

out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Pub. L. 95-598, title IV, §402(e), Nov. 6, 1978, 92 Stat. 2682, which provided a prospective effective date for the amendment of subsec. (a) by section 335(a) of Pub. L. 95-598, was repealed by section 1001 of Pub. L. 98-454.

#### EFFECTIVE DATE OF 1954 AMENDMENT

Act Aug. 27, 1954, ch. 1017, §2, 68 Stat. 883, provided that: "The amendment made by section 1 [amending this section] shall be deemed to be in effect as of August 1, 1950."

#### SEPARABILITY

Act Aug. 27, 1954, ch. 1017, §4, 68 Stat. 883, provided: "If any particular provision of this Act [amending this section and enacting provisions set out as notes under this section], or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby."

#### NONREVERSAL OF CONVICTIONS PRIOR TO AUGUST 27, 1954

Act Aug. 27, 1954, ch. 1017, §3, 68 Stat. 883, provided: "No conviction of a defendant in a criminal proceeding in the District Court of Guam heretofore had shall be reversed or set aside on the ground that the defendant was not indicted by a grand jury or tried by a petit jury."

### § 1424-1. Jurisdiction and powers of local courts

#### (a) Supreme Court of Guam

The Supreme Court of Guam shall be the highest court of the judicial branch of Guam (excluding the District Court of Guam) and shall—

- (1) have original jurisdiction over proceedings necessary to protect its appellate jurisdiction and supervisory authority and such other original jurisdiction as the laws of Guam may provide;
- (2) have jurisdiction to hear appeals over any cause in Guam decided by the Superior Court of Guam or other courts established under the laws of Guam;
- (3) have jurisdiction to issue all orders and writs in aid of its appellate, supervisory, and original jurisdiction, including those orders necessary for the supervision of the judicial branch of Guam;
- (4) have supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam;
- (5) hear and determine appeals by a panel of three of the justices of the Supreme Court of Guam and a concurrence of two such justices shall be necessary to a decision of the Supreme Court of Guam on the merits of an appeal;
- (6) make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the judicial branch of Guam, including procedures for the determination of an appeal en banc; and
- (7) govern attorney and judicial ethics and the practice of law in Guam, including admission to practice law and the conduct and discipline of persons admitted to practice law.

#### (b) Chief Justice of Supreme Court of Guam

The Chief Justice of the Supreme Court of Guam—

- (1) shall preside over the Supreme Court unless disqualified or unable to act;

(2) shall be the administrative head of, and have general supervisory power over, all departments, divisions, and other instrumentalities of the judicial branch of Guam; and

(3) may issue such administrative orders on behalf of the Supreme Court of Guam as necessary for the efficient administration of the judicial branch of Guam.

#### (c) Orders of Chief Justice with respect to appeals

The Chief Justice of the Supreme Court of Guam, or a justice sitting in place of such Chief Justice, may make any appropriate order with respect to—

- (1) an appeal prior to the hearing and determination of that appeal on the merits; or
- (2) dismissal of an appeal for lack of jurisdiction or failure to take or prosecute the appeal in accordance with applicable laws or rules of procedure.

#### (d) Other local courts

Except as granted to the Supreme Court of Guam or otherwise provided by this chapter or any other Act of Congress, the Superior Court of Guam and all other local courts established by the laws of Guam shall have such original and appellate jurisdiction over all causes in Guam as the laws of Guam provide, except that such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam under section 1424 of this title.

#### (e) Qualifications and duties of justices and judges

The qualifications and duties of the justices and judges of the Supreme Court of Guam, the Superior Court of Guam, and all other local courts established by the laws of Guam shall be governed by the laws of Guam and the rules of such courts.

(Aug. 1, 1950, ch. 512, §22A, as added Pub. L. 98-454, title VIII, §801, Oct. 5, 1984, 98 Stat. 1742; amended Pub. L. 108-378, §1(b), Oct. 30, 2004, 118 Stat. 2206.)

#### AMENDMENTS

2004—Pub. L. 108-378 amended section generally, substituting provisions relating to Supreme Court of Guam and other courts for provisions consisting of subsecs. (a) to (c) relating to composition of local courts and establishment of appellate court, jurisdiction of courts, and practice and procedure in local courts and qualifications and duties of judges.

#### EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

### § 1424-2. Relations between courts of United States and courts of Guam

The relations between the courts established by the Constitution or laws of the United States and the local courts of Guam with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including

the Supreme Court of the United States, and the courts of the several States in such matters and proceedings.

(Aug. 1, 1950, ch. 512, §22B, as added Pub. L. 98-454, title VIII, §801, Oct. 5, 1984, 98 Stat. 1742; amended Pub. L. 103-437, §17(a)(1), Nov. 2, 1994, 108 Stat. 4595; Pub. L. 108-378, §2, Oct. 30, 2004, 118 Stat. 2208.)

#### AMENDMENTS

2004—Pub. L. 108-378 struck out before period at end “: *Provided*, That for the first fifteen years following the establishment of the appellate court authorized by section 1424-1(a) of this title, the United States Court of Appeals for the Ninth Circuit shall have jurisdiction to review by writ of certiorari all final decisions of the highest court of Guam from which a decision could be had. The Judicial Council of the Ninth Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection”.

1994—Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

#### EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

### § 1424-3. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules; appeals to appellate court

#### (a) Appellate jurisdiction of District Court

Prior to the establishment of the appellate court authorized by section 1424-1(a) of this title, which is known as the Supreme Court of Guam, the District Court of Guam shall have such appellate jurisdiction over the local courts of Guam as the legislature may determine: *Provided*, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of Guam or of any orders or regulations issued or actions taken by the executive branch of the government of Guam with the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the United States.

#### (b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions

Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The district judge shall be the presiding judge of the appel-

late division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division of any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 1424b of this title: *Provided*, That no more than one of them may be a judge of a court of record of Guam. The concurrence of two judges shall be necessary to any decision of the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

#### (c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules

The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

#### (d) Appeals to appellate court; effect on District Court

Upon the establishment of the appellate court provided for in section 1424-1(a) of this title, which is known as the Supreme Court of Guam, all appeals from the decisions of the local courts not previously taken must be taken to such appellate court. The establishment of that appellate court shall not result in the loss of jurisdiction of the appellate division of the district court over any appeal then pending in it. The rulings of the appellate division of the district court on such appeals may be reviewed in the United States Court of Appeals for the Ninth Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.

(Aug. 1, 1950, ch. 512, §22C, as added Pub. L. 98-454, title VIII, §801, Oct. 5, 1984, 98 Stat. 1742; amended Pub. L. 108-378, §1(c), Oct. 30, 2004, 118 Stat. 2207.)

#### AMENDMENTS

2004—Subsec. (a). Pub. L. 108-378, §1(c)(1), inserted “which is known as the Supreme Court of Guam,” after “appellate court authorized by section 1424-1(a) of this title.”.

Subsec. (d). Pub. L. 108-378, §1(c)(2), inserted “, which is known as the Supreme Court of Guam,” after “appellate court provided for in section 1424-1(a) of this title” and substituted “taken to such appellate court” for “taken to the appellate court”.

#### EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

### § 1424-4. Criminal offenses; procedure; definitions

Where appropriate, the provisions of part II of title 18 and of title 28, United States Code, and