



Hafa Adai!

On behalf of the Judiciary of Guam, it is our pleasure to present to you our 2005 Annual Report.

The accomplishments of the Judiciary and its divisions are attributed to the hard work and professionalism of our Justices, Judges, court employees, and volunteer members of the Guam bar. Joining in our efforts at progress through our efficiency, we thank them for their extraordinary contributions as officers of the Court and as public servants.

While we have accomplished much, we believe that our greatest test of good governance is yet to come. With the anticipated realignment of military personnel to Guam, presenting a population surge of around 18,000 people, we must be ready to face a corresponding and overwhelming rise in court cases and disputes, and in turn, greater demands for service. The good news is that the bench, the bar, and our court staff have, time and time again, proven their resilience in times of struggle and hardship. The bad news is, this time, we simply do not have the proper tools – in the form of equipment, training, and funding – to adequately respond to the impending population surge .

An adequate response is necessary if we want to take full advantage of the various economic possibilities that will come along with the military investment in our island. As explained in the State of the Judiciary Address, industries that contemplate moving to Guam want to be assured, first and foremost, that their legal interests and the interests of their employees, will be safeguarded by a court system that adheres to the Rule of Law, and does so effectively and efficiently. They want to have public trust and confidence in our Judiciary. Only then – when they believe there is economic stability – will they decide to seek a long-term investment in our island and our good people.

We thank the Guam Legislature and the Governor of Guam for sharing our vision of justice over the last few years. It is this shared vision that has paved the way to our current goal of effective and efficient public service. But our work has only just begun. For this reason, we at the Judiciary seek a tri-partite alliance to bring Guam to the forefront of technology and progress. We seek a partnership in showing the rest of the world what we, as a people, have known all along as expressed by the late former Senator and businessman Eddie Calvo, "Guam is good."

F. Philip Carbullido
Chief Justice of Guam

Perry C. Taitano
Administrator of the Courts



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

"The judicial authority of Guam shall be vested in . . . a judicial branch of Guam which branch shall constitute a unified judicial system and include an appellate court designated as the 'Supreme Court of Guam'. . . The Supreme Court of Guam shall be the highest court of the judicial branch of Guam . . . and shall . . . make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the judicial branch of Guam."

Organic Act of Guam, as amended



CHIEF JUSTICE F. PHILIP CARBULLIDO

On January 7, 2005, Chief Justice F. Philip Carbullido was reelected by his colleagues to serve a new three-year term as Chief Justice of the Supreme Court. During this first year, Chief Justice Carbullido faced the challenge of guiding the Judiciary into a streamlined system of operation despite significant budgetary constraints. Through his leadership, the Judiciary has introduced policies and programs and utilized technological tools aimed at promoting efficient use of resources, as well as improving the ability of citizens to seek justice through the courts of Guam.

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

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

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

JUSTICE FRANCES TYDINGCO-GATEWOOD

Justice Frances Tydingco-Gatewood's judicial career has provided nearly 20 years of "firsts" for Chamoru women. In 1984, she was the first Chamoru woman assistant attorney general here on Guam, and garnered many convictions in major felony trials. In 1990, after a two-year stint as assistant prosecutor with the Jackson County Prosecutor's Office in Missouri, she returned home to become Guam's first Chamoru woman Chief Prosecutor. In 1994, she was appointed as the first Chamoru woman trial judge of the Superior Court. She authored hundreds of decisions and orders, presided over numerous cases including high-profile criminal cases, multi-party complex civil litigation cases, family court, juvenile court, traffic court, and probate matters. She presided over the Royal Palm Resort lawsuit, which was the most complex civil litigation trial in the Pacific Rim.

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

Justice Tydingco-Gatewood's judicial experience is not limited to the courts of Guam, and she has served, and continues to serve, on both the federal and CNMI courts. For the past ten years, she has served as a designated federal judge for the District Court of Guam. She also serves as designated Associate Justice for the CNMI.

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

JUSTICE ROBERT J. TORRES, JR.

Since his appointment to the Supreme Court, Justice Robert J. Torres, Jr. has been deeply involved with issues of technology and automation in the judiciary. He chairs the Judiciary's technology subcommittee tasked with developing a long range strategy for technology and automation in Guam's judicial system in an effort to better serve the people of the island. Through the expertise and vision of Justice Torres, the Judiciary's advances in technology and automation has brought the courts of Guam into the 21st century. He played a central role in instituting several projects that expanded the application of technology in the judiciary – including e-filing with the Supreme Court, employing wireless technology in the courtrooms, effecting video conferencing in initial appearances, and contemplating the design and acquisition of a modern case management system.

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

Justice Torres has authored landmark opinions in subjects such as adverse possession, *quantum meruit*, holdover tenancy, easements, the gifting and sale of excess lands returned by the federal government to original landowners, the distribution of estate property and "Takings" jurisprudence. He continues to work tirelessly for the Judiciary, not only on his own caseload, but also while serving as the chairperson of the subcommittees that craft rules governing the practice of law on Guam, including the Rules of Evidence, Rules of Civil Procedure and Superior Court of Guam Revisions, Civil Jury Instructions, and Bar Admissions and Attorney Discipline. He received a B.B.A. in Accounting (Magna cum Laude, Beta Gamma Sigma, Beta Alpha Psi) from the University of Notre Dame, South Bend, Indiana in 1980, and a J.D. from Harvard Law School in 1985. He is married to the former Mary Camacho, and they have three children. Of the seven justices and judges, Justice Torres is the only *tata* of two beautiful grandchildren.



PRESIDING JUDGE ALBERTO C. LAMORENA III

The initiation of innovative court programs has been the hallmark of the 17-year tenure of Presiding Judge Alberto C. Lamorena III. He is a believer in “therapeutic justice,” which emphasizes the rehabilitation of criminal defendants so they may become productive members of our society. He is also an advocate of “collaborative justice,” where the judge, as team leader, works together with the prosecutor, defense counsel, treatment providers, court staff and others for the best interest of the defendant.

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

Progress is also apparent in the development of court’s responsibility over criminal justice information. Presiding Judge Lamorena, who sits as the chairman of the Criminal Justice Automation Commission, has assisted awards of federal funds to implement the Criminal Justice Information System, which allows local and federal law enforcement agencies to coordinate and use the court’s Criminal Justice database. The Judiciary is now the central repository of the

National Crime Information Center, the only repository in the Western Pacific.

In addition to his duties as presiding judge and judge of the Adult Drug Court, Presiding Judge Lamorena is a member of the Judicial Council and the Public Defenders Corporation Board of Trustees.

He received a B.A. in Political Science from the University of Illinois, Urbana in 1971 and a B.A. in Accounting from the University of Texas, Austin, in 1974. He received a J.D. from Drake University, Des Moines, Iowa in 1977.



JUDGE KATHERINE A. MARAMAN

In the 12 years that Judge Katherine A. Maraman has been on the Superior Court, her primary assignment has been family law cases. As a result, she has developed a specialty in the area, from her many hours on the bench and from extensive training in family violence, child abuse and neglect, and juvenile delinquency issues. Judge Maraman has also obtained specialized training in handling cases that involve persons with mental and physical disabilities, mental illness, and co-occurring mental illness and substance abuse problems. She currently presides over the Mental Health Court, a one-year pilot program for cases in which a defendant’s mental state is an issue. The program began in October 2005, and utilizes a therapeutic court model, placing these defendants in community-based and integrated mental health and substance abuse treatment.

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

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

JUDGE STEVEN S. UNPINGCO

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

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

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

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



JUDGE MICHAEL J. BORDALLO

Since joining the Superior Court in 1998, Judge Michael J. Bordallo's docket has consisted mainly of cases involving regulatory law, business law and civil litigation. The nature of his caseload, and ultimately, of his numerous decisions and orders, is primarily commercial litigation and as such, have a direct effect on whether investors and business people may comfortably rely on the rule of law, predict their costs and manage their risks accordingly. An effective judiciary – one that is predictable – stimulates economic growth by minimizing risks and transaction costs, enforcing property rights, checking abuses of government power, and above all else, upholding the rule of law. Drawing upon the nine years of experience as an attorney in private practice, Judge Bordallo objectively evaluates complex civil cases with calm deliberation and thoughtful analysis. Additionally, he is an advocate of Alternative Dispute Resolution and began a program to refer all civil cases to mediation. This has led to the anticipated implementation of mandatory mediation in all cases as well as the current mandatory mediation of contested child custody cases. The growth of Alternative Dispute Resolution has reduced the taxation of judicial resources.

