



# State of the Judiciary Address

The Honorable Robert J. Torres

Chief Justice

Judiciary of Guam

May 1, 2024



**Supreme Court of Guam**

Chief Justice Robert J. Torres, Jr.

Associate Justice F. Philip Carbullido

Associate Justice Katherine A. Maraman

**Superior Court of Guam**

Presiding Judge Alberto C. Lamorena III

Judge Arthur R. Barcinas

Judge Vernon P. Perez

Judge Maria Teresa B. Cenzone

Judge Elyze M. Iriarte

Judge Dana A. Gutierrez

Judge Alberto E. Tolentino

Judge John C. Terlaje

**Guam Judicial Officers**

Magistrate Judge Benjamin C. Sison, Jr.

Magistrate Judge Jonathan R. Quan

Family Court Referee Linda L. Ingles

Administrative Hearings Officer Kristina L. Baird

## **Introductory Thoughts**

Governor Leon Guerrero, Lt. Governor Tenorio, Speaker Terlaje, esteemed members of the 37<sup>th</sup> Guam Legislature, my brothers and sisters on the bench, distinguished colleagues and guests, including Chief Justice Jayson Robert from the Supreme Court of Chuuk, my wife Mary, family and friends, judiciary employees, and everyone gathered with us today—thank you for the opportunity to speak with you on the State of our Judiciary.

Sixty-six years ago, President Eisenhower proclaimed May 1<sup>st</sup> as Law Day...a day dedicated to honoring the rule of law in our society.

Shaped by the rigors of war, Eisenhower recognized the dangers of a world without order...a world where freedom and democracy gave way to the perils of populism.

“If civilization is to survive...” he declared, “it must choose the rule of law.”

Today I address you with a message driven by the same sense of urgency.

Our Judiciary’s mission is clear: to deliver justice—fairly, efficiently, and with accessibility for all. To do this, judges across our courts handle a wide array of cases, from everyday traffic violations to the most violent of offenses. Each decision impacts lives deeply—some, forever. But despite the complexity of the law, its core remains the same: to protect the rights and freedoms essential to our democracy.

For democracy to thrive, the public must have confidence that our courts will deliver equal justice...that rulings will be independent and fair-minded—untouched by the ebbs and flows of public opinion.

Our judges must remain impartial arbiters of the law...our branch, firmly independent.

Yet, we find ourselves at a critical juncture—where the very principles underpinning the Judiciary are under siege.

Across the globe, judges are increasingly targeted by those dissatisfied with their decisions, and Guam is no exception. More than ever, judicial officers are pressured to bend to the whims of popular sentiment instead of the laws they swore to uphold. Our island has experienced a rise in threatening rhetoric and attacks, mirroring a national surge in hostility toward the judicial branch.

These attempts to interfere with our courts jeopardize not only our independence but the very fabric of democratic governance.

This isn’t about protecting an institution. It’s about preserving our democratic ideals.

Ladies and Gentlemen, the state of our Judiciary demands that we defend Guam’s democracy—and we must do it together.

While tradition usually calls for listing our branch’s achievements—and there are many—my aim today is different.

Instead, I want to focus on the important work ahead of us and why we need the support of our fellow branches to truly serve our people.

## **Public Access and Transparency**

One of the ways we're democratizing justice is by broadening access to it.

### Technological Updates

That's why the Judiciary has been actively upgrading its technology to better serve all court patrons, especially those representing themselves.

Our new eCourt system, to be launched later this year, will centralize case information and enable virtual public access, eliminating the need for in-person visits to obtain court documents. Both the Superior and Supreme Courts will benefit from this streamlined process, which promises more timely judicial outcomes.

Additionally, we're introducing eSupervision, a digital probation system to enhance case management. This system will improve compliance monitoring and reduce administrative burdens, enabling probation officers to dedicate more time to client support rather than paperwork.

Digital evidence management will also play a greater role in court proceedings—allowing for the organization, sharing, and presentation of digital exhibits from a single, secure platform. In a world that is now inundated with digital content, this system will improve our courts' productivity by efficiently categorizing evidence. The structure is in place, training for litigants is underway, and we'll be fully operational later this summer.

