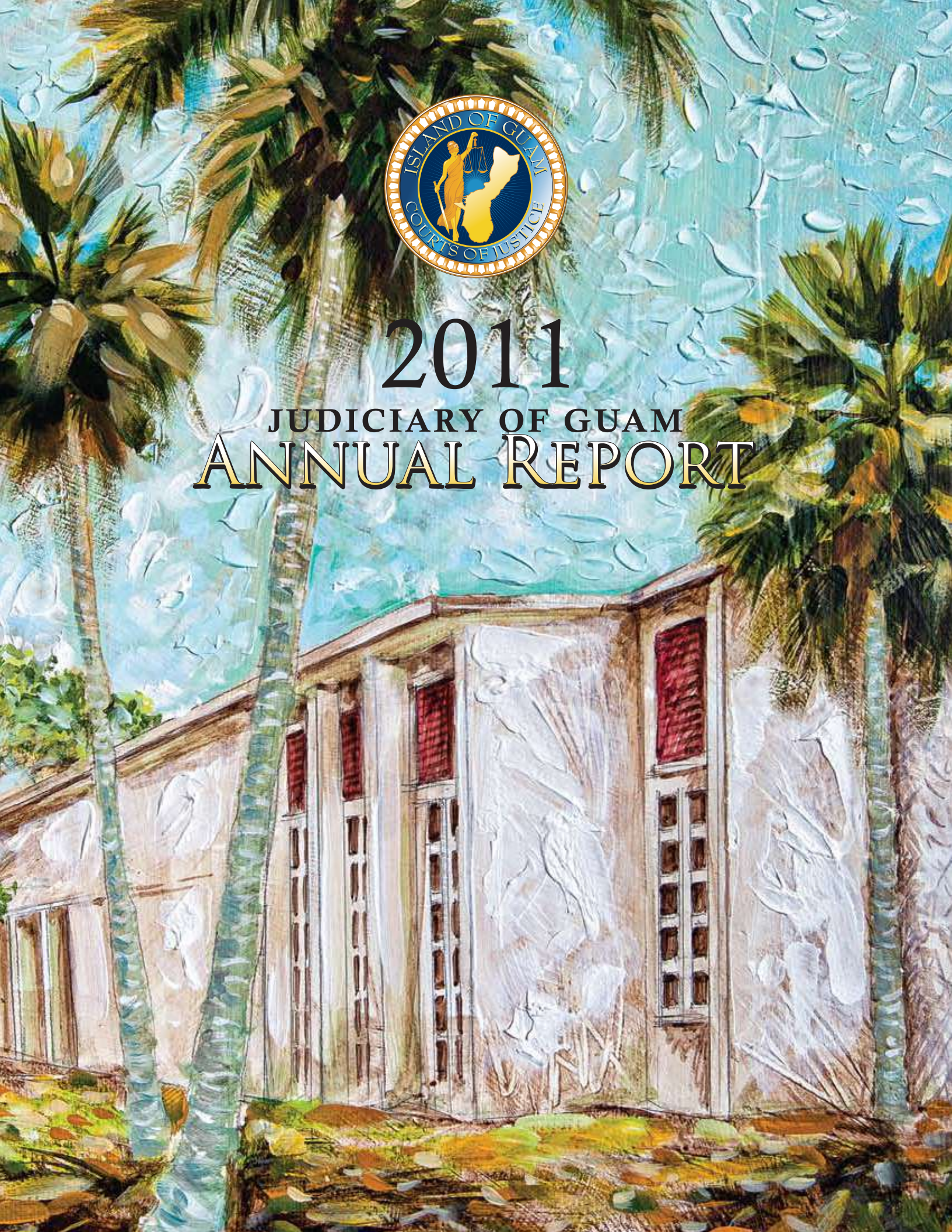




# 2011

JUDICIARY OF GUAM  
ANNUAL REPORT



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## MESSAGE FROM THE CHIEF JUSTICE AND THE ADMINISTRATOR OF THE COURTS



*H*afa Adai! We are proud to share with you the 2011 Annual Report of the Judiciary of Guam. Inside, you will find judicial information, useful statistics, program summaries, performance reports, and a review of judiciary events and activities.

In the years preceding 2011, the Judiciary of Guam experienced unprecedented growth, significant advancements in its administration and operations, and our transformation as the third co-equal branch of Guam's government. We have demonstrated that we are effective and efficient in ensuring that the people of Guam have their "day in court." The Supreme Court of Guam matured as the Court of Last Resort, leading wide scale modernization and improvement of the Guam Judiciary in an era of declining budgets, population increases, and new approaches in the administration of justice.

The Judiciary is focused on planning for the future, modernizing court operations, and developing court staff. We have introduced and sustained therapeutic approaches to address cases and have sought to inform and educate the general public through community outreach and fostering community partnerships.

We invite you to review this information and to take an active interest in justice.

*Senseramente,*

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

F. PHILIP CARBULLIDO  
Chief Justice of Guam

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

PERRY C. TAITANO  
Administrator of the Courts

# Judiciary of Guam



**O**n 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.

The Organic Act vested the judicial authority of Guam in the District Court of Guam and such other courts as created by the laws of Guam. In 1950, the Guam Legislature introduced the "Judiciary Act," strengthening and reorganizing the island court system. This act gave the Island Court of Guam jurisdiction over misdemeanors and civil cases having a value of less than \$2,000, and created a Police Court with jurisdiction over certain misdemeanor crimes. The Act also created a court to deal with petty offenses, in which the maximum punishment did not exceed a five dollar fine, presided over by the commissioner of each municipality.

The District Court had jurisdiction over local cases as well as federal cases concerning the Constitution, treaties, and federal law. Appeals from the District Court went to the Court of Appeals of the Ninth Circuit and from there to the U.S. Supreme Court. The District Court also served as the court of appeals for cases decided by the island courts. For the first time, Guam's judiciary exercised certain powers independently of the Executive Branch. Before this time, no appeal of a local decision was possible beyond the Naval Governor of Guam.



The Superior Court of Guam, as we know it today, was created 24 years after the signing of the Organic Act, when the Guam Legislature passed the Court Reorganization Act of 1974. The Superior Court was given jurisdiction over all cases arising out of Guam laws, while the District Court retained its appellate function. The Island Court and the Police Court were both subsumed into the Superior Court of Guam. Former Chief Judge of the Island Court Joaquin Perez became Guam's first Presiding Judge on July 1, 1974, and the Judges assigned to the Island Court and Police Court were then assigned to the Superior Court.



*The Judges of the Island Court of Guam in 1968 are photographed with Governor Carlos C. Camacho. From left to right are Governor Camacho, Judge Cristobal Duenas, Judge Vicente Reyes, Judge Joaquin Perez, Judge Bamba and Chief Justice Paul Shriver.*



As Guam's population increased, so did the need to expand court operations. In 1987, the first of the specialty courts was created when the Family Court was established to address juvenile crime. By 1991, the need to physically expand was met with the construction of the Guam Judicial Center. In 1994, the Legislature expanded the number of Superior Court judges to 7 to effectively address the rapidly increasing case load. Other specialty courts were established within the Superior Court to address specific cases such as the Juvenile Drug Court (2002), Adult Drug Court (2004), Mental Health Court (2009), and DWI Court (2011).

The Court Reorganization Act of 1974 also established the first Supreme Court of Guam and on October 10, 1974, Presiding Judge Perez became Chief Justice of Guam. The court's existence was short-lived. In the 1977 case *Territory of Guam v. Olsen*, 431 U.S. 195 (1977), the U.S. Supreme Court found that the Organic Act did not authorize the transfer of appellate jurisdiction from the District Court of Guam, and the locally established Supreme Court of Guam was abolished.



It took another act of Congress to pave the way for the establishment of the Guam Supreme Court. The Omnibus Territories Act of 1984 amended Guam's Organic Act to allow the Guam Legislature to create an appellate court to hear all cases in Guam over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. The Act provided that for the first 15 years after establishment of that court, the Ninth Circuit would maintain judicial oversight in the appeals process. In all other aspects, the appeals process would be the same as each state. The Omnibus Territories Act, however, was silent on exactly how the newly created judicial system would be administered.

In 1986, Guam voters approved Article 4 of the Guam Commonwealth Act which sought nondiscriminatory, state-like treatment for Guam's courts and the elimination of the review process of the Ninth Circuit Court of Appeals mandated by the Omnibus Territories Act of 1984. Although 'Guam's Quest for Commonwealth Status' never resulted in a change in Guam's political status or establishment of a new governmental framework, local leaders continued the push for the independence and supremacy of Guam's courts.



In December 31, 1992, led by Legislative Judiciary Committee Chairwoman Pilar C. Lujan, the 21st Guam Legislature unanimously passed Public Law 21-147, the Frank G. Lujan Memorial Court Reorganization Act, reestablishing the Supreme Court of Guam. Because the Guam Supreme Court was not created directly by the Organic Act but instead by the Guam Legislature, it proved to be vulnerable to the winds of political change. In March 1996, only hours after the first Justices of the Supreme Court of Guam were sworn-in, the Legislature passed a bill that removed from the Supreme Court certain inherent powers of administrative authority over the local Judiciary.

Guam's leaders who envisioned the Judiciary as an independent branch of government continued to pursue this goal.



Guam Delegate Robert A. Underwood introduced H.R. 2370, the Judicial Empowerment Act of 1997, in the 105th Congress. The legislation would amend the Organic Act of Guam and establish the Judiciary as a truly independent, co-equal branch of the government of Guam and federally establish the Office of the Attorney General of Guam. The bill was amended and only the portion relating to the Office of Attorney General was passed.

Congressman Underwood would introduce subsequent legislation vesting judicial authority in a "Unified Judicial System" headed by the Supreme Court of Guam in the 106th (H.R. 4031, March 2000) and 107th (H.R. 521, February 2001) Congresses. United States Senator Daniel Akaka of Hawaii introduced companion legislation in the Senate Chamber of the 107th Congress (S. 2823, July 2002).

On April 11, 2003, the 27th Guam Legislature, led by Legislative Judiciary Chairman F. Randall Cunliffe, passed Substitute Bill No. 48(COR) to Re-organize the Judiciary as the Third Co-Equal and Independent Branch of the Government of Guam, reconstituting the Judicial Council as Head of a Unified Judiciary with the Chief Justice of Guam presiding. The legislation was vetoed on April 25, 2003.

In the first year of her term, Guam Delegate Madeleine Z. Bordallo introduced H.R. 2400 (June 2003) in the 108th Congress. By October 31, 2003, the 27th Guam Legislature overrode the veto and enacted Bill No. 48(COR) into law as Public Law 27-31. A Unified Judiciary was finally established.

This effort culminated in an amendment to the Organic Act that provided for separation of powers. On October 30, 2004, H.R. 2400 (Pub. L. 108-378) became federal law and the Judiciary of Guam was placed on equal footing with the Executive and Legislative Branches of the Territory of Guam. As an independent branch, the Judiciary would be more capable of safeguarding individual rights and liberties, which history instructs must be immune from political instability.

In January 2006, the Ninth Circuit Court of Appeals dismissed *Santos v. Guam*, a case that had already been decided by the Supreme Court of Guam, thereby confirming for the first time that the Ninth Circuit no longer had jurisdiction to hear appeals from Guam courts. Since then, appeals from decisions of the Supreme Court of Guam have been subject to review only by the United States Supreme Court. The Supreme Court of Guam has officially taken its place as an equal of other states' highest courts.

# History

## CHIEF JUSTICES OF GUAM

Joaquin C. Perez	10/10/74 – 11/15/76*
Peter C. Siguenza, Jr.	04/21/96 – 04/21/99
Benjamin J.F. Cruz	04/21/99 – 08/31/01
Peter C. Siguenza, Jr.	09/01/01 – 01/23/03
F. Philip Carbullido	01/23/03 – 01/15/08**
Robert J. Torres, Jr.	01/15/08 – 01/15/11
F. Philip Carbullido	01/15/11 to Present

\*Chief Justice Perez was Chief Justice of the first Supreme Court of Guam, which was subsequently abolished by the U.S. Supreme Court decision in *Territory of Guam v. Olsen*, 431 U.S. 195 (1977).

\*\*Chief Justice Carbullido was elected to fill the remainder of Chief Justice Siguenza's term and was subsequently elected to the succeeding full three-year term.

## JUSTICES OF THE SUPREME COURT OF GUAM

Monessa G. Lujan	04/21/96 – 03/16/97*
Janet Healy Weeks	04/21/96 – 04/30/99
Peter C. Siguenza, Jr.	04/21/96 – 01/23/03
Benjamin J.F. Cruz	10/13/97 – 08/31/01
F. Philip Carbullido	10/27/00 – Present
Frances Tydingco-Gatewood	02/09/02 – 10/27/06
Robert J. Torres, Jr.	01/19/04 – Present
Katherine A. Maraman	02/21/08 – Present

\*Justice Monessa G. Lujan died while holding office.

## PRESIDING JUDGES OF THE SUPERIOR COURT OF GUAM

Joaquin C. Perez	07/01/74 – 10/10/74
Paul J. Abbate, Jr.	10/30/74 – 07/14/88
Alberto C. Lamorena III	07/14/88 – Present

## JUDGES OF THE SUPERIOR COURT OF GUAM

Joaquin V.E. Manibusan, Sr.	07/01/74 – 03/04/95
Vicente C. Reyes	07/01/74 – 01/31/75
Richard H. Benson	07/01/74 – 02/27/81
John P. Raker	01/31/75 – 08/31/84
Janet Healy Weeks	04/11/75 – 04/20/96
Ramon V. Diaz	09/08/80 – 04/11/94
Peter C. Siguenza, Jr.	04/18/94 – 04/20/96
Benjamin J.F. Cruz	11/17/84 – 10/10/97
Katherine A. Maraman	08/15/94 – 02/20/08
Frances M. Tydingco-Gatewood	08/26/94 – 02/08/02
Joaquin V.E. Manibusan, Jr.	10/20/95 – 02/07/04
Steven S. Unpingco	06/20/97 – 05/20/11
Michael J. Bordallo	03/19/98 – Present
Elizabeth Barrett-Anderson	04/14/98 – Present
Anita A. Sukola	06/04/02 – Present
Arthur R. Barcinas	01/14/05 – Present
Vernon P. Perez	09/18/09 – Present
James L. Canto II	10/05/11 – Present

## MAGISTRATE JUDGES OF THE SUPERIOR COURT OF GUAM

Alberto E. Tolentino	11/04/09 – Present
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## Northern Court Satellite Eases Access to Justice

Since opening its doors in 2009, the Judiciary of Guam's Northern Court Satellite ("NCS"), housed in the Dededo Mall commercial facility, has provided a broad complement of court functions and services to the people of Guam. Primarily established to provide easier access to the courts for the island's most populated villages as well as to alleviate the overcrowded conditions at the Guam Judicial Center in Hagåtña, patrons of NCS can obtain court clearances, appear in traffic court, pay traffic fines, resolve small claims matters, deal with juvenile matters, and attend initial appearances. Additionally, several times a year, the public can observe an appellate oral argument at NCS as the northern facility hosts the Supreme Court of Guam for one of its cases each appellate session.



## JUDICIAL COUNCIL: COMPOSITION, HISTORY, 2011 JC RESOLUTIONS

The Judicial Council is composed, by law, of all full-time justices of the Supreme Court, the Presiding Judge of the Superior Court, and a delegated Superior Court Judge. The powers of the Judicial Council include recommendation of policies for the administration of the judicial branch, and administration of the merit system for the judicial branch, including hearing all classified employee appeals. The current composition of the Judicial Council was created in 2003, and then in 2004, the Organic Act of Guam was amended by the United States Congress in P.L. 108-378, making the Judicial Branch a separate and co-equal branch of government. New section 1424-1(b) of the Organic Act put all supervisory authority of the judicial branch into the hands of the Chief Justice of Guam. Together, the Chief Justice, advised by the Judicial Council, govern the many branches and divisions of the Judiciary.

The Judicial Council meets once a month for its regular meeting. In its advisory capacity, in 2011, the Judicial Council adopted 29 Judicial Council resolutions, all of which can be located on the Judiciary's website. These resolutions range from ceremonial functions, such as a memorialization of the retirement of CNMI Chief Justice Demapan and thanking him for his service to Guam courts, to nuts-and-bolts functions, such as consideration of the Hay Study. All Judicial Council meetings are open to the public and are an excellent way to keep up with the issues and trends involved in running the third branch of government.



Members of the Judicial Council:  
Chief Justice F. Philip Carbullido, Chairperson  
Justice Robert J. Torres  
Justice Katherine A. Maraman  
Presiding Judge Alberto C. Lamorena III  
Judge Arthur R. Barcinas



# Justices of the Supreme Court



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, which commenced on January 18, 2011.

Chief Justice Carbullido is the Chair of the Judicial Council of Guam and presently serves as President of the Pacific Judicial Council (PJC), 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. Additionally, he serves on the Board of Directors of the Conference of Chief Justices, a forum comprised of the highest judicial officers of the United States, its commonwealths and its territories. He previously chaired the Education Committee of the PJC, which provides training for judicial officers and administrators throughout the Pacific, and he continues to serve as Justice Pro Tempore for the Supreme Court of the CNMI. Chief Justice Carbullido also chairs the Judiciary's subcommittee on the Guam Rules of Appellate Procedure.

He and his wife Fay have four children, and were blessed with their first grandchild in March 2012.