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

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





JUDGE ELIZABETH BARRETT-ANDERSON

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

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

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

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

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



JUDGE ANITA A. SUKOLA

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

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

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

JUDGE ARTHUR R. BARCINAS

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

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



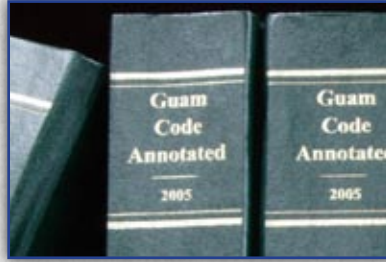
ADMINISTRATIVE HEARING OFFICER LINDA L. INGLES

Matters related to the establishment, modification, enforcement and collection of child support should be handled by the court in an expeditious manner so that parties may obtain necessary orders and other action as quickly as practicable. Since 1995, Linda Ingles has served as a specially-trained Administrative Hearings Officer who hears cases arising from child support issues. In 2005 alone, she heard more than 5,000 of such cases. Administrative Hearings Officer Ingles provides both parents in these cases the opportunity to present evidence, reviews the evidence presented, and then issues a decision based on the law and the child support guidelines that govern the determination of child support. She continues to learn of changes in the law, trends that may indicate shifts in the law, as well as new practices to be applied to the procedures in Guam, through her regular attendance at the National Child Support Enforcement Association Annual Training conferences. Administrative hearings Officer Ingles also presides over a majority of the trials in Traffic Court. In addition, her docket includes certain juvenile proceedings, and in 2005, she heard more than 1,200 of these cases. She has received specialized training in issues relating to children at the National Judicial Leadership Summit on the Protection of Children. Prior to her appointment, she practiced law on Guam for 13 years, in both the public and private sector.

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



YEAR IN REVIEW



WORK OF THE JUDICIARY IN 2005

EFFICIENCY AND CONSOLIDATION OF FACILITIES AND RESOURCES

TECHNOLOGICAL INNOVATIONS

ACCOUNTABILITY AND FISCAL RESPONSIBILITY

TRENDS IN COURT WORKLOAD AND JUDICIAL ADMINISTRATION

ISSUES FACING CHILDREN AND FAMILIES

EDUCATION AND COMMUNITY OUTREACH

EFFICIENCY AND CONSOLIDATION OF FACILITIES AND RESOURCES

The Judiciary continually strives to fulfill its role in ensuring that the people of Guam receive the full assistance of the island's courts of justice in a cost-efficient manner. Unification of the Judiciary and consolidation of facilities and resources has decreased the overall operational costs of the court system and has made the community's access to the courts' services easier and more expedient.

CONSOLIDATION OF OFFICES AT THE JUDICIAL CENTER

The year 2005 marked the return of several Judiciary divisions, offices and services to the central Judicial Center Complex. The Procurement and Facilities Management Division executed the relocation of the Child Support Division, Adult and Juvenile Drug Courts, and offices of the Ethics Prosecutor and Public Guardian into the main building and spearheaded the relief of overcrowded conditions in the Marshal's and Probation Divisions. The move realized considerable savings for the Judiciary, over \$300,000 a year in rental and utility expenses alone, as well as decreased cost arising from the maintenance and security of a consolidated facility. More importantly, it is now more convenient for court patrons to receive assistance and access to the courts' many services in a single complex.

BUDGET DECREASE THROUGH UNIFICATION AND CONSOLIDATION

Unification of the budgets of the Supreme Court and Superior Court resulted in an overall budget decrease of 4% with future savings expected from increased performance. Despite the shortage of staff, the Financial Management Division managed to perform the duties necessary for the Judiciary to fulfill its mission of ensuring justice for all. In 2005, the division was able to process all outstanding vouchers submitted by court-appointed counsel by strictly enforcing Judicial Council case limits and by reallocating the savings realized through the establishment of the Alternate Public Defenders Office and the Private Attorney Panel. Also in 2005, the division cooperated with the Office of the Public Auditor to facilitate the completion of the performance audit of the Judicial Building Fund from October 1, 1999 to September 30, 2004, as requested by the Lihislaturan Guahan.

CAPITAL IMPROVEMENTS

Capital improvements within the Judicial Center Building, and in the court grounds reflect the concept of efficiency of operations. Jurors and potential jurors welcomed



the renovation of the Jury Unit, which provided a designated waiting area, more pleasant courthouse facilities and additional amenities. The groundbreaking and opening of the Judiciary Employee Parking lot now makes access to the courts easier and more convenient for both employees and court patrons.

NEW PRACTICES FOSTER EFFICIENCY

In 2005, the Intake/Drug Testing Unit of the Probation Division conducted 6,480 drug tests, for drug offenders in the pre-trial stage, adults on probation as part of their criminal cases, members of the Adult Drug Court Program, and certain domestic and Child Protective Services cases. The current practice requires more than one person conduct the urinalysis collection and testing. In response to concerns regarding efficiency, the unit has drafted and submitted for review a policy to allow for single-person testing procedures, thereby decreasing the manhours required. The unit continues to explore saliva testing, as a less intrusive and potentially less costly alternative to urinalysis.

JUVENILE PROBATION SECTION'S EFFORTS AT EFFICIENCY

The Juvenile Probation Section of the Probation Division, responsible for supervising and monitoring youths adjudicated in cases involving juvenile delinquency (criminal offenses) and juvenile proceedings (status offenses), recently articulated and submitted goals and objectives for delivery of juvenile probation services. These goals and objectives will improve and standardize juvenile probation services, provide assurances, enhance monitoring and further the pursuit of excellence in juvenile justice and delinquency prevention.

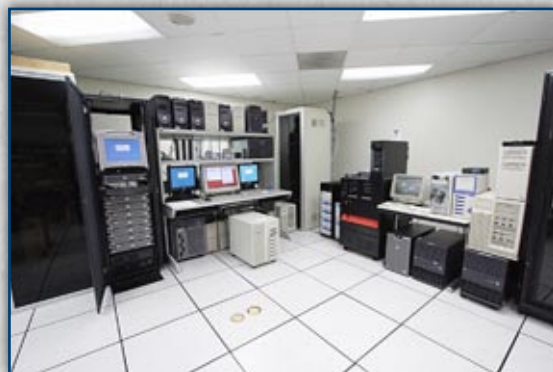
CHANGES TO COURT-APPOINTED COUNSEL

The right of all accused persons, even those who are too poor to hire a lawyer, to have adequate representation is fundamental and essential to ensure that every defendant stands equal before the law. The delivery of quality indigent defense services in criminal and juvenile delinquency proceedings has proven problematic given the funding shortfalls and increased caseload. In response, the Supreme Court promulgated amendments to the Rules for Indigent Counsel, that reflect the establishment of the Alternate Public Defenders Office, created to be the court-appointed counsel in cases where

the Public Defenders Office has been disqualified due to a nonwaivable conflict of interest. The creation of the Alternate Public Defenders and the Private Attorney Panel was designed to improve the quality, efficiency and cost effectiveness of the Judiciary's indigent defense program and played a large role in the 54% decrease in the disbursements made to court-appointed counsel in cases involving indigent criminal defendants.

IN-HOUSE PRINTING AND PUBLICATION

Thoughtful and consistent print and web publications and presentations are essential to support the discharge of the Judiciary's goal to be a court system, characterized by excellence, that strives to attain justice for the community. In an effort to reduce costs, we drew upon the services of the Management Information Systems (MIS) Division for print consulting, publication of business cards, brochures and booklets, production, graphic design, web site building and much more. MIS executed these services in a cost-efficient manner with added benefits such as flexibility, confidentiality, security, convenience and control.



costs in relation to the space needed to store records.

PROGRESS TOWARD VIDEO CONFERENCING CAPABILITIES

The Judiciary has seen substantial progress towards preparing the trial courts for conducting selected court appearances for persons confined at the Hagatna Detention Facility, the Department of Corrections (DOC) and the Department of Youth Affairs (DYA) by video conferencing. The persons would remain in confinement but proceedings would occur and the judge, prosecutor and defense attorney would communicate through the network video conferencing link established at the respective sites. Video conferencing enhances the safety of courtroom personnel, the general public, and officers of DYA and DOC while decreasing the cost of transportation as well as the potential for escape. Use of video conferencing reflects the collaborative effort of the Judiciary, members of the Guam Bar, the Department of Corrections, the Department of Youth Affairs, the Guam Public School System, Guam Police Department (GPD) and the Attorney General's Office.

FINGERPRINT IDENTIFICATION

In 2005, the Judiciary continued its work collaboratively with GPD in the Automated Fingerprint Identification System Project (AFIS). Fighting crime and identification of criminals will be faster and easier through the AFIS system, which identifies latent fingerprints in a matter of hours. Through the AFIS system, the fingerprints of a person arrested of a crime on Guam will be electronically transmitted to the Federal Bureau of Investigation to be stored in their database of national criminal information.

CRIMINAL HISTORY REPOSITORY

In 2005, the Marshals' NCIC Unit of the Judiciary was designated the criminal history repository by the Federal Bureau of Investigation. The NCIC, working with the MIS Division, established a procedure for submitting case dispositions electronically to the FBI's Criminal Justice Information Systems, which yields a considerable savings in time and cost. This procedure enhances the Judiciary's efficiency, as no extra labor or money is needed to transmit the information to the federal government.

ROLE OF THE MIS DIVISION

The lead in technological advances within the Judiciary, as would be expected, was found in the MIS Division. Despite the staff of only six personnel, the division made great strides in developing technology projects within the Judiciary. In 2005, the division completed several important projects and its accomplishments included:

- revamping of the Sex Offender Registry to comply with federal mandate

TECHNOLOGICAL INNOVATIONS

Technology improves access to justice, promotes efficiency and builds public trust and confidence. The Judiciary of Guam recognizes that efficient performance is promoted by implementing technological advances wherever possible. Integrating current and leading edge technology – from launching digital electronic recording of court proceedings to installing upgrades of computer software – reflects the Judiciary's continued efforts to explore new ways technology can be used to enhance daily operations of the courts of justice.

