

1992
STATE OF THE JUDICIARY
PRESENTED BY
HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE
SUPERIOR COURT OF GUAM

MAY 1, 1992
5:00 P.M.
STATE SESSION HALL
21ST GUAM LEGISLATURE

SPEAKER JOE T. SAN AGUSTIN, GOVERNOR JOSEPH ADA, LT. GOVERNOR FRANK BLAS, CONGRESSMAN BEN BLAZ, MEMBERS OF THE 21ST GUAM LEGISLATURE, JUDGES OF THE SUPERIOR COURT OF GUAM, MAYOR TITO MANTANONA, MAYORS OF THE VARIOUS MUNICIPALITIES OF GUAM, MEMBERS OF THE JUDICIAL COUNCIL MEMBERS OF THE COUNSELOR CORP, STAFF OF THE SUPERIOR COURT, DISTINGUISHED GUESTS, LADIES AND GENTLEMEN.

IT IS WITH GREAT HONOR AND PLEASURE THAT I STAND BEFORE YOU ON THIS AUSPICIOUS OCCASION TO DELIVER MY FIFTH STATE OF THE TERRITORY JUDICIAL ADDRESS. DURING MY TENURE THE JUDICIARY HAS CONTINUED TO REAFFIRM ITS COMMITMENT TO THE PEOPLE OF OUR TERRITORY - THE PRINCIPLE OF EQUAL JUSTICE FOR ALL.

IN PURSUING THIS GOAL, THE MEN AND WOMEN OF THE SUPERIOR COURT ARE DEDICATED IN MAINTAINING AN EFFECTIVE AND JUST COURT SYSTEM THAT IS EASILY ACCESSIBLE TO ALL OF OUR CITIZENS.

ON SEPTEMBER 26TH 1991, THE GROUNDBREAKING CEREMONY FOR THE NEW GUAM JUDICIAL CENTER WAS OFFICIALLY HELD. IT WAS ATTENDED BY LOCAL AND OFF-ISLAND DIGNITARIES INCLUDING THE CHIEF JUSTICES AND JUDGES FROM THE COMMONWEALTH OF THE NORTHERN MARIANAS, FEDERATED STATES OF MICRONESIA, BELAU AND REPUBLIC OF THE MARSHALLS. OVER 2,500 CITIZENS TOURED THE CENTER DURING THE 2-DAY OPEN HOUSE WITH THE EMPLOYEES OF THE COURT ACTING AS TOUR GUIDES.

FOR THE FIRST TIME THE COURTS OF TRAFFIC, FAMILY AND GENERAL JURISDICTION AND THE OFFICE OF THE ATTORNEY GENERAL ARE IN ONE

BUILDING. FOR THE FIRST TIME THE OFFICES OF THE GUAM BAR ASSOCIATION IS ALSO LOCATED IN THE JUDICIAL CENTER.

BY THE END OF THE MONTH, THE PUBLIC DEFENDER AND THE COURT'S PROBATION OFFICE WILL RELOCATE TO THE NEWLY RENOVATED AGANA COURTHOUSE, ADJACENT TO THE JUDICIAL CENTER. THE COORDINATION OF CERTAIN OUTREACH AND IN-HOUSE PROGRAMS WILL BE IMPROVED SIMPLY BY THE CLOSE PROXIMITY OF THE COURTS, THE ATTORNEY GENERAL'S AND THE PUBLIC DEFENDER'S OFFICES.

NINE MONTHS LATER - AS WE CONTINUE TO ADJUST TO OUR NEW ENVIRONMENT - I AM PROUD TO SAY THAT THE GUAM JUDICIAL CENTER IS AN INVESTMENT THAT WILL CONTINUE TO ENHANCE THE MINISTERING OF JUSTICE IN THE FUTURE, AND ACCOMMODATE THE NEEDS OF OUR TERRITORY AS IT TRIES TO ADJUDICATE AN INCREASING CASELOAD.

COPIES OF THE FIRST EDITION OF THE COURT'S HISTORY, ENTITLED "JUSTICE ON GUAM - A HISTORICAL REVIEW", HAVE BEEN DISTRIBUTED TO EACH OF YOU. THIS BOOKLET CONTAINS THE STORY OF THE EVOLUTION OF JUSTICE ON OUR ISLAND -- FROM THE CHAMORRO ERA, THROUGH THE SPANISH COURTS, TO THE EARLY AMERICAN COURT SYSTEM UP TO THE PRESENT DAY. PUT TOGETHER WITH COOPERATION FROM THE MICRONESIA AREA RESEARCH CENTER, THIS BOOKLET IS THE FIRST COMPREHENSIVE REVIEW OF THE COURTS TO HAVE EVER BEEN PUBLISHED. WE HAVE FORWARDED COPIES TO THE DEPARTMENT OF EDUCATION, THE GUAM LIBRARY, THE UNIVERSITY OF GUAM AND THE GUAM COMMUNITY COLLEGE AS A SUPPLEMENT IN THE HISTORY OF GUAM STUDIES.

THIS IS PART OF THE SUPERIOR COURT OF GUAM'S COMMITMENT TO PRESERVING THE HERITAGE AND CULTURE OF OUR ISLAND IN RELATIONSHIP TO OUR BRANCH. OUR RECENT ENCASING AND TRANSLATION OF THE 214 YEAR OLD SPANISH COURT DOCUMENT AND THE PROPOSED COURT MUSEUM ARE ONLY SOME OF THE COURT'S HISTORICAL PRESERVATION PROJECTS. AS WE MOVE ON IN OUR QUEST FOR COMMONWEALTH, IT IS ONLY RIGHT THAT WE REFLECT ON THE ROAD WE HAVE TRAVELED, AND PRESERVE THE HERITAGE THAT IS OURS. WE HOPE THAT YOU ENJOY IT.