*Education: B.S. in Political Science from the University of Oregon (1975); J.D. from the University of California, Davis School of Law (1978)*

*Appointed by: Governor Carl T.C. Gutierrez to succeed Justice Janet H. Weeks*



Associate Justice Robert J. Torres, Jr. was appointed to the Supreme Court of Guam in 2004. He 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 chairs the Judiciary's subcommittees on Civil Jury Instructions, Rules of Civil Procedure & Rules of Court, E-filing, and Technology & Information Systems, and he is instrumental in the Judiciary's current implementation of a modern case management system. Additionally, he chairs the Criminal Justice Automation Commission, which oversees the criminal justice information sharing initiative in Guam.

He and his wife Mary have three children and six grandchildren.

*Education: B.B.A. in Accounting (magna cum laude; Beta Gamma Sigma; Beta Alpha Psi) from the University of Notre Dame (1980); J.D. from Harvard Law School (1985).*

*Appointed by: Governor Felix P. Camacho to succeed Retired Chief Justice Peter C. Siguenza*



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 Judiciary's subcommittees on Criminal Jury Instructions, Rules of Evidence, and Rules of Civil Procedure. Justice Maraman is an Adjunct Professor at the University of Guam.

*Education: B.A. in Economics, cum laude, from Colorado College; J.D. from the University of New Mexico*

*Appointed by: Governor Felix P. Camacho to replace Justice Frances H. Tydingco-Gatewood as a Justice of Guam. Maraman was appointed as a Judge of the Superior Court of Guam by Governor Joseph F. Ada.*

# Judges of the Superior Court



**Presiding Judge Alberto C. Lamorena III** presides over the Superior Court of Guam and is a member of the Judicial Council and the Guam Public Defender Service Corporation Board of Trustees. Prior to his judicial service, Lamorena maintained a private practice and was an accomplished legislator serving in leadership positions in the 15th, 16th, 17th, 18th and 19th Guam Legislatures. Lamorena established the Pacific Judicial Conference in 1991 and the Adult Drug Court program in 2004. He also led the construction of the Guam Judicial Center in 1991, the translation and preservation of historical court documents, and the movement to adopt Guam's first Victim's Bill of Rights.

*Court Assignments: General Jurisdiction; Adult Drug Court: January 2012 to January 2015; Family Violence Court: January 2009 to January 2012; Member of the Judicial Council; Member of the Guam Board of Law Examiners*  
*Education: B.A. in Political Science from the University of Illinois, Urbana (1971); B.A. in Accounting from the University of Texas, Austin (1974); J.D. from Drake University, Des Moines, Iowa (1977)*

*Dates of Judicial Service: July 7, 1988 to Present*

*Appointed by: Governor Joseph F. Ada to succeed Presiding Judge Paul Abbate*



**Judge Steven S. Unpingco** retired from the bench in May 2011 and currently serves as a Senior Judge. Prior to his judicial service, Unpingco was a solo private practitioner and a tenured Associate Professor at the University of Guam, where he chaired the Legal Studies and Public Administration Department. Unpingco served as legal advisor to Governor Ricardo J. Bordallo (1982 to 1985) and to various Senators of the Guam Legislature.

*Court Assignments: Family Court I including Mental Health Court & General Jurisdiction: January 2009 to May 2011*  
*Education: B.A. in Political Science with Honors from St. Louis University (1979); J.D. from University of San Francisco (1982)*

*Dates of Judicial Service: June 20, 1997 – May 20, 2011*

*Appointed by: Governor Carl T.C. Gutierrez to replace Judge Peter C. Siguenza, Jr.*



**Judge Michael J. Bordallo** was a private practitioner for nine years and also served as an Assistant Attorney General for Guam. Bordallo served as President of the Board of Trustees for the Guam Law Library (2000 – 2005). Judge Bordallo believes in remaining part of the community and has been actively involved in the local soccer organization, having served as its President, Vice President, and General Secretary. He currently serves as Chairman of its Disciplinary Committee and as a Match Commissioner for the AFC and FIFA.

*Court Assignments: General Jurisdiction; Family Violence Court: January 2012 to January 2015; Adult Drug Court: January 2009 to January 2012; Co-Chairperson, Subcommittees on Civil Jury Instructions, and Alternative Dispute Resolution; Guam Bar Exam Drafting and Grading Committee; Past Co-Chairperson of the Subcommittee on Indigent Defense*  
*Education: B.B.A. (1983) and J.D. (1987) from University of Notre Dame in South Bend, Indiana*

*Dates of Judicial Service: March 19, 1998 to Present*

*Appointed by: Governor Carl T.C. Gutierrez to replace Judge Benjamin J.F. Cruz*



**Judge Elizabeth Barrett-Anderson** was admitted to the practice of law in Guam on January 5, 1980. Barrett-Anderson was a Senator in the 23rd and 24th Guam Legislatures, and her public service includes Attorney General of Guam (1987 to 1994) and Assistant Legal Counsel for the Department of Education (1981 to 1984). During her tenure as Attorney General, Barrett-Anderson established the Family Division to strengthen Child Support Enforcement and was instrumental in the enactment of the Consumer Protection Law in 1992.

*Court Assignments: General Jurisdiction; DWI Court: 2010 to Present; Member, Subcommittees on Criminal Jury Instructions, Rules of Civil Procedure & Rules of Court Revision*

*Education: B.A. in Political Science from University of San Francisco (1974); J.D. from University of Santa Clara (1979)*

*Dates of Judicial Service: April 14, 1998 to Present*

*Appointed by: Governor Carl T.C. Gutierrez to replace Judge Janet H. Weeks*

# Judges of the Superior Court



**Judge Anita A. Sukola** maintained a private practice for nearly 11 years and was a full-time assistant Professor at the University of Guam prior to her judicial service. Sukola's public service includes Director of Education (1988 to 1991); Deputy Director of Education (1987 to 1988); and Attorney at the Public Defender's Office. Sukola served as Legal Counsel for the Port Authority of Guam Board of Directors and the Chamorro Land Trust Commission, and as Staff Attorney to Senator Don Parkinson (17th Guam Legislature).

*Court Assignments: General Jurisdiction; Mental Health Court; and Family Court I: January 2012 to January 2015; Co-Chairperson of the Subcommittees on Pro-Se Litigation and Criminal Jury Instructions*

*Education: B.A. in History and Secondary Education from Washington State University (1973); J.D. from the People's College of Law (1983).*

*Dates of Judicial Service: June 4, 2002 to Present*

*Appointed by: Governor Carl T.C. Gutierrez to replace Judge Frances Tydingco-Gatewood*



**Judge Arthur R. Barcinas** maintained a private practice for 14 years prior to his judicial service. Barcinas served as the Hearings Officer for Small Claims Court for eight years, Traffic Court Judge Pro Tempore, and Administrative Hearings Officer prior to becoming a Judge. He also served as Legal Counsel to Governor Felix P. Camacho and as Chairman of the Chamorro Land Trust Commission Board of Directors. Barcinas is the Chairman of the Law Library Board of Trustees.

*Court Assignments: General Jurisdiction; Family Court II and Juvenile Drug Court: 2009 to Present; Member of the Judicial Council; Co-Chairperson of the Subcommittee on Rules Governing the Admission to the Practice of Law and the Rules for the Discipline of Attorneys; Member of the Subcommittees on Pro Se Litigation, Criminal Jury Instructions, Rules of Civil Procedure & Rules of Court Revision, and E-Filing Rules.*

*Education: B.S. in Political Science from the University of Hawaii at Manoa (1986); J.D. from Gonzaga University School of Law (1989)*

*Dates of Judicial Service: January 14, 2005 to Present*

*Appointed by: Governor Felix P. Camacho to replace Judge Joaquin V.E. Manibusan, Jr.*



**Judge Vernon P. Perez** was the Executive Director of the Guam Civil Service Commission and Deputy Judge Advocate General of the Guam National Guard at the time of his appointment to the bench. Perez served as an Assistant Attorney General in the Family Division of the Office of the Attorney General of Guam (1997 to 2003), Legislative Assistant to Senator Felix P. Camacho, Press Secretary to Congressman Ben Blaz in the U.S. House of Representatives, and a Math and English Teacher at F.B. Leon Guerrero Middle School in Yigo.

*Court Assignments: General Jurisdiction; Co-Chairperson, Subcommittee on E-Filing Rules*

*Education: B.A. in Economics/Management Science from the University of California, San Diego (1987); J.D. from the University of Hawaii Richardson School of Law (1997)*

*Dates of Judicial Service: September 18, 2009 to Present*

*Appointed by: Governor Felix P. Camacho to replace Judge Katherine A. Maraman*



**Judge James L. Canto II** was appointed after having practiced in the public and private sectors for 15 years. Prior to taking the bench, Judge Canto was an Assistant Public Defender, a co-founding partner of a private law firm, and Chief Legal Counsel to Governor Eddie Baza Calvo.

*Court Assignments: General Jurisdiction; Member of the subcommittee on Rules of Civil Procedure & Rules of Court Revision*

*Education: B.A. in Psychology from Trenton State College (1992); J.D. from the University of California Hastings College of the Law (1995)*

*Dates of Judicial Service: October 5, 2011 to Present*

*Appointed by: Governor Eddie Baza Calvo to replace Judge Stephen Unpingco*

# Judicial Officers of the Superior Court



**Magistrate Judge Alberto E. Tolentino** previously served as Chief Deputy Attorney General of Guam and as the Ethics Prosecutor. He is the first Magistrate Judge appointed to the position. His duties include: Presiding over and rendering decisions and judgments in small claims cases, traffic cases, change of name petitions, and collection cases; granting uncontested divorces; presiding over first appearances of criminal defendants and arraignments in criminal cases; setting bail and ordering pre-trial release conditions; taking pleas, including accepting guilty pleas in misdemeanor cases; sentencing misdemeanants and entering judgments accordingly; issuing summons and bench warrants and hearing return of warrants in all cases to which he is assigned; and serving as a Judge Pro Tempore upon appointment by the Chief Justice.

*Education: B.S. in Biology from the University of San Francisco (1982); J.D. from the University of the Pacific McGeorge School of Law (1993)*

*Dates of Judicial Service: November 4, 2009 to Present*

*Appointed by: Chief Justice Robert J. Torres, Jr. with the advice and consent of I Liheslatura*



**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 same year, he has served as a Judge Pro Tempore of the Superior Court of Guam and as a Justice Pro Tempore of the Supreme Court of Guam, in addition to serving in other Micronesia courts.

*Education: J.D. from the University of Michigan Law School (1956).*

*Dates of Judicial Service: January 10, 1970 to July 1, 1970 – Island Court Judge; July 1, 1970 to February 27, 1981 – Superior Court Judge; 2001 to Present - Judge Pro Tempore*



**Administrative Hearings Officer Linda L. Ingles** joined the Superior Court of Guam in 1995. As an AHO, she hears cases involving child support issues, truancies, beyond control cases, and other juvenile matters. Prior to taking the bench, AHO Ingles gained vast experience as a practicing lawyer in the public and private sectors on Guam, serving as a law clerk to the late Presiding Judge Paul J. Abatte; a Public Defender; legal counsel for the Guam Housing Corporation; legal counsel to Sen. J. George Bamba; and an attorney in private practice engaged in the general practice of law with the firm of Lamorena & Ingles, P.C.

*Education: B.S. in Political Science from the University of Oregon (1975); J.D. from Whittier College (1980), which now has a nationally recognized Children's Rights Center.*



**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 Court and Small Claims Court.

*Education: B.S. in Biology in 1986 from the University of Hawaii at Manoa; his 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*

# Supreme Court

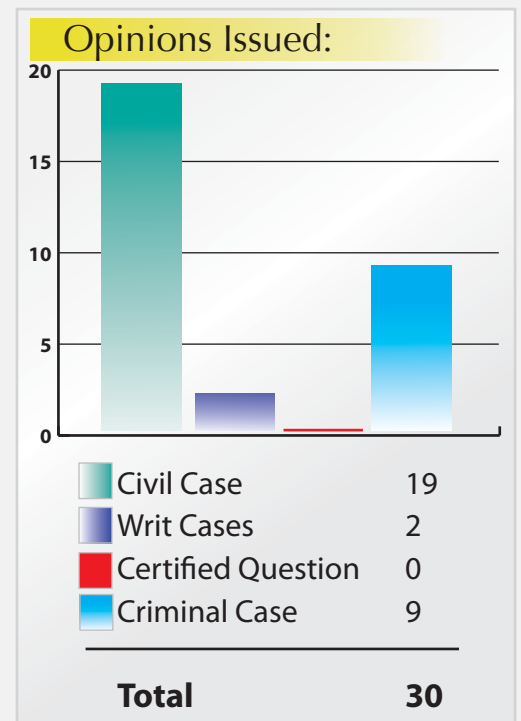
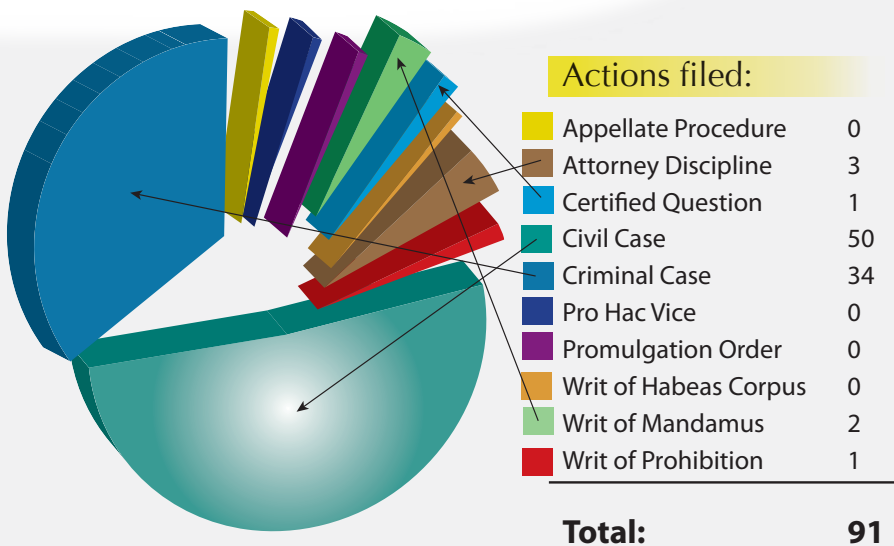
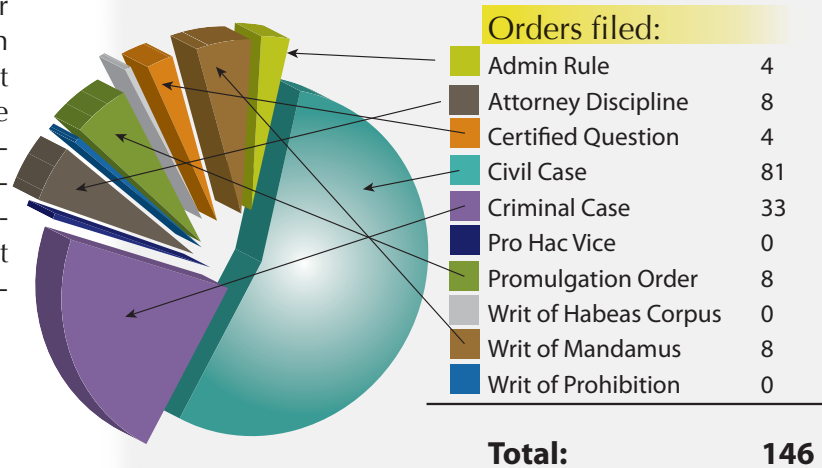
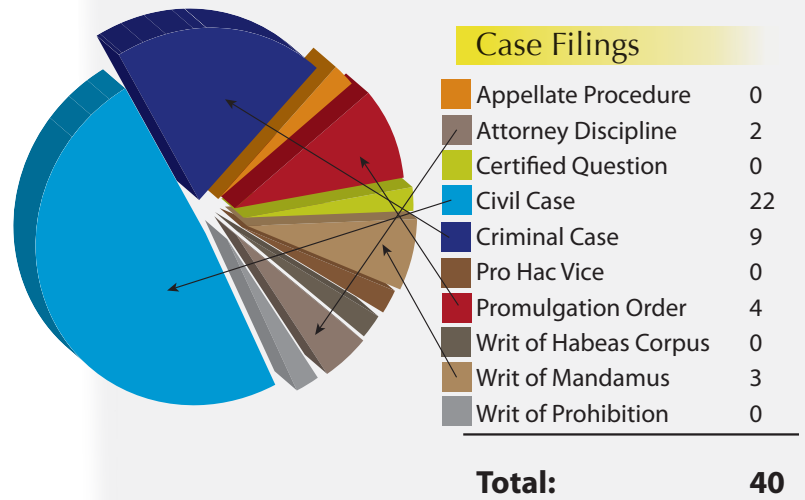
As the highest court of the judicial branch of Guam, the Supreme Court of Guam has jurisdiction to hear appeals over any cause decided by the Superior Court of Guam or other courts created by Guam law; has supervisory jurisdiction over the Superior Court and all other courts created by Guam law; and 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's authority also extends to 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 is comprised of the Chief Justice of Guam (chairman), the Associate Justices of the Supreme Court (members), 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 bar examination is administered twice annually by the Board. The Board also inquires into the character and fitness of all applicants for admission and 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 are certified by the Board.

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.



