

1993 STATE OF THE JUDICIARY
DELIVERED BY
HONORABLE ALBERTO C. LAMORENA III
PRESIDING JUDGE
SUPERIOR COURT OF GUAM

APRIL 30, 1993
5:00 P.M.
GUAM LEGISLATURE SESSION HALL
22ND GUAM LEGISLATURE

1993 STATE OF THE JUDICIARY

GOVERNOR JOSEPH ADA, LT. GOVERNOR FRANK BLAS, SPEAKER JOE T. SAN AGUSTIN, MEMBER OF THE 22ND GUAM LEGISLATURE, SUPERIOR COURT JUDGES, ARCHBISHOP APURON, PRESIDENT OF THE MAYOR'S COUNCIL RAYMOND LAGUANA, MEMBERS OF THE COUNCILOR CORP, MEMBERS OF THE GUAM BAR, EMPLOYEES OF THE JUDICIARY, LADIES AND GENTLEMEN. IT IS MY DISTINCT PLEASURE TO DELIVER THE ISLAND'S SIXTEENTH ANNUAL STATE OF THE JUDICIARY ADDRESS.

TODAY, I HOPE, THAT THIS WILL BE THE LAST STATE OF JUDICIARY ADDRESS GIVEN BY THE PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM. SINCE THE AMERICAN OCCUPATION OF GUAM, OUR LOCAL COURTS HAVE HAD LOCAL JUDGES, WITH THE FINAL APPEAL INITIALLY LYING WITH THE NAVAL GOVERNOR. WHEN THE ORGANIC ACT WAS PASSED IN 1950, THE ISLAND COURT HAD ITS APPEALS GO TO THE APPELLATE DIVISION OF THE DISTRICT COURT AND TO THE NINTH CIRCUIT COURT OF APPEALS.

IN 1974, THE GUAM LEGISLATURE PASSED THE COURT REORGANIZATION ACT CREATING THE GUAM SUPERIOR COURT. FOR TWO DECADES THIS COURT OF GENERAL JURISDICTION WAS THE HIGHEST LOCAL COURT -- RESOLVING DISPUTES AT THE TRIAL LEVEL FOR OUR COMMUNITY.

GUAM'S FIRST ATTEMPT TO ESTABLISH A SUPREME COURT, SPONSORED BY THE LATE SENATOR FRANK LUJAN, WAS HELD INORGANIC BY THE U.S. SUPREME COURT. THE COURT RULED THAT GUAM, UNDER THE ORGANIC ACT, DID NOT HAVE THE POWER TO CREATE ITS OWN SUPREME COURT. IN A STRONG DISSENT, THE LATE JUSTICE MARSHALL -- OF WHOM I PAY MY FINAL TRIBUTE AND RESPECT TO -- JOINED BY JUSTICE RHENQUIST, STEWART AND STEVENS, STATED THAT IT WAS UNPRECEDENTED FOR THE COURT TO INVALIDATE A SYSTEM OF GOVERNMENT ESTABLISHED BY THE DULY ELECTED REPRESENTATIVES OF THE PEOPLE OF GUAM. UNFORTUNATELY, FOR THE PEOPLE OF GUAM, IT WAS THE MINORITY POSITION.

CONGRESS SUBSEQUENTLY AMENDED SECTION 22 OF THE ORGANIC ACT TO ALLOW US TO ESTABLISH OUR OWN SUPREME COURT, WITH THE PROVISION THAT THE 9TH CIRCUIT COURT WILL HEAR ALL APPEALS FROM THE GUAM SUPREME COURT FOR A PERIOD OF AT LEAST 15 YEARS. .

WITH THE PASSAGE OF THE FRANK G. LUJAN COURT REORGANIZATION ACT SPONSORED BY SENATOR PILAR LUJAN; HIS SPOUSE; A NEW CHAPTER HAS BEEN WRITTEN INTO THE PAGES OF OUR HISTORY -- THE GUAM SUPREME COURT HAS FINALLY BECOME A REALITY.

WITHIN THE NEXT THIRTY DAYS, I WILL ANNOUNCE MY SEVEN NOMINATIONS TO THE SUPREME COURT RULES COMMISSION AND -
- ALONG WITH THE JUDGES OF THE SUPERIOR COURT OF GUAM WHO ARE DESIGNATED MEMBERS -- CONVENE THEM PURSUANT TO PUBLIC LAW 21-147. THIS COMMISSION WILL FORMULATE THE RULES, REGULATION AND ORGANIZATION OF THE SUPREME COURT OF GUAM;

SETTING THE FOUNDATION UPON WHICH THIS HIGH COURT WILL CARRY-OUT ITS MANDATE -- TO SET THE LEGAL PRECEDENT FOR OUR TERRITORY.

GUAM'S CONTROL OVER ITS JUDICIARY GOES TO THE VERY HEART OF SELF GOVERNMENT. I BELIEVE THAT GUAM'S JUDICIARY IN FEDERAL HANDS IS INCOMPATIBLE TO SELF GOVERNMENT. THE PROVISION IN THE ORGANIC ACT MANDATING A 15 YEAR REVIEW BY THE 9TH CIRCUIT GOES AGAINST THIS VERY PRINCIPLE. TITLE IV OF THE GUAM COMMONWEALTH ACT WILL BASICALLY ESTABLISH THE SAME RELATIONSHIP THAT EXISTS BETWEEN THE STATE COURTS AND THE FEDERAL JUDICIARY. OUR LOCAL COURT'S MATURITY, IMPARTIALITY, OBJECTIVITY, AND KNOWLEDGE OF THE LAW HAVE TIME AND AGAIN BEEN PROVEN BY OUR HIGH AFFIRMATION RATE, WITH 90% OF ALL OUR DECISIONS SENT TO THE FEDERAL APPELLATE COURTS BEING UPHELD.

