

GUERRERO FAMILY, INC., Appellant
v.

MICRONESIAN LINE, INC., Appellee

Civil Appeal No. 61

Appellate Division of the High Court

January 12, 1971

Appellate Court Opinion—5 T.T.R. 87

Trial Court Opinion—5 T.T.R. 156

Motion for rehearing. The Appellate Division of the High Court, *Per Curiam*, held that the absence of one judge on Appellate Division panel would not render a decision by the remaining two invalid.

Motion denied.

1. Courts—High Court

While a full panel of three judges in the Appellate Division should be the rule, the absence of one judge, for whatever reason, does not deprive those remaining of the authority to render a valid decision, since two judges constitute the required quorum. (T.T.C. Sec. 121)

2. Courts—Quorum

The term “quorum”, as applied to courts, generally refers to the requirement that a certain number of judges must be present in order to render a valid decision.

Before BURNETT, *Chief Justice*, TURNER and
BROWN, *Associate Justices*

Defendant-Appellee obtained Summary Judgment in the Trial Division and on appeal we affirmed. Appellant has moved for rehearing; of the five grounds asserted in support only one presents an issue not previously raised or considered by the Court.

The case was heard and decided on appeal by a panel consisting of only two justices of the High Court. Appellant now contends “That the Court was improperly constituted under Trust Territory Code Section 121.”

Section 121 reads, in pertinent part, “. . . The Appellate Division shall consist of three judges assigned by the

Chief Justice . . . two of whom shall constitute a quorum”.

[1] While we may freely concede that a full panel of three should be the rule, we conclude that the absence of one judge, for whatever reason, does not deprive those remaining of the authority to render a valid decision, since two judges constitute the required quorum.

[2] “The term ‘quorum’, as applied to courts, generally refers to the requirement that a certain number of judges must be present in order to render a valid decision.” 20 Am. Jur. 2d Courts, Sec. 68.

Other matters presented in support of the motion were briefed and argued extensively, both in the Trial Court and on appeal. No purpose would be served by rehearing.

We find no error and the Motion for Rehearing is therefore denied.