AS PART OF OUR COMMUNITY OUTREACH, THE COURT, IN CONJUNCTION WITH THE GUAM BAR ASSOCIATION, HELD THE ANNUAL LAW DAY ACTIVITIES TODAY AT THE GUAM JUDICIAL CENTER. THROUGH PROCLAMATION FROM THE GOVERNOR OF GUAM AND RESOLUTION FROM THE LEGISLATURE, THIS YEAR'S LAW DAY WAS A ROUSING SUCCESS. THIS YEAR'S THEME WAS "STRUGGLE FOR JUSTICE". THE SWEARING IN OF EIGHT NEW ATTORNEYS, TOURS INVOLVING OVER 500 STUDENTS, THE OPENING OF THE GUAM BAR OFFICES ON THE SECOND FLOOR AND THE PRESENTATION OF THE GUAM HIGH SCHOOL MOCK TRIAL AWARDS WERE SOME OF TODAY'S HIGHLIGHT EVENTS.

THE COURT CONTINUES TO SUPPORT THE GUAM HIGH SCHOOL MOCK TRIAL COMPETITION SPONSORED IN CONJUNCTION WITH THE DEPARTMENT OF EDUCATION. THE GUAM BAR ASSOCIATION HAS RECENTLY AGREED TO JOIN US IN OFFICIALLY SPONSORING THESE EVENTS. I WOULD LIKE TO THANK ALL THE ATTORNEYS WHO VOLUNTEERED AS COACHES AND JUDGES, CONTRIBUTING COUNTLESS HOURS TO THE PROGRAM. TEN HIGH SCHOOLS COMPETED THIS YEAR, INVOLVING OVER 130 STUDENTS. I CONGRATULATE ALL THE STUDENT PARTICIPANTS AND THE CHAMPIONSHIP TEAM, OCEANVIEW HIGH SCHOOL, AND EXTEND MY BEST WISHES AS THEY COMPETE IN THE

UPCOMING U.S.NATIONAL CHAMPIONSHIPS IN MADISON, WISCONSIN THIS MONTH.

THE COURT HAS COMMENCED THE FIRST PHASE OF THE IMPLEMENTATION OF OUR AUTOMATION SYSTEM, WITH THE ACTUAL INTEGRATION OF THE CENTRALIZED COMPUTER SYSTEM OCCURRING WITHIN THE NEXT SIX MONTHS. TECHNOLOGICAL SUPERIORITY HAS BECOME A SYMBOL OF A SUCCESSFUL COURT SYSTEM.

THE GOALS WE HOPE TO ACCOMPLISH BY THIS SYSTEM ARE TO REDUCE THE NUMBER OF TASKS AND PERSONNEL ALLOTTED TO THESE TASKS; TO MINIMIZE MANUAL PROCESSING; TO REDUCE MISFILING AND FILE STORAGE SPACE; TO IMPROVE AND PROVIDE ACCESS TO ALL USERS OF COURT DOCUMENTS AND, OVERALL, TO IMPROVE CUSTOMER SERVICES.

IN ORDER TO EFFECTIVELY AND EFFICIENTLY ADMINISTER JUSTICE IN OUR COURTS OUR EMPLOYEES MUST BE MOTIVATED AND CONFIDENT IN COMPETENTLY PERFORMING THEIR RESPECTIVE DUTIES AND RESPONSIBILITIES. SINCE I HAVE BEEN PRESIDING JUDGE THE COURT HAS STRESSED CONTINUING EDUCATION, CREATING PROGRAMS FOR ALL OF ITS EMPLOYEES. THIS YEAR EIGHT (8) EMPLOYEES ARE ENROLLED IN THE PEDRO SANCHEZ SCHOLARSHIP PROGRAM WITH SEVEN (7) MORE INTENDING TO ENROLL IN THE UPCOMING SEMESTER. ANOTHER PROGRAM AVAILABLE TO EMPLOYEES IS THE COURT CAREER ENHANCEMENT PROGRAM WHICH ALLOWS INDIVIDUALS TO TAKE ONE COURSE CLOSELY RELATED TO THEIR POSITION. WE HAVE ALSO WORKED WITH OTHER DEPARTMENTS IN GOVGUAM. IN CONJUNCTION WITH THE DEPARTMENT OF ADMINISTRATION TRAINING AND

DEVELOPMENT AND CONSOLIDATED PERSONNEL OFFICE, EIGHTY-EIGHT (88) EMPLOYEES HAVE ATTENDED AND COMPLETED THE WORKSHOP FOR EMPLOYEES ORIENTATION TO ADVANCE SUPERVISORY. THE GUAM POLICE DEPARTMENT PROVIDED FIELD ARREST TRAINING FOR OUR PROBATION OFFICERS, AND OUR MARSHALLS HAVE CONTINUED TO ATTEND THE POLICE ACADEMY AT GCC, AS WELL AS THE FUGITIVE INVESTIGATIVE COURSES AT GLYNCO, GEORGIA.

IN ADDITION TO UPGRADING OUR EMPLOYEES WORK SKILLS, OUR COURT AWARDS PROGRAM RECOGNIZES THEIR SERVICE AND ACHIEVEMENT, WHILE HONORING THEIR DEDICATION TO THE COURT.

THE THIRD ANNUAL SUPERIOR COURT EMPLOYEE AWARDS PROGRAM FOR 1992 WAS CHAIRED BY JUDGE JOAQUIN V.E. MANIBUSAN. THIS PROGRAM IS DESIGNED TO RECOGNIZE AND COMMEND EMPLOYEES OF THE COURT FOR THEIR DEDICATION, LOYALTY, AND CONTRIBUTION TO THE JUDICIAL SYSTEM. THIS YEAR'S AWARD CATEGORIES INCLUDE: DIVISIONS EMPLOYEES OF THE YEAR, PUBLIC SERVICE EXCELLENCE AWARD, OUTSTANDING PERFORMANCE EVALUATIONS, COURT SERVICE AWARDS, AND THE COURT EMPLOYEE OF THE YEAR.

IN 1991, THE CASELOAD OF OUR JUDGES ROSE 12% OVERALL WITH 9,838 CASES FILED WITH THE COURTS AND MINISTERIAL DIVISION. THE 1,640 CASES PER JUDGE IS 10% ABOVE THE NATIONAL AVERAGE CASELOAD OF OUR COUNTERPARTS IN THE REST OF THE NATION.

