

2010
JUDICIARY OF GUAM
Annual Report



CONTENTS



JUSTICES AND JUDGES



MOCK TRIALS



SILENT WITNESS

3 Message from the Chief Justice and Administrator of the Courts.

5 Judicial Council of Guam

9 Year in Review:2010

- Financial Challenges
- Significant Grant Awards
- Significant Projects
- Caseload

20 Community Outreach & Education

32 Administrative Divisions

- Administrator of the Courts
- Financial Management Division
- Human Resources Division
- Ethics Prosecutor
- Management Information Systems
- Client Services and Family Counseling Division
- Compiler of Laws
- Office of Public Guardian
- Court Programs Office
- Procurement & Facilities Management Division
- Courts and Ministerial Division
- Marshals Division
- Probation Services Division



HISTORY





It is our great pleasure to present the 2010 Annual Report of the Unified Judiciary of Guam. This report presents an overview of the Guam judicial system and its programs, services, workload and funding.

Fiscal Year 2010 was a year of unprecedented economic turmoil in Guam. The Judicial Branch of Government was challenged in a manner never seen in recent history. We were faced with new tasks and heavy caseloads while being asked to do more with even fewer resources. The Judiciary of Guam met these challenges and examined operations to realize all possible efficiencies. In Guam, the doors of our courthouses remain open to those seeking redress and justice and despite the many challenges, we have even managed to expand access to justice for the ever-increasing number of individuals who find themselves attempting to navigate a complex legal system alone because they cannot afford legal representation.

Our report demonstrates the hard work and dedication of Judges and staff in the Unified Judiciary. It also illustrates the enthusiasm of the judicial body to be a partner in helping to meet the demands of a public frustrated by current economic and social hardships. The Judiciary's continued efforts in support of programs such as Specialty Courts – including adding yet another, the DWI Court – and Access to Justice go beyond our core functions of hearing and determining causes and controversies. The courts, however, realize the value and benefit to our communities that these programs provide and are committed to contributing the hard work and slim resources necessary to ensure continued success.

Your Judiciary of Guam continues to explore innovative ways to improve its efficient delivery of services. Despite current financial limitations, we will continue to provide fair, impartial, and expeditious considerations of the cases that come before us.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Philip Carbullido".

F. Philip Carbullido
CHIEF JUSTICE

A handwritten signature in black ink, appearing to read "Perry C. Taitano".

Perry C. Taitano
ADMINISTRATOR OF THE COURTS

JUSTICES OF THE SUPREME COURT OF GUAM



Chief Justice F. Philip Carbullido was appointed to the Supreme Court of Guam in 2000 and was elected by his peers to serve a third term as Chief Justice on January 18, 2011.

Chief Justice Carbullido presently serves as President of the Pacific Judicial Council, which consists of the Chief Justices of Guam, the CNMI, Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Territory of American Samoa. He previously chaired the Education Committee of the PJC which provides training for judicial officers and administrators throughout the Pacific. He also previously served as an officer and board member of the Conference of Chief Justices, a forum comprising the highest judicial officers of the United States, its commonwealths and its territories. Chief Justice Carbullido serves as Justice Pro Tempore for the Supreme Court of the CNMI.

Chief Justice Carbullido received a B.S. in Political Science in 1975 from the University of Oregon and a Juris Doctor degree in 1978 from the University of California, Davis School of Law. He and his wife Fay have four children.



Associate Justice Robert J. Torres, Jr. was appointed to the Supreme Court of Guam in 2004. He just completed his three-year term as Chief Justice in January 2011.

Justice Torres previously served as an officer and board member of the Conference of Chief Justices. He is a designated District Court Judge for the U.S. District Court of Guam and serves as Justice Pro Tempore for the Supreme Court of the CNMI. Justice Torres currently chairs the Judiciary's technology subcommittee, and he is instrumental in the Judiciary's ongoing acquisition of a modern case management system.

Justice Torres received a B.B.A. in Accounting (magna cum laude; Beta Gamma Sigma; Beta Alpha Psi) in 1980 from the University of Notre Dame and a Juris Doctor degree from Harvard Law School in 1985. He and his wife Mary have three children and six grandchildren.



Associate Justice Katherine A. Maraman joined the Supreme Court of Guam in 2008. She served as a Judge for the Superior Court of Guam for 14 years.

Justice Maraman serves as a part-time Associate Justice for the Supreme Court of Palau. She currently chairs the Drafting & Grading Committee for the Board of Law Examiners, and co-chairs the Supreme Court subcommittees on Criminal Jury Instructions, Rules of Evidence, and Rules of Civil Procedure. Justice Maraman is an Adjunct Professor at the University of Guam.

Justice Maraman received a B.A. in Economics, cum laude, from Colorado College and a Juris Doctor degree from the University of New Mexico.

THE JUDICIAL COUNCIL OF GUAM

The Judicial Council of Guam was created by statute in 1985 and is the governing body of the Judiciary of Guam. It is responsible for establishing the policy and rules for operation of the Courts, including, but not limited to: personnel, procurement, facilities and property, financial and travel. It is composed of the justices of the Supreme Court and two Superior Court judges, including the Presiding Judge.

This year, the Judicial Council promulgated several new Administrative Rules and Promulgation Orders, including the following:

Administrative Rule 10-001 - Adoption of Proposed Rule for Handling Magistrate Hearings by the Superior Court Magistrate, adopted February 2, 2010

Administrative Rule 10-001 - Amendment to AR 08-003 regarding cases where defendant's mental health is at issue, adopted August 31, 2010

Administrative Rule 10-002 - Special Process Server Regulations for the Judiciary of Guam, adopted February 11, 2010, effective February 15, 2010

Administrative Rule 10-002-01 - Amendments to the Process Server Regulations, adopted September 1, 2010, effective September 1, 2010

Promulgation Order No. 10-003-01 - Adoption of Amended Case Assignment Rule for the Superior Court of Guam, incorporating recent changes in procedures for the Mental Health and DWI Courts, adopted November 10, 2010

Promulgation Order No. 10-004-01 - Creation of "DWI Court" as a separate docket of the Criminal Docket of the Superior Court of Guam, adopted November 10, 2010

SUBCOMMITTEES OF THE UNIFIED COURTS OF GUAM

In a combined effort with the Guam Bar to improve the delivery of services to the public, justices of the Supreme Court and judges of the Superior Court sit as chairpersons or co-chairpersons on various judiciary subcommittees that are tasked with examining certain aspects of Guam law. In many cases, these subcommittees suggest and draft new versions of Guam law, as with the Rules of Evidence and Rules of Civil Procedure, and new versions of rules governing the practice of law, such as the Rules of Court. These subcommittees additionally provide an opportunity for breaking new ground in law and procedure, as with the Videoconferencing subcommittee. On the whole, the subcommittees are important in providing an opportunity for members of the bench, the bar and the community to speak openly and in a more informal setting about issues important to the administration of justice.

In 2010, the Supreme Court promulgated amendments to the following rules after presentation by the Subcommittees in charge of the particular issue:

Rules Governing Admission to the Practice of Law - January 27, 2010: Raised all fees related to applications for the bar exam or for temporary admission by \$50.00 to reflect the increase in the fee charged by the National Conference of Bar Examiners for conducting character and fitness investigations of applicants and preparing investigation reports. Affected rules are 3.01(e), 3.04(a), and 4.01(d).

Miscellaneous Rule 1.1 of the Local Rules of the Superior Court (Indigent Defense Rule) - February 15, 2010: The court amended MR 1.1.3(D) to allow a junior attorney affiliated with a law firm to participate and appear without leave of court on behalf of an appointed counsel who is a partner, shareholder, or member of a law firm in any proceeding in the court, provided, however, that appointed counsel shall exercise actual supervisory control and authority over the performance of such appearing attorney, and remain responsible and accountable for the conduct of the case.

JUDGES & JUDICIAL OFFICERS OF THE SUPERIOR COURT OF GUAM



Alberto C. Lamorena III
Presiding Judge



Steven S. Unpingco
Judge



Elizabeth Barrett-Anderson
Judge



Michael J. Bordallo
Judge



Anita A. Sukola
Judge



Arthur R. Barcinas
Judge



Vernon P. Perez
Judge



Alberto E. Tolentino
Magistrate Judge



Linda L. Ingles
Administrative Hearing Officer



Richard H. Benson
Judge Pro Tempore



Benjamin C. Sison Jr.
Small Claims Referee

Presiding Judge Alberto C. Lamorena III

In addition to his duties as presiding judge and the judge for the Family Violence Court, Presiding Judge Lamorena is a member of the Judicial Council and the Guam Public Defender Service Corporation Board of Trustees. Judge Lamorena also served in the Guam Legislatures 15th to the 19th. 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 Steven S. Unpingco was appointed to the Superior Court of Guam in 1997, after having been in private practice for 12 years. In addition to maintaining a caseload over general jurisdiction cases, Judge Unpingco currently presides over the Family Court I docket and also serves as the Mental Health Court judge. He received an B.A. in Political Science with honors from St. Louis University in 1979 and his J.D. from the University of San Francisco in 1982.

Judge Michael Bordallo was appointed to the Superior Court bench in 1997. He currently presides over the Adult Drug Court in addition to his regular caseload. Prior to joining the judiciary, Judge Bordallo was a private practitioner for nine years and also served as an Assistant Attorney General for Guam. He was a founding member of the Guam Commonwealth Hearings Association. He has been active in the sports community both as a player and coach. He is a former president of the Guam Soccer Association and has been coaching youth soccer since 1989. He has also played varsity football since 1989. He received a B.B.A. in 1983 and a JD in 1987 from the University of Notre Dame.

Judge Elizabeth Barrett-Anderson was sworn-in as a Superior Court judge in 1998. In addition to maintaining a current caseload, Judge Barrett-Anderson serves as the DWI Court judge. Prior to her joining the judiciary, Judge Barrett-Anderson served as the Attorney General of Guam (1987-1994) and as a member of the 23rd and 24th Guam Legislatures. She graduated from the University of San Francisco with a B.A. in Political Science in 1974 and obtained her J.D. from the University of Santa Clara School of Law in 1979.

Judge Anita A. Sukola was appointed to the Superior Court bench in 2002 after maintaining a private practice for nearly 11 years. In 2010, voters elected to retain Judge Sukola as a Superior Court judge. Judge Sukola obtained a B.A. in History and Secondary Education from Washington State University in 1973 and a J.D. from the People's College of Law in 1983. She is currently active in the California committee for self-represented litigants.

Judge Arthur R. Barcinas was appointed to the Superior Court of Guam in 2004. No stranger to the bench, Judge Barcinas served as the Hearings Officer for Small Claims Court for eight years and as Traffic Court Judge Pro tem and an Administrative Hearings Officer prior to becoming a judge. He currently presides over Family Court II which includes Juvenile Drug Court. 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.

Judge Vernon P. Perez was appointed to the Superior Court bench in 2008. Prior to joining the Judiciary of Guam, he was the Executive Director of the Guam Civil Service Commission and served as an Assistant Attorney General in the Family Division of the Office of the Attorney General of Guam. He obtained a B.A. from the University of California, San Diego in 1987 and his J.D. from the University of Hawaii Richardson School of Law in 1997.