LAUNCH OF DIGITAL ELECTRONIC RECORDING

Digital electronic recording, implemented in all trial courts, offers significant cost savings, provides greater control of the court record and enhances the efficiency of court personnel, including staff of the judges' chambers, clerks of Courts and Ministerial Division, and reporters at the Court Transcribers Unit. Through the digital system, attorneys may request and obtain a digital copy of the proceedings, avoiding the oftentimes lengthy wait for transcription services and cases may proceed without the delay of paper transcripts, and at less cost. Aside from ease of use, the system promotes the accessibility of obtaining records of court proceedings, is less expensive for litigants, and reduces

- incorporating information technology responsibilities of the Supreme Court, Office of the Public Guardian, and Office of the Compiler of Laws as part of efforts toward consolidation
- creation of network documentation for reporting and maintenance purposes
- maintenance, management, and repair of more than 400 computer work stations and 14 servers
- vast improvements to the reporting and querying mechanisms in the Superior Court’s case management system
- enhancements of the Judiciary’s network infrastructure
- improvements of printing capability from the Judiciary’s AS400 system
- implementation of backup mechanisms for file servers and other critical production servers
- upgrades to Server Client Antivirus Services and intrusion prevention services
- providing “help desk” assistance to other court employees, and implementation of a training center for Judiciary and NCIC users, major refitting of Judiciary network infrastructure and transition to a different service provider.

The division was also instrumental in ensuring the Judiciary’s positive performance in an audit of the Federal Bureau of Investigation/National Criminal Information Center program. The division created standards and policies, provided necessary documentation, and resolved inherent problems in the program that previously had not been addressed.

SECURITY AND THE MARSHALS DIVISION

The ability of the Marshals Division to provide security to the judicial branch was enhanced in 2005, with the installation and implementation of the Security Access and Control System. Marshals and court personnel were trained on the proper use of the system, which ensured that only authorized personnel entry into the building during non-business hours, and in certain restricted areas of the courthouse. In addition, several grants obtained through the Court Programs Office further enabled greater security, by facilitating the purchase of walk-through and hand-held metal detectors, X-ray machines, and personal protective equipment.

INTERNET-BASED ACCESS TO GUAM LAW

The Office of the Compiler of Laws publishes Guam laws at no charge to the public via the internet. The internet-based Guam Code Annotated is updated as soon as new laws are passed, and is the most current version available anywhere. The office continually updates and improves the website, and will begin posting other publications such as Executive Orders and Attorney General Opinions this year.

INSURANCE COMPANIES RECEIVE ACCESS TO TRAFFIC CITATIONS

The Judiciary executed a work agreement with DTN, Inc., to facilitate computer access by specific members of the Guam Insurance Association to adjudicated traffic citation records. This access provides a convenient way for insurers to obtain relevant information and reduces the involvement of personnel at the Courts and Ministerial with the multitudes of requests from the insurance community for such records.



EXPLORING OPTIONS REGARDING A NEW CASE MANAGEMENT SYSTEM

The Judiciary, through the office of the Deputy Administrative Director and the Technology Information Systems subcommittee chaired by Justice Robert J. Torres, began making inquiries and soliciting information to explore options regarding a new case management system for the Judiciary. The court’s current AS400 lacks many of the web-based applications, document management imaging (scanning) software, and multiple system capabilities, which are increasingly found in the systems of other jurisdictions. A new case management system should be able to manage and view information associated with individual cases and parties, manage case progress, implement work flow, provide and organize data, eliminate redundant data entry, generate notices, orders, and other documents automatically, and lessen the reliance on and cost of paper. The system should also integrate financial and payroll capabilities and tie into the various court trust funds. The Judiciary is proceeding in a prudent and incremental approach but ultimately, the benefits reaped through the new case management system will translate into better service to the court users and the public and increased efficiency in court operations.

ACCOUNTABILITY AND FISCAL RESPONSIBILITY

The Judiciary’s accountability and fiscal responsibility is consistent with, and in fact dictated by, a set of guiding principles: fuller access to justice; improved case expedition and timeliness; equality, fairness and integrity in the judicial process; branch independence; and public trust and confidence. With an appropriation equaling only a 4%-share of the General Fund, the employees of the Judiciary have sustained – and improved – the operation of Guam’s courts, through conservative spending, austerity measures, and continued efforts toward consolidation.

ADMINISTRATIVE COST-CUTTING MEASURES

The Administrative Office of the Courts spearheads the Judiciary's efforts toward accountability in overseeing the consolidation of the Superior and Supreme Courts, in advocating cost-effective measures, and in effectuating internal policies. By mandating close scrutiny for expenditure of supplies and guarding against wastefulness, the AOC encourages better use of the Judiciary's limited resources.

JUDICIARY PROCUREMENT PROCEDURE

The creation of the Judiciary's Standard Operating Procurement Procedure, and the adoption and implementation of new procurement policies and guidelines, has not only enabled the Procurement and Facilities Management Division to acquire goods and services for the Judiciary at the best possible price, but to do so in a manner that fosters accountability and consistency and maximizes to the fullest extent practicable the purchasing value of public monies. The division also conducted a comprehensive inventory in 2005 of all court equipment, fixtures and items, to track accountability and condition of court-owned resources, to avoid duplication of items already purchased and to ensure that Judiciary personnel maintain equipment necessary and in proper working order to perform their functions.



PROGRESS IN THE SEX OFFENDER REGISTRY

Under Guam law, citizens of Guam have the right to know when offenders of certain crimes, such as sexual assault, move to or reside in their neighborhood. Such information is made available to the public through the Sex Offender Registry. Although current Guam law mandates that the Guam Police Department, DOC Parole Section, and Judiciary Probation Division share joint responsibility as to establishment and maintenance of the Registry, it has been the Judiciary's Probation Division who has taken primary responsibility. Through the efforts of Probation's Sex Offender Unit and MIS Division, the local Registry is now operational and is regularly updated with new information. In addition, updates regarding any changes in the offenders' residence, employment and education is compiled by the Judiciary's Sex Offender Unit and is forwarded to the FBI for inclusion into the national sex offender registry. Furthermore, working jointly with the GPD Crime Lab, the Unit is in the process of obtaining biological specimen samples from all registered sex offenders, so that DNA information is readily available to assist in future investigation.

ROLE OF THE JUDICIARY IN ESTABLISHMENT OF FORENSIC CRIME LAB

A well-functioning forensic crime lab, equipped with appropriate tools and instruments, is integral to law enforcement officers of Guam and is necessary to the effective administration of justice. The Judiciary has been tasked by the Legislature with ensuring the establishment of this forensic crime lab. A setback with regard to funding has initially affected forward progress, as we have been notified that we are prohibited from tapping into the Judicial Building Fund despite authorization from local law. Nevertheless, the Judiciary is committed to establishment of a new forensic crime laboratory, and has determined that the project will proceed in three stages. The first step is to obtain funding for the pre-construction requirements, including preparation of the site, and approving design and construction plans. Next, we must engage contractors and begin construction. Finally, while the new forensics lab goes up, the Judiciary will work on the financing of the long-term construction loan. Once completed, those victimized by crime and their families, as well as alleged perpetrators, can be assured that evidence obtained during investigation will be properly processed.

ADOPTION OF INTERNAL POLICIES

In 2005, the Judiciary's internal management policies was clarified, for the benefit of employees and the public, through the adoption of the Policy and Procedures Governing Computing and Technology Resources, the Judiciary's Official Vehicle Policy, and the Judiciary of Guam Official Travel Policy Rules. The overriding goals of these various policies are to outline acceptable use and best practices and involve the participation and support of every judicial employee. The Human Resources Division oriented employees on these policies to ensure familiarity and compliance with proper procedures.

PROACTIVE EFFORTS YIELD SIGNIFICANT GRANTS AND FUNDING RESOURCES

In 2005, the Judiciary was awarded a total of \$1,781,834.50 in federal grants through the efforts of the Court Programs Office. Federal grant funding enables the Judiciary to institute programs and services, and continue ongoing projects. Significant awards received in 2005, which include grants for previous fiscal years, include:

- \$ 650,000 in two National Criminal History Improvement Program grants, to provide for the improvement of Guam's criminal history records, to comply with requirements for submitting data to the National Crime Information Center, and

TRENDS IN COURT WORKLOAD AND JUDICIAL ADMINISTRATION

to convert files to electronic format.

- \$ 206,325 in a Law Enforcement Terrorism Prevention Program grant, to upgrade and enhance security.
- \$ 100,000 in a Criminal Justice Information System Enhancement grant, to enhance the central repository of criminal information, to fund upgrades of necessary software and power supply.

The award of these federal grants is especially important in light of the insufficient funding to the Judiciary from local resources.

COMPLIANCE WITH DRUG-FREE WORKPLACE POLICY

The abuse of drugs and alcohol by members of the judicial community is incompatible with the goals and mission of the Judiciary, and we are committed to a drug-free workplace. To this end, the Human Resources Division conducted an orientation for employees who hold Test Designated Positions, that is, jobs which are constantly subject to random drug and alcohol testing. These positions include court marshals, probation officers, and members of the facilities maintenance staff. During the orientation, the employees were informed about the testing policy, where their names would be chosen using the Drug/Alcohol Test Randomizer program, and were advised of the specifics of the policy. In addition, drug testing at the Judiciary occurs for any employee who is subject to a reasonable suspicion of drug or alcohol abuse, or critical incident.



