

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

STATE OF JUDICIARY ADDRESS

Wednesday, May 1, 1991
5:00 p.m.

- I. INVOCATION by Father Adrian Cristobal
- II. NATIONAL ANTHEM & GUAM HYMN by Sally Hartendorp
- III. PRESENTATION OF THE STATE OF JUDICIARY ADDRESS by Presiding
Judge Alberto C. Lamorena III
- IV. BENEDICTION by Rev. Thomas Hilt
- V. ADJOURNMENT

SPEAKER JOE T. SAN AGUSTIN, GOVERNOR JOSEPH ADA, LT. GOVERNOR FRANK BLAS, FATHER ADRIAN CRISTOBAL, PRESIDENT OF THE MAYOR'S COUNCIL, TITO MANTANONA, MEMBERS OF THE 21ST GUAM LEGISLATURE, MEMBERS OF THE COUNCILOR CORP, MEMBERS OF THE BAR, EMPLOYEES OF THE JUDICIARY, LADIES AND GENTLEMEN. TODAY, IT IS MY PLEASURE TO DELIVER OUR TERRITORY'S FOURTEENTH ANNUAL STATE OF THE JUDICIARY.

SINCE I HAVE BEEN PRESIDING JUDGE OF THE SUPERIOR COURT, THE LEGISLATIVE AND EXECUTIVE BRANCHES OF THE GOVERNMENT OF GUAM HAVE CONSISTENTLY APPROPRIATED THE NECESSARY FUNDS WHICH WOULD ENSURE THAT THE COURT SYSTEM CONTINUALLY PROVIDE THE QUALITY OF JUSTICE THE PEOPLE LEGITIMATELY EXPECT AND THE EMPLOYEES WORKING WITHIN THE SYSTEM WISH TO DELIVER. THE PASSAGE OF OUR SUPPLEMENTAL BUDGET IN P.L. 20-221, BY SENATOR GUTIERREZ AND THIS AUGUST BODY HAS BEEN INDICATIVE OF YOUR SUPPORT. HOWEVER, IN ORDER FOR THE CRIMINAL JUSTICE SYSTEM TO BE EFFECTIVE, ALL PARTS OF THE SYSTEM MUST BE SUPPORTED. UNSANITARY CONDITIONS AND INADEQUATE OR ILL-EQUIPPED FACILITIES AS A RESULT OF CROWDED JAILS AND PRISONS MUST NEVER BE TOLERATED. THAT IS WHY I SUPPORT BILL 317, SPONSORED BY SENATOR LUJAN, WHICH INCLUDES THE RESTORATION, RENOVATION AND REFURBISHING OF ALL CORRECTIONAL FACILITIES IN OUR TERRITORY.

IN 1990 THE SIX JUDGES OF THE SUPERIOR COURT OF GUAM PRESIDED OVER 20,413 CALENDARED HEARINGS, WHILE TRAFFIC COURT HANDLED OVER 38,700 CITATIONS. THE OVERALL NUMBER OF INDIVIDUAL CRIMINAL AND CIVIL CASES BROUGHT BEFORE THE COURT INCREASED BY 13%-- FROM 7,720 IN 1989, TO 8,772 IN 1990. THERE WERE ALSO 40 BENCH TRIALS AND 26 JURY TRIALS. FOUR THOUSAND, SIX HUNDRED AND EIGHTY-SEVEN (4,687) JURORS APPEARED FOR SELECTION TO SERVE ON A TRIAL OR A GRAND JURY PANEL.

THE COURT, AT THE REQUEST OF THE ATTORNEY GENERAL'S PROSECUTORS OFFICE, HELD 164 GRAND JURY HEARINGS AND 88 GRAND JURY SESSIONS. LAST YEAR THE COURT COORDINATED TWO REGULAR GRAND JURY PANELS AS WELL AS A SPECIAL GRAND JURY FOR THE GOVERNMENT LAND CASES.

WITH REGARD TO THE COURT'S CRIMINAL CASELOAD, THERE IS EVERY INDICATION THAT IT WILL CONTINUE TO RISE EVEN FURTHER. THE FACT THAT THE GOVERNMENT'S PROSECUTION DIVISION HAS ALMOST DOUBLED IN SIZE IN THE PAST EIGHT MONTHS, (UP FROM 9 FULL-TIME PROSECUTORS TO 16) HAS CREATED THE POTENTIAL FOR AN EVEN GREATER INCREASE IN OUR CASELOAD.

THE NUMBER OF CRIMINAL CASES FILED IN THE FIRST TWO MONTHS OF 1991 IS MORE THAN TWICE THE AMOUNT OF CASES FILED IN THE FIRST TWO MONTHS OF 1990. IN THE LAST YEAR ALONE, OVER 120 DIFFERENT AND SEPARATE CATEGORIES WERE FILED AS CRIMINAL FELONIES, WHILE 70 DIFFERENT TYPES OF CHARGES WERE FILED AS CRIMINAL MISDEMEANORS.

