



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

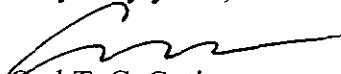
MAY 31 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

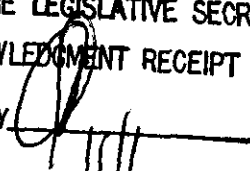
Enclosed please find Bill No. 34 (LS) "AN ACT TO REPEAL AND REENACT §§ 3109 AND 9102; AND TO AMEND § 3103(b), ALL OF TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO RECIPROCITY OF JUSTICES, JUDGES AND ATTORNEYS IN THE JUDICIARY" which I have signed into law as Public Law No. 26-89.

Very truly yours,


Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	11:11
Date	6/3/02

0801

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 34 (LS), "AN ACT TO REPEAL AND REENACT §§ 3109 AND 9102; AND TO AMEND § 3103(b), ALL OF TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO RECIPROCITY OF JUSTICES, JUDGES AND ATTORNEYS IN THE JUDICIARY," was on the 13th day of May, 2002, duly and regularly passed.

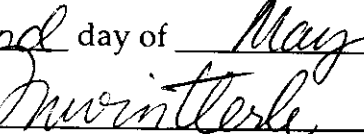

LAWRENCE F. KASPERBAUER

Acting Speaker

Attested:


JOANNE M. S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 22nd day of May, 2002,
at 3:10 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahen Guåhan

Date: 5-31-02

Public Law No. 26-89

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 34 (LS)

As amended on the Floor.

Introduced by:

M. C. Charfauros
A. L.G. Santos
J. F. Ada
F. P. Camacho
K. S. Moylan
L. F. Kasperbauer
Mark Forbes
T. C. Ada
F. B. Aguon, Jr.
E. B. Calvo
J. M.S. Brown
A. R. Unpingco
L. A. Leon Guerrero
V. C. Pangelinan
J. T. Won Pat

**AN ACT TO REPEAL AND REENACT §§ 3109 AND
9102; AND TO AMEND § 3103(b), ALL OF TITLE 7 OF
THE GUAM CODE ANNOTATED, RELATIVE TO
RECIPROCITY OF JUSTICES, JUDGES AND
ATTORNEYS IN THE JUDICIARY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that in order to avoid any appearance of conflict of interest for Justices
4 and Judges in the Supreme Court or the Superior Court of Guam, that Justices
5 and Judges of the Commonwealth of the Northern Mariana Islands'
6 (“CNMI’s”) courts be allowed to sit on the Bench in Guam’s courts; *provided,*

1 that the CNMI accords Guam Justices and Judges the same reciprocity to sit
2 on the Bench in the CNMI.

3 *I Liheslaturan Guåhan* further finds that in order to provide a better pool
4 of attorneys for residents in Guam and the CNMI, attorneys licensed to
5 practice law and residing in the CNMI should be allowed to practice law in
6 Guam; *provided*, that the CNMI accords attorneys licensed to practice law and
7 residing in Guam the same reciprocity to practice law in the CNMI.

8 **Section 2.** Section 3109 of Chapter 3 of Title 7 of the Guam Code
9 Annotated is hereby *repealed and reenacted* to read as follows:

10 **“Section 3109. Nomination, Appointment, Eligibility and**
11 **Tenure of Justices and Judges.**

12 (a) *I Maga’lahen Guåhan*, with the advice and consent of *I*
13 *Liheslaturan Guåhan*, shall appoint a qualified person to each of the
14 positions of Justice created by this Title; and subject to the advice
15 and consent of *I Liheslaturan Guåhan*, appoint a qualified person to
16 any vacancy occurring in either the Supreme Court or the Superior
17 Court of Guam, and to any newly created position of Justice or
18 Judge authorized by statute.

19 The Judicial Council and the Guam Bar Association may
20 each submit a list of qualified nominees for *I Maga’lahen Guåhan’s*
21 consideration. No sitting Judge of the Superior Court of Guam
22 shall be excluded from the pool of nominees for the Supreme
23 Court of Guam.

1 (b) *I Liheslaturan Guåhan* finds that it is critical that
2 positions in the Supreme Court of Guam be filled promptly.
3 Therefore, if *I Maga'lahen Guåhan* fails to make any appointment
4 within ninety (90) days of any vacancy, or within ninety (90) days
5 of *I Liheslaturan Guahan's* rejection of any previous appointment,
6 the appointment shall be made by the Speaker of *I Liheslaturan*
7 *Guåhan* of a nominee who would be qualified for appointment by *I*
8 *Maga'lahen Guåhan*.

