

## **2019 State of the Judiciary Address**

**Delivered By**

**The Honorable Katherine A. Maraman**

**Chief Justice of Guam**

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Hafa Adai, Governor Lou Leon Guerrero; Lieutenant Governor, and our former Administrator of the Courts, Joshua Tenorio; Speaker Tina Muña-Barnes; our oversight chairperson Senator Therese Terlaje and members of the 35th Guam Legislature; and all our esteemed guests. And a special “Hafa Adai” to my Judiciary family, without whom none of our progress would be possible. Many members of our court family are currently serving in the United States Armed Forces, and I want to especially acknowledge and thank them for their service.

It is always an honor to be here in the halls of this building, steeped in so much history, and to speak to our people about how their Third Branch of government is functioning. Thank you, Speaker Muña-Barnes, for hosting us here today.

Before I begin, I would like to recognize representatives of the Guam Chamber of Commerce who are here with us. The Chamber of Commerce has been selected to receive this year’s prestigious Hustisia Award – an honor bestowed upon a person or organization that has contributed significantly to the administration of justice and good government in Guam.

The Chamber has been one of the Judiciary’s most committed partners in ensuring the success of our Drug Court programs for the past 15 years, giving financial and mentoring support to nearly 400 drug court participants in our Adult Drug Court program and more than 100 youth in our Juvenile Drug Court program. Our participants and their families, our court, and our island owe them great thanks for their work and dedication in helping so many individuals turn their lives around. Please join me in giving the Chamber of Commerce a round of applause.

Today, I deliver my last State of the Judiciary Address as Chief Justice of Guam. I came into this position full of hope and eager to help bring positive advancements to the administration of justice. As I reflect on the past couple of years of my term, I am grateful for the work we accomplished even through some very lean financial conditions. The dedication, resourcefulness, and hard work of our Judiciary staff and management are the reason we continue to thrive. I am happy to report to you that the state of our Judiciary is persevering and purposeful. For despite some undeniable challenges – primarily financial – we have made very promising progress.

The truth is that in 2017 and 2018, we had to take a long hard look at our core mandates as a Judiciary and figure out how to fulfill those mandates with the limited resources we had. And I would imagine that in 2019, our financial hurdles may persist. As always, however, the Judiciary strives to meet these challenges by approaching our work with a prioritization of basic court services, mindful of our need to be more flexible, accessible, user-friendly, and efficient. A big part of accomplishing this is by optimizing and maximizing our use of technology.

I would like to share with you some of the highlights of our work, to update you on the progress of projects I spoke with you about in past addresses, and to ask for your continued support. One area where technology has greatly streamlined and improved not only our work in the courts but the work throughout our law enforcement community is with our Criminal Justice Automation Commission, or CJAC.

My predecessor Chief Justices and I have spoken regularly about the important work of CJAC, so for many of you, I'm sure you already appreciate and understand what a valuable role CJAC plays in law enforcement. For over two decades, CJAC has guided improvements to the court's case management system, the criminal justice information system, island-wide fingerprinting system, the technologies in Guam patrol cars that link these systems, and a host of other improvements to support the law enforcement needs of our public safety agencies.

However, we operate essentially as an ad hoc commission, and we need your action in codifying this important body. By enacting legislation to codify CJAC, even more investment through

federal grantor agencies can be secured. I prevail upon you, our sister branches, to take action. Our community needs this governing body to prioritize and complement the efforts of both the Executive and Judicial Branches, sooner rather than later. I urgently ask for your support of the CJAC legislation when it is presented to you for your consideration.

Another important project is the Electronic Monitoring Program for pre-trial defendants. Last year, you gave us the resources to begin implementing the program. I am very pleased to announce that we are currently testing the technology, and will be awarding the contract for the system in the next few weeks. By summertime, the system will be fully implemented, which I am certain will translate into significant cost-savings to the Executive Branch agencies – particularly the Department of Corrections – without compromising public safety.

