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ARTICLE IV: JUDICIAL BRANCH

Section 1: Judicial Power

The judicial power of the Commonwealth shall be vested in a supreme court and a superior court.

Section 2: Supreme Court

The supreme court shall consist of a chief justice and at least two associate justices appointed by the governor and confirmed by the senate. The supreme court shall have appellate jurisdiction over final judgments and orders of the superior court and original jurisdiction to issue all writs and orders appropriate to the full exercise of its powers.

Section 3: Superior Court

The superior court shall consist of a presiding judge and at least three associate judges appointed by the governor and confirmed by the senate. The superior court shall have original jurisdiction over all criminal and civil actions in law and in equity and original jurisdiction to issue all writs and orders appropriate to the full exercise of its powers.

Section 4: Term of Office

The supreme court justices shall have an initial term of 12 years. The superior court judges shall have an initial term of 6 years. At the general election immediately before the end of the initial term, the question whether to retain shall be placed on the ballot. The justice or judge shall be retained if a majority of the votes cast are in the affirmative. The terms following the initial term shall be 12 years.

Section 5: Qualifications

A justice or judge shall be at least 35 years of age, be a citizen of the United States, have resided in the Commonwealth for at least 5 years before appointment, and be a member of the Commonwealth bar.

Section 6: Compensation

The compensation of justices and judges shall be as provided by law and may not be decreased during a term of office.

Section 7: Sanctions

A justice or judge is 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. In the event that vacancies on the commission remain for more than 90 days, the Chief Justice may make temporary appointments to continue until the legislature acts. Upon recommendation of the advisory commission, the governor may remove, suspend or otherwise sanction a justice or judge for illegal or improper conduct.

Section 8: Limitations on Activities

A justice or judge may not hold another compensated government position, engage in the practice of law, make a direct or indirect financial contribution to a political organization or candidate, hold an executive office in a political organization, or participate in a political campaign. A justice or judge who becomes a candidate for elective public office must declare candidacy at least six months before the election and must resign judicial office upon such declaration.

Section 9: Administrative

The chief justice shall be the administrative head of the judicial branch.

(a) The chief justice shall make an annual report to the people in person through a joint session of the legislature.

(b) The chief justice shall submit an annual budget for the judicial branch to the legislature.

(c) The supreme court has administrative and policy authority with respect to the judiciary, and shall promulgate rules of the courts with respect to appellate procedure, civil and criminal procedure, assignment of judges to Rota and Tinian for effective judicial service for the people of those islands, attorney admission and discipline, governance of the bar, court fees, judicial and professional ethics, duties and responsibilities of the presiding judge and court officials, establishment of special sections or divisions for particular subject matters, and all other matters pertaining to administration of the judicial branch.

(d) The chief justice may designate, as the need arises, an active or retired full-time justice or judge from the Commonwealth, or an active or retired full-time justice or judge from any United States federal, state, commonwealth, freely associated state, or territorial

court, to hear particular cases in either the supreme court or superior court.

Section 10: Succession

When a vacancy occurs in the office of chief justice, the associate justice most senior in commission shall become acting chief justice. When a vacancy occurs in the office of presiding judge, the associate judge most senior in commission shall become acting presiding judge. If a successor is not appointed by the governor and confirmed by the senate within 90 days of the vacancy, the acting chief justice or the acting presiding judge shall succeed to the office.

Section 11: Advisory opinions

An official in the Commonwealth who is elected or appointed by the Governor and who has a dispute with another elected or appointed official about the exercise of powers or responsibilities under this Constitution or any statute shall apply to the Supreme Court for an advisory opinion before seeking any other remedy at law or in equity. The Supreme Court shall issue an advisory opinion in response to an authorized application which shall resolve the dispute submitted, in part or whole. An advisory opinion issued under this section is a final and binding decision when issued.

Separate provision for the Schedule on Transitional Matters

Section ____ : Continuity of Judicial Matters

Upon the effective date of Article IV, as amended, the existing Supreme Court, its justices and employees; the existing Superior Court, its judges and employees; all existing administrative policies of the judicial branch; all existing rules of the courts; all cases pending in either court; all laws, regulations, and rules affecting the judiciary shall continue to exist and operate as if established pursuant to this Article IV, and shall, unless clearly inconsistent, be read to be consistent with this Article IV. The Supreme Court may exercise its rule-making authority in any area granted by this Article IV now occupied by statute. When the Supreme Court acts within its rule-making authority, any statute covering the same subject matter is no longer in effect.