9 (c) The Chief Justice and each Associate Justice of the
10 Supreme Court of Guam shall be a United States citizen, a *bona-*
11 *fide* resident of Guam for *at least* five (5) years and shall have
12 been in the active practice of law on Guam for a period of *at least*
13 ten (10) years *before* said nomination. The Presiding Judge and
14 each other Judge of the Superior Court of Guam shall be a
15 United States citizen, a *bona-fide* resident of Guam for *at least* five
16 (5) years and shall be in the active practice of law on Guam for a
17 period of seven (7) years *before* said nomination.

18 (d) No Justice or Judge shall, during the term of office,
19 engage in the private practice of law. No Justice or Judge shall,
20 during the term of office, run for or hold any other office or
21 position of profit under the United States, any State, Guam or
22 any other political subdivision of the United States.

23 (e) '*Active practice of law*' includes time spent as a Justice
24 or Judge on Guam.

1 (f) Any sitting Justice or Judge residing in the CNMI and
2 admitted to the practice of law in the CNMI shall be eligible to sit
3 on the Bench on the Supreme Court of Guam or the Superior
4 Court of Guam; *provided*, that the Justices and Judges from Guam
5 are accorded the same reciprocity by the CNMI.”

6 **Section 3.** Section 9102 of Article 1, Chapter 9, Division 1 of Title
7 of the Guam Code Annotated is hereby *repealed* and *reenacted* to read
8 as follows:

9 **“Section 9102. Integrated Bar Association; Exemption**
10 **Thereeto.**

11 (a) The Supreme Court of Guam may continue, by
12 rule, the requirement contained in Government Code §
13 28009, that no person is authorized to practice law on Guam,
14 *unless* that person be a member in good standing of an
15 integrated bar association. *If* such requirement is continued,
16 then the Bar of Guam is a public body corporate, the
17 membership of which consists of persons who are now or
18 hereafter licensed to practice law on Guam.

19 (b) Any attorney or counselor at law continuously
20 residing for ten (10) years in the Commonwealth of the
21 Northern Mariana Islands (‘CNMI’) in which the attorney
22 has been admitted to practice law continuously for ten (10)
23 years, who attends any term of the Supreme Court of Guam,
24 Superior Court of Guam or U.S. District Court of Guam for

1 the purpose of trying or participating in the trial or
2 proceedings of any action or proceedings there pending,
3 shall be permitted to try, or participate in the trial or
4 proceedings; *provided*, that the CNMI, in which the attorney
5 is licensed to practice, likewise grants permission to the
6 members of the Guam Bar Association to act as an attorney
7 for a client in the CNMI under the same terms.

8 All attorneys practicing law on Guam pursuant to this
9 Subsection shall be subject to the jurisdiction of the Supreme
10 Court of Guam for ethics and other matters in accordance
11 with 7 G.C.A. § 9101, and the Supreme Court of Guam shall
12 promulgate rules and regulations to implement this
13 reciprocity program; *provided*, that a delay in the
14 promulgation of the rules and regulations shall *not* delay
15 implementation of the reciprocity program, which shall
16 occur in *no more than* thirty (30) days.”

17 **Section 4.** Section 3103(b) of Chapter 3, Division 1 of Title 7 of the
18 Guam Code Annotated is hereby *amended* to read as follows:

19 “(b) In addition, *I Maga’lahen Guåhan* may appoint any Federal
20 Judge or any Judge, retired Judge or retired Justice of a court of record
21 in the Commonwealth of the Northern Mariana Islands, the Republic of
22 Belau or the Federated States of Micronesia to sit as an acting Associate
23 Justice. Such appointees shall be referred to as Designated Justices of
24 the Supreme Court of Guam.

1 To be appointed, the individual shall have practiced law, or sat as
2 a Judge, for a total of *at least* ten (10) years, be a graduate of a law school
3 accredited by the American Bar Association, and, *except* for residency
4 requirements and practice requirements on Guam, meet all other
5 qualifications for a Justice. An appointment as a Designated Justice
6 shall be for four (4) years and shall expire at the end of such period,
7 *unless* the Designated Justice is reappointed by *I Maga'lahaen Guåhan*. All
8 such appointments are subject to the advice and consent of *I Liheslaturan*
9 *Guåhan*, and a Designated Justice may *not* sit until so confirmed.

