Government Laws. The clarification made in this Section is to state that the Open Government Law and Administrative Adjudication Act applies to Ethics Committee Rules but not Superior Court Rules.

Section 4 provides funds to the Judicial Branch for jury fees and court appointed attorney fees. The need for the supplemental arose in large part because of the increased jury fee not anticipated when Public Law 17-70 was enacted.

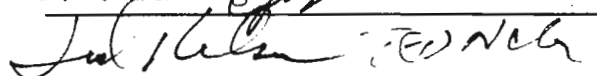
Section 5 restores the statute allowing the judicial and legislative branches to obtain attorneys to represent each in civil matters. This provision was enacted in the Territorial Prosecturo Act which was declared inorganic by the District Court.

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. 177  
Substitute  
Committee on Federal, Foreign  
and Legal Affairs

Introduced by:

F. R. Santos  
J.T. San Agustin



AN ACT TO AMEND SECTIONS 680.4 AND 680.9 OF  
THE CIVIL PROCEDURE CODE RELATIVE TO RIGHT TO  
JURY TRIAL AND PAYMENT OF JURORS, TO AMEND  
SECTION 28062 OF THE GOVERNMENT CODE RELATIVE  
TO ADOPTION OF RULES BY THE SUPERIOR COURT,  
MAKING AN APPROPRIATION FOR JURY FEES AND  
COURT APPOINTED ATTORNEYS FEES, AUTHORIZING  
BRANCHES OF THE GOVERNMENT TO BE  
REPRESENTED BY COUNSEL.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. Section 680.4 of the Civil Procedure Code (as amended by  
3 Public Law 17-62) is amended to read:

4 "Section 680.4. Right to Jury Trial. In all cases at law in which  
5 the demand, exclusive of interest and costs, or the value of the  
6 property in controversy amounts to more than Twenty Dollars  
7 (\$20.00), except for small claims cases and appeals thereafter, and in  
8 all criminal cases where the authorized punishment consists of  
9 confinement for more than sixty (60) days [or exceeds fines] or a fine  
10 of [not] more than Five Hundred Dollars (\$500.00), the parties shall  
11 be entitled to a trial by jury."

12 Section 2. Section 680.9 of the Civil Procedure Code (as amended by  
13 P.L. 17-62) is amended to read:

14 "Section 680.9. (b) Jurors in the courts of Guam shall receive  
15 the following fees, except as otherwise expressly provided by law:  
16 For actual attendance at the place of trial or hearing and for the  
17 time necessarily occupied in going to and from such place at the  
18 beginning and end of such service or at any time during the same,  
19 [forty dollars (\$40.00)] thirty dollars (\$30.00) per day, except that  
20 any juror required to attend more than thirty (30) days in hearing one  
21 case may be paid in the discretion and upon the certification of the

1 judge a per diem fee not exceeding [fifty dollars (\$50.00)] forty  
2 dollars (\$40.00) for each day in excess of thirty (30) days he is  
3 required to hear each case.

4 Whenever in any case the jury is ordered to be kept together and  
5 not to separate, the cost of subsistence during such period shall be  
6 paid upon the order of the court. Jury fees provided by this Section  
7 shall be paid on the certificate of the clerk of the court, and in the  
8 case of jury fees in excess of [forty dollars (40.00)] thirty dollars  
9 (\$30.00) per diem, when allowed as herein above provided, on the  
10 certificate of the trial judge."

11 Section 3. Section 28062 of the Government Code (as enacted by P.L.  
12 17-62) is amended to read:

13 "Section 28062. Administrative Adjudication Law and Open  
14 Government Law Not Applicable. Neither the Administrative Adjudication  
15 Law nor the Open Government Law shall be applicable to proceedings,  
16 deliberations and activities covered by this Chapter; provided that the  
17 Administrative Adjudication Law and Open Government Law of Guam  
18 shall be applicable to any rule-making functions of the Ethics  
19 Committee, but not the Superior Court, provided herein."

20 Section 4. Six Hundred Ninety Three Thousand Eight Hundred and  
21 Seven Dollars (\$693,807.00) is appropriated from the General Fund to the  
22 Judicial branch to supplement the appropriation made on Section 5, Part  
23 XXII, B.6 and 7. (Jury fees/expenses and court appointed attorney's fees)  
24 of P.L. 17-70.

25 Section 5. Subsection (c) of Section 7008 of the Government Code is  
26 amended to read:

27 "(c) conduct on behalf of the Government of Guam all civil  
28 actions in which the government is an interested party; provided that  
29 those branches, departments or agencies which are authorized to  
30 employ their own legal counsel may use them instead of the Attorney  
31 General [in civil actions where the interest of that agency is in  
32 conflict with that of another department or agency."



