

A COMMITTEE PROPOSAL

Amending Sections 5, 7 and 9 of Article VII of the Chuuk State 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.

BE IT RESOLVED BY THE THIRD CHUUK STATE CONSTITUTIONAL CONVENTION:

Section 1. Amendment. Section 5 (b) of Article VII of the Chuuk State Constitution is hereby amended, to read as follows:

"Section 5.

(a) Matters before the trial division of the State Supreme Court may be heard by one justice.

(b) At least three justices shall hear all appeals in the appellate division. Two justices of the State Supreme Court may hear or decide an appeal in the appellate division. If needed, other member(s) of the appellate panel shall be temporary justice(s) appointed pursuant to Section 7 for the limited purpose of hearing the appeal. Decisions shall be by concurrence of a majority of the justices sitting on the appeal panel, but a single justice may make necessary orders concerning any appeal for want of jurisdiction, concerning failure to take or prosecute the appeal in accordance with applicable law and procedure, or at the request of any party in a case may disqualify one or more of

the justices of the State Supreme Court

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sitting in the appellate division.

Section 2. Amendment. Section 7 of Article VII of the Chuuk State Constitution is hereby amended, to read as follows:

"Section 7. The Governor shall nominate and appoint, with the advice and consent of the Legislature, the Chief Justice and Associate Justices of the State Supreme Court, who shall hold their offices during good behavior. The Governor shall appoint, with the advice and consent of the Legislature a roster of qualified lawyers who shall hold the same qualifications as provided under Section 9 who may be appointed by the Chief Justice in the case of conflict of interest or disqualification of all justices. The Legislature shall prescribe by statute for the appointment and removal of the judges of inferior state courts and municipal courts."

Section 3. Amendment. Section 9 of Article VII of the Chuuk State Constitution is hereby amended, to read as follows:

"Section 9. No person is eligible to serve as Chief Justice or an Associate Justice unless at least 35 years of age, has never been convicted of a felony. Other qualifications may be prescribed by statute."

Signed: _____
Camillo Noket
President
Third Chuuk State
Constitutional Convention

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Attested to: _____ Date: _____
Hernak Paul
Secretary
Third Chuuk State
Constitutional Convention