With input from a task force led by Judge Anita Sukola and the experienced advice of one of the newest members of our management team, Chief Probation Officer Rossanna Villagomez-Aguon, we are confident that this system is the best use of resources to help our pre-trial efforts. It will give our judicial officers a tool to ensure that people on pre-trial release come back to court and meet the requirements set in preliminary hearings. This, in turn, will help our judges adjudicate their respective cases as quickly and smoothly as possible. We are hopeful that you will continue to support the operation of this system with adequate funding.

Another program I spoke to you about last year was the Working Interdisciplinary Network of Guardianship Stakeholders, or WINGS, which was initially a 2016 grant from the State Justice Institute that was completed in 2018. In July 2018, former Public Guardian John Weisenberger conducted a training program that was developed as part of the grant. Judge Elyze Iriarte now requires that all private guardians, within four months of being appointed as a guardian, attend the WINGS training, which is offered monthly by our current Public Guardian Marcy Santos. This effort ensures that all guardians, whether court-appointed or private, are provided with the training, resources, and support to better care for the elderly and vulnerable. By raising awareness of the pitfalls of the guardian-ward relationship, we hope to help reduce the incidence of abuse among the elderly and infirm.

In a similar vein, I am extremely happy to tell you about a program very near and dear to my heart, as a former juvenile and family court judge. I am so pleased that the Judiciary has initiated a Volunteer Guardian Ad Litem Program. This particular program is dear to me because it involves those members of our community who are the most vulnerable and generally the most underrepresented – our children. While Hillary Clinton may have brought to life the old saying that “it takes a village to raise a child,” in the justice system, it is the guardians ad litem who become the village. What I mean by this is that guardians ad litem are critical for making decisions about the welfare and best interests of our children and youth who are in our justice system.

I can tell you first-hand what an impact a guardian ad litem can have in helping the justice system support and protect the children who come before us. This program will seek vetted volunteers from all career fields to serve as advocates for children in the justice system, to include those abused, neglected, and even abandoned here in our island. I thank all those who have served as guardians ad litem, and I encourage anyone interested and willing to undertake this important role to contact the Judiciary. Let us all be the village that it takes to raise up the youth of our island.

When we as a court system view all those who come through our doors as individuals with distinct circumstances and needs; when we begin to see our roles as more than just adjudicating guilt or fault and we make the systemic changes to reflect that; when we understand that there are often complex situational, medical, or psychological triggers that lead some people into our courts – then I believe this is when we as a Judiciary rise up and live out our highest purpose.

This is why I am so proud of our therapeutic courts and the dedicated judges and staff who facilitate them. I would like to take the time to acknowledge and thank each of them: Presiding Judge Alberto Lamorena in our DWI Court and Re-entry Court; Judge Arthur Barcinas in our Mental Health Court; Judge Vern Perez in our Family Violence Court; Judge Maria Cenzone in our Veterans Treatment Court; Judge Anita Sukola in our Adult Drug Court; Judge Michael Bordallo in our Juvenile Drug Court; and Referee Linda Ingles in our Guam Family Recovery Court.

These courts are extremely time-intensive and require much commitment not only from the participants, but from the judges and staff as well. But seeing the positive, life-changing outcomes that result makes all the extra work worthwhile. So, thank you, judges and staff!

The reality is, however, that with the growing use of therapeutic approaches to adjudicating cases and the extra time and effort that comes with that, coupled with the fact that the judges assigned to these dockets still have their share of general jurisdiction cases, our current force of seven full-time judges is faced with daunting caseloads. And in the end, this often causes the wheels of justice to move a little slower than they should. This is why I ask and hope that you all will support the appointment of an eighth judge to the Superior Court of Guam.

Just three years ago, the Judiciary and stakeholders, including the Guam Bar Association, asked that this be done. We submitted draft legislation and budgets for the eighth judge, which fell on the cutting room floor of the legislative budget office. I know that this is a priority for many of you in this room, and that you understand how critical it is for us to gain further judicial officer support. An additional judge will tackle our complex caseload and help eliminate backlogs.

Having this additional judicial officer will complement and enhance the fulfillment of our core mission – to provide optimal service at the Guam Judicial Center and the Northern Court Satellite – service that is expeditious, effective, and efficient. I thank Governor Leon Guerrero for her concurrence with our determination that an additional judge is necessary. I look forward to the transmittal of her nomination and ask that the Legislature act upon it in short order.

