



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 2-23-98

Time: 10:43 am

Rec'd by: [Signature]

Print Name: FRED GOLFMAN

FEB 20 1998

Refer to  
**Legislative Secretary**

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 396 (LS), "AN ACT TO AMEND §§5104, 6108 AND 9203 ALL OF TITLE 7 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW §7119.1 TO TITLE 7 OF THE GUAM CODE ANNOTATED AND TO REPEAL AND RE-ENACT §5502(b) OF TITLE 19 OF THE GUAM CODE ANNOTATED, RELATING TO THE APPOINTMENT OF JUDGES PRO TEMPORE AND ASSIGNMENT OF REFERREES", which I have signed into law today as **Public Law No. 24-135**.

This legislation eliminates a difficulty now existing in the current law of the Superior Court. Guam needs to obtain the services of outside judges or justices in serving as judges pro tempore in our Superior Court.

Currently, there are times when it is difficult to get the required number of judges to sit and hear cases when there are conflicts of interest requiring Guam judges to disqualify themselves. This legislation allows judges and justices of the Commonwealth of the Northern Mariana Islands to serve as judges pro tempore in these instances, as they have done in the past.

Very truly yours,

[Signature]  
Carl T. C. Gutierrez

Attachment 20662


cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>12:05 p.m.</u>
Date	<u>2-23-98</u>

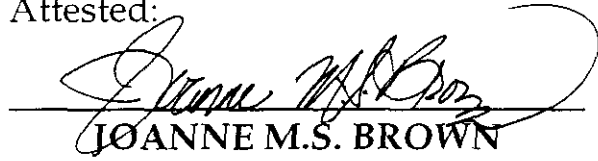
TWENTY-FOURTH GUAM LEGISLATURE  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 396 (LS), "AN ACT TO AMEND §§5104, 6108 AND 9203 ALL OF TITLE 7 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW §7119.1 TO TITLE 7 OF THE GUAM CODE ANNOTATED AND TO REPEAL AND REENACT §5502(b) OF TITLE 19 OF THE GUAM CODE ANNOTATED RELATING TO THE APPOINTMENT OF JUDGES PRO TEMPORE AND ASSIGNMENT OF REFEREES," was on the 4<sup>th</sup> day of February, 1998, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker

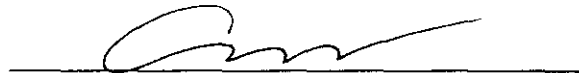
Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

.....  
This Act was received by the Governor this 11<sup>th</sup> day of February, 1998, at  
1:20 o'clock P.M.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 2-20-98

Public Law No. 24-135 (135)  
6

**TWENTY-FOURTH GUAM LEGISLATURE**  
**1997 (FIRST) Regular Session**

**Bill No. 396 (LS)**

Substituted by the Author and Further  
Substituted by the Committee on Judiciary,  
Public Safety and Consumer Protection,  
and as amended on the Floor.

Introduced by:

E. Barrett-Anderson  
T. C. Ada  
F. B. Aguon, Jr.  
A. C. Blaz  
J. M.S. Brown  
Felix P. Camacho  
Francisco P. Camacho  
M. C. Charfauros  
E. J. Cruz  
W. B.S.M. Flores  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
L. Leon Guerrero  
V. C. Pangelinan  
J. C. Salas  
A. L.G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

**AN ACT TO AMEND §§5104, 6108 AND 9203 ALL  
OF TITLE 7 OF THE GUAM CODE ANNOTATED  
AND TO ADD A NEW §7119.1 TO TITLE 7 OF THE  
GUAM CODE ANNOTATED AND TO REPEAL  
AND REENACT §5502(b) OF TITLE 19 OF THE  
GUAM CODE ANNOTATED RELATING TO THE**

**APPOINTMENT OF JUDGES PRO TEMPORE AND  
ASSIGNMENT OF REFEREES.**

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

**Section 1.** A new Subparagraph (d) is hereby added to §5104, Chapter 5, Division 1 of Title 7 of the Guam Code Annotated to read as follows:

“(d) If a member of the subcommittee is recused, then the Chairperson shall appoint a member of the Guam Bar Association or, in consultation with the Chief Justice of the Commonwealth of the Northern Mariana Islands (CNMI), a Justice or Judge of the CNMI to serve as a member of the subcommittee pro tempore.”