THE SUPERIOR COURT'S ALTERNATIVE SENTENCING PROGRAM RECEIVED 1,081 CLIENT REFERRALS WITH ONLY 1.5% OF THEM HAVING PRIOR CONVICTION. ALTERNATIVE SENTENCING PROVIDED 22,090 HOURS OF FREE MANPOWER DURING 1990, OFFERING BOTH SERVICE AND REDUCING COST OF INCARCERATION FOR THE TERRITORY. ADULT RESTITUTION, UNDER THE SUPERVISION OF THE PROBATION OFFICE, INCREASED 211% IN INVESTIGATION REFERRALS--FROM 18 RESTITUTION CASES IN 1989 TO 56 IN 1990. THIS WAS LARGELY DUE TO THE HIGH INCREASE IN DWI CASES.

THE IMPLEMENTATION OF THE NEW CHILD SUPPORT ENFORCEMENT UNIT PURSUANT TO P.L. 20-170 PROCESSED ONE THOUSAND SIX HUNDRED AND EIGHTY-NINE (1,689) CASES IN IT'S FIRST SIX MONTHS. JUDGE B.J. CRUZ HAS BEEN APPOINTED TO CHAIR THE CHILD ENFORCEMENT COMMITTEE TO PROMULGATE RULES AND REGULATIONS GOVERNING THIS DIVISION, SO AS TO PROTECT A CHILD'S RIGHT TO FINANCIAL SUPPORT. PRESENTLY JUDGE RAMON DIAZ IS RESPONSIBLE FOR CHILD SUPPORT CASES FILED UNDER THIS STATUTE.

THE MARSHAL DIVISION RECEIVED 21,147 DOCUMENTS--OF THESE 16,401 WERE SERVED LEAVING A NON-SERVICE RATE OF 22%. THIS IS LOW CONSIDERING THAT THE COURT AND OTHER LAW ENFORCEMENT AGENCIES ARE CONFRONTED WITH INACCURATE INFORMATION ON RESIDENCE, CHANGES IN NAME, AND RELATIVES WHO ARE UNWILLING TO ASSIST US IN SERVING OR APPREHENDING INDIVIDUALS.

PUBLIC LAW 21-03 SPONSORED BY SENATOR GUTIERREZ APPROPRIATED FUNDS SO THAT THE MARSHALS DIVISION COULD UPGRADE THEIR COMMUNICATIONS SYSTEMS ENABLING THE MARSHALS TO COMMUNICATE WITH EACH OTHER, AS WELL AS OTHER LAW ENFORCEMENT OFFICIALS ISLAND WIDE WITHOUT INTERRUPTION.

THE COURT HAS EXPERIENCED A RAPID GROWTH IN THE NUMBER OF CASES FILED AND AN INCREASE IN MANAGEMENT RESPONSIBILITY. THE NATIONAL CENTER FOR STATE COURTS IS CURRENTLY ASSISTING OUR AUTOMATION COMMITTEE IN THE USE OF MODERN TECHNOLOGY, WHICH INCLUDES THE BUILDING OF A DATA BASE OF AUTOMATED SYSTEMS FOR USE IN THE COURTS, DEVELOPING PERFORMANCE STANDARDS FOR SELECT COURT AUTOMATED SYSTEMS AND SERVING FOR US A PRIMARY SOURCE OF ALL ASPECTS OF COURT TECHNOLOGY. ONCE ESTABLISHED, ALL COURT EMPLOYEES, INCLUDING JUDGES, WILL BE TAUGHT HOW TO USE COMPUTERS TO ASSIST THEM IN THEIR WORK PERFORMANCE.

IN ADDITION, THE COURT WILL BE ESTABLISHING A COMPREHENSIVE PROGRAM IN WHICH AUTOMATED COURT RECORDS AND OTHER PUBLIC DOCUMENTS WOULD BE ACCESSIBLE THROUGH REMOTE COMPUTERS, AS WELL AS TO OTHER LAW ENFORCEMENT AGENCIES AND ATTORNEYS. IN THESE PROGRAMS, RECORDS MAY BE ACCESSED FOR INFORMATION ONLY, WHILE CONFIDENTIAL INFORMATION IS PROTECTED.

I AM RECOMMENDING LEGISLATION TO ADDRESS THE ENORMOUS VOLUME OF COURT RECORDS. PRESENTLY THE COURT IS IN THE PROCESS OF RELOCATING OUR OLD DOCUMENTS FROM THE OLD GMH FACILITY TO OUR NEW WAREHOUSE IN HARMON. THE MICROFILM UNIT HAS ALREADY PROCESSED OVER 21,961 DOCUMENTS IN 1990.

