

SUPREME COURT OF GUAM

ADMINISTRATIVE RULE NO. 05-01

REGARDING SUPERIOR COURT OF GUAM CASE ASSIGNMENTS

A. Introduction

Pursuant to 48 USC §§ 1424-1(a)(4) and (6), the Supreme Court of Guam hereby promulgates an administrative rule for procedures to be followed from and after the effective date of this Rule of February 1, 2005 regarding case assignments within the Superior Court of Guam. The Presiding Judge of the Superior Court shall cause case assignments to be made in accordance with this Rule from and after such effective date and the Clerk of the Superior Court shall be responsible for proper administration of the procedures articulated herein as well as detailed record keeping and monthly reporting of relevant case assignment statistics as may be requested by the Chief Justice of the Supreme Court.

The purpose of this Rule is to provide a process of case distribution that is random, fair and equitable, among the seven Superior Court judges considering the efficiencies of having certain types of cases heard by the same judge to the extent feasible over an extended period of time.

This rule contemplates a full contingent of seven Superior Court trial court judges occupying the bench. If a full contingent of judges does not occupy the bench during an extended period of time, other than regularly scheduled training trips or holidays, the Clerk of Court shall confer with the Chief Justice and the Administrator of the Courts regarding consideration of interim measures, if necessary, to assure the continued efficient and equitable administration of case distribution until such time as a full contingent of seven Superior Court judges is again in place.

Section B of this Rule addresses the distribution of all cases other than small claims, traffic and child support matters. Section C addresses the manner in which small claims and traffic matters will be heard. Section D provides for the computerization of the random process.

B. Distribution of Cases Other Than Small Claims, Traffic and Child Support Matters

Cases other than Small Claims, Traffic and Child Support matters shall be distributed equitably among the seven judges utilizing a system of four "Specialty Courts" for specific types of cases with each Specialty Court occupied by one judge. The Specialty Court judges, the remaining three judges not assigned to a Specialty Court and the Child Support Referee shall receive their case assignments as set forth herein.

1. Creation of Four Distinct Case Assignment "Specialty Courts"

(a) The four Specialty Courts will each be occupied by one judge. The Specialty Courts will consist of Family Court I, Family Court II, Family Violence, & Adult Drug Court. The Specialty Courts will be filled for a two year rotation. Cases assigned specifically to the Specialty Courts shall

remain with that Specialty Court upon the judge's rotation out of the Specialty Court and become the responsibility of the next-incoming Specialty Court judge to hold the particular Specialty Court position. Upon rotation out of a Specialty Court, each rotating judge will maintain responsibility for all other cases assigned to them outside the Specialty Courts.

(b) Family Court Specialty Courts I & II: For the duration of the initial two year rotation beginning upon the effective date of this Rule these two Specialty Courts will be filled by Judge Katherine Maraman and Judge Elizabeth Barrett-Anderson. The two Family Court Specialty Courts will be assigned all Juvenile Delinquency (JD), Juvenile Proceeding (JP), Juvenile Drug Court (JDC) and Special Proceedings (SP) (including incompetence hearings and adult guardianships) matters. However, all truancy and one-half of all beyond control matters shall be heard by the Child Support Referee.

(c) Family Violence Specialty Court: For the duration of the initial two year rotation beginning upon the effective date of this Rule this Specialty Court will be filled by Judge Anita Sukola. This Specialty Court will be assigned all Family Violence ("FV") criminal matters, all FV-related DM matters, and all civil Restraining Order ("RO") matters.

(d) Adult Drug Court Specialty Court: For the duration of the initial two year rotation beginning upon the effective date of this Rule this Specialty Court will be filled by Presiding Judge Alberto C. Lamorena III. This Specialty Court judge will be assigned all Adult Drug Court cases as well as all felony drug cases that are not Adult Drug Court cases and all misdemeanor drug cases (not including DUI cases) that are not Adult Drug Court cases.

(e) Each Specialty Court judge shall hold that slot for a period of two years after which time the Specialty Court shall be randomly reassigned to another judge. Such random reassignment to each of the four Specialty Courts shall occur at a meeting noticed to the full contingent of seven judges and held no later than 18 months prior to the expiration of the then-current two year Specialty Court rotation in order to allow each next incoming Specialty Court judge to adequately prepare for their Specialty Court role. Such random reassignment shall be fair and equitable and not allow for the then-current Specialty Court judge for each Specialty Court to remain in the same Specialty Court for the next two year period, nor permit a Family Court Specialty Court judge to immediately hold either of the Family Court Specialty Court positions. Except as provided herein, Specialty Court judges may, however, be eligible to fill any other Specialty Court positions.

2. Case Distribution Plan

(a) Criminal Cases

(i) Felony Cases

The two Family Court and the FV Specialty Court judges will each be assigned 6% of the criminal felony cases that are not already assigned to the FV Specialty Court judge or the Adult Drug Court Specialty Court judge. The Adult Drug Court Specialty Court judge will be assigned all Adult

Drug Court cases, all felony drug cases that are not Adult Drug Court cases and all misdemeanor drug cases (not including DUI cases) that are not Adult Drug Court cases but will not be assigned any additional felony cases. Considering a full contingent of seven judges, the remaining three judges will each be assigned 27.3% of the felony cases that are not already assigned to the FV or Adult Drug Court Specialty Court judges.

(ii) Misdemeanor Cases

The two Family Court and the FV Specialty Court judges will each be assigned 6% of the criminal misdemeanor cases that are not already assigned to the FV Specialty Court judge or the Adult Drug Court Specialty Court judge. Considering a full contingent of seven judges, the remaining four judges will each be assigned 20.5% of the criminal misdemeanor cases that are not already assigned to the FV Specialty Court judge; provided, however, that the Adult Drug Court Specialty Court judge shall be credited towards his/her 20.5% share with all misdemeanor drug cases assigned to him or her as the Adult Drug Court Specialty Court judge.

(b) Civil Cases

All non-criminal cases not assigned to Specialty Court judges will be divided equally among the seven Superior Court judges, one-seventh to each judge. These cases will include civil (CV), domestic (DM) (other than FV-related DM cases that will be assigned to the FV Specialty Court judge), probate, land registration, adoption and Special Proceeding (including name changes, writs, and special process server applications) matters, provided however that the FV Specialty Court judge shall be credited towards his/her one-seventh share with all the FV-related DM and civil RO cases assigned to him or her as the FV Specialty Court judge.

3. Miscellaneous Matters

(a) All sitting judges, except the Presiding Judge who covers all magistrate, arraignment and grand jury return matters, continue to rotate every two weeks as the *ex-parte* judge.

(b) The Master Calendar Cases will continue to rotate every two weeks, similar to the *ex parte* calendar.

C. Small Claims, Child Support and Traffic Matters

1. All Small Claims matters shall be assigned to the Superior Court and they will be heard by Judge Barcinas.

2. Child Support Referee Ingles will handle all Child Support cases, all Truancy matters, all Traffic matters and one-half of all Beyond Control matters.

D. Random Case Assignment

The Clerk of Court, working with the Administrative Officer of the Courts, shall not later than 45 days from the effective date of this Administrative Rule cause to be computerized the random assignment of cases as described above.

Adopted this 14th day of January, 2005.



F. Philip Carbullido
Chief Justice of Guam



Frances Tydingco-Gatewood
Associate Justice



Robert J. Torres
Associate Justice