Judiciary of Guam

2004 Annual Report to the Community

Message from the Chief Justice

People of Guam:

With humble gratitude for the confidence placed in us by our local leaders, and subsequently confirmed by the United States Congress and President George W. Bush through the passage of the Act creating the judicial branch as an independent and coequal branch of government, I am pleased to present the Judiciary of Guam 2004 Annual Report to the community.

My judicial brethen and the employees of the Courts of Justice have loyally tended to our mission of providing unquestionable fairness and uncompromising justice to the people of our island. In order to continue to improve our delivery of services and transform this branch of government, the people of Guam, and their elected representatives, must better understand our operating environment. This Annual Report contributes to that endeavor.

The Report illustrates the accomplishments of the Courts of Justice during the past year and it exemplifies the talents of our employees. Their commitment to public service and dedication to the noble mission of the Judiciary of Guam, which is providing justice to the residents of this island, ensures all persons are treated with integrity, fairness and respect. As you will see, while we strive to maintain fiscal responsibility, our priorities are focused on the needs of our island residents.

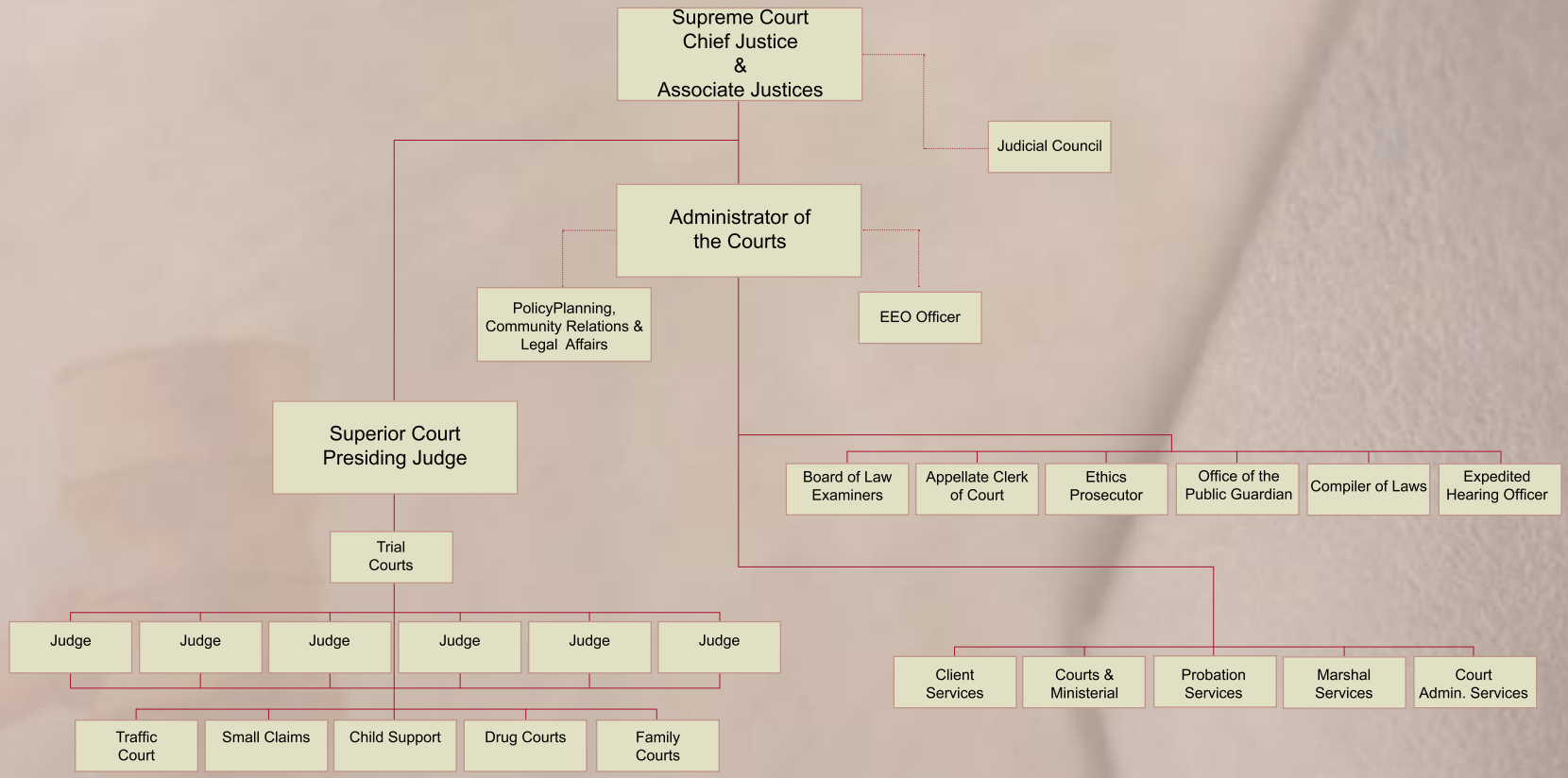
We are proud of our accomplishments, but there is much more to be done. With the continued help from our elected leaders each day, we come one step closer towards an even more promising future for the people of Guam.

