

STATE OF THE JUDICIARY ADDRESS

Delivered by The Honorable Chief Justice F. Philip Carbullido

April 30, 2021

Greetings and Acknowledgements

Håfa Adai and good morning, Governor Lou Leon Guerrero; First Gentleman, Attorney Jeff Cook; Lt. Governor Joshua Tenorio; Speaker Therese Terlaje and members of the 36th Guam Legislature; Justice Torres, Justice Maraman, Presiding Judge Lamorena, Chief Judge Tydingco-Gatewood, and Judicial Officers; Public Auditor Benjamin Cruz; Mayor Jesse Alig; members of the Consular Corps; Father Paul Gofigan; Administrator of the Courts Kristina Baird and Judiciary employees; Fay, my wife of 45 years; distinguished guests; people of Guam. I am always grateful for the chance to speak with the leaders of our sister branches and with our community about the state of your Judiciary.

Recognition of the 2021 Hustisia Award Recipient

I would like to begin my remarks today by recognizing the 2021 recipient of the Hustisia Award – an honor bestowed each year on an individual or entity whose work exemplifies a dedication to advancing the cause of justice in our community. This year's honoree is Retired Judge Joaquin V.E. Manibusan, Jr. Judge Manibusan's legal career began as an Assistant Attorney General for the Civil Division before moving into private practice, where he served as legal counsel to various government boards and agencies. In 1995, he was sworn in as a Judge of the Superior Court of Guam, filling the vacancy created by his father's retirement. Judge Manibusan also served as a Designated Judge for the District Court of Guam and as a Pro Tem Judge for the CNMI Superior Court. After nearly two decades as

a Superior Court judge, Judge Manibusan was appointed as the first Magistrate Judge for the District Court of Guam, where he served from 2004 until his retirement in 2020.

Both on and off the bench, Judge Manibusan modeled a demeanor and temperament that exemplified respect for the law and the importance of civility. He was a great proponent of practicing civic responsibility and of lending our time and service for the betterment of the community we live in. Through his work as an adjunct professor at the University of Guam, he imparted his great intellect to countless young adults. Through his volunteer efforts with the Chalan Pago-Ordot Municipal Planning Council, the Chalan Pago Parish Council, the Knights of Columbus, and the Guam Chapter of the American Red Cross, he worked to improve his village, his faith community, and the lives of those in need. In his most unassuming manner, Judge Manibusan has left a lasting imprint on the work of justice in our island.

Please join me in recognizing Retired Judge Joaquin Manibusan – an esteemed jurist, a legal scholar, and a servant of the people.

Introductory Thoughts

It has been almost one year since I last addressed this body regarding the state of your third branch of government. COVID-19 was the unavoidable backdrop of my last address; and as far as we have come as a Judiciary and as an island since then, the reality is that COVID still frames so much of what I will report today. A year ago, our branch, like every other governmental operation and private business, was trying to figure out how to navigate the rough and uncharted waters of life amid a

global pandemic. Everything was turned on its head, and fear and anxiety gripped us as much as I'm sure it gripped each of you.

It was a difficult year on so many fronts. We know that the pandemic affected each of us, but we also know that some were affected far harder than others. Within the community, thousands of people suddenly found themselves unemployed, which meant that many were without healthcare at a time when staying healthy was all we could think about. Hundreds of school-aged children without access to computers and the internet simply fell off the radar, losing out on a full year of education. And who can forget the long lines at the food distribution sites, or the many families who struggled with getting their next meal. These are just some examples of how our lives changed in the last year.

We in the Judiciary very much knew that we had to change the way we did our work because the community we serve had changed. We understand that the justice system does not operate in a vacuum. I felt the frustrations of patrons, litigants, and lawyers whose cases were not addressed because they did not fall into one of the categories of matters deemed essential or critical. I'm sure that for the pre-trial defendants who sat in jail because jury trials were suspended, or for the families who could not settle their estates because probate cases hung in limbo for months, hearing us say "we are doing all we can" did little to lessen their frustrations. As a former lawyer in private practice, I tried to put myself in those shoes once again as I made the difficult decisions for the operations of the judicial branch.