# Superior Court

## FIVE YEAR COMPARATIVE CASES FILED

The Superior Court of Guam is our island's court of general jurisdiction, and seven judges preside over the cases brought before them – from criminal felony and misdemeanor cases, civil matters involving more than \$10,000, divorce and custody cases, to probate and special proceedings. The magistrate judge has jurisdiction over certain proceedings in criminal and civil cases and other matters. The Administrative Hearings Officer presides over child support cases and juvenile matters, while the Small Claims Referee conducts trials and holds hearings for Traffic Court and Small Claims Court.

In 2011, the Superior Court saw a slight increase in cases filed. The majority of newly filed cases in 2011 were criminal felony and misdemeanor cases, civil matters and small claims cases.

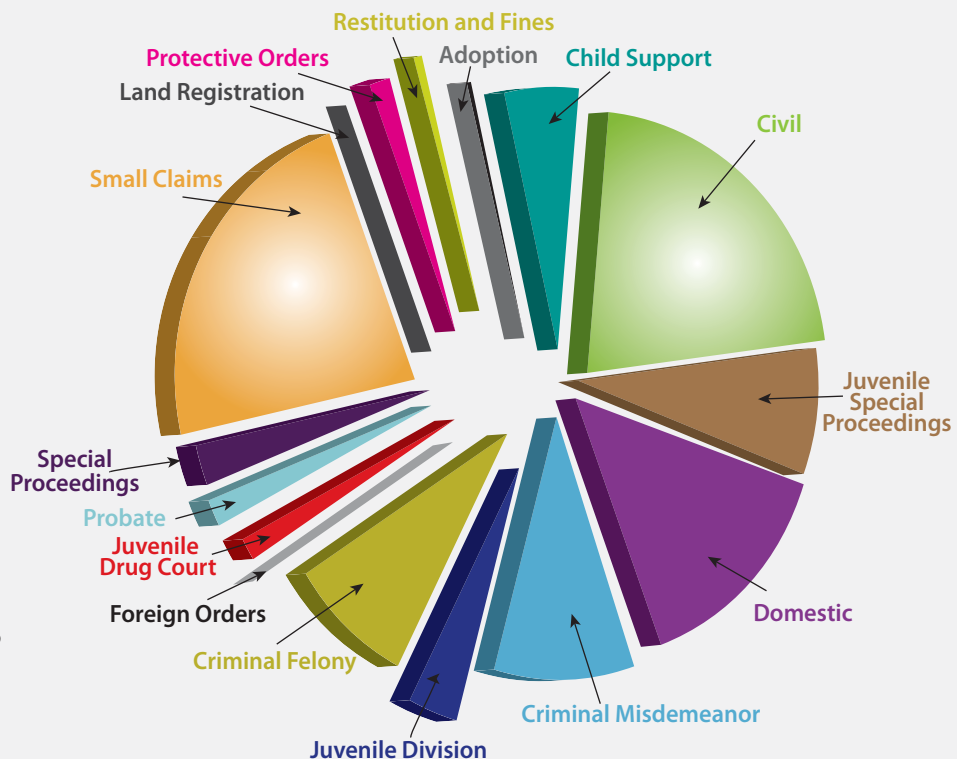
The Judges, Magistrate, Administrative Hearings Officer and Small Claims Referee are:  
 Presiding Judge Alberto C. Lamorena III  
 Judge Steven S. Unpingco  
 Judge Michael J. Bordallo  
 Judge Elizabeth Barrett-Anderson  
 Judge Anita A. Sukola  
 Judge Arthur R. Barcinas  
 Judge Vernon P. Perez  
 Judge James L. Canto II  
 Magistrate Alberto E. Tolentino  
 Administrative Hearings Officer Linda L. Ingles  
 Small Claims Referee Benjamin C. Sison, Jr.

Description	Year	2007	2008	2009	2010	2011	CUMULATIVE % CHANGE
Adoption		59	67	57	43	28	-53%
Child Support		607	476	438	499	482	-21%
Civil		1,569	1,553	1,897	2,064	1,984	26%
Criminal (Felony)		618	618	671	762	727	18%
Criminal (Misdemeanor)		1,084	1,194	1,346	1,273	1,300	20%
Domestic (Divorce)		881	868	868	849	878	0%
Juvenile Delinquent		362	405	276	235	316	-13%
Juvenile Special Proceedings		983	944	828	895	781	-21%
Juvenile Drug Court		169	151	141	84	131	-22%
Land Registration		1	3	5	6	2	100%
Probate		172	215	182	176	154	-10%
Special Proceedings		228	247	264	260	216	-5%
Small Claims		2,443	2,214	2,154	1,869	2,125	-13%
Foreign Orders		2	0	1	6	3	50%
Protective Orders		83	81	93	83	125	51%
Restitution and Fines		n/a	n/a	0	72	42	-42%
<b>GRAND TOTALS:</b>		<b>9,261</b>	<b>9,036</b>	<b>9,221</b>	<b>9,176</b>	<b>9,294</b>	<b>0.4%</b>

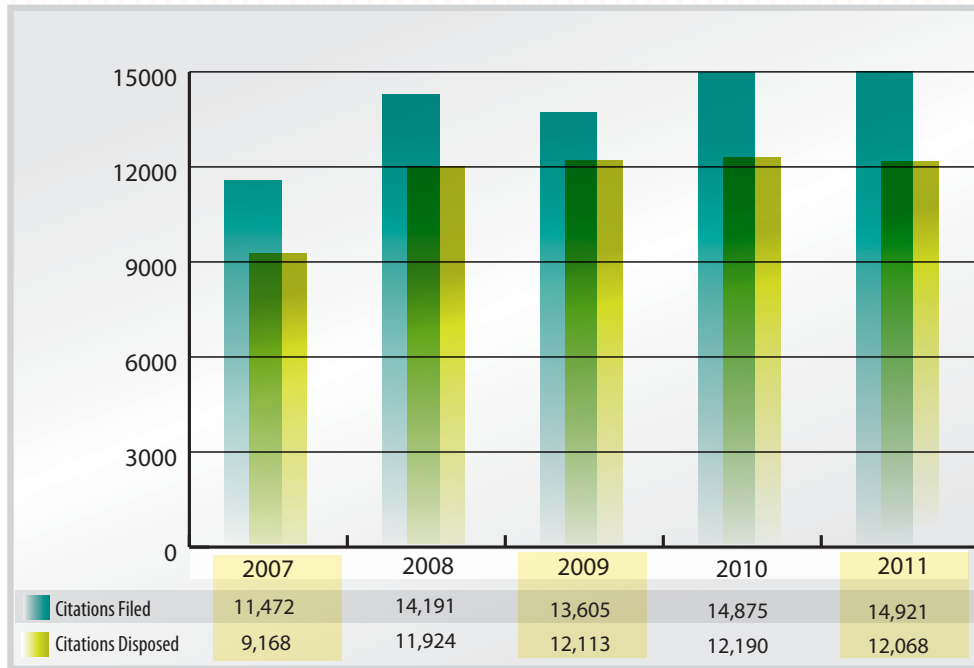
\* Source: Superior Court of Guam

## 2011 Caseload by Case Type

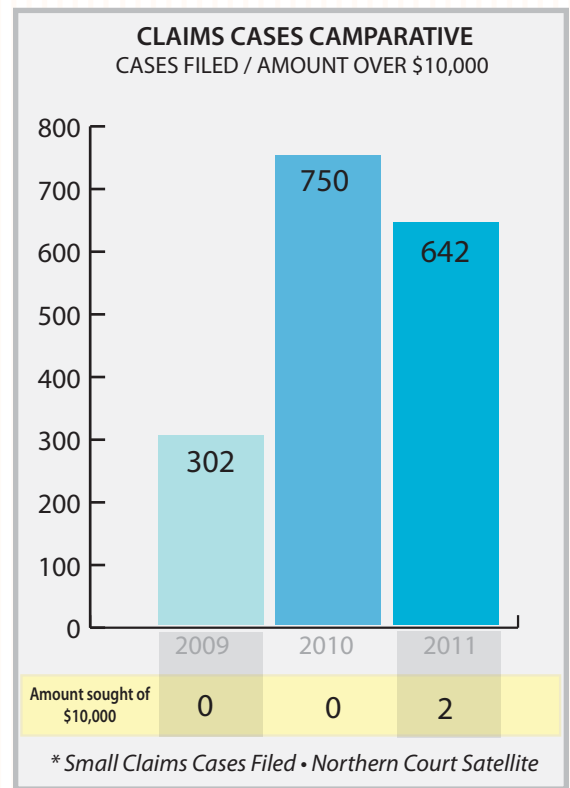
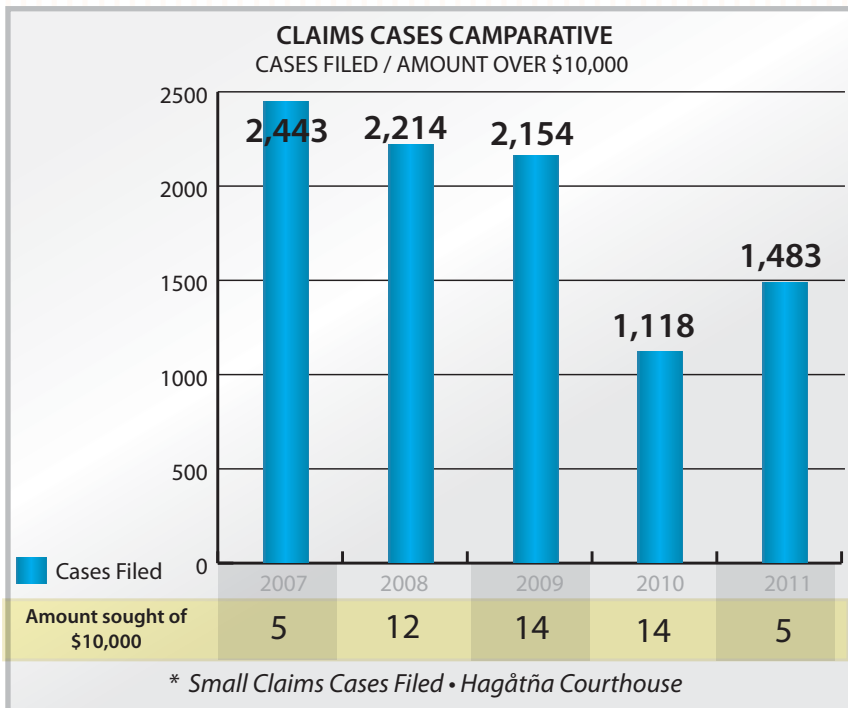
	# Cases	%
Adoption	28	0.30%
Child Support	482	5.19%
Civil	1,984	21.35%
Criminal (Felony)	727	7.82%
Criminal (Misdemeanor)	1,300	13.99%
Domestic (Divorce)	878	9.45%
Juvenile Division	316	3.40%
Juvenile Special Proceedings	781	8.40%
Juvenile Drug Court	131	1.41%
Land Registration	2	0.02%
Probate	154	1.66%
Special Proceedings	216	2.32%
Small Claims	2,125	22.86%
Foreign Orders	3	0.03%
Protective Orders	125	1.34%
Restitution and Fines	42	0.45%
<b>TOTAL</b>	<b>9,294</b>	<b>100.00%</b>



### TRAFFIC CITATIONS FILED / DISPOSED



The Traffic Court hears and determines cases involving traffic offenses, marijuana violations, fire code violations, litter offenses, boating offenses, smoking and animal control offenses for which the penalty upon conviction does not exceed a fine of THREE THOUSAND DOLLARS (\$3,000.00), or imprisonment of sixty (60) days, or both.



Any person having a claim of ten thousand (10,000.00) dollars or less may apply for relief through the Small Claims Division. Counterclaims or cross-claims may also be filed for up to ten thousand (10,000.00) dollars. If a bona-fide counterclaim or cross-claim is in excess of ten thousand (10,000.00) dollars, the matter shall be handled as a regular civil or other case.

## FIVE-YEAR CASE COMPARATIVE • JURY MANAGEMENT STATISTICS

CATEGORY	FY 2007	FY 2008	FY 2009	FY2010	FY2011
Petit Jury Orientations	13	12	12	11	15
Petit Jury Selections	32	59	62	65	53
Petit Jury Trial Cases	16	26	31	34	27
Petit Jury Trial Days	73	110	144	111	111
Grand Jury Selections	1	2	2	2	2
Grand Jury Days	129	117	146	182	175
Grand Jury Cases	584	594	603	724	701
Jurors Present	8,180	13,531	12,540	13,193	11,963
<b>JURY-RELATED</b>					
EXPENSES	FY 2007	FY 2008	FY 2009	FY2010	FY2011
Petit Jury Activity	\$162,960	\$334,080	\$94,530	\$271,980	\$246,270
Grand Jury Activity	\$82,440	\$71,850	\$281,670	\$123,810	\$112,620
<b>TOTALS:</b>	<b>\$245,400</b>	<b>\$405,930</b>	<b>\$376,200</b>	<b>\$395,790</b>	<b>\$358,890</b>

The Jury Commissioner's Unit is responsible for ensuring and coordinating the availability of grand jurors and petit jurors for matters in the Superior Court, and therefore, plays a critical role in ensuring the constitutional rights of those accused of crimes. The right to a jury is guaranteed by the Constitution, and this unit is essential to the criminal justice system. In 2011, 11,963 petit and grand jurors were present at orientations, selection and court proceedings, a decrease of 9% from 2010, but an increase of 32% from 2007.

## SUPERIOR COURT OF GUAM TIME STANDARDS REPORT

On September 15, 2006, the Supreme Court of Guam, through its Administrative Rule 06-011, adopted time standards intended to govern both the efficient movement of cases "from start to finish" through the trial court (Case Age Time Standards), and the prompt disposition of matters taken under advisement within cases while they remain open and active (Under Advisement Time Standards).

- 100% of Criminal Cases are to be concluded within 12 Months
- 100% of Non-Criminal cases are to be concluded within 18 Months

### 2011 Time Standards Report

Approximately 6,800 new cases are filed each year and distributed among the 7 Superior Court Judges. Many of those cases are promptly processed and concluded. Data prepared late in 2011, showed that approximately 1,920 Open and Active cases remained on the regular dockets of the 7 judges, of which 306 were open and active cases from previous years. Additionally, 1,219 open and active cases assigned to various Specialty Court dockets. At the end of 2011, there were approximately 3,139 open and active cases before the Superior Court of Guam.

### Open and Active Cases from Previous Years

Age of Cases	Criminal Felony Cases	Criminal Misdemeanor Cases	Non-Criminal Cases	TOTALS
12-18 Months	31	13	0	44
19-24 Months	35	18	28	81
2 – 3 Years	29	14	61	104

# Marshal

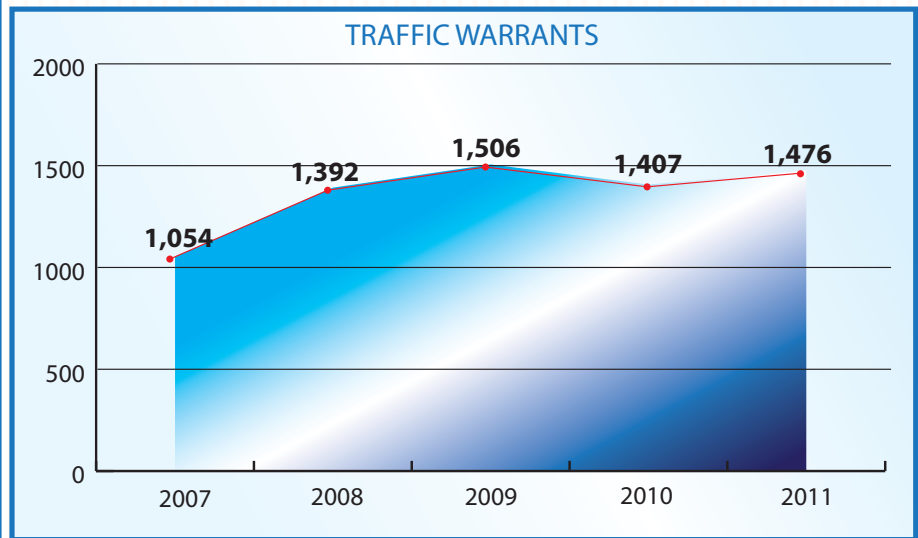


The Marshals Division is responsible for security of the courthouse facilities, judicial officers, and court employees. The Marshals Division also must personally serve certain court documents, including warrants and restraining orders. In 2011, there was a slight increase in the number of traffic warrants served by deputy marshals, as compared to 2010.

In addition to these duties, throughout 2011, the Marshals Division conducted training for court personnel and other law enforcement agencies, including the Department of Corrections, Department of Agriculture's conservation officers, and Guam Department of Education's school attendance officers. Marshals also provided outreach to more than 1,500 students of the island's schools, from primary school age to college level.

