

**COMMENCEMENT ADDRESS  
OF JUSTICE F. PHILIP CARBULLIDO  
BEFORE THE 2001 GRADUATING CLASS  
OF THE  
UNIVERSITY OF GUAM  
MAY 27, 2001  
2:00 P.M.**

Acting President Roy Tsuda, Chairman Dr. David Shimizu, Board of Regents, Members of the Faculty, Graduates and their Families, Ladies and Gentlemen:

Let me begin by expressing my appreciation for the very deep honor you have extended to me to speak before you this afternoon. Two and a half months ago I was lying on an examination table in Anaheim Memorial Medical Center undergoing an angiogram (an examination of the heart). I was under local anesthesia, conscious and watching the monitor as the cardiologist was guiding a catheter up to take pictures of my heart. After the catheter reached its location and a picture of my heart and the surrounding arteries were visible on the monitor, I immediately saw the stunned look in my cardiologist's eyes. He then looked down at me and said very seriously, "Mr. Carbullido I do not know who your guardian angel is, but whoever it is I want that angel to be my guardian angel". I asked him to explain what he meant. He then proceeded to show me on the monitor that the trunk of my left main artery was 85% to 90% blocked. I was later advised that had I not gotten a medical check-up and suffered my first heart attack, it would have been fatal and I would have been a "statistic". I underwent heart surgery the next morning and I have been recovering ever since. I now have a new appreciation for life. There is nothing like being told by a cardiologist that I came awfully close to being a "statistic" to make one relish the joy of being alive. From the bottom of my newly reconstructed heart, I thank you for inviting me to share this very important moment in your lives. In the brief time we will have together of me talking and you listening, allow me to offer you some unsolicited advice.

Before I continue, I would like to express my wholehearted congratulations to the Class of 2001. Today is a great day for you and your families. I know you have worked hard to get to this day, both parents and students alike. I include parents because in most cases, it is the parent's hard work and sacrifice which made it possible for your son and daughter to go to college. So, ladies and gentlemen, can we please have a round of applause for the moms and dads here with us today who invested so much time, money and love to educate their children.

And now another round of applause for the students, especially those of you who really worked hard on your studies.

Last, but certainly not least, a round of applause for the faculty, especially those teachers who put their heart and soul and real commitment into their classes.

Sir Frederick Pollock tells us in his *Essays on the law* that during medieval times there was a special patron saint to whom students used to pray that they may pass their examinations. Sir Frederick did not tell us whether the intercession of the saint was supposed to strengthen the brain of the students, or soften the heart of the examiner. It was enough that her power, whether exerted one way or the other, was never doubted by the faithful.

I still have a vivid recollection of the great sense of relief when I took my last examination after the years in college and law school. I remember saying to myself, I might make mistakes in the future, but I will no longer make them under the watchful eyes of examiners charged with a special duty of exposing my failings and giving them a quantitative value in comparison with my virtues.

I suppose that some of you tonight are celebrating with a similar expectation. It gives me great pain to frustrate your well-deserved optimism, but, as will become clearer to you in the years to come, you will be encountering one test after another in your journey through life. Whether it is a test for admission into graduate school, to obtain employment, or making a critical decision in life, you will quickly realize that the only difference is the person administering the test and grading your performance.

In my own personal life when confronted with decisions, I have found that simply using common sense works for me; that is, balancing knowledge with personal values. For example, in my new job as a Justice of the Supreme Court of Guam, when issuing an opinion in a case, I read all the legal briefs, the record on appeal, and the substantive cases cited by both sides to the appeal. I then listen to the oral arguments of attorneys for both sides. However, when I go back to my chambers to arrive at hopefully a "correct" decision, without exception, I find myself balancing the academic analysis and legal arguments with the wisdom that my father, who never even graduated from high school, taught me. I further weigh the analysis with the compassion and heart that my mother exhibited to us throughout childhood. When you put this all in the mix and you balance the academic analysis with the values instilled within you by your parents, it is then, that you are using your common sense.