The pandemic seemed to bring almost everything in our community to a standstill, but the disputes that our courts address did not go on lockdown. We worked hard

to ensure that essential justice services remained accessible, but we also recognize that many court matters were placed on what felt like an indefinite hold.

When Guam's COVID numbers, hospitalization rates, and death toll were on a frightening rise last year, forcing most of the island to stay at home, we at the Judiciary could not simply hang a sign on our courthouse doors that read, "Closed for business, come back after COVID." But when so much about the coronavirus was unknown, and when the health of so many people was at stake, we had to cut back on many of our services and operations if we could not provide them safely.

To every extent we could, we at the Judiciary made sure that those who most needed our services were never shut out of the justice system. The reason for this goes back to the very mission and purpose of our branch, which is to administer justice by interpreting and upholding the laws, resolving disputes in a timely manner, and providing accessible, efficient, and effective court services. People depend on our branch to vindicate their rights, secure their liberties, and bring the accused to justice. "Closed for business, come back after COVID" was never an option for us, and we remained open for essential operations throughout 2020. We did the best we could under the restrictions we were bound by, and with the limited resources we had.

With that reminder, I would like to now pick up where I left off in my address last June. I shared with you my vivid memory of that Sunday afternoon in March of 2020 – March 15, to be exact – when I gathered with my fellow justices, the Presiding Judge, and a few of my managers in the Monessa G. Lujan Appellate Courtroom in one of our last in-person meetings to start planning our operations in anticipation of the inevitable. By the end of our meeting, we got word that Guam

confirmed its first cases of COVID-19. The feeling in that room – a combination of fear and resolve – is something I will never forget. We may not have known exactly how we would do it, but we were determined not to let the Judiciary and all that it represents fall victim to this virus.

Four hundred and eleven days have passed since that Sunday afternoon, and I am proud of the way the Judiciary has adapted, adjusted, and kept the wheels of justice moving – maybe not as swiftly as some would like, but moving nonetheless. This continued movement forward in preserving justice in the time of a pandemic is attributable to the hard work and commitment of each and every judicial branch employee. No court employee ever once said “I can’t” or “I won’t.” Because of each employee, the Judiciary of Guam remained accessible, throughout the months of fear and uncertainty. Because of each employee, justice was preserved.

Motivated and Mission-Driven

Senators, Governor, Lt. Governor, people of Guam, I am proud to report that the state of the Judiciary has been, and continues to be, motivated and mission-driven – motivated to establish and implement innovative ways to continue critical operations and justice services, mindful that providing these services is at the very core of why we exist at all. Through most of 2020 and into 2021, our island fluctuated between PCOR 1 and shutdowns. With every executive order the Governor issued laying out new or modified pandemic restrictions, there came an administrative order from the Supreme Court guiding court employees, attorneys, and the public as to the impact of these restrictions on court operations.

We were determined to balance the dual concerns of protecting the health and safety of our employees and the public, and of safeguarding the rights of our

people and their access to justice. The administrative orders issued by the Supreme Court suspended certain filing deadlines and time standards; authorized the use of virtual platforms to conduct court business; established email and drop boxes to file court documents; identified essential functions when operations were limited; temporarily suspended speedy trial statutory time standards; and put in place different processes, including remote hearings, to protect the health of employees, attorneys and their clients, jurors, and all others who have business with the Judiciary.

Since the onset of the pandemic, we regularly updated these administrative orders, as public health guidance evolved and the Governor issued new emergency declarations. But one thing did not change: Even during the brief time when our doors were physically closed to the public, Judiciary employees were working to keep critical justice services available to everyone who needed them.

“Advancing the Rule of Law Now”

Tomorrow, May 1, is Law Day. This year’s national Law Day theme is “Advancing the Rule of Law Now.” In pondering this theme, I thought about what our Judiciary has done, and continues to do, to advance the rule of law for a pandemic and post-pandemic Guam. During my last State of the Judiciary Address, I highlighted the efforts put in place by our branch to fulfill our mandates and remain accessible. Now, I would like to update you on some of our efforts, which have not only ensured that our people continue to have access to justice during the COVID crisis, but in many ways have ushered in a whole new era of court access that will remain long after the pandemic has abated.

