

**Judicial Address by the Hon. Robert J. Torres, Jr.
upon his investiture as an Associate Justice
of the Supreme Court of Guam
January 16, 2004, Guam Judicial Center**

Thank you very much for coming to share this special occasion with my family and me. You've heard of a captive audience, but here we've had captive speakers and I want to thank all the speakers for their flattering remarks. I honestly didn't tell them ahead of time they had to stand up and say something nice, but it felt good. My heart is full.

When I was a student at Harvard Law School over 20 years ago, I could not have imagined that I would be sitting here as a Supreme Court Justice, especially because the Guam Supreme Court was not yet even in existence. Not one of us makes it in this world alone and I could have not succeeded in reaching this position without the assistance, love, support, kindness, and advice of my family, friends, former clients and colleagues. Most of you here today supported my nomination either directly or indirectly, and many testified at my confirmation hearing. I wish I could mention each of you by name but that would take not minutes, or hours, but perhaps the entire weekend and that would extend this proceeding beyond anyone's tolerance. But believe me, I would not be here without you. So please, each of you take this moment to see me looking at you and saying "Thank you" from the bottom of my heart. That said, of course there are some people I must specifically acknowledge and extend my appreciation.

Governor Camacho, thank you for the privilege of being able to serve as a Justice of the Supreme Court. I know your decision was a difficult one, not only because of the other fine candidates, who were recommended for the position, but because of the potential political fallout from our relationship. I am forever grateful for your appointment. I will express my gratitude by my professionalism and dedication. I will make certain, to the best of my ability, that my work does honor to your decision.

Senator John Quintana, Chairman of the special subcommittee formed by the legislature on my nomination, who represented by his wife Donna, please allow me to commend his professionalism during the background investigation, committee hearings and nomination process. I also want to extend my appreciation to each of the members of the legislature for their unanimous approval and vote of confidence.

Judge Mary Schroeder, I am humbled by having you take the time from your busy schedule to travel the distance to be with us. Being an attorney has taken me to many places that I otherwise would have not have had the opportunity to go to, and allowed me to share the company of people that I otherwise would not have met. One of the highlights of my legal career is serving as the chairperson of the Ninth Circuit Lawyer Representative Coordinating Committee and working with Judge Schroeder to improve the administration of justice throughout the Ninth Circuit. As the chief Judge of the largest circuit court of appeals in the United States, Judge Schroeder has demonstrated her unwavering commitment and dedication to all of the districts under her tutelage, including those of us furthest away.

I am particularly grateful for the presence of so many judges and justices of our neighboring islands. These distinguished jurists signal vividly by their presence today, the growing recognition of the need to fashion the law of our communities in a manner that is attentive to the legal systems, customs and traditions of our neighbors, our brothers and sisters in the Pacific. We are now just coming to terms with the challenges and opportunities of our geography and our regional destiny and I look forward to partnering with you in the name of Justice.

To my colleagues of the Guam Bar, thank you for your recommendation and continuing support through the confirmation process. Lawyers receive their share of criticism, some deserved, most of it not. But I want you to know I always considered the practice of law a noble profession. Your recommendation and support, including your positive responses to the Guam Bar Poll on my qualifications, confirm for me that professionalism and mutual respect exists in the

practice of law. One's opponent in the courtroom does not need to be one's enemy. Many of you who have been opposing counsel have become lifetime friends.

Justice Tydingco-Gatewood and Chief Justice Carbullido, I am blest with having the opportunity to sit and work with you to preserve and protect the fabric law. You have greeted me with a deeply appreciated friendliness and offers of assistance. Justices you can be assured that I will help us find consensus where we can and focus the issues sharply when we cannot. I will listen, persuade, compromise, and ultimately we will develop opinions that preserve essential values and enhance respect for the law. I believe we have a good team and eagerly look forward to being together for years to come.

And of course, I want to thank my family. My mother, Mary Torres and my mother-in-law, Lourdes Perez Camacho, who always boasts about me being her favorite son-in-law. For those of you that don't know, I will let you in on a little secret. Mary is her only daughter. I also want to mention my father, Robert Torres, and my father-in-law, Governor Carlos Camacho. I know their wives miss them, our families miss them too. We think about them every day and we wish they were here right now; but we know they are watching us from above. We have not forgotten the things they have said or what they have taught us. And that what's most important is to love your family, be honest, be fair, be considerate and kind—just be a good person.