Yours sincerely,

F. Philip Carbullido
Chief Justice

Unified Judiciary of Guam

Administrative Organizational Structure



Chief Justice F. Philip Carbullido

F. Philip Carbullido was appointed to the Supreme Court of Guam by Governor Carl T.C. Gutierrez in 2000. He assumed the duties of Chief Justice for the unexpired term of his predecessor in 2003 and was re-elected this past January by his colleagues to serve a new and full three-year term as Chief Justice for the island judiciary. Prior to joining the bench, he served as a private practitioner for 21 years, legal counsel to the Airport Authority, Port Authority, University of Guam, Guam Preservation Trust, legislative committees, and as an Assistant Attorney General with the local Department of Law. He received a B.S. in Political Science from the University of Oregon in 1975 and a J.D. from the University of California at Davis in 1978. He is married to the former Fay Diana Garrido and they have four children.

Justice Frances Tydingco-Gatewood

Frances Tydingco-Gatewood was appointed to the Supreme Court of Guam by Governor Carl T. C. Gutierrez in 2002. Prior to that she served as a trial court Judge in the Superior Court for seven years after being appointed by Governor Joseph F. Ada in 1994. From 1984 to 1994 she was an Assistant Prosecutor in Missouri and Guam and subsequently. Chief Prosecutor for the island, and Designated federal Prosecutor. She received a B.A. in Political Science from Marquette University, Milwaukee Wisconsin in 1980 and a J.D. from the University of Missouri, Kansas City in 1983. She is married to Dr. Robert Gatewood and they have three sons.

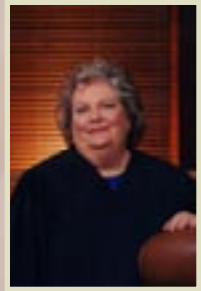
Justice Robert J. Torres, Jr.

Robert J. Torres was appointed to the Supreme Court of Guam by Governor Felix P. Camacho in 2003. Before joining the bench, he practiced law for 17 years in Boston, Massachusetts and Guam. He was President of the Guam Bar Association, Guam's first delegate to the American Bar Association House of Delagates and Chair of the Ninth Circuit Lawyer Representative Coordinating Committee. He received his B.B.A. in Accounting (Magna Cum Laude, Beta Gamma Sigma, Beta Alpha Psi) in 1980 from the University of Notre Dame, South Bend, Indiana and his J.D. from Harvard Law School, Cambridge, Massachusetts. He is married to the former Mary Camacho and they have three children and a grandchild.

Presiding Judge Alberto C. Lamorena III

Alberto C. Lamorena III was appointed by Governor Joseph F. Ada to the Superior Court of Guam bench in 1988 as Presiding Judge. Judge Lamorena was retained by the people of Guam in 1996 and again in 2004. He was Chairman of the Guam Judicial Council for nearly 16 years and former Chairman of the Board of Law Examiners and Public Defender Board of Trustees . Prior to his appointment as Presiding Judge, Judge Lamorena served as a Senator in the 15th, 16th, 17th 18th and 19th Guam Legislatures, where he was Chairman of the Ways and Means (15th , 16th) and Minority leader (19th). He also was a private practitioner for ten years. He received a B.A. in Political Science from the University of Illinois, Urbana in 1971, a B.A. in Accounting from the University of Texas, Austin in 1974, and a J.D. from Drake University, Des Moines, Iowa in 1977.

Judge Katherine A. Maraman



Katherine A. Maraman was appointed to the Superior Court of Guam bench in 1994 by Governor Joseph F. Ada, after serving as his chief Legal Advisor for 6 years and was later retained by the voters in the 2002 general election. She served as Minority legislative counsel in the 17th, 18th and 19th Guam Legislatures and as Majority legislative counsel in the 14th, 15th, and 16th Guam Legislatures. She also was a private practitioner and an attorney with the New Mexico Legislative Council Service. She received her B.A. in Economics from The Colorado College in 1973 and her J.D. from the University of New Mexico in 1976.