OPG

One such group of individuals whose needs for our services is constant – pandemic or not – is the 90 plus wards under the care of the Office of the Public Guardian. From dispensing allowances and supplies, to making medical appointments and transport arrangements; from accompanying wards to healthcare visits, to providing consents for treatment; from accounting for their income and paying their bills, to applying for stimulus checks for 51 wards who do not file income tax returns – the Office of the Public Guardian remained a 24/7, full-service operation throughout every stage of this pandemic. While some of the work of the OPG could be done virtually, such as attending guardianship hearings or participating in annual reviews via Zoom, the reality is that the majority of their services require in-person, hands-on contact. The staff of the OPG are among our bravest and hardest-working front-liners.

This year marks the 20th anniversary of the opening of the Office of the Public Guardian and I'd like to take a moment to commemorate that. For the last two decades, the OPG has been helping Guam's elderly and persons with disabilities, who cannot manage their personal care or their finances, and who have no other person willing or able to assist them. In January 2001, Chief Justice Benjamin Cruz appointed Attorney John Weisenberger to serve as the first Public Guardian, and the office opened its doors the following month. In that first year alone, the office received 86 referrals, and the Public Guardian was appointed to 13 cases.

The last 20 years have seen an exponential growth on the demand for OPG services. As of today, the office has a sevenfold increase of active cases compared to 2001. The services provided by this small office are not as well-known as the criminal trials held in the courtrooms or the court clearances regularly requested by

the public. But for the last two decades, the Public Guardian has helped manage the care and estates of hundreds of wards, and has assisted many others to serve as guardians over family members or to obtain the release of remains for burial. The OPG is just one example of the fundamental role of the Judiciary in our society. Please join me in thanking all the OPG staff, past and present, for being the unsung heroes they truly are.

Virtual Platforms

As I reported last year, when the pandemic first hit, our MIS and Procurement and Facilities teams moved quickly to put in place a new way of conducting the business of the courts. We shifted as many of our in-person proceedings as possible onto virtual platforms. We went from virtual proceedings held only before magistrate judges in March of 2020, to conducting over 13,000 virtual hearings to date, before Superior Court Judges, magistrates, and referees.

The Supreme Court has maintained a full calendar since May of last year, and we have conducted 100 percent of our appellate hearings via Zoom, livestreamed to the Judiciary YouTube channel. The move to virtual hearings that are streamed live has actually increased transparency and public access. I would venture to guess that more people have watched an appellate argument in the past year than in the previous five years combined. In the trial courts, virtual hearings remain the preference, unless the proceeding requires an in-person hearing. As a side note, I am proud to report that in the 13,000 plus hearings held at the Judiciary, we have yet to have an attorney appear as a cat. So, kudos to the attorneys who appear before our courts.

We know technology poses a stumbling block for some individuals who simply do not have access to computers, webcams, or an internet connection. Because of this, our MIS team converted three client meeting rooms into Zoom Rooms – these are equipped private rooms where individuals can come to our courthouse, utilize our technology, infrastructure, and hardware to attend their virtual hearings or court-ordered classes.

Client Care Continues

If there is one good thing that has come from court operations in our new pandemic-driven reality, it would be our progress in making court proceedings and services more accessible for litigants and the public. Our child support referee, for example, has reported a significant increase in court appearances by parties since moving to a virtual platform. We have found that, in most instances, people welcome the convenience of appearing remotely, unhindered by issues of transportation, absence from work, or lack of childcare that previously prevented many people from coming to court.

Our Probation Division and Client Services and Family Counseling Division also describe successes with clients who report virtually, to include attendance at tele-health sessions. Our Probation Division found more positive responses during the pandemic, with clients fulfilling their check-in obligations using virtual methods, which allowed them to remain at their workplace or homes rather than leaving to comply with in-person reporting – the result being a higher rate of reporting responses.

Our Client Services and Family Counseling Division also report more meaningful engagement with clients due to the more personal one-to-one meetings that are

held virtually. Importantly, clients can comply with court conditions, and in some cases, maintain their employment while still receiving the treatment necessary for their recovery or rehabilitation. When our Probation and Client Services teams can continue giving their clients the help they need to transition out of the justice system and into a healthier, more productive life, this benefits not only the participants but our entire community.