IN TRAFFIC COURT 39,872 TRAFFIC VIOLATIONS WERE FILED AND \$1,517,223 IN TRAFFIC FINES WERE COLLECTED. AS A RESULT OF THE HIGH VOLUME OF TRAFFIC VIOLATIONS, THE TRAFFIC COURT WILL BE THE FIRST PHASE IN IMPLEMENTATION OF OUR COURT AUTOMATION SYSTEM.

305 PROBATE CASES WERE FILED - A DECLINE OF 14% FROM LAST YEAR. DOMESTIC CASES FELL BY 23%; FROM 1,509 CASES IN 1990 TO 1,272 IN 1991, AND CHILD SUPPORT CASES FELL FROM 1,689 CASES TO 1,308 FILED THIS YEAR. PURSUANT TO PUBLIC LAW 20-170, THE COURT IS NOW IN THE PROCESS OF RETAINING AN ADMINISTRATIVE HEARING OFFICER TO PRESIDE OVER CHILD SUPPORT CASES. HOPEFULLY THIS WILL ALLEVIATE THE CASELOAD OF OUR JUDGES WHO CAN THEN CONCENTRATE ON OTHER CASES.

THE MOST DRAMATIC INCREASE HAS BEEN IN THE CRIMINAL CASELOAD. FELONY CASES HAVE INCREASED FROM 214 TO 269 OR A 26% INCREASE FROM 1990. CRIMINAL MISDEMEANOR CASES HAVE INCREASED FROM 747 CASES TO 1,302 - AN INCREASE OF 74%. THERE WERE 35 JURY TRIALS AND 62 BENCH TRIALS AND 88 GRAND JURY SESSIONS. 2,959 JURORS APPEARED FOR SELECTION IN PETITE JURY TRIALS AND 1,714 JURORS APPEARED FOR GRAND JURY SELECTION. THE COURT ALSO COLLECTED OVER \$410,907 IN CRIMINAL FINES.

THIS INCREASE CAN BE ATTRIBUTED TO THE RIGOROUS ENFORCEMENT OF OUR LAWS BY THE GUAM POLICE DEPARTMENT AND VIGOROUS PROSECUTION OF CRIME BY THE ATTORNEY GENERAL. THE LARGEST NUMBER OF FELONIES FILED WERE AGGRAVATED ASSAULT, TERRORIZING, THEFT, BURGLARY, POSSESSION OF A FIREARM WITHOUT A REGISTERED IDENTIFICATION CARD

AND CRIMINAL SEXUAL CONDUCT. MANY OF THE AGGRAVATED ASSAULTS AND TERRORIZING ARE THE RESULT OF INDIVIDUALS WHO ASSAULT OR THREATEN ANOTHER INDIVIDUAL. INITIALLY MANY OF THESE INCIDENCES BEGIN BY OBSESSIVE STALKERS WHO HARASS OTHERS BY FOLLOWING THEM ALMOST ANYWHERE OR MAKING INTIMIDATING PHONE CALLS OR OTHER GESTURES.

ALTHOUGH THE COURT MAY ISSUE TEMPORARY RESTRAINING ORDERS, MORE OFTEN THAN NOT, IT IS DIFFICULT TO ENFORCE. PERSONS WHO STALK MAY BE ARRESTED FOR HARASSMENT, MISDEMEANOR ASSAULT OR DISORDERLY CONDUCT. HOWEVER, THE ACTUAL PROCESS OF STALKING IS NOT A CRIME. I WILL SUBMIT PROPOSED LEGISLATION TO MAKE STALKING A CRIMINAL OFFENSE.

CHARGES OF CRIMINAL SEXUAL CONDUCT HAS NOT ABATED THIS YEAR. THERE IS SUBSTANTIAL EVIDENCE THAT MORE AND MORE VICTIMS ARE WILLING TO REPORT THESE INCIDENCES. THIS IS A POSITIVE SIGN SINCE MANY VICTIMS HAVE BEEN RELUCTANT, IN THE PAST, TO FILE CHARGES AGAINST THEIR PERPETRATORS. PUBLIC LAW 21-89, SPONSORED BY SENATOR LUJAN, EXTENDS THE STATUTE OF LIMITATION FOR PROSECUTION OF CRIMINAL SEXUAL CONDUCT AGAINST MINORS UP TO 3 YEARS AFTER THE MINOR REACHES THE AGE OF 16, THIS SHOULD ENCOURAGE MORE VICTIMS TO COME FORWARD.

IN MY LAST JUDICIARY ADDRESS I URGED PASSAGE OF LEGISLATION THAT HOPEFULLY WILL BEGIN TO ALLEVIATE THE NUMBER OF ALCOHOL RELATED CASES FILED IN THE SUPERIOR COURT. FOR EXAMPLE, DRIVING UNDER THE INFLUENCE CASES ALONE COMPRISED 61% OF THE MISDEMEANOR CHARGES FILED LAST YEAR.

PASSAGE OF PUBLIC LAW 21-45, SPONSORED BY SENATOR SANTOS; WHICH IMPOSES STIFFER PENALTIES INCLUDING A MANDATORY FINE OF \$1,000; IS A STEP TOWARDS THE RIGHT DIRECTION. I ALSO ASK FOR YOUR SUPPORT, WITH SOME AMMENDMENTS, OF BILL 289 INTRODUCED BY SENATOR DORIS BROOKS, WHICH CALLS FOR THE REVOCATION OF DRIVERS LICENSE UPON REFUSAL TO SUBMIT TO A BREATHALAYZER TEST. AS WRITTEN, THE BILL REQUIRES A COURT HEARING TO DETERMINE WHETHER THE OFFICER HAD A REASONABLE GROUNDS TO STOP THE DEFENDANT. RATHER THAN THIS ADDITIONAL HEARING, I WOULD STRONGLY RECCOMEND THAT THIS LEGISLATIVE BODY MAKE IT MANDATORY FOR ALL CARRIERS OF DRIVERS LICENSE TO SUBMIT TO A BREATHALAYZER TEST WITH REFUSAL RESULTING IN THE AUTOMATIC SUSPENSION OF THER DRIVER'S LICENSE. THE PRIVILEGE TO DRIVE, MUST CARRY THE PREREQUISITE RESPONSIBILITY TO SUBMIT TO TESTS THAT ENSURE ONES ABILITY TO DRIVE SAFELY IN OUR COMMUNITY.