Judge Steven Sablan Unpingco

Steven Sablan Unpingco was appointed to the Superior Court of Guam by Governor Carl T.C. Gutierrez in 1997 and retained as a judge in the 2004 election. Before joining the bench, he was a private practioner for 12 years and served as legal counsel to several legislators in the Guam Legislature and as Chief Legal Advisor to former Governor Ricardo J. Bordallo. He received his B.A. in Political Science with honors from St. Louis University in 1979 and his law degree from the University of San Francisco in 1982.

Judge Michael J. Bordallo

Michael J. Bordallo was appointed to the Superior Court of Guam bench by Governor Carl T. C. Gutierrez in November 1997. Prior to joining the bench, he was a private practitioner for nine years and an Assistant Attorney General for Guam for one year. Judge Bordallo graduated from the University of Notre Dame, South Bend, Indiana in 1983 with a Bachelors of Business Administration degree and with a J.D. in 1987. He is married to the former Carla L. Benito and they have three children.

Judge Elizabeth Barrett-Anderson

Elizabeth Barrett-Anderson was appointed to the Superior Court of Guam by Governor Carl T.C. Gutierrez in 1997. Her legal career started as a private practitioner for five years before she served as Attorney General of Guam for five years. She subsequently was elected to the 23rd and 24th Guam Legislature. Judge Barrett-Anderson graduated with a B.S. in Political Science from the University of San Francisco in 1974 and obtained her J. D. from the University of Santa Clara School of Law in 1979. She is married to Daniel Anderson and has three children.

Judge Anita A. Sukola

Anita A. Sukola was appointed to the Superior Court of Guam bench in February 2002 by Governor Carl T.C. Gutierrez. Prior to coming to the bench, Judge Sukola was a private practitioner for nearly 11 years with the firm of Lujan & Sukola, and was legislative counsel for the Committee on Education, the Chamorro Land Trust Commission, and the Port Authority of Guam. She also served in other government positions as the Deputy Director and Director of the Department of Education, and as an Associate Public Defender. Judge Sukola holds a B.A. degree in History and Secondary Education from Washington State University in Pullman, Washington and a J.D. from People's College of Law in Los Angeles, California in 1983.

Judge Arthur R. Barcinas

Governor Felix P. Camacho appointed Arthur R. Barcinas to the Superior Court of Guam in May 2004. Before being appointed, Judge Barcinas was a private practitioner for fourteen years. The judge received his B.S. degree in Political Science from the University of Hawaii at Manoa, in 1986 and his J.D. from Gonzaga University School of Law in 1989. He has three daughters.

Administrative Office of the Courts

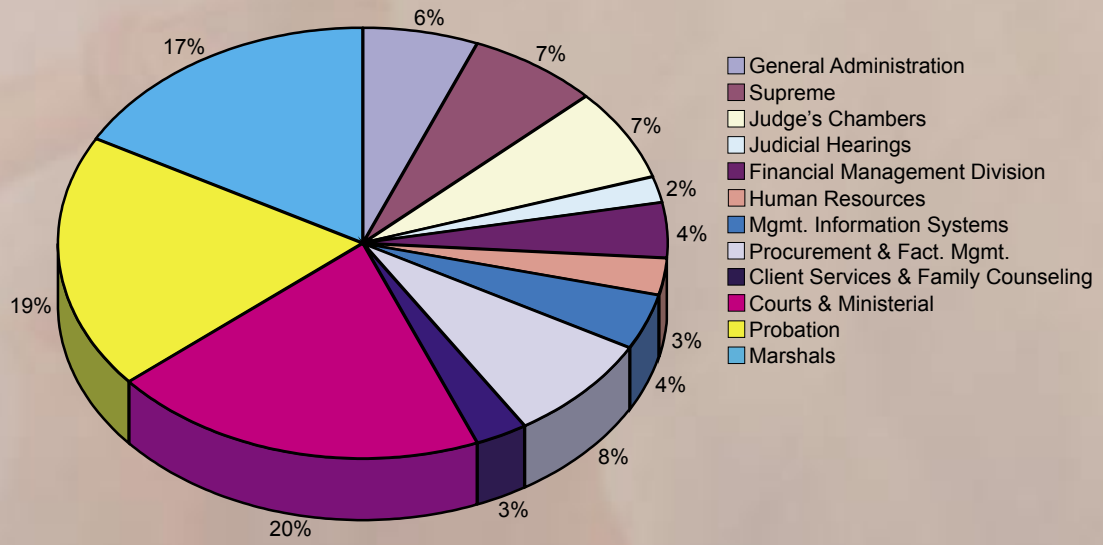
The Administrative Office of the Courts (AOC) is responsible for the daily operations of the court system and for carrying out of the courts activities. The AOC establishes specific management priorities and goals each year and provides managerial support and assistance to the Supreme Court, Superior Court and all divisions, offices, sections, programs and committees. In addition, the AOC oversees fiscal resources, payroll administration, personnel administration, procurement and facilities maintenance, and policy formulation.