Finally, one of our most impactful initiatives is the Mobile Protective Orders project, which will be procured in the coming months. This initiative will help individuals file their protective orders online through a series of simple questions, eliminating the need to visit a courthouse.

In every step we take, our aim is to make justice as accessible as possible, but we recognize that these digital platforms mean little if you don't have access to the internet. In response, we've partnered with the Office of Infrastructure Policy and Development to expand broadband across the island.

As an 'anchor institution' under Guam's Five-Year Action Plan, our goal is to ensure that everyone can access high-speed internet for justice-related needs, and we look forward to continuing to work with the executive branch to help close the island's digital divide.

Alongside these advances, we are committed to enhancing public understanding of the legal system. Almost every week, judiciary employees are presenting at a career day, conducting a school tour, or hosting aspiring attorneys. With the arrival of Law Month, there will be even more opportunities for public outreach.

Our efforts educate, encourage and inspire the next generation of leaders through a greater understanding of and participation in our democracy. Justices Sotomayor and Gorsuch as well as other national leaders recognize such educational efforts are an essential part of our national security—because sustaining our democracy begins with understanding our obligation to be informed citizens.

### Publicizing Performance Measures

Last year, I talked about the power of data in making smart decisions. It's been wisely said that "without data, you're just another person with an opinion." And it's true. Without clear facts,

decisions can be easily swayed by gut feelings or popular myths, leading us down the wrong path.

With this in mind, at the start of my third term as Chief Justice, I asked our probation services division to monitor our performance of the pretrial system.

There's a common but flawed narrative that justice is a revolving door—with too many repeat offenders released back on the streets. It's a concern rooted in a natural desire for safety—a desire we all share and take very seriously.

But while everyone is entitled to their own opinion, no one is entitled to their own facts—and the facts tell us a different story than the popular narrative.

For all active pretrial cases released in the community since January of 2023,

- 93% of defendants were NOT arrested for a new crime,
- 97% were NOT arrested for a violent crime, and
- nearly 80% showed up for their court dates without any warrants being issued for missing them.

This doesn't mean that our system is perfect—or that we shouldn't pursue justice for every single victim of crime. But it does prove that an overwhelming majority of people in the system are abiding by the law and trying to do right.

It also points to a larger issue.

Many who fail to meet their court-imposed conditions—like checking in with their probation officer—often face barriers, such as a lack of transportation or means of communication. These failures are not re-offenses but technical violations, and they should be cues for us as a community to provide support.

If we want a truly safer island, we should be eager to aid their success, not penalize their struggles.

Let's not give up on them just yet.

### **Problem Solving Initiatives**

That's why we invest so much in treatment courts. They aim to tell the full story.

#### **Treatment Courts**

Day in and day out, our courts are filled with people struggling with substance misuse, mental health disorders, or both.

These issues don't just appear in court by chance. They reflect deeper problems we face as a society. And while our courts are here to judge fairly, the underlying complexities often require us to do more than simply decide cases.

We know that a person stepping back into society without an ID card is almost always going to fail...so our Adult Reentry Court worked with the Department of Revenue and Taxation to ensure that clients receive the identification they need.

We know that when a person faces the risk of relapse, the first number they should call is a trusted ally...so our Drug Court provides peer recovery to build a community around each participant.

And we know that despite our best efforts to collaborate on treatment, resources on our small island can be scarce....so the Judiciary included both a mental health coordinator and a judicial therapist in this year's budget request.

By taking on these challenges, our treatment courts are doing more than moving cases. We're solving problems together.

Recognizing a shortfall in treatment referrals, our judges worked to expand participation across our courts. Even the Attorney General recognizes the value of treatment and has referred more cases than ever before. We've seen an 80% increase in the number of individuals served by our treatment courts in 2023. And the Guam Family Recovery Program has served 115 children, aiming to safely reunite them with their parents.

But this isn't just about telling the full story; it's about being part of a better ending.

That's where Mark comes in.