I HAVE ALWAYS BELIEVED IN THE OLD ADDAGE "AN OUNCE OF PREVENTION IS WORTH MORE THAN A POUND OF CURE". I SUPPORT PROGRAMS THAT EDUCATE OUR PUBLIC IN THE CONSUMPTION OF ALCOHOL. THE COURT'S ALTERNATIVE TREATMENT PROGRAM IS AN EXAMPLE OF THIS. THUS I SUPPORT BILL 239 INTRODUCED BY SENATOR TANAKA ON MANDATORY DRUG EDUCATION IN THE SCHOOLS OF GUAM TO INCLUDE THE RESPONSIBLE CONSUMPTION OF ALCOHOL.

I WOULD LIKE TO THANK THE LEGISLATURE FOR PASSING PUBLIC LAW 21-47 -- THE JUDICIARY BUDGET ACT -- SPONSORED BY SENATOR CARL GUTIERREZ, AND SUPPORTING THE ENDEAVORS OF THE SUPERIOR COURT.

IN ADDITION, THE NEW BUDGET CREATED THE NEWEST DIVISION OF THE COURT ENTITLED THE CLIENT SERVICES AND FAMILY COUNSELING DIVISION. THE DIVISION CONSISTS OF HEALTH PROFESSIONALS SUCH AS A CLINICAL PSYCHOLOGIST, FORENSIC PSYCHIATRIST, 5 FAMILY COUNSELORS AND SUPPORT STAFF.

THE DIVISION RECEIVED 343 REFERRALS IN 1991, IN ADDITION TO 101 ACTIVE AND PENDING CASES. SEXUAL ABUSE CASES REPRESENTED 40% OF THEIR CASELOAD WITH 60% OF THE CLIENTS BEING MINORS.

THE COURT RECOGNIZES THE IMPORTANCE OF ANALYZING AND DIAGNOSING CASE TREATMENT OF VICTIMS, PERPETRATORS AND THEIR FAMILIES. THIS IS OUR COMMITMENT TO SEEKING PROGRESSIVE METHODS OF REHABILITATION IN ORDER TO ASSIST AN INDIVIDUAL'S SINCERE ATTEMPT TO RESTORE A LIFE INTERRUPTED BY CRIME.

CLIENT SERVICES NEW OFFICES SHOULD BE COMPLETE IN THE NEXT FEW MONTHS. THE FACILITIES WILL INCLUDE VIDEO CAPABILITY FOR IN-HOUSE TRAINING OF COUNSELORS AND CONSULTATION PURPOSES. IN ADDITION THE UNIVERSITY OF GUAM HAS APPROACHED CLIENT SERVICES TO PROVIDE A FIELD INSTRUCTIONS PROGRAM FOR STUDENTS INTERESTED IN THEIR PROFESSION.

THE COURT'S PROBATION OFFICE CONTINUED TO SEE INCREASES IN SPECIFIC AREAS OF IT'S CASELOAD. ADULT PROBATION SAW A 48% INCREASE IN RESTITUTION IN 1991, WITH 83 CASES ALONE AMOUNTING TO \$104,510.00. THERE WAS AN 8% INCREASE IN THE OVERALL JUVENILE

PROBATION CASELOAD WITH 729 TOTAL CASES REFERRED.

ALTERNATIVE SENTENCING RECEIVED A 24% INCREASE IN COURT REFERRALS SERVICING 1,344 CLIENTS AND SUPERVISED 19,453 COMMUNITY SERVICE HOURS FOR THE ISLAND'S BENEFIT. THEY ALSO HELD FIVE ALCOHOL TREATMENT PROGRAM CYCLES FOR 301 PARTICIPANTS WITH A 72 PERCENT SUCCESSFUL COMPLETION RATE. PRE-TRIAL SERVICES INCREASED BY 8% WITH A TOTAL OF 667 REFERRALS.

THE PROBATION DIVISION IS ALSO IN THE PROCESS OF IMPLEMENTING A SCHOOL OUTREACH PREVENTION PROGRAM TO REDUCE THE RECIDIVISM RATE.

IN ADDITION THE DIVISION PROVIDES PROGRAMS IN COMMUNITY SERVICE, PETTY THEFT DIVERSION, COURT CRIME PREVENTION FOR JUVENILE OFFENDERS, MEDIATION CONCILIATION IN DOMESTIC DISPUTES AND PARENTING CLASSES.

THE MARSHALS DIVISION SERVED 2,008 WARRANTS IN 1991, WITH A NON-SERVICE RATIO OF 23%. COORDINATION WITH GPD IN THIS AREA, COUPLED WITH THE PROMULGATION OF MORE EXTENSIVE PRE-TRIAL INFORMATION AND REQUIREMENTS, AS WELL AS AN OVERALL ADJUSTMENT IN THE APPROACH TO FINDING AN INDIVIDUAL USING LISTINGS FROM THE DEPT. OF REVENUE AND TAXATION, AND UTILITY AGENCIES, SHOULD INCREASE THE EFFICIENCY IN SERVING SUMMONS AND APPREHENDING VIOLATORS.

THE EFFECTS OF THE INCREASE OF OUR CRIMINAL CASELOAD ARE FELT BY CIVIL LITIGANTS AND THEIR LAWYERS WHO MUST WAIT AS CIVIL CASES

ARE DELAYED, IN PART, BECAUSE CRIMINAL CASES ALWAYS TAKE PRECEDENCE. THE GREAT NUMBER OF CRIMINAL CASES REQUIRING A COURTROOM HAS CREATED A CIVIL CASE BACKLOG.

THE BOARD OF LAW EXAMINERS ADMINISTERS BAR EXAMINATION FOR ALL BAR APPLICANTS. LAST YEAR 26 SAT FOR THE EXAMINATION AND 17 PASSED OR A 65.3% PASSING RATE. THERE ARE OVER 340 ATTORNEYS WHO ARE ACTIVELY PRACTICING IN OUR TERRITORY.

