

**I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
RESOLUTIONS**

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHORS REPORT FILED	NOTES
438-37 (LS)	Therese M. Terlaje	Relative to recognizing the commemoration of the Fiftieth (50th) Year Anniversary of the Court Reorganization Act; and commending the judicial officers and employees, past and present, for their dedicated service and contributions to the administration of justice for the people of Guam.	7/1/24 8:00 a.m.	7/6/24 6:00 p.m.	7/1/24					

Resolution No. 438-37 (LS)

Introduced by:

Therese M. Terlaje	William A. Parkinson
Chris Barnett	Sabina Flores Perez
Frank Blas, Jr.	Roy A. B. Quinata
Juanne M. Brown	Jose S. San Agustin
Christopher M. Durieux	Dwayne T.D. San Nicolas
Thomas J. Fisher	Amanda L. Shelton
Jesse A. Lujan	Telo T. Tautague
Ima Rose Maria Barnes	



Relative to recognizing the commemoration of the Fiftieth (50th) Year Anniversary of the Court Reorganization Act; and commending the judicial officers and employees, past and present, for their dedicated service and contributions to the administration of justice for the people of Guam.

BE IT RESOLVED BY I MINA'TRENTAI SIETTE NA LIHESLATURAN GUAHAN:

WHEREAS, an independent judiciary is fundamental to a fair and impartial justice system and a free and functioning society; and
WHEREAS, on this momentous occasion, *I Liheslaturan Guahan* commemorates the Fiftieth (50th) Year Anniversary of the Court Reorganization Act, a cornerstone in the development of the Judiciary of Guam (*Hadituan Guahan*); and
WHEREAS, the path toward an independent judiciary began on August 1, 1950, with the signing of the Organic Act of Guam by President Harry S. Truman, which accorded territorial status to Guam and provided its citizens with a Bill of Rights mirroring that of the United States Constitution; and
WHEREAS, the Organic Act granted the people of Guam the ability to govern themselves after centuries of being governed by others and further vested judicial authority in the U.S. District Court of Guam and other courts established by Guam's laws; and
WHEREAS, following the Organic Act and *I Liheslaturan Guahan*'s introduction of the Judiciary Act of 1950, Guam's court system consisted of an Island Court of Guam with jurisdiction over misdemeanor and civil cases under Two Thousand Dollars (\$2,000), a Police Court with jurisdiction over specific misdemeanor crimes, and the U.S. District Court of Guam holding jurisdiction over federal legislation, and serving as the appellate court for Island Court decisions; and
WHEREAS, although Guam's judiciary finally operated independently from the executive branch, the U.S. District Court had been given significant authority over local matters; and
WHEREAS, it would be another twenty-four (24) years before the Twelfth (12th) Guam Legislature would pass the Court Reorganization Act of 1974 (Public Law 12-85), which ended the dual judicial structure and reallocated the authority within the local judiciary; and
WHEREAS, following the Court Reorganization Act, the Island Court was renamed as the Superior Court of Guam, establishing the trial court as it exists today, with jurisdiction over all cases arising out of Guam laws; and the Honorable Joaquin Cruz Perez became Guam's first Presiding Judge of the Superior Court of Guam on July 1, 1974; and Judges from the Island Court and Police Court were reassigned to the Superior Court, and an office for the Compiler of Laws was established to maintain updates to the Guam Code Annotated; and
WHEREAS, the Court Reorganization Act of 1974 also provided for the establishment of the first Supreme Court of Guam, with Presiding Judge Perez becoming the first Chief Justice on October 10, 1974; and
WHEREAS, despite its significance, the establishment of the Supreme Court of Guam did not last. In the 1977 case *Territory of Guam v. Olsen*, 431 U.S. 195 (1977), the U.S. Supreme Court ruled that the Organic Act did not authorize the transfer of appellate jurisdiction from the U.S. District Court of Guam, resulting in the dissolution of the locally created Supreme Court of Guam; and
WHEREAS, in 1984, in response to *Olsen*, the U.S. Congress amended the Organic Act of Guam to permit *I Liheslaturan* to create an appellate court to hear all cases in Guam over which any court established by the U.S. Constitution and laws of the United States does not have exclusive jurisdiction; and
WHEREAS, on December 31, 1992, under the leadership of Senator Pilar C. Lujan, the Twenty-First (21st) Guam Legislature passed the "Frank L.G. Lujan Memorial Court Reorganization Act" (Public Law 21-147), reestablishing the Supreme Court of Guam. However, because the appellate court was established under Guam law, the court remained subordinate to Guam's other two (2) branches of government and was subject to changes based on shifts in political control; and
WHEREAS, in April 1996, the Honorable Peter Charles Siguenza, Jr. became the first Chief Justice of the new Supreme Court of Guam, with the Honorable Janet Healy Weeks and the Honorable Monessa G. Lujan sworn in as Justices. Mere hours later, however, the Guam Legislature reduced the Supreme Court of Guam's administrative powers over the local judiciary; and
WHEREAS, determined to secure judicial independence, Guam's Congressional Delegate Robert A. Underwood introduced H.R. 2370, the "Judicial Empowerment Act of 1997" in the 105th Congress; and the Act aimed to amend the Organic Act to establish the Judiciary as a co-equal branch of government and to federally recognize the Office of the Attorney General of Guam. Although only the provision concerning the Office of the Attorney General of Guam was passed, Delegate Underwood continued his efforts with additional legislation in the 106th and 107th Congresses; and
WHEREAS, in June 2003, Guam Congressional Delegate Madeleine Z. Bordallo introduced H.R. 2400 in the 108th Congress to amend the Organic Act of Guam to establish the Supreme Court of Guam as the highest local court in the territory; and
WHEREAS, in October 2003, the Guam Legislature enacted Public Law 27-31 to reorganize the Judiciary as the third co-equal and independent branch of the Government of Guam; and on October 30, 2004, H.R. 2400 (P.L. 108-378) became federal law; and
WHEREAS, in January 2006, the Ninth (9th) Circuit Court of Appeals dismissed *Santos v. Guam*, confirming that it no longer had jurisdiction over appeals from Guam courts, thereby affirming the Supreme Court of Guam as the island's highest court, with appeals subject only to the United States Supreme Court; and
WHEREAS, although it took decades to realize the dream of a Unified Judiciary, this achievement would not have been possible without the foundation of the Court Reorganization Act fifty (50) years ago; now therefore, be it