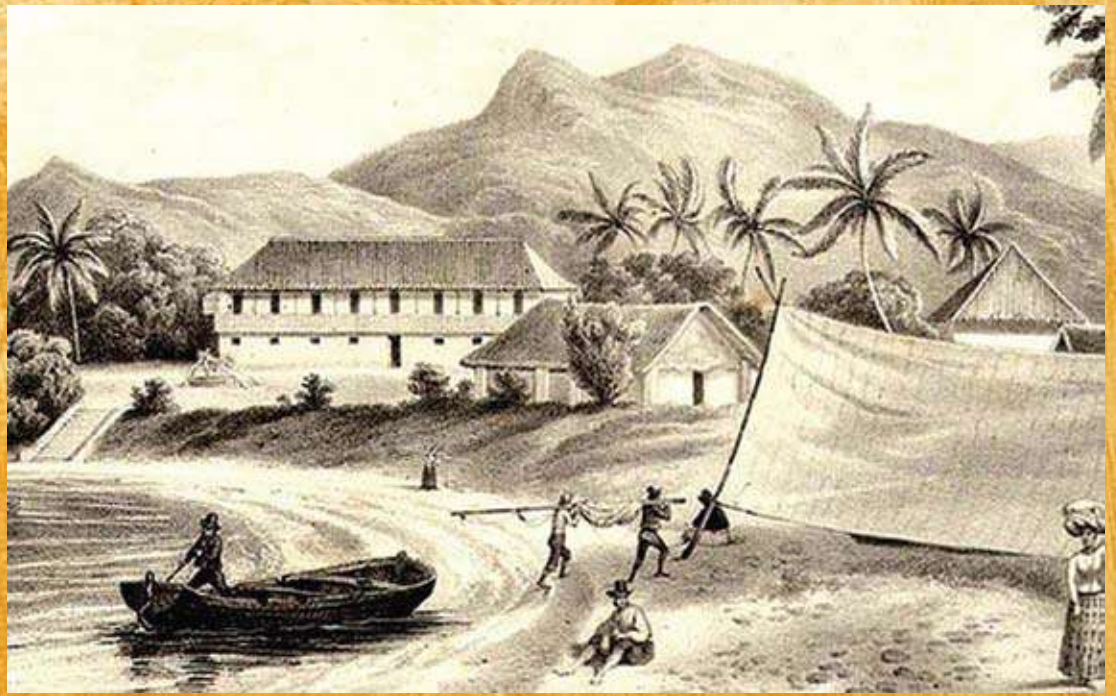
Magistrate Judge Alberto E. Tolentino was appointed to the bench in 2009. Magistrate Tolentino previously served as Chief Deputy Attorney General of Guam and the Ethics Prosecutor. He received a B.S. in Biology from the University of San Francisco in 1982 and his J.D. from the University of the Pacific McGeorge School of Law in 1993.

Administrative Hearing Officer Linda L. Ingles joined the Superior Court in 1995, having developed deep roots in the local community through her hands-on experience as a practicing lawyer in the public and private sectors on Guam. She earned a B.S. in Political Science from the University of Oregon and her J.D. from Whittier College, which now has a nationally recognized Children's Rights Center.

Judge Pro Tempore Richard H. Benson became a judge of the Island Court in 1970 and of the Superior Court in 1974. He resigned in 1981 to become a justice of the Supreme Court of the Federated States of Micronesia, from which he retired in 2001. Since his return to Guam that year he has served as a judge pro tempore in the Superior Court of Guam and a justice pro tempore in the Supreme Court of Guam, as well as serving in other Micronesian courts. He received his J.D. from the University of Michigan Law School in 1956.

Small Claims Referee Benjamin C. Sison Jr. was appointed by the Supreme Court of Guam in 2009 to serve as a part-time Referee presiding over trials and hearings for traffic and small claims court. He received a B.S. in Biology in 1986 from the University of Hawaii at Manoa; a J.D. in 1990 from Boston College Law School; an M.B.A. in 1994 from Seattle University Albers School of Business; and an LL.M. in 2004 from the University of Washington School of Law.

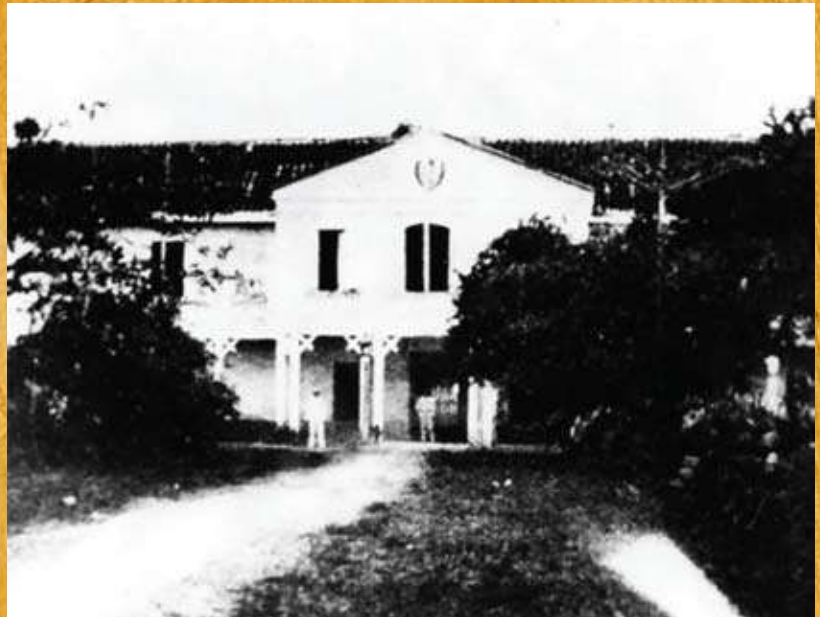




History

SPANISH ERA

During the first 100 years of the Spanish era (1668-1898), the “justice system” in Guam consisted solely of the dictates of a Spanish Governor of Guam, who was appointed by the King of Spain. More than 20 years of Chamorro rebellion against the Spaniards (1670-1695) as well as disease (e.g., influenza, smallpox) resulted in the near annihilation of the Chamorros; by 1700, the Chamorros, who once dominated the Mariana Islands by the thousands, numbered less than 4,000. Various Spaniards assumed the governorship of the Mariana Islands, exercising their own “judicial” prerogatives until 1791, when the Laws of the Indies were formally adopted and implemented in Guam. These were a set of rules developed by the Spanish, placing Guam under the judicial authority of the Viceroy of Mexico. At base, these laws allowed a defendant, should he be dissatisfied with the Spanish Governor’s ruling in his case, to appeal to the Mexican Viceroy. In practice, however, this system proved impractical. Eventually, control of Guam was transferred to the Governor of Manila; in 1817, Guam became an “audencia” of Manila. Under this system, Guam was supervised by an officer of the Spanish military, who confusingly also held the title of Governor. Although the Governor’s orders had the effect of statute law, his powers were limited since they had to be approved by the Governor General of the Philippines, who was in turn checked by the Laws of the Indies. In addition, appeals could be made to a Spain-based tribunal. Overall, punishment meted out in this era was decidedly severe, with debt being one of the main offenses. According to 18th century French explorer Louis Claude de Freycinet, after the death sentence the most severe punishments were whippings with a rope or lash, with the number of lashes dependent upon the gravity of the given infraction. Other punishments attributed to this era were imprisonment, forced labor, caning, and exile.





YEAR IN REVIEW: 2010

Financial Challenges
Significant Grant Awards
Significant Projects
Caseload



*Pre-War 1900
Old Court House Casa Tribunal
Agaña, Guam*

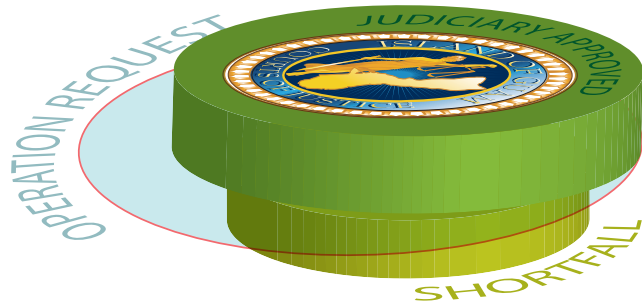
FINANCIAL CHALLENGES FOR THE JUDICIARY OF GUAM

Funding for the Judiciary of Guam is administered by the Administrative Office of the Courts, Financial Management Division, under the direction of the Judicial Council. The local judicial system is funded from a variety of sources, primarily from the Government of Guam’s General Fund and from administrative assessments on misdemeanor cases, including traffic. However, approximately 81% of the Judiciary’s funding comes from the General Fund.

For fiscal year 2010, the Legislature appropriated \$23,823,305 or 4.4% of the government-wide general fund appropriation. Despite the funding from the Legislature, however, the failure to receive timely allotments from the Department of Administration led to severe austerity measures and delayed payments to vendors, including the Private Attorney Panel, which provides legal aid to indigent defendants. In addition, the Judiciary was required by statute to pay out law enforcement salary increments from the already deficient appropriation, without any additional funding provided.

FY 2010 Challenge

■ Judiciary Operation request	\$23.133 million
■ Judiciary approved	\$21.618 million
■ Short	\$1.515 million



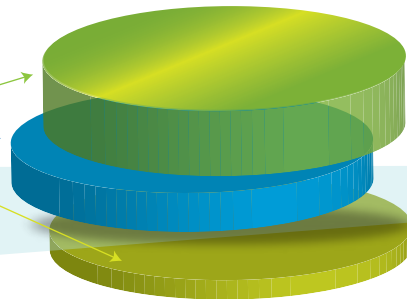
Unfunded Mandates

■ Law Enforcement request	\$1.168 million
■ Law Enforcement approved	\$0
■ Shortfall	\$1.168 million



Funding for Court-Appointed Counsel

■ Court-Appointed request	\$1 million
■ Court-Appointed approved	\$800,000.00
■ Court-Appointed shortfall	\$200,000.00



SIGNIFICANT CASH SHORTFALL - UNPAID ALLOTMENT

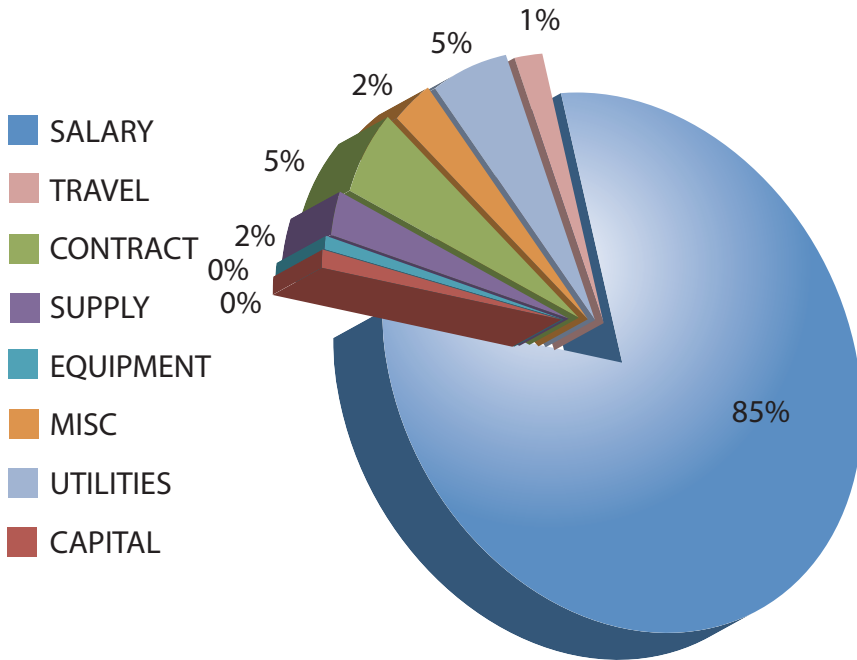
Fiscal Year 2010 closed out its budget of \$23.8 million with an allotment receivable from the Department of Administration of \$3.7 million, thereby increasing our total receivable from the General Fund to \$5.4 million. The prior years’ total consists of \$100,000 for Court-Appointed Counsel for FY2004, \$802,000 for Operations for FY2006, and \$813,000 for Operations for FY2007. Despite the passage of P.L. 30-177 which is intended to guarantee the payment to the Judiciary of a percentage of its allotments based on revenue collected by the Government of Guam the Judiciary’s shortfalls continue.

IMPACT OF SHORTFALL: P.L. 29-105 Law Enforcement Salary Adjustment

With the cash shortfall, the planned implementation for the third salary adjustment of 10% for law enforcement personnel, in accordance with Public Law 29-105 (Marshals and Probation), was held in abeyance until funding could be identified.

