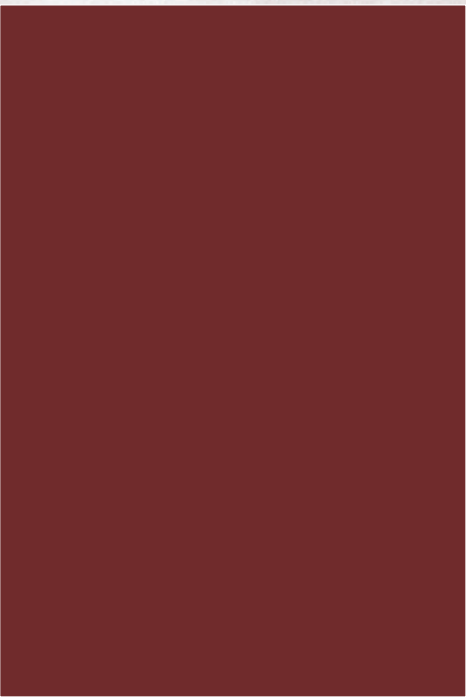


# 2006 ANNUAL REPORT





Hafa Adai!

We are proud to present our 2006 Annual Report, highlighting the achievements of the Judiciary. We want to acknowledge the efforts of Justice Robert Torres for overseeing the preparation of this Annual Report.

At the Judiciary of Guam, we recognize that a strong sense of teamwork is essential to ensuring that the citizens of our island benefit from the efficient and effective administration of justice. The results of our work are detailed in the pages of this Report, yet they are also seen and felt in our courts and in the community.

We have demonstrated our eagerness to cooperate with the other branches of government, with public organizations and private businesses. By organizing conferences and summits on drugs and drug abuse, conducting and participating in training sessions for other governmental agencies, and instituting and continuing important programs and projects such as the Mental Health Court and Drug Courts, we at the Judiciary have demonstrated our belief in the importance of cooperation and coordination.

We have strengthened our internal operations, and have maintained and improved employee morale. Employees saw upgrades to their workstations and in computing and printing technology, attended job-related training, and participated in sports and recognition programs aimed to boost camaraderie.

Each day, we at the Judiciary face the challenge of operating in spite of dwindling resources and an ever-increasing caseload. Each day, we rise to the challenge through the commitment and contributions of our Justices, Judges, court employees and members of the Guam Bar. We need however, the continuing support of our executive and legislative branches to ensure the effective administration of justice.

Si Yu'us Ma'ase,

F. Philip Carbullido  
Chief Justice of Guam

Perry C. Taitano  
Administrator of the Courts

# THE STRUGGLE FOR JUDICIAL INDEPENDENCE

## A Brief History of the Courts of Guam

The development of the judicial system on Guam has been dependent, in great part, on the United States federal government. Congress has historically established courts for the territories of the United States, which have included the Island Court, Police Court and Justice Court. Generally, these courts have exercised a combination of federal and local jurisdiction. The structure and authority of these courts have varied widely as a result of congressional responses to the challenges of establishing federal judicial authority in diverse areas.

With the passage of the Organic Act of Guam by Congress in 1950, Guam had a local trial court with appeals heard by the Appellate Division of the District Court and from there, the Ninth Circuit Court of Appeals.

The Supreme Court of Guam was first established in 1977, later to be struck down by the United States Supreme Court arguing its creation was not authorized by Congress.

In *People v. Olsen*, the United States Supreme Court determined that Guam had no power under the Organic Act to create its own Supreme Court. The Court relied upon the fact that because Congress had plenary statutory intention to permit the creation of such a court, then Guam was not permitted to enact legislation creating the Supreme Court of Guam.

In response, Guam convened a constitutional convention later in 1977, initiating efforts to establish the Supreme Court of Guam as the judicial and administrative head of the judicial branch. As a result, in 1984, Congress amended the Organic Act, which functions as Guam's constitution. The amendment authorized the Guam Legislature to establish the local court system, to include an appellate court.

Ten years after the amendment to the Organic Act, in 1994, the Guam Legislature exercised its powers and passed the Frank G. Lujan Memorial Act, a product of nearly two decades of thought by legislators, lawyers, and the public. The Act took effect in 1996, creating the Supreme Court of Guam and placing it at the helm of the judicial branch, both judicially and administratively.

In 1998, the enactment of a rider to Guam Public Law 24-139, stripped the Supreme Court of its power as administrative head of the Judiciary and altered the

composition of the Judicial Council.

Public Law 24-139 was challenged on the ground that it was not validly enacted. The Supreme Court of Guam agreed and struck down the law. On appeal, the Ninth Circuit affirmed the Supreme Court of Guam's holding, thus restoring much of the Frank G. Lujan Memorial Act.

In 2003, the Guam Legislature overrode a gubernatorial veto of the Governor Felix Camacho and enacted Public Law 27-31. The law unified the Judiciary, clarified the Supreme Court's supervisory authority over the Superior Court, and designated the Judicial Council of



Guam, chaired by the Chief Justice, as head of a Unified Judiciary.

On October 30, 2005, when Congress enacted H.R. 2400 as Public Law 108-378. This historic legislation amended the Organic Act of Guam to revise the local judicial structure of Guam, so that "judicial authority of Guam shall be vested in . . . a judicial branch of Guam which branch shall constitute a unified judicial system." The amendment further clarified the local court system, pronouncing that "The Supreme Court of Guam shall be the highest court of the judicial branch of Guam" which would "have supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam.

In 2006, ten years after the passage of the Frank G. Lujan Memorial Act and creation of the Supreme Court, the Judiciary stands as a co-equal and independent branch of the Government of Guam.

HISTORY

JUDICIARY OF GUAM - COURTS OF JUSTICE

## JUDGES IN THE EARLY COURTS OF GUAM

Luis de Torres	Manuel E. Sablan
Vicente P. Camacho	Pancracio Palting
Atanacio T. Perez	Jose Roberto
Jose M. Camacho	Jose C. Manibusan
John Fisher	Capt. Terrell J. Crawford
Jose M. Torres	Ramon Sablan
Jose L.G. Perez	

## JUDGES AFTER THE ENACTMENT OF THE ORGANIC ACT OF GUAM IN 1950

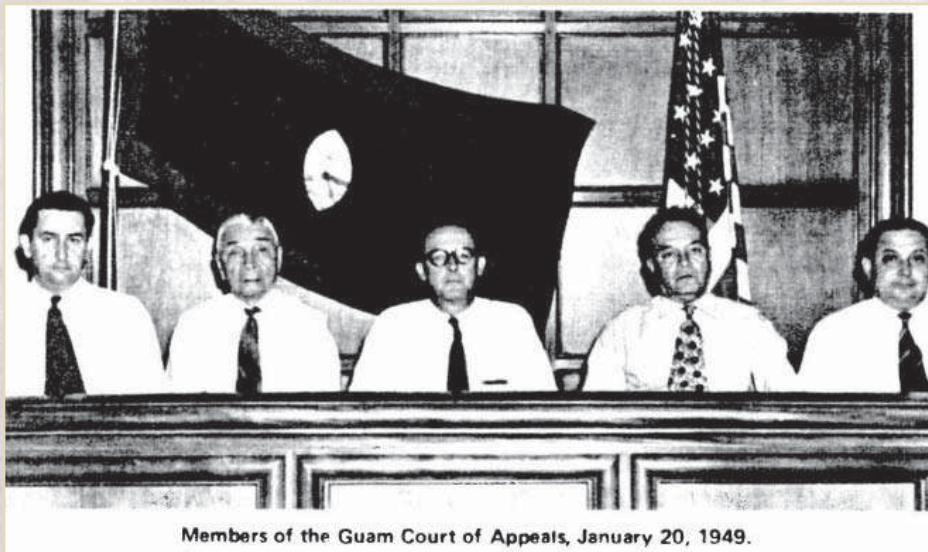
Jose C. Manibusan 1935-60  
Vicente C. Reyes 1947-52  
Pedro C. Lujan 1947-52  
Francisco G. Lujan 1947-60  
Cristobal C. Duenas 1960-70

## JUSTICES OF THE SUPREME COURT OF GUAM

- Peter C. Siguenza, Jr. 1996-2003 ~
- Monessa G. Lujan 1996-97
- Janet Healy Weeks 1996-99
- Benjamin J.F. Cruz 1997-2003
- F. Philip Carbullido 2000-present ~  
current Chief Justice
- Frances Tydingco-Gatewood 2002-06
- Robert J. Torres, Jr. 2004-present

## JUDGES AFTER THE COURT REORGANIZATION ACT OF 1974

- Joaquin Cruz Perez 1935-76  
First Presiding Judge of the Superior Court
- Vicente B. Bamba 1963-70
- Paul J. Abbate, Jr. 1969-1988
- Joaquin V.E. Manibusan, Sr. 1969-1995
- Richard H. Benson 1970-81
- John P. Raker 1975
- Janet Healey Weeks 1975-96
- Ramon V. Diaz 1980-94
- Peter C. Siguenza, Jr. 1984-96
- Benjamin J.F. Cruz 1984-97
- Alberto C. Lamorena III 1988- present  
current Presiding Judge of Superior Court
- Katherine A. Maraman 1994-present
- Frances Tydingco-Gatewood 1994-2002
- Joaquin V.E. Manibusan, Jr. 1995-2004
- Steven S. Unpingco 1997-present
- Michael J. Bordallo 1998-present
- Elizabeth Barrett-Anderson 1998-present
- Anita A. Sukola 2002-present
- Arthur Barcinas 2005-present



## JUSTICES OF THE SUPREME COURT OF GUAM



Sitting (L-R) Justice Frances Tydingco-Gatewood, Chief Justice F. Philip Carbullido, Justice Robert J. Torres, Jr.

### Chief Justice F. Philip Carbullido

Chief Justice F. Philip Carbullido continues to meet the challenge of guiding the Judiciary of Guam into a streamlined system of operation despite significant budgetary constraints. Through his leadership, the Judiciary has introduced policies and programs and utilized technological tools aimed at promoting efficient use of resources, as well as improving the ability of citizens to seek justice through the courts of Guam.

Upon being appointed and unanimously confirmed by the Guam Legislature in 2000, Chief Justice Carbullido brought 21 years of experience as a private practitioner, where, aside from private clients, he also served the government of Guam in different capacities: as legal counsel to the Guam Airport Authority, Port Authority of Guam, University of Guam and the Guam Preservation Trust. Prior to entering private practice, he was an Assistant Attorney General in the Office of the Attorney General.

Chief Justice Carbullido has earned the esteem of his colleagues on both the regional and national arenas. Currently, he is the President of the Pacific Judicial Council, which consists of the Chief Justices of Guam, CNMI, Palau, the Federated States of Micronesia, the Republic of the Marshall Islands and the Territory of American Samoa. On the national level, his peers at the Conference of Chief Justices, which consist of the chief justices of the 50 states and the U.S. commonwealths and territories, elected him to serve a two-year term on the Board of Directors, during the 2005 Annual Meeting.

He received a B.S. in Political Science from the University of Oregon, 1975, and a J.D. from University of California at Davis in 1978. His relatively young bride of 30 years is Fay Diana and they are blessed with four wonderful children.

## Justice Frances Tydingco-Gatewood

Justice Frances Tydingco-Gatewood's judicial career has provided nearly 20 years of "firsts" for Chamoru women. In October 2006, she became the first Chamoru woman Chief Judge of the District Court of Guam. During her Investiture Ceremony at the District Court of Guam on October 30, 2006, she was sworn in by Hon. Mary M. Schroeder, Chief Judge of the U.S. Court of Appeals for the Ninth Circuit.

