

107TH CONGRESS
2^D SESSION

S. 2823

To amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2002

Mr. AKAKA (for himself and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. JUDICIAL STRUCTURE OF GUAM.**

4 (a) JUDICIAL AUTHORITY; COURTS.—Section 22(a)
5 of the Organic Act of Guam (48 U.S.C. 1424(a)) is
6 amended to read as follows:

7 “(a)(1) The judicial authority of Guam shall be vest-
8 ed in a court established by Congress designated as the
9 ‘District Court of Guam’, and a judicial branch of Guam
10 which branch shall constitute a unified judicial system and

1 include an appellate court designated as the ‘Supreme
2 Court of Guam’, a trial court designated as the ‘Superior
3 Court of Guam’, and such other lower local courts as may
4 have been or shall hereafter be established by the laws of
5 Guam.

6 “(2) The Supreme Court of Guam may, by rules of
7 such court, create divisions of the Superior Court of Guam
8 and other local courts of Guam.

9 “(3) The courts of record for Guam shall be the Dis-
10 trict Court of Guam, the Supreme Court of Guam, the
11 Superior Court of Guam (except the Traffic and Small
12 Claims divisions of the Superior Court of Guam) and any
13 other local courts or divisions of local courts that the Su-
14 preme Court of Guam shall designate.”.

15 (b) JURISDICTION AND POWERS OF LOCAL
16 COURTS.—Section 22A of the Organic Act of Guam (48
17 U.S.C. 1424–1) is amended to read as follows:

18 “SEC. 22A. (a) The Supreme Court of Guam shall
19 be the highest court of the judicial branch of Guam (ex-
20 cluding the District Court of Guam) and shall—

21 “(1) have original jurisdiction over proceedings
22 necessary to protect its appellate jurisdiction and su-
23 pervisory authority and such other original jurisdic-
24 tion as the laws of Guam may provide;

1 “(2) have jurisdiction to hear appeals over any
2 cause in Guam decided by the Superior Court of
3 Guam or other courts established under the laws of
4 Guam;

5 “(3) have jurisdiction to issue all orders and
6 writs in aid of its appellate, supervisory, and original
7 jurisdiction, including those orders necessary for the
8 supervision of the judicial branch of Guam;

9 “(4) have supervisory jurisdiction over the Su-
10 perior Court of Guam and all other courts of the ju-
11 dicial branch of Guam;

12 “(5) hear and determine appeals by a panel of
13 three of the justices of the Supreme Court of Guam
14 and a concurrence of two such justices shall be nec-
15 essary to a decision of the Supreme Court of Guam
16 on the merits of an appeal;

17 “(6) make and promulgate rules governing the
18 administration of the judiciary and the practice and
19 procedure in the courts of the judicial branch of
20 Guam, including procedures for the determination of
21 an appeal en banc; and

22 “(7) govern attorney and judicial ethics and the
23 practice of law in Guam, including admission to
24 practice law and the conduct and discipline of per-
25 sons admitted to practice law.

1 “(b) The Chief Justice of the Supreme Court of
2 Guam—

3 “(1) shall preside over the Supreme Court un-
4 less disqualified or unable to act;

5 “(2) shall be the administrative head of, and
6 have general supervisory power over, all depart-
7 ments, divisions, and other instrumentalities of the
8 judicial branch of Guam; and

9 “(3) may issue such administrative orders on
10 behalf of the Supreme Court of Guam as necessary
11 for the efficient administration of the judicial branch
12 of Guam.

13 “(c) The Chief Justice of the Supreme Court of
14 Guam, or a justice sitting in place of such Chief Justice,
15 may make any appropriate order with respect to—

16 “(1) an appeal prior to the hearing and deter-
17 mination of that appeal on the merits; or

18 “(2) dismissal of an appeal for lack of jurisdic-
19 tion or failure to take or prosecute the appeal in ac-
20 cordance with applicable laws or rules of procedure.

21 “(d) Except as granted to the Supreme Court of
22 Guam or otherwise provided by this Act or any other Act
23 of Congress, the Superior Court of Guam and all other
24 local courts established by the laws of Guam shall have
25 such original and appellate jurisdiction over all causes in

1 Guam as the laws of Guam provide, except that such juris-
2 diction shall be subject to the exclusive or concurrent ju-
3 risdiction conferred on the District Court of Guam under
4 section 22 of this Act.

5 “(e) The qualifications and duties of the justices and
6 judges of the Supreme Court of Guam, the Superior Court
7 of Guam, and all other local courts established by the laws
8 of Guam shall be governed by the laws of Guam and the
9 rules of such courts.”.

10 (c) TECHNICAL AMENDMENTS.—(1) Section 22C(a)
11 of the Organic Act of Guam (48 U.S.C. 1424–3(a)) is
12 amended by inserting “which is known as the Supreme
13 Court of Guam,” after “appellate court authorized by sec-
14 tion 22A(a) of this Act,”.

15 (2) Section 22C(d) of the Organic Act of Guam (48
16 U.S.C. 1424–3(d)) is amended—

17 (A) by inserting “, which is known as the Su-
18 preme Court of Guam,” after “appellate court pro-
19 vided for in section 22A(a) of this Act”; and

20 (B) by striking “taken to the appellate court”
21 and inserting “taken to such appellate court”.

1 **SEC. 2. APPEALS TO UNITED STATES SUPREME COURT.**

2 Section 22B of the Organic Act of Guam (48 U.S.C.
3 1424–2) is amended by striking “: *Provided, That*” and
4 all that follows through the end and inserting a period.

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