This, to me, is what the courts of the future look like – more transparent and increasingly responsive to the needs of our community in a world already accustomed to doing almost everything online.

Growth of the Electronic Monitoring Program

Another positive change in our recent operations is the increase in electronic monitoring options for detained clients. Under the leadership of Magistrate Jonathan Quan, the electronic monitoring, or EM, program was significantly expanded this past year. As of today's date, Magistrate Quan's efforts to reduce the detainee population at DOC by ordering release to EM supervision, while still ensuring the safety of the community, has resulted in over 50 pre-trial detainees being placed on electronic monitoring versus in-house detention at DOC. With the cost of housing a detainee at DOC being an average of \$130 per day, a rough estimate is that the Judiciary's EM program may be saving DOC approximately \$6,500 per day, and rising.

Jury Trials and Reimagined Facilities

Yet, even with all the positives of technology to make court services more accessible by migrating to virtual platforms, the reality is this: some critical court functions simply cannot be done remotely. Chief among these are criminal jury

trials, which have presented challenges from the onset of the pandemic, not only for us in Guam, but for all courts across the nation. We suspended jury trials at the beginning of the pandemic because they require us to bring many people together — jurors, parties, witnesses, attorneys, the judge, court security, and administrative staff – often in small spaces.

While it was prudent for us to suspend these proceedings, the result has been the creation of a large backlog of cases awaiting trial. And although we temporarily suspended statutory speedy trial time periods, we knew we had to resume criminal trials as soon as we could – both for defendants, who have a constitutional right to their day in court and to be present in the courtroom to confront the witnesses against them, and also for crime victims waiting for justice to be served.

This is where I must recognize our Procurement and Facilities Management team. Well before the pandemic, we were acquiring the San Ramon Building, with the plan of moving court administrative offices there. Plans changed. We completed the acquisition of that building in June of last year – when pandemic restrictions were already in full force – and our facilities staff successfully converted the building’s second and third floor offices into a high-capacity courtroom, jury deliberation room, and judge’s chambers. The conversion of this facility took a little over a month to complete.

Our teams moved next to the Supreme Court appellate courtroom and converted that space into a second high-capacity trial courtroom for in-person criminal jury trials. Constructing the San Ramon space and the conversion of the Supreme Court appellate courtroom were important accomplishments that ensured compliance

with both public health mandates and the constitutional rights of criminal defendants.

In addition to these two spaces, I am happy to report that renovations are complete on the Route 4 building. The Judiciary initially leased this space with other uses in mind; but once again, the pandemic changed our plans. The space has now been renovated to serve as another high-capacity trial courtroom with all safety protocols accounted for, similar to the San Ramon building, with an area for a judge's chamber and jury deliberation. What would normally take upwards of six months to complete, we accomplished in 60 to 90 days.

The work of our MIS and facilities staff never ceases to amaze me. Everyone should know the huge role this cadre of skilled individuals has played in not only keeping our workplace clean, safe, and technologically equipped, but in creating the spaces that have allowed the justice system to continue doing the work that the public and the Constitution demand. Please join me in thanking our MIS and Procurement and Facilities teams.

Jury selection was another important function that posed a logistical hurdle for us, as we simply did not have the space on our Judiciary campus to allow judges to bring in scores of potential jurors at one time for the selection process. We contacted our neighbors at the Academy of Our Lady of Guam, which was holding only virtual classes at the time, and came to a mutual agreement for a short-term lease of the empty cafeteria. From December 2020 to February of this year, our trial judges completed 15 jury selections and 2 grand jury selections, and our jury unit conducted 9 jury orientations at the Academy cafeteria. These activities brought in over 2,500 potential jurors. Of that number, over 1000 of them went on

to serve as jurors for trials held at the San Ramon building and the Supreme Court appellate courtroom. Also from this group, we empaneled four grand jury panels to assist with the influx of felony cases that needed to be presented before the grand jury.

I extend my deep appreciation to the thousands of prospective jurors who answered the call to service and showed up. Keeping you safe is among our highest priorities, and we continue to take every precaution to ensure that your experience as a juror is a safe and positive one.