RESOLVED, that *I Mina'trentai Siette Na Liheslaturan Guahan* does hereby, on behalf of the people of Guam, recognize the commemoration of the Fiftieth (50th) Year Anniversary of the Court Reorganization Act; and commend the judicial officers and employees, past and present, for their dedicated service and contributions to the administration of justice for the people of Guam; and be it further


RESOLVED, that the Speaker certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of the same be thereafter transmitted to the Honorable Robert J. Torres, Jr., Chief Justice of the Supreme Court of Guam; the Honorable Alberto C. Lamorena III, Presiding Judge of the Superior Court of Guam; and to the Honorable Lourdes A. Leon Guerrero, *I Mang'haqan Guahan*.

DULY AND REGULARLY ADOPTED BY I MINA'TRENTAI SIETTE NA LIHESLATURAN GUAHAN ON THE 1ST DAY OF JULY 2024.


 THERESE M. TERLAJE
 Speaker


 AMANDA L. SHELTON
 Legislative Secretary




 MARIE CRUZ
 7/5/24 - 12:53pm

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Resolution No. 438-37 (LS)

Introduced by:

Therese M. Terlaje
Chris Barnett
Frank Blas, Jr.
Joanne M. Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Sabina Flores Perez
Roy A. B. Quinata
Joe S. San Agustin
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Relative to recognizing the commemoration of the Fiftieth (50th) Year Anniversary of the Court Reorganization Act; and commending the judicial officers and employees, past and present, for their dedicated service and contributions to the administration of justice for the people of Guam.