TRAINING FOR SUPERVISORS

The Human Resources Division conducted supervisory training for 40 division heads, supervisors and team leaders, highlighting the procedures necessary to completing performance appraisals of members of their staff. Performance appraisals are powerful tools and a key responsibility for most managers. The division addressed several issues during the training, such as conflicts in the performance evaluation, employee discipline, and the importance of documenting both positive and negative employee performance. The division also emphasized the need to establish performance standards, and compliance with time lines set forth by the Personnel Rules when conducting and submitting performance appraisals. Education is essential to preventing appraisal problems and the goal was to train supervisors and team leaders so that they fully understand these issues and know how to properly manage and document the performance of those who report to them.

TRAFFIC CITATIONS YIELD BAIL MONEY

As part of their duties, marshals of the Judiciary serve warrants of arrest for individuals who had outstanding traffic violations, and in 2005, more than \$80,000 in bail money was amassed from those brought in due to warrants of arrests.

TIME STANDARDS

The Judiciary continues to explore the concepts of caseload, case management and personal efficiency, with the assistance of consultants from the National Center of State Courts/State Justice Institute. The consultants conducted an onsite visit to Guam's Judiciary in 2005 and held workshops and interviews to analyze the court's current caseload processes and to determine causes of litigation delay, with the goal of developing time standards for case processing. The consultants submitted a comprehensive report on their findings, and made several recommendations aimed at improving the delivery of service to court users including instituting suggested time standards to mitigate litigation delays.

The time standards proposed are averages for the court's performance at different stages of the litigation process, and the time that it actually takes to complete a stage in an individual case, for many reasons not in the court's control, may be greater or less than the standards. While the standards do not require that every case be processed within the time periods identified, the standards serve as goals for both the court and staff to process all cases as promptly and efficiently as possible. The recommendations are currently under review, with Judiciary divisions working collaboratively to enhance the operation of the courts of Guam.

NEW CIVIL PROCEDURE AND SUPERIOR COURT RULES

Justice Robert J. Torres and Judge Katherine Maraman were co-chairpersons of the Subcommittee on Revision of Civil Procedure Rules and of Superior Court Rules Revisions. The subcommittee has completed revisions to the Guam Rules of Civil Procedure and await completion of the comment and review by the Guam Bar before submitting the revised rules to the Supreme Court for promulgation. In addition, the subcommittee continues to prepare the new Rules of the Superior Court of Guam including completely new rules on motion practice, ex parte proceedings, and pretrial preparation to replace the existing Rules of Court. As usual, there remains an open invitation to the bar to attend the meetings to assist with the finalization of the Superior Court Civil and Local Rules.

MENTAL HEALTH DOCKET : A THERAPEUTIC COURT MODEL

In criminal cases in which a defendant's mental health is made an issue, the Judiciary has established a pilot program

for a one year mental health docket presided by Judge Katherine A. Maraman using a therapeutic court model with a view towards permanently establishing a Mental Health Court. The “principles” of therapeutic jurisprudence which have been employed in other successful judicial approaches include encouraging offender reform, development of offender problem-solving and coping skills, monitoring of offender compliance with release conditions, and much more. The model requires close collaboration with representatives from the Department of Mental Health and Substance Abuse, Superior Court (Administrative Office and Courts and Ministerial Division), the Probation Division, and attorneys from the Public Defenders Office and Office of the Attorney General.

The procedure requires communication of the parties regarding referrals, status of the case such as receipt of court filings, a mental health assessment by Mental Health representatives, and the subsequent action by the court, which may include ordering a mental health treatment plan to be included and regular hearings to determine progress. Through this therapeutic model, the court adjudicates the defendant’s violations with the input of the prosecutor, defense attorney and probation officer.



RULES OF EVIDENCE REVISIONS

Co-chaired by Justice Robert J. Torres and Judge Katherine A. Maraman, the Subcommittee on Rules of Evidence Revisions was formed to review the existing Evidence Law of Guam and to propose amendments to the Rules and Principles of Evidence in Title 6 of the Guam Code Annotated. Since its formation, the subcommittee has identified and reviewed the changes that have been made to the Federal Rules of Evidence and the California Evidence Code since the initial promulgation of the Guam Rules in 1979. In addition to discussing whether to incorporate any of those changes, the subcommittee also updated the Compiler’s comments and inserted citations to cases issued by the Supreme Court of Guam, which serve as reference when seeking guidance as to prior interpretations by the court. Following submission to the Guam Bar Association for review and

comments, the subcommittee finalized its draft of the revised Rules of Evidence 101-11002. The revised Rules of Evidence were adopted by the Supreme Court of Guam and will go into effect upon repeal of the old rules or a future promulgation order. Furthermore, the subcommittee continues to work on revising the Principles of Evidence found in Division 2 of Title 6 of the Guam Code Annotated and plans to complete their work in the upcoming months.

THE JUDICIARY’S RESPONSE TO DRUG-RELATED OFFENSES

2005 was an historic year for the Judiciary’s Adult Drug Court Program. January saw the graduation of 31 participants from the program; significantly, none have been rearrested. In December, the Adult and Juvenile Drug Courts were established as a court of record of the Judiciary of Guam.

The importance of the drug court program for Guam was first recognized in the 1990s, with the introduction and proliferation of crystal methamphetamine, or “ice,” to Guam’s idyllic shores. The effect of an increase in perpetrators and harsh penalties for even minor offenses, served to inundate the law enforcement and correction agencies. The Drug Court program offers qualified defendants an alternative to traditional adjudication and incarceration. Through comprehensive supervision, drug testing, counseling and immediate sanctions for infractions of program rules, participants in the program receive support and treatment, and learn accountability and face consequences for their actions.

The Adult Drug Unit of the Probation Office has purview over those on probation for drug-related offenses, and in 2005, the unit’s four probation officers supervised a total of 1,014 cases, prepared and filed 777 violation reports, and assisted in conducting 838 drug tests for defendants on pre-trial release. The officers work to guide the defendants through their probationary period, and supervise the defendants through “check-in,” drug testing and home visits.

NEW CASE ASSIGNMENT PROCEDURE

The Courts and Ministerial Division continues to meet the evolving and complex demands of case management. In 2005, the Judiciary adopted new procedures for case assignment, which distributes cases randomly in a fair and equitable manner, and calls for a two-year rotation of judges assigned to specialty courts, such as the Family Court, Family Violence Court and Adult Drug Court.

ASSISTANCE FOR PRO SE LITIGANTS

Pro se, or unrepresented litigants, are part of Guam’s judicial system, and in 2005, the Pro Se Litigation Subcommittee examined several issues related to pro se litigants. The members of the subcommittee examined methods of ensuring that pro se litigants are better equipped and prepared and fully informed of their rights and responsibilities. One concept presented by the subcommittee was the feasibility of lawyers providing pro bono service to educate pro se litigants, including the possibility of having attorneys provide unbundled legal services to pro se litigants as a viable method of ensuring that these litigants are better prepared and informed when entering into our courts.

APPELLATE RULES

In 2005, the Subcommittee on Judicial Review and Appellate Rules Revisions, chaired by Chief Justice F. Philip Carbullido and co-chaired by Attorney Thomas Sterling, completed its proposed revisions to such rules, which govern appellate practice on Guam. The subcommittee's work product is being finalized, and proposed rules will soon be submitted to the Bar for comment and then to the Supreme Court for its decision as to promulgation.

ADMISSION OF ATTORNEYS

The Board of Law Examiners is the entity that oversees the admission of attorneys to the practice of law on Guam. In 2005, nineteen applications for admission to the Guam bar were submitted, and of those nineteen, nine persons passed the bar exam and character and fitness investigations, and have since been admitted to practice law before the courts of Guam. Seven government attorneys also received temporary admission to practice law before the courts of Guam in 2005. The Board further adopted scaling of the essay exams to the Multistate Bar Exam to ensure that test scores have a consistent meaning over time and eliminate unintended advantages or disadvantages to examinees.

Two Supreme Court subcommittees also have input on the policies and procedure governing the admission of attorneys. The Subcommittee on Rules Governing the Admission to the Practice of Law and the Rules for the Discipline of Attorneys has worked on the review and revisions of the Admission Rules and a completed draft of these rules has been circulated to the Guam Bar for comment. An arm of the Board of Law Examiners, the Drafting and Grading Subcommittee continues to draft the local question portion of the Guam Bar examination, which is administered twice a year, and grade all essay exams administered in this jurisdiction.

JURY INSTRUCTIONS

Jury instructions are intended to help the jury understand the law to be applied, and must be carefully crafted so they are easy to understand, yet legally accurate. In 2005, members of the respective subcommittees focused on preparing and drafting instructions that may be uniformly used by the trial courts, making the practice of law on Guam simpler, easier and more consistent.