A primary initiative for the AOC is to identify ways to reduce costs, improve service, and implement solutions that will enable the Judiciary to do the best job it can with limited resources. Over the past year, the AOC has addressed some of the most pressing needs the Judiciary has for automation, security, staffing, space and facilities planning, administrative improvements, program guidance, federal funding, long-range planning, and broad-ranged troubleshooting support for Justices, Judges and other court officials.

The AOC has improved its internal management systems and developed a blue print for reorganization of the Judicial Branch to operate more effectively and efficiently in order to carry out its responsibilities and meet the ever-changing demands on the judicial system.

To compliment the reoganization efforts, the AOC has been training court personnel and improving its own system for the administrative oversight. The Judiciary is develping and adopting new procurement rules, property rules, personnel rules, travel rules, an official vehicle policy, management information systems standards and other operational and administrative guidelines.

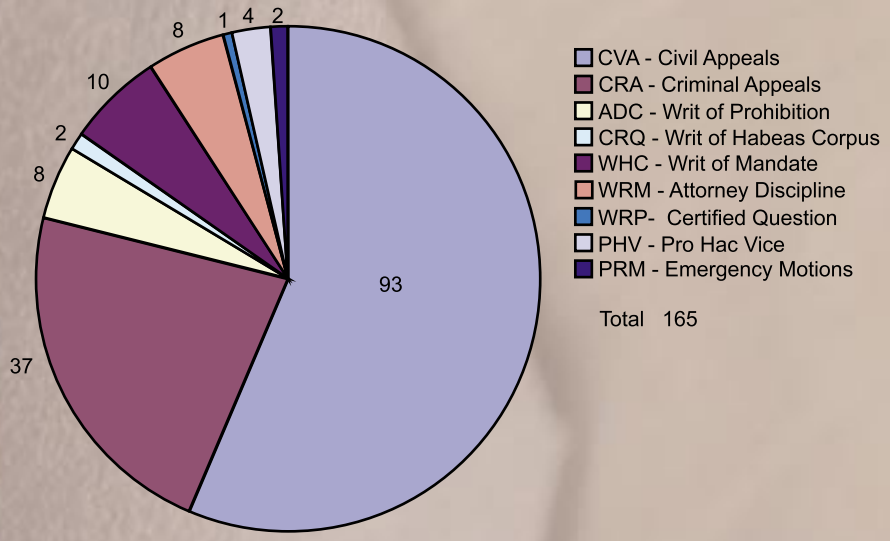
Judiciary of Guam Staffing Level 12/31/04