1 **BE IT RESOLVED BY *I MINA'TRENTAI SIETTE NA LIHESLATURAN***
2 ***GUÅHAN*:**

3 **WHEREAS**, an independent judiciary is fundamental to a fair and impartial
4 justice system and a free and functioning society; and

1 **WHEREAS**, on this momentous occasion, *I Liheslaturan Guåhan*
2 commemorates the Fiftieth (50th) Year Anniversary of the Court Reorganization Act, a
3 cornerstone in the development of the Judiciary of Guam (*Hustisian Guåhan*); and

4 **WHEREAS**, the path toward an independent judiciary began on August 1, 1950,
5 with the signing of the Organic Act of Guam by President Harry S. Truman, which
6 accorded territorial status to Guam and provided its citizens with a Bill of Rights
7 mirroring that of the United States Constitution; and

8 **WHEREAS**, the Organic Act granted the people of Guam the ability to govern
9 themselves after centuries of being governed by others and further vested judicial
10 authority in the U.S. District Court of Guam and other courts established by Guam’s
11 laws; and

12 **WHEREAS**, following the Organic Act and *I Liheslaturan Guåhan*’s
13 introduction of the Judiciary Act of 1950, Guam’s court system consisted of an Island
14 Court of Guam with jurisdiction over misdemeanor and civil cases under Two Thousand
15 Dollars (\$2,000), a Police Court with jurisdiction over specific misdemeanor crimes,
16 and the U.S. District Court of Guam holding jurisdiction over federal legislation, and
17 serving as the appellate court for Island Court decisions; and

18 **WHEREAS**, although Guam’s judiciary finally operated independently from the
19 executive branch, the U.S. District Court had been given significant authority over local
20 matters; and

21 **WHEREAS**, it would be another twenty-four (24) years before the Twelfth (12th)
22 Guam Legislature would pass the Court Reorganization Act of 1974 (Public Law 12-
23 85), which ended the dual judicial structure and reallocated the authority within the
24 local judiciary; and

25 **WHEREAS**, following the Court Reorganization Act, the Island Court was
26 renamed as the Superior Court of Guam, establishing the trial court as it exists today,
27 with jurisdiction over all cases arising out of Guam laws; and the Honorable Joaquin

1 Cruz Perez became Guam’s first Presiding Judge of the Superior Court of Guam on July
2 1, 1974; and Judges from the Island Court and Police Court were reassigned to the
3 Superior Court, and an office for the Compiler of Laws was established to maintain
4 updates to the Guam Code Annotated; and

5 **WHEREAS**, the Court Reorganization Act of 1974 also provided for the
6 establishment of the first Supreme Court of Guam, with Presiding Judge Perez
7 becoming the first Chief Justice on October 10, 1974; and

8 **WHEREAS**, despite its significance, the establishment of the Supreme Court of
9 Guam did not last. In the 1977 case *Territory of Guam v. Olsen*, 431 U.S. 195 (1977),
10 the U.S. Supreme Court ruled that the Organic Act did not authorize the transfer of
11 appellate jurisdiction from the U.S. District Court of Guam, resulting in the dissolution
12 of the locally created Supreme Court of Guam; and

13 **WHEREAS**, in 1984, in response to *Olsen*, the U.S. Congress amended the
14 Organic Act of Guam to permit *I Liheslatura* to create an appellate court to hear all
15 cases in Guam over which any court established by the U.S. Constitution and laws of
16 the United States does not have exclusive jurisdiction; and

17 **WHEREAS**, on December 31, 1992, under the leadership of Senator Pilar C.
18 Lujan, the Twenty-First (21st) Guam Legislature passed the “Frank L.G. Lujan
19 Memorial Court Reorganization Act” (Public Law 21-147), reestablishing the Supreme
20 Court of Guam. However, because the appellate court was established under Guam law,
21 the court remained subordinate to Guam’s other two (2) branches of government and
22 was subject to changes based on shifts in political control; and

