

ARTICLE IV: JUDICIAL BRANCH

Section 1: Judicial Power. The judicial power of the Commonwealth shall be vested in a judiciary of the Northern Mariana Islands which shall include those trial and appeals courts established by the legislature under this article.

Section 2: Commonwealth Trial Court. The legislature shall establish a Commonwealth trial court. This court has original jurisdiction over actions involving land in the Commonwealth and other civil actions except those in which the value of the matter in controversy exceeds five thousand dollars. The court also has original jurisdiction over criminal actions except those in which the defendant, if convicted, may be fined an amount that exceeds five thousand dollars or imprisoned for a term that exceeds five years. For at least five years after the establishment of the court, actions involving land shall be considered by a special division of the court. At least one full-time judge of the court shall be assigned to Rota and at least one full-time judge of the court shall be assigned to Tinian. The legislature may vest additional civil and criminal jurisdiction in the court after this Constitution has been in effect for at least five years or at an earlier date if no United States District Court for the Northern Mariana Islands is available under article IV, section 402(b), of the Covenant to exercise jurisdiction over causes not vested in the Commonwealth trial court.

Section 3: Commonwealth Appeals Court. The legislature may establish a Commonwealth appeals court to hear those appeals from judgments and orders of the Commonwealth trial court as are required or permitted by law after this Constitution has been in effect for at least five years or at an earlier date if no United States District Court for the Northern Mariana Islands is available under article IV, section 402(c), of the Covenant to hear these appeals.

Section 4: Appointment and Qualifications. The governor shall appoint judges of the Commonwealth courts with the advice and consent of the senate. The term of office shall be six years and may be increased by law to not more than twelve years for judges who have served at least one term. A judge shall be at least thirty years of age, a citizen or national of the United States and possess other qualifications provided by law.

Section 5: Compensation. The compensation of judges shall be provided by law. The salary of a judge may not be decreased during a term of office.

Section 6: Sanctions. Judges are subject to impeachment as provided in article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty. The legislature shall establish an advisory commission on the judiciary whose members include lawyers and representatives of the public. Upon recommendation of the advisory commission, the governor may remove, suspend or otherwise sanction a judge for illegal or improper conduct.

Section 7: Limitations on Activities of Judges. A

full-time judge may not hold another compensated government position or engage in the practice of law. A judge may not make a direct or indirect financial contribution to a political organization or candidate, hold an executive office in a political organization, participate in a political campaign, or become a candidate for elective public office unless he has resigned his judicial office at least six months before his candidacy.

Section 8: Rule-making Power. The judiciary of the Commonwealth may propose rules governing civil and criminal procedure, judicial ethics, admission to and governance of the bar of the Commonwealth, and other matters of judicial administration. A proposed rule shall be submitted promptly to the legislature and shall become effective sixty days after submission unless disapproved by a majority of the members of either house of the legislature. Until rules are established under this section, the rules of the High Court of the Trust Territory of the Pacific Islands shall apply in the Commonwealth courts.