FOR OVER 300 YEARS, THE PEOPLE OF GUAM HAVE HAD TO DEFER TO OUTSIDE SOURCES FOR RULINGS ON LAWS GOVERNING THEIR LIVES. WE ARE ON THE THRESHOLD OF REMOVING THIS LONG STANDING INJUSTICE. THE SUPREME COURT OF GUAM, UNDER THE ORGANIC ACT, IS NOT THE END OF A LONG JOURNEY -- BUT THE BEGINNING OF A NEW ONE.

THE NEW GUAM SUPREME COURT WILL HAVE ITS WORK CUT OUT FOR THEM. LAST YEAR 10,895 NEW CASES WERE FILED IN THE SUPERIOR COURT OF GUAM. THIS IS 11% ABOVE THE 1991 CASELOAD AND 41% ABOVE THE CASELOAD FILED THE PREVIOUS THREE YEARS. THE 5 JUDGES OF THE COURT OF GENERAL JURISDICTION PRESIDED OVER 21,347 HEARINGS.

DESPITE THE GREAT NUMBER OF HEARINGS HELD, THE COURTS ARE ASKED TO RENDER OUR JUDICIAL RESPONSIBILITIES UNINHIBITED. UNINFLUENCED AND WITHOUT INTIMIDATION FROM, OR DEFERENCE TO, OUTSIDE PARTIES.

CHANGES, IF ANY, ARE BEING MADE IN THE INTEREST OF JUSTICE AND THE CLIENTS WHO SEEK IT. WE WILL CONTINUE TO PROTECT THE IMPARTIALITY OF THE COURT FROM THOSE WHO WOULD HAVE IT SERVE THEIR OWN PURPOSE. THE COURT IS DUTY BOUND TO PROTECT THIS AT ALL COST.

DISTURBINGLY, THE COURT CONTINUES TO SEE AN ALARMING INCREASE IN THE NUMBER OF CRIMINAL CASES FILED. CRIMINAL MISDEMEANOR CASES FILED IN 1992 WERE 1,921 COMPARED TO 1,302 IN 1991 -- AN INCREASE OF 48%. THERE WERE 3,466 MISDEMEANOR CHARGES VIOLATING OVER 70 CRIMINAL STATUTES, WITH THE LARGEST CATEGORY IN DUI, ASSAULT, RECKLESS DRIVING AND CRIMINAL MISCHIEF.

CRIMINAL FELONIES LAST YEAR INCREASED 50% OVER 1991 -- FROM 269 CASES TO 403 CASES. THERE WERE 887 FELONY CHARGES VIOLATING OVER 120 SEPARATE CRIMINAL STATUTES, WITH THE LARGEST BEING AGGRAVATED ASSAULT, CRIMINAL SEXUAL CONDUCT, TERRORIZING AND THEFT.

ALCOHOL CONSUMPTION AND DRIVING IN OUR HIGHWAYS IS NOW A PROBLEM THAT IS OUT OF CONTROL -- AND FOR SOME PEOPLE IT HAS BECOME A VERY TRAGIC ONE. DRUNK DRIVING IS A SERIOUS SAFETY AND HEALTH ISSUE. LAST YEAR 8,748 TRAFFIC ACCIDENTS OCCURRED OF WHICH 357 WERE ALCOHOL RELATED. OF THESE ACCIDENTS, 16 OUT OF 26 FATALITIES WERE CAUSED BY A DRUNK DRIVER.

IN 1989, 447 DUI CASES WERE FILED. IN 1990 -- 658 DUI CASES WERE FILED. IN 1991 -- 1,273 DUI CASES WERE FILED. IN 1992 -- 1,574 DUI CASES WERE FILED. IN 1993, THE NUMBER OF CASES FILED ALREADY EXCEEDS THE LAST YEAR'S FILING FOR THE FIRST FOUR MONTHS. THE NUMBER OF CASES CONTINUE TO RISE DESPITE ENACTMENT BY THE LEGISLATURE OF TOUGH MANDATORY SENTENCING FOR OFFENDERS, INCLUDING FORFEITURE OF VEHICLES ON THE 3RD DUI OFFENSE, AND THE COURTS IMPOSING STRINGENT COMMUNITY SERVICE AND ALCOHOL TREATMENT PROGRAM REQUIREMENTS.

BILL #244, SPONSORED BY SENATOR LUJAN, SANTOS AND BROOKS, IS THE FIRST COMPREHENSIVE BILL TO ATTEMPT TO ALLEVIATE THIS PROBLEM. THE LEGISLATION AMONG OTHER THINGS CONTAINS PROVISIONS FOR STIFFER PENALTIES, AND WITH SOME AMENDMENTS SUCH AS PREVENTIVE AND EDUCATIONAL PROGRAMS, DESERVES THE SUPPORT OF THIS BODY. WE MUST ASSURE EVERY CITIZEN OF THIS TERRITORY THAT OUR STREETS ARE SAFE. OUR HIGHWAYS CANNOT BECOME THE KILLING FIELDS.

AS CRIMINAL CASE FILINGS SET NEW RECORDS IN 1992, CIVIL CASE FILINGS WERE NOT TO BE OUTDONE. THE 1,979 CIVIL CASES FILED LAST YEAR WERE 36% ABOVE THE '91 LEVELS AND 54% ABOVE THOSE FILED FOUR YEARS AGO.

THE NUMBER OF CASES FILED SEEMS TO CORRESPOND WITH THE NUMBER OF ATTORNEYS PRACTICING IN OUR TERRITORY. IN 1983,-- INCIDENTALLY, THE LAST YEAR AN ADDITIONAL OR THE SIXTH JUDGE WAS PROVIDED TO THE SUPERIOR COURT -- GUAM HAD 14 ATTORNEYS, 19 OF WHOM WERE EMPLOYED BY THE ATTORNEYS

GENERAL'S OFFICE. TODAY, GUAM HAS 363 ATTORNEYS WITH 55 ATTORNEYS EMPLOYED BY THE ATTORNEY GENERAL'S OFFICE -- AN INCREASE OF ABOUT 150% AND 300% RESPECTIVELY. IN 1983, 3,130 CASES WERE FILED IN SUPERIOR COURT. IN 1992, 10,895 CASES WERE FILED -- AN INCREASE OF ALMOST 300%.