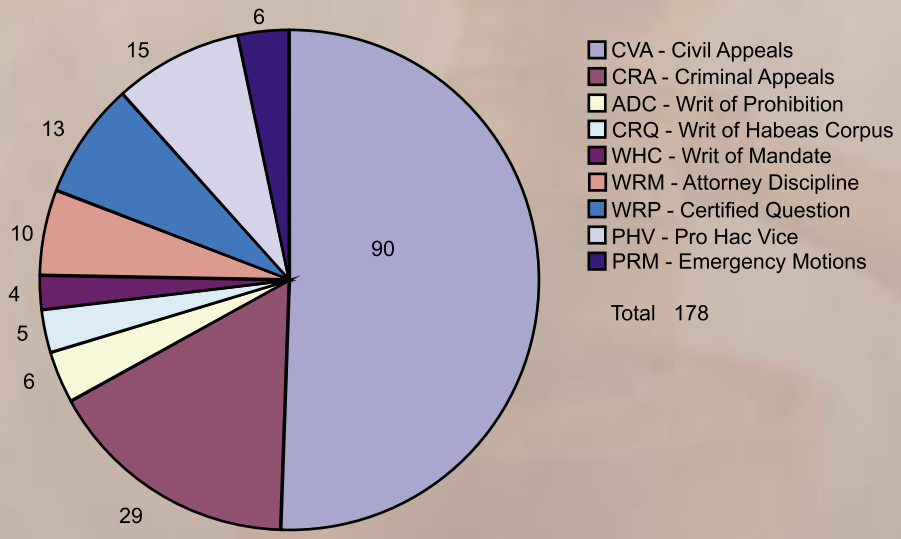
SUPREME COURT

The primary mission of the Supreme Court of Guam is to advance the cause of justice by reviewing decisions of the Superior Court of Guam in which appeals have been filed. The Supreme Court is further responsible for overseeing the Ethics Prosecutor, the Office of the Public Guardian, and the Compiler of Laws and exercises disciplinary jurisdiction over attorneys admitted to practice in Guam. In addition, the Supreme Court, as the Board of Law Examiners, administers the bar examiniation and inquires into the character and fitness of applicants for the practice of law in Guam.

Cases and Actions Filed in 2004



Orders and Opinions Issued in 2004



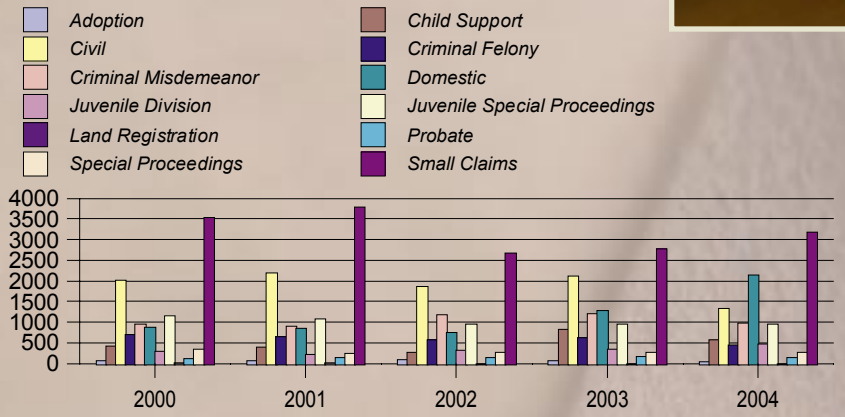
SUPERIOR COURT

The Superior Court of Guam is a court of general jurisdiction having original jurisdiction of cases not within the exclusive jurisdiction of the Supreme Court of Guam or the U.S District Court of Guam. In addition, the Superior Court of Guam has appellate jurisdiction in certain cases tried and determined in the Traffic Division and Small Claims Division.

Courts & Ministerial

The Courts and Ministerial Division (C&M) is responsible for the filing, processing, disposal and distribution of all pleadings filed in the Superior Court of Guam. C&M maintains and secures all records, dockets and evidence' schedules cases, prepares daily calendars, provides direct courtroom support, manages juror services, monitors caseflow, and administers court case assignment procedures. Additionally, C&M's Appeals Unit, Records Unit, Intake Unit, Jury Services Unit, Court Transcribers Unit, Small Claims Unit, Master Calendar Case Unit (Civil Collections), and the Traffic Violations Bureau provide direct support to the trial court judges, Pro Tempore Judges and Court Referees.

Cases Filed by Category



Five Year Comparative Cases Filed	2000	2001	2002	2003	2004
Adoption	59	59	83	81	54
Child Support	424	406	272	830	579
Civil	2,016	2,197	1,875	2,121	1,322
Criminal Felony	712	654	567	615	449
Criminal Misdemeanor	953	917	1,179	1,199	975
Domestic	870	856	746	1,276	2,153
Juvenile Division	304	234	324	340	465
Juvenile Special Proceedings	1,166	1,076	960	955	955
Land Registration	11	8	4	6	4
Probate	115	153	133	171	146
Special Proceedings	360	252	267	284	273
Small Claims	3,540	3,798	2,664	2,767	3,178
GRAND TOTALS:	10,530	10,610	9,074	10,645	10,553

Marshals Division

The Marshals Division is responsible for ensuring the safe conduct of judicial proceedings and protecting Justices, Judges, court employees, jurors and the thousands of court patrons who visit the Guam Judicial Center every year. In addition to providing judicial and court security, the Marshals Division processed and served thousands of of criminal felony and misdemeanor warrants, subpoenas, summons and orders to show cause. The Marshals Division was further tasked with executing levies, writs, notices of attachment and conducting Marshals sales. Additionally, the Marshals Division assists in Child Support and Family Violence cases by monitoring over 5, 000 child support, domestic and juvenile cases, and enforcing all domestic and civil restraining orders and aids in providing a safe environment at the "Erica's House" family visitaiton center.