My children Vanessa, Carla and Pele provide me with the incentive, and it's wonderful to have them all with me. Children all have great promise, and mine have given Mary and I endless satisfaction as parents. One part of a father's job is to be a role model, and I commit to them that I will work with the hope that I leave a legacy they can be proud of.

And last, but not least, I want to acknowledge the love of my life, my wife Mary, whose love, forbearance, inspiration, calm counsel, joy, steadfastness, and advice have carried me through the hard times, and given me encouragement and support that allowed me to be here today. Mary and I celebrated our 25th wedding anniversary on Monday, and I would be in Forbes list of the top 10 wealthiest people in the world if I got a penny every time someone asked her over the years "How do you put up with that guy?"

This job asks only one true sacrifice of me: Mary has worked with me for the nearly 17 years that I have practiced on Guam, and I've always had my partner no more than a few doors away. Not having her here with me will be the only thing I regret about my new position. God blessed me with you Mary, and I'm reminded every day that I have to hold on to what's truly important.

A knowledgeable person recently commented to me that I was going to have one of the best jobs on island. I can only speculate that it is because of what the job offers and demands. And what it offers and demands is the same thing—the doing of justice. On occasions such as this, I believe it is important to reflect on the ceremony that we just witnessed and the symbolism it contains.

I've committed myself to uphold the constitution and the laws made there under. This is the highest commitment one can make towards the island and its people. This commitment is what allows a Justice to retain humility in the face of authority. It is a reminder that the office does not exist for me but for the people—all of the people and it directs that we subordinate our will to apply the law even when we don't agree. There are two only promises I will make today. One is that of the oath of office and the other is to try to do my best.

I was also presented the gavel by my son Pele. The gavel is an instrument most synonymous with justice, integrity, and achievement. The gavel borrows its name from its shape being that of the gable end of a house, which is the top or peak. It is the badge of power or authority and representative of our office.

The robe is a symbol of a justice's commitment to integrity and independence. Undoubtedly there will be many occasions where I feel the weight of the robe. May God give me the strength and wisdom so I can judge in a fair, just, and compassionate manner.

Roscoe Pound, a famous law school professor, observed that "the law must be stable and yet it cannot stand still." The law is changing and even more rapidly than we have imagined a few short years ago. The issue is not whether the law and its administration will change, it will. The issue is how we together can shape and mold the results of the change. As I begin my new role, I want to discuss some of my goals and ideas, my vision in shaping and molding the judiciary.

One of our first challenges is to be more innovative in finding better ways to achieve our goals and for all of us in the judiciary to work together in a more unified effort. The judicial council must be turned into a strong unified body that it should be and can be, promulgating policy and speaking with one voice for the entire judicial branch, as we seek to turn a good court system into an even better system. This is the right time to tackle this task as we have a new but not so unfamiliar executive director in Perry Taitano. Although not all the Superior court Judges are voting members, the chief Justice has recognized the leadership of the Superior Court Judges by making all of them members of the advisory committee to the Judicial Council. I know these judges have a lot to contribute, and all share my vision of a stronger, more unified judicial branch. Since they are willing to make the effort, we will pay heed to their concerns. They are, after all, the ones in the trenches.

The Judicial Council is committed to grappling with the current critical needs of the entire court system. We all know we can make significant progress in the legal and judicial services we render. At the same time we can enhance the job satisfaction and quality of life for all of our professional people within the system and make them more fully appreciated by the public for the important work they perform every day. It's only been a short time since the law changed the composition of the Judicial Council. The council will have even greater changes, greater refinements and improvements in the Judicial process in the time ahead, and we remain committed to seeing them become reality. While it is no easy task, it will be worth the effort. For in the end, we will have a stronger judicial branch, better equipped to meet the needs of our rapidly changing society. We will be a court system that performs to high standards of civility, timeliness, cost efficiency, and excellent performance while continuing to deliver the substantive justice that is expected. We will be a system of courts upon which all people of Guam, individuals, the business community, and the government can, with confidence, rely on for equal protection of the law and resolution of their legal disputes.

The future of our justice system depends largely on the public's continued confidence and trust in the judiciary. Consequently we will have an increase in court-community collaboration...a partnership for justice with the public whose confidence in the Court's integrity and independence is essential to our work. There will be two facets of this collaboration: 1) an outreach where judges and lawyers work with people to help them become better informed of the work of the Courts and 2) the input where there is greater public involvement in the justice system.