THUS IN THE PAST NINE YEARS THE CASELOAD HAS INCREASED THREEFOLD, THE NUMBER OF PRACTICING ATTORNEYS HAS DOUBLED AND THE ATTORNEY GENERAL'S OFFICE HAS TRIPLED, WHILE THE NUMBER OF JUDGES HAS REMAINED THE SAME -- SIX.

TO CONTINUE THE STATUS QUO COULD VERY WELL DIMINISH THE TYPE OF JUSTICE AFFORDED COURT PATRONS. THE TIME ALLOTTED EACH JUDGE TO HEAR AND REVIEW THE CASE MAY SOON BECOME A FACTOR. ADMINISTERING JUSTICE IS NOT A MATTER OF TIME, BUT A MATTER OF DELIBERATION -- AND WE MUST PROTECT THIS PROCESS AT ALL COST.

RECENT UPDATE ON FIGURES HIGHLIGHT THE COURT'S PROGRESSIVELY INCREASING CASELOAD. ALREADY IN THE FIRST THREE MONTHS OF THIS YEAR, 2,693 CASES HAVE BEEN FILED. IN A FIRST QUARTER ANALYSIS OF OUR CASELOAD, THE FILINGS IN THE THREE MAJOR CATEGORIES OF CRIMINAL, CIVIL, AND JUVENILE ARE SUBSTANTIALLY AHEAD OF THE PACE SET IN 1992'S RECORD SETTING YEAR.

IN WHAT APPEARS TO BE AN ALL-TIME RECORD FOR CIVIL FILINGS, 491 CIVIL CASES WERE FILED IN THE FIRST QUARTER OF 1993. THIS IS 48% AHEAD OF LAST YEAR'S FIRST QUARTER. CRIMINAL FELONIES ARE AHEAD 18% OVER LAST YEAR'S PACE, WHILE MISDEMEANORS WERE UP 9%. JUVENILE FILINGS ARE 38% OVER LAST YEAR'S FIRST QUARTER FILINGS AS WELL. BASED ON PROJECTIONS, WE ARE PREDICTING THAT OUR COURT CASELOAD WILL INCREASE 15-20% OVER LAST YEAR'S RECORD NUMBER OF CASE FILINGS.

IN THE U.S., COURTS ARE EXPERIENCING SUCH A BACKLOG THAT A CIVIL CASE MAY TAKE SEVEN YEARS BEFORE IT GOES TO TRIAL. GUAM HAS NOT YET REACHED THAT EXTREME. BUT SHALL WE RISK IT? FOR THIS REASON I REQUEST THAT BILL #114, SPONSORED BY SENATOR FRANK SANTOS BE ENACTED INTO LAW AS SOON AS POSSIBLE. I FEAR THAT IF THIS LEGISLATION IS NOT PASSED SOON -- JUSTICE DELAYED MAY BE JUSTICE DENIED.

THE RAPID INCREASE OF CASES HAS ALREADY CLAIMED ONE CASUALTY. EARLIER THIS YEAR, DUE TO THE HEAVY CASELOAD AND CONCERN THAT THE PUBLIC DEFENDER MAY NOT PROVIDE ADEQUATE LEGAL REPRESENTATION TO ITS CLIENTS -- THE BOARD OF TRUSTEES PASSED A POLICY THAT THE PUBLIC DEFENDER WILL NO LONGER TAKE NON-VIOLENT DOMESTIC AND CIVIL CASES. UNTIL THE REQUEST TO THE LEGISLATURE BY THE PUBLIC DEFENDER FOR ADDITIONAL ATTORNEYS -- WHICH I STRONGLY SUPPORT -- IS GRANTED, THIS POLICY WILL REMAIN IN EFFECT. REGRETTABLY, INDIGENT CLIENTS, WHO MAY NEED THEIR LEGAL SERVICES, WILL HAVE NO WHERE ELSE TO GO.

COURT OFFICIALS RECENTLY PROVIDED STATISTICS TO THE DEPARTMENT OF CORRECTIONS WHICH WOULD SUPPORT THE NEED FOR PRISON EXPANSION. IN AN EFFORT TO EASE THE CONGESTIONS AT THE ROSARIO DETENTION FACILITY, THE COURT, THE PROSECUTORS OFFICE AND THE DEFENSE COUNSEL -- THROUGH MUTUAL CONSENT -- HAVE WORKED WITH DOC IN PRIORITIZING CASES OF CURRENT DETAINEES. BUT THIS SOLUTION ADDRESSES THE SYMPTOMS AT BEST. I FIRMLY SUPPORT ANY EFFORT TO EXPAND BOTH THE DETENTION CENTER AND PRISON FACILITY IN THE NEAR FUTURE.

IN THE PAST YEAR THE COURT ADOPTED NEW RULES OF COURT. AS A BODY WE MADE AMENDMENTS THAT NOW REQUIRE ATTORNEYS TO INFORM THEIR CLIENTS OF REQUEST FOR CONTINUANCES OF THEIR TRIALS BEFORE OBTAINING A JUDGE'S APPROVAL. THIS ENSURES THE INVOLVEMENT OF A CLIENT IN DECISIONS AFFECTING THEIR CASE.

WHERE THE CASELOAD HAS RISEN, THE CORRELATING EFFECT ON THE REST OF THE COURT HAS BEEN SUBSTANTIAL. THE GRAND JURY AND THE SPECIAL GRAND JURY PANELS HELD 353 HEARINGS IN 109 SESSIONS IN 1992 -- A 79% INCREASE IN HEARINGS AND A 24% INCREASE IN SESSIONS HELD OVER THE PREVIOUS YEAR.