Don't get me wrong. Knowledge is important. It is the foundation of common sense, but knowledge, standing alone, is not common sense. I know knowledgeable people who lack common sense, very knowledgeable people. The dictionary says common sense is ordinary good sense or sound practical judgment. Of course, good sense and good judgment are defined by what people practice. These seemingly simple abilities of good sense and good judgment are acquired through long experience in wrestling with the complexities of life and learning along the way. UOG has given you a small push toward common sense, toward disciplined, rational thinking and now, it's up to you. You are on your own. I must warn you that sound decision-making or a rational appreciation of issues is not an easy endeavor, as your common sense becomes impaired and extinguished by mental inattention, indifference and laziness. When such behavior becomes habit, they produce apathy, tunnel vision, and preconceived notions of truth.

For instance, let's take an example from my life, specifically, my role as a member of the Judicial Branch of the government. Presently there is an ongoing struggle as to who should head the Guam judiciary. Just as the Governor of Guam speaks for the executive branch and the Speaker for the Guam Legislature, we currently do not have a single authority that speaks for the judicial branch. I read with amazement a recent article in the Pacific Daily News wherein a certain author says that the current struggle is about politics. It is about the Democrats versus the Republicans and the thirst for power within a single person to control the judiciary. The same author seems to suggest that it is better that we have two individuals, one for the Superior Court and one for the Supreme Court who should reign supreme in their respective courts. If our elected leaders would only step back and use their common sense they will realize that the court system presently has its internal struggle because the split was imposed by our political leaders. When the Supreme Court bill was first passed, there was no question that the Supreme Court was going to be the highest Court of our territory headed by the Chief Justice. It was only after the first appointees were made to the bench and certain of our elected leaders did not favor who the appointees were did the stripping of the Supreme Court powers begin. If you exercise your common sense you will quickly realize that preserving the independence of our judiciary has nothing to do with party politics. It has nothing to do with who occupies the position of Chief Justice or Presiding Judge at any particular time. We have mechanisms within our court system that will work as a check and balance of any individual who rules arbitrarily and capriciously. That is why the Chief Justice is rotated every three years and the person cannot succeed himself or herself. That is why, upon the retirement of the current Presiding Judge, we will have rotating presiding judges who similarly cannot succeed himself or herself. How the courts of Guam are structured should rise above partisan politics. The issue is not transient. It should not be dependent upon the particular individuals who occupy the position of Chief Justice or Presiding Judge. The sole determinative principle should be preserving judicial independence and properly recognizing a third co-equal branch of government.

As a Justice of the Supreme Court of Guam, it is my job to promote and effectuate the mandate given our courts under the laws of the Territory. The Organic Act of Guam specifically provides that the government of Guam shall consist of three branches of government: the executive, legislative, and judicial branches. Accordingly, in interpreting the relative relationship of the branches of government, the courts of Guam have consistently recognized the applicability of the constitutional doctrine of separation of powers. This doctrine prohibits any one branch of government from aggrandizing the powers of another branch or interfering with the exercise of power of another branch. In fact, the Supreme Court of Guam has fastidiously applied the doctrine and rendered opinions that have protected both the legislative and executive branches of government from interference in carrying out its constitutionally mandated functions. Just as the courts of Guam preserve and protect the separate functions of the executive and legislative branches of government in an effort to effectuate the separation of powers doctrine, so too do we recognize that encompassed within the doctrine is the concept of judicial independence.

The mandate of the judicial branch is to interpret the laws of Guam and adjudicate disputes under those laws. The courts, as an independent branch of government, were specifically created for the benefit of the public, and not for the benefit of the individual judges and justices. The very issue of how the local judiciary is structured is not a function of politics, but is a product of the desire to create a cohesive judicial branch. It is only when the judiciary can speak with a single authoritative voice that we can begin to approach that which the Organic Act preserves; three separate, but co-equal branches of the Government, each serving its role for the benefit of the people of Guam, including you.