Before resigning from the Supreme Court to assume the federal judgeship, she was the first Chamoru woman assistant attorney general here on Guam, and garnered many convictions in major felony trials. In 1990, after a two-year stint as assistant prosecutor with the Jackson County Prosecutor's Office in Missouri, she returned home to become Guam's first Chamoru woman Chief Prosecutor. In 1994, she was appointed as the first Chamoru woman trial judge of the Superior Court. She authored hundreds of decisions and orders, presided over numerous cases including high-profile criminal cases, multi-party complex civil litigation cases, family court, juvenile court, traffic court, and probate matters. She presided over the Royal Palm Resort lawsuit, which was the most complex civil litigation trial in the Pacific Rim.

In 2002, Justice Tydingco-Gatewood was sworn in and became the second Chamoru woman Justice of the Supreme Court of Guam. During her four years on the appellate court, she authored several published opinions, ranging from appeals of criminal convictions, juvenile proceedings, civil litigation, and domestic cases.

She received a B.A. in Political Science from Marquette University, Milwaukee, Wisconsin in 1980, and a J.D. from the University of Missouri, Kansas City in 1983. She is married to Dr. Robert Gatewood and they have three sons.



## Justice Robert J. Torres, Jr.

Since his appointment to the Supreme Court, Justice Robert J. Torres, Jr. has been deeply involved with issues of technology and automation in the Judiciary. He played a central role in instituting several projects that introduced and expanded the application of technology in the judiciary – from implementing e-filing with the Supreme Court, to employing wireless technology and digital electronic recording in all the courtrooms, to effecting video conference capabilities in initial appearances, to contemplating the design and acquisition of a modern case management that provides for web-based applications, document management imaging (scanning) software, and multiple-system capabilities.

In addition to his vast technical proficiency, Justice Torres brought to the Supreme Court more than 17 years of experience as a private attorney, practicing in Boston, Massachusetts as well as Guam. His accomplishments in the legal field include his selection as the first delegate from Guam to the American Bar Association House of Delegates, the Chair of the Ninth Circuit Lawyer Representative Coordinating Committee, and President of the Guam Bar Association. He also serves as a designated federal judge for the District of Guam and a pro tempore associate Justice for the CNMI. Justice Torres has a long history of community involvement and public service with children and youth and he has been a speaker at numerous seminars and conferences including a Conversation with Justice John Paul Stevens and Solicitor General Theodore B. Olson, broadcast nationally on C-SPAN.

Justice Torres has authored landmark opinions in subjects such as rescission, adverse possession, quantum meruit, holdover tenancy, easements, the gifting and sale of excess lands returned by the federal government to original landowners, the distribution of estate property, attorney disqualification and "Takings" jurisprudence. He continues to work tirelessly for the Judiciary, not only on his own caseload, but also while serving as the chairperson of the subcommittees that craft rules governing the practice of law on Guam, including the Rules of Evidence, Rules of Civil Procedure and Superior Court of Guam Revisions, Civil Jury Instructions, and Bar Admissions and Attorney Discipline. Justice Torres was recently appointed to be one of the fifteen members worldwide for the FIFA Ethics Committee, an independent judicial body.

He received a B.B.A. in Accounting (Magna cum Laude, Beta Gamma Sigma, Beta Alpha Psi) from the University of Notre Dame, South Bend, Indiana in 1980, and a J.D. from Harvard Law School in 1985. He is married to the former Mary Camacho, and they have three children and two beautiful grandchildren.

# JUDGES OF THE SUPERIOR COURT OF GUAM



(L-R Front Row)

Judge Steven S. Unpingco, Presiding Judge Alberto C. Lamorena III, Judge Katherine A. Maraman

(L-R Rear Row)

Judge Arthur R. Barcinas, Judge Anita A. Sukola, Judge Elizabeth Barrett-Anderson, Judge Michael J. Bordallo



# JUDGES OF THE SUPERIOR COURT OF GUAM

## Presiding Judge Alberto C. Lamorena III

The initiation of innovative court programs has been the hallmark of the 18-year tenure of Presiding Judge Alberto C. Lamorena III. He is a believer in “therapeutic justice,” which emphasizes the rehabilitation of criminal defendants so they may become productive members of our society. He is also an advocate of “collaborative justice,” where the judge, as team leader, works together with the prosecutor, defense counsel, treatment providers, court staff and others for the best interest of the defendant.

Reflecting the Presiding Judge’s belief in these principles, the Superior Court saw the introduction of the Adult Drug Court, over which he presides, as well as the Juvenile Drug Court. A new division, Client Services and Family Counseling, was also created to provide forensic, psychological counseling to individuals and groups, to aid rehabilitation of those who commit family violence offenses, and to assist family members and victims – especially children – who are so deeply affected by these crimes. Furthermore, there are plans to create a DUI Court, to address those addicted to alcohol.

In addition to his duties as presiding judge and judge of the Adult Drug Court, Presiding Judge Lamorena is a member of the Judicial Council and the Public Defenders Corporation Board of Trustees. He received a B.A. in Political Science from the University of Illinois, Urbana in 1971 and a B.A. in Accounting from the University of Texas, Austin, in 1974. He received his J.D. from Drake University, Des Moines, Iowa in 1977.

## Judge Katherine A. Maraman

In the 13 years that Judge Maraman has been on the Superior Court, her primary assignment has been family law cases. As a result, she has developed a specialty in the area, from her many hours on the bench and from extensive training in family violence, child abuse and neglect, and juvenile delinquency issues. Judge Maraman has also obtained specialized training in handling cases that involve persons with mental and physical disabilities, mental illness, and co-occurring mental illness and substance abuse problems. She currently presides over the Mental Health Court, a one-year pilot program for cases in which a defendant’s mental state is an issue. The program began in October 2005, and utilizes a therapeutic court model, placing these defendants in community-based and integrated mental health and substance abuse treatment.

Prior to assuming the bench, Judge Maraman was counsel for the Guam Legislature; she was Majority counsel during the 14th, 15th, and 16th Legislatures and Minority counsel during the 17th, 18th, and 19th Legislatures. She then continued her service in the Government of Guam by serving as Chief Legal Advisor to Gov. Joseph F. Ada for six years.

She received a B.A. in Economics from The Colorado College in 1973, and her J.D. from the University of New Mexico in 1976.

## Judge Steven S. Unpingco

According to Judge Steven Unpingco, his role as a judge presents an opportunity at a life-long learning process. He sees the challenges for a judge of the trial court as many and myriad: from the deviation from traditional courts and the creation of problem-solving therapeutic courts designed to collaborate with social service agencies in order to address societal problems, to the introduction of hard science in the courtroom and the use of powerful biological DNA evidence and expert medical testimony. Moreover, judges are faced with increasingly difficult procedural issues, arising from complex civil litigation and intergovernmental special proceedings cases, such as those seeking mandamus, injunctive and declaratory relief.

In coping with and facing these challenges, apart from immersing himself in continuing judicial education and reading, Judge Unpingco, like many citizens of the island, finds comfort in activities that take him outdoors: fishing, farming and riding a Harley.

Judge Unpingco has served the Superior Court bench for 11 years, and prior to judging, he was a general practitioner for fourteen years and served as Legal Counsel to several senators and the Governor of Guam. He also joined the faculty at the University of Guam in 1984 and was granted full tenure and promoted to Associate Professor. He was a recipient of the Outstanding Teacher Award and served as Chairman of the Public Administration and Legal Studies Unit.

He received a B.A. with Honors in Political Science from St. Louis University in 1979, and a J.D. from the University of San Francisco in 1982.

## Judge Michael J. Bordallo

Since joining the Superior Court in 1998, Judge Bordallo's docket has consisted mainly of cases involving regulatory law, business law and civil litigation. The nature of his caseload, and ultimately, of his numerous decisions and orders, is primarily commercial litigation and as such, have a direct effect on whether investors and business people may comfortably rely on the rule of law, predict their costs and manage their risks accordingly. An effective judiciary – one that is predictable – stimulates economic growth by minimizing risks and transaction costs, enforcing property rights, checking abuses of government power, and above all else, upholding the rule of law. Drawing upon the nine years of experience as an attorney in private practice, Judge Bordallo objectively evaluates complex civil cases with calm deliberation and thoughtful analysis. His decisions, which are noteworthy for their clarity and conciseness, reflect his belief in *stare decisis* and assist government officials, commercial litigants, and any citizen of Guam, in the proper application of business and commercial statutes and regulations.

In addition, Judge Bordallo has played an essential role in improving the internal workings of the Judiciary, by spearheading efforts to revive the Judicial Council, and to institute procedures for the random assignment of cases to all the judges. Judge Bordallo also took an interest in improving the legal resources available to the public and served as President of the Board of Trustees for the Law Library from 2000 through 2005. He believes in remaining part of the community and continues to be involved in the local soccer organization.

He received a B.B.A. in 1983, and J.D. in 1987, from the University of Notre Dame, South Bend, Indiana. Judge Bordallo is married to the former Carla Benito, and they have three children.

## Judge Elizabeth Barrett-Anderson

The Juvenile Drug Court program offers the youth of Guam an opportunity at a life free of drugs, alcohol, and the problems associated with substance abuse. Spearheading this project was Judge Elizabeth Barrett-Anderson, who established the first drug court program for the territory in 2002. Her years of work culminated in December 2005, when the Guam Juvenile Drug Court was created as a court of record of the Superior Court of Guam.

Judge Barrett-Anderson's work also occurs on the national level. She was selected to serve as a member of the Board of Directors of the National Association of Drug Court Professionals in 2005. She also currently serves as Governor Felix P. Camacho's representative on President Bush's Federal Advisory Council on Juvenile Justice, and represents Guam's voice on issues critical to juvenile justice and delinquency.

Domestic violence is another area of focus for Judge Barrett-Anderson, and she has been instrumental in the development of rules of procedure and practice in the field of domestic violence. She is also the program director for the Guam Domestic Violence Bench Book project, a guide for judges in their handling of domestic violence cases.

Judge Barrett-Anderson has spent nearly 25 years in public service to the people of Guam, having served as Guam's Attorney General (1987-1994), Legal Counsel to the Department of Education (1981-1985), and a member of the 23rd and 24th Guam Legislatures.

She is a proud graduate of the Academy of Our Lady of Guam Class of 1971, and in 2004 was invested into the Academy of Our Lady Hall of Fame. She received a B.S. in Political Science from the University of San Francisco in 1974. In 1979, she received a J.D. from the University Santa Clara School of Law, and has been honored by her alma mater to the University of Santa Clara Hall of Judges. She is married to Daniel Anderson and they have three children.

## Judge Anita A. Sukola

Many crimes of family violence occur where most people should feel the safest: within the home. Judge Sukola, as the primary family violence judge, sees these cases on a daily basis. As part of the "One Family, One Court" principle, she handles certain cases to ensure victim safety, continuity, effective case management, monitoring and disposition. She has attended training to develop her skills in the field of domestic violence, and has played an important role in developing rules of procedure in the treatment of family violence cases in the court system.

Prior to her appointment in 2002, Judge Sukola was a private practitioner with Lujan & Sukola for nearly 11 years. She also served in government positions: as legislative counsel for the Committee on Education, the Chamorro Land Trust Commission, and the Port Authority of Guam; as an Associate Public Defender, as the Deputy Director and subsequently, the Director of the Department of Education.