10 The Designated Justices shall sit as assigned by the Chief Justice,
11 and while sitting shall have all the powers of an Associate Justice, and
12 shall be paid the same as a part-time Justice, *unless* some other
13 arrangement has been made by the Chief Justice with the court from
14 which the Designated Justice comes. Designated Justices are entitled to
15 a *per diem* allowance when traveling away from home on official
16 business for Guam at the rates set for other Associate Justices of Guam.”

17 **Section 5. Severability.** *If* any provision of this Law or its
18 application to any person or circumstance is found to be invalid or contrary to
19 law, such invalidity shall *not* affect other provisions or applications of this
20 Law which can be given effect without the invalid provisions or application,
21 and to this end the provisions of this Law are severable.

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 5/13/02

VOTING SHEET

Bill No. 34 (LS)

Resolution No. _____

Question: _____

20-89

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A. /	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.		✓			
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 1 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

6
5/13/02

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session**

Bill No. 34 (LS)

*

Introduced by:

M. C. Charfauros

A. L.G. Santos

J. F. Ada

F. P. Camacho

K. S. Moylan

L. F. Kasperbauer

Mark Forbes

T. C. Ada

F. B. Aguon, Jr.

E. B. Calvo

J. M.S. Brown

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L. A. Leon Guerrero

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ATTORNEYS IN THE JUDICIARY.**

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3 finds that in order to avoid any appearance of conflict of interest for Justices
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5 and Judges of the Commonwealth of the Northern Mariana Islands'
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13 *Liheslaturan Guåhan*, shall appoint a qualified person to each of the
14 positions of Justice created by this Title; and subject to the advice
15 and consent of *I Liheslaturan Guåhan*, appoint a qualified person to
16 any vacancy occurring in either the Supreme Court or the Superior
17 Court of Guam, and to any newly created position of Justice or
18 Judge authorized by statute.

19 The Judicial Council and the Guam Bar Association may
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21 consideration. No sitting Judge of the Superior Court of Guam
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3 Therefore, if *I Maga'lahaen Guåhan* fails to make any appointment
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5 of *I Liheslaturan Guahan's* rejection of any previous appointment,
6 the appointment shall be made by the Speaker of *I Liheslaturan*
7 *Guåhan* of a nominee who would be qualified for appointment by *I*
8 *Maga'lahaen Guåhan*.

9 (c) The Chief Justice and each Associate Justice of the
10 Supreme Court of Guam shall be a United States citizen, a *bona-*
11 *fide* resident of Guam for *at least* five (5) years and shall have
12 been in the active practice of law in Guam for a period of *at least*
13 ten (10) years before said nomination. The Presiding Judge and
14 each other Judge of the Superior Court of Guam shall be a
15 United States citizen, a *bona-fide* resident of Guam for *at least* five
16 (5) years and shall be in the active practice of law in Guam for a
17 period of seven (7) years *before* said nomination.

18 (d) No Justice or Judge shall, during the term of office,
19 engage in the private practice of law. No Justice or Judge shall,
20 during the term of office, run for or hold any other office or
21 position of profit under the United States, any State, Guam or
22 any other political subdivision of the United States.

23 (e) Active practice of law includes time spent as a Justice
24 or Judge in Guam.

1 (f) Any sitting Justice or Judge residing in the CNMI and
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3 on the Bench on the Supreme Court of Guam or Superior Court of
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9 **“Section 9102. Integrated Bar Association; Exemption**
10 **Thereeto.**

11 (a) The Supreme Court of Guam may continue, by
12 rule, the requirement contained in Government Code §
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14 *unless* that person be a member in good standing of an
15 integrated bar association. *If* such requirement is continued,
16 then the Bar of Guam is a public body corporate, the
17 membership of which consists of persons who are now or
18 hereafter licensed to practice law on Guam.