THERE WAS A 34% RISE IN JURY TRIALS WITH 47 TRIALS HELD IN 1992 AS OPPOSED TO 35 THE PREVIOUS YEAR. BENCH TRIALS DROPPED SLIGHTLY BY 8% WITH 57 BENCH TRIALS. IN ADDITION GUAM JUDGES' PRESIDED OVER 51% MORE PETIT AND GRAND JURY SELECTIONS -- 62 AS OPPOSED TO 41 THE PREVIOUS YEAR. THERE WAS A TOTAL OF 6,680 JURORS CALLED IN 1992 FOR JURY SELECTION.

THE COURT'S PROBATION OFFICE CONTINUED TO SEE INCREASES IN SPECIFIC AREAS IN THEIR CASELOAD. IN 1992 THE COURT ORDERED PROBATION OFFICE TO COLLECT APPROXIMATELY \$179,000 IN RESTITUTION COMPARED TO \$104,000 IN 1991.

AN INCREASE OF ABOUT 80%. THE COURTS ALSO COLLECTED \$478,492 IN CRIMINAL FINES. COMMUNITY SERVICE HOURS ADMINISTERED BY THE ALTERNATIVE SENTENCING OFFICE INCREASED FROM 19,453 HOURS IN 1991 TO 31,960 IN 1992; -- AN INCREASE OF 80% FROM LAST YEAR. THE ALCOHOL TREATMENT PROGRAMS LAST YEAR INVOLVED 524 PARTICIPANTS, COMPARED TO 301 IN 1991, WITH A 95% SUCCESSFUL COMPLETION RATE. PRE-TRIAL SERVICES INCREASED BY 16.8% WITH 802 REFERRALS.

CLIENT SERVICES EXPERIENCED AN INCREASE OF 290% IN COUNSELING REFERRALS FROM THE COURT OF WHICH 24% WERE SEXUAL ABUSE CASES -- 80% OF WHICH INVOLVED MINORS. FOR THE FIRST TIME THIS DIVISION HAS A FULL COMPLEMENT OF FAMILY COUNSELORS, A FULL TIME PSYCHOLOGIST AND ONE PSYCHIATRIST UNDER CONTRACT.

AS I INDICATED IN MY LAST ADDRESS, THE SHORTAGE OF PROFESSIONAL COUNSELORS, PSYCHIATRISTS AND PSYCHOLOGISTS HAS SERIOUSLY JEOPARDIZED PREVENTIVE AND POST-TRAUMA PROGRAMS ON GUAM. I REQUEST THAT THIS LEGISLATURE SUPPORT BILL #353; INTRODUCED BY SENATOR HERMINIA DIERKING, WHICH ESTABLISHES A SOCIAL WORKER SCHOLARSHIP AS WELL AS A GRADUATE PROGRAM IN SOCIAL WORK AND PSYCHOLOGY WITH THE UNIVERSITY OF GUAM.

THE MARSHALS DIVISION RECEIVED 8,020 CIVIL, CRIMINAL AND TRAFFIC ARREST WARRANTS LAST YEAR.

IN ORDER TO EFFECTIVELY AND EFFICIENTLY HANDLE AN INCREASINGLY DEMANDING CASELOAD THE JUDICIARY HAS MADE A COMMITMENT TO FULLY AUTOMATE ALL THE COURT OPERATIONS. I AM PROUD TO ANNOUNCE THAT WE ARE FULLY OPERATING IN AN AUTOMATED ENVIRONMENT WITH THE TRAFFIC COURT.

I WOULD LIKE TO SHARE SOME OF THE MANY FEATURES THE SYSTEM OFFERS THAT HAS BROUGHT THE OPERATIONS OF TRAFFIC COURT TO A HIGH LEVEL OF EFFICIENCY AND EFFECTIVENESS. THE TRAFFIC CLERK CAN NOW DOCKET THE CITATIONS FROM THE GUAM POLICE DEPARTMENT AS THEY ARE RECEIVED. ALSO AS CITATIONS ARE RECEIVED, ANY CLERK CAN INPUT THE DATA WITH THE INFORMATION SHOWING IMMEDIATELY AND SIMULTANEOUSLY AT THE CENTRAL CASHING UNIT. IF A CITATION IS RECEIVED THE CASE IS IMMEDIATELY ADJUDICATED. WITH THE FULLY AUTOMATED SYSTEM, THE TRAFFIC COURT WILL SOON ALLOW FOR PAYMENT OF NON-MOVING VIOLATIONS THROUGH THE MAIL WITHOUT HAVING TO COMPETE FOR PARKING AT THE COURT.

THE TRAFFIC COURT OF THE SUPERIOR COURT OF GUAM HANDLES THE LARGEST GROUP OF DEFENDANTS. LAST YEAR THE TRAFFIC COURT PROCESSED OVER 34,000 TRAFFIC CITATIONS AND COLLECTED \$1,349,562 IN TRAFFIC FINES.

LAST YEAR THE CRIMINAL JUSTICE AUTOMATION COMMISSION WAS FORMED CONSISTING OF THE GUAM POLICE DEPARTMENT, THE ATTORNEY GENERAL'S OFFICE, PUBLIC DEFENDER, THE DEPARTMENT OF CORRECTIONS, MENTAL HEALTH AND SUBSTANCE ABUSE, BUREAU OF PLANNING, D.O.A.'S DATA PROCESSING DIVISION, THE COMMITTEE ON CRIMINAL JUSTICE AND THE JUDICIARY, AND THE SUPERIOR COURT OF GUAM. THE COMMISSION IS PRESENTLY FINALIZING A PROPOSAL FOR A CENTRAL REPOSITORY TO DISSEMINATE AND STORE DATA SHARED BY EACH AGENCY.