She received a B.A. in History and Secondary Education from Washington State University, Pullman, Washington, and a J.D. from the People's College of Law in Los Angeles, California, in 1983.

## Judge Arthur Barcinas

Upon his appointment and confirmation to the Superior Court of Guam in 2004, Judge Arthur R. Barcinas brought to the Superior Court a strong belief that the indigent have the same right as the wealthy to competent representation. During his 14-year career as an attorney in private practice, he represented indigent parties in numerous pro bono cases. He also served as Chairman of the Chamorro Land Trust Commission Board, an entity that sought to promote land ownership by locals. Currently, he is the Chairman for the Law Library Board, which is responsible for ensuring that the island's repository for legal documents receives the necessary support, both in terms of resources and funding. He is an active participant in several Judiciary subcommittees, advising on issues relating to Pro Se Litigation, Criminal Jury Instructions, Bar Admissions and Attorney Discipline, and Rules of Civil Procedure and Superior Court Rules Revisions. Although the latest judge to take the bench of the Superior Court, Judge Barcinas is not unfamiliar with the position, having served as the Hearings Officer for Small Claims Court for eight years. He also served as a Traffic Court Judge Pro Tem and an Administrative Hearings Officer.

He received a B.S. in Political Science from the University of Hawaii at Manoa in 1986 and a J.D. from Gonzaga University School of Law in 1989. He has three wonderful daughters.

## Administrative Hearing Officer Linda L. Ingles



Matters related to the establishment, modification, enforcement and collection of child support should be handled by the court in an expeditious manner so that parties may obtain necessary orders and other action as quickly as practicable. Since 1995, Linda Ingles has served as a specially-trained Administrative Hearings Officer who hears cases arising from child support issues, as well as certain juvenile proceedings and traffic court. Administrative Hearings Officer Ingles provides both parents in child support cases the opportunity to present evidence, reviews the evidence presented, and issues a decision based on the law and the child support guidelines that govern child support. Prior to her appointment, she practiced law on Guam for 13 years, in both the public and private sector.

She received a B.S. in Political Science from the University of Oregon in 1975 and a J.D. from Whittier College in 1980.





## 2006 YEAR IN REVIEW



TECHNOLOGICAL ADVANCES

COOPERATION WITH GOVERNMENT AND PARTNERS IN THE COMMUNITY

NEW AND DEVELOPING TRENDS IN COURT ADMINISTRATION

WORKING WITH THE LEGAL COMMUNITY

MAKING A DIFFERENCE IN THE COURTS AND IN THE COMMUNITY



## TECHNOLOGICAL ADVANCES

### DIGITAL VIDEO CONFERENCING

One of the many goals of the Judiciary in 2006 was to implement video conferencing in a number of the courtrooms. June 2006 brought about the implementation of video conferencing in three of the trial courts of the Superior Court of Guam. Currently, Presiding Judge Alberto Lamorena III, Judge Katherine Maraman, and Judge Elizabeth Barrett-Anderson's courtrooms are equipped with 63-inch plasma screens, mounted to the court wall allowing a panoramic view for all persons.



The equipment has also been upgraded to include monitors to enhance the viewing of court related sessions. Such enhancements have prompted the court to begin using video conferencing equipment for web-conferences and various other projects and applications.

Currently, the courtrooms are being used on a regular basis for magistrate hearings and initial appearances through video-conferencing technology with the Hagatna Detention Facilities, the Department of Corrections, and the Department of Youth Affairs, while individuals remain in custody, enhancing efficiency and safety. Video conferencing technology has provided efficient and effective operations for all respective entities by drastically reducing transportation costs and improving security. Additionally, the implementation of video conferencing has reduced the need for Marshals to provide escort security for adult and juvenile defendants coming into the Judiciary. This has increased safety for all agencies and has enabled public safety for patrons conducting business in the Guam Judicial Center.

The significant benefits realized necessitates planning for a wider range of foreseeable uses of videoconferencing. Additional applications of video-conferencing, such as expert witness testifying or providing testimonies via video conferencing, will save funds from being expended out of the indigent defense fund and client services fund. Further, having minor witnesses testifying via video-conferencing or from remote areas, due to some sensitivity within the case concerning his or her actual appearance or

because of being off island, would be remedied by video conferencing. These video applications will result in saving the Judiciary thousands of dollars in indigent and other expenses.

### SEX OFFENDER REGISTRY

The Judiciary has made great strides in keeping the community safe from sex offenders. Through the work of the Court Programs Office, the Judiciary in 2006 received an award of \$95,739 to be used for the Sex Offender Registration and Management Program. There have been significant improvements to the registry, and after an audit by the Federal Bureau of Investigation based on local and national registrants of offenders, it was determined that the compliance rate had increased to 85%, which is expected to increase even more with the institution of a tactical team from the Probation Services Division, which will track down the remaining clientele in order for them to come into compliance and register in accordance with the law. Late in 2006, with the assistance from the Court Programs Office, the registry secured a grant to be used for training, equipment, and personnel management, so that the Judiciary can fulfill the goals of the federal grant to enhance community safety, protect existing victims, prevent further victimization, deter sex offenders from committing future crimes, and increase of community awareness.

### DOCUMENT IMAGING PROJECT

The National Criminal History Improvement Project (NCHIP) awarded to the Judiciary of Guam a \$20,334 grant for the implementation of a document imaging solution for all images in current and newly filed criminal, civil, domestic, and juvenile cases as well as archived files in remote storage. The goal of this project is to establish a program to improve the reporting, completeness, and availability of restraining and protection orders involving stalking or domestic violence.

The Document Imaging Project is currently in the final stages of implementation. Management Information System (MIS) has finalized the necessary applications to complete the project expected in 2007. It is expected that that imaging solution will be integrated with existing case management technology. Overall, this major project will automate the manual processes, increase efficiency, and significantly reduce the storage space for paper files.

## IMPROVEMENTS TO THE JUDICIARY'S MIS/TECHNOLOGY CAPABILITIES

The MIS Division has completed several important projects in 2006:

- Installation of Storage Area Network (SAN), which is intended for file sharing, archiving of documents, and maintenance of a photo and audio database. The recent implementation of SAN to satisfy the Judiciary's need to archive all imaged documents and digital audio files that constitute the court record. The technology will provide the means to decrease the need to store hard copies of court documents and increase the accessibility of those documents to include recorded hearings.

- Designating server space on the SAN for the appropriate and immediate access for the pertinent members of the Judiciary, and allowing easy access to all audio recording of court hearings.

- Creation of an MIS Help Desk to promote efficient user related troubleshooting problems. Programmers in MIS may now concentrate on other objectives such as Document Imaging, and computer and systems analysts may continue work on projects related to enhancing court operations.

## NEW MULTI-FUNCTION DOCUMENT CENTERS

One of the most cost and resource efficient changes in 2006 came with the replacement of photocopiers throughout the Judiciary with multi-functional document work centers. The new work centers are not only able to handle the tasks of the previous photocopiers but now include new scanning capabilities. This conversion will limit paper usage throughout the court. In addition, the new work centers have replaced several of the printers from each division. This allows for computers linked to the network to send print jobs a central location rather than to individual printers. The replacement of photocopiers throughout the Judiciary was estimated to save more than \$30,000 annually.

## WORKSTATION REPLACEMENT

One of the goals of the Judiciary in 2006 was to upgrade all outdated workstations to include new Microsoft applications. By installing the most recent programs and connecting all users to an "active directory," the exchange server, master controller, and Windows Update Server will facilitate a greater range of control and effectiveness. In addition, enhancement of computers utilizing dual screen workstations allow for a greater range of viewing and as a result work stations can make use of the document imaging process.

## CONSOLIDATION OF PRINTING CAPABILITIES

The implementation of the Blue Server, through the efforts of the Judiciary's Procurement and Facilities Management and MIS Divisions, has increased the efficiency and reduced costs related to printing. The Blue Server incorporates printing services into document centers, which are located in various divisions throughout the Judiciary. The lease of the document centers means that the cost of preventive maintenance and supplies are reduced, as they are included in the lease payments. Further, the use of the Blue Server eliminates the costly maintenance and repair required for individually assigned stand alone printers, and reduces the need for toner and ink cartridges. Now, Judiciary employees are able to print from their PC to the document centers located in every division.

## JUDICIARY INTRANET

The completion of the Judiciary Intranet in 2006 heralds a new age of paperless communication within the Judiciary. The intranet stores an employee directory and other pertinent in-house information regarding Judiciary operations. The intranet can effectively be used by each division within the Judiciary to reduce the cost of printing and promote paperless information sharing. Further, policies, rules, and regulations and more can effectively be posted to eliminate the cost of printing and for Human Resources in disseminating such announcements.

## UPGRADES OF SECURITY FEATURES

Upgrading of security and safety was a primary objective throughout the Guam Judicial Center in 2006.

Increased security measures were implemented in response to the terrorism prevention program and in order to keep the entire Judicial building, its employees, and those who visit daily safe and protected. The collective efforts of the Marshals and MIS Divisions, as well as the Court Programs Office, resulted in important security advances, including upgraded metal detectors and x-ray machines installed at every entrance, whereby all persons entering the Judicial Center are screened by court marshals and security officers using the heightened technology.



## COOPERATION WITH GOVERNMENT AND PARTNERS IN THE COMMUNITY

### FORENSIC SCIENCE LAB

Throughout 2006, the Judiciary worked toward the meeting its goal in the design and construction of a state-of-the-art forensic crime laboratory. Pursuant to local law enacted in 2002, the Judicial Council was authorized to provide for the design, construction, and collateral equipment of a forensic science laboratory by entering into a financing arrangement with the U.S. Department of Agriculture, or other financing source, with a lower cost of funds. Significant progress in this project was made in 2006, as the Judiciary began negotiating with local banks to explore funding options, put the project out to bid, and finally closed the bidding process.

The establishment of a modern forensic science laboratory would be a critical tool in the criminal justice system, providing vital services such as DNA and toxicological examination and analysis, which currently have to be conducted off-island. This is a costly process and usually results in delays in examining, evaluation of evidence, and results in increasing the chances of evidence contamination. An established crime lab would provide for an important training facility for forensic specialists to train technicians in the scientific analysis of crime scene evidence, not just on Guam, but for the whole region, thus improving the criminal justice system in all of Micronesia.

The Forensic Science Laboratory will play a vital role in the criminal justice process for this territory and the Pacific Basin Region through incorporating curriculums for the criminalistic technicians to include certifications covering: forensic serology, general criminalistics, and crime scene reconstructions. This laboratory would provide direct quality forensic services for criminal justice agencies, and would generate revenues by providing indirect support to the clientele of the Pacific Region

Criminal justice agencies would receive training in: crime scene investigation, death investigation, controlled substance identification, sexual assault evidence, physical evidence recognition and handling, latent fingerprint processing, arson investigation, rape evidence collection, processing persons sent to hospital emergency room, documents, traffic scene investigation, crime scene reconstruction and crime scene photography.

The facility will be built on the Guam Community College campus in Mangilao which has already partnered with the University of Guam to work in concert with the Guam's Police Department Forensic Science Division, to provide a full range of technical services for law enforcement agencies on Guam, and the Pacific region.

### PACIFIC LAW ENFORCEMENT DRUG SUMMIT

The Judiciary, with the Office of the Governor and Guam Chamber of Commerce, hosted the First Pacific Law Enforcement Drug Summit from August 16-18, 2006, at the Hyatt Regency Guam.