Chambers of  
Paul J. Abbate  
Presiding Judge

Superior Court of Guam  
Judiciary Building  
Agana, Guam 96910  
Telephone 472-6318

February 25, 1985

The Honorable Joe T. San Agustin  
Chairman, Ways and Means Committee  
Eighteenth Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

Re: Testimony in Support of Bill No. 177

Dear Mr. Chairman and Committee Members:

The Superior Court of Guam firmly supports the proposals contained in Bill 177, the result of its passage would mean a more efficient and less expensive judicial system. We ask the expeditious passage of Bill 177.

Bill 177 addresses two potentially expensive problems now faced by the Court. First is the extremely generous rate of compensation presently allowed for jurors and second relates to when a jury trial is allowed in a criminal prosecution.

Addressing the jury fee first, as you are probably aware, Guam's present jury fee is the highest in the entire nation. Our Forty Dollars (\$40) per day rate of compensation is four times greater than the fees allowed in other jurisdictions, some of which are less than Ten Dollars (\$10) per day, inclusive of meals, mileage and parking.

Generally, the services rendered by jurors is regarded to be a civic obligation or duty. In Subsection 680.1 of the Guam Civil Procedure Code, a section identical to the federal jury statute, it is expressly provided, "that all qualified citizens . . . have an obligation to serve as jurors when summoned for that purpose."

The Superior Court anticipates about one hundred (100) trials, both felony and misdemeanor, will take place this year. For those trials, some 7,450 jurors will probably be summoned and paid. If Bill 177 is passed, our controller has estimated that \$140,000 can be saved in the initial selection of jurors and another \$60,000 for the added days of jury service. The Superior Court, and ultimately the General Fund from which we

get our appropriations, will realize a savings of at least \$200,000. If the Prosecutor's Office continues to indict criminals at its current rate, the numbers could grow even larger. For this reason, we support the reduction in the rate of compensation for jurors from \$40 per day to no more than \$30 per day, and even going back to the old rate of \$20 per day would not be opposed by the Superior Court.

Section 2 of Bill 177 addressed the right to a jury trial in a petty criminal prosecution.

The right to trial by an impartial jury in criminal prosecutions is fundamental to the United States judicial system.

The right was incorporated into the original Bill of Rights in Amendment VI of the United States Constitution. Since 1968, when a federal amendment to the Organic Act made Amendment VI applicable to the Territory of Guam, the citizens of Guam have also enjoyed the right to a jury trial in most criminal prosecutions.

The right to a trial by jury has not, however, been found to encompass all criminal prosecutions. The Supreme Court of the United States has held that certain petty crimes may carry no attendant right to a trial by jury. In the case Duncan v. Louisiana, 391 U.S. 145, 20 LEd 2d 491, 88 S Ct 1444, reh den, 392 US 947, 20 L Ed 2d 1412, 88 S Ct 2270 (1968), the Supreme Court held, "So-called petty offenses were tried without juries both in England and the Colonies and have always been held to be exempt from the otherwise comprehensive language of the Sixth Amendment's jury trial provisions."

The reasoning behind the lack of jury trials for petty offenses stemmed from the fact that, "the possible consequences to defendants from convictions for petty offenses have been thought insufficient to outweigh the benefits to efficient law enforcement and simplified judicial administration resulting from the availability of speedy and inexpensive non-jury adjudications." Duncan, supra at 88 S Ct 1453, 391 US 160.

Public Law 12-85, a court reorganization act enacted in 1974, did not provide for jury trials in criminal cases where the authorized punishment exceeded thirty (30) days.

This language proved unworkable because it included petty misdemeanors for which the maximum punishment allowed is sixty (60) days. The mistake was quickly recognized and in the next legislative session P.L. 13-187 was passed which amended the section to exempt from the jury trial requirement those prosecutions "where the authorized punishment exceeds sixty (60) days imprisonment." Guam Code of Civil Procedure Section 680.1(b) as amended.

The law continued in force, petty misdemeanors being tried without juries until last year when the jury and ethics bill, Bill No. 581, was passed by the Seventeenth Guam Legislature. As originally submitted, the Bill contained the provision exempting petty crimes from the right to a jury trial. However, at some point in the drafting stage, the language was changed to read "in all criminal cases" a jury trial could be demanded. This language is even more inclusive than any previous law.

The language would seem to imply that a person could ask for a jury trial in traffic cases and juvenile court as well as when being prosecuted for petty crimes.