FINANCIAL CHALLENGES FOR THE JUDICIARY OF GUAM

How the Judiciary's Budget is Apportioned: By Object Category



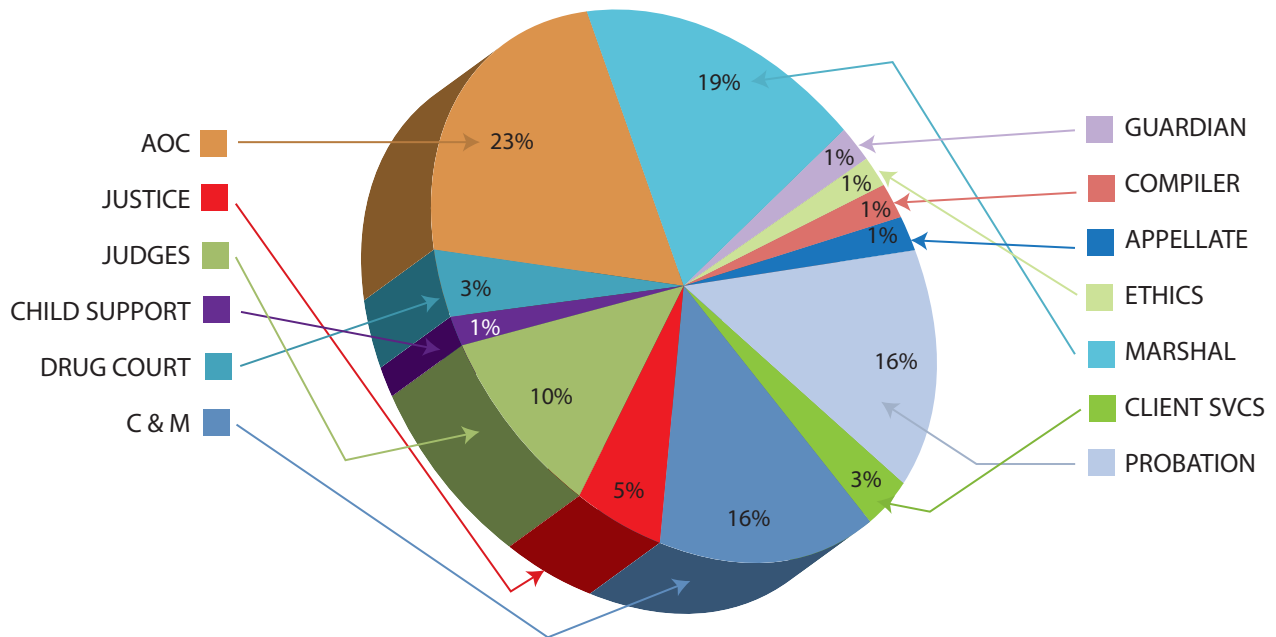
Did You Know?

Estimated Cost of Trial

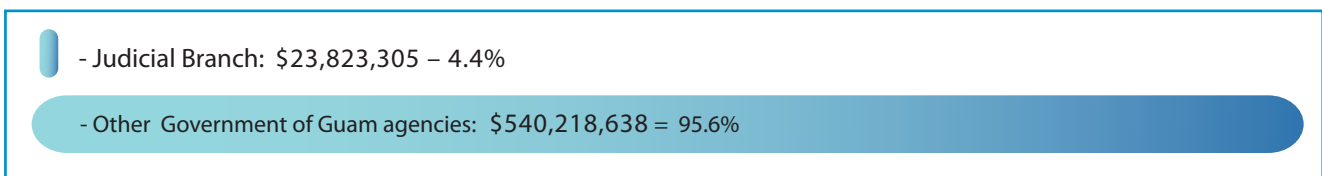
It costs an average of \$425 an hour to operate a single courtroom. There are nine active courtrooms in the Judiciary of Guam.

Utilities	\$46.00
Judge	\$77.00
Clerks	\$140.00
Bailiffs	\$21.00
Marshals	\$80.00
Law Clerk	\$26.00
Probation	\$35.00
Total	\$425.00/hr.

How the Judiciary's Budget is Apportioned: By Divisions



How the Judiciary's Budget compares to the Government of Guam in FY '2010



SIGNIFICANT GRANT AWARDS

Case Management (CMS)

The Judiciary of Guam received \$2,165,353.00 in federal grant funding from the American Recovery and Reinvestment Act (ARRA) of 2009 to install a new case management system (CMS) aimed at improving public safety on Guam. Additionally, in late December 2010, the Judiciary received additional funding in the amount of \$3,777,026.00 from the U.S. Department of Interior, FY2011 Compact Impact 4 (Impact Assistance for Guam) which will provide funding towards the Judiciary of Guam's Case Management System. This will bring a grand total of \$5,942,379.00 in federal funding for the Judiciary's new case management system.

Criminal Justice Information System (CJIS)

The Judiciary's Court Programs Office continued efforts dating as far back as 1993 to obtain funding to implement a fully integrated Criminal Justice Information System (CJIS). Funding secured under a Recovery Act Edward Byrne Justice Assistance Grant in 2009 from the Bureau of Statistics and Planning has been put to good use in 2010, with most of the integration project's framework completed. The project is expected to be completed in July, 2011, and will ensure that criminal history records are complete, accurate and timely. Information will include arrest data, prosecutorial data, conviction data, and correctional status data. The new CJIS will allow the Judiciary to share complete criminal histories, including protection orders, warrants, rap sheets, and mug shots, with pertinent law enforcement agencies such as the Guam Police Department, the Attorney General's Office, the Department of Corrections, the Department of Revenue and Taxation and the Federal Bureau of Investigation.

DWI Court

In 2010, the Judiciary established a Driving While Intoxicated (DWI) Court through the assistance of a National Highway Traffic Safety Administration grant awarded by the Department of Public Works Office of Highway Safety. A large portion of the funding was dedicated to hiring a Chuukese language interpreter. Under the leadership of Judge Elizabeth Barrett-Anderson and the auspices of the DWI Court Executive Committee, the DWI Court aims to combat drunk and drugged driving on Guam by utilizing customized treatment programs.

Family Violence Court

Through a grant from the Office of Violence Against Women, the Judiciary was able to enhance its Family Violence Court. Established in 2005, the Family Violence Court is a problem-solving therapeutic court that addresses the needs of victims of domestic violence and post-adjudicated defendants. Under the leadership of Presiding Judge Alberto C. Lamorena III and the advisement of a federally-funded Family Violence Court Judicial Coordinator, the Family Violence Court is committed to the "One Family/One Judge" concept to address the myriad of legal issues facing families of domestic violence.



Governor Willis W. Bradley Jr. signed a Bill of Rights for Guam in 1930. Behind him can be seen Judge Vicente Camacho.

On August 1, 1950, President Truman signed into law the Organic Act of Guam. This act accorded Guam the status of territory and established for the citizens of Guam a Bill of Rights, similar to that found in the United States Constitution. The Organic Act established the foundation for Guam's modern local government, affording the people of Guam the first meaningful opportunity in more than three centuries to set and administer policy and laws for themselves.



Governor Bradley signs a bill into law with Judge Vicente P. Camacho and Judge Jose Roberto directly behind the Governor. The gentlemen to the far left is unidentified.

SIGNIFICANT PROJECTS



JUDICIAL CENTER CAPACITY EXPANSION PROJECT

The Judiciary of Guam requested \$7.1 Million from the U.S. Office of Budget Management and Office of Economic Adjustment, respectively, in order to expand the capacity of the Judicial Center in Hagåtña in preparation for the impending military buildup. The Judicial Council approved a recommendation to adopt a version of the Facilities Master Plan which would allow for expansion and renovation fo the existing Hagåtña facility with the possibility of a northern court with a larger footprint than the current Northern Court Satellite.



SPECIAL PROCESS SERVER PROGRAM

In 2010, the Judiciary of Guam undertook regulation of private process servers, who had previously been licensed only on an ad hoc basis. The process now requires uniform curriculum and training by our marshals division for this very important function. As of December 31, 2010, thirty-seven applicants have been certified pursuant to this new procedure.



REPROGRAMMED COMPACT-IMPACT FUNDING RECEIVED

The FY 2010 Annual Compact Impact Report covering the time period from October 1, 2009 to September 30, 2010, indicated that the effect on the courts of Compact-Impact individuals amounted to \$2,228,387.71. These Compact Impact figures represent the "Non-Reimbursed Costs" of providing services to immigrants from the Federated States of Micronesia, the Republic of the Marshal Islands and the Republic of Palau. On December 31, 2010, the Judiciary of Guam received \$3.7 million in Impact Assistance for Guam under Section 104(e) of Public Law 108-188 to be used to upgrade our Case Management System – a significant project which will finally bring the Judiciary into the 21st century and improve efficiency of services as well as access to justice.



NEW CASE MANAGEMENT SYSTEM AND INTEGRATED JUSTICE INFORMATION SYSTEM (IJIS)

On October 27, 2009, the Judiciary contracted the National Center for State Courts (NCSC) to undertake high-level technology work and project management services to guide the Judiciary in procuring a new case management system for the Supreme Court, Superior Court, and related Judiciary organizations or stakeholders. The new system is intended to replace Guam's grossly obsolete Criminal Justice Information System (CJIS) which has been the modal used by Guam's law enforcement. The new CMS is expected to "go live" by September, 2011.

The new CMS encompass five major components: Case Management System (CMS), Enterprise Resource Planning (ERP), Enterprise Content Management (ECM), Jury Management, Integrated Justice Information System (IJIS), E-Filing plus data exchange/integration among these systems and stakeholder systems with point of sale features.



JUDICIAL RECUSAL WORKSHOP

In August 2010, justices and judges of the Judiciary of Guam participated in a continuing education program relating to the disqualification or recusal of judges. North Dakota Supreme Court Justice Daniel J. Crothers presented "The Duty to Sit and Recusal to Remittal in the Courts of Guam," a two-day workshop on judicial disqualification. Justice Crothers has taught at the National Judicial College since 2006, and currently serves on the American Bar Association's Standing Committee on Client Protection. The workshop focused on the unique nature of Guam's close-knit community, and how judges and justices balance their duty to sit on cases with the countervailing duty to disqualify when the situation requires.

In the ancient Chamorro era (2,500 B.C. – 1668) there was no such thing, so to speak, as a "judiciary." Although documentation on ancient Chamorro notions of justice is scant, one can reconfigure such notions by more broadly examining ancient Chamorro society, in particular, those core values animating everyday life in those days. Perhaps the quintessence of ancient Chamorro values is inafa'maolek (literally "making it good together"), which can be thought of as a deep and layered concept that subsumes notions of reverence and interdependence and serves as the foundation for the highly reciprocal associations of ancient Chamorros. This core value instilled in ancient Chamorros a deep sense of social and civic responsibility, as their individual actions were also necessarily a reflection on their family and clan.



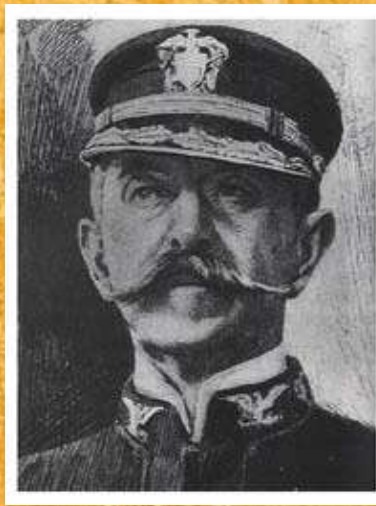
History

EARLY AMERICAN GOVERNMENT (1898-1941)

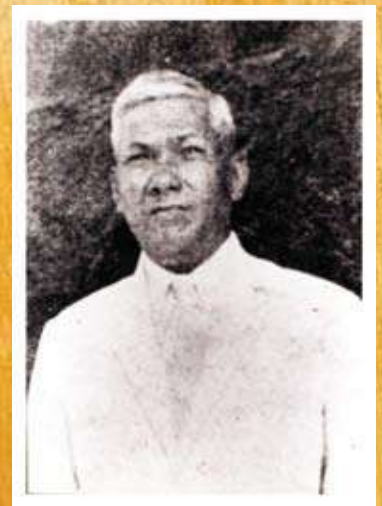
After the signing of the Treaty of Paris in 1898, Guam changed from a Spanish colony to a U.S. possession. Initially, the United States left most of the existing Spanish judicial system intact, only changing the appellate court from Madrid's Supreme Court to the sole discretion of the American naval governor. The naval governor served as the supreme authority in law making, administration and interpretation of laws for the island. By 1910, an Island Court and a Court of Appeals were established to replace their Spanish predecessors.