**Section 2.** Section 6108(a) of Chapter 6, Division 1 of the Guam Code Annotated is hereby amended to read as follows:

“Section 6108(a). When there is no Judge qualified or available to hear a cause or action or hearing in the Superior Court, the Presiding Judge shall request the Chief Justice to appoint a Judge pro tempore to hear the action. Such Judge pro tempore shall meet the same qualifications as a regularly appointed Judge of the Superior Court, or be a Justice or Judge of the Commonwealth of the Northern Mariana Islands (CNMI) who is appointed in consultation with the Chief Justice of the CNMI. When there is no Justice qualified or available to hear a cause or action or hearing in the Supreme Court, the Chief Justice shall appoint a Justice pro tempore to participate in the action or hearing. Such Justice pro tempore shall meet the same qualifications as regularly appointed Justice of the Supreme Court.”

1       **Section 3.** Section 9203(e) of Article 2, Chapter 9, Division 1 of Title 7  
2 of the Guam Code Annotated is hereby amended to read as follows:

3               “Section 9203(e).       Upon receipt of a recommendation for  
4 discipline, the Presiding Judge of the Superior Court shall promptly set  
5 the matter for a hearing. The hearing shall be conducted by a panel  
6 composed of three judges of the Superior Court and any decision shall  
7 require the concurrence of at least two of such judges. If any of the  
8 judges of the Superior Court shall disqualify themselves in the matter  
9 so that there are not three judges remaining to sit on the panel, the  
10 Presiding Judge shall appoint as judges pro tempore: (1) from attorneys  
11 as are admitted to the Bar of Guam and who are in good standing before  
12 it and who have not previously been subject of an order imposing  
13 discipline in Guam, or (2) in consultation with the Chief Justice of the  
14 Commonwealth of the Northern Mariana Islands (CNMI), a Justice or  
15 Judge from the CNMI so as to make up a total of three judges to hear  
16 the discipline matter.”

17       **Section 4.** A new §7119.1 is hereby added to Chapter 7, Division 1 of  
18 Title 7 of the Guam Code Annotated to read as follows:

19               “Section 7119.1.   The Presiding Judge may assign referees to hear  
20 cases in more than one division or court of the Superior Court.”

21       **Section 5.** Subsection (b) of §5502, Chapter 5A, Division 1 of Title 19  
22 of the Guam Code Annotated is hereby repealed and reenacted to read as  
23 follows:

24               “(b)   The presiding Judge of the Superior Court may assign such  
25 other matters as he considers proper to the Division, including Family

1 Division matters as provided in §5113 of Title 19, Guam Code  
2 Annotated, provided such assignments do not impair the principal  
3 purpose of the Division as set out in Subsection (a) of this section.”



# Committee on Judiciary, Public Safety and Consumer Protection

## Twenty-Fourth Guam Legislature

Senator  
**Elizabeth Barrett-Anderson**  
Chairperson

Senator  
**John C. Salas**  
Vice-Chairman

Senator  
**Anthony C. Blaz**  
Member

Senator  
**Joanne M.S. Brown**  
Member

Senator  
**Mark Forbes**  
Member

Senator  
**Edwardo J. Cruz, M.D.**  
Member

Senator  
**Vicente C. Pangelinan**  
Member

Senator  
**Frank Blas Aguon, Jr.**  
Member

January 5, 1998

**SPEAKER ANTONIO R. UNPINGCO**  
Twenty-Fourth Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Judiciary, Public Safety and Consumer Protection, to which was referred **Bill No. 396**, wishes to report back to the Legislature with its recommendation **TO DO PASS BILL NO. 396 AS SUBSTITUTED BY THE AUTHOR AND FURTHER SUBSTITUTED BY THE COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND CONSUMER PROTECTION.**

The voting record is as follows:

9

TO PASS

0

NOT TO PASS

0

ABSTAIN

0

TO PLACE IN INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.