The work of the Superior Court would be brought to a virtual standstill if such demands were made. The criminal calendar would be so overwhelming that it would be nearly impossible to get civil cases on the calendar. The cost in judicial efficiency would be tremendous in comparison to the benefit bestowed upon a small segment of society accused of, for the most part, rather insignificant crimes where jail time is rarely imposed.

The other cost is in the drain on the court's funds. Earlier in this testimony the court provided a projection of costs incurred in connection with jury selection and trials. As you noticed, the figures were quite substantial. If people were to start making it a practice to demand jury trials in these petty cases, the jury costs would skyrocket and we would be back seeking further supplemental appropriations from yourselves.

Quite simply, a small mistake was made in the language of the jury bill. We are asking today that you rectify this situation before it turns into a big and expensive problem. Thank you very much.

PAUL J. ABBATE



RICHARD G. OPPER  
Attorney General

## OFFICE OF THE ATTORNEY GENERAL

Government of Guam  
7th Floor, Pacific News Building  
238 O'Hara St.  
Agana, Guam 96910  
Tel.: 472-6841/6844

February 21, 1985

Senator Frank Santos  
Chairman, Foreign & Legal Affairs  
Eighteenth Guam Legislature  
Post Office Box CB-1  
Agana, Guam 96910

Re: "An Act To Amend Section 680.4 and 680.9 of Chapter VIII, Title VIII, Part II of the Civil Procedure Code Found in Section 1 of P.L. 17-62, Relative To Right To Jury Trial and Payment of Jurors."

Dear Mr. Chairman and Committee Members:

This bill is an attempt to check the escalating cost of jury trials. It is a matter of public record that the resources of our judicial system are being stretched to the breaking point. Without some legislative relief our courts will soon be unable to keep up with their ever-growing caseload.

This bill provides significant and much needed relief in two ways. By reducing the stipend received by jurors to \$30.00 per day, Guam is merely reducing the amount to the national average. The generosity of the current stipend is a luxury we can no longer afford - nor should we.

Jury duty is a privilege and a responsibility of citizenship - one that we should embrace with pride. The stipend provided by this law is intended not as a financial windfall, but as a partial compensation for expenses and lost wages. By lessening in this way the hardships that jurors have to undergo, the Legislature is enabling citizens to participate in the justice system without suffering financial disaster. This bill will accomplish that goal and at the same time relieve a fiscal burden that the court is not currently able to handle. Without a bill such as this, our courts simply cannot continue to function effectively. The alternative is a significant increase in appropriations and costs to the taxpayers.



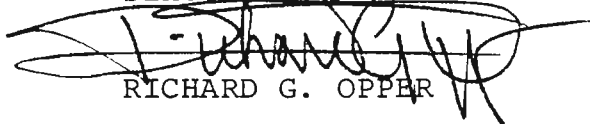
Ltr. to Senator Frank Santos  
"Testimony In Support of Bill No. 177"  
February 21, 1985  
Page 2

The second important effect of this bill is that it states clearly that an individual has a right to a jury trial only in criminal cases where the authorized punishment consist of confinement for more than sixty (60) days or a fine of more than \$500. This will have two salutary effects.

By eliminating expensive and prolonged jury trials in minor traffic and criminal cases, the court will be relieved of some of its stifling financial burden. Perhaps more importantly, however, this provision of the law will help to alleviate the critical overcrowding of the court calendar caused among things by the increased in felony and misdemeanor prosecutions by our office. The scheduling of jury trials on minor cases causes a huge backlog that slows down the whole justice system. The time and expense of holding a complete jury trial on a minor case matches the expense and delay of a major felony trial. Both this expense and this delay are unnecessary and counterproductive. The Supreme Court of the United States has stated that the U.S. Constitution does not provide an absolute right to juries for "petty offenses", D.C. v. Clawans, 300 U.S. 617 (1937). In Duncan v. Louisiana, a 1968 case and Baldwin v. New York, a 1970 case, the Supreme Court has strongly implied that statutes such as the one before you today are constitutional and totally sufficient to protect the Sixth Amendment rights of American citizens.

Both exploding financial costs and an increasingly overcrowded docket necessitate legislations such as this. I, therefore, fully support the enactment of Bill #177.

Sincerely,



RICHARD G. OPPER

RGO:slc

cc: Governor of Guam  
Presiding Judge, Superior Court  
of Guam

**Guam Bar Association**

141 San Ramon Road  
Agana, Guam 96910  
477-7623

February 14, 1985

Senator Frank R. Santos  
Chairman, Committee on Federal,  
Foreign and Legal Affairs  
EIGHTEENTH GUAM LEGISLATURE  
Post Office Box CB-1  
Agana, Guam 96910

Dear Frank:

Thank you for your letter of February 11, 1985, and the copy of Bill No. 177.