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

DOCUMENTS HANDLED		% Change
YEAR	Total Docs	
2007	44,978	
2011	19,576	-56%
TOTAL WARRANTS HANDLED		
YEAR	# Warrants	
2007	7,567	
2011	3,792	-50%
TOTAL DETAINEES ANNUALLY		
YEAR	# Detainees	
2007	7,341	
2011	8,000	9%



Source: Marshals Division, Judiciary of Guam

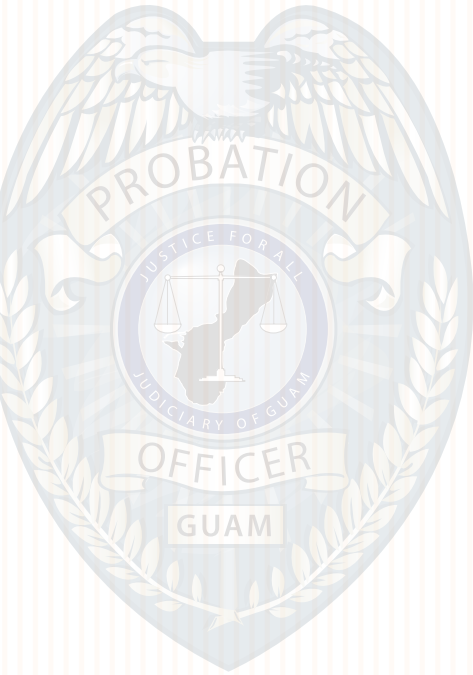
YEAR	BW	OBW	WA	Total	Completed	Pending	% of Completion	% of Pending
2007		393	1,054	1,447	1,311	136	90.60%	9.40%
2008	9	150	1,392	1,551	1,282	269	82.66%	17.34%
2009	6	411	1,506	1,923	1,619	304	84.19%	15.81%
2010		296	1,407	1,703	1,223	480	71.81%	28.19%
2011			1,476	1,476	1,476		100%	

**BW** = Bench Warrant

**OBW** = Open Bench Warrant (Individual requested to appear, but failed to appear)

**WA** = Warrant of Arrest (e.g. promissory note not fulfilled, etc.)

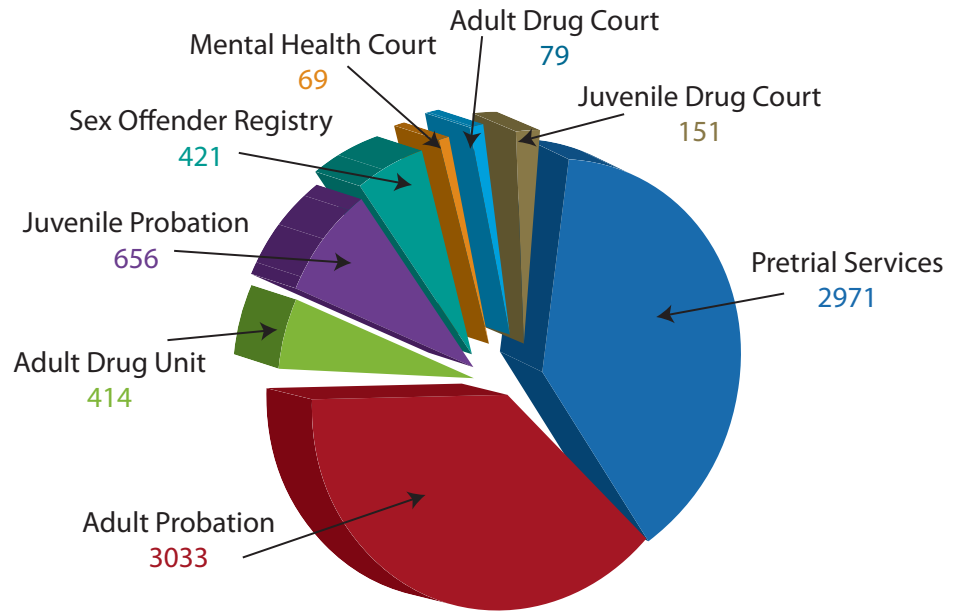
# Probation



## PROBATION CASELOAD DISTRIBUTION BY SECTION

For 2011, the Probation Services Division averaged an active supervision caseload of 7,794 clients.

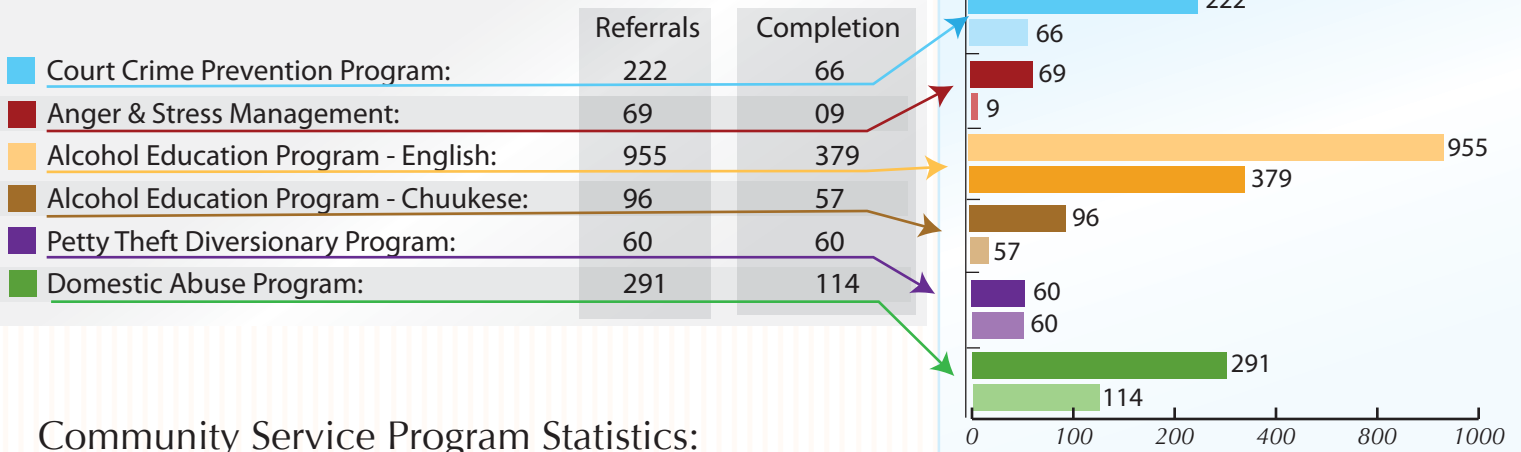
### PSD Active Caseload



## Alternative Sentencing Office

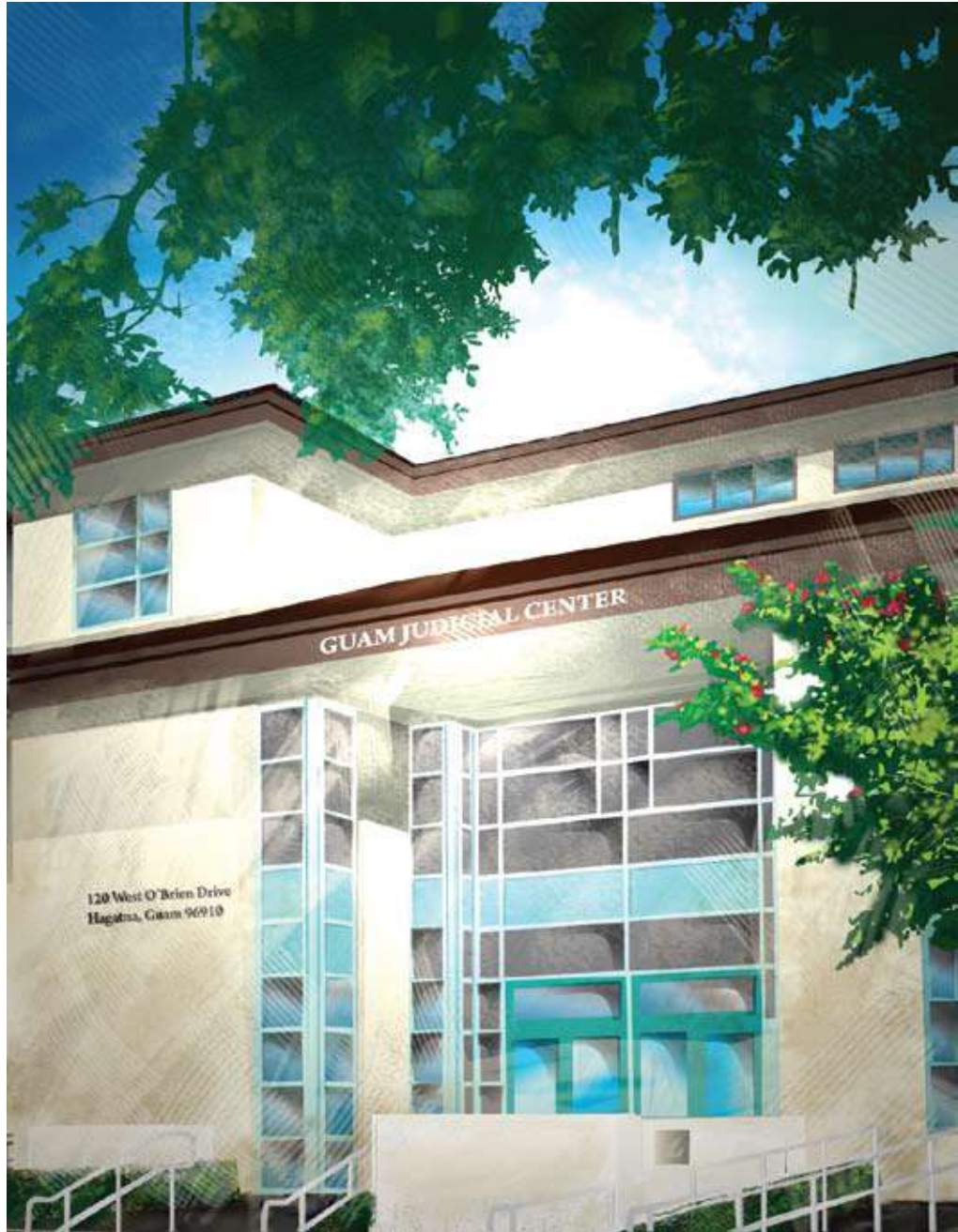
*"To provide the courts with meaningful alternatives to incarceration by means of educating the offender about the consequences of their criminal acts and taking responsibility for their action and to aid the offender with techniques for improving their self-image and esteem."*

## Served 1,966 clients



## Community Service Program Statistics:

No. of Offenders who converted CS hours converted to fine:	195
No. of Offenders who converted Fine to CS:	582
No. of CS Participating Agencies:	44
No. of CS hours performed:	203,200
Dollar Equivalent based on the minimum wage	\$1,473,200.00
Community Service Program Participants:	1174
No of Clients who completed CS:	689



# PLANNING FOR THE FUTURE

The Judiciary updated its long-range strategic plan in late 2011 with funding from the State Justice Institute and assistance from Dr. Brenda J. Wagenknecht-Ivey, CEO of PRAXIS Consulting, Inc. The leadership of the Judiciary decided to review and update its strategic plan in light of challenging economic times, growing population, escalating service demands and other trends.

“A Direction for the Future: The Strategic Plan for the Guam Judiciary 2012-2015” is the culmination of the 2011 strategic planning process. It sets forth an updated blueprint for improving justice and court services over the next couple of years. This plan will help the Judiciary make improvements in key areas while using its limited resources efficiently and effectively in the years ahead.

## **Mission**

The Judiciary's purpose is to administer justice by interpreting and upholding the laws, resolving disputes in a timely manner, and providing accessible, efficient, and effective court services.

## Vision for the Future

The Judiciary will provide the highest quality of justice services, thus enhancing public trust and confidence in Guam's independent and co-equal branch of government and becoming a model of judicial excellence.



### The courts will:

1. **Resolve matters and provide court services in a timely and efficient manner;**
2. **Be user friendly, understandable, accessible, and affordable to court users through the use of innovative resources and practices;**
3. **Have sufficient resources to support operations, programs, and services;**
4. **Develop highly skilled and satisfied judges and personnel; and**
5. **Be cost effective, accountable, and fiscally responsible.**

### Core Values

- **Professionalism**
- **Integrity**
- **Excellence**

The Judiciary's annual strategic initiatives and projects, which are an outgrowth of this Strategic Plan, are presented in a separate document entitled: "2012 Strategic Projects: A Companion to the 2012-2015 Strategic Plan. The Judiciary will update the companion document annually as it reassesses and establishes new strategic priorities/projects to achieve this Plan.

A Strategic Planning Task Force consisting of Justices, Judges, court managers, staff, and external partners participated in a retreat on November 7 and 9, 2011 at the Hilton Resort & Spa Guam, facilitated by NCSC Consultant Dr. Brenda Wagenknecht-Ivey.

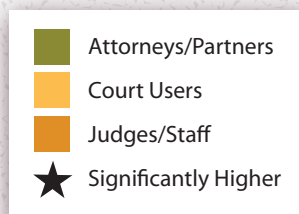
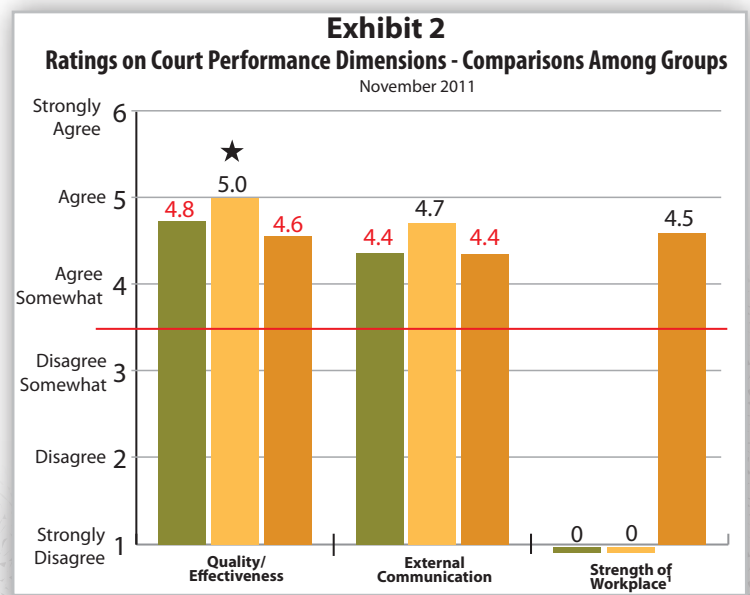
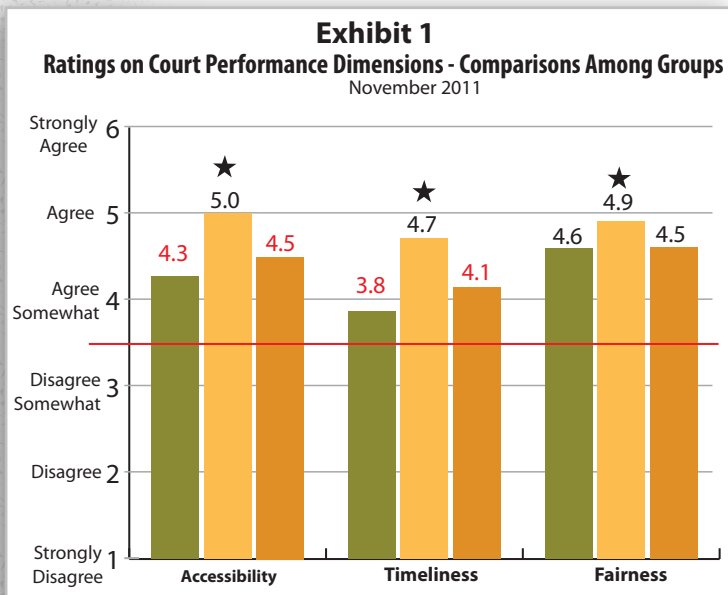
# Court Survey

The strategic planning process included surveying: (1) attorneys and external partners; (2) court users/litigants; and (3) judicial officers and court employees. The survey results were used by the Judiciary's strategic planning committee in November 2011 to assess the performance of the Judiciary, update its long-range goals, and establish future priorities.

The survey was administered in late September and early October 2011. 1,231 people completed the surveys.

## Ratings on Important Dimensions of the Judiciary's Performance

- Court users/litigants rated the Judiciary highest on all five performance dimensions (i.e., Accessibility, Timeliness, Fairness, Quality/Effectiveness, and External Communication). They rated the Judiciary highest on Accessibility and Quality/Effectiveness and lowest on Timeliness and External Communication.
- Attorneys/external partners rated the Judiciary highest on Quality/Effectiveness and lowest on Timeliness.
- Judges/court employees rated the Judiciary highest on Fairness and Quality/Effectiveness and lowest on Timeliness.



# Court Survey

## Barriers to Accessing or Using the Courts

- Parking was the most frequently identified barrier (by all three survey groups) to accessing or using the courts.
- The distance people have to travel to get to court and the time it takes away from work or home were the second and third most frequently mentioned barriers by court users/ litigants.
- The second and third most frequently mentioned barriers by attorneys/external partners were the length of time it takes to get a decision/matter resolved and the cost of hiring an attorney.
- The second and third most frequently mentioned barriers by judges/court employees were the cost of hiring an attorney and difficulty understanding what needs to be done once at court.

## Greatest Strengths of the Guam Judiciary

- “Customer service” was mentioned most frequently by court users/litigants and judges/ court employees as the greatest strength of the Guam Judiciary.
- Attorneys/partners identified the “Justices and Judges” as the Judiciary’s greatest strength.
- The second most frequently mentioned strength of all three survey groups was “Court Employees.”

## Future Priorities if New Programs and Services Can be Added in the Next 3-5 Years

- All three survey groups identified the ability to do business with the courts remotely/ electronically as the highest future priority if new programs/services can be added in the next 3-5 years.
- The second and third highest priorities of court users/litigants were information booths/ personal assistance and more timely resolution of cases/matters.
- The second and third highest priorities of attorneys/partners were more timely resolution of cases/legal matters and improve scheduling of hearings.
- Adequate facilities and more timely resolution of cases/matters were the second and third highest future priorities of judges/court employees.