Sincerely,

*Elizabeth Barrett-Anderson*  
**ELIZABETH BARRETT-ANDERSON**  
Chairperson

Attachments

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND  
CONSUMER PROTECTION**  
TWENTY-FOURTH GUAM LEGISLATURE

173 ASPINALL AVENUE, ADA PLAZA CENTER SUITE 108A, AGANA, GUAM 96910

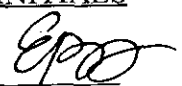

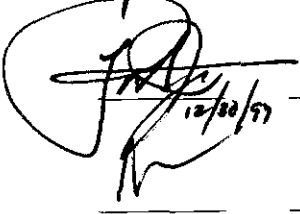


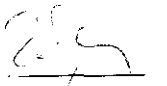
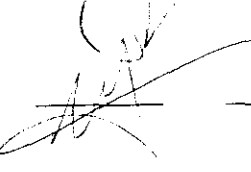


SENATOR ELIZABETH BARRETT-ANDERSON  
Chairperson

SENATOR JOHN C. SALAS  
Vice-Chairperson

SPEAKER ANTONIO R. UNPINGCO  
Ex-Officio Member

**VOTING SHEET**

**Bill No. 396 As Substituted by the Author and Further Substituted by the Committee on Judiciary, Public Safety and Consumer Protection: An Act to Amend 7 GCA §§5104, 6108 and 9203, Add a New 7 GCA §7119.1, and Repealing and Re-enacting 19 GCA §§5502(b), Relating to the Appointment of Judges Pro-Tempore and Assignment of Referees.**

<u>COMMITTEE MEMBERS</u>	<u>INITIALS</u>	<u>TO DO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>
1). Sen. Elizabeth Barrett-Anderson Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2). Sen. John C. Salas Vice-Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3). Sen. Frank B. Aguon, Jr. Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4). Sen. Anthony C. Blaz Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5). Sen. Joanne M.S. Brown Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6). Sen. Edwardo J. Cruz M.D. Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7). Sen. Mark Forbes Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8). Sen. Vicente C. Pangelinan Member		<input checked="" type="checkbox"/> <i>Target out</i>	<input type="checkbox"/>	<input type="checkbox"/>
9). Speaker Antonio Unpingco Ex-Officio Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**Committee on Judiciary, Public Safety and Consumer Protection  
ELIZABETH BARRETT-ANDERSON, CHAIRPERSON**

**Committee Report  
on**

**Bill No. 396:** AN ACT TO AMEND 7 GCA §§5104, 6108  
AND 9203, ADD A NEW 7 GCA §7119.1,  
AND REPEALING AND RE- ENACTING  
19 GCA §5502(b), RELATING TO THE  
APPOINTMENT OF JUDGES PRO-  
TEMPORE AND ASSIGNMENT OF  
REFEREES.

**I. SUMMARY**

The Committee on Judiciary, Public Safety and Consumer Protection held a public hearing on Bill 396 on Wednesday, November 12, 1997 at 9:00 AM at the Legislative Public Hearing Room. Public Notice was published in the November 5 and November 12, 1997 editions of the Pacific Daily News.

Committee Members Present:

Senator Elizabeth Barrett-Anderson, Chairperson  
Senator John C. Salas, Vice Chairperson  
Senator Frank B. Aguon, Jr.

Senators Present:

Senator Lou Leon Guerrero

Providing Public Testimony on the Bill:

Charles H. Troutman, Compiler of Laws, **oral**  
Anthony P. Sanchez, Administrative Director, Superior Court of Guam, **oral**

**Purpose:**

There is a three-fold purpose to the substitute bill: (1) to provide for appointment of a judge or member of the bar to replace a recused member of a Judicial Council subcommittee that is appointed pursuant to statute to deal with charges of misconduct or incapacity of a judge or justice; (2) to provide for appointment of *pro tempore* judges

upon a recommendation of the Guam Bar Ethics Committee for discipline; (3) to grant additional authority to the Presiding Judge of the Superior Court regarding the appointment of referees in more than one division or court, and the use of referees in the Judicial Hearings Division of the Court.

### **Relationship to Existing Law:**

Section 1 of the bill adds new provisions to 7 GCA §5104.

Section 2 adds new language to 7 GCA §6108 (a) relating to the appointment of *pro tempore* judges or justices.