HOWEVER THE HUGE VOLUME OF DOCUMENTS BEING FILED WITH THE COURTS SYSTEM MAKES IT DIFFICULT TO SAVE THE ORIGINAL DOCUMENTS DUE TO LIMITED STORAGE SPACE. IN ORDER TO ALLEVIATE THIS PROBLEM, I AM REQUESTING THAT A LAW BE PASSED IN WHICH MICROFILM DOCUMENTS WILL BE CONSIDERED ORIGINAL RECORDS OF THE COURT.

THE TRANSMISSION OF DOCUMENTS BY FACSIMILE MACHINE (FAX) AS PART OF OUR DAILY BUSINESS ACTIVITY IS INCREASING. RECOGNIZING THIS, THE COURT WILL CONSIDER RULES AND REGULATIONS THAT ALLOW FOR A PROCEDURE TO FILE THESE TYPES OF DOCUMENTS WITH THE COURT,

WHILE ALLOWING JUDGES TO ISSUE ALL DECISIONS, ORDERS AND WARRANTS BY FAX, WITH THE ORIGINAL TO BE FILED IN COURT.

THE INCREASE IN GUAM'S POPULATION HAS CREATED A MULTI-CULTURAL AND MULTI LINGUISTIC COMMUNITY. IN THE COURTS LAST YEAR, INTERPRETERS WERE NEEDED FOR LANGUAGES FROM CROATION TO CANTONESE; AS WELL AS ALL THE DIVERSE LANGUAGES OF MICRONESIA AND

ALL SOUTHEAST ASIAN LANGUAGES, INCLUDING THE VARIOUS DIALECTS AND LANGUAGES OF THE PHILIPPINES AND CHINA. I AM REQUESTING THAT THE LEGISLATURE PASS A LAW IN ORDER TO ESTABLISH A FORMAL PROGRAM TO TRAIN, CERTIFY AND SET PERFORMANCE STANDARDS FOR INTERPRETERS, NOT ONLY FOR THE COURTS, BUT FOR ALL OF THE GOVERNMENT OF GUAM.

WITHIN THE NEXT FEW MONTHS A MOMENT IN GUAM'S HISTORY WILL BE MARKED AS THE SUPERIOR COURT OF GUAM OPENS THE NEW GUAM JUDICIAL CENTER. THE NEW JUDICIAL CENTER IS DESIGNED TO BE PRACTICAL AND SECURE--, MEETING THE NEEDS OF THE JUDICIARY WHILE INCREASING OUR ABILITY TO SERVE THE PUBLIC. THE JUDICIAL CENTER WILL HOUSE THE SUPERIOR COURT OF GUAM, THE ATTORNEY GENERAL'S OFFICE, THE PUBLIC DEFENDER AND EVENTUALLY THE SUPREME COURT OF GUAM. ALL IN ALL, THE GRAND OPENING OF THE GUAM JUDICIAL CENTER WILL BE AN HISTORIC EVENT WHICH ALL THE PEOPLE OF GUAM WILL BE INVITED TO ATTEND.

THE GRAND OPENING CEREMONIES, CHAIRED BY JUDGE MANIBUSAN, WILL BEGIN A NEW AND BRIGHTER ERA FOR GUAM'S JUDICIARY -- ONE FILLED WITH PROMISE AND HOPE FOR OUR TERRITORY. THE COURT'S ART COMMITTEE, HEADED BY JUDGE WEEKS, HAS DILIGENTLY PURSUED THE ACQUISITION OF ART FOR THE JUDICIAL CENTER AS WELL. BOTH COMMITTEES SEEK TO MAINTAIN THE DIGNITY OF THE COURT WHILE REFLECTING THE HERITAGE OF OUR ISLAND.

INTERESTINGLY, WHILE CONDUCTING AN INVENTORY OF COURT DOCUMENTS--AND AS PART OF OUR POLICY TO SET ASIDE SPANISH DOCUMENTS FOR FURTHER REVIEW-- THE COURT DISCOVERED A SPANISH GOVERNOR'S RESENDENCIA THAT WAS DATED 1777-- ONE YEAR AFTER AMERICA'S REVOLUTION STARTED, OR OVER TWO HUNDRED AND FOURTEEN YEARS OLD. THIS DOCUMENT IS PRESENTLY BEING TREATED BY THE BISHOP MUSEUM IN HAWAII FOR DISPLAY IN OUR NEW JUDICIAL CENTER. THE COURT IS PRESENTLY REVIEWING OUR POLICY CONCERNING DOCUMENTS, INCLUDING OUR ABILITY TO CATEGORIZE AND RELEASE SPANISH DOCUMENTS IN OUR POSSESSION FOR PUBLIC SCRUTINY. A SPANISH TRANSLATOR WILL ASSIST US WITH THESE DOCUMENTS.

THIS YEAR, AS WE CELEBRATE THE 200TH ANNIVERSARY OF THE BILL OF RIGHTS, IT IS ONLY FITTING THAT WE RENEW OUR EFFORTS TO SAFEGUARD AND TO MAINTAIN OUR INDIVIDUAL RIGHTS.

