

2010 State of the Judiciary Address
By Chief Justice Robert J. Torres
Speaker Antonio R. Unpingco Legislative Session Hall
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Hafa adai. Governor Camacho, Lieutenant Governor Cruz, Speaker Won Pat and distinguished members of I Mina' Trenta Na Liheslaturan Guåhan, fellow Justices, distinguished Judges and Judiciary employees, Archbishop Apuron, Pastor Burke, Attorney General Limtiaco, Guam Bar president Cynthia Ecube, members of the Guam Bar Association, my ever-supportive wife Mary, my Caring Carla, family and friends, ladies and gentlemen—I am honored to appear before you this morning on behalf of the judicial branch to deliver my final State of the Judiciary address for this term as Chief Justice. Last year, I had the distinct privilege to deliver the State of the Judiciary in this room, which had not happened in many years. Thank you for inviting us back here today.

THEME

As Chief Justice, it has been my responsibility and privilege to provide direction to the judicial branch over the past two and a half years. I assumed this office with some major objectives in mind. One of these objectives, and the theme of my first address, was to increase access to justice for every member of our community. Another major objective was to ensure the Judiciary serves as a model of good governance. This commitment to promoting a culture of accountability, performance, and transparency colored my second address as Chief Justice. I reported then and repeat now that the Judiciary's commitment to these ideals has allowed us, despite difficult financial times, to maximize our resources and continue providing necessary services to the People of Guam.

As I prepared my address for this final year of my term as Chief Justice, I found myself returning again and again to the special role the Judiciary plays in our society and the daily impact we have on the lives of ordinary people.

Every year, thousands enter our courthouses. As I speak to you this morning, many of our citizens are en route to court: the small business owner embroiled in a contract dispute; the woman who, having the courage to leave an abusive relationship, seeks an order of protection; the teenager who has started to steal to support his drug habit, and can't figure out a way to stop; Tun Ben who, no longer able to care for himself and having no relatives willing or able to do so, seeks help to manage his affairs.

These people enter our courthouses every day, many of them with fear and trepidation. We have the duty, and the privilege, of serving them by enforcing the law. The law establishes a framework for a just and peaceful society, lending structure to the lives of individuals. Today, you will have the opportunity to see and hear from some of these people directly, how our services have changed their lives. I hope their stories will help you see and feel what I can only talk about—that although we've all recently been inundated with talk about 'The Military Buildup,' another buildup has been long underway. It is this quieter buildup, this unheralded buildup, which I will talk about today: *The Role of the Judiciary in Building Up Guam, One Life at a Time.*

FAMILY VIOLENCE

It is clear to me that the justice system has a critical societal role to play helping to heal families. Our Client Services and Family Counseling division, alarmed about the growing number of children and adolescents in our Courts, has responded with innovative programs like the Cooperative Parenting Program. This intervention program teaches parenting skills, to help both parents and children deal with the stressors attending a divorce or separation.

Our trained therapists give men and women the skills they need to be able to resolve their disputes peacefully. This is especially a concern when it comes to matters within the home. Last year alone, we addressed more than 900 active cases of family violence.

I'd like to share with you the story of a young man named "Zone," who benefitted from one of our Domestic Violence Programs. Zone has written and produced a song that talks about his experiences, and what he learned with the assistance of our courts and therapists. I'd sing his song for you, but I really wouldn't do it, justice. Instead, I'd like to play you his video.

[VIDEO CLIP - Family Violence Rapper]

YOUTH

Zone is one person who has benefited from our court services. Sadly, every day more children become the victims of family violence. Experts agree that children who grow up in a violent home environment do poorly in school and have a diminished sense of self-worth. They are more likely to turn to drugs and end up in trouble with the law, including being in and out of juvenile court and/or DYA. And as adults they're more likely to end up in prison. This cycle of violence is then passed on from one generation to the next, which is not only a tragedy but an increasingly heavy burden on the government.

When youth come through our doors, we help to try to break this cycle. Yet we could certainly devote more resources here. Over the past three years, there has been a 40% increase in the number of new juvenile cases referred to probation—these children need as much help as we can give them. Nonetheless, I am especially proud of the role we play in putting youth who have lost their way back onto a path of responsibility and achievement.