23 **WHEREAS**, in April 1996, the Honorable Peter Charles Siguenza, Jr. became
24 the first Chief Justice of the new Supreme Court of Guam, with the Honorable Janet
25 Healy Weeks and the Honorable Monessa G. Lujan sworn in as Justices. Mere hours
26 later, however, the Guam Legislature reduced the Supreme Court of Guam’s
27 administrative powers over the local Judiciary; and

1 **WHEREAS**, determined to secure judicial independence, Guam’s Congressional
2 Delegate Robert A. Underwood introduced H.R. 2370, the “Judicial Empowerment Act
3 of 1997” in the 105th Congress; and the Act aimed to amend the Organic Act to establish
4 the Judiciary as a co-equal branch of government and to federally recognize the Office
5 of the Attorney General of Guam. Although only the provision concerning the Office
6 of the Attorney General of Guam was passed, Delegate Underwood continued his
7 efforts with additional legislation in the 106th and 107th Congresses; and

8 **WHEREAS**, in June 2003, Guam Congressional Delegate Madeleine Z.
9 Bordallo introduced H.R. 2400 in the 108th Congress to amend the Organic Act of
10 Guam to establish the Supreme Court of Guam as the highest local court in the territory;
11 and

12 **WHEREAS**, in October 2003, the Guam Legislature enacted Public Law 27-31
13 to reorganize the Judiciary as the third co-equal and independent branch of the
14 Government of Guam; and on October 30, 2004, H.R. 2400 (P.L. 108-378) became
15 federal law; and

16 **WHEREAS**, in January 2006, the Ninth (9th) Circuit Court of Appeals dismissed
17 *Santos v. Guam*, confirming that it no longer had jurisdiction over appeals from Guam
18 courts, thereby affirming the Supreme Court of Guam as the island’s highest court, with
19 appeals subject only to the United States Supreme Court; and

20 **WHEREAS**, although it took decades to realize the dream of a Unified Judiciary,
21 this achievement would not have been possible without the foundation of the Court
22 Reorganization Act fifty (50) years ago; now therefore, be it

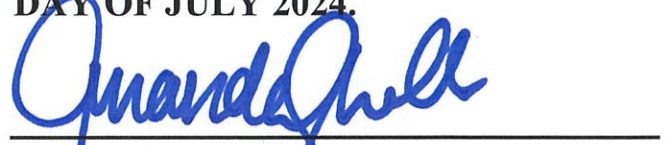
23 **RESOLVED**, that *I Mina'trentai Siette Na Liheslaturan Guåhan* does hereby,
24 on behalf of the people of Guam, recognize the commemoration of the Fiftieth (50th)
25 Year Anniversary of the Court Reorganization Act; and commend the judicial officers
26 and employees, past and present, for their dedicated service and contributions to the
27 administration of justice for the people of Guam; and be it further

1 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the
2 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
3 Robert J. Torres, Jr., Chief Justice of the Supreme Court of Guam; the Honorable
4 Alberto C. Lamorena III, Presiding Judge of the Superior Court of Guam; and to the
5 Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN* ON THE 1ST DAY OF JULY 2024.



THERESE M. TERLAJE
Speaker



AMANDA L. SHELTON
Legislative Secretary



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Siette na Liheslaturan Guåhan | 37th Guam Legislature
Committee on Health, Land, Justice, and Culture

July 2, 2024

MEMORANDUM

To: All Senators, Stakeholders
From: Speaker Therese M. Terlaje *TMT*
Subject: **Notice of Presentation - Resolution No. 438-37 (LS)**

Buenas yan Håfa Adai!

Please join us for the presentation of **Resolution No. 438-37 (LS)** - "Relative to recognizing the commemoration of the Fiftieth (50th) Year Anniversary of the Court Reorganization Act; and commending the judicial officers and employees, past and present, for their dedicated service and contributions to the administration of justice for the people of Guam."

Resolution No. 438-37 (LS) will be presented on **Saturday, July 6, 2024, at 6:00 p.m., at the Dusit Thani Guam Resort Grand Ballroom, Tumon.**

We look forward to your participation.

Si Yu'os Ma'åse'!