Mark's life took a downward turn the day he was arrested for possession of methamphetamine. This low point steered him toward our Adult Drug Court Program, marking the beginning of his transformation.

According to Mark, ADC gave him the direction he needed to hold him accountable.

Embracing the support he found in the program, he began to live each day with a renewed sense of purpose and commitment. His journey led him to a career at the Guam Behavioral Health and Wellness Center's Drug and Alcohol Department, where he now thrives as a Peer Specialist, guiding others like him through their darkest hours.

Mark's days are filled with meaningful work, volunteering, and attending self-help meetings, anchoring his life in the belief that connection is the true antidote to addiction. His life is a powerful testament to the truth that we CAN recover, we CAN thrive, and each day holds the promise of a new beginning.

Please join me in applauding Mark Anthony Gogue, who's with us here today.

There are many other stories like Mark's. People like Jeremiah Santos who now works in the mental health field or Valerie Reyes, who leads the Lighthouse Recovery Center.

These individuals were addicts, but they recovered. They exemplify all that is good in our justice system, but that's not where our efforts should end.

### Juvenile Justice Reform

The true test of our ideals, and how well we live up to them, is in our youth.

Every day, we see children affected by abuse or neglect, many lingering in the system for years.

In 2023, our Juvenile Probation office reported a near 30% increase in cases compared to the year prior. In response to this urgent need, we re-convened the Juvenile Justice Reform

Collaborative, an initiative that took place in 2014, during my previous tenure as Chief Justice and when the Lt. Governor served as the Administrator of the Courts.

This is a collective effort, involving five subcommittees that will pull in expertise from across the government spectrum—including the Department of Youth Affairs, Child Protective Services, the Guam Department of Education, Guam Behavioral Health, and *I Liheslaturan Guåhan*.

Led by a juvenile judge, these groups focus on:

- Dual Status Youth,
- Data Collection and Sharing,
- Statutory and Rule Changes,
- Juvenile Referral Process and Detention, and
- Family Engagement and Community Resources.

Our mission is clear: cut off the pipeline to adult crime and help our youth graduate from high school, not DOC.

This is our commitment to their future.

### **An Independent Judiciary**

This July, the Judiciary will be marking a new milestone: the 50th Anniversary of Guam’s Court Reorganization Act. This landmark act laid the foundation for our independence through the establishment of our Superior Court and Supreme Court.

In celebration, we are hosting a series of events for the community to look forward to, including a history of the Guam courts, a ceremonial ribbon cutting of the Guam Historic Courthouse, and Continuing Legal Education sessions.

Joining us for this momentous occasion will be Chief Justices and judges from the U.S. and across the region, including two distinguished guests from the Philippines Supreme Court, Chief Justice Alexander Gesmundo and Justice Jose Midas Marquez.

Our partnership with the Philippines has brought mutual benefits to judicial innovation and training. Through these personal connections, we will be able to access their resources and relationships with global companies, resulting in more cost-effective technology and training solutions for our branch.

Of course, this year’s milestone would not be possible without the men and women who make the branch run. Every day, they work diligently to maintain the integrity of one of our most critical institutions—and without them, we would not have achieved these 50 years.

Thank you to our court employees: you are the heart, the soul, and the backbone of our branch.

### **Hostisia Award**

Each year, we pay tribute to those who've gone above and beyond to advance the cause of justice.

The Hostisia Award—now spelled with an “o” after consulting *Kumision I Fino' CHamoru*—recognizes individuals who have promoted respect for the law, encouraged civic responsibility, and devoted their time and talents to serving the people of Guam.

This year, we posthumously recognize the Honorable Joaquin C. Perez.

Judge Perez served as the first Chief Justice of the Supreme Court of Guam, but his distinguished career also included roles as the first Presiding Judge of the Superior Court, Chief Judge of the Island Court, a Trust Territory High Court Judge, and a senator in the First Guam Legislature.

The Judiciary celebrates Judge Perez’s contributions and extends our congratulations to his family. Our island is a better place because of his service.

### Judicial Security

Judge Perez’s legacy helped cement the Judiciary as a separate branch of government. But true independence means more than separation—it demands security and sustainable support.