Unfortunately, our use of the Academy cafeteria has now ended, and although we have the two new high-capacity courtrooms plus the appellate courtroom to conduct some jury activity, this is still insufficient for our trial judges to keep up not only with the backlog, but all the new cases where defendants are asserting speedy trial, as it is their right to do. On this note, I'd like to take a moment to address the proposed statutory amendments that we submitted to the Legislature last year, some of which remain pending before this body.

With the limitations of our courthouse to hold multiple jury trials under pandemic protocols – coupled with the staggering backlog of cases resulting from the temporary suspension of jury activity and speedy trial time periods – we offered four proposed amendments to Guam law aimed at striking a balance between the rights of criminal defendants to a speedy and public trial, and the capabilities of our justice system to carry out our mandates in a post-pandemic reality.

Our proposals included permanently expanding the powers of the magistrates to preside over more types of hearings and to modify bail conditions. This bill has

passed and is now public law, and for that, we thank you. Our other proposals include temporarily expanding the use of 6-member juries except in cases of first degree or second degree felonies; temporarily reducing the number of peremptory challenges available in criminal cases; and permanently increasing the speedy trial time limits in criminal cases.

Each proposal is consistent with measures already in place in other jurisdictions. Across the nation, laws are being enacted to assist the courts in addressing the pandemic backlog of criminal jury trials. As one example, Kansas has passed a law suspending the state's statutory right to speedy trial through May 1, 2023 – a two-year suspension. Keep in mind that we cannot hold criminal jury trials by Zoom or conference call. These proceedings have to be in a courtroom with multiple people present, which has become a huge logistical and safety challenge for the Judiciary. We hope that the Legislature and the Governor will support these efforts to amend the relevant statutes, two with sunset provisions, which will greatly assist our branch in continuing to meet our constitutional and statutory mandates.

I want to recognize and thank the Presiding Judge, our trial judges, magistrates, referees, and the staff of our Courts and Ministerial Division for their dedication and great efforts in keeping our cases moving forward smoothly and methodically, and for their willingness to adjust their sails, so to speak, when the winds of this pandemic threatened to set our justice system off course. I know it was difficult, and that you are still working hard to effectively and efficiently get through the backlog of cases, with new cases mounting every week. Your dedication speaks to the high standard of professionalism we strive for every day. And from the bottom of my heart, I thank you.

I would also like to take a moment here to express with pride that, as a member of the national organizations such as the Conference of Chief Justices and the Conference of State Court Administrators, I have attended many virtual briefings and read many updates on the struggles across the nation of courts trying to maintain and resume operations. Throughout many briefings, I have been surprised to learn that the Judiciary of Guam has been one of the leaders in getting court operations back on track, especially with in-person criminal jury trials. While I don't want to say that we were the first, I can say with confidence we are most definitely in the top tier of jurisdictions to resume in-person criminal jury trials and in-person juror activities.

At one particular virtual meeting earlier this year, the jurisdictions in attendance were astonished with how many of our court employees had been vaccinated at such an early stage in the roll-out process. Much of that credit goes to the Administration and the hard-working teams at Public Health and the Governor's medical advisory groups.

Personnel Development and Training

I would be remiss if I did not take a moment to also recognize the work of our Human Resources team and our Judicial Educator. The sudden shift in our operations created challenges for our personnel administrators, and they worked extremely hard to update, or in some cases create, court policies and regulations to govern personnel matters during the pandemic. Among these are the Judiciary's COVID transition plan, teleworking policy, attendance policy, and revised Code of Conduct. Also, with the enactment of the Family First Coronavirus Relief Act, our

HR division conducted educational outreach to our employees on the eligibility and implementation of emergency leave, including creating the applicable forms.

With our Human Resources staff, our Judicial Educator, Ms. Dawn Siguenza Blas, developed the curriculum, training content, and course materials for the Judiciary's first formal supervisor training course, which offers advanced training to court employees who aspire to leadership positions. In November of last year, we successfully launched the Leadership Development Academy that included a variety of learning methods, including an online course from the National Center for State Courts, and a week of Zoom classes taught by a variety of faculty from within our court leadership. Since its inception, the LDA has graduated three cohorts of 12 employees each. That's 36 court employees better prepared to become leaders, within our branch or anywhere their careers may take them.