While under American rule, Guam continued to utilize law, rulings and decisions that were based on the Spanish and Filipino codes. In December 1933, the Judicial Branch completely did away with the Spanish system and reorganized under American laws and court systems, borrowing from California's penal code, civil code, and code of civil procedure and probate.

By 1933, the courts themselves had completely reorganized from the Spanish system. The Court of Appeals was the Guamanians' Supreme Court from which there was no other appeal. Note it was Guamanian, as military and American dependents could still legally appeal to higher American jurisdictions. The Island Court was the court of general jurisdiction for both criminal and civil cases, except those assigned by law to other courts. The Justice Court had jurisdiction in misdemeanor criminal cases involving a fine of over \$100 or imprisonment for more than six months or both and a fine of less than \$300 or imprisonment for less than one year or both. It was also the predecessor for the small claims court of today. The Police Court handled misdemeanor criminal cases where punishment did not exceed six months imprisonment or a fine of \$100 or both.



Guam's first American Governor, Richard P. Leary, on April 15, 1900



Judge Vicente P. Camacho



Governor George J. McMillin the last pre-World War II Governor of Guam stands with Judges and staff of the Island Court and Court of Appeals. The Governor was the Chief Justice of the Appeals court.



Senior Judge Vicente P. Camacho addresses the crowd gathered for the 1929 Grand opening of the new court, which was located on the second floor of the Coontz building in Agana.

CASELOAD: Supreme Court of Guam

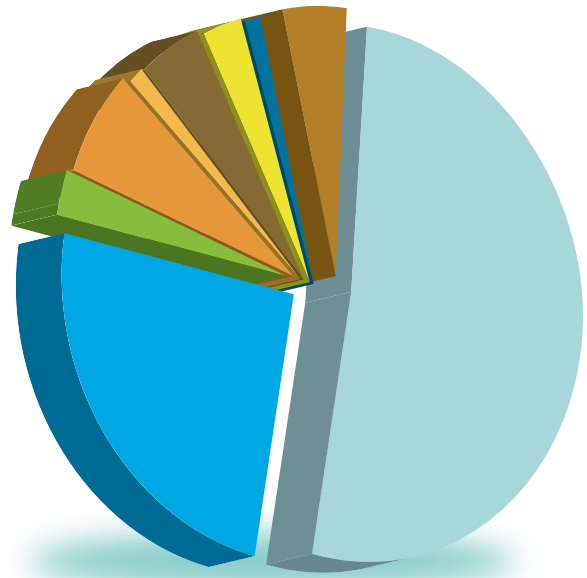
The Supreme Court of Guam, the highest court of the judicial branch of Guam, has jurisdiction to hear appeals over any cause decided by the Superior Court of Guam or other courts created by Guam law; has supervisory jurisdiction over the Superior Court and all other courts created by Guam law; and has original jurisdiction over proceedings necessary to protect its appellate jurisdiction and supervisory authority. The Supreme Court also has the authority to make and promulgate rules governing the practice and procedure in the courts of Guam.

The Supreme Court has authority over attorney and judicial ethics and the practice of law in Guam, including admission to practice law and the conduct and discipline of persons admitted to practice law. The Board of Law Examiners consists of the Chief Justice of Guam (chairman), the Associate Justices of the Supreme Court (members), and the Presiding Judge of the Superior Court and President of the Guam Bar Association (ex-officio members). The Supreme Court Clerk of Court holds the position as ex-officio secretary-treasurer of the Board. The Board administers the bar examination twice annually, and inquires into the character and fitness of all applicants for admission. The Board certifies as fit to practice law those applicants who have established to the Board's satisfaction that they possess the requisite integrity and character to practice law in the courts of Guam.

The Justices of the Supreme Court of Guam are:
Chief Justice F. Philip Carbullido
Associate Justice Robert J. Torres
Associate Justice Katherine A. Maraman

The Clerk of Court for the Supreme Court is Hannah G. Arroyo.

Cases and Actions Filed:



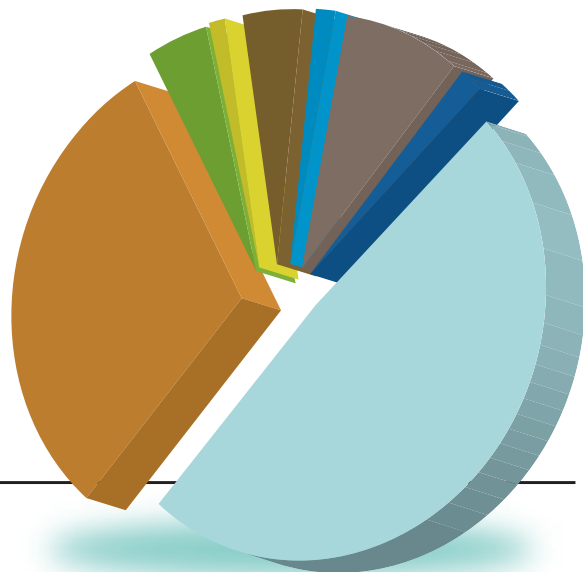
Attorney Discipline	9
Certified Question	3
Civil Case	97
Criminal Case	48
Pro Hac Vice	5
Promulgation Order	13
Writ of Habeas Corpus	1
Writ of Mandamus	5
Writ of Prohibition	1

Total: 182

Opinions and Orders filed:

Attorney Discipline	18
Certified Question	4
Civil Case	105
Criminal Case	66
Promulgation Order	9
Writ of Habeas Corpus	1
Writ of Mandamus	9
Writ of Prohibition	2

Total: 215



CASELOAD: Superior Court of Guam

COMPARATIVE CASES FILED

	2009	2010
Adoption	57	43
Child Support	438	499
Civil	1,897	2,064
Criminal Felony*	671	762
Criminal Misdemeanor*	1,346	1,273
Domestic	868	849
Juvenile Division	276	235
Juvenile Special Proceedings	828	895
Juvenile Drug Court	141	84
Land Registration	5	6
Probate	182	176
Special Proceedings	264	260
Small Claims	2,154	1,869
Foreign Orders	1	6
Protective Orders	93	83
Restitutorial and Fines	0	72
TOTAL	9,221	9,176

* Criminal Felony and Misdemeanor cases are inclusive of all specialty courts: Family Violence Court, Adult Drug Court, Mental Health Court and DWI Court.

The Superior Court of Guam is a court of general jurisdiction, and the seven judges, one hearings officer, one magistrate and one small claims referee preside over criminal, civil, juvenile, probate, small claims, traffic and child support cases brought before them. Courts and Ministerial Division, within the Superior Court, is the first point of contact for people seeking the services of the courts of justice, as this division accepts the filing of all legal pleadings, and is responsible for processing and distributing these documents appropriately.

The Superior Court of Guam saw a slight decrease in the total number of cases filed; however, the number of civil filings and criminal felonies arose in 2010. The total number of cases filed in 2010 was 9,176.

The Clerk of Court is Richard B. Martinez.

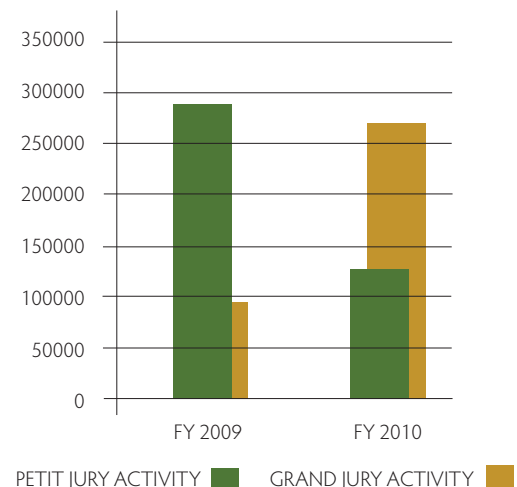
JURY UNIT-RELATED EXPENSES CASE COMPARATIVE

	FY2009	FY2010
Petit Jury Activity	\$94,530	\$271,980
Grand Jury Activity	\$281,670	\$123,810
GRAND TOTALS:	\$376,200	\$395,790

Although there were less petit jury trials in 2010 than in 2009, the cost of the petit jury trials increased in 2010 due to high profile and other cases requiring a larger pool of potential jurors from which the jury could be selected. With these types of cases, a jury questionnaire is often utilized in order to expedite the jury selection and voir dire process, thereby increasing the costs. Nearly 1,000 more potential jurors were screened in 2010 than in 2009.

JURY MANAGEMENT STATISTICS CASE COMPARATIVE

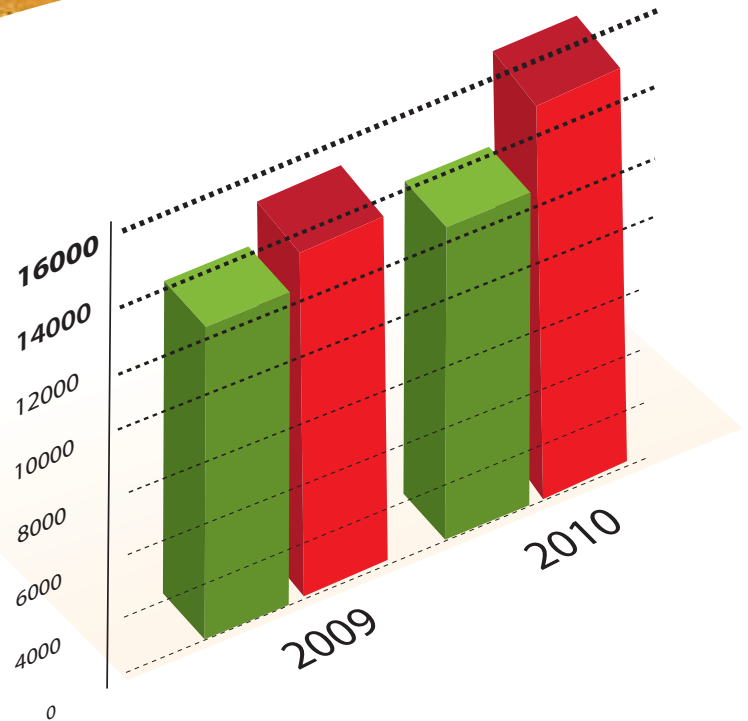
	FY2009	FY2010
Petit Jury Orientations	12	11
Petit Jury Selections	62	65
Petit Jury Trials	144	111
Grand Jury Selections	2	2
Grand Jury Days	146	182
Jurors Present	12,540	13,193



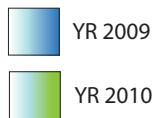
CASELOAD: Superior Court of Guam

TRAFFIC CITATIONS COMPARATIVE CITATIONS FILED / DISPOSED

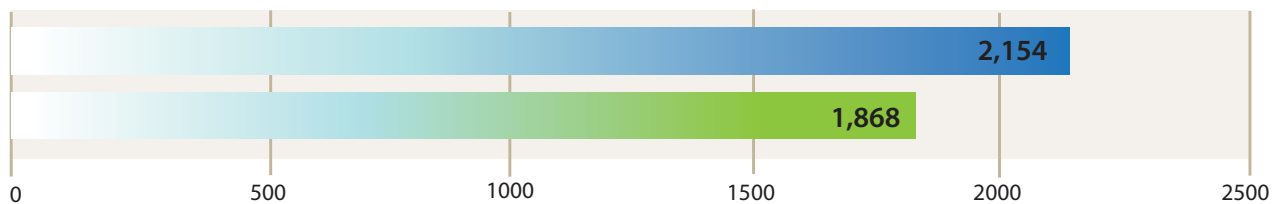
	2009	2010
Citations Filed	13605	14875
Citations Disposed	12113	12190