## 3 Most Wanted Changes in the Next 2 Years

- Court users and judges/court employees identified improvements to the courts’ facilities and parking as the most wanted change in the next 2 years.
- The second and third more frequently mentioned desired changes by courts users/litigants in the next 2 years were improve access/customer service and expand programs/services.
- The most wanted change by attorneys/partners was improvements in timeliness, scheduling, calendaring, and assignments. The second and third most frequently mentioned desired changes in the next 2 years were improve facilities/parking and enhance technology.
- The second and third most frequently mentioned desired changes by judicial officers/ court employees were improve management and human resource practices and improve technology and equipment.





## STRATEGIC PLANNING COMMITTEE

Chief Justice F. Philip Carbullido  
 Justice Robert J. Torres  
 Justice Katherine A. Maraman  
 Presiding Judge Alberto C. Lamorena III  
 Judge Elizabeth Barrett-Anderson  
 Mr. Perry C. Taitano  
 Mr. Robert S. Cruz  
 Mr. Joshua F. Tenorio  
 Attorney Hannah Gutierrez Arroyo  
 Attorney Geraldine A. Cepeda  
 Attorney Marcelene Santos  
 Attorney Bruce Bradley  
 Attorney Danielle Rosete  
 Attorney B. Ann Keith  
 Mr. Richard B. Martinez  
 Mr. Anthony Meno  
 Mr. Edward S. Toves  
 Mr. John Q. Lizama  
 Ms. Virginia Yasuhiro  
 Ms. Barbara Jean T. Perez  
 Mr. Raymond L.G. Taimanglo  
 Ms. Jacqueline Z. Cruz  
 Mr. Pete Leon Guerrero  
 Mr. Joseph Leon Guerrero  
 Mr. Frank A. Perez  
 Attorney Christina Pederson  
 Mr. Raymond A.R. Dungca  
 Ms. Lisa Baza



## External Partners

Attorney General Leonardo Rapadas  
 Chief Deputy Attorney General Phillip Tydingco  
 Chief of Police Fred Bordallo  
 Mr. Jose San Agustin, Department of Corrections  
 Mr. Adonis Mendiola, Department of Youth Affairs  
 Attorney Eric Miller, Public Defender Services Corporation  
 Attorney Hank Parker, Guam Legal Services  
 Attorney Patrick Wolff, Ina'fa Maolek  
 Dr. James Kiffer, Department of Mental Health & Substance Abuse  
 Administrator Christopher Anderson, Student Support Services, GDOE  
 Administrator Lydia Tenorio, Child Protective Services, DPHSS  
 Ms. Diana Nucum, Erica's House  
 Lieutenant Antone Aguon, Department of Corrections

# Modernizing Court Operations

In an era where declining revenues and budgets are the norm rather than the exception, the Judiciary must be innovative and focused on effective outcomes and greater efficiencies.



## Case Management System (Justware)

With funding from the American Recovery and Reinvestment Act and the U.S. Department of Interior and assistance from the National Center for State Courts, a significant effort has been placed on the implementation of a new Case Management System that will integrate court information and data. The CMS Project, Phase I, was completed on September 30, 2011, with an operational and fully implemented system. "Go Live" for Phase I occurred on October 10, 2011. Phase I was funded under the American Recovery and Reinvestment Act, U.S. Department of Education, State Fiscal Stabilization Fund Project, through Office of the Governor of Guam.

With an additional \$3.7M in FY2011 Compact Impact monies received in late 2010 from U.S. Department of Interior, the Judiciary began implementing Phase II of the CMS Project in early 2011, fulfilling our commitment to enhance services in the 21st century. When completed, the new CMS will fully automate court operations on an unprecedented level, and will permit greater productivity and efficiency, an absolute benefit in these fiscally challenging times. Commencing October 2011, Phase II will encompass start-up and initial hardware and software installation of the core Financial Management and HR/Payroll implementation activities. These upgrades translate to improved customer services with the infrastructure and technology to enable on-line payments.

### *Phase I incorporated the following modules:*

- Calendaring
- Superior Court, Criminal (Felonies and Misdemeanors), Juvenile (Juvenile Delinquency, Juvenile Proceedings, Juvenile Corrections), and Traffic Cases
- Therapeutic Courts (Adult Drug Court, Juvenile Drug Court, Mental Health Court, Family Violence Court, Driving While Intoxicated Court)
- Probation Services Division and Guam Sex Offender Registry
- Client Services and Family Counseling Division
- Financial Management Division, as it relates to fines, fees and restitution
- Marshals Division

### *Phase II incorporates the following modules:*

- Supreme Court
- Superior Court Civil Cases (Civil, Divorce, Protective Order, Probate, Land Registration, Special Proceedings, Adoption, Child Support, and Foreign Orders)
- Public Guardian
- E-filing to serve both Superior Court and Supreme Court
- Jury Management
- Financial Management Division (on-line payments)
- Human Resources Division
- Procurement and Facilities Management Division
- Court Programs (Federal Grants Management)
- Criminal Justice Information System
- Department of Revenue and Taxation – Traffic Interface
- Miscellaneous Judicial Matters (Board of Law Examiners, Guam Bar Association, Ethics Prosecutor, Special Process Servers)

## E- FILING

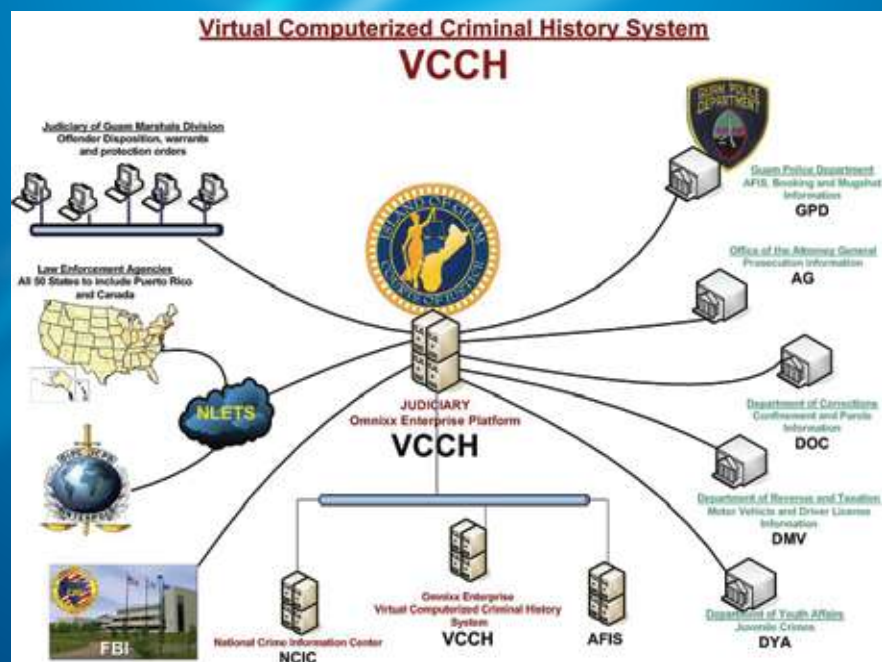
The creation and development of our Case Management System directly corresponds with preparing for the upcoming implementation of electronic filing (e-filing). Electronic filing is the process of transmitting documents and other court information to the court through an electronic medium, rather than on paper. Using the electronic process will enable staff to accomplish more work by allowing them to send and receive documents, receive filing fees, notify other parties, receive court notices, and retrieve court information through a case system.

A significant aspect of electronic filling is to ensure that our Judiciary is in line with other jurisdictions regarding trends on preservation, access, and research. With the full implementation of electronic filing, the data sharing, transmittal of documents, dissemination of information, and the archiving of official case pleadings will be greatly improved in our jurisdiction.

## CJIS Integration Project Virtual Computerized Criminal History Records (VCCH) System.

Following the establishment of the Criminal Justice Automation Commission (CJAC) in 1993, the Criminal Justice Information System Project has been a collaborative effort among Guam's criminal justice entities. Funding is secured under a Recovery Act Edward Byrne Justice Assistance Grant in 2009 from the Bureau of Statistics and Plans, with most of the integration project's framework completed. Additional funding by BSP has also been approved to maintain the system. The project is expected to be launched in April 2012, the culmination of close to two decades of planning and work.

The system will be comprised of a message switch and a Virtual Computerized Criminal History Records (VCCH) system. When completed, Guam will finally have a fully integrated Criminal Justice Information System that will ensure criminal history records are complete, accurate and timely, and will include arrest data, prosecutorial data, conviction data, and correctional status data. This project will aid in public safety efforts at the local and national level. The project completion date is expected to be April 30, 2012.



Pursuant to the Adam Walsh Act enacted by Congress in 2006, the Judiciary performs the function as the Sex Offender Registry for Guam.

In 2011, it was announced during the Sex Offender Monitoring, Apprehending, Registering and Tracking annual workshop in Washington D.C., that Guam had been approved by the U.S. Department of Justice as the first Territory to be compliant with the Adam Walsh Act. This was the result of collaborative work among the Judiciary, the Guam Legislature, with assistance from the Attorney General and other executive branch agencies, in modifying Guam's sex offender registry laws, which were subsequently enacted as Public Law 30-223. Citizens can easily access the registry at [www.guamcourts.org](http://www.guamcourts.org) under "Additional Sites" and "Sex Offender Registry."

# National Crime Information Center ( NCIC )

National Crime Information Center, is a database managed by the Federal Bureau of Investigation Criminal Justice Information Services (CJIS) Division. The CJIS Division manages a few systems: NCIC 2000, Interstate Identification Index (III), and the National Instant Criminal Background Check (NICS).

- The Judiciary of Guam became the Criminal Justice Systems Agency on January 1, 2002 with the overall responsibility for the administration and usage of the NCIC within the territory. The CSA's responsibility is to include all criminal and civil applicant fingerprint card submissions to the FBI and to maintain a Criminal History repository of dispositions submitted to the FBI-CJIS Division. Benefits to Guam law enforcement

- The National Crime Information Center is a computerized database of documented criminal justice information available to law enforcement agencies nationwide. NCIC operates under a shared-management concept between the FBI and local, state, tribal and federal criminal justice agencies. Benefits include information on wanted persons, convicted sexual offenders, missing persons, stolen vehicles, stolen guns, protection order files and known suspected terrorist files. This allows law enforcement officers and criminal justice personnel to access hot files to enhance their criminal investigations and officer safety.

Total # of submissions from Guam to NCIC.

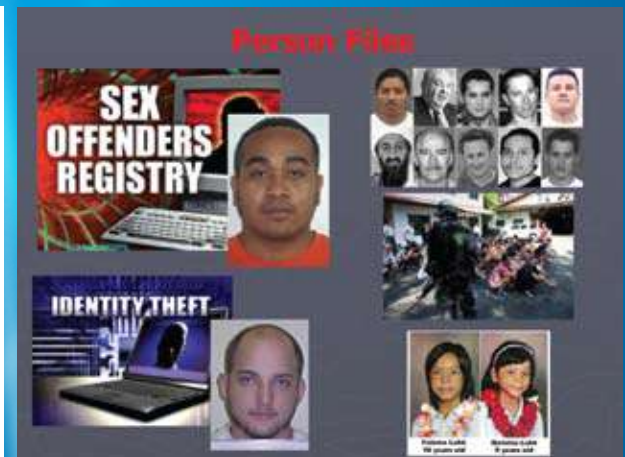
- 1,770 (01/2010-12/2011)

Types of cases submitted (serious misdemeanors, felonies, etc.)

- All criminal felonies and misdemeanors

Guam Law Enforcement Agencies with access:

- Guam Police Department
- Guam Airport Police
- Office of the Attorney General's
- Guam Port Police
- Department of Corrections
- Department of Customs and Quarantine



## Facilities

The Guam Judicial Center, constructed in 1991, is a three-story facility containing the Supreme Court and support facilities, seven Superior Court trial courtrooms, one Judicial Hearings courtroom, a Grand Jury courtroom and administrative facilities.

There are four existing structures on the site including the main Judiciary of Guam facility, the Annex building (original Superior Court building), the Guam Law Library and the Red Cross building. The Annex building is the original judiciary facility of Guam, and served as the courthouse for both the Superior and Supreme Courts of Guam. The Annex presently houses the Probation Services Division and the Office of the Public Guardian.

- **Air Conditioner Replacement Project (Phase II)**

- In FY 2011, the Judiciary began the final phase of replacing the entire air conditioner system in the Judicial Complex. The final phase (PH III) includes the replacement of the Old Superior Court chillers and air handling units. The newly installed air conditioning units are more energy efficient and are controlled and monitored by an Air Condition Direct Digital Control (DDC) System with features that further reduce energy cost. The cost of the final phase of the project is \$319,555.00 and was completed in January 2012. The contractor for this project is J&B Modern Tech and the Project Consultant is Albert H. Tsutsui, A.I.A., Inc. Total cost of the entire project Phase I through III is \$1,209,623.00.

- **Light Retrofit Project**

- In partnership with the Guam Energy Office, the Judiciary awarded a contract to Kinden Corporation to replace existing lights in the Judicial Center Complex buildings with energy efficient lights. The project is based on an energy audit completed on November 12, 2010. Another cost-saving aspect of this project involves installing motion sensor lights in strategic locations throughout the Judicial Center. These lights are activated only as-needed, when movement in the area triggers electricity to the light unit. Throughout 2011, pre-wiring efforts began, with installation of new energy efficient lighting to follow in early 2012. This project was possible through 100% federal funding from the FY 2009 Energy Conservation Project grant, awarded by the Guam Environmental Protection Agency, Guam Energy Office. Grant amount for this project is \$568,188.00. The Project Consultant for this project is RIM Architects.



- **Elevator Replacement & Upgrades**

- High occupancy and usage rate of the Judicial Center Complex required that the Judiciary either replace or upgrade its elevators. Four utility elevators were upgraded and two public elevators were replaced with modern state of the art technology and equipment. The elevators are now equipped with technology found in modern buildings and are connected to a remote communication line that is monitored at all times in case of breakdowns or to alert responders to elevator emergencies. Cost of this project is \$384,000.00.

- **MIS Electrical Upgrade**

- In anticipation of the installation of the new Judiciary Case Management System, the Judiciary upgraded the electrical infrastructure of the MIS Center. As a result of the electrical upgrade, additional computers and ancillary equipment can be installed without fear of electrical malfunctions. The contractor for this project was Western Pacific Electric, Inc., and the Project Consultant is Albert H. Tsutsui, A.I.A., Inc. The cost for this project is \$18,080.00.

# Pacific Judicial Council

The Pacific Judicial Council (“PJC”) comprised of the Judiciaries of Guam, the CNMI, the Federated States of Micronesia, Palau, and American Samoa held its Biennial Conference in April 2011. The Conference, which was hosted by the Palau Judiciary, was well-attended by judicial officers and attorneys from the Pacific. The Conference featured off-island presenters Judge J. Clifford Wallace, Judge Daniel P. Ryan, Retired Judge Donna J. Hitchens, Judge M. Margaret McKeown, Associate Professor Kathleen Burch, and Stephen V. Armstrong. The Conference included training on various topics such as: juvenile sentencing, evidentiary issues, constitutional law issues, an opinion writing seminar, and ethics. It was also an occasion for the election of PJC Executive Board officers.



The current officers for the PJC Executive Board are:

Chief Justice F. Philip Carbullido – President  
Chief Justice Camillo Noket – Vice-President  
Justice Alexandro C. Castro – Acting Secretary  
Chief Judge Frances Tydingco-Gatewood - Treasurer

Justice Robert J. Torres – PJC Education Committee Chair  
Chief Justice Cyprian Manmaw – PJC Education Committee Co-chair

The PJC continues to expand its Court Interpreter program and held its third Court Interpreter Training in the CNMI. The training allowed interpreters from the neighboring islands an opportunity to learn about the program and were trained in various languages such as Chuukese, Yapese, Korean, Chamorro, Vietnamese and Marshallese.



# Employee Recognition Program

The Judiciary remains proud of the work and commitment of its employees. Each year, as part of the Employee Recognition Program ("ERP") Judiciary employees who truly exemplify the spirit of professionalism and excellence long admired in the Judiciary are recognized for their outstanding work. The ERP is also an occasion to enhance employee morale through sports events and a talent and cooking competition. Judge Vernon P. Perez chaired the ERP and Judge Michael J. Bordallo chaired the sports committee. Many of the Judiciary employees participated in the events held and nominations for the Justice Awards program were received from almost all the divisions within the Judiciary. Of those nominated, the following were selected and recognized at the awards ceremony.



Unit of the Year  
Civil Section, Marshals



Honoring the Silent One  
Christine Blas



Community Service Award  
Lillian Kosaka



Supervisor of the Year  
Thomas Masga



Manager of the Year  
Marcelene Santos



Spirit of the Judiciary  
Darrell Garcia



Rookie of the Year  
Irene Leon



Award for Excellence  
in Court Operations  
Carol Gatchalian



Integrity Award  
Julie T. Williams



Alternative Dispute Resolution Conference

## Developing Court Staff

The Judiciary continues to ensure it maintains a satisfied and knowledgeable workforce in order to provide excellent services to the public. Throughout 2011 Judiciary employees participated in training and educational opportunities including: Alternative Dispute Resolution, Judicious Use of Deadly Force, Evidence-based Practices for Effective Case Management, Criminal Justice and Public Safety, Grants Management, and Court Management Training.