Civil. The Subcommittee on Proposed Civil Jury Instructions co-chaired by Justice Robert J. Torres and Judge Michael J. Bordallo, in 2005 completed the first set of proposed instructions, consisting of Introductory Instructions, Evidence, Contracts and Negligence. The damages instruction are being finalized by the subcommittee before the completed instructions are distribution to the Bar for review and comment. The

subcommittee requires hard work from its members, who prepare each instruction, subject to full subcommittee refinement and consideration. The subcommittee is also working to categorize the instructions based on their source and support by Guam law.

Criminal. Under the leadership of Justice Frances Tydingco-Gatewood and with the assistance of Judge Anita Sukola, the Subcommittee of Proposed Criminal Jury Instructions has completed a draft of two proposed chapters of proposed model criminal jury instructions based on the subcommittee on Standard Jury Instructions, Criminal, of the Superior Court of Los Angeles County, California ("Caljic"). The subcommittee is doing a finalization of the proposed jury instructions for publication to the Bar, to take place in March 2006. Following that, the subcommittee will undertake the review of Caljic Chapter Three for adoption on Guam as model criminal jury instructions.



ISSUES FACING CHILDREN AND FAMILIES

ONE FAMILY, ONE JUDGE

In 2005, the Judiciary established a dedicated specialized family violence court where all family violence cases receive high priority and are heard immediately by one judge, Judge Anita Sukola. The concept of "One Family/One Judge" is to provide for a single judge to address the multiple legal issues - criminal, family and matrimonial - that can occur in domestic violence-related circumstances, thereby helping to ensure victim safety, continuity, effective case management, monitoring and disposition.

FAMILY VIOLENCE ENFORCEMENT UNIT

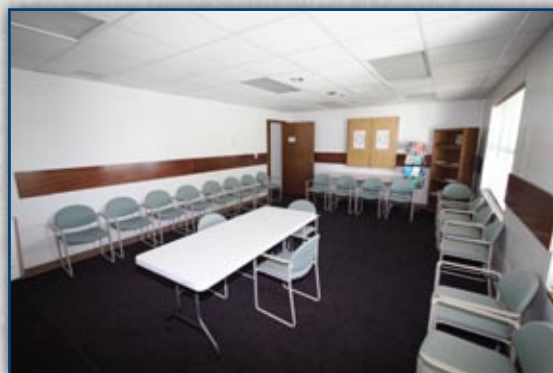
This unit is a specialized team of Judiciary marshals, who are trained and handle specifically Family Violence offenses. In 2005, the unit saw important accomplishments. The unit submitted a three-year Violence Against Women plan for the Marshals Division, outlining the goals of the unit. The unit created brochures, giving information about the unit, to be used in outreach programs and for distribution. The marshals drafted and submitted a standard operating procedure to detail and provide guidance on the unit's operational activities.

TREATMENT FOR FAMILY VIOLENCE OFFENDERS

As part of fulfilling its mission, the Client Services and Family Counseling Division offers several treatment programs, which include:

- Domestic Violence Offenders Group: serving male domestic violence offenders, this group is the longest-running and most utilized treatment group. In 2005, there were 1,764 visits for this type of counseling.
- Pacific Islander Non-English Speaking Domestic Offenders Group: geared toward non-English or limited-English speakers, this is a special group with a culturally-appropriate format, using interpreters when needed. In 2005, there were 545 visits for this type of counseling.
- Women's Group: also known as THRIVE, or "Teaching, Healing, and Recovery for Women in Violent Environments," this family violence treatment group is for female offenders and victims of family violence. In 2005, there were 562 visits for this type of counseling.

Although the division suffered reductions in staff due to the Administrator's retirement, and the resignation and relocation of one senior Individual, Marriage and Family Therapist, the division continues to provide high quality care in a timely and consistent manner, and to develop programs to meet the needs of its clients



MEDIATION IN CHILD CUSTODY CASES

Recognizing that mediation, as a form of alternative dispute resolution, may be helpful in certain cases where parties remain in close contact after termination of court proceedings, the Court Mediation Subcommittee in 2005 drafted the Rules for the Mediation Pilot Program, which were then promulgated by the Supreme Court. The pilot program mandated mediation in certain contested child custody cases, and since its inception, has resulted in parties participating court-ordered mediation sessions conducted through Inafa Maolek. The Subcommittee is next tasked with determining the results of the Pilot Program, and exploring the possibility of continuing the program, as well as expanding the program in other types of cases.

PROTECTION OF CRIME VICTIMS AND WITNESSES

The Supreme Court recently promulgated the Crime Victim and Witness Protection Program rules, which created and clarified operating procedures to ensure the protection of victims and witnesses of crimes as their cases proceed through the criminal justice system. Drafted by the Subcommittee on Crime Victim and Witness Protection Program, the program rules were intended to give victims and witnesses confidence

that standard protocol is in place for protection, including a separate areas for victims and witnesses prior to court hearings, the use of a roving marshal patrolling the halls of the Judiciary building, and procedures whereby victims may receive notice of changes in custody of the accused.

STANDARD PROTECTIVE ORDER AND PROCEDURE IN FAMILY VIOLENCE CASES

The Subcommittee on Judicial, Attorney and Community Education, led by Justice Frances Tydingco-Gatewood and Judges Elizabeth Barrett-Anderson and Anita Sukola, saw two major accomplishments in 2005. First, was the adoption of the First Page Protection Order, a national program to ensure that each state and territory enacts a protective order which will receive full faith and credit. This means that a victim of family violence with a protective order from

our courts can be confident that no matter the state or territory, Guam's First Page protective order will be recognized.

Second, the subcommittee worked diligently towards crafting the Rules of Court for the Superior Court of Guam for Orders of Protection in Family Violence Cases. These Rules apply to cases wherein parties may seek an order of the court for exigent and immediate relief from abuse or the threat of abuse by a family or household member. The Rules clarify existing process and standardize the procedure to be used when seeking orders of protection, thereby creating consistency for the public who wish to use the court in seeking protection from abuse or threat of abuse from family and household members.

EDUCATION AND COMMUNITY OUTREACH

COURT-ORDERED COMMUNITY SERVICE

Under the supervision of the Alternative Sentencing Office (ASO) of the Probation Division, defendants and juveniles in 2005 performed 205,411 community service work hours, or the equivalent of \$1,057,866.00 in service to government agencies, charitable organizations, churches, and non-profit organizations. Probationers in the Community Service Special Base Project participated in island beautification efforts, such as the Adopt-a-Park Project and La Bonita Clean Up Project, and charitable events including the Relay for Life. The ASO assesses participants for impediments to doing community service, assigns an appropriate community service site, and then works to ensure the participant's compliance.

PROMOTING PUBLIC TRUST IN THE JUDICIARY

Public understanding of the role of justices, judges, and practitioners, and expanding professionalism and ethics in the legal field, are some of the goals of the Subcommittee on Public Trust and Confidence in the Judiciary. Chaired by Chief Justice F. Philip Carbullido and co-chaired by Judge Anita Sukola, this subcommittee developed a National Action Plan that makes recommendations regarding improvement of lawyer competence, for example, by mandating mandatory continuing legal education programs. Recommendations were also made with respect to effective lawyer regulation, and public outreach efforts, including public education and public access to the justice system. The National Action Plan is expected to be promulgated by the Supreme Court, and accordingly made applicable to the members of both the bench and the Guam Bar.

“TEAM JUSTICE”

As players in “Team Justice,” Judiciary employees from various divisions including the Administrative Office of the Courts, Probation, Marshals, Human Resources, Public Defenders and Alternate Public Defenders, and the Supreme Court, displayed their wares in a different court – the basketball courts of the Guam Hotel and Restaurant Association League and the Government of Guam Basketball League – giving a whole new meaning to “going to court.” In 2005, Team Justice captured one of the division pennants in the GHRA and reached the quarter finals of the GovGuam League.

SPEAKING TO THE COMMUNITY

Throughout 2005, Justices, Judges and court personnel participated various events to increase community awareness about the Judiciary in general, as well as specific topics pertinent to the courts of justice. From presenting in Career Day events, to speaking to students during their school tours of the courthouse, to participating in other outreach programs, members of the Judiciary strive to interact with local schools, community organizations, and community members to create a dialogue on the judicial system and educate the community about issues important to the judicial process and the island of Guam. The outreach initiatives further serve as a means to increase public trust and confidence in the justice system.

INFORMING THE COMMUNITY ABOUT GUARDIANSHIP

The Office of the Public Guardian has continued to conduct a modest outreach program, appearing before groups and working directly with organizations that serve senior citizens and individuals with a disability. The objectives of the outreach are to explain the basic process of guardianship and clarify the services of the Office of the Public Guardian. There

has not been a more aggressive outreach program, in part due to the small size of the staff, and the 20% increase in referrals from last year. In addition, the responsibility to teach the community about guardianship and alternatives to guardianship is carried out primarily on a case by case basis at the time of each intake with individuals and families.

PROVIDING ACCESS TO GUAM LAW

In line with its commitment to provide the island with updated laws in a timely manner, the Office of the Compiler of Laws issued the Guam Code Annotated hardbound edition in December 2005. Currently being prepared for publication are the court’s rules, including the Rules of Civil Procedure, Rules of Appellate Procedure, Rules of the Superior Court, Rules Governing Admission to the Practice of Law, Rules of Professional Conduct, the Ethics Committee Rules, Rules for the Discipline of Attorneys and the newly revised Guam Rules

of Evidence. The office intends to begin updating the Guam Administrative Rules and Regulations this year, and also will begin efforts to publish Supreme Court of Guam opinions in the Guam Reports.