As you can see, using common sense, or sound practical judgment, can help you see the forest from the trees. Using another example, more familiar to you, is the structure of the very institution that confers on you this great honor today, the University of Guam. A simple application of common sense is essential to resolving the many issues faced by the institution, such as the threatened loss of accreditation or the selection of a president with what has to be on record as the longest tenured selection committee. The bottom line analysis is that if we do not exercise our common sense, it is you the students who will be most affected. The sound and practical resolution of the issues the University faces will allow the institution to concentrate on fulfilling its mandate to provide a quality education to you, its students . . . and to assure your presence here today . . . in celebration of your Graduation. After all, that is why we are here, to celebrate YOU.

Graduations are unique among the milestones of your lives, because they celebrate past accomplishments, while also anticipating the future. This is true for each of the graduates today. In anticipating the future and determining what you want to do with your lives consider this poem entitled, "The Bridge Builder", written by Will Allen Droongoole. It reads as follows:

*An old man, going a lone highway,  
Came at the evening, cold and gray,  
To a chasm, vast and deep and wide,  
Through which was flowing a sullen tide.  
The old man crossed in the twilight dim -  
That sullen stream has no fears for him;  
But he turned, when he reached the other side,  
And built a bridge to span the tide.  
"Old man," said a fellow pilgrim near,  
"You are wasting your strength in building here.  
Your journey will end with the ending day;  
You never again must pass this way.  
You have crossed the chasm, deep and wide,  
Why building you the bridge at the eventide?"  
The builder lifted his old gray head,  
"Good friend, in the path I have come," he said,  
"There followeth after me today*

*A youth whose feet must pass this way.  
This chasm that has been naught to me  
To that fair-haired youth may a pitfall be.  
He, too, must cross in the twilight dim;  
Good friend, I am building the bridge for him."*

Today we are all here together crossing the bridge that our parents, teachers and elders have built for us. It is now your time to venture out into the world and build your own bridges for the next generation. In doing so consider what I have said tonight in exercising your common sense as you accept the task of a graduate now called to contribute to our island. Maybe then we will avoid the great debate of the last month and instead of just talking about whether we are in a "crisis" or not, we will take the affirmative steps and make the bold decisions for the benefit of our present and next generation.

Finally, before I leave you today I want you to consider what Microsoft Chairman Bill Gates lists as the eleven rules for graduates, things they did not learn in the classroom. He talks about how feel-good, politically correct teachings have created a full generation of kids with no concept of reality and how this concept has set them up for failure in the real world.

Rule 1: Life is not fair; Get used to it;

Rule 2: The world won't care about your self-esteem. The world will expect you to accomplish something before you feel good about yourself.

Rule 3: You will not make \$40,000.00 a year right out of high school. You won't be a vice president with a car phone, until you earn both.

Rule 4: If you think your teacher is tough, wait till you get a boss, he doesn't have tenure.

Rule 5: Flipping burgers is not beneath your dignity. Your grandparents had a different word for burger flipping; they called it opportunity.

Rule 6: If you mess up, it's not your parents' fault, so don't whine about your mistakes, learn from them.

Rule 7: Before you were born, your parents weren't as boring as they are now. They got that way from paying your bills, cleaning your clothes and listening to you talk about how cool you are. So before you save the rainforest from the parasites of your parents' generation, try "delousing" the closet in your own room.

Rule 8: Your school may have done away with winners and losers but life has not. In some schools they have abolished failing grades. They give you as many times as you

want to get the right answer. This doesn't bear the slightest resemblance to anything in real life.

Rule 9: Life is not divided into semesters. You don't get summers off and very few employers are interested in helping you find yourself. Do that on your own time.

Rule 10: Television is not real life. In real life people actually have to leave the coffee shop and go to jobs.

Rule 11: Be nice to nerds. Chances are you will end up working for one.

As I leave you tonight, I think it has become obvious that there is no certain road map to success. Ultimately, it is a matter of judgment, a question of choice, that is using your common sense. In making your choices, remember the words of Mark Twain who said, "Twenty years from now you will be more disappointed by the things you didn't do than by the ones you did do. So throw off the bowlines. Stay away from the safe harbor. Catch the tradewinds in your sail. Explore. Dream. Discover."

Ladies and Gentlemen, I have imposed on your gracious invitation overmuch. Let me close by thanking you for this opportunity to bring thoughts for you to reflect on. Thank you and God bless as you begin the next exciting chapter in your lives.