## CMS Training

Of significance in 2011 was the extensive training for the Judiciary's new Case Management System - JustWare. In anticipation of the completion and integration of Phase I of the CMS Project Judiciary employees were trained by Hewlett Packard staff. An onsite administrator was assigned to conduct training for the Subject Matter Experts ("SMEs").



SMEs in each division were trained on how to create business rules, generate documents and reports on cases, incorporate case information into the new system, and most importantly became familiar with the JustWare interface and navigation. Although Phase I of the project went live in October 2011, the JustWare experts continue to provide extensive training to Judiciary staff to address any issues with Phase I and in anticipation of the launch of Phase II in October 2012.

# Law Enforcement Training

In 2011, Law Enforcement officers in the Marshals Division and Probation Division attended training which included: O.C. pepper spray, collapsible baton, Judicious use of deadly force, basic officer survival, Tactical weapons simulator training also known as judgmental shooting, High risk response training, Basic firearms, Riot control, Firearms familiarization, Firearms qualification, Close quarter battle, Tactical tracking, and Long arms. Certified First Aid and CPR officers from the Marshals Division also provided training to more than 100 Judiciary employees in CPR/First Aid/Automated External Defibrillator (AED).

Throughout the year, the Marshals Division conducts training in various areas and in order to be certified instructors selected personnel attended and completed the following courses: Emergency Vehicle Operators Instructor Course, Emergency Vehicle Operators Simulator Instructor Course, Basic Crises Hostage Negotiators Course, Advanced Crisis Hostage Negotiators Course, High Risk Response/Active Shooter Instructor Training Course.

## SRO Training

On December 16, 2011 five probation officers - Emmanuel Cruz, Yvette Leon Guerrero, LouAnna Manibusan, Louie Sunga, and Randall Yasuhiro - were officially sworn in by Chief Justice Carbullido to serve as School Resource Officers ("SRO") in the five public high schools. From the onset of the SRO Program under the Safe and Drug-Free Schools Project, the SROs received extensive training and development to hone their skill set to carry out their roles as law enforcement officers, law-related educators, and informal counselors - the triad concept of the National Association of School Resource Officers (NASRO).

The Marshals Training & Development Section assisted by the Probation Division trained the SROs in courses including report writing, basic firearms training, defensive tactics training, First Aid/CPR, physical conditioning, crowd/riot control, practical problems and search techniques, judicious use of deadly force, high risk response training (active shooter), tactical tracking, tactical firearms simulator (judgmental shooting), day time qualification score, low light conditions firearms familiarization, basic officer survival, impact weapon collapsible baton system, O.C. pepper spray, conducting presentations, and on-the-job orientation.



## Alternative Dispute Resolution

In August 2011, the court, with assistance from the U.S. Department of the Interior, sponsored a one week workshop entitled, "Alternative Dispute Resolution: Mediation 101." The Judiciary brought out Mediation instructors from JAMS (formerly known as Judicial Arbitration & Mediation Services), including Catherine Yanni, Esq., a Top 50 California Arbitrator in 2003, 2004, 2010 and 2011. Joining her was JAMS Mediator David Yount, Chief Circuit Mediator for the Ninth Circuit Claudia L. Bernard, and Director of the ADR Program of the Northern District of California Howard A. Herman. Joining them was Guam's own Inafa Maolek founder and top mediator, Patrick Wolff. The week-long program immersed several dozen of Guam and Micronesia's professionals with proven techniques and theories of mediation. After the training, the Supreme Court passed Promulgation Order 006-05-4, extending the court-referred mediation pilot program of prior years, and adopting amended rules for this program. As a result of this training, our courts now have a pool of trained mediators who can provide effective, affordable and confidential mediation services for appropriate cases.



# New Appointments



## **Marshal of the Courts**

In March 2011, the Judicial Council approved the appointment of Edward S. Toves as the new Marshal of the Courts. A

former police officer with the Guam Police Department, he most recently served as Deputy Marshal Supervisor from 1995 to 2011 and has provided over 22 years of law enforcement service to the Judiciary. Additionally, Toves has served in the Guam Air National Guard for the past 28 years and currently holds the rank of Senior Master Sergeant. He earned an Associate of Science in Criminal Justice in 1992 from Guam Community College.



## **Compiler of Laws**

In August 2011, the Judicial Council approved the appointment of Geraldine Amparo Cepeda as the new Compiler of Laws. She brings several

years of writing, researching, and editing experience to her new position, having previously served as the Staff Attorney and a research attorney for the Supreme Court of Guam, a Pro Se Law Clerk at the District Court of Guam, and a law clerk to Justice Simeon R. Acoba, Jr. of the Hawaii Supreme Court and Intermediate Court of Appeals. A graduate of the William S. Richardson School of Law, University of Hawaii, she has also served the Government of Guam as an Assistant Attorney General. Cepeda is also the Executive Director/Librarian of the Guam Law Library.



## **Chief Probation Officer**

In May 2011, the Judicial Council approved the appointment of John Q. Lizama as the new Chief Probation Officer. A member of the Probation Services Division for over 20 years, he most

recently served as Deputy Chief Probation Officer from 2001 to 2011. Prior to his employment with the Judiciary, Lizama served as a Parole Officer with the Department of Corrections and as a Youth Service Worker with the Department of Youth Affairs. In addition to his years of law enforcement work, Lizama is a Lieutenant Colonel in the U.S. Army Reserves serving as the Commander for the Theater Support Group for Guam and the CNMI. He earned a certificate in Basic Law Enforcement from the Criminal Justice Academy, Guam Community College, and a B.S. in Criminal Justice in 1987 from the University of Guam.



## **Director of Policy, Planning & Community Relations**

In November 2011, Joshua F. Tenorio was selected as the Director of Policy, Planning & Community Relations.

His public policy experience includes working in the U.S. House of Representatives as a Legislative Assistant to Congressman Robert A. Underwood, Deputy Chief of Staff to Governor Carl T.C. Gutierrez, Director of the Bureau of Planning, Legislative Judiciary Committee Director under Chairman Randy Cunliffe, and Chief of Staff to Vice Speaker Benjamin J.F. Cruz, Retired Chief Justice of Guam. He is a graduate of the University of Guam and is active in many of Guam's non-profit organizations including Pa'a Taotao Tano and FYI Films By Youth Inside.



# Responding to the needs of the community

Every day, members of our island community – from citizens, businesses, to governmental agencies – seek the protection of the laws through the trial and appellate courts of the Judiciary of Guam. As the third and co-equal branch of government, the Judiciary is responsible for ensuring that all litigants receive a fair adjudication in their cases. From criminal prosecutions to civil lawsuits, probate proceedings to child support cases, the justices, judges, and court employees continually seek innovative ways to respond to the needs of the community.

The Judiciary is proud of its specialty courts, which address the underlying reasons and causes of criminal behavior as part of the criminal justice process. These courts include the Adult and Juvenile Drug Court, the Mental Health Court, the Family Violence Court, and the newest addition, the DWI Court. Research shows that these programs reduce substance abuse, recidivism and jail overcrowding, more than the traditional system of adjudication, while at the same time reducing crime and victimization.

Certain divisions within the Judiciary, such as the Client Services and Family Counseling Division, the Office of the Public Guardian, and the Sex Offender Registry, focus specific services to litigants and members of our community. These divisions play an important role in ensuring that the Judiciary is adequately addressing the needs of all those who seek justice from our courts.

## **Therapeutic court innovations**

Known as “therapeutic” or “problem-solving” courts, these programs transform the interaction between criminal offenders and the justice system. Rather than the traditional adversarial system, these specialty courts use a non-traditional process that involves a multi-disciplinary approach, including treatment, frequent status hearings, counseling, and graduated sanctions and rewards for participants.

## Adult Drug Court

Participants of the Adult Drug Court program are required to undergo intensive counseling and treatment for their substance abuse addictions, are subject to frequent random drug testing, and agree to sanctions (including confinement) for failure to comply with program guidelines. Since its first graduation in January 2005, 230 participants have graduated from the Adult Drug Court program.

In 2011, the program received 75 new eligibility referrals from the Office of the Attorney General, up from 45 referrals in 2010 – an increase of more than 65%. There were 52 active cases in Adult Drug Court I and 27 active cases in Adult Drug Court II. There were 172 individual sessions conducted by Individual, Marriage, and Family Therapists on contract, and 375 group facilitators on contract.

In an evaluation released in August 2011, the Adult Drug Court program was described as “making a significant impact in addressing Guam’s substance abuse problems.” This study, funded by the Bureau of Justice Assistance and conducted by Judge Ronald Ibarra, concluded that the program was “well developed and coordinated” and “has established a solid framework for coordinating the many agencies and services involved to address the needs of program participants.”

The true measure of the program is evident in the comments made by participants who were interviewed as part of the study. These participants stated that they benefited from the program and would recommend that other eligible defendants consider the program. One participant said the program taught him “there is more to life than drugs.” Another said he saw a better way of life while he was in the program.

The Adult Drug Court program changes lives, one participant at a time. The positive effects of the program affect not only the participants, but their families, their friends and in turn, the greater community of our island.

## Juvenile Drug Court

Recognizing that substance abuse addictions may develop in youth and that delinquent behavior may stem from substance abuse related issues, the Juvenile Drug Court integrates drug treatment services with the juvenile justice system. Participants in the program undergo weekly court status hearings, random testing, group counseling sessions, life skills workshops, and recreational therapy sessions. The Juvenile Drug Court office consists of 1 coordinator, 4 probation



officers, 2 juvenile trackers and 8 part-time individual contract treatment providers.

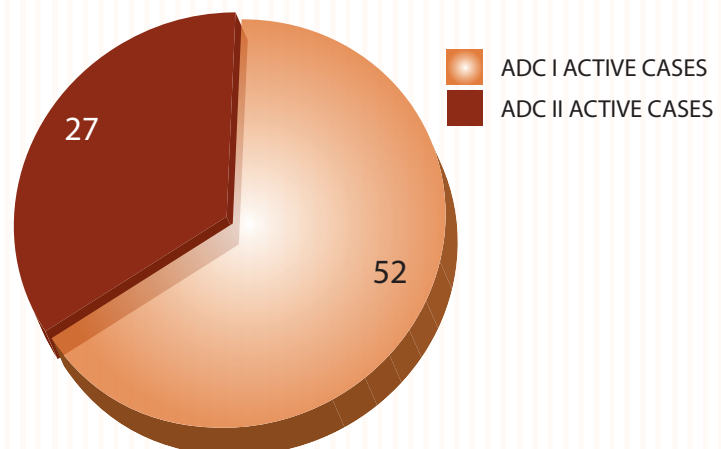
Since its first graduation in 2003, 249 juveniles successfully completed the program. In 2011, 16 youths graduated from Juvenile Drug Court.

The intensity of supervision in this program is clear from these 2011 statistics:

- **4,183 drug tests conducted**
- **1,412 check-ins and personal contacts with the juveniles and their families**
- **820 progress hearings**
- **116 hearings regarding the violation of court orders**
- **150 preliminary hearings/answering hearings/disposition hearings**

In 2011, the Juvenile Drug Court supervised 142 youths. In November 2011, the office also partnered with the Guam Department of Education and conducted presentations during the BASTA Anti-Bullying Conference, using the Gang Resistance and Education (“GREAT”) curriculum.

Adult Drug Court Active Caseload



## Mental Health Court

Our Mental Health Court addresses those in our community who are mentally impaired and developmentally disabled – a segment of our population that too often is misunderstood and underserved. In 2011, there were 69 clients in the Mental Health Court, with 51 on the Traditional Track and 18 in the Formal Mental Health Court.

In 2011, the Mental Health Court team continued to work towards finalizing a memorandum of understanding among the stakeholders, including the Department of Mental Health and Substance Abuse, Attorney General's Office, Public Defenders/Alternate Public Defenders, Guam Police Department, and the Department of Corrections. The team also evaluated proposed changes to the eligibility process for potential clients. At the same time, the program overcame several challenges in its mission to assist its clients: the severe backlog in screenings due to a shortage of psychiatrists at DMHSA, the sudden and unexpected retirement of its judge, and the pending expiration of the initial two-year grant funding. As this program transitions to fully local funding, the eligibility requirements may be revisited to allow for more participants.



## Family Violence Court

The Family Violence Court is an integrated domestic violence court that allows a family to have all civil and criminal cases arising from the same incident heard by a judge specifically trained to address legal issues that arise within families. This successful “One Judge, One Family” model improves caseload efficiency while increasing the services provided to victims and increasing defendant accountability.

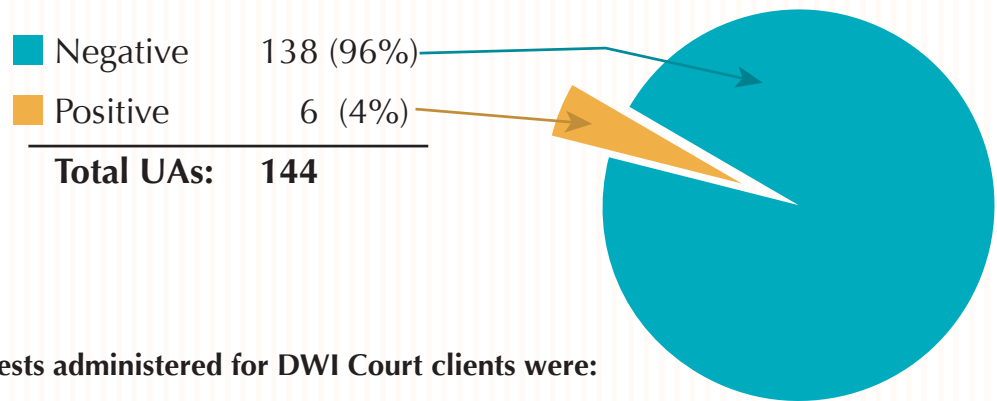
In 2011, the Family Violence Court was able to hire a full-time Judicial Coordinator for 2011-13, pursuant to a federal enhancement grant from the Office on Violence Against Women. Under the guidance of the Presiding Judge, the Judicial Coordinator works with members of the Judiciary, the Attorney General's Office, the Guam Police Department, the Public Defender, and other key stakeholders such as Alee Shelter and Erica's House, to develop a coordinated community response to incidents of domestic and family violence on Guam.

Throughout 2011, the Judicial Coordinator focused on developing these community partnerships and improving services provided to victims of family violence. As a result, there was increased training of judicial and community members, an increase in the number of pro se services offered to victims of family violence and domestic violence, and improvements to the processing and information sharing for court-issued protective orders. In addition, the Judicial Coordinator also began an extensive review of old cases to identify recurring issues that prevent cases from being processed in a timely manner, which should result in many meaningful changes to the program. The public can expect continued progress in delivering quicker and more effective justice in the area of family violence.

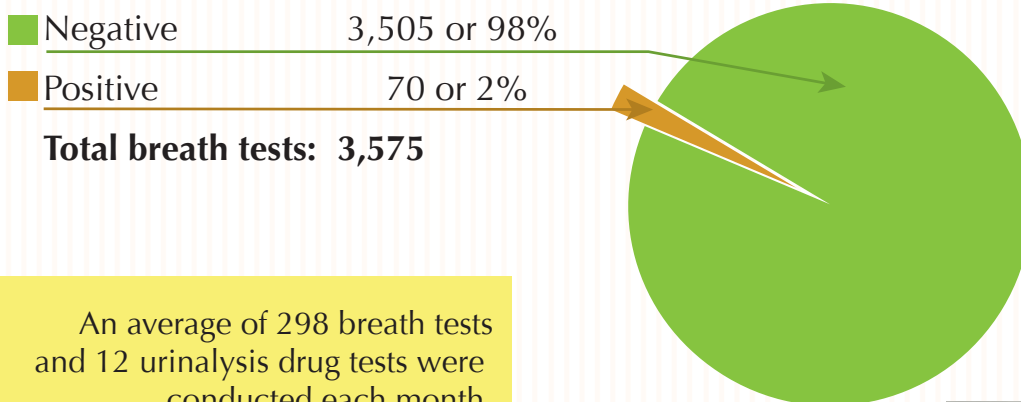
## DWI Court

The newest therapeutic court, the DWI Court, became operational in 2011 under the guidance of Judge Elizabeth Barrett-Anderson. From January to November 2011, 758 felony and misdemeanor DWI cases were processed under the program. Following the therapeutic court model, the DWI requires frequent court hearings and counseling sessions, and random breath and urinalysis testing.

**The total number of urinalysis drug tests administered for DWIC clients were:**



**The total number of breath tests administered for DWI Court clients were:**



An average of 298 breath tests and 12 urinalysis drug tests were conducted each month.

An important milestone in the program was hiring a full-time Chuukese interpreter, Ms. Merly Karsom-Crawford. She attends all hearings, assists the defense attorneys and probation officers during their meetings with participants, and administers the Chuukese Alcohol Education Program. Through funding from the Judiciary of Guam, Ms. Karsom-Crawford attended Pacific Judicial Council's Interpreter Training held in Saipan in October 2011.

In light of the expiration of the federal grant, the continued viability of this important program is dependent on securing local funding. Moreover, the DWI Court Final Project report, detailing the success of the first year of the program, recommends assigning additional judges, expanding the court interpreter program to include



# Client Services and Family Counseling

The Judiciary's 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 commitment is to assist in improving the lives of clients through the delivery of services that respect the dignity of its clients. CSFC has a clinical staff of 7 professionals, 6 of whom hold licenses in their respective fields of practice.