RAISING AWARENESS ABOUT FAMILY VIOLENCE

The marshals of the Family Violence Enforcement Unit participated, both as presenters and attendees, at a number of programs, including:

- presenting at the Family Violence/Sexual Assault Conference, held November 17 and 18, 2005
- conducted Awareness Training on domestic violence issues
- co-coordinated the Silent Witness ceremony at the Judicial Center
- conducted Train-the-Trainer sessions on domestic violence.

The unit made many goodwill donations to various nonprofit organizations, donated tee shirts for the 2005 Clothesline Project and participated in a Christmas Good Will project with the Archdiocese.

THE AMERICAN JURY: WE THE PEOPLE IN ACTION

Law Week 2005 was celebrated in recognition of the importance of the jury system. Justices, judges and attorneys visited several of the island’s high schools, speaking to the students about the jury system, and other important legal issues. In some schools, students had the opportunity to role play a criminal jury trial, and select a jury of their peers. This exercise gave them first-hand experience in the jury selection process, and learn about the advantages as well as drawbacks, of this system.



Throughout Law Week, four public service announcements were aired by the the KUAM Care Force. Chief Justice F. Philip Carbullido, Presiding Judge Alberto C. Lamorena III, Attorney General Douglas Moylan, and Attorney Anita Arriola, each spoke about the important and unique role of juries in the American justice system, and encouraged service on Guam's juries.

LAW DAY ESSAY CONTEST

As part of Law Week events, an awards ceremony was held for the winners of the annual Law Day Essay Contest. Winners were presented with certificates, medals, and checks awarded by the Guam Bar Association. Three students, receiving an Honorable Mention Award, also received other prizes.

First Place: Tabitha Caser Espina, Simon Sanchez High School, 9th grade

The decision of the jurors reflects society's opinion of what should be done to correct a wrongdoing. I believe that a jury is essential to the idea of democracy and the idea of government by the people. In essence, I believe that by allowing ordinary citizens to make important judicial decisions, giving them authority in judging fellow peers, and enabling them to challenge the government, juries help guarantee "liberty and justice for all."

Second Place: Tamera Shimizu, Academy of Our Lady of Guam, 12th grade

The jury is a safeguard to the revered idea of freedom. Second only to the vote, it is a premier display of democracy concerning judicial matters. It is a complex system that was designed to ensure a fair trial. The jury system is essential to issuing justice to the American people.

Third Place: Kristy Miyashita, Academy of Our Lady of Guam, 12th grade

As the nation fought for democracy, the nation must continue to maintain and stand for democracy. It is fundamental to continue to inform all people about the benefits of being a jury member. Although it may be a hard task in the beginning, it is all worth it in the end. There is no greater feeling than knowing we can help make our country a safer and better place.

Honorable Mention: Emma Gillan, Academy of Our Lady of Guam, 12th grade

Being a part of a jury means that we, the citizens are interpreting the law. Juries examine a case. They hear the

evidence, the witnesses. They make the decision. We cannot sit to the side and nonchalantly overlook this opportunity to participate. We must be the people in action. We must be the American jury.

Honorable Mention: Elizabeth U. Diaz, Simon Sanchez High School, 11th grade

We are of one nation and represent one thing, freedom. I believe that everyone enjoys practicing this freedom in America and is determined to keep it alive for the generations to come; freedom to speak what we feel and as we please so long as it is obedient with the law; freedom from discrimination of race, gender, religion, and sex. The jury procedure in itself is a process meant to bring out the best in every situation that is brought forth and to ensure this freedom to the people.



MOCK TRIAL COMPETITION

The purpose of the mock trial program is to educate Guam's high school students about our legal system, the work of attorneys and the law, as well as to encourage students to consider careers in the law. In 2005, one school would argue from the prosecutorial point of view that the victim witnessed the defendant's cheating, and was killed to forestall the defendant's expulsion from school. The school with the role of the defense, on the other hand, would maintain that the victim was simply fell to her death in a tragic rock climbing incident. After several months of research and practicing, and several weeks of preliminary and final rounds of competition, the team from Simon Sanchez High School was declared the winner of the Mock Trial Competition, and went on to the national competition in Charlotte, North Carolina.

SILENT WITNESS CEREMONY

Crimes of family violence hurt people where they should feel the safest: in the home. The Judiciary seeks to ensure that the public is educated about this type of crime. On September 30, 2005, Guam's Judiciary joined jurisdictions throughout the nation in remembering and honoring victims of family violence. The Silent Witness Ceremony was held on Guam in the Judicial Center Atrium. As part of the ceremony, family members of the victims lit candles in front of red silhouettes representing the victims. Pale' Mike Crisostomo, who lost both his sister and niece to a crime of family violence, gave the keynote address, sharing how he and his family have coped and struggled with the effects of this crime. Those present at the ceremony also recited together the Peace Pledge, as a promise to seek nonviolent resolutions to conflict in their lives and in the community.



“EXPANDING AND CREATING COMMUNITY PARTNERS”

Cooperation of the three branches of government was evident in the co-sponsorship of the 10th Annual Conference on Domestic Violence and Sexual Abuse, held November 17-18, 2005. Through the coordination of Family Violence and Sexual Assault Task Force, presenters from the Judiciary joined speakers from other Government of Guam agencies and members of the local, religious, and military community, to explain and explore the theme of “Expanding and Creating Community Partners.”

FIRST PACIFIC JUDICIAL COUNCIL COURT ADMINISTRATOR CONFERENCE

In October 2005, the Judiciary participated in the First Pacific Judicial Council Court Administrator Conference at the Hotel Nikko Guam. Richard Van Duizend from the National Center for State Courts and Gregg Moore, District Court Administrator of the Wisconsin District Courts were among the presenters. The “train the trainers” concepts utilized were designed to develop a core strategy for training local counterparts in the various island jurisdictions not only to utilize effective court administration principles but also to become trainers of these principles. The conference was successful in terms of conveying innovative ideas, providing strategies and techniques for conducting training, and creating the beginnings of a strong regionally-based peer network of court administrators.



PACIFIC JUDICIAL COUNCIL, 2005 PACIFIC JUDICIAL CONFERENCE

Surrounded by the tranquil blue waters of the Pacific Ocean, justices and judges from Guam, Palau, the CNMI, American Samoa, and the Federated States of Micronesia converged in the capital city of Koror, Palau, for the Pacific Judicial Council’s 2005 Pacific Judicial Conference. From June 6 to June 9, 2005, they learned and were updated on issues relevant to their daily responsibilities and duties, including topics in leadership and caseload management, evidence, and topics in international law. The faculty presenters included, from the National Judicial College, Judge William Dressel, NJC President, and Professor Ernest C. Friesen.



MANDATORY DRUG TESTING SYMPOSIUM: DO WE PASS OR DO WE FAIL?

The use and abuse of drugs by employees, in private sector businesses as well as government agencies, offices, and schools, violates local and federal laws, and employer policy. Attendees at the Mandatory Drug Symposium, held April 25 to April 26, 2005, examined the benefits and drawbacks of instituting a mandatory drug testing policy. The annual drug symposium was jointly sponsored by the Judiciary, the Executive Branch, the Guam Chamber of Commerce and the federal Drug Enforcement Administration (DEA). The off-island speakers included Retired Judge Karen Freeman-Wilson, CEO of the National Association of Drug Court Professionals and District Attorney Paul D. Connick, of Jefferson Parish, Louisiana.

PROFESSIONAL AND STAFF DEVELOPMENT

The Judiciary recognizes the importance of the development of its staff, and the benefits of learning new practices and procedures which can then be implemented within Guam’s courts. To this end, many court employees were able to take advantage of training opportunities and attend the following conferences and seminars:

- Promoting Justice through Professional Development, attended by Adult Drug Unit Probation Supervisor, January 30 to February 2, 2005
- 7th Annual Louisiana Drug Court Conference, attended by Presiding/Drug Court Judge, February 2-4, 2005
- Managing Technology Projects and Technology Resources, attended by MIS Administrator and Chief Procurement Officer, April 13-15, 2005
- Restorative Justice in Action, attended by Superior Court judge, June 3-5, 2005
- Law Enforcement Prevention and Deterrence of Terrorist Act Awareness Level, attended by Judiciary marshals, June 6-7, 2005
- Managing Methamphetamine Users in Drug Courts, attended by Adult Drug Court Coordinator, July 18-19, 2005
- NWS Tropical Cyclone, Disaster Preparedness and Climate Workshop, attended by Chief Procurement Officer, Chief Marshal, Administrative Services Officer, August 22-23, 2005
- American Judges Association/American Judges Foundation 2005 Annual Educational Conference, attended by Superior Court judge, September 18-23, 2006
- National Judicial Leadership Summit on the Protection of Children, attended by Superior Court Judge and Administrative Hearings Officer, September 20-23, 2005

STRUCTURE AND FUNCTION OF THE JUDICIARY



Of course, all of our efforts at efficiency could not be possible without the hard work of our court staff. There is one observation by the National Center that did not surprise me at all - and I quote- "The Courts of Guam are well served by their staff. As a whole, they are a dedicated, competent group of employees." I could not agree more. To our court staff - and on behalf of your justices and judges – un Dangkulu Na Si Yu'us Ma'ase.

