NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

35TH CONSTITUTIONAL REGULAR SESSION, 2014

BILL NO. : 38

P.L. 2014 - 33

AN ACT

To amend Section 268 of the Judiciary Act 1983, 27 MIRC Chp. 2, which defines and prohibits "outside employment" of judges to allow practicing attorneys to serve as pro tem judges and to expressly provide that judges may represent themselves; and to amend Section 278 of the Judiciary Act to permit the Office of the Attorney-General to represent the Judiciary as mutually agreed.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

Section 1: Short Title.

This Act may be cited as the Judiciary (Representation Amendment) Act, 2014.

Section 2: Amendment.

(1) Subsection 268 of the Judiciary Act 1983, 27 MIRC 2 is amended to read as follows:

§268. Outside employment.

(1) Subject to Subsections (3), (4), and (5) of this Section, no judge may be:

(a) a member of the Nitijela

(b) a member of a local government,

(c) a member, officer or employee of a public corporation or statutory authority; or

(d) an officer, employee or consultant of the Government of the Marshall Islands or of a local

government.

(2) No judge may engage in the private practice of law.

(3) Subsection (1) (c) of this Section does not prevent a judge from holding office, ex-officio, as head of local government.

(4) Subsection (1)(d) of this Section does not prevent a judge, with his own consent and the approval of the Judicial Service Commission, from being a member of a commission, committee, board or similar body set up by statute or for a specific purpose, in cases where his judicial qualifications are relevant and in which his judicial independence will not be, or appear to be compromised.

(5) The prohibition against the private practice of law contained in Subsection (2) of this Section does not apply to:

(a) the teaching of law or legal research;

(b) the private practice of law (otherwise than in matters related to the Republic) by a judge of the Supreme Court who, as part of his conditions of employment, is principally resident outside the Republic;

(c) the private practice of law by a temporary or ad hoc judge, subject to conflict of interest

restrictions; or

(d) a judge acting for himself or herself and, without compensation, giving legal advice to and drafting or reviewing documents for a member of the judge's family, but not serving as the family member's lawyer in any forum.

(6) Paragraphs (1)(c) and (1)(d) of this Section do not prevent a justice of the High Court from serving pro tem as a member of the Nuclear Claims Tribunal upon designation by the Chief Justice of the High Court at the request of the Chairman of the Nuclear Claims Tribunal.

(2) Section 278 of the Judiciary Act 1983, 27 MIRC 2 is amended by inserting new language to read as follows:

§278. Representation by the Office of the Attorney-General.

With the consent of the Attorney-General and the Chief Justice of the High Court, the Office of the Attorney-General may represent and advise a court or, with respect to actions taken in their official capacity, a judge, staff, or member of the Judicial Service Commission.

Section 3: Effective Date.

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No.38 was passed by the Nitijela of the Republic of the Marshall Islands on the 30th day of September, 2014; and
2. That I am satisfied that Nitijela Bill No.38 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 16th day of October 2014.

Attest:

Hon. Donald F. Capelle
Speaker
Nitijela of the Marshall Islands

Tarjo Arelong
Clerk
Nitijela of the Marshall Islands