PRESENTLY, THE PRESIDING JUDGE HAS THE AUTHORITY TO APPOINT JUDGES FROM OTHER ISLAND JURISDICTIONS ON A CASE-BY-CASE BASIS. I APPRECIATE THE SUPPORT OF CHIEF JUSTICE DELA CRUZ FROM THE COMMONWEALTH OF THE NORTHERN MARIANAS FOR PROVIDING US THE SERVICES OF JUDGE TAYLOR, WHO I THANK AS WELL. BUT WE MUST BE COGNIZANT OF THE FACT THAT THE CNMI AND OTHER COURTS ALSO HAVE THEIR OWN DOCKETS TO CONTEND WITH AND EACH TIME ONE OF THEIR JUDGES MUST PRESIDE OVER ONE OF OUR CASES, IT CREATES A BACKLOG IN THEIR RESPECTIVE COURTS. THUS, I AM REQUESTING THE PASSAGE OF BILL NO. 90, INTRODUCED BY SENATOR FRANK SANTOS, WHICH CALLS FOR AN ADDITIONAL JUDGE, AND BILL NO. 51, INTRODUCED BY SENATOR PILAR LUJAN, WHICH ALLOWS THE APPOINTMENT OF A PRO-TEMPORE JUDGE.

THE PRO-TEMPORE JUDGE WILL BE NECESSARY IN CASES WHERE ALL THE JUDGES HAVE RECUSED THEMSELVES FOR ONE REASON OR ANOTHER IN A CASE OR WHEN A JUDGE IS ILL OR WHEN ALL THE JUDGES ARE PRESIDING OVER TRIALS OR COMPLEX MOTIONS. THE PRO-TEMPORE JUDGE WILL CONTINUE PRESIDING OVER THE CASELOAD UNINTERRUPTED.

RECENTLY THE COURT EXPERIENCED AN INCREASE OF VIOLATIONS AGAINST OUR ENVIRONMENT, AS FILED BY THE ATTORNEY GENERAL. THE LOCAL LAWS GOVERNING AND PROTECTING THE NATURAL RESOURCES OF GUAM ARE CURRENTLY INADEQUATE, ESPECIALLY IN LIGHT OF THE DEVELOPMENT WE ARE EXPERIENCING. FOR EXAMPLE, THE PUNISHMENT ALLOWABLE UNDER THE LOCAL STATUTE FOR VIOLATORS POLLUTING GUAM'S GROUNDWATER IS NOT COMMENSURATE WITH THE COSTS OF RECOVERING, RESTORING AND EVEN SURVIVING THROUGH THIS TYPE OF MISHAP. THE CRIMINAL ASPECT IS EVEN LESS STRINGENT.

WE ARE PRESENTLY RELYING ON FEDERAL LAWS THAT ARE DESIGNED FOR ENVIRONMENTS NOT OUR OWN - THAT DEAL WITH CHANGING ISSUES AND DEVELOPMENTS NOT ON GUAM. THE FINES ASSESSED UNDER THESE LAWS GO TO THE FEDERAL GOVERNMENT. A SINGLE SOURCE OF POLLUTION CAN HAVE LASTING PHYSICAL, SOCIAL AND ECONOMIC EFFECT ON OUR ENTIRE COMMUNITY. EFFECTIVE PUNISHMENT OF THOSE WHO DO NOT TAKE PROPER PRECAUTIONS IN PROTECTING OUR ISLAND'S NATURAL INHERITANCE, IS IN ITSELF, A PREVENTIVE MEASURE. THESE NATURAL RESOURCES ARE DIRECTLY RESPONSIBLE FOR THE QUALITY OF LIFE WE EXPERIENCE HERE ON GUAM. THEIR PROTECTION WARRANTS GREATER MEASURES OF CONCERN. I REQUEST THAT THE LEGISLATURE PLACES, AS ONE OF ITS TOP PRIORITIES, THE IMPOSITION OF STIFFER PENALTIES ON ANYONE WHO WOULD VIOLATE OUR ENVIRONMENT.

DURING THE LAST FIVE YEARS I HAVE RECOMMENDED PASSAGE OF CERTAIN LEGISLATION. AND THE EXECUTIVE AND LEGISLATIVE BRANCHES HAVE RESPONDED BY ENACTING MANY OF THESE RECOMMENDATIONS INTO LAW. TWO MAJOR CONCERNS THAT I HAVE REPEATEDLY ADVOCATED IN MY

JUDICIARY ADDRESS ARE VICTIMS RIGHTS AND JUVENILE JUSTICE.

IN MY FIRST JUDICIARY ADDRESS, I ASKED THIS LEGISLATURE TO PLACE CRIME VICTIMS RIGHTS HIGH ON ITS LEGISLATIVE AGENDA. THE GOVERNOR AND LEGISLATURE RESPONDED BY PASSING MOST IF NOT ALL OF THE LEGISLATION I RECOMMENDED. FIRST PUBLIC LAW 20-155 REESTABLISHED THE CRIMINAL INJURIES COMPENSATION COMMISSION WHICH WAS DORMANT FOR A LONG PERIOD OF TIME. PUBLIC LAW 20-155 REQUIRED THE NOTIFICATION OF CRIME VICTIMS WHEN HIS OR HER ASSAILANT HAS COMPLETED HIS OR HER JAIL TERM OR IS RELEASED IN PRETRIAL BAIL HEARING. PUBLIC LAW 20-111 SAID THE JUDGE MUST TAKE INTO CONSIDERATION OF PRETRIAL RELEASE THE DANGER THE PERSON POSES TO THE COMMUNITY OR VICTIM. AND PUBLIC LAW 21-96 SPONSORED BY SENATOR LUJAN ENACTED A COMPREHENSIVE VICTIMS BILL OF RIGHTS GUARANTEEING THE RIGHTS OF VICTIMS AS A TERRITORIAL POLICY.

FOR THE PAST 4 YEARS THE GOVERNOR, THROUGH HIS ANNUAL PROCLAMATIONS, AND THE LEGISLATURE, THROUGH ITS RESOLUTIONS, HAVE ALWAYS PROCLAIMED THE LAST WEEK OF APRIL CRIME VICTIMS WEEK. THE ATTORNEY GENERAL HAS SPONSORED A VICTIMS ADVOCATE REACHING OUT PROGRAM TO ASSIST VICTIMS DURING THEIR CRISIS. IN THE LAST FEW YEARS, THIS TERRITORY HAS MADE GREAT STRIDES IN VICTIMS RIGHTS. WE KNOW THAT THOUGH MUCH HAS BEEN DONE, WE HAVE MUCH TO ACCOMPLISH IN THE FUTURE. BUT I KNOW AS FAR AS VICTIMS RIGHTS IS CONCERNED, GUAM IS NOW HEADED IN THE RIGHT DIRECTION.