Our judges and judicial officers take on roles of immense responsibility, making decisions that deeply affect our society. Their safety is paramount—not just for them but for the principle of justice itself.

Sadly, we’ve seen what can happen when that safety is compromised, with judges and their families across the world facing an unprecedented wave of threats and, even violence, for simply doing their jobs.

According to the U.S. Marshals Service, serious threats and acts of violence against judges across the nation have DOUBLED in the last three years, including a Guam-born judge who was killed last October at his home after he ruled against the suspect in a child custody case.

Judges are not politicians. Their role is to interpret and apply the law impartially, not to yield to external pressures or popular opinion. Yet, the blurred lines between judicial duty and dogmatic interests place our judges and their families in vulnerable positions.

That’s why we’re grateful to Vice Speaker Muña Barnes and senators on both sides of the aisle for introducing Bill 291, which will provide statutory protections for judicial officers and their families so they can perform their duties without fear of retaliation or harm.

### Sustainable Funding

Sustainable funding is equally critical for an independent judicial branch.

Thanks to the Legislature, we received a healthy appropriation last year—giving us a head start on our most enterprising initiatives.

But we’ve also seen the tangible effects of underfunding—struggles to maintain operations, to innovate, and to provide the comprehensive services our community relies on.

Our courts have also grown, taking on more responsibilities, serving more people, and often taking the lead where no one else would.

At the recommendation of Public Auditor and former Chief Justice Benjamin Cruz.....a bipartisan group of lawmakers, led by Senator San Agustin, the Vice Speaker, Senator Blas,



and Senator Duenas introduced Bill 292 to allocate a stable percentage of government revenues to the Judiciary.

I would also like to thank Senator San Nicolas, Senator Quinata, Senator Shelton, and Senator Parkinson for cosponsoring this measure.

This bill will recognize the Judiciary's role as a co-equal and independent branch of government.

### Strategic Plan

This measure isn't just about shielding us from political uncertainties—it's an investment in a fair and just system for everyone.

Our push for this crucial funding ties directly into our NEW Strategic Plan launching today, a plan that promises to transform our judiciary through four pillars of justice.

First, we're focusing on improving our court operations and services. Funding here will allow us to adopt some of the initiatives we discussed earlier that streamline processes and make our services more accessible to the public.

Second, we are dedicated to increasing public trust and confidence through initiatives that promote transparency with the community. Your financial support will enable us to implement more outreach programs and community engagement that bridge the gap between the judiciary and the people we serve.

Next, we're embracing and enhancing technology. As the world changes, so must our courts. By integrating cutting-edge technology, we guarantee that our systems are efficient and adaptable, ready to meet the challenges of not only today but tomorrow.

Finally, we're promoting a wellness driven workforce. Last year, with your support, we were able to maintain our skilled workforce by providing compensation based on external competitiveness and internal equity. Now, we want to further enhance recruitment and retention efforts—ensuring our courts operate at their best.

By backing Bill 292, you're not just funding a budget line—you're supporting a vision. A model of judicial excellence that is trusted, innovative, and independent.

### **Concluding Thoughts**

The rule of law is a balancing force, where every individual is heard equally, whether they have five or five million dollars in the bank.

That's what makes what we do so important.

The true value of judicial independence lies not in its benefit to the court or our judges but in its promise to the people...ensuring that everyone who seeks justice does so on equal footing, confident in the impartiality of the court.

But while the Judiciary must stand independent, we cannot succeed in isolation.

Justice requires collaboration. A system guided by facts, instead of fear. A system that strengthens families, prioritizes treatment over mere punishment, and focuses on restoring our people.

Our predecessors shared this belief and built a democracy that reflected these ideals. Despite half a century of challenges, our commitment to justice has never faltered. Your commitment to serving the public has never ceased.

We have succeeded in the past; surely, we can do it again.

If we work together. If we remember our purpose. There is nothing...nothing...we can't achieve for our people.

*Un Dangkulo na si Yu'os Ma'ase', Maraming salamat po,* and thank you for listening.