Joint chairpersons were Justice Frances Tydingco-Gatewood, Superior Court Judge Steven Unpingco and Judge Anita Sukola, Chief of Police Frank Ishizaki, and Customs and Quarantine Agency Director Ricardo Blas. The Summit was targeted toward addressing the methamphetamine epidemic and use of other illicit drugs, and to provide law enforcement personnel with the tools to assist in their responses to prosecuting these cases. The goal of the Drug Summit was to present information on topics important to law enforcement personnel, including narco-terrorism, drug smuggling, evidence handling, search warrants, and drug courts. After learning about these topics, participants then contributed to a critical analysis of these topics and the existing and recommended responses by government agencies and private industry. After the Summit, chairpersons and organizers began an extensive review and compilation of the contributions from the participants as they prepared for Blueprint Report to be presented to the Governor and Chief Justice. The report would outline the steps that can be taken to significantly and realistically address the drug epidemic on Guam and our neighbors in the Pacific

### JUDGE AND JOURNALIST WORKSHOP *Fostering better communication between the courts and media*

The Judiciary together with the Reynolds National Center for Courts and Media (RNCCM) hosted the a Judges Journalists Workshop on October 23-24, 2006 at the Hilton Guam Resort & Spa. A total of 170 people participated in the two-day workshop,



including 18 judges from Guam, the CNMI and Palau courts, staff from the Guam courts, media, and attorneys from the Guam Bar Association. The presenters, Mr. Gary Hengstler, the Director

of the RNCCM, and Mr. Peter Shaplen, an award-winning journalist and media consultant, conducted the workshop and taught various techniques to help judges and the media in their respective public service roles in dealing with one another.

The two-day workshop began with a role reversal where journalists acted as judges and attorneys in a mock trial hearing and judges acted as media personnel reporting on the proceeding. Throughout the workshop, Mr. Hengstler and Mr. Shaplen fostered candid discussions on a variety of hot topics such as Free Press and Fair Trial, Access Issues, Cameras in the Courtroom, Judicial/Journalist Ethical Obligations and the Media's Impact on Public Trust and Confidence. Through these honest discussions of the issues that affect the courts and the media, judges, journalists and attorneys have likely gained a better understanding of their respective roles and how their jobs and legal parameters impact one another. Additionally, the courts and media should have gained a greater perspective of the other side, sharpened their awareness of the issues between the courts and media, and now better appreciate the other side's perspective. Lastly, there likely should be increased cooperation between the media and the courts and the conference has led to the permanent establishment, at least in Guam, of a Bench Bar media Committee.

## STRATEGIC PLANNING WORKSHOP

As part of the overall goal of reorganization and unification, justices, judges, managers and employees of the Judiciary of Guam participated in a Strategic Planning Workshop from October 3 to 5, 2006, in order to examine emerging trends and their effect upon the court's operations in the future. Dr. Brenda J. Wageknecht-Ivey of Praxis Consulting, Inc. assisted the Judiciary personnel in facilitating the dialogue and exchange of ideas. Participants

determined four strategic issues that the local court system must address in the coming years in order to achieve efficient and effective administration of justice.

The purpose of the Long-Range Strategic Plan is to set forth goals that the Judiciary of Guam as a whole could strive toward accomplishing over the next three years. This plan will drive our ambitions and ultimately, our budget, and will be adjusted as necessary throughout this period. The plan represents the priorities and values of both the Supreme and Superior Courts of Guam.

The strategic plan encompasses the Judiciary's mission and vision statements; a summary of the trends analysis, including a few of the most significant trends that will likely have an impending impact and on through the years ahead; an organizational assessment summary; the Judiciary's long-range strategic issues, goals, objectives, and first year strategic priorities; and the conclusion, which describes how the Judiciary will measure accomplishments, and align limited resources to support this plan.

The Judiciary is proud to share the published Strategic Plan with the general public, so that the legal community and the public can learn more about the Judiciary's long-term goals and plans in the coming years.

## COMPUTERS DONATED TO GPSS

As a result of upgrades to the court's computer hardware systems and the ongoing inventory of the court's resources, the Procurement and Facilities Management Division identified more than 30 computer CPU and monitors. These units were then donated to the Guam Public School System. This donation not only supplements the public school system's existing resources, but it fosters a sense of cooperation between the judicial and executive branches.

## PANDEMIC INFLUENZA PRESENTATION

A total of 196 Judiciary employees attended eight different training sessions conducted by Department of Public Health and Social Services as part of its awareness campaign to prevent the spread of the avian flu. The presentation gave information on the history of pandemic cases, the mutation of germs, the magnitude of the effect of a pandemic outbreak, and most importantly, the actions that can be taken to lessen the impact of an influenza pandemic.

## TRAINING FOR AND BY JUDICIARY MARSHALS

The members of the Training and Staff Development Section of the Marshals Division are tasked to conduct, propose and recommend, plan and execute various training sessions relevant to the daily job-related duties of the Judiciary marshals. Training sessions in 2006 included:

**VIP Protective Services and Defensive Tactics.** The Training and Staff Development section planned, coordinated, and hosted the two-day session held on March 27-28, 2006. An off-island trainer from the U.S. Marshal Services instructed a total of 35 participants, including twelve marshals and two probation officers. Training offered instruction on strategies to keep dignitaries safe from harm, conducting site inspection, arrest/control and combative techniques, and motorcade operations.

**Clandestine Lab Training.** This training was conducted by Sgt. John Davis of the Guam Police Department, and the session was planned and coordinated by the Judiciary marshals from Training and Staff Development.

**Manadnock Expandable Baton Training.** Sessions were held on for certification and



## EQUAL EMPLOYMENT OPPORTUNITY AND SEXUAL HARRASSMENT TRAINING

The Judiciary's EEO Officer planned and conducted extensive training on equal opportunities and sexual harassment for 259 Judiciary employees from May to December 2006. Participants were informed of their rights and duties under federal law, and included discussion on the Americans with Disabilities Act, employee rights under the EEO Act, and the discrimination and complaint process.

recertification for marshals, probation officers, and members of other law enforcement agencies.

Firearms training and qualification for 72 personnel from the Department of Corrections, Port Authority, and G4S Security Personnel.

Marshals in the Family Violence Enforcement Unit work closely with the Superior Court judge assigned to handle all family violence cases, and execute temporary restraining orders and protection orders. Marshals in this unit also completed the Domestic Violence Train the Trainer workshop and conducted awareness training on domestic violence with Guma Mami and Probation Division at the Department of Administration.

## JUDICIARY DOMESTIC VIOLENCE TRAINING

Annual training on domestic violence issues is conducted by members of the Client Services and Family Counseling Division. Training included the following topics:

- Introduction to the Guam Family Violence Act of 1998
- Overview of statistics related to family violence cases on Guam
- Definition of family violence and how to recognize family violence in the workplace
- Overview of the cycle of control and power
- Addressing issues of culture and sensitivity
- Explanation of the Judiciary's position on family violence

## CLIENT SERVICES TRAINING SESSIONS

During 2006, the staff of Client Services and Family Counseling presented the following topics at events and to groups around the island:

- "What is family violence?" at the VARO Crisis Intervention Training
- "What Church Leaders Need to Know About Their Resources" at the Governor's First Faith Based Conference
- "Healthy Relationships" for the Salvation Army
- "Psychosocial Services Disaster Response" at the Pandemic Influenza Workshop for Psychosocial Services Department of Public Health & Services
- "Work to End Domestic Violence" at the Judiciary of Guam

## NEW AND DEVELOPING TRENDS IN COURT ADMINISTRATION

### TIME STANDARDS TO ENSURE TIMELY DISPOSITION OF CASES

The Judiciary's commitment to transparency, accountability and efficiency is evident in the adoption of two mechanisms regarding the management of cases at the Superior Court. The enactment of the Judicial Efficiency Act, as Guam Public Law 28-137:1 on July 11, 2006, and the Supreme Court's promulgation of Administrative Rule No. 06-001, resulted in the implementation of time standards for the disposition of cases and matters pending before the Superior Court of Guam. There is now a process of case distribution that is fair and equitable among the seven Superior Court judges. The establishment of time standards ensures that time frames and deadlines for matters taken under submission provide speedy and efficient disposition of cases. Court patrons and the general public now may, through the Judiciary website, view the duration of existing cases – how long it has been since certain types of cases that are still open and active were originally filed. The information provided reveals that the Judiciary is committed to providing timely and meaningful information to the public regarding the functioning of the Judiciary and the efficient administration of justice.



### MULTI-LANGUAGE INSTRUCTIONAL VIDEO

Through funding from the Gannett Foundation, the Judiciary received monies to plan and create a multilingual instructional video which was completed in 2006. The video, entitled Criminal Rights and Responsibilities and Child Abuse and Restraining Orders, showed footage of mock court proceedings and explained the usual procedure that occurs in court. The purpose of the video is to provide a brief orientation to court proceedings, which will result in a better understanding of what to expect from court hearings. The video will then include translations in languages that are most common to Guam and the Pacific region. The video is now awaiting translation before final completion and use in the courts.

### NIGHT SUPERVISION AND URINALYSIS TESTING

Relying on studies that have shown that frequency of night supervision to be a major factor in preventing probationers from becoming repeat offenders, the



Probation Services Division in 2006 initiated the Night Supervision Program for the first time in nearly a decade. The program involves close monitoring of probationers placed on house arrest, as well as those who have committed curfew violations and offenses involving narcotic possession or usage. The program required the mobilization of probation officers during the evening hours, who then conduct home visits to certain probationers. The reinstatement of the program is a significant milestone for the Probation Services Division, and a great benefit to the community by ensuring and preventing probation clients from offending while under court supervision.

The Probation Division successfully re-evaluated and distributed existing workload more equitably by reassigning officers throughout the division, to complement the urinalysis testing conducted by probation officers and also to eliminate office duty rotation. The hiring of three probation service assistants saved the court over \$130,000 a year in drug testing costs. Previously, six probation officers were required to be dedicated but with the hiring of the service assistants, officers were able to be transferred to other sections to assist with the ever-increasing caseload.

### STANDARDIZING COURT OPERATIONS

Perhaps the most significant undertaking by the Probation Services Division in March 2006 was the completion of the Standard Operating Procedures Manual. This document outlines in detail all functions and operations of the division's workload. It now serves as an orientation instrument and reference guide for current and new probation officers. The SOP Manual gives clear and accurate direction regarding each section's responsibilities, and will prove to be invaluable the officers in the future.



## ADULT AND JUVENILE DRUG COURTS

The Adult and Juvenile Drug Court recorded resounding success in 2006 as the recidivist rate was minimal at the Juvenile Court and zero percent for the Adult Court. The court's programs have been proven beneficial for both the individuals as well as the community at large. These programs allow the defendant access to the necessary services needed for rehabilitation rather than immediately transitioning them through the adjudication process, incarcerating them at the Department of Corrections, or sentencing them to probation.

The Adult Drug Court provides the defendant an alternative to incarceration, with incentive, judicially-supervised, out patient drug treatment for program participants. The overall goal of the program is to treat more than 160 adults throughout the life of the grant which allows for the formation of such program.

## EXPECTED IMPROVEMENTS IN FINANCIAL MANAGEMENT DIVISION

In the past year, the Financial Management Division was fortunate to acquire two entry level Court Fiscal Officers. The hiring of the additional employees is important for several reasons. The hiring resolves the understaffing issue identified by the National Center for State Courts' study on the Judiciary's case flow, time standards, and efficiency of personnel assignments. Additionally, there is an anticipated increase in the workload that the courts will be experiencing due to the impact of certain trends that will affect the Judiciary in the next few years. It is expected that the division will see an increase in pass-through payments, collection of fines, and high demand of court and traffic clearances. The addition of two employees should alleviate the impact of the workload and yield an improvement in the quality of services available to the public.