I was deeply moved two years ago when the commencement speaker at our Juvenile Drug Court graduation talked about its impact on his life. Here's an update from the young man who addressed us at that event.

[VIDEO CLIP - Juvenile Drug Court]

I believe these clips illustrate the ripple effect of our programs—every case adjudicated is much more than just another number on the docket. It is a life, and every life touches others—family members, colleagues, the broader community.

ELDERLY AND DISABLED

The stories in these clips are representative of countless stories: each one different in that each of us must inevitably walk in our own shoes; each one similar in that it involves a human being at a turning point in their life.

Everyday, we assist people young and old who are least able to care for themselves. Consider the work of the Office of the Public Guardian, which celebrates its tenth anniversary this year. This office was created by the Guam Legislature in 2000 to help protect some of the most at-risk members of our community—the elderly and disabled adults.

The OPG staff may be small, but it shoulders a large responsibility, not only helping the public with guardianships but actually managing the financial and personal affairs of 62 adults who can't do so for themselves, where no family member or friend can fill that critical role. There is no such thing as a typical day at OPG. The Public Guardian might spend the day at treatment meetings, at the Department of Mental Health or negotiating the purchase of a house on behalf of a disabled veteran. Some nights you'll find her at Guam Memorial Hospital called in to make an informed medical decision for a ward in critical condition, or combing the streets of Guam searching for a missing ward. It's a job that requires the qualifications of both an attorney and social worker, and I am proud to report that last July we hired Attorney Marcelene Santos to fill this role, an individual with degrees and qualifications in both law and psychology.

I should also acknowledge that the Legislature was prescient in establishing this office one decade ago. According to the census, the elderly population of Guam (those 60 and older) increased 30% over the 1990s. A similar increase will likely be documented when the 2010 census counts come in. As the Baby Boomer generation ages, a strong Office of the Public Guardian can offer guidance and counsel about alternatives to guardianship, encouraging self-reliance and independence by engaging individuals in planning for their futures while they are still capable.

The national Conference of Chief Justices has recently identified this area of law as one in need of national attention. Courts need to become proactive in the protection of the elderly and their assets. Our mañaina took care of our island, making it what it is today; it is our duty to take care of them now.

MENTALLY DISABLED

Our Mental Health Court is another example of the Judiciary working to care for the most vulnerable. The Mental Health Court serves adult offenders with serious mental illnesses or developmental disabilities who are charged with nonviolent crimes and express interest in treatment. In a jurisdiction with limited health care resources, the court provides much-needed structure and therapeutic services to a core group of mentally-ill individuals who would otherwise cycle repeatedly through the criminal justice system.

The Mental Health Court has engaged Able Industries, an employment agency that works with the disabled, to help find jobs for its clients. The Mental Health Court has also partnered with the Guam Community College to assist its clients in obtaining an Adult High School Diploma, or GED. The opening of the Mental Health Court was the fruit of several years of collaboration between the Judiciary of Guam and the Guam Department of Mental Health and Substance Abuse (DMHSA),

and the challenges that agency is currently facing to comply with the federal injunction naturally have an effect on the Mental Health Court. Nonetheless, our ability to get this important new program up and running in the past year underscores how we help build community in Guam, working collaboratively to develop new ways to help all of our citizens realize their potential.

PROBATION

I of course acknowledge the role that the criminal justice system plays in putting criminals behind bars. But I must also emphasize how Probation builds the capacity of individuals in the criminal justice system to function outside of jail.

The role of our Probation Services Division is to assist in keeping our island community safe and secure, through supervision of offenders released into our communities in lieu of incarceration. Probation also oversees the therapeutic drug courts and mental health court. As the following clip illustrates, Probation gives offenders a second chance in life—a chance to reclaim their lives and become productive citizens. Just ask Val.

