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SUPERIOR COURT
OF GUAM

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IN THE SUPERIOR COURT OF GUAM

CLERK OF COURT

MP

IN THE MATTER OF THE ESTATE,

OF

JOSE AGUON PANGELINAN,

Decedent.

PROBATE CASE NO. PR0004-24

**DECISION AND ORDER
DENYING DISQUALIFICATION
REQUEST**

This Court is assigned to review the judicial disqualification request submitted by Administrator Gregory Schacher. Upon review of the request and record, the Court determines that Schacher has not presented sufficient facts to warrant the disqualification of the judge presiding over this matter.

I. FACTUAL AND PROCEDURAL BACKGROUND

In the appellate opinion issued in this case, *In re Estate of Pangelinan*, 2026 Guam 5, the Guam Supreme Court reversed the probate court's decision denying Schacher's petition for letters testamentary and appointment as executor of the Estate of Jose Aguon Pangelinan. The court found that neither a law license nor legal counsel is required to submit a petition for probate or to be appointed executor, and that Schacher was presumed competent for appointment unless proven otherwise. *Id.* ¶¶ 20–28, 35–37. The court also determined there was no substantial evidence of improvidence or want of understanding to disqualify Schacher. *Id.* ¶¶ 22, 28. Finally, the court remanded with instructions to appoint Schacher as executor. *Id.* ¶ 39.

On remand, Schacher seeks to disqualify the probate court judge, the Honorable Arthur R. Barcinas, from continuing to preside over this matter. Schacher's Verified Statement of

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Disqualification alleges that “the judge’s prior rulings and conduct create a reasonable appearance of bias or prejudice against [Schacher] and an inability to act impartially in future proceedings.” V. Stmt. Disq. at 2 (Aug. 5, 2026).

Judge Barcinas filed an Answer which cited U.S. Supreme Court precedent holding that prior judicial rulings alone rarely constitute valid grounds for disqualification unless they show deep-seated favoritism or antagonism that would make impartiality impossible. Answer at 2 (Sept. 24, 2026) (citing *Liteky v. United States*, 510 U.S. 540, 555 (1994)). Judge Barcinas further noted that criticism or even hostile remarks are not enough to sustain a partiality challenge. *Id.* at 2-3. Finally, the Answer denied any claims that he was biased or partial, or that a reasonable person would perceive any appearance of impropriety by the probate court judge.¹

In a Reply, Schacher points out that the test is not actual bias, but whether a reasonable, informed observer could question the judge’s continued impartiality. Petr.’s Reply at 1 (Sept. 29, 2026). Schacher asserts that his request is not based solely on prior rulings, but on the cumulative effect of multiple adverse events that were reversed, including the probate court judge’s findings of incompetence, requiring him to retain counsel, determining he engaged in the unauthorized practice of law, and appointing the creditor’s attorney. Schacher argues that these collectively create a reasonable question about the judge’s impartiality. Petr.’s Reply at 5-6.

This Court was assigned the matter of judicial disqualification and now issues its Decision and Order after reviewing the materials in the record.

II. LAW AND DISCUSSION

A judge is disqualified in any proceeding in which his impartiality might reasonably be

¹ His Answer also noted the request was “improperly filed” but no alleged procedural defects are identified.

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questioned. 7 GCA § 6105(a). This standard is objective and focuses not on a judge's actual state of mind, but on whether a reasonable, fully informed observer would perceive an appearance of bias. *See Sule v. Guam Bd. of Dental Exam'rs*, 2008 Guam 20 ¶ 14. In applying this test, the reviewing court must evaluate the totality of circumstances with careful scrutiny, particularly where the integrity of judicial proceedings is implicated. *San Agustin v. Super. Ct. of Guam*, 2024 Guam 2 ¶ 24.

Although the U.S. Supreme Court precedent in *Liteky* is persuasive here, the Guam Supreme Court has already established similar standards for what conduct amounts to disqualifying bias. “[D]isqualifying bias must normally stem from extrajudicial sources, but there may be an exception ‘where such pervasive bias and prejudice is shown by otherwise judicial conduct as would constitute bias against a party.’” *Van Dox. v. Super. Ct. of Guam*, 2008 Guam 7 ¶ 35. Here, Schacher has not pointed to any extrajudicial source conferring bias; accordingly, the Court looks to the record to determine whether pervasive bias and prejudice have occurred.

Schacher primarily points to the probate court's prior rulings that were reversed. The Court has reviewed all probate court rulings, including the May 20, 2024 Order requiring Schacher to retain an attorney and March 6, 2025 Decision and Order granting Attorney Oliver Bordallo's Petition for Letters of Administration, but found no language that demonstrates “pervasive bias and prejudice,” nor hostility, animus or favoritism. Rather, these rulings—even if later reversed on appeal—show judicial reasoning grounded in the probate court's interpretation of applicable probate statutes. Reading each ruling on its face and in the context of

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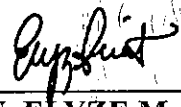
other rulings, a reasonable observer would understand them as adverse legal determinations, not as evidence of bias directed personally at Schacher.

III. CONCLUSION AND ORDER

Ultimately, applying the reasonable-person standard, this Court concludes that none of the probate court's rulings—individually or collectively—would cause an informed observer to question Judge Barcinas' impartiality. The probate court's rulings contained no statements demonstrating favoritism toward the creditor or antagonism toward Schacher. While the proceedings eventually amounted to legal error, they do not amount to bias. Because Schacher failed to identify either extrajudicial influence or pervasive judicial prejudice, he fails to satisfy the statutory threshold for disqualification.

This matter shall be returned to the assigned judge for further handling.

SO ORDERED this 8 October 2026.



HON. ELYZE M. IRIARTE
Judge, Superior Court of Guam

Appearing Parties:

Gregory Paul Schacher, Self-Represented Petitioner

Oliver Weston Bordallo, Esq., Counsel for Creditor Family Finance Company, Inc.

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