## TREATMENT OFFERED BY THE CLIENT SERVICES AND FAMILY COUNSELING DIVISION

The mission of the Client Services and Family Counseling Division is to provide clinical services in support of the judicial process; to promote community activities that enhance a reasonable quality of life; to advance partnerships of equality, respect and peace among all people; and to foster social change. In meeting its mission, the division continues to be proactive and aggressive in developing programs to meet the needs of clients. The mainstays of the treatment programs at CSFC are:

- Domestic Violence Men's Group - the longest running and most utilized group serves male domestic violence offenders through a sixty hour program.

- Pacific Islander Non-English Speaking Men's Group - offering a group with a culturally appropriate format, using interpreters when necessary this program was created in response to the larger number of non-English speaking or limited English speaking Pacific Islanders ordered for diversion in family violence cases.

- Women's Group (T.H.R.I.V.E) - a family violence treatment group for female offenders and victims of family violence focuses on teaching, healing, and recovery for women in violent environments through a two hour session which meets twenty times.

- Sexual Offenders Group - for adult court ordered sexual offenders this group provides eight months of weekly, ninety-minute group counseling sessions and six months of aftercare.

## SPECIALTY COURTS

Currently progress is being made toward the formation of additional specialty courts within the Superior Court of Guam. The subcommittee on Mental Health Court re-developed and re-submitted a grant proposal: the FY2007 Guam Mental Health Program, applied for on December 12, 2006. The goals of the Mental Health Court are to primarily divert individuals with mental illnesses from the criminal justice system to community based integrated mental health and substance abuse treatments. Additionally, the court would then deliver appropriate support services; provide either directly or indirectly, treatment services that are based on best known practices; and promote the development of a comprehensive service delivery system. Other specialty courts sought to be instituted are a Family Court and a D.U.I Court for cases involving offenses of driving under the influence of drugs or alcohol.

## WORKING WITH THE LEGAL COMMUNITY

### MANDATED MEDIATION IN CIVIL CASES

The Judiciary of Guam, in keeping with the nationwide trend toward alternative dispute resolution/mediation, in 2006 promulgated rules for a Mediation Pilot Program in Civil Cases. The "Civil Pilot Program" was created to facilitate out of court resolution, potentially saving litigants time and money and giving them greater control over the resolution of their cases. Superior Court judges refer cases based on their appropriateness for mediation, and if selected for the pilot program, the matter is referred either to Guam International Arbitration Center or Inafa'Maolek, depending on the amount in controversy in the specific case. The paramount goal of the program is to encourage peaceable resolution at an early stage in the litigation process, thereby achieving higher participant satisfaction in both the process and the outcome.

### RULES OF EVIDENCE

On January 1, 2006, the Guam Rules of Evidence were promulgated by the Supreme Court through Promulgation Order No. 06-001. The repeal of the former rules were then accomplished with the passage of Public Law 28-138 on July 11, 2006. The promulgation of the new Rules reflect the hard work of the Subcommittee on the Rules of Evidence Revisions, which was formed to review the existing Evidence Law of Guam and to propose amendments.

### CHANGES TO CIVIL PROCEDURE RULES

The Committee on Rules of Civil Procedure has presented the Bar with its final changes to the Guam Rules of Civil Procedure, the first such overhaul of the rules since 1992. At the same time, this same Committee has rewritten our Local Rules of Court for the Superior Court of Guam, designed to correspond with the new Guam Rules. These rules present dramatic changes in how law will be practiced in the Superior Court, and are expected to be into effect in 2007.

### FAMILY VIOLENCE PROTECTIVE ORDERS

On March 31, 2006, the Supreme Court adopted the new Rule for Orders of Protection for Family Violence. The members of the Judicial, Attorney and Community Education Subcommittee had worked extensively, drafting, reviewing and rewriting the rule, which is aimed at creating uniformity and consistency for victims who need orders of protection, and for practitioners to assist their clients. This new rule was promulgated as Rule 14 of the Rules of Court for the Superior Court.

### JURY INSTRUCTIONS IN CIVIL CASES

The Subcommittee on Civil Jury Instructions was formed and tasked with drafting "plain English" pattern civil jury instructions tailored to the laws of Guam. In drafting the proposed instructions, the subcommittee utilized the Judicial Council of California Civil Jury Instructions wherever possible. The subcommittee completed their first series of proposed instructions in November 2006 which has been circulated to the Guam Bar Association for review and comment. A forum to discuss the proposed instructions was held and the initial instructions for Evidence, Contracts, Negligence, and Damages are to be endorsed and promulgated by the Supreme Court. Although the use of the instructions will not be mandatory by the Superior Court, the Subcommittee recommends that the Supreme Court encourage use of the instructions by the Superior Court and practitioners.

### VIDEO-CONFERENCEING CAPABILITY

Within the past year, the Judiciary has made strides toward functioning more efficiently in our technological age. Through the promulgation of video-conferencing rules by the Supreme Court, the Superior Court now regularly uses video conferencing in juvenile and adult criminal proceedings, limiting transportation and security costs. Protections afforded to the detained individual at an "in person" appearance also exist during video conferenced proceeding— such as confidentiality in juvenile proceedings, as well being able to see, hear, and otherwise observe any evidence and exhibits used during the proceeding. This advancement alone has been responsible for saving thousands of dollars for the Judiciary and law enforcement. The use of this technology is now expanding to include web-conferences and other projects.

### DETERMINING ADMISSIBILITY TO PRACTICE LAW

In 2006, the Committee on Rules Governing the Admission to the Practice of Law and the Rules for the Discipline of Attorneys and the Guam Bar Association extensively examined the admission rule which prohibits admission of convicted felons. During a June 27, 2006 continuing legal education seminar and October 26, 2006 special forum, committee members gave presentations on how other jurisdictions have approached this issue. After the forum, Guam Bar members in attendance discussed the desirability and viability of the different approaches. Their contributions led to the adoption by the Supreme Court on October 26, 2006 of the revised Guam Rules Governing Admission to the Practice of Law.

## MAKING A DIFFERENCE IN THE COURTS AND IN THE COMMUNITY

### J.U.S.T.I.C.E. ~ Judiciary Unified in Serving The Island Community Efficiently

The J.U.S.T.I.C.E. Awards Program was created to celebrate the professionalism and excellence of the Judiciary's employees, and to recognize and acknowledge the important role of the employees in the administration of justice. Over 200 nominations of employees, court division and court programs in 13 different categories were submitted. Winners were announced at the Judiciary's Christmas Party on December 1, 2006. The winners were:

#### Honoring the Silent One

Aristides B. Reyes

#### Medal of Honor

Anthony J. Meno

#### Spirit of the Judiciary

Helen F. Pajarillo

#### Manager of the Year

Richard B. Martinez

#### Small Work Unit of the Year

Compiler of Laws

#### Community Service Award

Rosalind C. Aguero

#### Supervisor of the Year

Thomas S. Masga

#### Integrity Award

Atty. Bruce A. Bradley

#### Salute to Good Health

Michael J. Duenas

#### Large Work Unit of the Year

Courts & Ministerial

#### Medal of Valor

Alfredo Q. Certeza

#### Rookie of the Year

Stacy McDonald Flores

#### Award for Excellence in Court Operations

Joleen P. Cepeda

#### Friend of the Court

Guam Army National Guard  
Drug Reduction Task Force

#### Project/Program of the Year

Family Violence Enforcement  
Unit

### ISLAND LEADERSHIP DAY

During Island Leadership Day, Rikki Orsini, a eighth grader from San Vicente Catholic School, assumed the position of Chief Justice. Her many duties for the day included swearing in the counterpart Governor of Guam, as well as swearing in two newly-hired deputy marshals. The Judiciary has historically taken an active role in the annual event, and hosts several counterparts for the justices, judges, and management level court administrators. Chief Justice Orsini, and a large group of students from the island's middle and high schools, presided over and observed court hearings in the Superior Court, and toured the Judiciary building and offices, and met with employees and managers to learn more about the daily operations of the courts of Guam.

### ABOVE AND BEYOND THE CALL OF DUTY

Judiciary Marshals Alfredo Q. Certeza and Anthony J. Meno were recognized by the Judicial Council for responding to the cries for help from the family of Mr. Jose Camacho on June 29, 2006. The marshals were on duty at the time, but came to the aid of Mr. Camacho, who was choking and in danger of suffocation. They administered life-saving measures until emergency response vehicles arrived at the scene. For their quick thinking and heroism in coming to aid a fellow citizen in need, the marshals were recognized by the Judicial Council and presented a framed resolution.

### CASE MANAGEMENT SERVICES

The Office of the Public Guardian continued to provide comprehensive case management services to a large number of disabled and elderly adults in the community who have significant disabilities. Many of the individuals come from lower income households. In addition, many individuals and families who face complex social issues due to the incapacity of a family member caused by mental disability, medical trauma, or the aging process are assisted in making decisions and are connected to necessary services.



## PRESENTATIONS BY THE JUSTICES

Chief Justice F. Philip Carbullido made a presentation and participated in a panel discussion that focused on the erosion of the attorney-client privilege. The presentation was held on February 10, 2006, as part of a continuing legal education seminar sponsored by the Guam Bar Association, and held at the Outrigger Guam Hotel.

Justice Robert J. Torres was a presenter at a seminar entitled, "Guam's Edge in Domestic and Regional Dispute Resolution, conducted April 7, 2006 at the Palace Hotel. The seminar was a primer in commercial and civil alternative dispute resolution, and included presentations aimed at Guam's alternative dispute resolution rules, as well as a regional overview of arbitration and mediation in Asia and Guam.



## U.S. SUPREME COURT JUSTICE VISITS GUAM

Justice Anthony Kennedy of the U.S. Supreme Court paid a rare visit to Guam last year, and was the keynote speaker at a luncheon in his honor on August 14, 2006. The event was hosted by the Judiciary of Guam and the Guam Bar Association, was held at the Hilton Guam Resort & Spa.



## PROMOTING AWARENESS ABOUT FAMILY VIOLENCE

Marshals in the Family Violence Enforcement Unit work closely with the Superior Court judge assigned to handle all family violence cases, and execute temporary restraining orders and protection orders. Marshals in this unit also:

- received a Letter of Commendation and Certificate of Appreciation from the Alee Shelter
- received an award from the Governor's Federal Programs Office for outreach participation
- provided a presentation on domestic violence to Inarajan Elementary School
- created brochures to increase awareness of domestic violence issues for outreach purposes.

Justice Frances Tydingco-Gatewood made a presentation during the 11th Annual Family Violence Conference, held on October 26, 2007. As a member of the Family Violence Task Force, Justice Tydingco-Gatewood represented the Judiciary of Guam in this organization, which jointly sponsored the annual family violence conference with the executive and legislative branches. This year's conference, entitled "Friends in Faith – Reaching for Higher Ground" focused on the important role of faith-based organizations when dealing with issues of family violence.

## KOKO EKIDEN 5K ROAD RACE RELAY

Teams from the Judiciary joined the first Koko Ekiden 5K Road Race Relay for Guam: Team GQ, Team Hekkuva, Team Supreme, Team Duk Duks, and Team Air Geritol. All teams successfully completed the relay race with remarkable times. The Judiciary of Guam was recognized for having the most governmental participation with a strong physical presence and energetic support for the event as a whole.

