

105TH CONGRESS
1ST SESSION

H. R. 2370

To amend the Organic Act of Guam for the purposes of clarifying the local judicial structure and the office of Attorney General.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1997

Mr. UNDERWOOD (for himself, Mr. MILLER of California, and Mr. ABERCROMBIE) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Organic Act of Guam for the purposes of clarifying the local judicial structure and the office of Attorney General.

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. SHORT TITLE.**

4 This Act may be cited as the “Guam Judicial
5 Empowerment Act of 1997”.

6 **SEC. 2. JUDICIAL AUTHORITY; SUPREME COURT OF GUAM.**

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

1 “(a)(1) The judicial authority of Guam shall be vest-
2 ed in a court established by Congress designated as the
3 ‘District Court of Guam’, and a judicial branch of Guam
4 which shall constitute a unified judicial system and include
5 an appellate court designated as the ‘Supreme Court of
6 Guam’, a trial court designated as the ‘Superior Court of
7 Guam’, and such other lower local courts as may have
8 been or shall hereafter be established by the laws of Guam.

9 “(2) The Supreme Court of Guam may, by rules of
10 such court, create divisions of the Supreme Court of
11 Guam, the Superior Court of Guam, and other local courts
12 of Guam.

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

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

22 “SEC. 22A. (a) The Supreme Court of Guam shall
23 be the highest court of Guam and shall—

24 “(1) have original jurisdiction over proceedings
25 necessary to protect its appellate jurisdiction and su-

1 supervisory authority and such other original jurisdic-
2 tion as the laws of Guam may provide;

3 “(2) have jurisdiction to hear appeals over any
4 cause in Guam over which a court established by the
5 United States Constitution and laws of the United
6 States does not have exclusive jurisdiction;

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

11 “(4) have supervisory jurisdiction over the Su-
12 perior Court of Guam and all other courts in Guam;

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

18 “(6) make and promulgate rules governing the
19 administration of the judiciary and the practice and
20 procedure in the courts, including procedures for the
21 determination of 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 otherwise 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

1 such original and appellate jurisdiction as the laws of
2 Guam provide.

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

8 (c) TECHNICAL AMENDMENTS.—(1) Section 22B of
9 the Organic Act of Guam (48 U.S.C. 1424–2) is amend-
10 ed—

11 (A) by inserting “which is known as the Su-
12 preme Court of Guam,” after “appellate court au-
13 thorized by section 22A(a) of this Act,”; and

14 (B) by striking “Interior and Insular Affairs”
15 and inserting “Resources”.

16 (2) Section 22C(a) of the Organic Act of Guam (48
17 U.S.C. 1424–3) is amended by inserting “which is known
18 as the Supreme Court of Guam,” after “appellate court
19 authorized by section 22A(a) of this Act,”.

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

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

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

3 **SEC. 3. ATTORNEY GENERAL OF GUAM.**

4 Section 29 of the Organic Act of Guam (48 U.S.C.
5 1421) is amended by adding at the end the following new
6 subsection:

7 “(d) The Government of Guam may establish by law
8 an Office of the Attorney General of Guam within the ex-
9 ecutive branch of the Government of Guam. Such law
10 shall—

11 “(1) provide for the Attorney General of Guam
12 to be—

13 “(A) appointed by the Governor, with the
14 advice and consent of the legislature, for a term
15 ending when a successor is appointed and quali-
16 fied; or

17 “(B) elected by the people of Guam at the
18 same time, for the same term, and subject to
19 removal in the same manner as provided for the
20 Office of Governor of Guam; and

21 “(2) set forth the duties and compensation of
22 the Attorney General of Guam.”.

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