A BRONZE PLAQUE OF THE BILL OF RIGHTS WILL BE ERECTED IN THE NEW JUDICIAL CENTER TO COMMEMORATE THE MOST IMPORTANT HUMAN RIGHTS DOCUMENT IN HISTORY.

THE SECOND ANNUAL SUPERIOR COURT EMPLOYEE AWARDS PROGRAM FOR 1990 WAS CHAIRED BY JUDGE PETER SIGUENZA. THIS PROGRAM IS DESIGNED TO RECOGNIZE AND COMMEND EMPLOYEES OF THE COURT FOR THEIR DEDICATION, LOYALTY, AND CONTRIBUTION TO THE JUDICIAL

SYSTEM. THIS YEAR'S AWARD CATEGORIES INCLUDE: EMPLOYEE OF THE YEAR, OUTSTANDING CLERICAL AWARD, OUTSTANDING ADMINISTRATIVE SUPPORT AWARD, OUTSTANDING PROFESSIONAL AWARD, OUTSTANDING PERFORMANCE APPRAISAL, AND THE PRESIDING JUDGE'S MERIT AWARD FOR PUBLIC SERVICE EXCELLENCE. IN ADDITION TO RECOGNIZING EMPLOYEES WHO HAVE EXCELLED, THE COURT ALSO IMPLEMENTED TWO IN-HOUSE EDUCATIONAL PROGRAMS FOR OUR EMPLOYEES.

LAST SEPTEMBER, THIRTY-THREE (33) COURT EMPLOYEES SUCCESSFULLY COMPLETED A TEN WEEK LEGAL ASSISTANT WORKSHOP JOINTLY SPONSORED BY THE UNIVERSITY OF GUAM AND THE SUPERIOR COURT. IN ADDITION, THE COURT ALSO IMPLEMENTED A CAREER ENHANCEMENT PROGRAM WHEREBY EMPLOYEES ARE GRANTED 3.5 HOURS OF ADMINISTRATIVE LEAVE PER WEEK TO ATTEND ANY COURSE THAT ENHANCES THEIR JOB SKILLS.

THE COST OF THE COURSE IS REIMBURSABLE UPON RECEIPT OF A PASSING GRADE. THESE PROGRAMS ARE A REFLECTION OF OUR CONTINUING COMMITMENT TO EDUCATION IN ORDER TO INCREASE OUR EFFECTIVENESS AND EFFICIENCY IN SERVING THE PUBLIC.

THE COURT CONTINUED TO SUPPORT EXTRACURRICULAR PROGRAMS FOR THE COMMUNITY IN 1990. LAST YEAR, GUAM'S HIGH SCHOOL MOCK TRIAL CHAMPION, OCEANVIEW, PARTICIPATED IN THE NATIONAL CHAMPIONSHIPS FOR THE FIRST TIME EVER--PLACING THIRTEENTH IN THE NATION AND BEING ONE OF TWO TEAMS TO GARNER A PERFECT SCORE IN COMPETITION.

EIGHT OF OUR ISLAND HIGH SCHOOLS RECENTLY COMPLETED COMPETITION IN THE 1991 GUAM MOCK TRIALS ^{CO-SPONSORED BY DOE} I EXTEND MY CONGRATULATIONS TO ALL THE HIGH SCHOOL PARTICIPANTS AND HOPE THIS WAS A REWARDING AND EDUCATIONAL EXPERIENCE. I WISH TO EXTEND MY BEST WISHES TO THIS YEAR'S CHAMPIONS, OCEANVIEW HIGH SCHOOL, AS THEY COMPETE THIS MONTH IN THE NATIONAL MOCK TRIAL CHAMPIONSHIP IN NEW ORLEANS.

THE COURT ALSO PARTICIPATED FOR THE FIRST TIME IN THE UNIVERSITY OF GUAM'S INTERNSHIP PROGRAM FOR COLLEGE CREDIT UNDER THE COLLEGE OF BUSINESS AND PUBLIC ADMINISTRATION. THE JUDICIARY WILL CONTINUE TO SUPPORT PROGRAMS THAT PROVIDE INSIGHT FOR STUDENTS INTERESTED IN ESTABLISHING CAREERS WITHIN THE COURT SYSTEM.

IN ADDITION, THE COURT HAS BEGUN TO DEVELOP AND CONDUCT OUTREACH PROGRAMS, INCLUSIVE OF SCHOOL TOURS, THAT WILL EDUCATE OUR COMMUNITY ON THE FUNCTION OF A COURT SYSTEM, JURY DUTY, LEGAL RIGHTS AND OTHER JUDICIAL ITEMS.

