

October 20, 1976

Agenda for Discussion of  
Judicial Branch in Committee on  
Governmental Institutions

This agenda identifies in outline form the issues which should be considered by the Committee in discussing the subject of the judicial branch which will serve the new Commonwealth. The references are to the pages of Briefing Paper No. 4.

A. What will be the structure and jurisdiction of the Judicial Branch? (pp. 15-26.)

Alternative 1: No local court system. (pp. 15-18.)

Alternative 2: A local court system with trial and appellate jurisdiction limited by reserving the most complicated cases for the federal district court for the Northern Marianas. (pp. 18-19.)

Alternative 3: A local judicial branch with jurisdiction over all local cases. (pp. 19-21.)

Alternative 4: Other structural alternatives available to the Convention. (pp. 21-24.)

(a) Empowering the federal district court for the Northern Marianas to act as an appellate tribunal in all local cases. (pp. 22-23.)

(b) Assigning appellate jurisdiction over only some local cases to the federal district court. (p. 23.)

- (c) Conferring the power of de novo review in certain types of cases on the federal district court or the local appellate court, if any. (pp. 23-24.)

Alternative 5: The "phase-in" of the jurisdiction of the Commonwealth's court system over a period of time. (pp. 24-26.)

B. What qualifications ought to be required of local judges? (pp. 27-33.)

- 1. Legal experience. (pp. 27-28.)
- 2. Citizenship or residency in Commonwealth. (pp. 29-31.)
- 3. Prohibition of certain activities to judges. (pp. 31-33.)

- (a) Holding another governmental office. (p. 31.)

- (b) Practicing law or specified types of law. (pp. 31-32.)

- (c) Participating in political activities. (pp. 32-33.)

- 4. Authority to legislature to determine judicial qualifications or to define activities prohibited to judges or to do both. (p. 33.)

C. What provisions concerning the selection, tenure and compensation of judges should be included in the Constitution? (pp. 33-51.)

- 1. Selection of local judges. (pp. 35-44.)

Alternative (a). By popular election. (pp. 36-38.)

Alternative (b). By appointment of the governor.

(pp. 38-43.) (See also Briefing Paper No. 2.)

Alternative (c). By a hybrid method. (pp. 43-44.)

Alternative (d). By either an electoral, appointive or hybrid system in conjunction with a "merit" plan. (p. 44.)

2. Terms of office of local judges. (pp. 45-50.)

Alternative (a). Tenure for life. (pp. 45-48.)

Alternative (b). Tenure for a fixed term of years. (p. 49.)

Alternative (c). Hybrid tenure. (pp. 49-50.)

3. The compensation of local judges. (pp. 50-51.)

Alternative (a). Fixed judicial salaries.

Alternative (b). Prescribed range of judicial salaries.

Alternative (c). "No diminution" clause.

(d). Uniform compensation for all local judges.

D. Should the Constitution provide for the removal of, and other sanctions against, incompetent, dishonest or disabled judges? (pp. 51-57.)

1. Removal by legislature. (pp. 53-52.)

a) Impeachment

b) Address

2. Recall. (p. 54.)

3. Other means of removing local judges. (pp. 55-56.)

a) Removal by the judicial branch

b) Removal by the governor upon the recommendation of an advisory commission.

(c) Involuntary retirement of mentally or physically disabled judges.

4. Suspension. (pp. 56-57.)

5. Censure. (p. 57.)

E. What other provisions affecting the judicial branch should the Constitution contain? (pp. 57-59.)

1. Provisions establishing or authorizing the legislature to establish court staffs, rules of admission to legal practice, and regulations concerning the discipline of lawyers. (p. 57.)

2. A provision authorizing the highest local court to adopt rules of practice and procedure for the Commonwealth's courts, with or without granting the legislature the power to disapprove such rules. (pp. 57-58.)

3. A provision creating an administrative structure to serve the judicial branch. (pp. 58-59.)