

THIRD CHUUK STATE CONSTITUTIONAL CONVENTION
Committee on Style & Arrangement
Weno, Chuuk State
Federated States of Micronesia

SCR No. : 3-23
COMMITTEE : S & A
DATE : 09/27/04

The Honorable Camillo Noket
President
Third State Constitutional Convention
Weno, Chuuk State, FM 96942

Dear Mr. President:

Your Committee on Style and Arrangement, to which was referred Committee Proposal No.3-04, entitled:

"A COMMITTEE PROPOSAL amending Section 5, 7 and 9 of Article VII of the Chuuk Constitution, relating to the number and composition of justices on appeal; establishing a roster of Justices to hear cases at the Trial and Appellate Divisions of the State Supreme Court in the case of conflict of interest or disqualifications; and qualifications of justices of the Chuuk State Supreme Court.",

begs leave to report as follows:

I. RECOMMENDATION:

Your Committee recommends that the Convention pass in final reading Committee Proposal, together with the proposed changes made by your Committee, which are shown on the proposal attached hereunder as Committee Proposal No. 3-04;CD1;SAD1, together with this report.

II. ANALYSIS:

A. History.

As originally introduced, Delegate Proposal No. 3-4 intends, as its purpose, to deal with the problem in the State Judiciary, relating to the number and composition of justices to take care of appealed cases at both the Trial and Appellate Divisions when there is problem of **conflict of interest or disqualifications** among justices of the Supreme Court. This proposal also concerns itself with the **qualifications** of the same.

B. Findings.

Your Committee finds this proposal in its present form and contents as passed second reading by the Plenary to be very relevant to the problem it intends to address and for which it aims to seek solution, except that a few technical changes are appropriate as far as your Committee is concerned. These changes together with the reasons for which they are being made by your Committee are hereby discussed below, as follows:

1) The use of **parenthesis**, as in the case of line 4 and 6, on page 1, must be in conformity in style in the rest of the constitution. Instead of just using "a)" and "b)", a "(a)" and "(b)", using the **fully enclosed parenthesis** is more appropriate, to conform in style with the rest of the constitution where **parenthesis** is being used, as shown above.

2) **Appellate Division** and **Trial Division** as used in lines 5, 8, and 11 of page 1; line 1, of page 2, should not be capitalized, to conform with the style in the rest of Article VII of the Constitution. Instead, they should read: **appellate division** and **trial division**. (Where "trial division" or "appellate division" is mentioned elsewhere in the Constitution they are lower [small] letters.)

3) In the proposed Section 9, the "," (comma) after "35 years of age," should be deleted, since the phrase **35 years of age** is no longer the part of a series of three or more phrases, so the "," (comma) is no longer needed, and is out of place.

4) The phrase "**at least three 3. . .**" should read at least three 3. . . on line 7 of page 1, could be changed to three justices.

The phrase **Not less than two 2 justices. . .** appearing on line 7 of page 1, could be changed to **Two justices . . .** The **two (2)** is redundant and to conform with style in the rest of the Constitution. The "two" should be used, instead of "two (2)".

5) "**Not less than. . .**" should be deleted, to eliminate unnecessary argument over the intent, replacing it with "**Two justices**". Your Committee believes that this change would not change the purpose of the amendment, which is that, if at all possible, two state Supreme Court justices should sit on all appellate panels although the rest of the proposed section 5 and section 7 recognize that there may be the occasional case where, because of conflict of interest or disqualification, less than two are available. (This is on line 9, page 1).

6) The word **member** on page 1, line 12, should have either an "**s**" or "**(s)**", added to it, in order to agree in number with the rest of the sentence that says "shall be temporary justices**s**". "**(s)**" is preferred because it would mean that only one temporary justice might be needed on a panel although two or more are possible. Just adding "s" would seem to indicate that there would always be at least two temporary justices on a panel, and that is the current situation which this amendment intends to change.

C. **Amendments.**

As all discussed above, your Committee's suggested changes seek only to put the language and form of the proposal, as passed by the Convention plenary in its second reading, in a more appropriate style. All of them as clearly indicated on the proposal itself, for purposes of clarity, just as discussed above and shown on the Committee Proposal in the Style and Arrangement Draft One version, attached hereunder as part of its entire submission.

III. CONCLUSION:

With all the foregoing statements, your Committee recommends that the attached Committee Proposal, with all the changes discussed above, and designated as CP No. 3-04;CD1;SAD1, be passed in its final reading by the

Convention. It is also recommended that this report be also adopted, to conclude its action on the entire proposal.

Respectfully submitted,

STYLE & ARRANGEMENT COMMITTEE:

Del. Minoru Mori, Chairman

Del. Julio Raymond, V. Chairman

Chrmn. Peter Sitan, Member

COW Chrmn. Jack Fritz, Member

V.P. Peter Aten, Member

Flr.Ldr. Singkoro Harper, Member

Pres. Camillo Noket, Member