Would it not also be possible to amend §28062 of Title XXIX of the Government Code in the same bill? Or to take care of the problem some time in the near future? You will recall that the amended section needs to read as follows:

Section 28062. Administrative Adjudication Law and Open Government Law Not Applicable.

Neither the Administrative Adjudication Law nor the Open Government Law shall be applicable to proceedings, deliberations and activities covered by this Chapter; provided that the Administrative Adjudication Law and the Open Government Law of Guam shall be applicable to any rule-making functions of the Ethics Committee, but not the Superior Court, provided herein.

I would greatly appreciate everything you can do in this regard. It is important that we get this dealt with so that the Ethics Procedures can begin to function. Thank you.

Sincerely,

GUAM BAR ASSOCIATION



Ruth Hall, President

RH/mlg  
F#GBA D#8346(40)

cc: The Honorable Paul J. Abbate  
Richard G. Opper  
Jerry E. Hogan, Esq.

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. 177

Introduced by:

F. R. Santos

---

AN ACT TO AMEND SECTIONS 680.4 AND 680.9 OF  
CHAPTER VIII, TITLE VIII, PART II OF THE CIVIL  
PROCEDURE CODE FOUND IN SECTION 1 OF P.L.  
17-62, RELATIVE TO RIGHT TO JURY TRIAL AND  
PAYMENT OF JURORS.

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

2 Section 1. Section 680.4 of Chapter VIII, Title VIII, Part II of the  
3 Civil Procedure Code is amended to read:

4 "§680.4. Right to Jury Trial. In all cases at law in which the  
5 demand, exclusive of interest and costs, or the value of the property  
6 in controversy amounts to more than Twenty Dollars (\$20.00), except  
7 for small claims cases and appeals thereafter, and in all criminal cases  
8 where the authorized punishment consists of confinement for more than  
9 sixty (60) days [or exceeds fines] or a fine of [not] more than Five  
10 Hundred Dollars (\$500.00), the parties shall be entitled to a trial by  
11 jury."

12 Section 2. Section 680.9 of Chapter VIII, Title VIII, Part II of the  
13 Civil Procedure Code is amended to read:

14 "§680.9. (b) Jurors in the courts of Guam shall receive the  
15 following fees, except as otherwise expressly provided by law:

16 For actual attendance at the place of trial or hearing and for the  
17 time necessarily occupied in going to and from such place at the  
18 beginning and end of such service or at any time during the same,  
19 [forty dollars (\$40.00)] thirty dollars (\$30.00) per day, except that  
20 any juror required to attend more than thirty (30) days in hearing one  
21 case may be paid in the discretion and upon the certification of the  
22 judge a per diem fee not exceeding [fifty dollars (\$50.00)] forty

1 dollars (\$40.00) for each day in excess of thirty (30) days he is  
2 required to hear each case.

3 Whenever in any case the jury is ordered to be kept together and  
4 not to separate, the cost of subsistence during such period shall be  
5 paid upon the order of the court. Jury fees provided by this section  
6 shall be paid on the certificate of the clerk of the court, and in the  
7 case of jury fees in excess of [forty dollars (\$40.00)] thirty dollars  
8 (\$30.00) per diem, when allowed as herein above provided, on the  
9 certificate of the trial judge."

FEB 06 '85

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. /77

Introduced by:

F. R. Santos

AN ACT TO AMEND SECTIONS 680.4 AND 680.9 OF  
CHAPTER VIII, TITLE VIII, PART II OF THE CIVIL  
PROCEDURE CODE FOUND IN SECTION 1 OF P.L.  
17-62, RELATIVE TO RIGHT TO JURY TRIAL AND  
PAYMENT OF JURORS.

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

2 Section 1. Section 680.4 of Chapter VIII, Title VIII, Part II of the  
3 Civil Procedure Code is amended to read:

4 "§680.4. Right to Jury Trial. In all cases at law in which the  
5 demand, exclusive of interest and costs, or the value of the property  
6 in controversy amounts to more than Twenty Dollars (\$20.00), except  
7 for small claims cases and appeals thereafter, and in all criminal cases  
8 where the authorized punishment consists of confinement for more than  
9 sixty (60) days [or exceeds fines] or a fine of [not] more than Five  
10 Hundred Dollars (\$500.00), the parties shall be entitled to a trial by  
11 jury."

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2 required to hear each case.

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4 not to separate, the cost of subsistence during such period shall be  
5 paid upon the order of the court. Jury fees provided by this section  
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7 case of jury fees in excess of [forty dollars (\$40.00)] thirty dollars  
8 (\$30.00) per diem, when allowed as herein above provided, on the  
9 certificate of the trial judge."