I HAVE ALWAYS BELIEVED THAT OUR TERRITORY'S FUTURE LIES IN OUR YOUTH. INDIVIDUALS WHO TEND TO BE A PROBLEM AS A TEENAGER TEND

TO BE A LIABILITY LATER ON IF THEY ARE UNABLE TO RECEIVE ADEQUATE SERVICES TO TURN THEIR SITUATION AROUND. I THANK THE GOVERNOR AND THE LEGISLATURE FOR MAKING JUVENILE PROBLEMS A TOP PRIORITY. SINCE I ADVOCATED REFORM, THE LEGISLATURE HAS PASSED PUBLIC LAW 20-62, TO PROVIDE ADEQUATE FACILITIES FOR THE DEPT. OF YOUTH AFFAIRS AND PUBLIC LAW 20-93 TO PROVIDE ADDITIONAL FACILITIES FOR THE MENTALLY ILL AND MENTALLY RETARDED. PUBLIC LAW 21-51, SPONSORED BY SENATOR DIERKING, DEINSTITUTIONALIZES STATUS YOUTH OFFENDERS; SEPARATING THE MINORS WITH ADULT CRIMINAL OFFENSES FROM OTHER CATEGORIES OF YOUTH OFFENDERS.

IN ADDITION, THE GOVERNOR WITH THE ASSISTANCE OF JUDGE CRUZ, DOCTOR BELLIS AND MYSELF, CONCURRED WITH THE HIGH INCIDENCES OF SUICIDE AND SUICIDE ATTEMPTS AND ESTABLISHED THE CRISIS HOTLINE TO HOPEFULLY ASSIST ALL THOSE WHO SEEK PROFESSIONAL HELP AND HAVE NO ONE TO TURN TO.

LAST YEAR I POINTED OUT THAT EIGHTY PERCENT OF OUR CHILDREN WILL ONE DAY BE PARENTS. WE CANNOT ALLOW THE PRESENT SITUATION - OF CHILDREN HAVING CHILDREN TO CONTINUE WITH ABUSE AND NEGLECT COUNSELING COMING AFTER THE FACT. ALTHOUGH THE COURT HAS ESTABLISHED A PARENTING PROGRAM IT USUALLY IS PROVIDED AFTER THE FAMILY HAS GONE THROUGH THE COURT SYSTEM. I RECOMMEND PASSAGE OF BILL 35, SPONSORED BY SENATOR ARRIOLA, WHICH REQUIRES FAMILY LIVING AND PARENTING COURSES TO BE PART OF OUR PUBLIC HIGH SCHOOL CURRICULUM. THIS IS BUT ONE OF MANY PROGRAMS THAT MIGHT ADDRESS SOME OF THE GROWING CONCERNS IN OUR COMMUNITY.

THERE ARE ALSO A NUMBER OF OTHER CAPITAL IMPROVEMENT PROJECTS THAT I SUPPORT WHOSE INTENT IS TO PROVIDE CARE AND REHABILITATION TO PERSONS IN NEED OF SERVICES. BILL 192 - INTRODUCED BY SENATOR SHIMIZU - APPROPRIATES \$300,000 FOR A HOME FOR MENTALLY RETARDED ADULTS WITH BEHAVIORAL PROBLEMS. BILL NO. 228, INTRODUCED BY SENATOR MANIBUSAN, ESTABLISHES A CHILDREN CENTER PROGRAM TO SERVE IN PART, AS A DAYTIME SHELTER FOR ABUSED CHILDREN. AND FINALLY, BILL NO. 396, INTRODUCED BY SENATOR TONY BLAZ, APPROPRIATES MONEY FOR THE CONSTRUCTION OF A RAPE AND SEXUAL ABUSE CRISIS CENTER.

THE CRIMINAL JUSTICE SYSTEM IS POTENTIALLY FACING A VERY SERIOUS CRISIS. PRESENTLY THE ADULT CORRECTIONAL FACILITY HAS A CAPACITY OF 78 PRISONERS AND IS HOUSING 145 -- 39 OF WHOM ARE HELD IN A MAKESHIFT DORMITORY. THE ROSARIO DETENTION FACILITY HAS A HOUSING CAPACITY OF 30 AND PRESENTLY HAS A POPULATION OF 60 DETAINEES. THIS SITUATION MUST BE RECTIFIED, OR IT MAY RESULT IN THE RELEASE OF PRISONERS IN ORDER TO ALLEVIATE THE OVERCROWDED PRISON CONDITIONS.

YOUR RECENT SUPPORT OF THE DEPT. OF CORRECTIONS BUDGET BILL; APPROPRIATING THREE MILLION (\$3,000,000) TO BUILD AN ADDITIONAL 60 CELLS FOR THE ROSARIO DETENTION CENTER WILL HELP ALLEVIATE THE OVER CROWDED CONDITIONS THERE, & THE PASSAGE OF P.L. 21-96, SETTING ASIDE \$50,000 FOR THE SCHEMATIC DRAWING OF A NEW ADULT CORRECTIONAL FACILITY, IS AN IMPORTANT STEP IN RESOLVING THIS ISSUE. INCARCERATION IS THE STRONGEST SOCIALLY ACCEPTABLE PUNISHMENT, & THE ONLY LEGALLY VIABLE RESOLUTION TO THOSE FOUND

GUILTY OF HEINOUS CRIMES. WE MUST CONTINUE TO ADDRESS DOC'S CHANGING NEEDS.