SMALL CLAIMS (SD) CASES



SD CASES FILED



TOTAL COURT HEARINGS (ALL TYPES OF CASES)

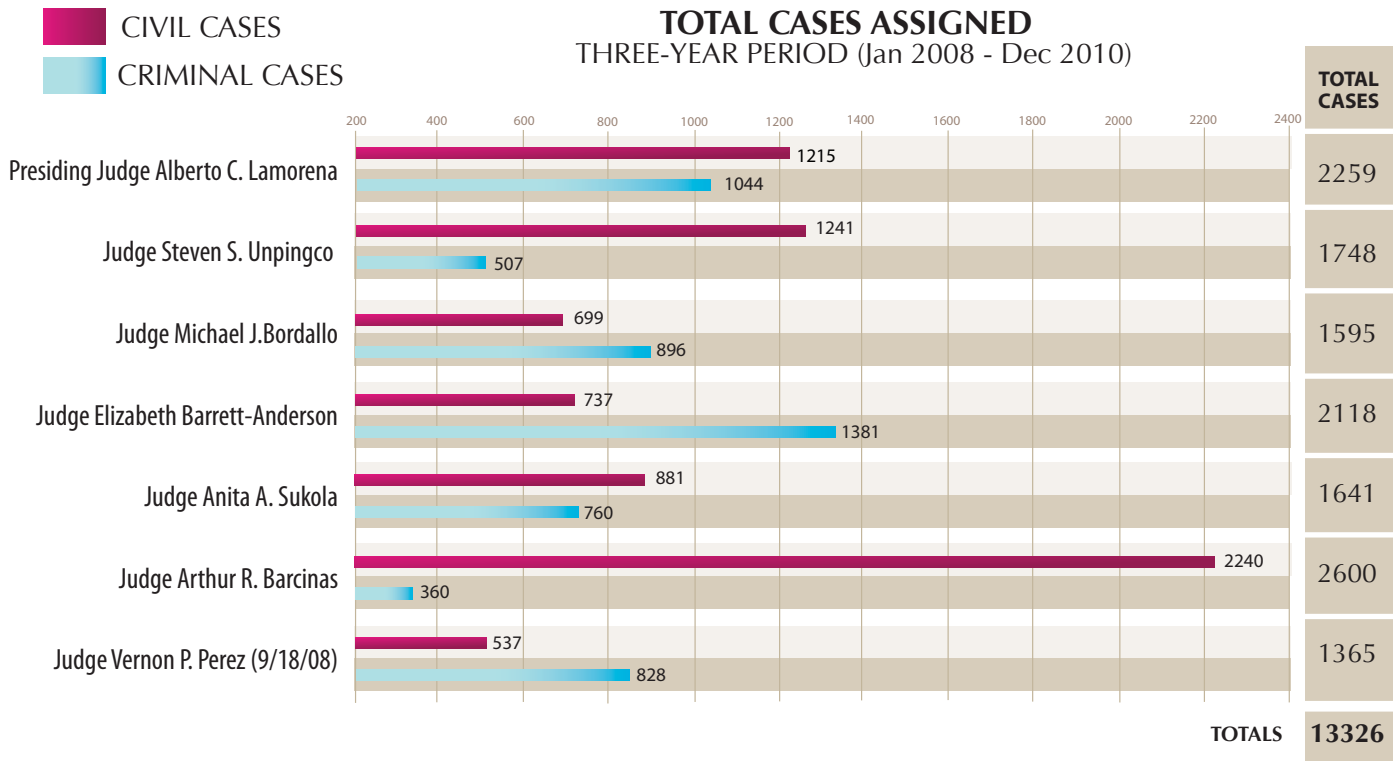
	2009	2010
SUPERIOR COURT	41,454	35,448
NORTHERN COURT	*	10,013

* Northern Court was not operational until September 2009 therefore figures are not included.

CASELOAD: Superior Court of Guam

JUDICIAL EFFICIENCY DATA

On July 11, 2006, the Judicial Efficiency Act became law through Public Law 28-137:1. That same year, Administrative Rule 06-001 regarding Case Management & Disposition established time standards for the efficient and prompt disposition of cases and matters pending before the Superior Court of Guam. Consistent with the Act and AR 06-001, the information provided below continues the Judiciary's commitment to provide timely and meaningful information to the public and to members of the Guam Bar Association regarding the trial judges' performance.



CLOSURE RATES FOR CIVIL AND CRIMINAL CASES ASSIGNED

MID - 2005 TO MID - 2007

JUDGE	CASES ASSIGNED	CASES OPEN AS OF 10/08/08	CLOSURE RATE
Presiding Judge Alberto C. Lamorena	1506	23	98%
Judge Steven S. Unpingco	1164	55	95%
Judge Michael J. Bordallo	1062	44	96%
Judge Elizabeth Barrett-Anderson	1412	14	99%
Judge Anita A. Sukola	1094	56	97%
Judge Arthur R. Barcinas	1732	42	97%



Island Courts building to the left of the Gazebo Plaza De Espana, Hagåtña



Community Outreach and Education

Race Judicata 5k

Fairy Tale Mock Trials

FYI-Films/SRL Kiosk/High School Mock trial/Oral Argument Outreach

Essay and Art Contests/Law Fair

Hustisia Award

Safe and Drug-Free Schools Program

Pacific Regional Judicial Conference

Victims Advocates Reaching Out Bed Race

Annual Silent Witness Candlelight Ceremony

Relay For Life



Robert E. Coontz (June 11, 1864 -January 26, 1935) was an admiral in the United States Navy. Between 1912 -13, he was Governor of Guam. In October 1929, a new courthouse was opened in Hagåtña on the second floor of the Robert E. Coontz Building. The building was later destroyed in the liberation of Guam.

Law Week 2010

Law in the 21st Century:
Enduring Traditions, Emerging Challenges

Race Judicata 5K Run

Law Week kicked off with the GBA's third "Race Judicata" 5K run with more than 500 runners from members of the community.



Law Week 2010

Fairy Tale Mock Trials



More than 350 students took center stage in our courtrooms, performing fairy tale mock trials. Spectators were observed several hotly contested trials, including: Claude v. The Beast, State v. Jack Robinson, Wicked Witch v. Snow White, People v. Dorothy Gayle, and The Big Bad Wolf v. The Three Little Pigs. For the first time, the mock trial of People v. Captain Quiroga, based on a local legend of the Two Lover's Point, was presented. Demonstrating how emerging challenges may be addressed by new technologies, the trial was also presented by videoconference at the District Court of Guam, allowing Guam students to present the trial to students from Saipan, who served as the jury.



Law Week 2010

FYI – Films for Youth

The Premiere and screening at the courthouse of a documentary, "Films for Youth Inside", written, directed, produced and performed by local youth filmmakers while detained at Guam Department of Youth Affairs was held at the Judicial Center. The FYI FILM workshop is not just about teaching film making. Students learn valuable universal life skills such as: reading, writing, critical thinking, team building, public speaking, collaboration, planning, problem solving, and focus. The films help the students gain meaningful perspective on their lives. Those in attendance included service providers from various agencies and the Judiciary. The screening was also featured on local television during Law Week.



SRL Kiosk

One emerging challenge faced by the legal community on Guam is the need for resources to ensure that every civil litigant has the assistance of an attorney. The Judiciary unveiled the Self-Represented Litigants Kiosk at the courthouse, providing demonstrations of how the kiosks can assist individuals unable to afford an attorney to acquire basic legal forms for certain cases and guidance on how to access court services.



Islandwide High School Mock Trial Competition

Each year, students from Guam's public and private high schools participate in the High School Mock Trial Competition program. The program educates Guam's high school students on the legal system and exposes them to the legal profession. After several months of research and practice, students face off in preliminary and final rounds of competition held in the Judiciary's courtrooms and the Federal District Court courtrooms.

At a special Mock Trial Awards program held during Law Week, the following winners were presented with awards for their outstanding efforts.

First Place - St. Thomas Aquinas Catholic High School
 Second Place – Academy of Our Lady of Guam
 Third Place – St. John's High School

St. Thomas Aquinas went on to represent Guam in the 2010 National Mock Trial Championship in Philadelphia and placed twelfth in the nation. The team also put on an exhibition during Law Week at the District Court of Guam's openhouse.



Oral Argument Outreach and Other Activities

As part of Law Week, the Guam Supreme Court also conducted an outreach Oral Argument hearing at the Northern Court Satellite where more than 200 college students observed the appellate process in action and participated in a question-and-answer session after the hearing. Other Law Week activities included the annual State of the Judiciary Address by then- Chief Justice Robert J. Torres, local and federal courthouse tours, and a swearing-in-ceremony for newly admitted attorneys to the Guam Bar Association. For the first time in his State of the Judiciary address, Chief Justice Torres incorporated technology by presenting video clips of individuals who have benefitted from the varied court programs. The clips helped members of the public and other branches of government better understand that the legal system encompasses more than litigation, providing access to therapeutic and rehabilitative programs to those in need.

Law Week 2010

Essay and Art Contests

Over 100 elementary school children in grades K-5 submitted original artwork for this year's Law Week art contest reflecting the Law Day theme: "Law in the 21st Century: Enduring Traditions, Emerging Challenges". The essay contest asked students in grades 6-12 to define cyber-bullying and provide examples of cyber bullying. More than 200 entries were submitted by students from across the island. From those submissions, the following students were chosen as winners.

Art Contest

K-2nd Grade

First Place – Nio Demaclid, Mount Carmel Catholic School

Second Place – Gian Goboy, Mount Carmel Catholic School

Third Place – Riki Watanabe, Mercy Heights Catholic Nursery & Kindergarten

3rd – 5th Grade

First Place – Beatrice Diaz, Bishop Baumgartner Memorial Catholic School

Second Place – Dabin Shin, Bishop Baumgartner Memorial Catholic School

Third Place – Keisha Dionisio, Santa Barbara Catholic School

Essay Contest

Middle School

First Place - Noel Rubio, Saint Anthony Catholic School

Second Place – Ashley Patricio, Saint Anthony Catholic School

Third Place – Kate Banes, Ocean View Middle School

High School

First Place – Jannel Banks, Simon Sanchez High School

Second Place – Hannah Lam, Saint John's School

Third Place – Maria Nishizawa, Saint John's School

Law Fair

The annual Law Fair, attended by an increasing number of participants and the public was again held at the Micronesia Mall. Participants from the legal and law enforcement community, non-profit organizations and court-related community partners displayed tables and presentations designed to educate the public about the services available to them. Guam Bar Members and court personnel also presented mini-classes on practical legal topics for the public to attend.



Law Week 2010

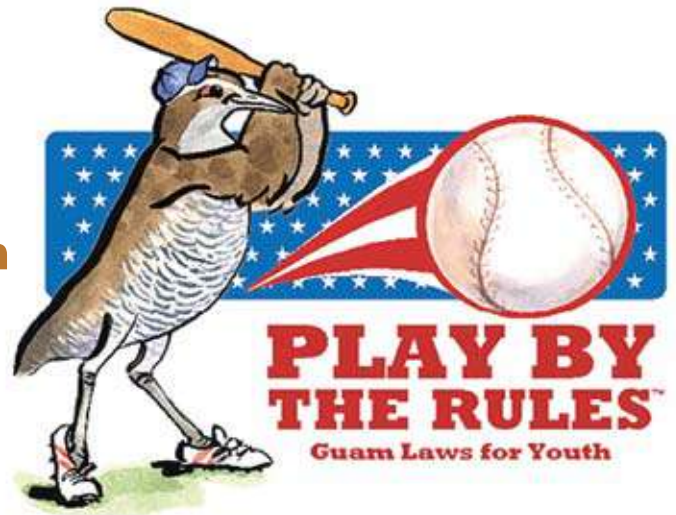
Hustisia Award

Retired Chief Judge Cristobal Duenas was awarded, posthumously, the 3rd annual Hustisia Award for his contributions as a jurist and as the first Guam native to preside over the District Court of Guam. The Hustisia Award has been presented in recognition of a person or organization that has contributed significantly to the improvement of the administration of justice and of good government in Guam.