[VIDEO CLIP - Val]

This past year, Probation provided supervision and other services to some 7,000 clients like Val. These probationers performed over 220,000 hours of community service throughout the island. In contribution, this equates to \$1.5 million. The services individuals perform while on Probation allow those who have made mistakes to atone for their errors.

I cannot emphasize enough how important these programs are in building safe communities for us all. As we have learned from our drug court programs, close monitoring can reduce recidivism. Our Adult Drug program has the lofty but achievable goal of reducing by 70 percent the rate of criminal activity of the program's participants. By instilling hope and teaching skills, this Program allows individuals to transform themselves. Listen to this woman who successfully made that transformation

[VIDEO CLIP- Adult Drug Court]

Therapeutic courts are resource intensive, but successful! We must address the additional challenges we face. We could give Juvenile Drug Court the space and staff it needs to hold several counseling sessions at the same time, accommodating school schedules. We could hire additional probation officers—to conduct more home visits to positively influence conduct. Now, they can only do so in 1 out of 10 juvenile cases. We could do even more to help them walk out our doors into a new and more meaningful life in our community.

LAW DAY AND OUTREACH

While Probation allows those who have committed a crime to give back to the community, we at the court also seek to build community by being a part of it. This year, the Judiciary, the Guam Bar Association, and the District Court of Guam teamed up again to host a series of Law Day events to engage island residents in the celebration of our legal system. From our “Race Judicata” 5K Run to a golf tournament benefitting self-represented litigants, to our essay and art contests and our fairy tale mock trial plays, let it be known: The Judiciary, like Rapunzel, can Let Down Its Hair, Too.

This year's Law Day festivities were especially exciting because, for the first time, island children had the benefit of a mock trial play written by two local attorneys. Last week, Agueda Johnston Middle School students argued "People of Guam v. Captain Don Quiroga," a murder trial in which the Spanish Captain was charged with the murders of Isa and Tasi, the two lovers of the ancient legend of "Two Lovers Point." These mock trial plays mix learning and laughter, developing the self-confidence and analytical skills of school children while teaching them about the law. Picking up on this year's theme, Law in the 21st century, Enduring Traditions, Emerging Challenges, we will be presenting this play on Thursday to students in the CNMI who will serve as the jury via videoconferencing.

I would like to personally thank the Law Week Committee, in particular Danielle Rosete, for going above and beyond to make Law Week another success . . . in my mind this year's was even better than last year's festivities for which we received the National Outstanding Activity award from the American Bar Association.

And our outreach isn't limited to schoolchildren. For that, I must especially and personally thank the media, who have helped us reach out to the community time and time again by covering our events and inviting us onto their programs. Rindrati Limtiaco, Ray Gibson, Patti Arroyo, Sabrina Salas Matanane, Zita Taitano, Rick and Ronnie, Maureen Maratita, Tina Yao, Mana Silva Taijeron and others: You have been true partners, and I anticipate our new Director of Policy, Planning, and Community Relations, Maria Cenzone, will continue to work closely with you. As the "Fourth Pillar" of democracy, you not only hold us accountable, but you help us build community by assisting with our mission to educate the public about the rule of law and the operation of our courts. Thank you.

In addition, part of our Law Week celebration is the awarding of the Hustisia Award, recognizing an individual who has contributed significantly to the improvement of the administration of justice and good government in Guam. Later today at the Supreme Court, we will honor the late Judge Cristobal C. Duenas who served as a judge in the District Court for 20 years, and was the first Chamorro judge to be appointed to the prestigious federal bench. Sadly, the Honorable Judge passed away earlier this year. His loving wife of 55 years, Juanita Duenas, is unable to be with us this morning, but I would like to acknowledge members of his family in attendance here today, and ask that we all stand to show our appreciation for the late Judge Cristobal C. Duenas.

BUILDING COMMUNITY BY BUILDING ACCESS

Our efforts at community outreach are a reflection of a much deeper commitment—a commitment to ensuring that everyone in our community has access to justice.

INTERPRETERS

This commitment is reflected in our Court Interpreter Program. We have improved standards for previously unregulated court interpreting. Skilled, trained and qualified court interpreters are an essential part of our mission to provide justice for all, allowing those who cannot speak English to participate in legal decisions that can have a big impact on their lives.