THE INTEGRATION OF OUR SYSTEMS WILL BRING A NEW SOPHISTICATION TO THE ENFORCEMENT OF LAW AND ORDER -- MAKING IT EASIER FOR THE LEGAL AND JUDICIAL PROCESS TO PROCEED. WITH AN INTEGRATED SYSTEM, A POLICE OFFICER IN THE FIELD WOULD BE ABLE TO RUN A CHECK ON SUSPECTS WHO MIGHT HAVE OUTSTANDING WARRANTS, OR BE VIOLATING PROBATION OR OTHER TYPES OF COURT ORDERS.

IN RESPONDING TO CALLS TO RESIDENCES, AN OFFICER COULD BE FOREWARNED IF THE ADDRESS BELONGED TO A KNOWN FELON, OR SOMEONE OF RECORD WHO COULD POSSIBLY ENDANGER HIM OF THE SURROUNDING COMMUNITY. IT WOULD CREATE CRIMINAL HISTORY RECORDS AND ALLOW US TO INTEGRATE WITH INTERNATIONAL NETWORKS IN ORDER TO APPREHEND THOSE FLEEING FROM, OR TO, GUAM.

IN THE FUTURE, INTEGRATION WILL ALLOW FOR FILINGS, CALENDAR UPDATES, REQUEST FOR DRIVING RECORDS AND OTHER ADMINISTRATIVE REQUIREMENTS VIA COMPUTER. INTEGRATION WILL EVENTUALLY REDUCE THE NEED FOR ADDITIONAL PERSONNEL AND GIVE THOSE ON BOARD THE TOOLS THAT WILL MAKE THEM MORE EFFECTIVE IN THEIR TASKS. IT IS VITAL TO THE MISSION OF THE COURTS AND THE CRIMINAL JUSTICE SYSTEM TO COMMUNICATE, IN OUR EFFORTS TO MAINTAIN LAW AND ORDER.

AS AN EXAMPLE OF WHAT COMPUTER INTEGRATION CAN ACCOMPLISH -- ON THE FIRST OF THIS MONTH, THE TRAFFIC COURT LINKED UP WITH THE DEPARTMENT OF MOTOR VEHICLE VIA AN ON-LINE COMPUTER. THROUGH THE COOPERATION OF THE DEPARTMENT OF REVENUE AND TAXATION, PEOPLE WITH OUTSTANDING TRAFFIC WARRANTS AND CITATIONS NOW REQUIRE TRAFFIC COURT CLEARANCE BEFORE BEING ISSUED RENEWALS FOR REGISTRATION AND/OR DRIVER'S LICENSE. IN THE FIRST 16 WORKING DAYS OF OPERATION THIS LINK-UP HAS CAUGHT OVER 3,388 PEOPLE WITH OUTSTANDING CITATIONS OR AN AVERAGE OF 212 PER DAY.

I WOULD LIKE TO THANK DIRECTOR JOAQUIN BLAZ AND THE FINE MEN AND WOMEN OF THE DEPARTMENT OF MOTOR VEHICLE FOR THEIR ASSISTANCE AND OVERWHELMING SUPPORT IN ENFORCING THE TRAFFIC LAWS OF GUAM. IN ADDITION, I ADVOCATE AN INCREASE IN FIELD PERSONNEL FOR THE GUAM POLICE DEPARTMENT AND PUBLICLY RECOGNIZE THEIR UNYIELDING SERVICE IN KEEPING GUAM SAFE.

IN AN EFFORT TO ADDRESS THE GROWING JUVENILE PROBLEM IN THE PACIFIC AND SEEK THE SOLUTIONS TO ISSUES CONFRONTING OUR YOUNG PEOPLE; -- THE SUPERIOR COURT OF GUAM, THE PACIFIC JUDICIAL COUNCIL, SENATOR PILAR LUJAN'S COMMITTEE ON CRIMINAL JUSTICE AND THE JUDICIARY, SENATOR ELIZABETH ARRIOLA'S COMMITTEE ON YOUTH, DEPARTMENT OF YOUTH AFFAIRS AND THE GUAM BAR HELD THE FIRST PACIFIC JUVENILE CONFERENCE IN OCTOBER OF 1992. CHAIRED BY JUDGE BENJAMIN J.F. CRUZ, OVER 150 STUDENTS AND GOVERNMENT LEADERS PARTICIPATED IN THIS HIGHLY SUCCESSFUL FORUM ON YOUTH ISSUES.

THE CONFERENCE OFFERED YOUTH AN OPPORTUNITY TO EXCHANGE VIEWS WITH GOVERNMENT LEADERS ON THE ISSUES CONFRONTING THEIR GENERATION -- HIGHLIGHTING THE NEED TO ACTIVELY INVOLVE YOUNG PEOPLE IN THE PLANNING AND IMPLEMENTATION OF PROGRAMS DESIGNED FOR THEM.

THE JUVENILE CORE GROUP, -- MADE UP OF BOTH YOUNG ADULTS AND GOVERNMENT REPRESENTATIVES, -- RECENTLY CONVENED IN ORDER TO FINALIZE THE ONE AND FIVE YEAR COMPREHENSIVE PLAN FOR YOUNG PEOPLE, TO BE PRESENTED TO ISLAND LEADERS IN THE UPCOMING MONTH. I EXPECT THE RESULTS TO BE TRULY INNOVATIVE AND I LOOK FORWARD TO THEIR INPUT.

PROMOTING CONTINUING EDUCATION FOR THE COURTS AND ATTORNEYS WHO COME BEFORE THEM, -- THE SUPERIOR COURT OF GUAM, THE GUAM BAR AND THE PACIFIC JUDICIAL COUNCIL HELD A LEGAL EDUCATION WORKSHOP, THAT COINCIDED WITH THE PACIFIC JUVENILE CONFERENCE.