*Chief Justice F. Philip Carbullido
State of the Judiciary, may 1, 2006*

SUPREME COURT

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

The Justices of the Supreme Court of Guam are:
Chief Justice F. Philip Carbullido
 Associate Justice Frances Tydingco-Gatewood
 Associate Justice Robert J. Torres, Jr.

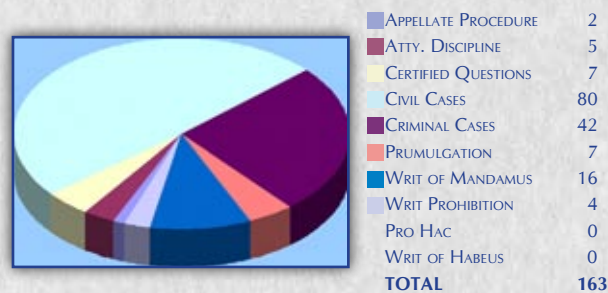
The Clerk of Court of the Supreme Court is
 Jeanne Quinata.

SUPERIOR COURT

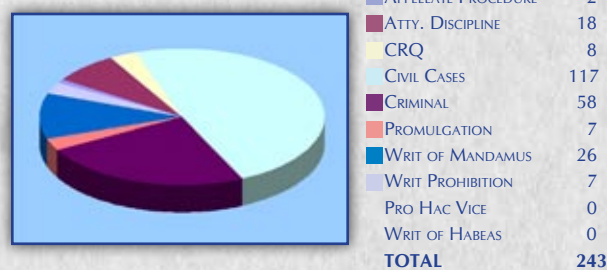
The people of Guam have their “day in court” in the Superior Court of Guam, which is a court of general jurisdiction. Seven judges preside over the cases brought before them, which range from felony and misdemeanor criminal cases and juvenile delinquency cases, to civil matters involving more than \$10,000,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

The Judges and Referee of the Superior Court of Guam are:
 Presiding Judge Albert C. Lamorena III
 Judge Katherine A. Maraman
 Judge Steven Sablan Unpingco
 Judge Michael J. Bordallo
 Judge Elizabeth Barrett-Anderson
 Judge Anita A. Sukola
 Judge Arthur R. Barcinas
 Court Referee Linda I. Ingles

CASES AND ACTIONS FILED



ORDERS & OPINIONS



ADMINISTRATIVE OFFICE OF THE COURTS

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

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

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

The Administrator of the Courts is Perry C. Taitano.

COURT PROGRAMS OFFICE

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

The Federal Grants Administrator is Jackie Zahnen Cruz.

FINANCIAL MANAGEMENT DIVISION

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

The Controller is Anthony A. Meno.

HUMAN RESOURCES DIVISION

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

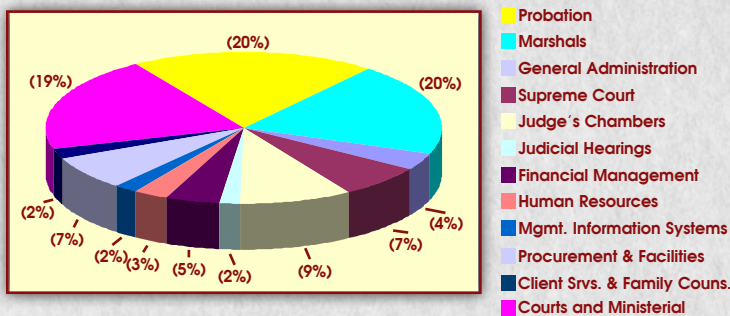
The Human Resources Officer is Barbara Jean T. Perez.

MANAGEMENT INFORMATION SYSTEMS

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

The MIS Administrator is Peter F. Leon Guerrero.

JUDICIARY OF GUAM STAFFING LEVELS AS OF 12/31/05



PROCUREMENT AND FACILITIES MANAGEMENT DIVISION

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

The Procurement and Facilities Management Administrator is Raymond Taimanglo.

COURTS & MINISTERIAL DIVISION ANNUAL REPORT

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

- * Intake, where court patrons file pleadings.
- * Juror Services, which is responsible for providing jurors for both grand jury proceedings and jury trials.
- * Records, which maintains and secures Judiciary records.
- * Team Chambers, providing direct support to the trial court judges.
- * Master Calendar Case, which processes civil collection cases.

* Traffic Violations Bureau, which processes traffic offenses and oversees traffic court.

* Court Transcribing Unit, which handles transcription of court proceedings for appeal and other proceedings.

* Small Claims, for civil cases seeking no more than \$10,000.

* Child Support, where the goal is to assist custodial parents in providing for the needs of their children.

* Appeals, responsible for preparing trial court cases for appellate review.

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

FIVE YEAR COMPARATIVE CASES FILED	2001	2002	2003	2004	2005
Adoption	59	83	81	54	56
Child Support	406	272	830	579	576
Civil	2,197	1,875	2,121	1,322	1,307
Criminal Felony	654	567	615	449	485
Criminal Misdemeanor	917	1,179	1,199	975	940
Domestic	856	746	1,276	2,153	2,494
Juvenile Division	234	324	340	465	242
Juvenile Special Proceedings	1,076	960	955	955	947
Land Registration	8	4	6	4	2
Probate	153	133	171	146	162
Special Proceedings	252	267	284	273	219
Small Claims	3,798	2,664	2,767	3,178	2,329
GRAND TOTALS:	10,610	9,074	10,645	10,553	9,759

MARSHALS DIVISION

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

The Chief Marshal is Pito Cruz.

OFFICE OF THE COMPILER OF LAWS

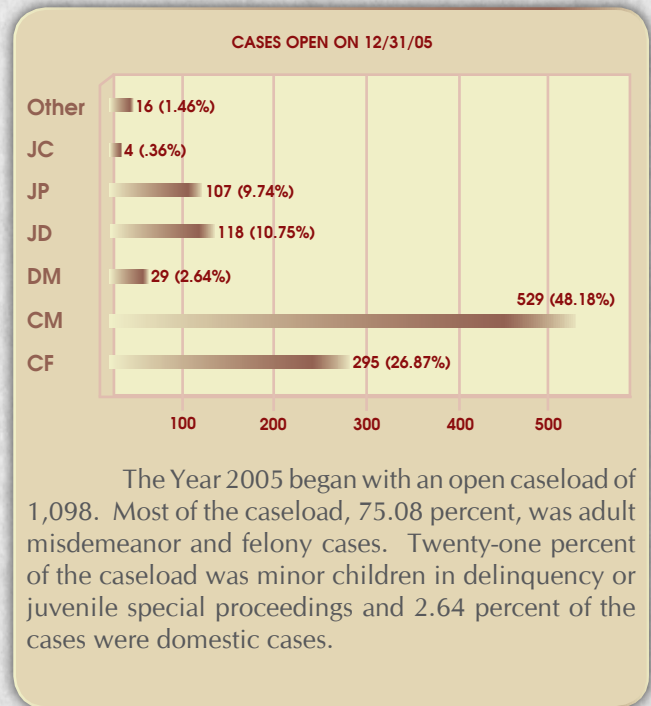
The commitment of the Office of the Compiler of Laws is to provide the people of Guam with updated laws in a timely manner. For the first time in seven years, the Office issued a printed version of the Guam Code Annotated. The eight-volume 2005 edition has been distributed to government agencies and is available for purchase. The office also continues to make Guam law available to the public at no charge via the internet at <http://www.justice.gov.gu/CompilerofLaws>.

The Compiler of Laws is Attorney Serge Quenga.

CLIENT SERVICES AND FAMILY COUNSELING DIVISION

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

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



OFFICE OF THE PUBLIC GUARDIAN

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

The Public Guardian is Attorney John Weisenberger.

The Office of the Public Guardian received 133 referrals this year which resulted in 110 cases being opened, 7 referrals which are pending intake, and 16 referrals which were outside of the scope of the services offered by the Office of the Public Guardian. Of the matters opened this year, the cases fell into the following categories (established by the Public Guardian Act; 7 GCA § 3112 (a)):

Public Guardian to serve as the guardian; no family or friend willing or able to do so. 15% (of cases opened or pending intake)	18
Advise and assist individuals seeking appointment as guardian. 25%	29
Assist the Court, as directed, in proceedings for the appointment of a guardian, and in supervision of persons appointed guardian. 8%	9
Provide advice, information and guidance to individuals appointed as guardian for an adult. 2%	2
Offer guidance and counsel to persons requesting assistance, encouraging maximum self-reliance and independence, and avoiding guardianship. 44%	52

PROBATION DIVISION

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

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

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

The Acting Chief Probation Officer is Edward Alvarez.

OFFICE OF THE ETHICS PROSECUTOR

The Office of the Ethics Prosecutor is the central office for receiving all complaints about lawyers, whose functions include providing assistance to complainants in stating their complaints, making a preliminary determination as to the validity of the complaint, dismissing the complaint or determining the appropriate component agency or agencies to which the complaint should be directed and forwarding the complaint, providing information to complainants about available remedies, operations and procedures, and the status of their complaints, and coordinating among agencies and tracking the handling and disposition of each complaint.