The judiciary has the responsibility to do what it can to increase the public and media's understanding of the role of the judiciary on the island and the operation of the court system. We will institute programs that will make the legal system more accessible and less intimidating to the public and even tries to prevent some of our own citizens from entering the system in the first place. We will also initiate programs that will teach our young people the real meaning and great value of our judicial system.

To further build on the public trust and confidence we will take steps to improve the skills, professionalism, and ethics of both the bench and the bar. I personally will make the effort to establish an Inns of Court to help lawyers and judges rise to higher levels of excellence, professionalism, and ethical awareness. An Inns of Court, adopted from the traditional English model of legal apprenticeship, will allow less experienced attorneys to become more effective advocates and counselors by learning from the more experienced attorneys and judges. Together they will "Break Bread" and hold programs and discussions approximately once a month. I will also seek to have a judicial ethics advisory committee established to not only issue advisory opinions to judges and justices on how their future actions comport with the code of judicial conduct but to make recommendations for the amendment of the code of judicial conduct. We will continue with the overhaul of our fragmented system of providing indigent defense. We are obviously pleased that we presently have a committee in place seeking information and diligently seeking solutions. Justice is a moral concept of being fair, of treating all persons equally in accordance of the law. If we do not treat all people equally in accordance with the law the justice system fails. In our adversarial system how can we assure equal justice without equal representation? If we want a judiciary that has the faith and confidence of the people, equal justice must be the goal and it is necessary to have good, competent legal representation. Attorneys can and do make a difference and my challenge to all of you is to dig down deeper and

contribute more of your time, resources, and support. We acknowledge there are legitimate differences of opinion of how best to solve the present system's problems, but most in the legal community recognize that the problem must be addressed and corrected if we truly believe in justice.

We need to expand our capacity for meaningful alternative dispute resolution. Alternative dispute resolution, usually referred to as ADR, is the collective term for the ways that parties can settle civil disputes with the help of an independent third party, and without the need of a formal court hearing. Some ADR methods are well known, such as arbitration, or mediation, but some lesser well known methods include neutral evaluation, conciliation, which is similar to mediation, but the third party takes a more interventionist role, expert determination and neutral fact finding. We all realize that some form of court sponsored alternative dispute resolution is necessary, the exact form that it should take, however, is not so apparent. We expect the ADR committee to be extremely active in determining the appropriate ADR methods that a judge should recommend to parties involved in litigation, and whether the court should impose sanctions if it determines that one of the parties have been unreasonable in refusing ADR.

My practice in the private sector has taught me that nothing worthwhile is accomplished when we spread ourselves too thin. Therefore, these causes will be my primary focus in the immediate future. I believe these are worthy goals, and I earnestly solicit your support.

Before I close, I want to provide the lawyers who will be appearing before me some insight about what to expect. I thought I would call it a preview, but my children reminded me that now a days it is called a trailer. I respect that from one to whom much is given, much is expected. My responsibility is to examine each case, interpret, and apply the relevant law to the facts in a fair, impartial, and practical way doing justice to the party and to the law. This entails having an open mind, rather than a set of predispositions and without intrusion of any rigid ideological pre-commitments to certain results, or approaches to the law.

My decisions will not be made lightly, they will be thoughtfully considered. In my attempts to be fair, I will be meticulous, go back behind the briefs and do all the legwork needed to ascertain who is right in his or her claims, I will ask creative questions that cut to the heart of the matter without embarrassing counsel or denigrating your client's legal position, or signaling my early conclusions. Consistent with my personality I will be even handed, courteous yet firm, polite, patient and tactful, while demonstrating compassion and understanding of others, with a dedication to a process not a result.

I am sympathetic to the fact that disputes before us involve human beings. The decisions of the Guam Supreme Court have a significant impact on the lives of our citizens. Therefore, our opinions cannot be a playground for abstract legal reasoning but must take into account changing values and the real world problems facing people on our Island today.

Our increasing caseload indicates that more citizens and groups of citizens will continue to test the laws in the Courts when they considered the laws unjust. The Supreme Court must fulfill our duty as the final arbiter on the island of Guam and I will continue the honor, dignity, professionalism, and integrity that one expects of a Supreme Court Justice.

I can't express just how much of an honor it is to become a Justice of the Supreme Court. Thanks again to all of you for helping make it possible. I'm keenly aware that with such honor comes tremendous responsibility. I am prepared to face and meet the challenges in order to make a positive difference for the judiciary and the island. I will make every effort to be a good and faithful servant to the People of Guam.

Thank you, si yuus maase, maraming salamat po.