

FILED

SEP 19 2013

3:16 AM/PM
SUPREME COURT OF GUAM
By: CLERK OF COURT

IN THE SUPREME COURT OF GUAM

<p>RE:</p> <p>TERMINATION OF INTERNAL REVIEW PROCESS REGARDING JUDICIAL DISQUALIFICATION MATTERS</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Supreme Court Case No. PRM 10-003</p> <p>PROMULGATION ORDER NO. 10-003-03</p>
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On November 10, 2010, through Promulgation Order 10-003-01, the Supreme Court of Guam adopted an updated administrative rule regarding trial court case assignments. Section B(4) of that updated case assignment administrative rule was entitled "Disqualification and Re-Assignment." Through the procedures in Section B(4), together with the two exhibits attached to Promulgation Order 10-003-01, an internal review procedure was established at the trial court, supplemental to the disqualification process found in Guam law at Title 7 GCA §§ 6105-6106, whereby the Presiding Judge, or the next most senior available judge, reviews the legal sufficiency of proposed grounds for disqualification submitted by a Superior Court judge prior to announcing his or her disqualification.

On December 23, 2011, through Promulgation Order 10-003-02, the Supreme Court replaced and superseded the case assignment administrative rule found in Promulgation Order 10-003-01. However, as expressly stated at Section II(E) of Promulgation Order 10-003-02: "The procedures for recusal and disqualification articulated in Promulgation Order 10-003-01 shall remain in effect until further order of the Supreme Court of Guam notwithstanding the December 31, 2011 sunset provision articulated in Promulgation Order 10-003-01." Consequently, the only portion of Promulgation Order 10-003-01 that remains in effect today is Section B(4), entitled "Disqualification and Re-Assignment."

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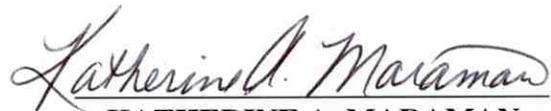
1 Through the internal disqualification and reassignment procedures established by
2 Promulgation Order 10-003-01, the trial court has realized significant improvements regarding
3 the judicial disqualification process. However the internal process is at times quite time
4 consuming. In the interest of improving efficiencies, and in recognition of the improved
5 knowledge of the trial court bench brought about by the internal disqualification and
6 reassignment procedures these past three years, this court finds that greater progress will be
7 possible through streamlining the judicial disqualification process by ending the internal
8 disqualification and reassignment process and allowing the judicial disqualification process to
9 take place pursuant to the statutory scheme found in Guam law, consistent with the applicable
10 canons of the Code of Judicial Conduct. Standard disqualification and consent forms and a
11 renewed emphasis on the judge declaring the relevant facts orally, pursuant to Section 6106, at a
12 properly noticed hearing in the case, will further improve the disqualification process.

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14 **THEREFORE, IT IS HEREBY ORDERED** that Promulgation Order 10-003-01 be
15 **REPEALED** and **VACATED** in its entirety, such that the internal judicial disqualification and
16 reassignment procedures created through its Section B(4) will no longer be of any effect. As
17 such, judges and justices of the Judiciary of Guam shall hereafter adhere to the substantive and
18 procedural framework found in Title 7 GCA §§ 6105-6107 and the applicable canons of the
19 Code of Judicial Conduct, until such time as this Court may adopt further procedures regarding
20 the process of judicial disqualification.

21 **SO ORDERED**, this 19th day of September, 2013.

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24 **ROBERT J. TORRES**
25 Associate Justice

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27 **KATHERINE A. MARAMAN**
28 Associate Justice

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30 **F. PHILIP CARBULLIDO**
31 Chief Justice