Also, in line with the recent focus on government ethics, the Judiciary is creating an Ethics Academy. Guam law presently requires an ethics in government program to be provided by the University of Guam with standards developed by the Public Auditor, until such time that the Guam Ethics Commission can develop its own standards. However, proposed amendments to this law may delay the implementation of the program for some time.

The Judiciary is not content to wait until an ethics in government program is finally developed. Instead, we are seizing on the momentum of adopting a new Code of Conduct for Judiciary employees and on the success of our Leadership Development Academy, and we have already begun planning for an Ethics Academy for court employees. Harnessing the in-house expertise of our Kotte family, who will serve as our faculty, we are developing the course curricula to

train our employees on specific ethics topics – namely, ethics and lobbying, ethics-related dilemmas, Guam procurement and contracting laws and regulations, parliamentary procedure, fiduciary responsibility, personnel policy, government finance, the Open Government Law, the Sunshine Reform Act of 1999, and other ethics areas relevant to court functions.

Our aim is to continually elevate the skillset and knowledge base of our employees so we may better serve our community and inspire greater public confidence and trust in our judicial system.

Above and Beyond: Creation of a Contact Tracing Team

I mentioned a minute ago how our HR staff had to not only amend but also create certain programs and policies to meet the new demands thrust upon us by the pandemic. One such example was the creation of the Judiciary Contact Tracing Team. By late summer, the pandemic was raging within our island community, and almost weekly, the Judiciary had started seeing our own employees test positive for COVID-19. Three employees agreed to be trained to become contact tracers: Senior Human Resources Management Officer Rhonda Nelson Calvo, Deputy Marshal Supervisor Josef Sablan, and Program Coordinator Elaine Naputi.

These individuals successfully completed the University of Guam and University of California San Francisco's five-day webinar course. Using the skills they learned, they developed a comprehensive set of contact tracing forms to use when interacting with exposed or potentially exposed Judiciary employees. Soon, two more Judiciary employees were added to the team: Human Resources Administrator Barbara Jean Perez and the Marshal of the Courts Troy Pangelinan.

The Contact Tracing Team made themselves available 24/7 and spent many of their evenings and weekends connecting with Judiciary employees who had been exposed or potentially exposed. Since this team was formed, they have conducted tracing for 135 Judiciary of Guam employees and 9 employees from the Executive Branch, who requested the assistance of the Judiciary's contact tracers.

The Judiciary has a proud history of stepping up, adapting to the circumstances at hand, and going above and beyond the traditional mandates of our branch. The establishment of this Contact Tracing Team is but one example.

Doing our Part: Continuing Outreach Efforts

One of my goals after resuming the position of Chief Justice last year was to ramp up our community outreach efforts. I firmly believe that any act of goodwill toward the community is always time well spent. When COVID knocked many of our planned outreach projects off the list, we found other ways to give back.

One effort I am most proud of is the work Judiciary employees volunteered to do at the Public Health COVID vaccination clinics. Over the course of two Saturdays, court employees set aside any anxieties they may have had and volunteered at Okkodo High School and Inalåhan Public Health to staff the clinics – assisting with check-ins, screenings, post-vaccine observations, and crowd control. Volunteers reported that this was one of the most rewarding experiences, knowing they were participating, in a small way, in something historic, and helping to get our island back to where we all want to be. The rallying cry at the beginning of this pandemic was “We are all in this together.” That is a sentiment the Judiciary holds near and dear, and something we will always aspire to exemplify.

Our Success is the Community's Success

I have shared with you some projects, undertakings, and efforts that we accomplished during a time when both resources and activities were limited. And while I am proud of what we have achieved, my pride in this branch is not the main reason I shared these things with you. Rather, my intent is this: to convey to each of you that every success your judicial branch realizes is a success for the community.

I cannot stress enough that a strong and stable judicial system is a fundamental component of a free and safe society. When our in-house faculty conducts training on court operations, they always start by asking their audience this question: What would your community look like if courts did not exist?

Governor, Senators, please remember this question when it is time for you to decide what you think the Judiciary deserves in terms of funding.