Section 3 amends 7 GCA §9203(e) to provide for *pro tempore* appointments of a judge or justice from the CNMI to sit on attorney disciplinary cases in which a judge has disqualified himself or herself from hearing the matter.

Section 4 adds a new 7 GCA §7119.1 to make it clear that the Presiding Judge may assign referees to more than one division or court in Superior Court. This new statute, combined with the provisions enacted by Section 5 of the bill, clarifies the type of cases that may be assigned to the Hearing Division and heard by referees.

Section 5 removes the existing limitation on referees to pre-adjudication matters, thus allowing for greater use of referees in a wider range of cases.

The bill's provisions are compatible with existing Guam statutes relating to the Judicial Council and the Superior Court.

## **II. SUMMARY OF TESTIMONY**

### **Charles H. Troutman, Compiler of Laws**

Mr. Troutman said the changes in the law proposed by the bill are reasonable and he supports them.

### **Anthony P. Sanchez, Administrative Director, Superior Court of Guam**

Mr. Sanchez said that the amendments to the law contained in the bill were requested by the Presiding Judge and others on the Superior Court to cover the situations where judges are recused or disqualified, and to allow the Presiding Judge to appoint *pro tempore* judges and to be able to deal effectively with matters before the court. He urged that the bill be passed.

### **III. FINDINGS and RECOMMENDATIONS**

The Committee on Judiciary, Public Safety and Consumer Protection finds support for passage of Bill No. 396 as substituted by its author, Senator Barrett-Anderson, and further substituted by the Committee and presents its report to the body with its recommendation **TO DO PASS.**



# SUPERIOR COURT OF GUAM

OFFICE OF THE ADMINISTRATIVE DIRECTOR

GUAM JUDICIAL CENTER  
120 WEST O'BRIEN DRIVE  
AGANA, GUAM 96910

th Guam Legislature  
Committee on Judiciary, Public  
Safety and Consumer Protection  
Date: 11/14/97



**ANTHONY P. SANCHEZ**  
ADMINISTRATIVE DIRECTOR

TELEPHONE: (671) 475-3544  
FACSIMILE: (671) 477-3184

November 14, 1997

Senator Elizabeth Barrett-Anderson  
Chairperson on Public Safety, Judiciary, & Consumer Affairs  
24<sup>th</sup> Guam Legislature  
120 Hessler St,  
Agana, Guam

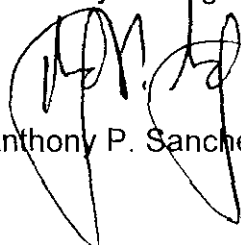
Dear Madame Chairperson,

Thank you for the opportunity to submit written testimony on Bill 396 and 424. Both bills will enhance the ability of the Superior Court to serve the community.

I would ask that you consider placing the appointment of Pro-tempore Judges with the Presiding Judge which would foster greater expediency in administering justice in the trial courts. As you know the caseload of Guam continues to grow, and the close-knit community fosters an environment wherein all of the Judges have to recuse themselves. Since the pro-tempore appointment has changed there has been a noticeable delay in the appointments being made.

Your consideration is greatly appreciated. Thank you for introducing this legislation and your continued support of the Superior Court and the community we serve. Thank you and si Yu'os ma'ase.

Sinceru yan magahet,



Anthony P. Sanchez

cc: Presiding Judge

# TWENTY-FOURTH GUAM LEGISLATURE

## PUBLIC HEARING

**SENATOR ELIZABETH BARRETT-ANDERSON**

**Chairperson, Committee on Judiciary, Public Safety and Consumer Protection**

## **WITNESS SIGN-IN SHEET**

Committee Hearing Room, 173 Aspinall Ave., Ada Plaza Center, Suite 108A, Agana, Guam 96910

**Wednesday, November 12, 1997**

**Public Hearing on Bill No. 396**

	NAME(Please print)	ORGANIZATION	My Testimony: Oral/Written	I am For Bill 396	I am Against Bill 396
1	<u>Charles H. Troutman</u>	<u>Compiler</u>	<u>Oral</u>	<u>✓</u>	<u></u>
2	<u>Anthony P. Sulez</u>	<u>Superior Court</u>	<u>Oral</u>	<u>✓</u>	<u></u>
3	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
4	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
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