THE REHABILITATION OF ADULT PRISONERS' TOOK A BOLD STEP FORWARD RECENTLY WITH THE PASSAGE OF P.L. 21-75, INTRODUCED BY SENATORS LUJAN, SANTOS, & ARRIOLA - WHICH ESTABLISHES A REHABILITATIVE AND DEVELOPMENT PROGRAM FOR THE DEPT. OF CORRECTIONS. NOTWITHSTANDING THE VALUE OF DEVELOPING SKILLS AMONG THE INMATES, THE PROGRAM SETS ASIDE A PORTION OF THE WAGES EARNED FOR FINANCIAL SUPPORT OF AN INMATES FAMILY & THE CRIMINAL INJURIES COMPENSATION FUND. THE NEED TO MAKE THE PROGRAM SELF SUSTAINING AND THE WORKING ENVIRONMENT ITSELF MAY FOSTER POSITIVE TRAITS IN INMATES WHO ONE DAY WILL RETURN TO SOCIETY. THE RAPID GROWTH OF PRISON POPULATION AND TEMPORARY DETENTION OF DEFENDANTS IS A SERIOUS PROBLEM CONFRONTING BOTH GUAM AND THE NATION.

AS A MEMBER OF THE COMMISSION ON SELF-DETERMINATION, I HAVE OVERSEEN THE DISCUSSION OF ISSUES THAT AFFECT GUAM'S JUDICIAL RELATIONSHIP WITH THE U.S. GOVERNMENT UNDER OUR PROPOSED COMMONWEALTH ACT. IN ADDITION TO FACE-TO-FACE DISCUSSIONS WITH MEMBERS OF THE FEDERAL TASK FORCE, I HAVE WORKED WITH THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT COURT TO PROMOTE THE NECESSITY OF AUTONOMY FOR GUAM COURTS, COMPARABLE TO THAT OF STATE COURTS.

THE ISSUE OF GUAM'S JUDICIAL RELATIONSHIP WITH THE U.S. IS A VERY IMPORTANT ONE. WITHIN THE FRAMEWORK OF GUAM - U.S. JUDICIAL

RELATIONS FALLS THE INTERPRETATION OF GUAM LAW. THE EXTENT TO WHICH THE GUAM COURTS ARE GIVEN AUTHORITY IN THIS AREA IS A CRITICAL COMPONENT IN DEFINING SELF-GOVERNMENT AND THE POWERS OF THE PEOPLE OF GUAM UNDER THE COMMONWEALTH STATUS.

THE COMMISSION AND THE FEDERAL TASK FORCE DISAGREE ON THE ISSUE OF GUAM'S JUDICIAL RELATIONSHIP WITH THE U.S. WE SEEK TREATMENT FOR GUAM'S COURTS WHICH IS PARALLEL WITH THAT GIVEN TO THE STATES, AND DO NOT CONSIDER THIS TOO MUCH TO ASK. OUR DIFFERENCE ON THIS ISSUE IS IN THE PERIOD OF TRANSITION OF OUR JUDICIAL RELATIONSHIP. THE FEDERAL TASK FORCE WANTS AN EXTENDED PERIOD OF OVERSIGHT -- BY APPEAL -- OF THE DECISIONS OF THE GUAM SUPREME COURT BY THE NINTH CIRCUIT COURT; ON THE OTHER HAND, WE SEEK AT A MINIMUM, A SHORT PERIOD OF TRANSITIONAL REVIEW BY THE NINTH CIRCUIT COURT BY WRIT OF CERTIORARI, OR ALTERNATELY NO PERIOD OF REVIEW AT ALL.

RECENTLY, I HAVE SOUGHT THE SUPPORT OF THE NINTH CIRCUIT ON THE ISSUE OF GUAM'S JUDICIAL AUTONOMY UNDER COMMONWEALTH -- PARALLEL WITH THE COMMISSION'S SOLICITATION OF SUPPORT -- AND WE ARE PLEASED WITH THE PRELIMINARY FEEDBACK WE HAVE RECEIVED. I WOULD NOTE THAT THE FEDERAL GOVERNMENT HAS RELIED ON OUR SUPERIOR COURT JUDGES TO ASSIST IN PRESIDING OVER CASES AT THE DISTRICT COURT.

AS WE ENTER A NEW PERIOD OF POLITICAL AFFILIATION WITH THE U.S. GOVERNMENT IT IS PARAMOUNT THAT THE AUTONOMY OF THE JUDICIAL BRANCH OF GOVERNMENT BE AS STRONG AS THAT OF THE EXECUTIVE AND LEGISLATIVE. SELF-GOVERNMENT OF GUAM, OF COURSE, DEALS WITH OUR

RIGHT TO CONSENT TO FEDERAL LAWS AND THE ABILITY TO MAKE OUR OWN DECISIONS. BUT, SELF-GOVERNMENT EQUALLY REQUIRES A JUDICIAL BRANCH WHICH IS VESTED WITH THE AUTHORITY TO OPERATE INDEPENDENTLY -- JUST AS THE JUDICIARY OF THE SEVERAL STATES ARE ENDOWED WITH THESE POWERS. I WILL CONTINUE TO ADVOCATE FOR OUR RIGHT OF SELF GOVERNEMNT, BY AND FOR OUR PEOPLE.

AMONG ONE OF THE MAJOR JUDICIAL ACCOMPLISHMENTS IN THE 90'S HAS TO BE THE CREATION OF THE PACIFIC JUDICIAL COUNCIL. COMPRISED OF EIGHT JUDICIARY'S FROM GUAM, THE COMMONWEALTH OF THE NORTHERN MARIANAS, BELAU, THE MARSHALL ISLANDS, AND THE FSM STATE COURTS OF POHNPEI, CHUUK, YAP AND KOSRAE - THIS WORKING BODY COMBINES THE RESOURCES OF OUR RESPECTIVE JURISDICTIONS IN AN EFFORT TO SEEK SOLUTIONS TO COMMON PROBLEMS. RECENTLY, THE COUNCIL EXTENDED AN INVITATION TO AMERICAN SAMOA AND THE FSM NATIONAL COURT TO JOIN.