The Ethics Prosecutor is Attorney Alberto Tolentino.

TOTAL ETHICS COMPLAINTS	31	
TOTAL PENDING (2005)	13	
Rule 12 pending		1
Rule 13 investigations pending		9
Rule 14 pending		2
Matters pending before the Supreme Court of Guam		1
TOTAL DISMISSALS	18	
Dismissals after screening pursuant to Rule 12		7
Dismissals after Rule 13 investigation		9
Dismissals after Rule 14		2
WARNINGS	2	
UNAUTHORIZED PRACTICE OF LAW	3	
UNAUTHORIZED PRACTICE OF LAW PENDING	3	

SUBCOMMITTEES



COLLABORATION OF THE BENCH, BAR AND COMMUNITY

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

ALTERNATIVE DISPUTE RESOLUTION: ARBITRATION

Seeks to facilitate the resolution of disputes through arbitration, and is in the process of establishing ethical and training standards for arbitration.

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

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

ALTERNATIVE DISPUTE RESOLUTION: COURT MEDIATION

Explores avenues that allow mediation, as a form of alternative dispute resolution, to be used in the justice system.

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

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

CRIME VICTIM AND WITNESS PROTECTION PROGRAM

Tasked with the protection of victims and witnesses of crimes as their cases proceed through the criminal justice system.

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

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

DRAFTING AND GRADING COMMITTEE

Continues to draft the local question portion of the Guam bar examination, which is administered twice a year, and grade all essay exams administered in this jurisdiction.

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

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

INDIGENT DEFENSE

Responsible for issues arising from the representation of indigent defendants in criminal cases.

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

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

JUDICIAL, ATTORNEY AND COMMUNITY EDUCATION

Focused on the education of members of the bench, the bar, and community of Guam on a variety of legal issues.

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

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

JUDICIAL ETHICS

Responsible for issues relating to judicial ethics, and ensuring that judges comply with the high expectation of the public regarding their ethical duties.

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

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

JUDICIAL REVIEW/APPELLATE RULES REVISIONS

Has examined the existing Guam Rules of Appellate Procedure and completed its proposed revisions to such rules to be submitted to the bar for comment, and then to the Supreme Court for its decision to promulgate.

Chairs: Chief Justice F. Philip Carbullido and Thomas Sterling

Members: Seth Forman, Michael D. Flynn, Jr., Alicia Limtiaco, Sirena Cassidy, and Jeanne Quinata.

PRO SE LITIGATION

Examines issues relating to pro se, or unrepresented litigants.

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

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

PRO SE LITIGATION PROPOSED CIVIL JURY INSTRUCTIONS

Tasked with drafting civil jury instructions that are legally accurate and understandable to the average juror.

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

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

PROPOSED CRIMINAL JURY INSTRUCTIONS

Responsible for drafting jury instructions in criminal cases and has completed a draft of two proposed chapters of proposed model criminal jury instructions based on the Committee on Standard Jury Instructions, Criminal, of the Superior Court of Los Angeles County, California ("Caljic").

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

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

PUBLIC TRUST AND CONFIDENCE IN THE JUDICIARY

Devoted to improving public understanding of the role of justices, judges, and practitioners, as well as the professionalism and ethics in the legal field and members developed a National Action Plan that makes recommendations regarding improvement of lawyer competence.

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

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

RULES OF CIVIL PROCEDURE AND RULES OF COURT REVISIONS

Completed revisions to the Guam Rules of Civil Procedure and continues to prepare new Rules of the Superior Court of Guam, to substitute the Rules of Court.

Chairs: Justice Robert J. Torres and Judge Katherine Maraman

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

RULES OF EVIDENCE REVISIONS

Formed to review the existing Evidence Law of Guam and to propose amendments to the Rules and Principles of Evidence in Title 6 of the Guam Code Annotated.

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

Members: Georgette Concepcion, Stephen Hattori, Traylor Mercer, Charles Troutman, Julie Rivera, and Stephanie Sato Carbullido

RULES GOVERNING THE ADMISSION TO THE PRACTICE OF LAW
AND THE RULES FOR THE DISCIPLINE OF ATTORNEYS

Responsible for conducting a review of the structure, format, and content of the Guam Rules pertaining to the Admission to the Practice of Law and formulating a revised set of rules based on their observations, and is tasked in similarly reviewing the Guam Rules for the Discipline of Attorneys which will begin following the revision of the Admission Rules.

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

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

TECHNOLOGY AND INFORMATION SYSTEMS

Responsible for examining the role of technology and automation in the court process, and assisting to facilitate its implementation of new technology thereof.

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

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

PROPOSED RULES AND PROCEDURES FOR VIDEO CONFERENCING

Tasked with exploring the use of video conferencing technology in court proceedings to eliminate the safety risks and costs associated with transporting individuals from the Department of Corrections and the Department of Youth Affairs. Members are currently developing technical standards and ensuring that Guam's detention facilities are adequately equipped to handle video conferencing, and are drafting and revising proposed rules for the use of video conferencing in certain criminal adult proceedings and juvenile proceedings which will be finalized and submitted to the Supreme Court for its consideration and approval.

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

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

TASK FORCE ON JUDICIAL REORGANIZATION

The task force, created by the Judicial Council, continues evaluating, recommending and implementing measures that consolidate and maximize the Judiciary's resources. In addition, the task force continues to review relevant operational rules to determine whether there is a need to amend or update existing rules, or create new ones.

Chairs: Daniel Tydingco and Robert Cruz

Members: Barbara Aguon, Edward Alvarez, Lisa Baza, Josita Calvo, Geri Amparo Cepeda, Richard Martinez, Pete Leon Guerrero Ray Taimanglo, Mike Winterle

[T]ake a moment to see the faces of my judicial brethren and the employees who come here day in and day out to serve and deliver justice for all who walk through the courthouse doors. Consider the tremendous duties and responsibilities each of them must fulfill in this building. Each justice, each judge, each employee, knows that they work in a place where the differences of our people must be resolved. That is not a very easy thing to do. The courthouse is a place where joy or celebration is rare. It is a place where we see deep sadness marked by tears, where we see pain and suffering etched in faces and heard in voices; yet, it is the place where our people expect, demand, and require fairness and justice. . . .

[F]ocus, for a moment, on the principle of justice. It is said that "Justice is blind." This concept, simple though it sounds, is the very foundation upon which our judicial system is built. Every one of our justices and judges here have taken an oath of office to decide the outcome of a controversy according to the dictates of the law, as constrained by the laws of Guam, the Organic Act of Guam, and ultimately, the United States Constitution – and to do so conscientiously and impartially. This means without regard to race, gender, social class, without regard to personal preferences, without regard to outside influence, without playing favorites and politics, and without regard to what the popular opinion is at any given time.

In light of the difficult and many times unpopular cases that the members of the bench have a duty to decide, our independence, authority and integrity may be the subject of challenge and criticism. However, even amidst criticism, justices and judges are bound by ethical rules which, for the most part, make it impermissible to launch a defense or to speak out. And that is not a bad thing at all. In fact, these judicial ethical rules reinforce the fact that we are to impartially interpret, defend, and uphold our laws – and do no more. They affirm the concept that justice is truly blind. Justice is about the fairness inherent in making decisions based only upon the facts, even hard facts, and laws, good or bad. In the brew of criticisms, unwarranted or not, we hope and trust that our courts will carry the respect of the people we serve, and survive the attacks on our judicial independence - a characteristic that has made the American judicial system a model for the rest of the world.

*Chief Justice F. Philip Carbullido
State of the Judiciary Address
April 27, 2005*



JUDICIARY OF GUAM DIRECTORY

SUPREME COURT OF GUAM

Ste 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Court Website www.guamsupremecourt.com
Court E-mail justice@guamsupremecourt.com
Chambers of
Chief Justice F. Philip Carbullido 475-3413
Associate Justice Frances Tydingco-Gatewood 475-3109
Associate Justice Robert J. Torres, Jr 475-3300
Clerk of Court 475-3120/3162
Staff Attorney 475-3150
Supreme Court Security Section 475-3168
Facsimile 475-3140

GUAM BOARD OF LAW EXAMINERS C/O SUPREME COURT OF GUAM

Website www.guamsupremecourt.com/bole
E-mail bole@guamsupremecourt.com
Telephone 475-3180
Facsimile 475-3181

OFFICE OF THE PUBLIC GUARDIAN OLD SUPERIOR COURT BUILDING 110 WEST O'BRIEN DRIVE HAGÁTÑA, GUAM 96910

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ETHICS PROSECUTOR 2ND FLOOR, GUAM JUDICIAL CENTER 120 WEST O'BRIEN DRIVE HAGÁTÑA, GUAM 96910-5174

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Facsimile 477-8025

COMPILER OF LAWS 2ND FLOOR, GUAM JUDICIAL CENTER 120 WEST O'BRIEN DRIVE HAGÁTÑA, GUAM 96910-5174

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Telephone 475-3378/9
Facsimile 477-8025

SUPERIOR COURT OF GUAM 120 WEST O'BRIEN DRIVE HAGÁTÑA, GUAM 96910-5174

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

GENERAL ADMINISTRATION

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

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

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

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

JUDICIAL HEARING DIVISION

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

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

MARSHALS DIVISION

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

PROBATION DIVISION

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

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