This division is responsible for:

- Forensic and Psychological Evaluations
- Individual, Couples/Conciliation and Family Counseling
- Group Counseling, including:
  - o Family Violence Men's Group.
  - o Non-English Speaking Men's Groups.
  - o Women's Group, T.H.R.I.V.E. -- Teaching, Healing, and Recovery for Women in Violent Environments.
- In-house Consultation and Counseling, a voluntary resource for the employees of the Judiciary.

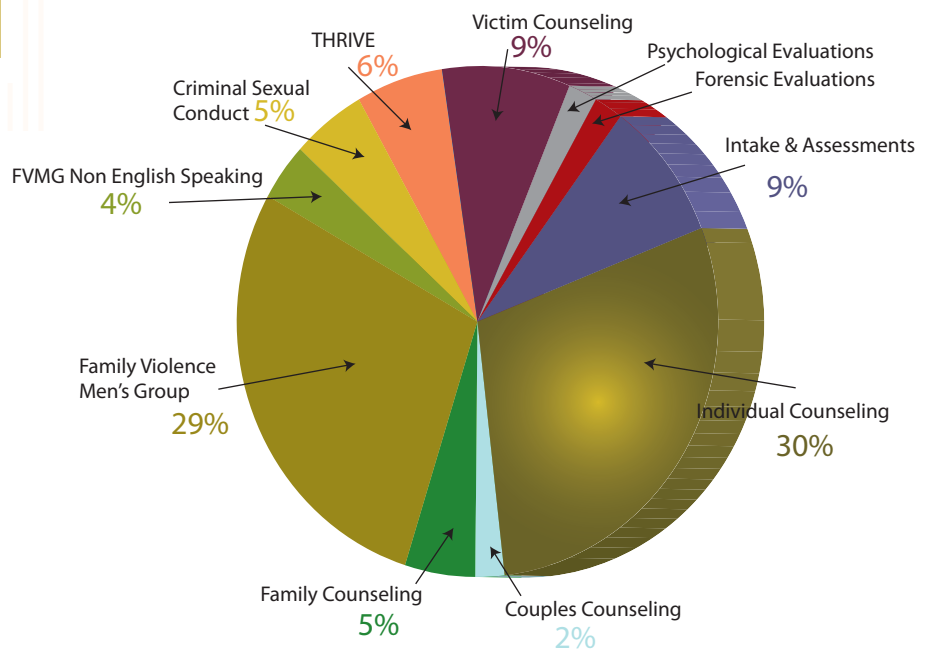


Service	Visits	No Shows	Total
Psychological Evaluations	53	16	69
Forensic Evaluations	40	3	43
Intake and Assessments	579	272	851
Individual Counseling	1781	945	2726
Couples Counseling	117	57	174
Family Counseling	360	108	468
FVMG	2218	423	2641
FVMG-NE	253	117	370
Criminal Sexual Conduct Counseling	335	144	479
THRIVE	321	264	585
Victim Counseling	617	208	825
<b>Grand Total</b>	<b>6674</b>	<b>2557</b>	<b>9231</b>

*In 2011, CSFC serviced a total of 1,244 cases -- 685 were referrals for new cases, and 559 existing cases. There were a total of 483 cases closed in 2011, consisting of 79% adult criminal misdemeanor and felony cases, 20% were cases involving adolescents and children, and 1% were domestic cases.*

*This table depicts the type and quantity of services provided by CSFC in 2011. There were 6,674 client treatment visits held, with 2,557 no shows.*

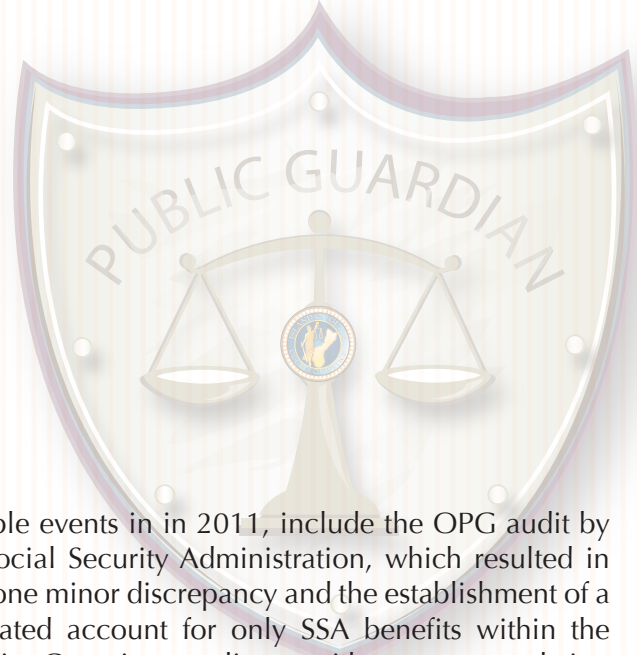
This chart depicts the distribution of clinical activity by service type. Group treatment (FVMG, FVMG-NE, THRIVE) and individual treatment at 30% are the most utilized services provided by CSFC. Intake/Assessments, Victim Counseling, Criminal Sexual Conduct Counseling and Family Counseling follow.



Source: Client Services and Family Counseling Division

In 2011, CSFC staff provided professional consultation and technical assistance with grants and grant applications, such as the Domestic Violence Court Enhancement Project, the Judiciary's Strategic Plan, the Bullying Prevention Program, and the Case Management System; and with program development and ongoing support of the specialty courts for Mental Health, DWI, Family Violence, and Juvenile and Adult Drug Courts. CSFC assisted by providing the treatment specified in the diversionary programs of Domestic Violence Court and the evaluations required in the Drug and Mental Health Courts.

# Office of the Public Guardian



“In July 2009, when I first assumed the position of the Public Guardian, there were 53 wards and the OPG consisted of the Public Guardian, a Social Worker and a Legal Secretary. Within the first 2 weeks of my arrival, 2 wards died. And in the District Court case against the Department of Mental Health and Substance Abuse (DMHSA) which involved almost all of the OPG wards as part of the target population, 16 contempt orders were issued on July 1, 2001, and much of the ordered activity required the participation of the Public Guardian. This introduction to the office signaled the beginning of the frenetic dynamic that is the OPG. Fortunately, OPG gained another position in 2009, an Office Manager, which has been crucial in the ability of OPG to maintain its regular functions and to tackle new responsibilities and challenges.

Notable events in in 2011, include the OPG audit by the Social Security Administration, which resulted in only one minor discrepancy and the establishment of a dedicated account for only SSA benefits within the Superior Court in compliance with a recommendation from SSA, and the annual Holiday Merienda for the wards, who received gifts and treats donated by Judiciary employees.

The persons who comprise the numbers of OPG wards are not constant – wards die, move, transfer to family guardianships or the OPG is discharged as the guardian. Therefore the increased numbers of OPG wards is just not the difference between the existing number and the current number, but rather a matter of losing some and then gaining that number and more new wards. “ Public Guardian Marceline Santos

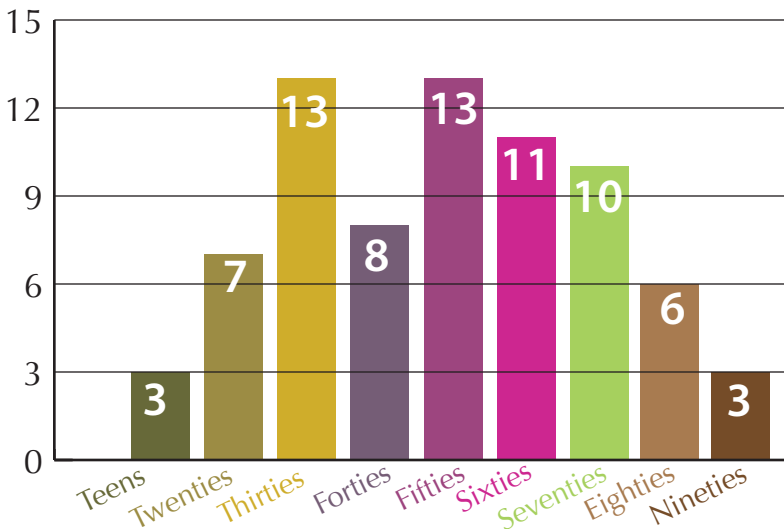
### Public Guardianship Review Board

- **Joseph S. Diaz** - Social Worker, Department of Public Health & Social Services
- **Dr. John Steele** - Physician, Guam Memorial Hospital Authority
- **Lynn Okada** - Nurse, Department of Public Health and Social Services
- **Jocelynn Cruz** - Guam Council on Senior Citizens
- **Berni Grajek\*** - Executive Director of Guma Mami, local nonprofit social service organization providing service to those with developmental disabilities
- **Dana Gutierrez** - Attorney appointed by the Guam Bar Association
- **Mildred Q. Lujan\*** - Executive Director of Sanctuary, Inc., local nonprofit social service organization providing services to the youth
- **Dr. Ione DeJesus** - Psychiatrist, Department of Mental Health and Substance Abuse
- **Lisa Kenworthy\*** - member of the community at large
- **Ella Cruz\*** - member of the community at large

\*Appointed by Speaker Judith T. Won Pat

The OPG began 2011 with 64 wards, and ended the year with 74 wards. The OPG received 61 referrals in 2011; of the 61 referrals, OPG opened files for 42 of the referrals. The remainder of referrals did not result in cases for a number of reasons, such as a conflict of interest, the case was not pertinent to the OPG, or there was not enough information and/or the case was referred elsewhere.

*There are 36 males and 38 females. 4 OPG wards are dependents of veterans with Military ID cards and 8 are veterans themselves. The age range of the wards is age 13 to 95 with the breakdown as follows:*



*“Wards of the Office of Public Guardian are among the most vulnerable citizens that the OPG serves. These individuals are usually unable to make decisions that will protect their health, welfare and financial resources. They are often victimized and have very few advocates who have personal knowledge and time to act on their behalf or are not capable of advocating for them. Because these clients do not have personal or community ties or have no family members willing to become guardians, the OPG assumes the responsibility for decisions concerning the care and safety of these incapacitated adults.”*

# Community Outreach/Partnerships





## Relay for Life – Team Kotte

The Judiciary Team for the 2011 American Cancer Society's Relay for Life enthusiastically lapped the track from the opening ceremony, parade of teams, luminaria ceremony to the closing ceremony. The theme for 2011 was a Carnival of Colors which brought increased awareness of the different types of cancer through the different colors/ribbons that identify them. Donations collected from the Judiciary employees helped move Team Kotte from Silver Status in 2010 to Gold Status in 2011. The Judiciary employees were generous in their time and selfless contributions to this worthwhile cause.



## 15th Silent Witness Candlelight Ceremony

Under the chairmanship of Presiding Judge Alberto C. Lamorena III the 15th annual Silent Witness Candlelight Ceremony was held in the Judiciary Atrium. Twenty-six red silhouettes encircled the atrium of the Judiciary. The silhouettes stood as a powerful reminder of those whose lives ended violently in senseless acts of domestic violence. The keynote speaker for the event was Mr. Joe Blas who painfully told his grandson's story. It was the evening of September 3, 1999 when his 11 year old grandson, Herman August Pangelinan Santos, did not call him. Every Thursday, Hermie would call his paternal grandfather to remind him not to forget to pick him up on Friday for his weekend visit. Mr. Blas recounted the search team his family formed as they scoured the jungle, the rivers, the island. Three days later, police found Hermie's remains, stabbed and burned beyond recognition. Mr. Blas described the pain he continues to feel after all these years. He stated so eloquently and powerfully, "I do not want what happened to Hermie to happen to any child. It should not hurt to be a child." The Silent Witness Ceremony is as much about healing as it is about public awareness and prevention. If one man, woman or child can take heed and get out of a violent relationship or change their abusive ways, then it further strengthens the Judiciary's resolve to continue to bring the silent witnesses into the community. It reminds us all about the seriousness and dangerousness of domestic violence and of the work that remains to be done.





## Safe and Drug-Free Schools Program

The Judiciary continues to take a proactive stance to reduce the number of juvenile cases in its Courts. The Judiciary plays a preventative and influential role in fostering positive behaviors among our island's youth by teaching youth about the laws that affect them. The project's primary goal is to mitigate the effects of bullying, substance abuse, and violence in schools and the community to prevent youth from entering an already overburdened juvenile justice system amidst austerity and budget constraints. The program includes four projects: bullying prevention, Play By the Rules™ (PBR), Children at Risk (CAR), and the School Resource Officer (SRO) Program.

### Bullying Prevention

In 2011, Judiciary and Department of Education staff became provisionally certified trainers of the most globally recognized anti-bullying program - the Olweus® Bullying Prevention Program. A Bullying Prevention Advisory Group (BPAG) was formed with community partners spearheaded by Chief Justice Carbullido, the Governor's Office, the Guam Legislature, and the GDOE. A planning committee, chaired by Supreme Court Justice Robert Torres, First Lady Christine Calvo, and Interim Superintendent Taling Taitano, organized Guam's first bullying conference – B.A.S.T.A. (Bullying Affects Students, Teachers, and All) during the Guam / National Bullying Prevention Month of October. The BASTA Conference took place at the Hyatt Regency Guam on October 25, 26, and 27, 2011. The Youth for Youth Live organization and the Department of Mental Health & Substance Abuse Prevention Branch planned Day One – Youth Day – of the conference, which included participation from nearly 400 students and school chaperones. On Days Two and Three, over two hundred school staff and youth service providers attended the event featuring off island speakers former NBA star Terry Dozier; author of Safe School Ambassadors™ Rick Phillips; relational expert Dr. Iris Pretty-Paint; and bullying law expert, Attorney Charles Leitch. The Judiciary launched the Guam bullying prevention campaign – DUO: Do Unto Others, A Partnership Against Bullying – on October 25, 2011.



### School Resource Officer (SRO) Program

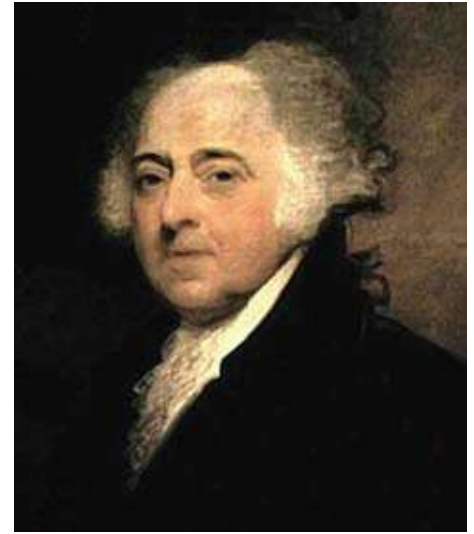
In 2011, the Judiciary began implementation of the SRO program by training five special probation officers to be assigned to the five public high schools. The program goal is to improve school safety and prevent crimes and violence. School Resource Officers will serve as law-related educators, informal counselors, positive role models and mentors to students.



# Law Week 2011

*The Legacy of John Adams: from Boston to Guantanamo*

This year's Law Week celebration continued our jurisdiction's proud tradition of educating our island community about the law and legal resources, and reflects the commitment of the Judiciary of Guam, federal District Court, and the Guam Bar Association, to work cooperatively and foster in our citizens an appreciation for the rule of law. Throughout Law Week 2011, the Judiciary of Guam, the District Court of Guam, and the Guam Bar Association co-hosted events designed to engage the community in celebration of our legal system, and to recognize the important legacy of the first American lawyer-president and one of our nation's greatest founders, John Adams. A joint press conference and proclamation signing on April 25, 2011, kicked off Law Week events. In a show of unity, all branches of the Government of Guam issued proclamations declaring May 1, 2011 as Law Day, and April 25-30, 2011 as Law Week 2011.



## Fairy Tale Mock Trials

The island's elementary and middle school students filled the courtrooms with colorful costumes and inspiring performances during their mock trial plays, which reinterpreted fairy tales and other stories. The entertaining and educational plays featured headline cases such as *The Three Bears v. Golden Locks*, *State v. Jack Robinson*, and *Red Riding Hood v. I.M.A. Wolf*. An original mock trial script inspired by John Adams' representation of less popular clients highlighted this year's Law Day theme. The Judiciary also held an Open House and invited the public to tours of the Superior Court, and opened courthouse doors to the public.



# Islandwide High School Mock Trial Competition

Students from the island's high schools were honored at a special Mock Trial Awards program held during Law Week for their participation in the High School Mock Trial Competition program.

The students from St. Thomas Aquinas went on to represent Guam in the 2011 National Mock Trial Championship in Phoenix, Arizona and placed 27th in the nation. Sophomore Whitney Quinley gained national recognition for her performance and was one of nine students to receive the Outstanding Attorney award.



*First Place – St. Thomas Aquinas Catholic High School*

The following winners of the High School competition were honored at a special ceremony during Law Week.

First Place – St. Thomas Aquinas Catholic High School  
Second Place – St. John's School  
Third Place – Notre Dame High School and Okkodo High School (tied)  
Outstanding Witness – Mariana Gabriel, St. John's School  
Outstanding Attorney - Whitney Quinley, St. Thomas Aquinas Catholic High School



*Second Place – St. John's School*



*Third Place – Notre Dame High School and Okkodo High School (tied)*



First Place – Kyle Wang, Santa Barbara Catholic School ( Category K-2nd Grade)

## Essay and Art Contests

More than 100 art contest entries from students in grades K-5 were displayed in the Judiciary's atrium during Law Week. This year's art contest entries portrayed the Law Day theme: "The Legacy of John Adams, From Boston to Guantanamo." Additionally, middle and high school students submitted essays explaining why the right to an attorney was considered a fundamental principle of the rule of law.