DEALING WITH THE ISSUES OF JUDICIAL ETHICS, ALTERNATIVE DISPUTE RESOLUTIONS AND EVIDENCE, THIS CONFERENCE WAS A FIRST FOR THE WESTERN PACIFIC. OVER TWENTY JUDGES AND FIFTY ATTORNEYS FROM THE PACIFIC ATTENDED COURSES CONDUCTED BY THE AMERICAN BAR ASSOCIATION'S JUDICATURE SOCIETY, THE RICHARDSON SCHOOL OF LAW OF THE UNIVERSITY OF HAWAII AND THE ARBITRATION MEDIATION PROGRAM FROM HAWAII'S JUDICIAL BRANCH.

THE CONFERENCE BECAME A FORUM FOR THE EXCHANGE OF VIEWS ON COMMON LEGAL ISSUES FACING ISLAND COMMUNITIES. IT ADDRESSED JUDICIAL ETHICS AND MEDIATION PRACTICES -- TAKING INTO ACCOUNT CULTURAL, SOCIAL, AND LEGAL REALITIES OF A CLOSE KNIT ISLAND COMMUNITY.

PRESENTLY THE PACIFIC JUDICIAL COUNCIL IS PURSUING FEDERAL FUNDING FOR A CRIMINAL HISTORY REPOSITORY THAT WOULD ALLOW MUTUAL EXCHANGE OF INFORMATION WITH INTERNATIONAL CRIMINAL JUSTICE NETWORKS.

WE ARE ALSO DEVELOPING A LEGAL ARCHIVE AND COURT REPORTER SYSTEM FOR THE WESTERN PACIFIC. THE PJC MEMBERSHIP AND GUAM'S BUREAU OF PLANNING IS ALSO ASSISTING GUAM'S COURT IN THE TRANSLATION OF A NUMBER OF LEGAL DOCUMENTS INTO THE NATIVE LANGUAGES OF THE FSM AND PALAU.

AS A PART OF A JOINT COMMUNITY OUTREACH PROGRAM -- THE COURT, IN CONJUNCTION WITH THE GUAM BAR ASSOCIATION, HELD OUR ANNUAL LAW DAY ACTIVITIES AT THE GUAM JUDICIAL CENTER. THROUGH PROCLAMATION BY THE GOVERNOR AND RESOLUTION FROM THE LEGISLATURE, THIS YEAR'S LAW DAY WAS A ROUSING SUCCESS. THIS YEAR'S THEME WAS "JUSTICE FOR ALL; ALL FOR JUSTICE."

THIS MORNING WE CONDUCTED SCHOOL TOURS OF THE GUAM JUDICIAL CENTER AND WILL HAVE A SPECIAL LAW DAY FOR THE ELDERLY NEXT TUESDAY WITH BOTH TOURS OF THE COURT AND A PRESENTATION ON THE LEGAL RIGHTS OF THE MAN'AMKO.

AS PART OF OUR LAW DAY ACTIVITIES, WE PRESENTED AWARDS AND CERTIFICATES TO THE GUAM HIGH SCHOOL MOCK TRIAL PARTICIPANTS. THE COURT, IN CONJUNCTION WITH THE DEPARTMENT OF EDUCATION AND THE GUAM BAR CONTINUE TO SUPPORT MOCK TRIAL COMPETITIONS. I WOULD LIKE TO THANK ALL THE ATTORNEYS WHO VOLUNTEERED AS COACHES AND JUDGES FOR CONTRIBUTING COUNTLESS HOURS TO THE PROGRAM. I CONGRATULATE ALL STUDENT PARTICIPANTS AND THE CHAMPIONS, OCEANVIEW HIGH SCHOOL, FOR ITS FOURTH CONSECUTIVE APPEARANCE AS GUAM'S REPRESENTATIVE IN THE U.S. NATIONALS WHICH WILL BE HELD IN ATLANTA, GEORGIA NEXT WEEK.

THE COURT BELIEVES THAT THE SUCCESS OF ITS PROGRAMS DEPEND ON THE SUCCESSFUL ACHIEVEMENT OF PRODUCING POSITIVE AND PRODUCTIVE EMPLOYEES. BOASTING OUR SUCCESS IN MAINTAINING THE LOWEST ATTRITION RATE IN THE GOVERNMENT OF GUAM, I AM HAPPY TO ANNOUNCE OUR 4TH ANNUAL AWARDS PROGRAM, CHAIRED BY JUDGE MANIBUSAN, TO APPRECIATE AND RECOGNIZE OUR EMPLOYEES DEDICATION AND SERVICE. THIS YEAR'S AWARD CATEGORIES INCLUDE COURT EMPLOYEE OF THE YEAR, PUBLIC SERVICE EXCELLENCE AWARD AND DIVISION EMPLOYEE OF THE YEAR.

LAST YEAR I RECOMMENDED THE PASSAGE OF A NUMBER OF BILLS. I THANK THE LEGISLATURE FOR ENACTING P.L. 21-136, INTRODUCED BY SENATOR TONY BLAZ, WHICH FUNDED A RAPE CRISIS AND SEXUAL ABUSE CENTER FOR THE ISLAND. THESE HEINOUS CRIMES OF VIOLENCE LEAVE EMOTIONAL SCARS THAT CANNOT BE IGNORED BY THIS COMMUNITY.

THE HEALING PROCESS FOR THESE INDIVIDUALS MUST BE PROVIDED AND WE MUST ASSIST THEM IN THEIR STRUGGLE TO REGAIN THEIR WELL-BEING AND SELF RESPECT.

THE ENACTMENT OF PUBLIC LAW 21-126 SPONSORED BY SENATOR LUJAN, WHICH ALLOWS THE COURT TO APPOINT AN ATTORNEY TO HANDLE A CIVIL CASE WHEN ALL OUR JUDGES HAVE RECUSED THEMSELVES, NOW PERMITS THE PARTIES TO HAVE THE CASES HEARD BY AN IMPARTIAL AND FAIR JUDGE, AS WELL AS A SPEEDY RESOLUTION OF THEIR CASE.

