

Delegates outline judicial setup

Delegates to the Third Northern Marianas Constitutional Convention gave its preliminary approval on the proposed amendments to Article Four of the Constitution seeking to give the current CNMI Supreme Court and Superior Court constitutional status.

Action by the delegates came Thursday during the 18th day of the Convention's 60 days regular session through a committee of the whole meeting.

Submitted by the Committee on the Judiciary and other Elected Offices chaired by Del. Henry U. Hofschneider, the proposal seeks to rewrite an entirely new Article Four on the Judicial Branch.

The Committee proposed that judges of both courts shall be appointed by the Governor and confirmed by the Senate for an initial term of 12 years for Su-

preme Court Justices and six years for Superior Court Justices.

It provides that after the first, initial term, justices and judges retain their offices if the people agree in an election. The judge or justice is not allowed to campaign and no politics are involved.

According to Chairman Hofschneider, the plan was proposed by the Courts, and endorsed by the House of Representatives in their proposed constitutional initiative passed last December.

"The Committee thinks it is a good idea to let the voters have a say in whether judges should stay on the bench," Hofschneider said.

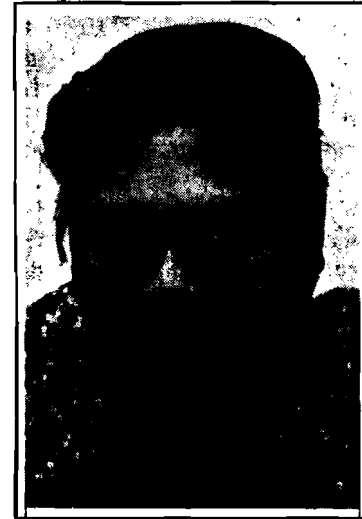
The Committee thinks that the initial political process—selection by the Governor and confirmation by the Senate—is sufficient to ensure that we get good candidates. but the appointment should be the decision of the



Henry U. Hofschneider

voters," the Tinian delegate said.

As to the qualifications for judges, there are two: a five residency requirement and that the appointee be a member of the Northern Marianas Bar Association. the committee also proposes to limit the political activities of



Tomas B. Aldan

judges.

The Committee further decided that if judges want to run for office, they should declare their candidacy, they must resign to prevent an appearance of conflicts of interest.

Del. Tomas B. Aldan made a

motion that the Committee come up with the proper language to allow the Chief Justice or Presiding Judge to submit their annual budget directly to the presiding offices of the Legislature, with an information copy to the governor. Aldan cited the separation of powers doctrine.

The Delegates agreed and the Committee took the matter under advertisement.

The Committee also added a new section to allow the court to issue advisory opinions to resolve dispute between the Governor and the Mayors, the Governor and the Legislature, and any other head of a government or department.

"The Committee believes that it is important to have these disputes decided quickly and finally, so the problem doesn't go on and on," Hofschneider stated.

The delegates are expected to vote on the proposed amendments at its next plenary session.