NCS

This commitment to serving all in our community is also reflected in the decision to open a satellite court in Dededo, the population center of our island. In August we celebrated the Grand Opening of our Northern Court Satellite in the Dededo Mall. Residents and businesses have better access to services ranging from court clearances to small claims and traffic court hearings. Here's a story from one local business about how the Northern Court Satellite has improved court services.

[VIDEO CLIP - IT&E]

Don't worry, I've talked to GTA President Dan Moffat and my former colleague and GTA Executive Vice President Dan Tydingco, and they tell me that when it comes to the Northern Court, GTA and IT&E are on the same page: expanding our services in the north is critical to ensuring that our island is not underserved. In short, and all joking aside, NCS has helped relieve the overcrowding at our Hagåtña courthouse, resulting in shorter lines, more convenient parking, and easier access to justice.

Our space needs continue to grow with the times. Even now, courtroom space must be shared among the magistrate court, small claims, and the Supreme Court. To be sure, these strains on our capacity will only be exacerbated with the additional congestion caused by an increasing population.

COURT SECURITY AND MARSHALS

The public nature of our courts also requires us to be vigilant to protect our employees from rising security threats. Our Hagåtña facility in particular is in serious need of retro-fitting to reflect the realities of the post-9/11 era. Fortunately, the professionalism and ability of our Marshals to handle tense, high-risk situations have already garnered them a leadership role in the region. It helps that they have had a great leader. Chief Marshal Frank Leon Guerrero: Thank you for shepherding one of the finest groups of Marshals in the country. I will be sad to see you leave, but we all wish you well in your almost certain transition to the U.S. Marshals.

TECHNOLOGY

While our traditions endure, we are challenged everyday to get more done, and get it done faster. I am convinced that technology is essential to our ability as a judiciary to provide efficient services. As we move forward together into the future, some of the most important portals, access points to information, are not made of stone or wood or even paper.

KIOSKS

Technology builds access to justice. We have brought self-help computer kiosks to the court and the Law Library. Soon, there will be kiosks at the Aleo Shelter and other places. These kiosks allow members of the public to create and print various pleading documents for filing with the court. The Guam Bar Association and the Guam Legal Services Corporation were key players in bringing this project to fruition, and we continue to work with Guam Legal Services to develop a website portal that will provide further access to legal information and resource for those who cannot afford to hire attorneys.

CASE MANAGEMENT SYSTEM

Technology also speeds up case processing, increases productivity, and saves money for litigants and the government. We are committed to further advancement in this area, which will build the capacity of the Judiciary to meet our present and future needs. Nowhere is this more evident than in our case management system.

I am pleased to report that the Judiciary has begun to procure and implement a comprehensive court-wide case management system. Although we have not yet obtained all the necessary funding to complete the project, Governor Camacho has given us a \$2.1 million head-start by allocating discretionary Recovery and Reinvestment Act funding. Thank you Governor for supporting this critical project—I know I’ve sounded like a broken record on this subject for the last few years. I trust of course Governor that you gave us the money for the good of Guam and not just to finally stop me from talking about it every time we got together.

The headstart allows us to put into place a basic system for internally managing our caseload, bringing us out of green screens and into the 21st century. We’re working to obtain additional grants to achieve a system that will do much more. Additional modules will enhance convenience for court users, enable electronic filing and access to court documents, deliver a new jury management system, and improve revenue and financial management.

The point of modern case management is to make accessing justice easier. When fully implemented, our new and improved case management system will further ensure that doors to justice remain open to all, 24/7.

FEDERAL FUNDING

Despite the significant role that the Judiciary plays in the lives of our citizens, we are challenged to continue to provide necessary services on a tight budget. “Doing More With Less” has become something of a tradition.

Although we operate on a very small percent of the total government budget, we have been financially resilient, transforming our court system into an increasingly effective branch of government. Moreover, the hardworking folks in our Court Programs Office recently successfully secured millions of dollars in federal grants and stimulus funds. These funds have allowed our Marshals Division to begin implementing a completely operational Automated Fingerprint Identification System, as well as upgrade the Criminal Justice Information System.