IN ADDITION, I WOULD LIKE TO THANK THIS LEGISLATURE FOR INCORPORATING BILL #192, INTRODUCED BY SENATOR SHIMIZU, INTO PUBLIC LAW 21-162 AND 163, WHICH APPROPRIATED \$300,000 FOR THE MARY CLAIRE HOME FOR MENTALLY RETARDED ADULTS.

I WOULD ALSO LIKE TO THANK THIS BODY FOR PASSING WITH AMENDMENTS, BILL #282, INTRODUCED BY SENATORS SANTOS AND LUJAN, ALLOWING FOR MORE STRINGENT DUI SENTENCING AND THE REVOCATION OF LICENSES. PUBLIC LAW 21-45, AS IT HAS BECOME, IS A STEP IN THE RIGHT DIRECTION.

DURING MY LAST FIVE JUDICIARY ADDRESSES I HAVE RAISED MANY SOCIAL AND LEGAL ISSUES, SUCH AS RIGHTS FOR CRIME VICTIMS, PROBLEMS OF YOUTH IN OUR SOCIETY, ALCOHOLISM, CRIMINAL SEXUAL ABUSES, SUICIDES, AND OVERCROWDING IN OUR PRISON. THE GOVERNOR AND THE LEGISLATURE WERE VERY SYMPATHETIC, SUPPORTIVE AND QUICKLY ENACTED LEGISLATION OR PROGRAMS IN AN EFFORT TO ALLEVIATE AND HOPEFULLY RESOLVE THESE VERY PRESSING ISSUES. TODAY I ASK AGAIN FOR THAT SAME SUPPORT AND COMMITMENT.

EVERY 18 SECONDS SOMEWHERE IN OUR COUNTRY AN ACT OF DOMESTIC VIOLENCE OCCURS. SIX (6) MILLION AMERICAN WOMEN ARE BEATEN EACH YEAR BY THEIR HUSBANDS OR BOYFRIENDS.

4,000 OF THEM ARE KILLED. THE VIOLENCE CAN BE IN THE FORM OF BATTERING, SEXUAL ASSAULT, ISOLATION OR EMOTIONAL ABUSE. 95% OF THE VICTIMS ARE WOMEN. BEATEN WOMEN COME FROM ALL ETHNIC GROUPS, ALL RACES, ALL ECONOMIC GROUPS AND ALL EDUCATIONAL BACKGROUNDS. THEY NEED ONLY TO BE ADULTS WHO ARE HAVING OR DID HAVE AN INTIMATE RELATIONSHIP WITH SPOUSES WHO ABUSE THEM.¹

THE SURGEON GENERAL RECENTLY REPORTED THAT BATTERING IS THE SINGLE MAJOR CAUSE OF INJURY IN AMERICA, MORE FREQUENT THAN A COMBINATION OF INJURIES SUSTAINED FROM MUGGING, RAPES AND AUTOMOBILE ACCIDENTS. IT HAS ALSO BEEN REPORTED THAT WOMEN ARE NINE TIMES MORE IN DANGER IN THEIR OWN HOMES THAN THEY ARE IN THE STREET.¹ THESE ARE THE WORDS OF A BATTERED WOMAN AS SHE ENTERED THEM IN HER JOURNAL IN 1977:

¹. STATISTICS FROM FBI AND COUNCIL OF STATE GOVERNMENTS ARTICLE: VOWS OF VIOLENCE BY MARIA HENSON.

"IT IS WHEN MY HEAD MAKES CONTACT WITH THE WALL THAT I FREEZE.. EVEN WITH THE FIST COMING AT ME AGAIN, I CANNOT MOVE. I HAVE NOT YET TAKEN THE BEHAVIORAL PSYCHOLOGY COURSE AND DO NOT KNOW THAT SOME ANIMALS FLEE WHEN ATTACKED. ...THE PROBLEM IS WHERE CAN I GO THAT HE WILL NOT FIND ME? WHO CAN I TELL?... I WANT TO SCREAM. BUT THE WORDS GET STRANGLERED IN MY THROAT AND AGAIN, I FEEL LIKE ITS ALL MY FAULT: THAT I NEED TO FIGURE OUT THE SECRET TO MAKE HIM STOP."

RECOGNIZING THE NEED TO DEAL WITH THIS GROWING NATIONAL ISSUE, THE STATE JUSTICE INSTITUTE HELD A NATIONAL CONFERENCE LAST MONTH FOR COURTS AND MEMBERS OF THE CRIMINAL JUSTICE SYSTEM. TOGETHER WITH A TEAM FROM GUAM, THEY OUTLINED SPECIFIC PLANS FOR THE COURTS AND THE CRIMINAL JUSTICE SYSTEM TO ASSIST IN THE RESOLUTION OF CASES INVOLVING FAMILY VIOLENCE.

CASES INVOLVING ALLEGED FAMILY VIOLENCE ARE NOW BEING TRACKED BY GUAM'S COURT VIA A CASE I.D. NUMBER. THIS INCLUDES BOTH SPOUSE AND CHILD ABUSE, CRIMINAL SEXUAL CONDUCT, CRIMES AGAINST THE ELDERLY AND OTHER RELATED INCIDENTS. JUDGE BENJAMIN J.F. CRUZ IS CURRENTLY HANDLING ALL DOMESTIC CASES THAT REQUEST A TEMPORARY RESTRAINING ORDER AS A RESULT OF FAMILY VIOLENCE.

THE SOLUTION TO FAMILY VIOLENCE BEGINS WITH RECOGNITION OF ITS EXISTENCE. BUT THIS IS ONLY THE BEGINNING. WE MUST CONTINUE TO REACH OUT AND SUPPORT PROGRAMS FOR ABUSED SPOUSES AND CHILDREN, SUCH AS THE ALEE SHELTER.

I WILL BE ORGANIZING A COORDINATING PLANNING COUNCIL ON FAMILY VIOLENCE WITHIN 30 DAYS TO BEGIN SETTING OUT PRIORITIES IN ALLEVIATING THIS SERIOUS PROBLEM IN OUR SOCIETY. TO ACCOMPLISH THIS GOAL WE NEED THE SUPPORT AND COOPERATION FROM EVERY SEGMENT OF OUR COMMUNITY AND FROM ALL THREE BRANCHES OF GOVERNMENT.