I mentioned at the outset how grateful I am for the exceptional group of individuals whom I am happy to call my Judiciary family. They have helped us to keep the wheels of justice moving, even through some bleak economic times when budgetary shortfalls have threatened our operations. We, in turn, have taken very seriously our need to support our workforce in any way we can. We have offered a whole host of training and educational opportunities, career enhancement programs, and talent management programs. Our efforts in furthering education within the Judiciary have been steered largely by Justice Philip Carbullido, and so we thank him

for the many wonderful programs that have been instituted. But we recognize that, sometimes, our employees may need a different kind of support other than professional education and training. Oftentimes, employees are dealing with stressors or other issues that are hindering not only their work productivity but their lives.

This is why I am so proud that we are implementing the first-ever Employee Assistance Program, or EAP. This is a voluntary, confidential referral program open to all Judiciary employees, and it aims to help individuals navigate various life challenges that may adversely affect their job performance, overall health, and personal well-being. I have always believed that supporting our workforce will ultimately optimize the overall success of the Judiciary. In its initial stage of implementation, the EAP aims to assist Judiciary employees by providing healthy lifestyle options, a network of supportive services or referrals for families, a program to work through general work concerns, and substance abuse education and referrals. We are hopeful that this program will expand in the months and years to come, ensuring all employees feel acknowledged and supported by the Judiciary.

So yes, there are many positive things happening in our branch – new projects and initiatives that are taking root, and long-standing programs that are continuing to reap many rewards. Last October, for instance, I announced the launch of the Civil Justice Reform Initiative. The initiative included the recruitment of a Civil Case Manager and the establishment of a Civil Case Management Team, or CCMT, following recommendations from the Civil Justice Improvements Committee.

A new Case Information Sheet was also implemented to assure full statistical representation of the types of civil cases filed in the Superior Court. More than 100 civil and domestic cases were identified to be part of the pilot of cases for the initiative. The Subcommittee on the Rules of Civil Procedure and Rules Revisions reconvened and continues to work on reviewing and revising current rules. Within just a few short months of the launch of the initiative, the CCMT has already seen progress in the timely resolution of the piloted cases.

Also, by the end of last year, we were able to complete all that we set out to accomplish in our strategic plan launched in 2016 – an effort that we will begin again later this year to chart our course for the next three to five years. The improvements that came from strategically planning our progress were significant. Our process of self-evaluation and our vision for the future was met with positive and lasting change. Employees, court users, attorneys and court partners will once again be surveyed to assess how we have improved over the last three years and where we are headed in the years ahead. We expect new initiatives from this process. We look to this input to help us provide justice in a way that is effective, efficient, and accessible to our people.

The Judicial Council and I were also busy this past year approving our Equal Employment Opportunity Policy for our staff and judicial officers, working with the Department of Revenue and Taxation to implement a tax refund offset program related to past due legally enforceable debts owed by taxpayers, and approving our organization's disability accommodation policies. We are also finalizing our court personnel rules and regulations and updating our code of conduct.

And we could not highlight 2018 without taking an opportunity to commend Justice Robert Torres, who was installed as President of the American Judges Association. The AJA is the largest judges' organization in North America, representing all levels of courts and jurisdictions in the United States, Canada, Mexico, Puerto Rico, the Virgin Islands, and Guam. Also in 2018, Presiding Judge Alberto Lamorena, III, celebrated 30 years on the bench. Presiding Judge Lamorena was appointed to the Superior Court in 1988, following five terms as a Senator in the Guam Legislature and a decade in private practice. Congratulations, Justice Torres, and thank you, Presiding Judge Lamorena, for your service and continued support of our Branch and for advocating our role throughout this community.

While there are most definitely a number of positive things to report to you with regard to our branch, in all honesty, there is so much more that could be done but for the lack of resources we have had at our disposal. I understand as acutely as all of you that our work is largely hinged on the state of our government finances and how big a share of the pie we can get. We assemble here at a moment when everyone's attention is focused on the economy and its effects on the

GovGuam budget. It is never easy, and it is often frustrating, to be a government leader during times like these. Challenging as the budget task is, however, I have found it encouraging that so many have recognized that hammering out a fiscal year budget is just part of a larger question, which is how can Guam organize itself so that we will not be so vulnerable to shifts in the national and regional economies in the future.