I have shared with you our operational outcomes, which demonstrate how the Judiciary found means to work within the boundaries of the pandemic by remaining motivated and mission-driven, even during the most challenging of times. We have provided our 2020 Annual Report, which includes some hard data from the past year. Not surprising, there was an overall decrease in case filings, such as Driving While Impaired cases – no doubt attributable to stay-at-home orders and closure of dining establishments, and perhaps the restrictions on social gatherings.

But our case filings also revealed the toll that the pandemic has taken on those who are already prone to violence and substance abuse. In 2020, Family Violence was

again the top charged criminal offense. Possession of a Schedule II Controlled Substance moved up significantly on the list of top offenses, with filings increasing by 50 percent from the year before. Although our court system addressed these increases throughout every stage of the shut-down, we knew that a day of reckoning would come – when we would be forced to address all cases placed on hold during the pandemic.

Scarcely has a day gone by since we began our pandemic operations when I have not thought about the effect of each administrative order issued in response to the health crisis. How does that private practitioner explain to their clients why their cases are still on hold? What is running through the mind of the defendant sitting in jail awaiting trial, or the victim of a violent crime who seeks justice? What about the party to a probate matter, who paid all their court fees and for the required publications in the newspaper, but still cannot close their case and settle their estate?

Though I know in my heart we did the best we could, I also know that, to them, it was simply not enough. But most of all, I think about how much more we might have done to alleviate their frustrations had we received a fair allotment of resources to run this third branch of government.

Although there is never a good time for a global pandemic, COVID-19 could not have arrived at a less opportune moment for our courts. Already beset by chronic underfunding, the pandemic only exacerbated the delays and backlogs that have resulted from years of budget shortfalls and shrinking staffing levels. So much of what we have been able to sustain in the past year has been with the aid of federal COVID-relief funding, better known as CARES Act funds. But the COVID bridge

funding should not substitute for the long-term financial investment in the Judiciary.

We are not naïve to the upheaval that the pandemic has caused to our island economy, and we understand that each branch has important duties to fulfill. It is, however, my duty as the head of this branch to impress upon those who hold the power of the purse that the consistent cut to the Judiciary's funding level has taken – and continues to take – a huge toll on our ability to sustain our operations and services at the level our community expects and deserves. The Judiciary needs the Legislature's recognition and support of the critical role we play in maintaining law and order in our community.

Concluding Thoughts

I hope that through my report to you this morning, I have given you a better understanding both of the difficulties the Judiciary has faced in the past year, and also of some unexpected bright spots that came from our pandemic operations. Despite the challenges brought upon by COVID-19, the climate it thrust upon us has actually enhanced our growth in some important areas – namely, implementing technology to increase access to justice and deliver critical services to Judiciary clients, attorneys, and the public. Though we may have been rushed into this new era of operations sooner than some of my colleagues and I—and some members of the bar—may have wished or expected, I think we can all agree now, with a year's worth of experience under our belts, that many of these innovations and new practices have strengthened our courts and will remain a part of how we operate even beyond the pandemic.

On a bigger level, another bright spot that has come of this pandemic – in my mind, at least – is the general feeling of solidarity and goodwill that seems to have swelled within our community as we have struggled together to get through this unprecedented time in our history.

I would like to take a moment to recognize the collective efforts of not only our leaders, but really the entire island, during this once-in-a-century global crisis. When we were inundated with news reports and viral videos of people throughout the country who opposed, and even publicly defied, government-mandated restrictions, here in Guam, for the most part, we donned our masks with little hesitation. We put on hold our family gatherings, our fiestas, weddings, and yes, even our rosaries and funerals. We did this to protect our manâmkô' and others at greater risk of infection. We did this to protect each other.

And while the unpredictability of this pandemic has made us all a little wary about patting ourselves on the back lest we celebrate too soon, I believe it is a testament to our island's culture of respect and our sense of responsibility to one another that we have made such great strides in our efforts to beat COVID-19.

We have proven time and again what we can accomplish when our efforts are fueled by this spirit of mutual respect and a shared goal. Governor Lou Leon Guerrero, Lt. Governor Josh Tenorio, Speaker Therese Terlaje, I look forward to continuing to work with you in that same spirit of solidarity and goodwill – not just in this COVID era, but in everything that we do in service to our people.

Un dângkolu na si Yu'os Ma'âse for your time and attention. May God continue to bless us all.