THE COUNCIL HAS ALREADY BEGUN TO ADDRESS ISSUES THAT TOUCH CERTAIN FOUNDATIONS OF LAW. FOR INSTANCE, ONE OF THE PJC'S PROJECTS IS TO BIND AND PUBLISH EACH ISLAND'S COURT DECISIONS, AS WELL AS SEEK SUPPORT FOR THE COMPILING AND UPDATING OF CHANGING LAWS FROM EACH REGION. THE PJC MEMBERSHIP - WITH COOPERATION FROM THE TERRITORIAL LAW LIBRARY AND THE A.G.'S COMPILER OF LAWS - WILL ATTEMPT TO DEVELOP A COMMON REPORTER SYSTEM FOR EACH REGION'S COURT DECISIONS. EACH OF THE ISLAND'S MEMBERS HAVE SUBMITTED THEIR GOVERNING LAWS AND 1991 COURT DECISIONS TO GUAM'S COURT TO HOLD IN A TEMPORARY ARCHIVE. THESE REFERENCE MATERIALS WILL BE MADE AVAILABLE TO THE PUBLIC IN THE IMMEDIATE FUTURE.

ONE OF THE MORE PROGRESSIVE PJC PROJECTS IS A COMBINED TRAINING SEMINAR AND CONFERENCE FOR ALL THE JUDGES AND ADMINISTRATIVE COURT STAFF IN OUR AREA, TO BE HELD ON GUAM LATER THIS YEAR. AMONG THE ISSUES ADDRESSED BY THE SEMINAR WILL BE ETHICS, EVIDENCE AND CASELOAD MANAGEMENT. THE CONFERENCE WILL SEEK POSSIBLE PREVENTIVE REMEDIES THAT THE PACIFIC COMMUNITIES MAY CONSIDER IMPLEMENTING. I LOOK FORWARD TO A HEALTHY EXCHANGE OF VIEWS AND IDEAS IN THIS FORUM.

ONE OF THE MAJOR TOPICS OF THE PACIFIC JUDICIAL CONFERENCE WILL BE THE FAMILY PROBLEMS CONFRONTING OUR COMMUNITIES SUCH AS SUBSTANCE ABUSE, CHILD AND SPOUSE ABUSE, AND JUVENILE DELINQUENCY. THIS WILL BE COORDINATED WITH AN ISLAND-WIDE CONFERENCE FOR GUAM ON THE ISSUE OF JUVENILE CRIME IN LATE 1992.

THE FIRST PART OF THE JUVENILE CONFERENCE WILL SERVE AS A FORUM WHERE A CROSS SECTION OF YOUTHS ON GUAM CAN BEGIN TO IDENTIFY THE PROBLEMS, AS THEY SEE IT, AND THE POSSIBLE SOLUTIONS. IT IS IN OUR BEST INTEREST TO LISTEN. THE SOLUTIONS TO YOUTH-RELATED PROBLEMS, MUST ULTIMATELY COME FROM THEM -- WHAT FORM IT TAKES WILL REQUIRE OUR ASSISTANCE.

IN ADDITION, THE COURT WILL SEEK TO ORGANIZE A FORUM WHERE THE GOVERNMENT, THE PRIVATE SECTOR AND COMMUNITY ORGANIZATION CAN SEE THE VARIOUS YOUTH PROGRAMS PRESENTLY ON-GOING IN ORDER TO REVIEW CERTAIN APPROACHES IN RESOLVING JUVENILE CASES. THE CONFERENCE WILL INTRODUCE PROGRAMS THAT ARE CURRENTLY OPERATING IN THE U.S.

THAT ARE NOT PRESENTLY AVAILABLE ON GUAM, AS A CATALYST FOR NEW IDEAS.

OUR GOALS ARE TO COMBINE RESOURCES, INCREASE REHABILITATIVE OR DISCIPLINARY ALTERNATIVES, AND FOSTER A BETTER UNDERSTANDING OF WHAT EACH GROUPS OBJECTIVES ARE AND HOW WE CAN BEGIN TO COORDINATE OUR EFFORTS. IT IS OUR HOPE THAT THE CONFERENCE SERVES TO CREATE NEW RESOURCES THAT ARE RUN BY PRIVATE ORGANIZATIONS. I THANK YOU FOR YOUR CONTINUED SUPPORT OF THE PACIFIC JUDICIAL COUNCIL AND THE UPCOMING CONFERENCE.

THE PROGRESS IN THE JUDICIAL BRANCH OF GOVERNMENT OVER THE PAST FIVE YEARS HAS BEEN A PRODUCT OF THIS COMMUNITY. THE POLICY-MAKERS OF THIS TERRITORY HAVE GONE TO GREAT LENGTHS TO EXAMINE ISSUES AFFECTING THE CRIMINAL JUSTICE SYSTEM. THE LITIGANTS WHO COME BEFORE US, CONTINUE TO BRING FORTH NEW POINTS OF LAW AND JUDICIAL ISSUES FOR DECISION AND INTERPRETATION BY OUR COURTS. THE LITIGANTS SEEK RESOLUTIONS TO A CHANGING ARRAY OF PROBLEMS THAT WE MUST ADDRESS ON A CONTINUING BASIS. THE JUDGES PROVIDE GUIDANCE AND DIRECTION IN COURT PROCEDURES AND THE DISSEMINATION OF JUSTICE. AND FINALLY THE STAFF AND MANAGEMENT OF THE COURT IMPLEMENT PROGRAMS AND DIRECTIVES -- IN THE MIDST OF UNANTICIPATED GROWTH IN CASELOADS -- WITH INNOVATION AND DUE DILIGENCE.

DESPITE OUR ACCOMPLISHMENTS, THERE ARE MANY MORE ISSUES AND ADJUSTMENTS THAT MUST BE MADE IN GUAM'S JUDICIARY. BUT I AM CONFIDENT IN OUR COLLECTIVE ABILITY AND WISDOM TO RESOLVE THEM --

AND PROUD OF OUR WILLINGNESS TO ADDRESS THEM. JUSTICE IS NOT A PRODUCT THAT IS BUILT IN A MOMENT AND THEN DISSEMINATED -- RATHER IT IS A PROCESS THAT IS SHAPED ISSUED BY ISSUE -- CASE BY CASE. AND LIKE THE COMMUNITY IT SERVES - IT TOO ADAPTS TO TIME. I RESOLVE TO CONTINUE SEEKING BETTER WAYS IN THE FUTURE TO ENHANCE THIS PROCESS, SO THAT OUR RESPONSIBILITY OF JUSTICE IS FULFILLED. THANK YOU, SI YUUS MAASE AND MAY GOD BLESS US ALL.