THE CRIMINAL JUSTICE SYSTEM PLAYS A VERY IMPORTANT ROLE IN THE LIVES OF OUR CITIZENRY, PARTICULARLY ON VICTIMS. IT IS VITAL THAT THEY COME AWAY FROM THIS UNFORTUNATE EXPERIENCE WITH CONFIDENCE IN THE JUDICIAL PROCESS. IN MY FIRST STATE OF THE JUDICIARY, I REQUESTED THAT THE LEGISLATURE ADDRESS THE PROBLEMS AND CONCERNS OF CRIME VICTIMS AND PLACE THIS ISSUE AS ONE OF THE TOP PRIORITIES OF YOUR LEGISLATIVE AGENDA.

AS A RESULT, CRITICAL LEGISLATION HAS BEEN PASSED TO ASSIST THESE INDIVIDUALS. LAST YEAR I RECOMMENDED PASSAGE OF A CRIME VICTIMS BILL OF RIGHTS LEGISLATION AND I NOW ENDORSE BILL 306 INTRODUCED BY SEN. LUJAN. THIS BILL GUARANTEES A TERRITORIAL POLICY THAT FULLY PROTECTS THE VICTIMS RIGHTS, WITHOUT DIMINISHING THE RIGHTS OF THE DEFENDANT. THIS INCLUDES NOT ONLY THE RIGHT TO RESTITUTION FROM A WRONGDOER FOR MONETARY LOSS AS A RESULT OF A CRIMINAL ACT, BUT NOW THE VICTIM MAY HAVE THE BASIC EXPECTATION THAT OFFENDERS BE APPROPRIATELY DETAINED IN CUSTODY, TRIED BY COURTS AND PUNISHED.

THE COURT IS NOW EXPERIENCING SOME VERY DISTURBING AND TROUBLING TRENDS, THAT IF LEFT UNRESOLVED BY THE LEADERS OF OUR TERRITORY, WILL SERIOUSLY DESTROY THE FAMILIAL AND SOCIAL FABRIC OF OUR COMMUNITY.

THE FIRST ISSUE WE MUST ADDRESS IS NOT AN ILLICIT DRUG BUT A DRUG THAT IS LEGAL, ACCESSIBLE AND CHEAP IN OUR SOCIETY--ALCOHOL. I AM NOT ADVOCATING THAT CONSUMPTION OF ALCOHOL BE PROHIBITED, BUT RATHER THAT WE IMPLEMENT PROGRAMS TO EDUCATE CONSUMERS TO BE RESPONSIBLE AND INFORMED USERS.

DRUNK DRIVING IS A SERIOUS SAFETY ISSUE AND ONE OF THE BIGGEST KILLERS OF YOUNG PEOPLE. WITH THE RECENT IMPROVEMENTS OF OUR HIGHWAYS, EVERY USER MUST BE ASSURED, IF NOT GUARANTEED, THAT HE ^{THE USER} AND HIS PASSENGERS WILL BE SAFE ON OUR STREETS.

IN 1989, 447 DWI CASES WERE FILED IN THE SUPERIOR COURT. IN 1990, 658 DWI CASES WERE FILED--AN INCREASE OF 38%. IN THE FIRST THREE MONTHS OF 1991, 507 DWI CASES HAVE BEEN BROUGHT BEFORE THE COURTS, AS OPPOSED TO 66 IN 1990--AN ALARMING INCREASE OF ABOUT 800%!!

WITH THIS SAID, I OFFER MY SUPPORT TO BILL NUMBER 282 AS INTRODUCED BY SENATOR FRANK SANTOS WHICH RE-ENACTS SECTION 23405 OF P.L. 20-35 RELATIVE TO DRINKING AND DRIVING. THIS BILL, AMONG OTHER THINGS, REMOVES THE REQUIREMENT THAT THERE MUST BE A PRIOR CONVICTION ON A DRUNK DRIVING CHARGE IN ORDER TO CHARGE A DEFENDANT WITH DRUNK DRIVING WITH INJURIES.

IT ALSO ALLOWS THE GOVERNMENT TO SHOW NEGLIGENCE UNDER THE NEGLIGENCE COMMON LAW STANDARD OF DUE CARE AND REMOVES THE REQUIREMENT THAT THE GOVERNMENT PROVE THAT A SPECIFIC SECTION OF A GUAM STATUTE WAS VIOLATED IN ORDER TO SECURE A CONVICTION. ALTHOUGH IT PROVIDES MAXIMUM SUSPENSION OF LICENSE TO DRIVE FOR A MINIMUM MANDATORY PERIOD, I WOULD PREFER TO INCREASE THE SUSPENSION OF THE DRIVER LICENSE TO ONE YEAR FOR MISDEMEANOR CASES AND 5 YEARS FOR FELONY CASES.

IN ADDITION, I SUPPORT, WITH SOME AMENDMENTS, BILL 289 INTRODUCED BY SENATOR DORIS BROOKS, WHICH CALLS FOR THE REVOCATION OF DRIVERS LICENSE UPON REFUSAL TO SUBMIT TO BREATHALYZER TEST. AS WRITTEN, THE BILL REQUIRES A COURT HEARING TO DETERMINE WHETHER THE OFFICER HAD REASONABLE GROUNDS TO BELIEVE THAT THE DEFENDANT HAD BEEN DRIVING WHILE UNDER THE INFLUENCE.