### Art Contest Winners

K-2nd Grade

- First Place – Kyle Wang, Santa Barbara Catholic School
- Second Place – Alphius Dela Rojo, Dominican Catholic School
- Third Place – Cayla Delfino, Santa Barbara Catholic School

3rd-5th Grade

- First Place – Dana Dalmacio, St. Anthony Catholic School
- Second Place – Chayce Iriarte, Santa Barbara Catholic School
- Third Place – Jun Kim, St. Anthony Catholic School

### Essay Contest Winners

Middle School

- First Place – Aniceto Mandanas, St. Anthony Catholic School
- Second Place – Heesun Cheong, St. Anthony Catholic School
- Third Place – Ashley Patricio, St. Anthony Catholic School

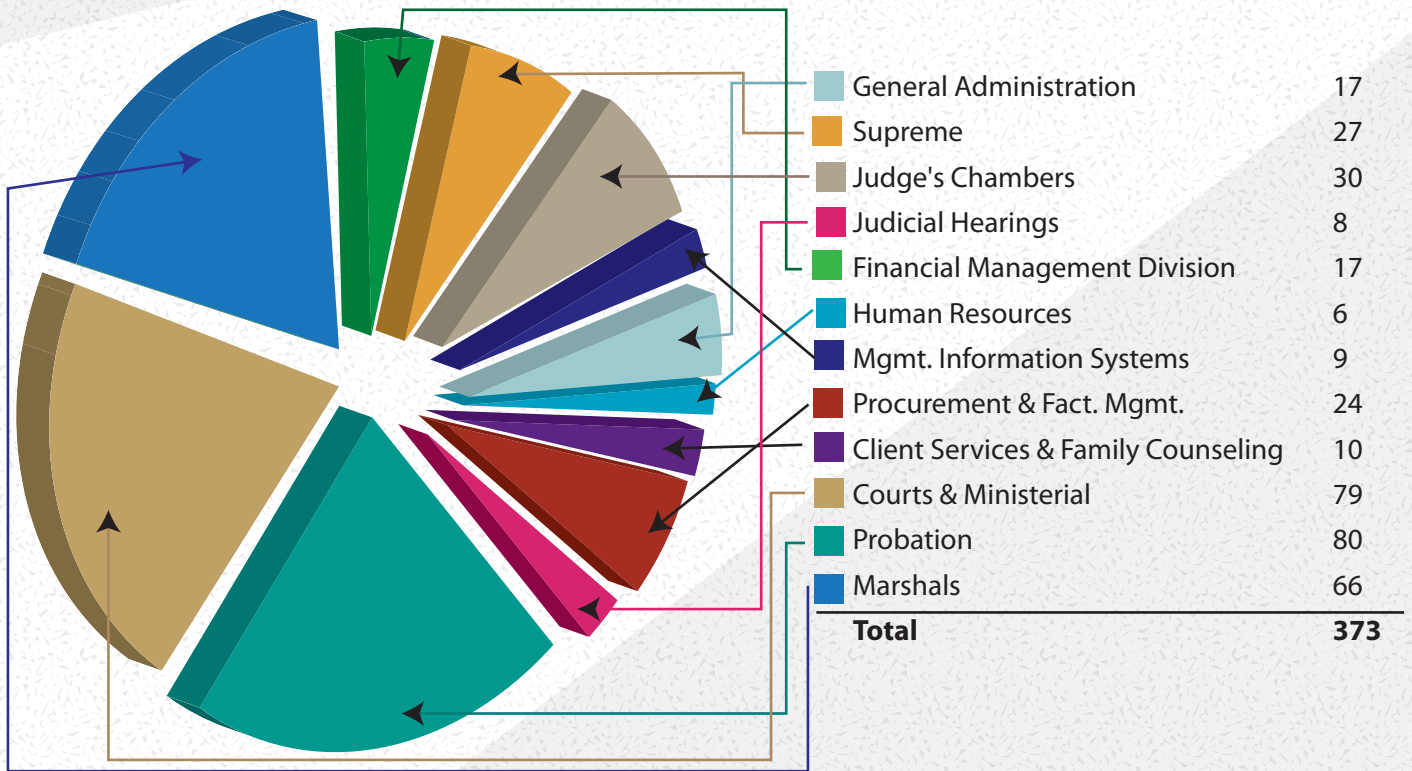
High School

- First Place – Sun Woo Han, Guam Adventist Academy
- Second Place – Crystal Lanew, Guam Adventist Academy
- Third Place – Hannah Choi, Guam Adventist Academy
- First Place – Kyle Wang, Santa Barbara Catholic School



First Place – Dana Dalmacio, Saint Anthony Catholic School (Category 3rd-5th Grade)

# Court Employees



38 employees of the Judiciary of Guam are military reservists.

## Employee Hours Dedicated to Reserve Duties

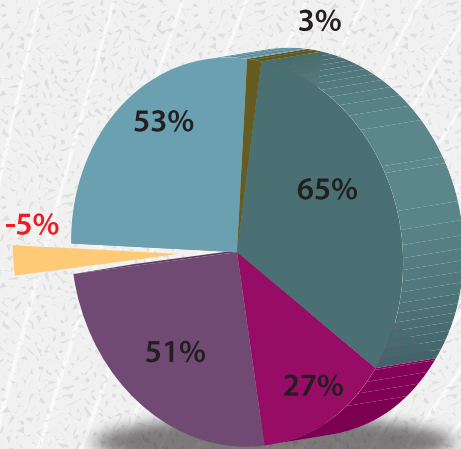
Active Duty	5,272
Specialized Training	1,650
Deployment	10,344
<b>TOTAL</b>	<b>17,266</b>



# Fiscal Information

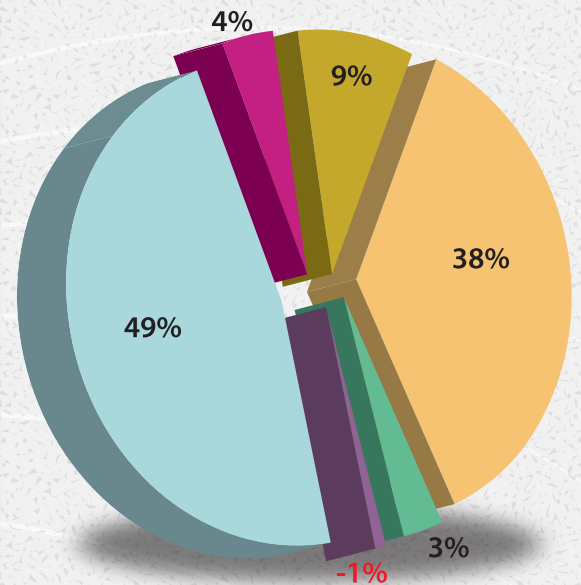
## FUNDING SOURCES

	2009	2010	2011
<b>APPROPRIATIONS</b>	22,257,084	23,823,305	24,620,331
<b>FEDERAL GRANTS</b>	1,192,122	2,821,265	4,649,907
<b>TRAFFIC FINES</b>	1,337,809	1,299,849	1,644,561
<b>FINES</b>	794,149	647,351	977,692
<b>FEES</b>	1,289,327	1,601,933	1,513,972
<b>MISCELLANEOUS</b>	273,695	257,625	395,337
<b>TOTAL</b>	<b>27,144,186</b>	<b>30,451,328</b>	<b>33,801,800</b>



## MANDATORY EXPENSES

	2009	2010	2011
<b>PERSONNEL (Salaries)</b>	14,284,323	15,549,553	<b>17,009,105</b>
<b>INCREMENTS (Salary)</b>	173,383	124,306	<b>171,589</b>
<b>HAZARDOUS PAY</b>	156,575	193,970	<b>200,147</b>
<b>INDIGENT CLIENT SERVICES</b>			
Interpreters	47,101	44,789	33,923
Court Appointed Attorneys	1,124,644	1,655,786	1,619,974
Other	3,815	139,778	163,225
<b>Total</b>	<b>1,175,560</b>	<b>1,840,353</b>	<b>1,817,122</b>
<b>INSURANCE BENEFITS</b>			
Life Insurance	46,375	40,304	34,582
Health Insurance	512,056	548,999	871,693
Dental Insurance	60,672	55,639	57,131
<b>Total Health Benefits</b>	<b>619,103</b>	<b>644,942</b>	<b>963,406</b>
<b>RETIREMENT BENEFITS</b>			
Defined Benefits Plan	3,783,125	4,051,512	4,186,775
Social Security	189,005	199,818	209,051
Defined Contribution	90,117	102,906	116,834
<b>Total</b>	<b>4,062,247</b>	<b>4,354,236</b>	<b>4,512,660</b>
<b>Law Enforcement (Starting in '09)</b>	624,529	621,918	*



\* PL 29-105 mandated salary adjustments to law enforcement officers of the government of Guam in four 10% increments. The Guam Legislature appropriated funds in FY2009 and FY2010 to pay for the first two increments totaling 20%. There were no additional appropriations made to pay the remaining 20% increments during 2011.

Program Name	Grantor/CFDA No.	Federal Grant Award
FY2011 Guam Sex Offender Registry Notification Act Compliance Enhancement Project	SMART Office	387,300.00
FY2011 Guam Criminal History Improvement Program	BJS/ 16.667	150,000.00
FY2011 State Justice Institute Strategic Planning Initiative Project	SJI	37,150.00
FY2010 Sex Offender Registry Edward Byrne (JAG)	BSP	57,495.00
FY2010 CJRI Edward Byrne(JAG)	BSP	320,000.00
FY2010 JABG: Juvenile Drug Court Tracker	DYA	21,200.00
FY2012 DWI Court Project	DPW	97,389.00
FY2011 Compact Impact Funding for the Judiciary of Guam Case Management System	DOI/15.875	3,777,026.00
FY2010 STOP VAW	GCOFPO	24,650.41
FY2011 DWI Court	DPW	85,914.00
OVW Specialized Domestic Violence Court Enhancement Project	CFDA No. 16.013	350,000.00
Juvenile Accountability Block Grant (JABG)	DYA	25,700.00
Recovery Act: State Fiscal Stabilization Fund - Case Management System	USDOE Governor's Office 84.394 and 84.397	2,165,353.00
Juvenile Drug Court (JAG)	BSP	115,125.00
STOP Violence Against Women Formula Grant Program	GCO FPO/16.558	26,835.68
Recovery Act Energy Conservation Project Proposal State Energy Plan	GEPA/GEO CFDA #81.041	568,188.00
Recovery Act Assistance to Rural Law Enforcement to Combat Crime and Drugs: Guam Criminal Justice Information Sharing Improvement Project	BJA 16.810	993,037.00
Recovery Act: Edward Byrne Memorial Justice Assistance Grant - Criminal Justice Information System Integration Project (CJIS)	BSP 16.803	2,995,000.00
Recovery Act: Edward Byrne Memorial Justice Assistance Grant - Adult Drug Court	BSP 16.803	179,877.00
Recovery Act: Edward Byrne Memorial Justice Assistance Grant - Sex Offender Registry National Act Compliance Initiative	BSP 16.803	186,882.00
Recovery Act STOP Violence Against Women Formula Grant Program	GCO FPO 16.558	29,767.95
G.R.E.A.T. Program: Project Safe Neighborhoods	BSP 16.609	47,527.20
CJIS Integration Project	BSP	88,158.20
JABG: Juvenile Drug Court Tracker	DYA	25,700.0
Adult Drug Court Edward Byrne Grant (JAG)	BSP	28,700.00
Justice Wide Area Network Edward Byrne Grant (JAG)	BSP	12,000.00
Guam Mental Health Court Pilot Project	BJA/DOJ	250,000.00
Juvenile Drug Court Project	BSP	52,936.00
Byrne Justice Assistance Grant (JAG): JWAN	BSP	12,000.00

<b>Total On-Going Projects for Calendar Year 2011</b>	<b>13,110,911.44</b>
<b>Total ARRA Funds</b>	<b>7,118,104.95</b>
<b>Total Non-ARRA Funds</b>	<b>5,992,806.49</b>

# Directory

## SUPERIOR COURT OF GUAM

### SUPREME COURT OF GUAM

**Guam Judicial Center, Suite 300**

**120 West O' Brien Drive**

**Hagatna, Guam 96910**

**Website: [www.guamsupremecourt.com](http://www.guamsupremecourt.com)**

**Email: [justice@guamsupremecourt.com](mailto:justice@guamsupremecourt.com)**

Chambers of	
Chief Justice F. Philip Carbullido	475-3413
Associate Justice Robert J. Torres, Jr.	475-3300
Associate Justice Katherine A. Maraman	475-3589

Clerk of Court	475-3120/3162
Staff Attorney	475-3395
Supreme Court Security Section	475-3168
Facsimile	475-3140

Guam Board of Law Examiners (BOLE)	
C/O Supreme Court	475-3180
Facsimile	475-3181
Website: <a href="http://www.guamsupremecourt.com/bole">www.guamsupremecourt.com/bole</a>	
E-mail: <a href="mailto:bole@guamsupremecourt.com">bole@guamsupremecourt.com</a>	
Hagatna, Guam 96910-5174	

Office of the Public Guardian	475-3173
Facsimile	472-0381
E-mail: <a href="mailto:publicguardian@opg.guamcourts.org">publicguardian@opg.guamcourts.org</a>	

Guam Law Library	
Compiler of Laws	477-7623
Facsimile	472-1246
Website: <a href="http://www.justice.gov.gu/Compiler%20of%20Laws">www.justice.gov.gu/Compiler of Laws</a>	
E-mail: <a href="mailto:gllexedir@teleguam.net">gllexedir@teleguam.net</a>	

Chambers of	
Presiding Judge Alberto C. Lamorena III	475-3410
Judge Elizabeth Barrett-Anderson	475-3346
Judge Arthur R. Barcinas	475-3502
Judge Michael J. Bordallo	475-3384
Judge James L. Canto II	475-3336
Judge Anita A. Sukola	475-3323

General Administration	
Administrator of the Courts	475-3544
Director of Policy Planning and Community Relations	475-3278
Deputy Administrative Director	475-3128
Court Programs	475-3202
Facsimile	477-3184

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

Courts and Ministerial Division	475-3299/3357
Clerk of Court	475-3340
Traffic Violation Bureau	475-3121/3424/3326
Small Claims	475-3326/3274
Jury Commissioner	475-3440
Facsimile	472-2856

Judicial Educational Project	475-3270
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Judicial Hearing Division	
Child Support Office	475-3142/3494
Facsimile	477-5023

### Marshals Division

Marshal of the Courts	475-3216
Deputy Chief Marshal	475-3315
Criminal/Field Section	475-3487
Civil/Small Claims Section	475-3545
Traffic Section	475-3513
Family/Child Support Section	475-3508
Security Section	475-3515
Post 1	475-3576

### Probation Division

Chief Probation	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



# Directory

## Court Partners

Alee Shelter	649-2533
Facsimile	646-8486
Alternate Public Defender	475-3234
Facsimile	475-3238
Catholic Social Services	635-1442/3
Facsimile	635-1444
Child Protective Services	475-2640
Facsimile	477-0500
Department of Corrections	734-4049
Parole Department	735-4133
Department of Law	
Attorney General's Office	475-3324
Prosecution/Family Division	475-3406
Facsimile	477-3390
Child Support Enforcement Division	475-3324
Civil/Solicitor Division	475-3324
Facsimile	477-2159
Department of Mental Health & Substance Abuse	647-5330/33
Facsimile	647-5402
Healing Hearts	647-5351
Facsimile	647-5414
I Famaguon-ta	477-8848/5338
Facsimile	477-5330
Crisis Hotline	647-8833/4
Department of Youth Affairs	735-5010/30
Facsimile	734-7536
Erica's House	642-4020
Facsimile	642-4021
Guam International Arbitration Center, LLC	475-8529/49
Facsimile	475-8550
Guam Legal Services Corporation	477-9811/2
Facsimile	477-1320

Guam Police Department	475-8512/09
Chief's Office	475-8508
Facsimile	472-4036
Criminal Investigation	475-8551
Victim's Assistance Unit	475-8620
Special Programs Section	475-8452/8446
Inafa' Maolek	475-1977
Facsimile	475-1974
Oasis Empowerment Center	646-4601
Facsimile	646-5601
Public Defender Service Corporation	475-3100
Facsimile	
Salvation Army	477-7671
Facsimile	477-4649
Sanctuary Inc.	475-7101
Facsimile	475-7113
Victims Advocate Reaching Out (VARO)	477-5552/472-3296

## U.S. DISTRICT COURT OF GUAM

Chambers of Chief Judge Frances Tydingco-Gatewood	473-9200
Facsimile	473-9152
U.S. Magistrate Judge Joaquin V. E. Manibusan	473-9180
Clerk of Court	473-9100
Court Reporter	472-8655
Federal Detention Facility Hagatna Lockup	475-0180
Facsimile	472-3919
Federal Public Defender	472-7111
Facsimile	472-7120
U.S. Attorney's Office	472-7332
Facsimile	472-7229
U.S. Citizenship & Immigration Services	472-7349
U.S. Marshals Office	477-7827
Facsimile	473-9195
U.S. Probation Office	473-9201
Facsimile	473-9202

## GUAM BAR ASSOCIATION

Office of the Executive Director	
Executive Director Telephone	475-3396
Facsimile	475-3400
Office of the Ethics Prosecutor	
Ethics Telephone	475-3167
Lawyer Referral Service	864-5297
Website: <a href="http://www.guambar.org">www.guambar.org</a>	