## JAPANESE LAW SCHOOL STUDENTS VISIT SUPREME COURT

The Supreme Court of Guam conducted an oral arguments session on March 20, 2006, which was attended by law students at the Doshisha University Law School. A brief discussion with the students followed the oral argument, during which the justices answered questions about their experiences and background, as well as appellate procedure on Guam. The students were chaperoned by Professor Koichiro Fujikura and Professor Colin Jones of Doshisha University Law School, Kyoto, Japan.



## CLEAN UP

On October 27, 2006, employees of the Judiciary did their part to keep Guam a tropical paradise by participating in an islandwide clean up event. A

large group of Judiciary employees picked up trash along Marine Drive and joined employees from other government of Guam agencies to beautify and preserve our island's natural beauty.

## "TEAM JUSTICE"

Employees from many Judiciary divisions as well as the Office of the Public Defender demonstrated their commitment to community involvement through their active and continued participation in recreational sports leagues around the island including softball and basketball leagues. Team Justice showed they were in charge of the "court" when they won the championship of the ever popular Shirley's Basketball League in a hotly contested final game decided in the closing seconds. Showing their court skills was no fluke and that team play really matters, Team Justice battled perennial island basketball powerhouse Ace Hardware Aces for the championship of the 2006 Guam Hotel and Restaurant Association Basketball League. Although Team Justice lost two extremely close games to the Aces in heartbreaking fashion, playing in recreational sports leagues has developed camaraderie amongst employees and boosted morale and loyalty.

## WORK HARD, PLAY HARD

The Judiciary participated in the annual Government of Guam Labor Day picnic at Ypao Beach Park on September 2, 2006. The picnic was successful as a majority of the Judiciary employees and their families enjoyed themselves by taking time to recognize their hard work, dedication, and contributions to the administration of justice for our island community through a fiesta style luncheon picnic for all. Judiciary employees spent "A Night Under the Stars" at the annual Christmas party at the Hyatt Regency Guam on December 1, 2006. The Judiciary's employee association, I Inetnon I Emplehao I Kotte, together with the Employee Recognition Program and J.U.S.T.I.C.E. Awards Program, sponsored the special holiday dinner, highlighted by an elegant dinner buffet, dancing, and raffle prizes.

## EMPLOYEE RECOGNITION PROGRAM

Recognizing and rewarding hard work, and boosting employee morale were just two goals of the Judiciary Employee Recognition Program. Throughout the year, employees participated in various events intended to foster camaraderie as well as friendly competition. A cook-off sent employees to the kitchens, and concluded with a grand fiesta barbeque menu. The employees showed their athletic side during the softball league and darts competitions. Fundraising for the employee program meant carwashes and rummage sales.



## FIRST ORAL ARGUMENT OUTREACH AT UNIVERSITY OF GUAM

As part of Law Week 2006, University of Guam students saw first-hand the appellate process in action. For the first time, the Supreme Court conducted an outreach oral argument hearing at the UOG Lecture Hall. Students

and faculty and members of the public attended the session. Attorneys in the case consent to the venue, and participated in a question-and-answer session with UOG students after the hearing. It is anticipated that the outreach will be another method to educate the public about the judicial system, and will be an important part of the Judiciary and Guam Bar Association's annual Law Week schedule of activities.



## SOCIAL WORKER INTERNS FOR THE OFFICE OF THE PUBLIC GUARDIAN

A cooperative effort between the Office of the Public Guardian and the University of Guam School of Social Work benefits the clients of the Office, who include those are unable, or need assistance, to care for themselves. In August 2006, the Office and the UOG School of Social Work entered into an agreement that allows a field placement for fourth year social work students under the supervision of the Public Guardian. During the Fall Semester of 2006, one student provided 130 hours of assistance. The student will return to the office, thereby gaining valuable experience to supplement coursework. This arrangements benefits both the Office with much-needed manpower, as well as the student, who receives practical experience and guidance from the Public Guardian.

## LAW DAY ESSAY CONTEST

The annual Law Day Essay Contest, sponsored by the Judiciary and the Guam Bar Association, allows the island's high school students the opportunity to express their thoughts on law-related issues, and compete for cash prizes. The Law Day 2006 theme, "Liberty Under Law: Separate Branches, Balanced Powers" focused on the concept of separation of powers, which is the heart of the United States' democratic system. Through this system of checks and balances, each branch has a separate realm and holds separate authority, yet all three branches work together for the benefit of the United States and Guam.

**First Place:** Nicole Tainatongo,  
12th grade, Notre Dame High School

**Second Place:** Kelvin Cheng,  
12th grade, Harvest Christian Academy

**Third Place (tie):**  
William "Bucky" Brennan, 12th grade  
Notre Dame High School

Zachary E. Duenas, 12th grade  
Father Duenas Memorial School

**Honorable Mention:**  
Katrina Untalan, 12th grade  
Academy of Our Lady of Guam

Rianne Cepeda, 12th grade  
Notre Dame High School

## MOCK TRIAL COMPETITION

Every year, students from Guam's public and private high school face off in the island's courtrooms during the High School Mock Trial Competition. These dedicated students assume the roles of prosecutors, defense attorneys and witnesses as they present their cases. The winner of the 2006 Mock Trial Competition was St. John's School. This team went on to the national competition in Washington, D.C., in May 2006. The team standings were as follows:

**First Place** - St. John's School

**Second Place** - John F. Kennedy High School

**Third Place** - Academy of Our Lady of Guam

**Fourth Place** - Simon Sanchez High School

**Fifth Place** - Notre Dame High School

**Sixth Place** - Father Dueñas Memorial School

## SILENT WITNESS CEREMONY

October marks Domestic Violence Awareness Month, and the Judiciary's annual Silent Witness Ceremony honors and commemorates those victims who have lost their lives at the hands of family and household members. The 2006 ceremony included a candle lighting ceremony in honor of the island's victims, a slideshow presentation, and special message from family members who shared their stories of loss and love.

## SANTA CLAUS IS COMING ... TO COURT

The holiday season brought Santa Claus to the courthouse, and brought out the employees' creative side. The Judicial Center Atrium was the center of Island-style Holiday, as different divisions decorated Christmas trees with a local theme. The focal point of the display was a local hut, where Santa sat to distribute presents to the young (and some not so young!) family members of Judiciary employees.



# STRUCTURE AND FUNCTION OF THE JUDICIARY

SUPREME COURT

SUPERIOR COURT

ADMINISTRATIVE OFFICE OF THE COURTS

COURT PROGRAMS OFFICE

CLIENT SERVICES AND FAMILY COUNSELING DIVISION

COURTS AND MINISTERIAL DIVISION

FINANCIAL MANAGEMENT DIVISION

HUMAN RESOURCES DIVISION

MANAGEMENT INFORMATION SYSTEMS

PROBATION DIVISION

MARSHALS DIVISION

PROCUREMENT AND FACILITIES MANAGEMENT DIVISION

OFFICE OF THE PUBLIC GUARDIAN

OFFICE OF THE ETHICS PROSECUTOR

OFFICE OF THE COMPILER OF LAWS



## SUPREME COURT

The Supreme Court of Guam is the highest court of the judicial branch of Guam, by virtue of the Organic Act of Guam. The Supreme Court has jurisdiction to hear appeals over any cause decided by the Superior Court of Guam or other courts created by Guam law; has supervisory jurisdiction over the Superior Court and all other courts created by Guam law; and is granted original jurisdiction over proceedings necessary to protect its appellate jurisdiction and supervisory authority. The court also has jurisdiction to issue all orders and writs in aid of its appellate, supervisory, and original jurisdiction.

The justices of the Supreme Court of Guam are:

**Chief Justice F. Philip Carbullido**  
**Associate Justice Frances Tydingco-Gatewood\***  
**Associate Justice Robert J. Torres, Jr.**

**The Clerk of Court of the Supreme Court is Jeanne Quinata.**

\*Resigned from the bench and was sworn in on October 30, 2006 as the Chief Judge of the District Court of Guam.

## ADMINISTRATIVE OFFICE OF THE COURTS

The smooth operation of the courts of justices is ensured by the Administrative Office of the Courts, which performs administrative functions for the Supreme Court and the Superior Court. The Office also has management oversight of the following divisions:

- Clerks and Ministerial Division
- Financial Management Division
- Human Resources Division
- Procurement and Facilities Management Division
- Client Services and Family Counseling Division
- Probation Division
- Marshals Division
- Management and Information Systems Division
- Judicial Hearings

as well as of offices, sections, programs and committees.

**The Administrator of the Courts is Perry C. Taitano.**

## SUPERIOR COURT

The people of Guam have their “day in court” in the Superior Court of Guam, which is a court of general jurisdiction. Seven judges preside over the cases brought before them, which range from felony and misdemeanor criminal cases and juvenile delinquency cases, to civil matters involving more than \$10,000, to family-related cases such as divorce and child support. The judges also hear special proceedings cases, as well as small claims and traffic court cases. Child support cases, and certain juvenile matters are heard by Court Referee and Administrative Hearings Officer.

**The judges, and referee, of the Superior Court of Guam are:**

**Presiding Judge is Albert C. Lamorena III**  
**Judge Katherine A. Maraman**  
**Judge Steven Sablan Unpingco**  
**Judge Michael J. Bordallo**  
**Judge Elizabeth Barrett-Anderson**  
**Judge Anita A. Sukola**  
**Judge Arthur R. Barcinas**  
**Court Referee Linda I. Ingles.**

## COURT PROGRAMS OFFICE

Significant funding, obtained through federal grants, enhances the Judiciary’s ability to develop programs that would otherwise not be possible through local appropriations. The Court Programs Office, contained within the Administrative Office of the Courts, is responsible for obtaining these grants that allow the initiation of programs and policies for the betterment of the Judiciary, and allow continuation of programs already in place.

**The Federal Grants Administrator is Jackie Zahnen Cruz.**

## CLIENT SERVICES AND FAMILY COUNSELING DIVISION

Client Services and Family Counseling Division performs a difficult yet critical role in the rehabilitation and treatment of court clientele, and psychological evaluations may be conducted to determine issues related to treatment. Its mission is to provide clinic services in support of the judicial process; to promote community activities that enhance a reasonable quality of life; to advance partnerships of equality, respect, and peace among all people; and to foster social change.

**The Administrator of the Client Services and Family Counseling Division is Virginia Yasuhiro.**

## HUMAN RESOURCES DIVISION

The Human Resources Division provides management services to more than 300 Judiciary employees. The division is responsible various aspects of resource management, from recruitment and hiring to employee relations, including issues relating to performance, disciplinary conduct, classification and benefits. The division also ensures compliance federal and local employment laws regarding equal opportunity concerns, and provides guidance and recommendations regarding employee grievances and adverse actions. Importantly, the division oversees development of court personnel, by conducting training sessions as well as orientations with regard to new policies.

**The Human Resources Officer is Barbara Jean T. Perez.**

## PROCUREMENT AND FACILITIES MANAGEMENT DIVISION

The Procurement and Facilities Management Division handles purchases, capital improvements and maintenance of the Judicial complex building and grounds.

**The Procurement and Facilities Management Administrator is Raymond Taimanglo.**

## FINANCIAL MANAGEMENT DIVISION

The Financial Management Division, part of the Office of the Administrator of the Courts, oversees the financial affairs of the Judiciary. This division handles the development and maintenance of all accounts, accounting and billing procedures, and also conducts the analysis of costs, including its fiduciary responsibility of various trust funds established by the courts, including land condemnation, Office of the Public Guardian, Traffic Court, Jurors, court-appointed counsel, civil restitution and criminal fines.