Safe and Drug-Free Schools Program

The old adage “it takes a village to raise a child” bears significance as the Judiciary continues to cultivate community outreach and education programs. The Safe and Drug-Free Schools Program, in partnership with the Guam Department of Education, is one such endeavor. In 2010, Play By the Rules (PBR) continued to educate seventh grade students about Guam laws and how they affect their young lives. The interactive lesson plans help build character, develop civic sense, and foster pride and responsibility to help save lives and build a safer community. PBR Guam Coordinator Joleen Respicio, together with Danielle Rosete, Supreme Court Staff Attorney, and Vera Flores, Client Services Therapist, conducted PBR workshops to train school teachers, counselors, probation officers, youth service providers and other juvenile justice professionals. A PBR parent awareness event was held jointly with One Nation Alcohol-Free Campaign in December to introduce the award-winning program to parents. Court attorneys and law clerks visited schools during Law Week 2010 to conduct lessons on the Children at Risk: The Juvenile Justice System presentation. The Judiciary made headway with plans to launch a Guam anti-bullying campaign in 2011 with DOE.



Pacific American Inn

In 2010, the Pacific American Inn, Guam’s first chapter in the American Inns of Court, was established and chaired by then Chief Justice Robert J. Torres and Chief Judge Frances Tydingco-Gatewood. At its core, the American Inns of Court is a mentoring program for legal practitioners. Masters, those with more than 20 years experience in the practice of law, work in small groups with Barristers, attorneys with less than 15 years experience, and Associates, who have less than five years of legal experience. Attorneys from the Guam Bar Association, including Judges and Justices, were invited to become members of the Pacific American Inn.

To encourage mentor-pupil relationships amongst attorneys, monthly meetings were held so that Masters could meet with Barristers and Associates. Members also made presentations on topics of relevance to all the members. It is anticipated that by encouraging this mentor-pupil relationship, the legal practitioners – and the public – will benefit from the rise in the level of professionalism in the practice of law on our island.



PACIFIC REGIONAL JUDICIAL CONFERENCE



The Pacific Regional Judicial Conference is a product of the Council of Judicial Education of the South Pacific Judicial Conference, an ongoing conference of judges, magistrates and court officers in the Pacific Region, including all of Micronesia. The Pacific

Region consists of Polynesia, Micronesia and Melanesia, including Australia and New Zealand. The body serves to bring together judiciaries of far-flung islands and nations to share judicial traditions and reforms.

In 2010, the Judiciary of Guam hosted the 19th Annual Pacific Regional Judicial Conference and the Pacific Asia Judges' Science and Technology Seminar. The Conference included discussions on judicial independence, reducing recidivism, and the relationship between the courts and the public. Topics of the Science and Technology Seminar included: digital forensics; DNA evidence, testimony, and extraction; and the impact of global warming on the Pacific Ocean. The Conference also featured a presentation by Professor Jon Van Dyke of the University of Hawaii William S. Richardson School of Law on "The Status of Guam and Chamorro People under United States and International Law." The presentation was well-attended by several members of the legal and academic communities, as well as by members of the local community at large.



THE PACIFIC JUDICIAL COUNCIL

The Pacific Judicial Council ("PJC") is composed of the Judiciaries of Guam, the CNMI, the Federated States of Micronesia, Palau, and American Samoa. This regional body meets biannually in one of the member jurisdictions. In addition to being a conference of judicial officers in the Pacific, the PJC has become the preeminent judicial training centers in the region. The PJC Education Committee regularly organizes and conducts training for both judge and non-judge staff throughout the Pacific.

In 2010, the PJC conducted the region's second Court Interpreter Training in Rota. The training gave interpreters from various islands a chance to learn in a secluded setting. Interpreters were trained in the languages of Chuukese, Yapese, Pohnpeian, Palauan, Chinese, Chamorro, Korean, ASL, Tagalog, Ilocano, Vietnamese and Marshallese.

The PJC also held a regional training for Probation Officers for the first time in 2010. The three-day program, held on Guam, featured trainers from the Federal Judicial Center who specialize in training probation officers. The program objectives were: (1) risk assessment; (2) writing pre-sentence reports; (3) management of field operations; and (4) officer safety.

Victims Advocates Reaching Out (VARO) Bed Race

In order to raise awareness of domestic violence and to raise funds for the cause, Victims Advocates Reaching Out (VARO) hosted the 1st Annual Multi-Color Bed Race at the Agana Shopping Center parking lot on October 22, 2010, during Domestic Violence Awareness Month. VARO is a non-profit volunteer corporation that provides services to victims of violent crimes or traumatic events. The Judiciary of Guam's bed entry, dubbed "Jailbreak", took first place in the event, bringing home a beautiful latte stone trophy carved from ifit wood.



14th Annual Silent Witness Candlelight Ceremony

The 14th annual Silent Witness Candlelight Ceremony was held in the Atrium of the Judicial Center Building on October 1, 2010. Chaired by Presiding Judge Alberto Lamorena III with the assistance of the Client Services and Family Counseling Division, this year's event included participation of the Mayor's Council of Guam and young constituents from each of the villages. The ceremony is one of remembrance, healing and hope: Remembrance of the reality of family violence on our island, healing for our families and the community, and hope for a peaceful future for all our island children. Twenty-six red silhouettes stood as silent witnesses to the haunting reality of domestic violence homicide in our island homes. Presenting the invocation was Pale Mike Crisostomo, Pastor of the Immaculate Heart of Mary Church and brother and uncle to Silent Witnesses, Therese and her young daughter, Erica.



Keynote speaker for the event was Mrs. Patricia Quinata who painfully recounted a mother's worst nightmare, "Then we stopped at the entrance of a room and all I could see was the body of my daughter, Melissa, wrapped in a hospital sheet. Her head was wrapped with blood stained gauze, her mouth opened, her eyes half closed." She goes on to say "... this man shot my daughter point blank in the head. My daughter's abuser and murderer was her husband." Mrs. Quinata talked about her commitment to be Melissa's voice, and to seek justice for her daughter, to bring awareness to the community, and to say to others "Enough! Stop the Violence!" This year, an additional silhouette graced the stage – that of 11 year old Herman August Pangelinan Santos, who fell victim to domestic violence in 1999.



RELAY FOR LIFE – TEAM KOTTE



The Judiciary Team for the 2010 American Cancer Society's Relay for Life returned with enthusiasm this year as Team Kotte took to the field for another 24 hours of walking for life. The theme for 2010 was "More Birthdays." Team Kotte again earned silver level for its contributions to the American Cancer Society, posting a record 154 luminaria for family members, beloved colleagues, brave survivors, and lost loved ones. This is the most prominent charitable event hosted by the Judiciary each year, and one of our most unifying as well.



The 2010 Relay for Life Judiciary participation was a showcase of our employees' generosity. Unbeckoned, hundreds of employees and family members attended, donated, provided food, drinks and entertainment. At no time throughout the night did Team Kotte have an unmanned tent. Inspired by the bravery of survivors and sufferers, participants in this year's event were enriched by the honor of giving.



History

JAPANESE ERA



When the Japanese military occupied Guam from December 8, 1941 to July 1944, they put an end to a nascent judicial system that had evolved from the Spanish courts into a robust system of justice that was beginning to come into its own prior to the war. What existed under Japanese occupation was essentially a police state run by the specially mandated Keibetai, a governing body of police who ran the island like an occupied country.

The existing courts that had functioned prior to their arrival were brought to a halt. Steps were taken toward instituting Japanese courts system as the Japanese had done in Korea, which they had occupied since 1910, and Taiwan, which they had occupied since 1895.

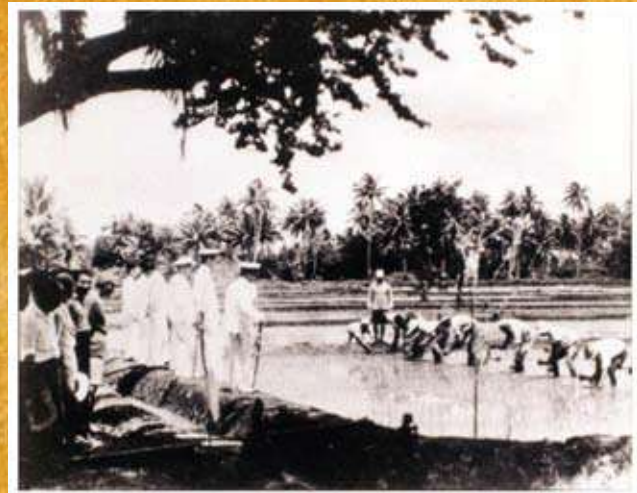
After the war, the United States Navy impaneled a war crimes commission for Guam. The commission was responsible for bringing to trial captured Japanese and native war criminals who had committed atrocities and war crimes on Guam and other nearby islands. The U.S. Navy War Crimes Commission on Guam (commonly called the Guam war crimes trials) functioned like a grand jury and Captain (later Rear Admiral) John D. Murphy was appointed director of the commission in October 1945, although the commission began its work in late 1944. Captain Murphy, a licensed attorney, had his staff research areas of law and procedure to establish a fair and legal method of process for the tribunals.

The Navy Commission was a national court and representation derived from every branch of the U.S. military. The Navy Commission was convened on a massive Quonset hut on Nimitz Hill whose foundations still remain to this day. The prosecutors were all naval officers while the defense attorneys were both American and Japanese. Japanese defense attorneys were allowed to come to Guam by General MacArthur's headquarters in Tokyo and included some of the leading Japanese criminal attorneys of their day.

The Guam Commission tried fifty-one cases involving 144 individuals between 1944 to 1949. Of this, 127 were Japanese, thirteen were Chamorros from Saipan, two were Chamorros from Rota, one was a Chamorro from Guam, and one was a Chamorro from Palau. There were eight individuals acquitted as well as several who committed suicide due to the stress of trial. This resulted in 134 individuals who were convicted of murder, torture and cruelty, assault and mistreatment, starvation and neglect and other violations of the law and customs of war, violation of Guam criminal law, violation of Japanese criminal law or violation of international law. Of the 134, 111 were convicted of murder in addition to other offenses. Fourteen were convicted of torture, cruelty or maltreatment of prisoners, two were convicted of cannibalism on Chichi Jima, and several others of the mutilation of dead prisoners of war.

The war crimes tribunals convened on Guam prior to the end of World War II were the first war crimes tribunals in the entire Pacific theater of the war. War crimes committed by Japanese against Americans in the Marshalls, Chuuk, Wake Island, and Chichi Jima were all prosecuted on Guam. These prosecutions committed on other islands resulted in thirteen death sentences carried out by COMNAVIMAR until they were completed in 1949.

Twelve of the thirteen men were Japanese Army or Navy officers. These trials were covered by the military and local media. Of the Japanese convicted of war crimes, there were two lieutenant generals, two rear admirals, five vice admirals, and commanders of the Marshalls, Marianas, Gilbert, Palau and Wake Islands. These were significant players in the Japanese occupation of the Western and Central Pacific. The most controversial executions were probably Lieutenant General Tachibana and Lieutenant Colonel Ito who were found guilty of cannibalism and torture of downed American flyers on Chichi Jima, an island north of Iwo Jima, between Guam and Japan. Rear Admiral Sakaibara was convicted of ordering the killing of 98 prisoners of war, mostly Chamorros, who were on Wake Island in 1943. These prominent Japanese officers were buried in unmarked graves on Guam after their hanging.