CONSIDERING THE NUMBER OF DWI CASES BROUGHT BEFORE THE COURT, THESE ADDITIONAL HEARINGS WILL PLACE AN UNDUE BURDEN ON THE COURT SYSTEM. INSTEAD, I STRONGLY RECOMMEND THAT THIS LEGISLATIVE BODY MAKE IT MANDATORY FOR ALL CARRIERS OF A DRIVERS LICENSE TO SUBMIT TO A BREATHALYZER TEST UPON DEMAND BY THE POLICE WITH REFUSAL RESULTING IN AUTOMATIC SUSPENSION OF THE LICENSE. THE PRIVILEGE TO DRIVE SHOULD CARRY WITH IT THE REQUISITE RESPONSIBILITY TO SUBMIT TO TESTS THAT ENSURE ONES ABILITY TO DRIVE AND THE SAFETY OF OUR COMMUNITY.

BUT THE QUESTION OF ALCOHOL ABUSE IS NOT SIMPLY RELATED TO DRINKING AND DRIVING. THE INCREASE IN DWI CASES IS PERHAPS A SIGN OF A GREATER PROBLEM FACING THIS COMMUNITY, WITH EFFECTS THAT ARE MORE FAR-REACHING AND DAMAGING.

OF THE SEVEN HOMICIDE CASES BROUGHT TO TRIAL LAST YEAR, FOUR INVOLVED ALCOHOL IN ONE FORM OR ANOTHER--A NUMBER OF THE TERRORIZING AND ASSAULT CHARGES INVOLVED ALCOHOL, AND SO THE LIST GOES ON. THIS COMMUNITY MUST SERIOUSLY ADDRESS THE ISSUE OF ALCOHOLISM THROUGH INTERVENTION AND PREVENTIVE PROGRAMS DESIGNED TO DEAL WITH THE DISEASE OF ALCOHOLISM.

THE COURT'S ALCOHOL TREATMENT PROGRAM CONDUCTED AND GRADUATED FOUR CYCLES OF ALCOHOL EDUCATION CLASSES. NINETY-SEVEN PERCENT (97%) OF THE 162 DEFENDANTS REFERRED, SUCCESSFULLY COMPLETED THE PROGRAM.

I AM RECOMMENDING THAT THE DEPARTMENT OF EDUCATION CONSIDER TEACHING STUDENTS ABOUT THE EFFECTS OF ALCOHOL AND SUBSTANCE ABUSE AS PART OF THE DRIVER'S EDUCATION REQUIREMENTS. THE REAL TRAGEDY OF ALCOHOLISM AND SUBSTANCE ABUSE IS THAT THEY ARE AVOIDABLE AND CURABLE.

THE SECOND ISSUE FACING OUR COMMUNITY IS JUVENILE CRIME. THE ALARMING RATE AT WHICH JUVENILE PROCEEDINGS HAS ESCALATED, IS A SIGNAL THAT THIS COMMUNITY MUST RE-ASSESS THE SITUATIONS CONFRONTING OUR FAMILIES. THERE WERE FOUR HUNDRED AND ELEVEN (411) JUVENILE CASES FILED IN 1990 - A SEVENTY-NINE PERCENT INCREASE (79%) OVER THE PREVIOUS YEAR. THERE WAS ALSO AN EIGHT PERCENT (8%) INCREASE IN JUVENILE SPECIAL PROCEEDINGS OR EIGHT HUNDRED AND EIGHT (808) CASES.

THE COURT TAKES NO COMFORT IN RESOLVING PROBLEMS THAT MIGHT BE PREVENTED AND BETTER SERVED BY FAMILY INTERVENTION OR COUNSELING. AS IN THE CASE OF MANY JUVENILE PROCEEDINGS--SOMETIMES THE PERPETRATORS-- AND THEIR PARENTS-- ARE ALSO VICTIMS OF

CIRCUMSTANCE. TO GIVE YOU SOME IDEA OF WHAT WE ARE CONFRONTED WITH, THE COURT'S JUVENILE PROBATION COUNSELED, SUPERVISED AND MONITORED 677 CLIENT REFERRALS IN 1990 ALONE. THIS AMOUNTS TO APPROXIMATELY 97 JUVENILES PER OFFICER NOT INCLUDING PREVIOUS REFERRALS. IN TERMS OF JUVENILE RESTITUTION, 213 CASES WERE INVESTIGATED, 50 OF WHICH WERE ORDERED FOR COMPENSATION. OF THE \$22,548.00 ORDERED PAID, \$14,454.00 WERE COLLECTED AND DISBURSED IN 1990.