**The Controller is Anthony A. Meno.**

## MANAGEMENT INFORMATION SYSTEMS

The Management and Information Systems Division is responsible for all aspects of the Judiciary's computer network and information systems, including the development, installation, operation, and maintenance of hardware and software systems infrastructure. Additionally, MIS is responsible for a wide range of services from special projects, help desk functions, program development, reporting requirements, multi-agency grant projects, network management and connectivity to critical security, data management and troubleshooting responsibilities.

**The MIS Administrator is Peter F. Leon Guerrero.**

## MARSHALS DIVISION

The Marshals Division is primarily responsible for overseeing all aspects of court security, in the courtrooms, within the Judicial Center building, and court grounds. The division is also tasked with personally serving certain court documents, including warrants and restraining orders, and providing criminal history information to federal agencies.

**The Chief Marshal is Frank Leon Guerrero. Former Chief Marshal Pito Cruz retired in 2006 after nearly three decades' service to the Marshals Division.**

## COURTS AND MINISTERIAL DIVISION

The first point of contact for most people seeking the services of the Judiciary is with the clerks at the Judiciary's Courts and Ministerial Division, who accept the filing of all legal pleadings, then process, dispose and distribute these documents appropriately. The division also ensures the smooth function of the Superior Court, by monitoring case flow and administering case assignment procedures, scheduling cases and preparing the daily court calendar. The division oversees a number of important services, and is subdivided into the following units:

- Intake, where court patrons file pleadings.
- Juror Services, which is responsible for providing jurors for both grand jury proceedings and jury trials.
  - Records, which maintains and secures Judiciary records.
  - Team Chambers, providing direct support to the trial court judges.
  - Master Calendar Case, which processes civil collection cases.
  - Traffic Violations Bureau, which processes traffic offenses and oversees traffic court.
  - Court Transcribing Unit, which handles transcription of court proceedings for appeal and other proceedings.
  - Small Claims, for civil cases seeking no more than \$10,000.
  - Child Support, where the goal is to assist custodial parents in providing for the needs of their children.
  - Appeals, responsible for preparing trial court cases for appellate review.

**The Clerk of Court of the Superior Court is Richard Martinez.**



## PROBATION DIVISION

The 61 employees of the Probation Division are tasked with oversight over adults in criminal cases and juveniles in delinquency proceedings, to ensure their compliance with court orders in both the pre- and post-adjudication stages. The division is divided into seven units that fulfill the various duties required:

- Pretrial: for cases that have not been adjudicated
- Juvenile: involving delinquency offenses
- Adult and Juvenile Drug Courts: providing alternative treatment programs for nonviolent substance abuse cases.
  - Intake and Drug Testing
  - Alternative Sentencing Office.

The division also manages court-ordered community service programs, and conducts educational and rehabilitative programs for adults and juveniles.

**The Chief Probation Officer is Edward Alvarez.**

## OFFICE OF THE PUBLIC GUARDIAN

When advanced age, disease or disability renders a person unable to manage his or her affairs, the Public Guardian may be appointed by the court to serve as the guardian when there is no family or other person available or willing to serve as such. The office also provides services to families when there is a member who may need a guardian appointed, assists guardians in fulfilling their responsibilities to their wards and investigates matters where there are allegations of neglect or abuse of a ward. Persons who seek to maintain independence and avoid the need for a guardian may also find assistance at the office.

**The Public Guardian is Attorney John Weisenberger.**

## SUPREME COURT OF GUAM STATISTICS FOR 2006

### CASES AND ACTIONS FILED

Appellate Procedure	Atty Discipline	Certified Question	Civil Case	Criminal Case	Pro Hac Vice	Promulgation Order	Writ of Habeas Corpus	Writ of Mandamus	Writ of Prohibition	GRAND TOTAL
0	11	20	105	30	0	32	0	7	9	214

### OPINIONS ISSUED IN 2006

CIVIL CASE	WRIT CASES	CERTIFIED QUESTIONS	CRIMINAL CASE	GRAND TOTAL
10	5	1	6	22

### ORDERS AND OPINIONS FILED

Appellate Procedure	Atty Discipline	Certified Question	Civil Case	Criminal Case	Pro Hac Vice	Promulgation Order	Writ of Habeas Corpus	Writ of Mandamus	Writ of Prohibition	GRAND TOTAL
0	0	7	81	32	0	5	0	15	14	154

CASES AND ACTIONS FILED: **214**

OPINIONS AND ORDERS FILED: **154**



## SUPERIOR COURT OF GUAM STATISTICS FOR 2006

### FIVE YEAR COMPARATIVE CASES FILED

	2002	2003	2004	2005	2006
ADOPTION	83	81	54	56	66
CHILD SUPPORT	272	830	579	576	575
CIVIL	1,875	2,121	1,322	1,307	1,529
CRIMINAL FELONY	567	615	449	485	564
CRIMINAL MISDEMEANOR	1,179	1,199	975	940	1,044
DOMESTIC	746	1,276	2,153	2,494	927
JUVENILE DIVISION	324	340	465	242	264
JUVENILE SPECIAL PROCEEDINGS	960	955	955	947	979
LAND REGISTRATION	4	6	4	2	4
PROBATE	133	171	146	162	157
SPECIAL PROCEEDINGS	267	284	273	219	199
SMALL CLAIMS	2,664	2,767	3,178	2,329	3,539
<b>GRAND TOTALS</b>	<b>9,074</b>	<b>10,645</b>	<b>10,553</b>	<b>9,759</b>	<b>9,847</b>

## TRAFFIC COURT STATS FOR 2006

### FIVE YEAR CITATIONS COMPARATIVE (CITATIONS FILED/DISPOSED)

	2002	2003	2004	2005	2006
CITATIONS FILED	7,928	4,910	5,295	8,682	9,814
CITATIONS DISPOSED	6,894	4,231	4,228	7,657	8,326

## JURY MANAGEMENT STATS FOR 2006

### FIVE YEAR CASE COMPARATIVE (BY JURY-RELATED FUNCTIONS)

	2002	2003	2004	2005	2006
JURY ORIENTATIONS	12	7	31	18	7
JURY SELECTION (CASES)	27	18	56	48	23
JURY TRIAL (DAYS)	91	56	91	76	73
GRAND JURY SELECTION	2	2	3	3	2
GRAND JURY (DAYS)	177	172	142	157	170
JURORS PRESENT	8,458	6,760	12,052	10,906	8,087
<b>JURY RELATED EXPENSES</b>					
PETIT JURY ACTIVITY	\$145,110	\$95,280	\$273,300	\$221,700	\$124,410
GRAND JURY ACTIVITY	\$108,630	\$107,520	\$88,260	\$105,480	\$118,200
<b>GRAND TOTALS</b>	<b>\$253,740</b>	<b>\$202,800</b>	<b>\$361,560</b>	<b>\$327,180</b>	<b>\$242,610</b>

## CLIENT SERVICES STATISTICAL DATA

### CLIENT SERVICES AND FAMILY COUNSELING DIVISION REFERRALS 2006

CM	307 (58%)
DM	22 (4%)
JD	27 (5%)
JP	26 (5%)
JC	4 (1%)
CF	145 (27%)
OTHER	1(0%)

### CLIENT SERVICES AND FAMILY COUNSELING DIVISION REFERRALS 2005

CM	277 (52%)
DM	33 (6%)
JD	35 (7%)
JP	19 (4%)
JC	58 (11%)
CF	108 (20%)
OTHER	2 (1%)

Referrals for 2006 amounted to 532 cases. Referrals remained constant from calendar year 2005. Adult criminal felony and misdemeanor cases showed a dramatic increase from 72.37% in 2005 to 83% of the 2006 referrals. Adolescents and children in delinquency or juvenile special proceedings made up 11% of the referrals down 10.5% from the previous year of 21.05%. This decrease was a welcome relief for CSFC and was in large part due to the Department of Youth Affairs providing treatment to their JD population and Project I Famaguonta of the Department of Mental Health and Substance Abuse securing a treatment contract for children and adolescents involved in the Systems of Care Program. Referrals in domestic cases decreased from 6.2% percent in 2005 to 4% in 2006.

### CLIENT SERVICES AND FAMILY COUNSELING DIVISION CLOSURES IN 2006

CM	327 (57%)
DM	23 (4%)
JD	58 (10%)
JP	38 (7%)
JC	8 (1%)
CF	108 (19%)
OTHER	12 (2%)

### CLIENT SERVICES AND FAMILY COUNSELING DIVISION CLOSURES IN 2005

CM	324 (56.15%)
DM	18 (3.12%)
JD	43 (7.45%)
JP	20 (3.47%)
JC	53 (9.19%)
CF	117 (20.28%)
OTHER	2 (.35%)

There were 574 cases closed in 2006, compared to 577 closed in 2005. Of the 2006 closures, 76% were adult criminal misdemeanor and felony cases, 18% were adolescents and children and 4% were domestic cases.

### CLIENT SERVICES AND FAMILY COUNSELING CASES OPEN ENDING 2006

CM	DM	JD	JP	JC	CF	OTHER
423 (42%)	40 (4%)	85 (9%)	85 (9%)	5 (1%)	331 (34%)	21 (2%)

The year 2006 ended with a caseload of 982. Of the open cases, 76.01% were adult criminal misdemeanor and felony cases, 18% were adolescents and children and 4% were domestic cases.

# OFFICE OF THE PUBLIC GUARDIAN

## OFFICE OF THE PUBLIC GUARDIAN REFERRALS FOR 2006

INDIVIDUAL	40
G.M.H.	11
CATHOLIC SOCIAL SERVICES	10
DMH&SA	8
HEALTH CARE PROVIDERS	5
PUBLIC DEFENDER SERVICES CORPORATION	5
SUPERIOR COURT	5
NAVAL HOSPITAL	4
ATTORNEYS IN PRIVATE PRACTICE	3
DISID	2
DPH&SS	2
PROBATION	2
GUAM LEGAL SERVICES CORPORATION	1
ADULT PROTECTIVE SERVICES	1
GUMA MAMI	1
VETERANS AFFAIRS OFFICE	1
CHURCH	1
ATTORNEY GENERAL	1
<b>TOTAL</b>	<b>103</b>

Referrals this year resulted in 82 cases being opened, 1 referral which is pending intake (individual missed first scheduled intake), and 20 referrals which were not opened or fell outside of the scope of services offered by OPG. See Appendix I. Of the matters opened this year, the cases fell into the following categories (established by the Public Guardian Act; 7 GCA § 3112 (a)):

15	Public Guardian to serve as the guardian; no family or friend willing or able to do so.	18%
20	Advise and assist individuals seeking appointment as guardian	24%
1	Assist the Court, as directed, in proceedings for the appointment of a guardian, and in supervision of persons appointed as guardian.	1%
6	Provide advice, information and guidance to individuals appointed as guardian for an adult.	7%
40	Offer guidance and counsel to persons requesting assistance, encouraging maximum self-reliance and independence, and avoiding guardianship.	48%
1	Referral pending an intake interview.	1%

# JUDICIARY SUBCOMMITTEES

*Collaboration of the bench, bar and community*

Justices of the Supreme Court and judges of the Superior Court work collaboratively with the Guam Bar in Judiciary subcommittees that are tasked with examining certain aspects of Guam law and with suggesting and drafting new law and procedures.