DIVISION REPORTS

Administrator of the Courts
Financial Management Division
Human Resources Division
Ethics Prosecutor
Management Information Systems
Client Services and Family Counseling Division
Compiler of Laws
Office of Public Guardian
Court Programs Office
Procurement & Facilities Management Division
Courts and Ministerial Division
Marshals Division
Probation Services Division

ADMINISTRATIVE OFFICE OF THE COURTS

The effective and efficient operation of the courts of justice is the responsibility of the Administrative Office of the Courts, which consists of shared services provided variously to the Superior and Supreme Courts. The Administrative Office of the Courts oversees several divisions and offices including the Financial Management Division, the Human Resources Division, the Management Information Systems Division, the Client Services and Family Counseling Division, Court Programs Office, Procurement & Facilities Management Division, Courts and Ministerial Division, Marshals Division and Probation Services Division. The Office of the Ethics Prosecutor, Office of Compiler of Laws and Office of the Public Guardian are under the purview of the Guam Supreme Court.

The Administrative Office of the Courts consists of:

Administrator of the Courts, Perry C. Taitano

Deputy Administrator of the Courts, Robert Cruz

Director of Policy, Planning & Community Relations, Maria T. Cenzon

Staff Attorney for the Unified Judiciary of Guam, Bridget Ann Keith.

Financial Management Division

The Financial Management Division (FMD) is responsible for the effective management of the Judiciary's financial resources and obligation of its Trust Funds established by the court. Its duties include internal audit; financial reporting; budget, revenue and expenditure forecast; accounts payable; payroll; federal and local appropriations; accounts receivable; cash collection and disbursement; automation; and providing guidance for financial policies and procedures. Currently, FMD is working on establishing a web-based service online payment system, which will allow the Judiciary to accept both debit and credit card payments for fines, fees and restitution payments. FMD has a total of seventeen employees handling a variety of functions such as budgeting, finance, and accounting for our various funds which include the Operations Fund, "Judicial Building Fund," Court Appointed Fund for the Indigents, "Jury Fund," and Fiduciary Funds, including Trust, Guardianship, and Land Condemnation; as well as the staffing requirement for one cashier at the Northern Court Satellite.

Anthony Meno is the Controller.

Human Resources Division

The Human Resources Division (HR) manages and administers the Judiciary's Public Personnel and Human Resource Management Programs that are critical to the professional development of its judicial and non-judicial employees. The division provides complex, technical and administrative public personnel services to court patrons, employees and court management in compliance with federal and local legislation and Personnel Rules & Regulations, including:

- Recruitment (ratings, interviews and selection)
- Employment Relations (promotions, performance/disciplinary issues)
- Classification/Compensation (courtwide position classification review)
- Benefits (medical/life insurance and leave requests)
- Staff Development
- Training & Educational Development

In 2010, the Human Resources Division conducted nine different training sessions for Judiciary employees:

Judicious Use of Deadly Force & Officer Survival	January
Firearms Policy Refresher Course (classroom type)	February
Firearms Requalification (daytime)	March and September
Ethics / Code of Conduct Training for Chambers Staff	May
Firearms Familiarization Course (night time firing)	August
New Employee Orientation	September
EEO/Sexual Harassment for New Employees	September
Collapsible Baton System Training	October
EEO/Sexual Harassment Refresher Course (courtwide)	December

Barbara Jean T. Perez is the Human Resources Administrator.

Office of the Ethics Prosecutor

The Office of the Ethics Prosecutor is the central location for receiving all ethical complaints against lawyers and judicial officers. The office provides assistance to inquiring members of the public and guides them through the process of filing a complaint should they become formal complainants. The prosecutor makes an initial screening determination regarding the substance of each complaint and conducts investigations as authorized by the Investigative Panel of the Guam Bar Association Committee on Professional Ethics and the Unauthorized Practice of Law as to Guam attorneys ("Ethics Committee") or the Committee on Judicial Discipline as to judicial officers. If warranted and authorized, the prosecutor files formal ethics charges regarding alleged misconduct with the Adjudicative Panel of the Ethics Committee or the judicial discipline system's Special Court. The prosecutor provides information to complainants about the status of their complaints, which are generally confidential in nature, as well as the general operation and procedures of the attorney or judicial discipline system.

In 2010, 38 new formal ethics cases were opened regarding allegations of attorney misconduct. Of the matters resolved in 2010, several resulted in the issuance of letters of warning and/or private reprimands. Additionally, the Supreme Court ordered formal public discipline in two ethics cases, resulting in the stipulated summary suspension of one attorney and the resignation in the face of charges by another attorney.

Bruce Bradley is the Ethics Prosecutor.

Management Information Systems

The Management Information Systems Division (MIS) 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.

Significant projects for 2010 include:

- Partnership with the Guam Police Department to restore Guam's vital Automated Fingerprint Identification System, which had been inoperable for several years.
- Facilitation of Web-based fingerprint identification of individuals during the course of duties by law enforcement officers in the field. This system will help to accurately and effectively identify individuals against Guam's criminal records.
- Continuation of work in the Judiciary's acquisition of a new Case Management System.
- Development of an E-Citation system which will enable the Guam Police Department to electronically transmit Law Enforcement Citation Tickets daily to the Superior Court of Guam.

Peter Leon Guerrero is the Management Information Systems Administrator.

Client Services and Family Counseling Division

Client Services and Family Counseling Division (CSFC) provides a variety of direct therapeutic, psychological, consultative and educational services to the court, its clientele and the community. CSFC's licensed clinical staff includes a Clinical Psychologist; three Senior Individual, Marriage and Family Therapists; two Individual, Marriage and Family Therapists; one Individual, Marriage and Family Therapist Intern, an acting Administrator and an administrative support staff of two. CSFC has a vital role in the rehabilitation and treatment of court clientele, who include young children, juveniles, adults and families whose psycho-social problems play a part in their legal problems.

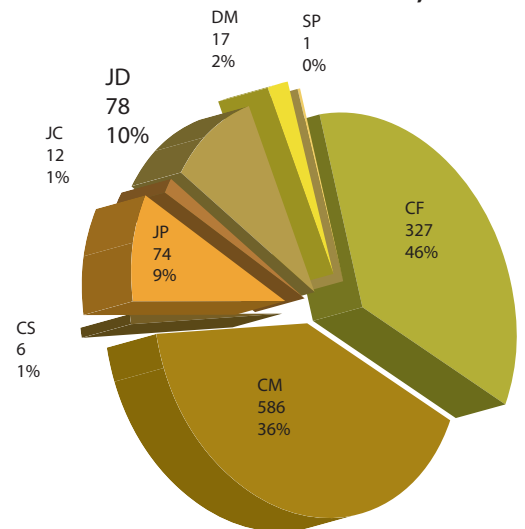
Services include:

- Forensic and Psychological Evaluations
- Individual, Couples/Conciliation and Family Counseling
- Group Counseling
- In-house Consultation and Counseling

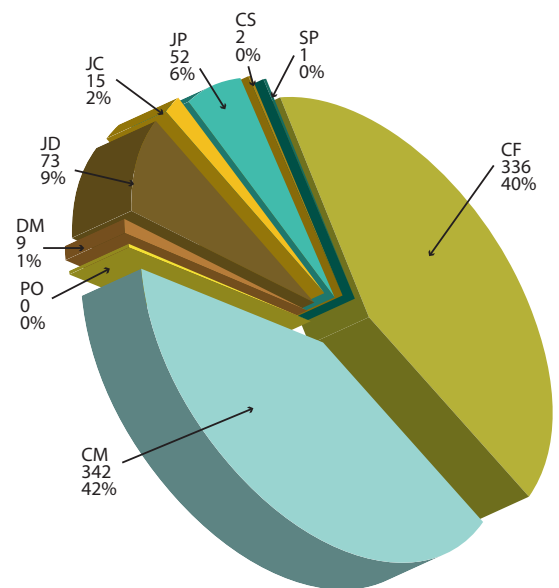
Virginia W. Yashuhiro is the Acting CSFC Administrator.

The year 2010 began with a caseload of 802. 77% were adult criminal misdemeanor and felony cases. 20% were adolescents and children, and 2% were domestic cases.

CASES OPEN AS OF JANUARY 1, 2010

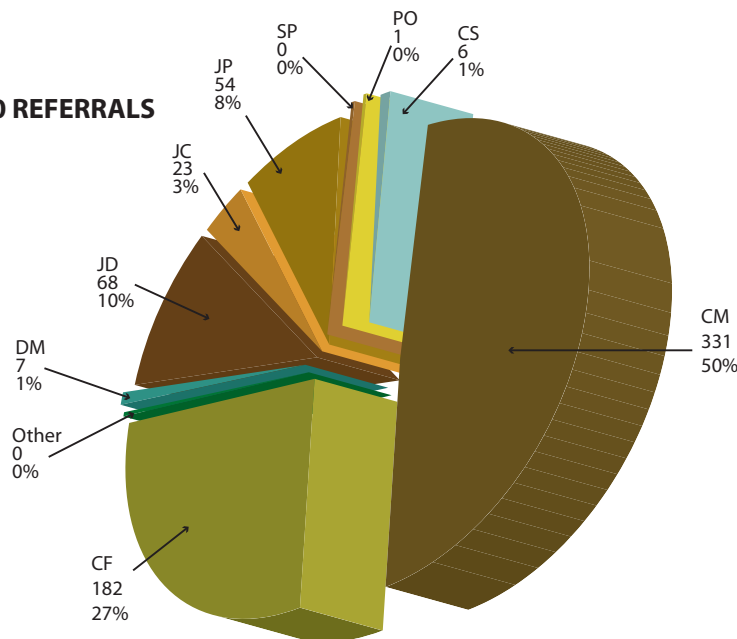


CASES CLOSED CY 2010



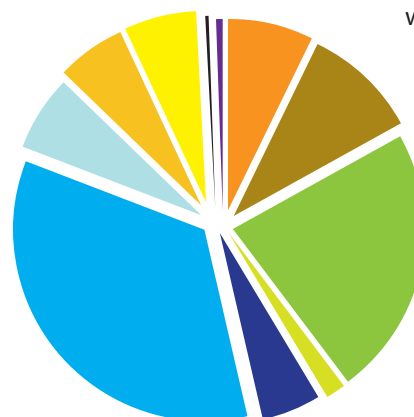
Of 1,388 total cases in 2010, CSFC closed 830 cases. 82% were adult criminal misdemeanor and felony cases, 17% were adolescents and children, and 1% were domestic cases.

2010 REFERRALS



During calendar year 2010, 586 referrals were made to CSFC bringing our total clientele to 1,388 cases in 2010. Adult criminal felony and misdemeanor cases made up 77% of the 2010 referrals. Adolescents and children in delinquency or juvenile special proceedings made up 21% of the referrals. Referrals in domestic cases represented 1% of the referrals in 2010.

- CF- Criminal Felony
- CM- Criminal Misdemeanor
- CS- Child Support
- DC- Domestic Cases
- JD- Juvenile Delinquency
- JP- Juvenile Proceedings
- SP- Special Proceedings
- JC- Juvenile Drug Court
- PO- Protective Order
- Other



PERFORMANCE OUTCOME CY2010

- Victim's Counseling
- Intakes and Assessments
- Individual Counseling
- Couple's Counseling
- Family Counseling
- Men's Group Counseling
- English Speaking Men's Group Counseling
- CSC Counseling
- Women's Group Counseling
- Completed Psychological Evaluations
- Completed Forensic Evaluations

Office of the Compiler of Laws

The Office of the Compiler of Laws continues the function of updating Guam statutes and other mandates. The office also assists the Supreme Court in the preparation of Opinions for filing and publication and provides free access to the updated laws of Guam on its website: www.guamcourts.org/compileroflaws. Moreover, the office assists in the revision of Guam law through its involvement with the Governor’s Law Revision Commission on Juvenile Justice.