THUS MEMBERS OF THE COUNCIL WILL INCLUDE INDIVIDUALS FROM THE GOVERNMENT AND PRIVATE SECTORS.

THE COUNCIL WILL RECOMMEND ENACTMENT OF LEGISLATION THAT WILL HELP BATTERED WOMEN, -- SUCH AS MORE COMPREHENSIVE PROTECTIVE ORDERS; EDUCATE POLICE IN HOW TO RECOGNIZE AND RESPOND TO FAMILY VIOLENCE; SHOW SOME GUIDANCE AND TO EDUCATE PROSECUTORS, ATTORNEYS, JUDGES, SOCIAL, HEALTH, AND EDUCATIONAL PROFESSIONALS; EDUCATING THE PUBLIC; PROVIDE FOR TREATMENT PROGRAMS; AND RAISE MONEY FOR THESE PROGRAMS AND FOR MORE SHELTERS.

IN ADDITION, I WILL BE REQUESTING LEGISLATION TO ESTABLISH A CHILD ADVOCACY CENTER DESIGNED TO MINIMIZE THE TRAUMA OUR CHILDREN EXPERIENCE WHEN THEY ARE BROUGHT INTO THE SYSTEM FOR ALLEGED SEXUAL OR PHYSICAL ABUSE.

AT THE PRESENT TIME CHILD VICTIMS OF SEXUAL AND PHYSICAL ABUSE ARE FORCED TO ENDURE SIX TO SIXTEEN SEPARATE INTERVIEWS, OFTEN WITH DIFFERENT PEOPLE, WHERE THEY REPEAT AND RELIVE THE INDIGNITY AND INJURY OF THE INCEST OR BEATING. THE ESTABLISHMENT OF THE CHILD ADVOCACY CENTER WILL HOPEFULLY REDUCE THE NUMBER OF INTERVIEWS AND PROVIDE A CONDUCIVE AND PEACEFUL ATMOSPHERE FOR THE CHILD VICTIMS, AS WELL AS PROVIDE MEDICAL, COUNSELING, AND SUPPORT SERVICES TO THE CHILDREN AND THEIR FAMILIES.

IN ORDER TO ACCOMPLISH THIS GOAL, I AM ALSO SUPPORTING BILL #100, INTRODUCED BY SENATOR LUJAN, THAT WOULD ALLOW THE VIDEO-TAPING OF ABUSED CHILD'S TESTIMONY, WITH AMENDMENTS THAT WILL WITHSTAND CONSTITUTIONAL SCRUTINY. THE TRAUMA FOR A CHILD HAVING TO TESTIFY ABOUT AN ALLEGED ABUSE IS BURDENSOME ENOUGH WITHOUT HAVING TO BE SUBJECTED TO A COURTROOM FILLED WITH STRANGERS. COURT PROCEEDINGS MUST PUT THE SEARCH FOR TRUTH AHEAD OF THE PRESSURE THAT STRANGE SURROUNDINGS MAY HAVE ON A YOUNG PERSON.

IN MY LAST ADDRESS, I SPOKE ON THE NEED TO PASS LEGISLATION MAKING "STALKING" A CRIMINAL OFFENSE. STALKING IS A FORM OF DOMESTIC VIOLENCE. STALKERS HARASS OTHERS BY FOLLOWING THEM ALMOST ANYWHERE, OR MAKING INTIMIDATING PHONE CALLS OR SIMILAR GESTURES -- AND IN ITSELF CREATING AN ENVIRONMENT OF FEAR FOR THE VICTIMS. ALTHOUGH TEMPORARY RESTRAINING ORDERS MAY BE ISSUED, IT IS DIFFICULT FOR THE POLICE TO ENFORCE. PERSONS WHO STALK MAY BE ARRESTED UNDER A DIFFERENT CRIMINAL OFFENSE. STALKING IS NOT A CRIME BUT SUCH ACTIONS LEAD TO MORE VIOLENT CRIMES.

I SUPPORT, WITH SOME AMENDMENTS, BILL #265, AS INTRODUCED BY SENATOR CARL GUTIERREZ, THAT WILL MAKE THE DELIBERATE FOLLOWING OF A INDIVIDUAL A CRIMINAL ACT. MANY OF THE ASSAULTS AND DOMESTIC RELATED INCIDENTS CURRENTLY IN COURT COULD HAVE BEEN AVOIDED IF OUR LAW ENFORCEMENT WAS EMPOWERED TO STOP IT AT THE STALKING STAGE.

THE CHAMORRO'S OF THE PAST, NEVER BUILT A HOUSE ALONE. WORKING AS ONE, THE COMMUNITY COMBINED SEPARATE TASKS IN ONE TREMENDOUS EFFORT TO COMPLETE THE STRUCTURE. THIS CONVENTIONAL WISDOM STILL HOLDS TRUE TODAY.

IF WE START WITH THE PREMISE THAT THIS GOVERNMENT COULD BE MORE EFFECTIVE IF THE THREE BRANCHES SHARED IDEAS AND WORKED TO SOLVE COMMON PROBLEMS THEN WE CAN COLLECTIVELY SURMOUNT ANY PROBLEM OR OBSTACLE THAT MAY BE IN OUR WAY. JUSTICE IS NOT AN ISOLATED INCIDENT, BUT A SERIES OF RESPONSIBILITIES WE ALL SHARE. "TO ACCOMPLISH GREAT THINGS WE MUST NOT ONLY ACT, BUT ALSO DREAM; NOT ONLY PLAN, BUT ALSO BELIEVE."²

GOOD EVENING! THANK YOU, SI YU'OS MAASE, MARAMING SALAMAT PO!

² ANATOLE FRANKE