

ignated as the “District Court of Guam”, and a judicial branch of Guam which branch shall constitute a unified judicial system and include an appellate court designated as the “Supreme Court of Guam”, a trial court designated as the “Superior Court of Guam”, and such other lower local courts as may have been or shall hereafter be established by the laws of Guam.

(2) The Supreme Court of Guam may, by rules of such court, create divisions of the Superior Court of Guam and other local courts of Guam.

(3) The courts of record for Guam shall be the District Court of Guam, the Supreme Court of Guam, the Superior Court of Guam (except the Traffic and Small Claims divisions of the Superior Court of Guam) and any other local courts or divisions of local courts that the Supreme Court of Guam shall designate.

#### (b) Jurisdiction

The District Court of Guam shall have the jurisdiction of a district court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28, and that of a bankruptcy court of the United States.

#### (c) Original jurisdiction

In addition to the jurisdiction described in subsection (b), the District Court of Guam shall have original jurisdiction in all other causes in Guam, jurisdiction over which is not then vested by the legislature in another court or other courts established by it. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by the laws of Guam for the purpose of determining the requirements of indictment by grand jury or trial by jury.

(Aug. 1, 1950, ch. 512, §22, 64 Stat. 389; Aug. 27, 1954, ch. 1017, §1, 68 Stat. 882; Pub. L. 85-444, §§1, 2, June 4, 1958, 72 Stat. 178, 179; Pub. L. 95-598, title III, §335, Nov. 6, 1978, 92 Stat. 2680; Pub. L. 98-454, title VIII, §§801, 803, title X, §1001, Oct. 5, 1984, 98 Stat. 1741, 1743, 1745; Pub. L. 108-378, §1(a), Oct. 30, 2004, 118 Stat. 2206.)

### Editorial Notes

#### AMENDMENTS

2004—Subsec. (a). Pub. L. 108-378 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The judicial authority of Guam shall be vested in a court of record established by Congress, designated the ‘District Court of Guam,’ and such local court or courts as may have been or shall hereafter be established by the laws of Guam in conformity with section 1424-1 of this title.”

1984—Pub. L. 98-454 amended section generally, striking out language which directed that no provisions of any rules which authorized or required trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, repealed that portion of section 1 of act Aug. 27, 1954, which had inserted such language originally, repealed section 335 of Pub. L. 95-598, which had amended this section, and transferred out of this section into sections 1424-1 to 1424-4, with amendments, the remaining provisions formerly set out in this section relating to the creation, jurisdiction, and rules governing procedure in the Guam judicial system.

1978—Subsec. (a). Pub. L. 95-598, §335(a), inserted “and a bankruptcy court”.

Subsec. (b). Pub. L. 95-598, §335(b), substituted “section 2075 of title 28, in cases under title 11,” for “section 53 of title 11, in bankruptcy cases;”.

1958—Subsec. (a). Pub. L. 85-444 provided that the District Court of Guam shall have jurisdiction in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, and to insert the paragraph requiring appeals to the District Court to be heard and determined by an appellate division.

1954—Subsec. (b). Act Aug. 27, 1954, inserted provisions making it clear that trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall not be required in the District Court of Guam until so required by laws enacted by the Legislature of Guam; and defining the terms “attorney for the government”, and “United States attorney”, as used in the Federal Rules of Criminal Procedure, when applicable to cases arising under the laws of Guam.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-454, title X, §1005, Oct. 5, 1984, 98 Stat. 1746, provided that: “Titles VII, VIII, IX, and X of this Act [enacting sections 1424-1 to 1424-4, 1493, and 1613a of this title, repealing section 1400 of this title, amending this section and sections 1424b, 1561, 1611, 1612, 1613, 1614, 1615, 1617, 1694, and 1821 to 1824 of this title, and enacting provisions set out as notes under sections 1424b, 1612, and 1614 of this title and section 373 of Title 28, Judiciary and Judicial Procedure] shall become effective on the ninetieth day following their enactment [Oct. 5, 1984].”

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 335(b) of Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set 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.)

**Editorial Notes**

**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.

**Statutory Notes and Related Subsidiaries**

**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.)

**Editorial Notes**

**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”.