The Compiler of Laws is also the Executive Director of the Guam Law Library. In 2010, the office assisted the Judiciary’s Self-Represented Litigants Subcommittee in the development of the legal forms used in the newly launched Self-Represented Litigants Kiosks, which are located in the Judicial Center and the Law Library. The office also began work on a soft-cover supplement to the Guam Code Annotated 2005 Edition.

Andrew Serge Quenga is the Compiler of Laws.

Office of the Public Guardian

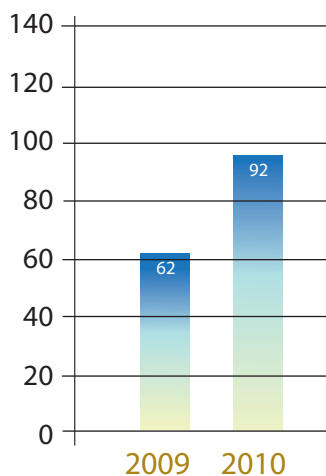
The Office of the Public Guardian (OPG) is comprised of the Public Guardian (appointed by the Chief Justice of the Supreme Court), a Management Officer, a Social Worker, and a Legal Secretary. The OPG receives referrals from private and government sources regarding individuals whose infirmity, disability or advanced age render them unable to manage their own affairs. When appropriate, the Public Guardian petitions the court to be appointed the guardian of the referred individual and serves as guardian of the person and/or estate. The OPG also advises and assists current guardians and those seeking appointment and assists the Court in proceedings for the appointment and supervision of guardians. The OPG is also mandated to offer guidance and counsel to encourage maximum self-reliance and independence, avoiding the need for appointment of a guardian, as well as to develop programs of public education.

On August 19, 2010, the Department of Public Health and Social Services awarded the Judiciary of Guam \$86,081.79, representing a portion of funding under the FY2009 American Recovery Reinvestment Act Community Services Block Grant for the purpose of providing wards of the court with clothing, personal care items and equipment such as wheelchairs, air conditioners, electric (hospital) beds, and regular beds for wards that are living independently.

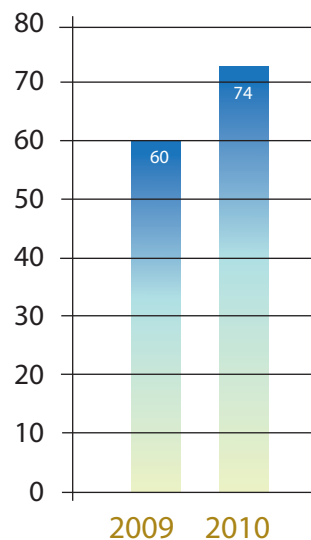
Every year, the OPG celebrates the holidays with its wards with a Holiday Mirenda. During the event, wards are gifted with donated necessities such as toiletries and some clothing. This year’s mirenda was held on December 10, 2010.

Marcelene C. Santos is the Public Guardian.

Number of Referrals Each Year



Active Guardianships



Court Programs Office

The Court Programs Office (CPO) is responsible for obtaining federal grants to fund new Judiciary programs and to ensure the continuation of existing programs. These grants enhance the Judiciary's ability to develop programs that would not otherwise be possible through local appropriations. The office is also responsible for ensuring that the Judiciary complies with the mandates and reporting requirements attached to each source of funding. In 2010, CPO administered and had oversight over \$12.5M in federal grants during 2010.

The Court Programs Office was also instrumental in obtaining federal grant funding for use in numerous programs, including:

- Implementation of a brand new, state-of-the-art Case Management System.
- Establishment of a Driving While Intoxicated (DWI) Court, a therapeutic court aimed at combating drunk driving on Guam by utilizing customized treatment programs.
- Enhancement of the Family Violence Court, a therapeutic court that addresses the needs of victims of domestic violence and post-adjudicated defendants. Grant funding has enabled the Judiciary to hire a Family Violence Court Judicial Coordinator.
- Near-completion of the Criminal Justice Information System Integration Project (CJIS), which will provide complete criminal history records, including arrest data, prosecutorial data, conviction data, and correctional status data, to law enforcement officials at both the local and national levels.

Jacqueline Z. Cruz is the Court Programs Administrator.

Procurement & Facilities Management Division

The Procurement & Facilities Management Division (FMD) handles purchases, capital improvements, project management, contract administration and maintenance of the judicial complex building and grounds.

Significant projects of 2010 include:

- First-ever Energy Audit Report of the judicial facilities and appurtenances, which enables the Judiciary to undertake energy-saving projects funded by the Energy Efficiency and Conservation Block Grant Program through the FY 2009 American Recovery & Reinvestment Act (ARRA) Energy Conservation Project. The Judiciary has also initiated project documents to begin the design and installation of modern energy-saving lights and fixtures.
- Contract award to Otis Elevator Co. to modernize the elevators in the judicial complex, which will involve replacing the two main public elevator cabs and upgrading and installing state-of-the-art technology in all elevators.
- Contract award to J&B Modern Tech to begin Phase II of the judicial complex air condition replacement project. Once completed, the Judiciary's facilities will be equipped with a modern and environmentally friendly air conditioning system. When fully installed it will be interfaced with the A/C Digital Control System, which has features that will further reduce energy usage.
- Installment of a new fire alarm system equipped with state-of-the-art technology and pre-recorded emergency announcements.

Raymond L.G. Taimanglo is the Procurement & Facilities Management Administrator.

COURTS AND MINISTERIAL DIVISION

The Courts and Ministerial Division (C&M) is the first point of contact for most citizens of Guam seeking the services of the Judiciary. C&M assigns and distributes cases fairly and equitably to the trial court Judges pursuant to applicable case assignment rules. C&M is responsible for a number of services, critical to the administration of justice, and is subdivided into the following units: Intake; Juror Services; Records; Team Chambers; Master Calendar Cases; Traffic Violations Bureau; Court Transcribing Unit; Small Claims; Child Support; and Appeals.

C&M is also charged with providing a speedy, effective and efficient legal process for all types of court orders; maintaining, securing and preserving court files through Document Imaging; coordinating and confirming all foreign language interpreters for court hearings; assisting pro se litigants with the Self-Represented Litigants Kiosks regarding the filing of guardianships and uncontested divorces; serving as support staff to team chambers and specialty courts; providing statistical reports regarding judge's time standards and a host of other administrative services.

Richard B. Martinez is the Clerk of Court. Jessica C. Cruz is Deputy Clerk of Court.

MARSHALS DIVISION

The Marshals Division is primarily responsible for overseeing all aspects of court security, as well as for personally serving certain court documents, including warrants and restraining orders. In 2010, the Marshals Division successfully provided security service for over 90 attendees (including judges, justices and other judicial officers from around the region) at the Pacific Regional Judicial Council conference, together with the U.S Marshals and Judiciary of Guam Probation Officers. The Division also re-established the "Fugitive Task Force" with the U.S. Marshals in June 2010, and within a six-month period effectuated 90 fugitive arrests.

The Marshals Division also conducts training and outreach activities and, in 2010, this included: Search & Seizure training sponsored by the U.S. Attorney's Office; Incident Response to Terrorist Bombing and Prevention and Response to Terrorist Bombing Incidents, both sponsored by the Department of Homeland Security; career outreach presentation to over 175 students and color guard services for the Silent Witness ceremony; Guam Legislature state funerals, the State of the Judiciary address and the recent swearing-in of the U.S. Attorney.

The Marshals Division of the Judiciary of Guam is a participant of Program 1033, which allows the Secretary of Defense under the National Defense Authorization Act (section 1033), to transfer excess Military property to law enforcement agencies at no cost, thereby allowing the Judiciary of Guam to procure critical law enforcement and security equipment and supplies which are essential for the Marshals Division to successfully fulfill and carry out their law enforcement duties.

Edward Toves is Marshal of the Courts. Joseph Leon Guerrero is Deputy Chief Marshal.



BENCH WARRANTS - 887



PROTECTIVE ORDERS - 244

PROBATION SERVICES DIVISION

The mission of the Probation Services Division (PSD) is to assist in keeping our island community safe and secure through the enforcement of court orders on adult and juvenile offenders released into the community in lieu of incarceration. As an integral part of the justice system, the division is committed to providing quality case management services and supervision of offenders through innovative programs that stress offender accountability. This is accomplished through the building of community partnerships, intervention programs, individual counseling and guidance, educational awareness programs, intensive drug testing, treatment referrals, restitution and pre-sentence investigations, home searches, field work, and skill-building processes.

Jay Perez is the Acting Chief Probation Officer. John Lizama is Deputy Chief Probation Officer.

PROBATION SERVICES DIVISION: CASELOAD STATISTICS AT A GLANCE

TOTAL ACTIVE CASELOAD FOR ALL CATEGORIES (ADULT/JUVENILE): 6,308 CASES

AVERAGE CASE LOAD PER OFFICER ASSIGNED TO THE SUPERVISION OF ADULT OFFENDERS: 206 CASES

*According to the American Probation and Parole Association (APPA), in 2010, the recommended maximum caseload for each Probation Officer was 120. Guam's Probation Officers exceed the national average by 86 cases

AVERAGE CASE LOAD PER OFFICER ASSIGNED TO THE SUPERVISION OF JUVENILE OFFENDERS: 80 CASES

GUAM DEPARTMENT OF EDUCATION ASSISTANCE: 9 SCHOOLS, APPX. 4000 STUDENTS

GUAM PUBLIC SCHOOL SYSTEM COMMUNITY SERVICE PROJECTS: 11

COMPARISON OF IN-PERSON CONTACTS: 2009 VS. 2010

NUMBER OF DOCUMENTED CONTACTS BETWEEN PSD OFFENDER/PROBATION OFFICER/VICTIM/THIRD PARTY CUSTODIAN:



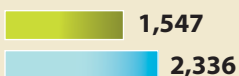
ACTIVE SEX OFFENDER REGISTRANTS:



URINALYSIS/BREATHALYZER TESTING

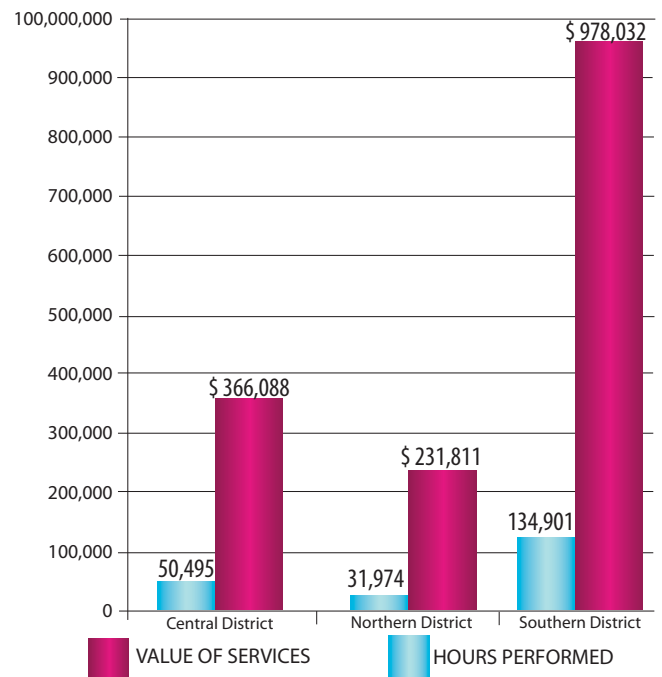


OVERNIGHT DETAINEE MAGISTRATE INTERVIEWS:



YR 2009
YR 2010

Community Service Performed



Through the Probation Division's Alternative Sentencing Office (ASO), Community Service Workers (CSW) satisfied their court-ordered community service by reporting to work in various non-profit and government entities throughout the island, including mayor's offices and other government agencies. In 2010, 2,725 CSWs performed a total of 217,370 HOURS of community service, equivalent to \$1,575,932.50, based on a minimum wage.



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