CJIS (Marshals)

The Criminal Justice Information System, or CJIS, is not just a pilot program for Guam, but for the nation. Implementing this state-of-the-art system will help protect Guam’s families by providing real time and complete criminal histories of convicted individuals, whether local or abroad. The Marshals Division has already procured most of the necessary software and hardware, and soon local law enforcement agencies, including the Guam Police Department, the Department of Corrections, and the Office of the Attorney General, will be sharing virtual criminal histories with each other. By seamlessly integrating the information captured during the criminal justice process, this system eliminates redundant data entry, saves personnel time, reduces errors, and helps law

enforcement to more quickly get criminals off the street.

Moreover, this is a flagship program for the country. The architecture of Guam's virtual law enforcement information system relays messages differently from any other in the nation. Advanced search techniques and data orchestration combine to put the CJIS on the leading edge. Literally, the world will be watching our performance on this project. We have to make this a success. And we will.

OUR EMPLOYEES

We will succeed because we have some of our island's finest on our team. You've already heard about the powerful role our judges play in peoples' lives. In fact, every day, I am proud to work side by side with over 300 employees who make the Judiciary's achievements possible. From facilities to financial management, probation to procurement, each and every one of our court employees plays a role in building up Guam, by serving one person at a time. I would like to take this opportunity to acknowledge their dedicated service to the People of Guam.

FACILITIES MASTER PLAN

Before I close, I would like to take a moment to look ahead. Our island is on the precipice of change—or, as some in Congress might say; the island may be at a “tipping point.” We must be able to meet the coming tide of the Military Buildup, and stay afloat. Today, I am happy to report that we have completed a comprehensive Facilities Master Plan. We have met with the Governor and key legislators, and in the near future we will be meeting with more community leaders to build a joint vision for how we can meet the challenges ahead.

The Judicial Workload Assessment done in conjunction with the Facilities Master Plan indicates that the Judiciary will need at least four additional judges by 2014, yet we have no space to accommodate them. I have engaged in discussions with the Department of Revenue and Taxation, which has been lacking a permanent home for some time now, about a collaborative project to build a new Government Campus. By sharing a building, common areas, parking, even generators, we can combine together to achieve economies of scale, meeting our collective space needs at the lowest possible cost.

CLOSING

Governor Camacho, Senators: Your respective branches have shown a great deal of courtesy and respect to the Judiciary during my tenure as Chief Justice. For this, I thank you.

I envision a future in which the People of Guam will continue to benefit from this high level of cooperation among our three branches. We must continue to work together to achieve a fully-funded judicial branch of government. As you know, I am a student of technology and I believe our wood-paneled courthouses may one day be transformed into virtual courtrooms with unlimited seating and access to justice. But for now, our courthouses and our dockets are at their limit. The diverse population of our island will continue to increase in the years to come. We have to work together to turn our Facilities Master Plan into a reality.

Your co-equal branch, the Judiciary, operates on less than 5 percent of the government's budget. As I look back over our accomplishments during my term, I am proud of our ingenuity in doing more with less. I am proud of our achievements in improving technology and access to justice, and I am proud of how we have allocated resources to assist the most vulnerable members of our community. Most of all, I am proud of the role we have played in building up our community, one life at a time.

Justice is not free, and achieving Justice is not easy. But Justice is the ligament that holds civilized beings and civilized nations together. I am optimistic that, with your continued support, the Unified Judiciary of Guam will continue to serve as the doorway to Justice, through which all of Guam's people may enter—rich and poor, old and young, native and newcomer, alike. For I fervently believe that Justice is not the Judiciary's realm alone. As former President Jimmy Carter once said:

“The law is not the private property of lawyers, nor is justice the exclusive province of judges and juries. In the final analysis, true justice is not a matter of courts and law books, but of a commitment in each of us to liberty and mutual respect.”

On behalf of the entire Court, I thank you for your commitment to liberty and mutual respect during my tenure as Chief Justice, and beyond.