This requires both a special kind of ingenuity about what Guam can achieve and the discipline to move us in that direction. Dealing with this larger challenge is mainly a job for the Legislature and the Governor and other Executive Branch agencies. But I want you to know that the Judiciary will always do our part to make Guam stronger and more stable as we forge into the future. As we gather here today to share our plans and progress, we use this platform as the first step in an important process. Today, I submitted our Fiscal Year 2020 budget as mandated by law. Our Judicial Council took all input from the administration of the courts and presented the budget as our plan for growth in the years to come. The submission of our request of \$35.9 Million is a reflection of less than five percent of the total government of Guam budget.

Governor Leon Guerrero, we all watched and listened with great interest to your policy speech here in this hall several weeks ago. Our interests of public service are shared. We believe that based on your revenue projections, our request stems the tide of three consecutive years of declining budgets, as we are seeing workforce reductions due primarily to retirement and a growing demand on the services the court provides. Our budget seeks a very conservative increase to take on the growing cost of delivering our services at our courthouses here in Hagåtña and in Dededo. The funding will support our therapeutic courts and court appointed attorneys, the Alternate Public Defender, an eighth judge, and the full implementation of our Electronic Monitoring program.

The Judiciary has always been transparent and accountable to you when it comes to how we manage our resources. While we must protect judicial independence in the exercise of our adjudicative function of this government, we will always responsibly seek, use, and account for all the public resources given to us. I trust that you all recognize the vital role that our branch plays in protecting the liberties and rights of our people and, indeed, in protecting the very



framework of our government, where we live according to the rule of law and not the rule of man.

Today, May 1, happens to be Law Day – the day set aside to reflect on and celebrate the rule of law. This year’s theme – “Evolving Liberty: Guam 75 Years Later” – harkens back to a time in our island when so many of our people discovered harshly and grimly what it is like to live without the rule of law. This year marks the 75th anniversary of the liberation of Guam from Japanese forces during World War II. Though they may be dwindling in numbers, there are still some alive today who can vividly recall that tragic time in our island’s history.

Dwight Eisenhower once said, “The clearest way to show what the rule of law means to us in everyday life is to recall what has happened when there is no rule of law.” Thankfully, many of the stories of the Occupation have been recounted and recorded, for how true it is that in recognizing what life was like without the rule of law, we are able to fully appreciate what it means to live as we do today. Free speech; Free press; Free society; Property rights; Liberty; Life: Guam’s people were stripped of all these during those terrible 31 months from 1941 to 1944. Today, let us collectively and in our respective branches do all we can to protect and celebrate the rule of law, and never take for granted the freedoms we enjoy.

Before I close, I would like to share how humbled and gratified I am to have had this opportunity to serve our branch and the people of Guam not just as their Chief Justice, but as the first woman to hold this position. Believe me, the significance of this distinction has never left my mind. When I was installed into this position in January of 2017, I stated in my remarks that I hope for the day when there will have been so many women in these government positions that we no longer can name them or count them on both hands. And here we are, just two years later. I stand here delivering this address before a Legislature not only led by a woman Speaker but comprised of ten women senators. And while that alone is remarkable and unprecedented, I also stand here before our first woman Governor.

My predecessors and I have often referred to our fellow branches of government as “sister branches.” Well, with all three branches of government now led by women, sister

branches we certainly are! Let us come together as a unified government, and use our shared leadership to independently and collectively respond to the needs of all our people.

Ladies and gentlemen, and especially my court family, it has been an honor to serve you as Chief Justice. In the eight months that remain of my term, I will continue to commit myself to doing all I can to strengthen and support the work of the courts in all respects. I thank my brothers and sisters on the bench, my management team, and all our Judiciary employees for your dedication and support, your advice and input, and your shared commitment to advancing the work of our courts. Working alongside all of you has been among the greatest privileges of my life.

Thank you and Si Yu'os Ma'åse.