BUT WHAT CAN WE ATTRIBUTE THIS RISE IN JUVENILE CRIME TO AND MORE IMPORTANTLY HOW CAN WE HOPE TO RESOLVE THE PROBLEM IN TIME. A FAMILY'S INFLUENCE ON THE DEVELOPMENT OF THE CHILD IS OF SUPREME IMPORTANCE. YET, ONLY IN RECENT YEARS HAS THE ISSUE OF PARENTING BEEN ADDRESSED AS AN ISSUE ON A LOCAL AND NATIONAL LEVEL.

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THE SUPERIOR COURT OF GUAM'S ALTERNATIVE SENTENCING OFFICE HAS BEGUN TO DEVELOP A PARENTING EDUCATION PROGRAM THAT WILL INCLUDE SUPPORT GROUPS AND OUTREACH PROGRAMS FOR SCHOOLS AND YOUTH ORGANIZATIONS. PARENTING EDUCATION ATTEMPTS TO HAVE PARENTS

RECOGNIZE THE FUTILITY AND DAMAGES INCURRED BY AN AUTOCRATIC AND/OR PERMISSIVE PARENTING APPROACH WHILE ENCOURAGING AND EQUIPPING THEM WITH THE SKILLS NEEDED TO BE RESPONSIBLE, LOVING AND EFFECTIVE PARENTS.

I FULLY RECOGNIZE THAT THIS INTRUSION INTO THE SACRED REALM OF "PARENTING", THOUGH VITAL, IS A DELICATE MATTER. OUR VALUES, ATTITUDES, AND PERCEPTIONS ARE ALL COLORED AND INFLUENCED BY THE QUALITY OF RELATIONSHIPS WITH OUR OWN PARENTS. YET I AM URGING THE APPROPRIATE EXECUTIVES AGENCIES AND LEGISLATIVE COMMITTEES TO CONSIDER PARENTING SKILLS AND RESPONSIBILITIES AN ISSUE FOR YOUNG ADULTS IN OUR SCHOOLS AND OUR COMMUNITIES.

A THIRD ISSUE CONFRONTING OUR COMMUNITY IS THE SAD INCIDENCE OF CRIMINAL SEXUAL CONDUCT THAT CONTINUES TO PLAGUE OUR ISLAND. BILL 305 SPONSORED BY SENATOR PILAR LUJAN WOULD ELIMINATE THE STATUTE OF LIMITATIONS FOR CRIMINAL SEXUAL CONDUCT AND THUS ENABLE RELUCTANT VICTIMS TO REPORT SUCH INCIDENTS AT ANY TIME. IF PASSED, PERPETRATORS FOR SUCH CRIMES WILL NOT HAVE THE LUXURY OF TIME TO ABSOLVE THEM OF THESE CRIMINAL ACTS.

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IN A COMPARATIVE ANALYSIS, THE FIRST QUARTER OF 1990 SAW 17 CRIMINAL SEXUAL CONDUCT CASES BROUGHT TO COURT--IN THE FIRST QUARTER OF THIS YEAR THERE WERE 45 CASES OF CRIMINAL SEXUAL CONDUCT CHARGES BROUGHT TO COURT; A STAGGERING INCREASE OF

APPROXIMATELY TWO HUNDRED AND SIXTY-FIVE PERCENT (265%). ALTHOUGH SEX OFFENDERS SHOULD BE PUNISHED, RESEARCH HAS SHOWN THAT TREATING OR REHABILITATING INCARCERATED SEX OFFENDERS LOWERS THE NUMBER OF INMATES WHO BECOME REPEAT OFFENDERS.

THE COURT'S NEWLY FORMED FAMILY COUNSELING AND CLIENT SERVICES DIVISION IS DESIGNED TO DIAGNOSE, RECOMMEND AND PROVIDE TREATMENT TO CRIMINAL OFFENDERS, VICTIMS, AND FAMILY MEMBERS INVOLVED IN CRIMES OF THIS NATURE ON A REFERRAL BASIS. THE COURT IS PRESENTLY NEGOTIATING WITH THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE AND THE NAVY ON DEVELOPING A MULTI-AGENCY SEXUAL ABUSE TREATMENT PLAN TO PROVIDE COUNSELING SERVICES FOR BOTH THE MILITARY AND CIVILIAN COMMUNITIES OF GUAM

THIS DIVISION WILL NOT ONLY REQUIRE CLOSE SUPERVISION BY COUNSELORS AND MEDICAL PROFESSIONALS BUT COOPERATION AND COLLABORATION WITH OTHER SERVICES FROM MENTAL HEALTH, CORRECTIONS AND CHILD PROTECTIVE SERVICES. I AM ALSO RECOMMENDING THAT LEGISLATION BE INTRODUCED TO ESTABLISH A HALF-WAY HOUSE ONLY FOR SEX OFFENDERS ONLY PRIOR TO THEIR RELEASE FROM PRISON, IN ORDER

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TO PROVIDE EFFECTIVE TREATMENT. THE FAMILY COUNSELING & CLIENT SERVICES DIVISION WILL ALSO PROVIDE TREATMENT AND COUNSELING PROGRAMS FOR THOSE CONVICTED OF CRIMES WHERE ALCOHOL WAS A FACTOR.

