

MAR 21 8 09 AM '02

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF GUAM

RE:) PROMULGATION ORDER NO.: 02-006
CREATION OF THE UNIFIED)
JUDICIARY COMMITTEE)

Pursuant to the authority granted in 7 GCA §§ 2101, 3101, 3102 and 3107, and by its inherent authority, the Supreme Court of Guam, sitting *en banc*, hereby adopts and promulgates the rules creating the Unified Judiciary Committee. The Unified Judiciary Committee shall have the powers and responsibilities hereinafter stated.

THE UNIFIED JUDICIARY COMMITTEE

1. The terms "Guam Judiciary" or "Judicial Branch" as used herein shall collectively mean the Supreme Court, Superior Court and their respective divisions.

2. The Unified Judiciary Committee.

(a) There shall be a Unified Judiciary Committee that shall consist of the following members: the Chief Justice of Guam, two (2) full-time Associate Justices of the Supreme Court, the Presiding Judge, one (1) judge of the Superior Court to be selected by the remaining judges of the Superior Court, the Administrator of the Supreme Court, and the Administrator of the Superior Court. The Chief Justice shall be Chairperson of the Unified Judiciary Committee. The Chief Justice may designate another member of the Unified Judiciary Committee to be Chairperson.

(b) The Unified Judiciary Committee shall operate in a wholly nonpartisan manner.

(c) The term of each member of the Unified Judiciary Committee shall be concurrent with the term of such member's respective office

(d) A quorum shall consist of no less than a majority of the members. No act of the Unified Judiciary Committee shall be valid except with the concurrence of no less than a majority of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

membership

(e) The Unified Judiciary Committee shall promulgate rules for its conduct and operation. Said rules shall include provisions designed to comply with the spirit and intent of Chapter 8 of Title 5 Guam Code Annotated, *the Open Government Law of Guam*.

3. Powers of the Unified Judiciary Committee.

(a) The Unified Judiciary Committee shall have the following powers:

(1) to adopt policies and rules for the operations of the Judicial Branch, including, but not limited to, procurement, facilities and property and financial not otherwise within the jurisdiction of the Judicial Council as provided by law.

(2) to review the budget for the operation of the Judicial Branch and submit its recommendation to the Guam Legislature;

(3) to employ, retain or contract for the services of qualified specialists or experts, as individuals or as organizations, to advise and assist the Judicial Branch in the fulfillment of its duties;

(4) to adopt filing fees and other court fees not otherwise within the jurisdiction of the Judicial Council;

(5) to promulgate the Unified Judiciary Committee's own rules for its conduct and operation;

(6) to initiate, receive and consider charges concerning alleged misconduct or incapacity of any referee or administrative hearing officer of the Judicial Branch of Guam, and to form subcommittees that will determine and make recommendations as to the removal of any referee or hearing officer of the Judicial Branch;

(7) to adopt such rules as may be necessary for the exercise of the powers and performance of the duties conferred or imposed upon the Unified Judiciary Committee by this Promulgation Order and not inconsistent with this Promulgation Order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(b) Nothing contained in this Promulgation Order shall be construed directly or by implication to be in any way in derogation or limitation of the powers conferred upon the Supreme Court of Guam or existing in the Supreme Court of Guam by virtue of any provisions of the Organic Act of Guam or any statutes of Guam or any other provision of the Guam Code Annotated.

4. Any action taken in violation of this Promulgation Order, or any policy or rule adopted pursuant to this Promulgation Order, is void. Any expenditure of Judiciary funds in violation of this Promulgation Order, or any policy or rule adopted pursuant to this Promulgation Order, is void. Any employee of the Judicial Branch who expends or authorizes the expenditure of Judicial Branch funds in violation of this Promulgation Order, or any policy or rule adopted pursuant to this Promulgation Order, shall be personally liable for the return of the funds to the respective fund of the Judicial Branch and may be subject to appropriate disciplinary action.

5. Any provision herein in conflict with Guam law shall not be valid. Such invalidity shall not affect other provisions herein which can be given effect without the invalid provision.

6. Effective Date. This Order shall be effective on the date herein promulgated.

SO ORDERED En Banc this 21~~st~~ day of March, 2002.



F. PHILIP CARBULLIDO
Associate Justice



FRANCES TYDINGCO-GATEWOOD
Associate Justice



PETER C. SIGUENZA, JR.
Chief Justice