

OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS 15

April 6 '74

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Messrs Willens and Leonard

Attached are two copies of the draft report to the heads of our two delegations, which I believe reflect the changes agreed to at our meeting last Thursday/ morning.

Please let me know if you have any comments or suggested additions, to include those you may wish to attribute to your side of the Committee.

Dick Scott is on leave this week, in Fla. but I would be happy to get together with you anytime this week if you desire a meeting.

Best regards,

Steve Lotthris

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Marianas

Guam Court Reform Bill

On December 12, 1973 the Guam Legislature passed a court reform bill to be effective July 1, 1974. Among other things, the bill transfers local jurisdiction in all civil and criminal cases from the United States District Court to new Superior Supreme Courts of Guam. The bill contains no provision for appeal from decisions of the local Supreme Court of Guam. The bill further provides that a five-member Judicial Council would submit nominees for local judgeships to the Legislature. Current Island Court justices automatically become Superior Court judges. Their terms are now regulated by federal law, and the Council would only act to nominate new judges when the current judges' terms expire. There would be no appeal to the Federal Supreme Court in cases involving non-constitutional matters, until the U. S. Congress enacts legislation allowing such an appeal.

The basic intent of the bill appears to be to insure that local problems are determined locally. Under the current Guam court system misdemeanors and civil cases involving amounts less than \$5000 are tried in the Island Court, while felonies and civil cases involving more than \$5000 are tried in the U.S. District Court. In addition, Island Court cases may be appealed

to the District Court and District Court cases may be appealed to the Ninth Circuit. Under the new bill, all local civil and criminal cases would be tried in a local court with appeal to a local appeals court called the Supreme Court of Guam. The U.S. District Court would try cases only having federal jurisdiction.

Disadvantages to the bill cited by some include higher costs and the appointment of new judges. Guam will lose some federal funds if the District Court no longer has jurisdiction over local cases. In addition, there is some criticism of the provision for appointment of judges by the Legislature. Some suggested that judges be appointed by the Governor with legislative approval.

Advantages of the bill that have been cited include amelioration of the current situation where the single District Court judge is overburdened with a heavy volume of cases. In addition, it has been said that appealing cases to a local Supreme Court would be more advantageous because in some instances the Ninth Circuit does not fully understand local problems. In addition, the cost of trips to the Ninth Circuit Court of Appeals in San Francisco would be reduced. [Apparently, the District Court would retain jurisdiction over federal questions, diversity of citizenship cases and constitutional questions.] (Sources: Pacific Daily News, Thursday, December 13, 1973, Friday, December 14, 1973.)

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