IN ADDITION, THE COURT'S NEWLY FORMED FAMILY COUNSELING AND CLIENT SERVICES DIVISION WILL ATTEMPT TO HANDLE THE PRESENT JUVENILE CASELOAD BY DIAGNOSING AND PROVIDING TREATMENT TO JUVENILE OFFENDERS AND THEIR FAMILIES, AS WELL AS JUVENILE VICTIMS AND THEIR FAMILIES.

IN THE PAST THREE YEARS, THE SUPERIOR COURT OF GUAM HAS BEEN FORCED TO DEAL WITH A TREMENDOUS GROWTH RATE, THAT HAS LEFT LITTLE ROOM TO ACTIVELY PURSUE INNOVATIONS NEEDED TO ADJUST TO OUR ISLAND'S CHANGING ENVIRONMENT. HAVING DEALT WITH THE INITIAL IMPACT OF OUR OWN TREMENDOUS GROWTH, THE SUPERIOR COURT OF GUAM IS NOW ACTIVELY SEEKING TO IMPLEMENT OTHER LONG RANGE PROGRAMS THAT WILL BE RESPONSIVE TO THE CHANGING NEEDS OF THE COURTS CLIENTELE. THE NEW JUDICIAL CENTER IS SIMPLY THE BEGINNING - THE NEXT STEP FOR THE COURT IS THE DEVELOPMENT OF A STRATEGIC PLAN THAT TAKES INTO ACCOUNT A CONTINUING INCREASE AND DIVERSIFICATION IN CASES, CHANGES IN LAWS AND SOCIETY, WHILE ADDRESSING THE FRAMEWORK OF OUR ISLAND SYSTEM OF JUSTICE.

A JUDICIAL COMMISSION WILL BE APPOINTED BY THE JUDICIAL COUNCIL TO ADDRESS SPECIFIC ISSUES PERTAINING TO THE COURTS, THE ATTORNEY GENERAL, THE PUBLIC DEFENDER, TRAFFIC COURT, FAMILY COURT,

ALTERNATIVE SENTENCING, ALTERNATIVE DISPUTE RESOLUTIONS, THE GUAM BAR, THE METHODS OF INCARCERATION, PROSECUTION PRACTICES, CRIMINAL AND CIVIL PROCEEDINGS, ATTORNEY FILING METHODS, CONTINUING EDUCATION, THE SUPREME COURT ITSELF AND MANY OTHERS.

THE JUDICIAL COUNCIL WILL ALSO BEGIN A DIALOGUE WITH OTHER COURT JURISDICTIONS IN THE PACIFIC TO POSSIBLY CREATE AN ASSOCIATION THAT WILL BE A FORUM FOR A HEALTHY EXCHANGE OF IDEAS, PROMOTE AN UNDERSTANDING OF DIFFERENT LAWS, INTERPRETATION AND JUDICIAL RELATIONSHIP--AND TO PROMOTE CONSISTENCY IN RESOLVING CRIMINAL AND CIVIL PROBLEMS CONFRONTING OUR PACIFIC REGION. THE EXCHANGE OF IDEAS ON PROBLEMS OF DRUG AND CHILD ABUSE, CULTURE SHOCK, AND OTHER AREAS WILL HELP US COORDINATE RESOLUTIONS TO MUTUAL PROBLEMS.

WE ARE EMBARKING ON A GREAT QUEST TO FORM THE FINEST JUDICIAL SYSTEM IN THE NATION, TO SERVE THE FINEST COMMUNITY IN THE NATION. I HAVE FULL CONFIDENCE IN THIS GENERATION OF JURISTS TO SEEK THE LEGAL HORIZONS THAT LIE BEFORE US. AND I BELIEVE IN THE

ABILITY OF THE COURT STAFF AND MANAGEMENT TO CONTINUE TO EFFECTIVELY ADMINISTER JUSTICE IN SERVICE OF OUR COMMUNITY.

IN THIS, THE LAST DECADE OF THE 20TH CENTURY, GUAM WILL SET THE FOUNDATION FOR THE JUDICIAL SYSTEM OF THE TWENTY-FIRST CENTURY. AS WE CELEBRATE THE 200TH ANNIVERSARY OF THE BILL OF RIGHTS, WE MUST UNDERSTAND THAT FREEDOM IS NOT FOUND WITHIN A DOCUMENT, BUT IN THE SPIRIT OF A PEOPLE THAT EMBRACES THE RESPONSIBILITIES THAT BEFALL THEM. THIS IS THE GREATEST CHALLENGE FACING THE COURTS TODAY -- AND ONE I INTEND TO MEET HEAD ON. THANK YOU, SI YUUS MAASE AND MARAMING SALAMAT PO.