## **Alternative Dispute Resolution: Arbitration**

**Chairs:** Chief Justice F. Philip Carbullido and Justice Robert J. Torres

**Members:** Retired Chief Justice Peter C. Siguenza, Jr., Bruce Bradley, Jennifer Calvo-Quitugua, Tim Roberts, Raymond Souza, Jr., and Thomas Tarpley, Jr.

## **Alternative Dispute Resolution: Court Mediation**

**Chairs:** Justice Frances Tydingco-Gatewood and Judge Michael J. Bordallo

**Members:** Former Chief Justice Benjamin J.F. Cruz, Tricia Ada, Geri Amparo Cepeda, Patrick Wolff, Vicky Renacia, and John Weisenberger.

## **Crime Victim and Witness Protection Program**

**Chairs:** Justice Frances Tydingco-Gatewood and Judge Anita A. Sukola

**Members:** Rose Aguero, Roseanna Castro, Denise Mendiola and Geri Amparo Cepeda

## **Drafting and Grading Committee**

**Chair:** Justice Frances Tydingco-Gatewood and Judge Michael J. Bordallo

**Members:** Anita P. Arriola, Sirena Cassidy, Alicia Limtiaco, Jeanne Quinata, Serge Quenga, Alberto Tolentino,

## **Indigent Defense**

**Chair:** Justice Frances Tydingco-Gatewood and Judge Michael J. Bordallo

**Members:** Joaquin C. Arriola, Jr., Bruce Bradley, Jamie Canto, Carol Hinkle-Sanchez, Kathy Maher, Serge Quenga, Hank Parker, Mitch Thompson, Carol Butler, Rodney Jacob, Perry Taitano, Richard Martinez and Anthony Meno.

## **Judicial, Attorney and Community Education**

**Chairs:** Justice Frances Tydingco-Gatewood, Judge Elizabeth Barrett-Anderson, and Judge Anita A. Sukola

**Members:** Alicia Limtiaco, Stephanie Flores, Carol Hinkle-Sanchez, Geri Amparo Cepeda, John Weisenberger, Wendy Heightman and Cecilia Morrison.

## **Judicial Ethics**

**Chairs:** Chief Justice F. Philip Carbullido and Justice Robert J. Torres

**Members:** Retired Justice Janet Healy-Weeks, Presiding Judge Alberto C. Lamorena, III, Pro Tem Justice and Judge Richard H. Benson, William Blair, Patrick Civile, Jeffrey Cook, Sirena Cassidy and Alberto Tolentino.

## **Judicial Review/Appellate Rules Revisions**

**Chairs:** Chief Justice F. Philip Carbullido and Thomas Sterling  
**Members:** Seth Forman, Michael D. Flynn, Jr., Alicia Limtiaco, Sirena Cassidy, and Jeanne Quinata.

## **Pro Se Litigation**

**Chairs:** Justice Frances Tydingco-Gatewood and Judge Arthur A. Barcinas

**Members:** Joaquin C. Arriola, Jr., Cynthia Ecube, Maria Cenzone-Dueñas, Loretta Gutierrez-Long, Michael Pangelinan, Daniel Somerfleck, Julie Rivera, and Seaton M. Woodley III.

## **Proposed Civil Jury Instructions**

**Chairs:** Justice Robert J. Torres and Judge Michael J. Bordallo

**Members:** Leevin Camacho, Michael D. Flynn, Jr., Ray Haddock, Wilfred Mann, Pat Mason, Tim Roberts, and Wayson Wong.

## **Proposed Criminal Jury Instructions**

**Chairs:** Justice Frances Tydingco-Gatewood, Judge Anita A. Sukola, and Judge Arthur R. Barcinas

**Members:** Tricia Ada, Dianne Corbett, Richard Dirx, Tom Fisher, Ann Keith, Alicia Limtiaco, Kathy Maher, Donna Cruz and Sophia Santos.

## **Proposed Rules and Procedures for Video Conferencing**

**Chairs:** Justice Robert J. Torres and Presiding Judge Alberto C. Lamorena III.

**Members:** Justice Frances M. Tydingco-Gatewood, Judge Elizabeth Barrett-Anderson, Sgt. Antone Aguon (DOC), Edward Alvarez, Bruce Bradley, Benigno Camacho (DOA Data Processing), Leevin Camacho, Pito Cruz, Robert Cruz, Peter Leon Guerrero, Kathy Maher (PDSC), Richard Martinez, James Mitchell (GPD Legal Counsel), Basil O'Mallan (OAG), Edward Taitano (DYA), Joseph Tenorio, Cpt. Jess Tupaz (DOC) and Phil Tydingco (APD)

## **Public Trust and Confidence in the Judiciary**

**Chairs:** Chief Justice F. Philip Carbullido, Justice Robert J. Torres, and Judge Anita A. Sukola

**Members:** Joaquin C. Arriola, Jr., William Blair, Thomas M. Tarpley, Jr., and Nelson Xu.

## **Rules of Civil Procedure and Rules of Court Revisions**

**Chairs:** Justice Robert J. Torres and Judge Katherine Maraman

**Members:** Judge Elizabeth Barrett-Anderson, Judge Arthur R. Barcinas, Janalynn C. Damian, Ann Keith, Richard Martinez, Michael Pangelinan, Traylor Mercer, Richard Pipes, Danielle Rosette and Charles Troutman

## **Rules of Evidence Revisions**

**Chairs:** Justice Robert J. Torres and Judge Katherine A. Maraman

**Members:** Georgette Concepcion, Stephen Hattori, Traylor Mercer, Charles Troutman, and Julie Rivera.

## **Rules Governing the Admission to the Practice of Law and the Rules for the Discipline of Attorneys**

**Chairs:** Justice Robert J. Torres and Judge Arthur R. Barcinas

**Members:** Cesar Cabot, Sirena Cassidy, Anthony Perez, Jeanne Quinata, Jacqueline Terlaje, Alberto Tolentino, and Julie Rivera.

## **Technology and Information Systems**

**Chairs:** Justice Robert J. Torres and Peter F. Leon Guerrero

**Members:** Terrence Brooks, Jehan'ad Martinez, Serge Quenga, Benjamin Sison, Jr., Robert Cruz, Lorrie Anderson, Joseph Leon Guerrero, and Nibert Mendiola.

# JUDICIARY OF GUAM

## TELEPHONE DIRECTORY LISTING

### SUPREME COURT OF GUAM

Ste 300 Guam Judicial Center  
120 West O'Brien Drive  
Hagåtña, Guam 96910-5174

Court Website ..... [www.guamcourts.org/supreme.html](http://www.guamcourts.org/supreme.html)  
Court E-mail ..... [justice@guamsupremecourt.com](mailto:justice@guamsupremecourt.com)

#### Chambers of

Chief Justice F. Philip Carbullido ..... 475-3413  
Associate Justice Robert J. Torres, Jr ..... 475-3300  
Clerk of Court ..... 475-3120/3162  
Staff Attorney ..... 475-3150  
Supreme Court Security Section ..... 475-3168  
Facsimile ..... 475-3140

#### Guam Board of Law Examiners c/o Supreme Court of Guam

Website ..... [www.guamcourts.org/BrdLawExam/board.html](http://www.guamcourts.org/BrdLawExam/board.html)  
E-mail ..... [bole@guamsupremecourt.com](mailto:bole@guamsupremecourt.com)  
Telephone ..... 475-3180  
Facsimile ..... 475-3181

#### Office of the Public Guardian Old Superior Court Building 110 West O'Brien Drive Hagåtña, Guam 96910

Website ..... [www.guamcourts.org/opg/pubguard.html](http://www.guamcourts.org/opg/pubguard.html)  
E-mail ..... [publicguardian@opg.guamcourts.org](mailto:publicguardian@opg.guamcourts.org)  
Telephone ..... 475-3173  
Facsimile ..... 472-0381

#### Ethics Prosecutor

2nd Floor, Guam Judicial Center  
120 West O'Brien Drive  
Hagåtña, Guam 96910-5174

E-mail ..... [ethicspros@guamsupremecourt.com](mailto:ethicspros@guamsupremecourt.com)  
Telephone ..... 475-3118  
Facsimile ..... 477-8025

#### Compiler of Laws

2nd Floor, Guam Judicial Center  
120 West O'Brien Drive  
Hagåtña, Guam 96910-5174

Website ..... [www.guamcourts.org/CompilerofLaws/index.html](http://www.guamcourts.org/CompilerofLaws/index.html)  
E-mail ..... [sergio@guamsupremecourt.com](mailto:sergio@guamsupremecourt.com)  
Telephone ..... 475-3378/9  
Facsimile ..... 477-8025

### SUPERIOR COURT OF GUAM

120 West O'Brien Drive  
Hagåtña, Guam 96910-5174

#### Chambers of

Presiding Judge Alberto C. Lamorena III ..... 475-3410  
Judge Katherine A. Maraman ..... 475-3589  
Judge Steven S. Unpingco ..... 475-3336  
Judge Michael J. Bordallo ..... 475-3384  
Judge Elizabeth Barrett-Anderson ..... 475-3346  
Judge Anita A. Sukola ..... 475-3323  
Judge Arthur R. Barcinas ..... 475-3502

### General Administration

Administrator of the Courts' Office ..... 475-3544  
Director of Policy Planning and Community Relations ..... 475-3278  
Deputy Administrative Director's Office ..... 475-3128  
Court Programs Office ..... 475-3202  
Facsimile ..... 477-3184

**Client Services and Family Counseling Division** ..... 475-3383/3101  
Facsimile ..... 472-5450  
TDD ..... 477-8043

**Courts and Ministerial Division** ..... 475-3357  
**Traffic Violation Bureau** ..... 475-3274/3121  
**Small Claims** ..... 475-3326  
**Jury Commissioner** ..... 475-3440  
Facsimile ..... 472-2856

**Financial Management Division** ..... 475-3411  
**Accounts Payable** ..... 475-3197  
**Payroll** ..... 475-3214  
**Human Resources Division** ..... 475-3399/29/3239  
TDD ..... 477-6953/3239  
Facsimile ..... 477-3184

### Judicial Hearing Division

**Child Support Office** ..... 475-3142/3494  
Facsimile ..... 477-5023

**Management Information System Division** ..... 475-3122/3126  
Facsimile ..... 477-3184

### Marshals Division

**Marshal of the Courts** ..... 475-3215  
**Deputy Chief Marshal** ..... 475-3315  
**Automation Section** ..... 475-3545  
**Criminal Section** ..... 475-3487  
**Civil/Small Claims Section** ..... 475-3513  
**Traffic Section** ..... 475-3445  
**Child Support Section** ..... 475-3508  
**Security Section** ..... 475-3515  
Post 1 ..... 475-3576

### Probation Division

**Chief Probation Office** ..... 475-3448  
**Pre-Trial** ..... 475-3466  
**Alternative Sentencing Office** ..... 475-3305  
**Juvenile Probation Services** ..... 475-3453  
**Adult Probation Services** ..... 475-3375  
**Office Duty/Intake** ..... 475-3388/3174  
**Juvenile Drug Court** ..... 475-3373  
**Adult Drug Court** ..... 475-3361  
**Adult Drug Unit** ..... 475-3151  
Facsimile ..... 477-4944  
TDD ..... 477-8627

**Procurement and Facilities Management Division** ..... 475-3175/3290  
**Maintenance Section** ..... 475-3488  
Facsimile ..... 477-8009