19 (b) Any attorney or counselor at law continuously
20 residing for ten (10) years in the Commonwealth of the
21 Northern Mariana Islands (‘CNMI’) in which the attorney
22 has been admitted to practice law continuously for ten (10)
23 years, who attends any term of the Supreme Court of Guam,
24 Superior Court of Guam or U.S. District Court of Guam for

1 the purpose of trying or participating in the trial or
2 proceedings of any action or proceedings there pending,
3 shall be permitted to try, or participate in the trial or
4 proceedings; *provided*, that the CNMI, in which the attorney
5 is licensed to practice, likewise grants permission to the
6 members of the Guam Bar Association to act as an attorney
7 for a client in the CNMI under the same terms.

8 All attorneys practicing law on Guam pursuant to this
9 Subsection shall be subject to the jurisdiction of the Supreme
10 Court of Guam for ethics and other matters in accordance
11 with 7 G.C.A. § 9101, and the Supreme Court of Guam shall
12 promulgate rules and regulations to implement this
13 reciprocity program; *provided*, that a delay in the
14 promulgation of rules and regulations shall *not* delay
15 implementation of the reciprocity program, which shall
16 occur in *no more than* thirty (30) days.

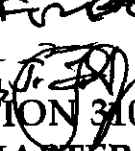

17 **Section 4.** Section 3103(b) of Chapter 3, Division 1 of Title 7 of the
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19 “(b) In addition, *I Maga’lahen Guåhan* may appoint any Federal
20 Judge or any Judge, retired Judge or retired Justice of a court of record
21 in the Commonwealth of the Northern Mariana Islands, the Republic of
22 Belau or the Federated States of Micronesia to sit as an acting Associate
23 Justice. Such appointees shall be referred to as Designated Justices of
24 the Supreme Court of Guam.

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 34(G)

Introduced by:

- 1. M. C. Charfauros ^{6. L. F. Kasperbaum}
 - 2. A. L. G. Santos ^{5. K. de la Cruz}
 - 3. J. E. ADA ^{4. FELIX CANIACHO}
- ~~MARK F. ...~~
^{2. C. Ade}
^{F. B. Aquino Jr.}  ^{G. B. Calvo} 

AN ACT TO REPEAL AND REENACT SECTION 3109, CHAPTER THREE, AND SECTION 9102, CHAPTER 9, BOTH OF TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING FOR RECIPROCITY OF JUDGES AND JUSTICES TO SIT ON THE BENCH AND ATTORNEYS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TO PRACTICE LAW IN GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

finds that in order to avoid any appearance of conflict of interest for Justices and Judges in the Supreme Court or Superior Court of Guam that Justices and Judges of the Commonwealth of the Northern Mariana Islands (CNMI) courts be allowed to sit on the bench in Guam's courts, provided that the CNMI accords Guam Justices and Judges the same reciprocity to sit on the bench in the CNMI. *I Liheslaturan Guahan* further finds that in order to provide a better pool of attorneys for residents in Guam and the CNMI, attorneys licensed to practice law and residing in the CNMI should be allowed to practice law in

1 Speaker of *I Liheslaturan Guahan* of a nominee who would be
2 qualified for appointment by the Governor.

3
4 (c) The Chief Justice and each Associate Justice of the Supreme
5 Court shall be a United States citizen, a bona fide resident of
6 Guam for at least five (5) years and shall have been in the active
7 practice of law in Guam for a period of at least ten (10) years
8 before said nomination. The Presiding Judge and each other
9 Judge of the Superior Court shall be a United States citizen, a
10 bona fide resident of Guam for at least five (5) years and shall be
11 in the active practice of law in Guam for a period of seven (7)
12 years before said nomination.

13
14 (d) No ~~full-time~~ Justice or Judge shall, during the term of office,
15 engage in the private practice of law. No Justice or Judge shall,
16 during the term of office, run for or hold any other office or
17 position of profit under the United States, any State, Guam, or
18 any other political subdivision of the United States.

19
20 (e) Active practice of law includes time spent as a Justice or Judge
21 in Guam.

22
23 (f) Any sitting Justice or Judge residing in the CNMI and admitted
24 to the practice law in the CNMI shall be eligible to sit on the bench

1 practice likewise grants permission to the members of the Guam
2 Bar Association to act as an attorney for a client in the CNMI
3 under the same terms."

4
5 **Section 4. Severability.** *If* any provision of this Law or its
6 application to any person or circumstance is found to be invalid or contrary to
7 law, such invalidity shall *not* affect other provisions or applications of this
8 Law which can be given effect without the invalid provisions or application,
9 and to this end the provisions of this Law are severable.