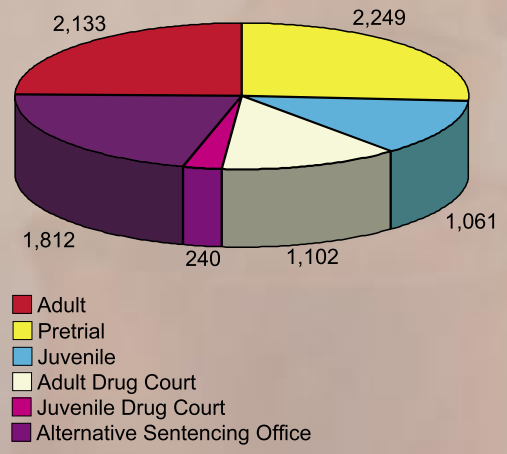
In fulfilling its primary responsibility of providing security service to the Judiciary, the Marshals Division in 2004 supervised and coordinated the installation of complex electronic security systems. This included perimeter security, access control, closed circuit television surveillance and alarm reporting systems. The Marshals Division recently initiated a comprehensive review of security standards and procedures in response to the dramatic increase throughout the country in the number of threats made against members of the Judiciary and other court officers and the growth in courtroom violence.

Probation Division

The mission of the Probation Services is to supervise and monitor all persons placed under its control by the court, to ensure accountability and compliance with all court orders and conditions of probation and to enforce court orders for adult and juvenile criminal offenders in the pre and post adjudication process in a fair and impartial manner as to provide an element of public safety in the community. Probation Officers engage in evaluation of offender risks and needs and conduct pre and post sentence investigations at the direction of the Judge.

Additionally, they track and enforce payments, fees and restitution for victims, and monitor community service, diversion and educational/rehabilitative programs for court-ordered clients.

2004 Cases - Probation Division

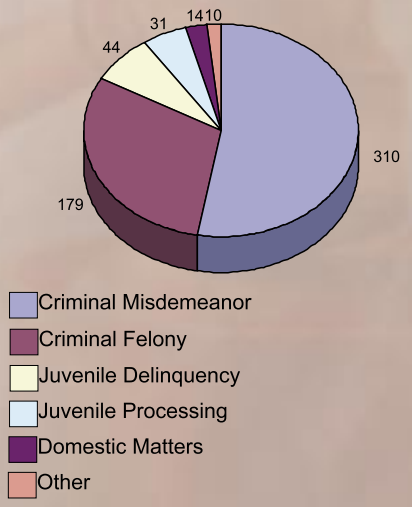


Client Services & Family Counseling Division

The Client Services and Family Counseling Division provides a variety of clinical services in support of the judicial process. Family conflict can sometimes be stressful and families as well as individuals must be empowered to make the important decisions they must face. Our counseling service providers are trained to assist in this regard and provide the services necessary to reduce or ameliorate family problems.

CSFCD provided forensic and psychological evaluation, diagnostic services, therapeutic counseling and rehabilitative services for hundreds of individuals, groups, families, adults, adolescents and children in 2004.

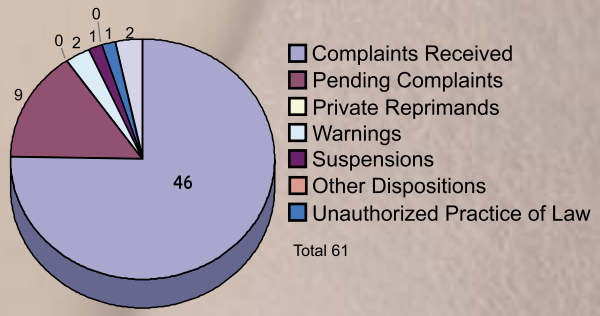
Court Ordered Referrals in 2004



Office of the Ethics Prosecutor

The license to practice law in Guam is a continuing proclamation by the Sureme Court of Guam that the holder is fit to be entrusted with professional and judicial matters, and to aid in the administration of justice as an attorney and as an officer of the court.

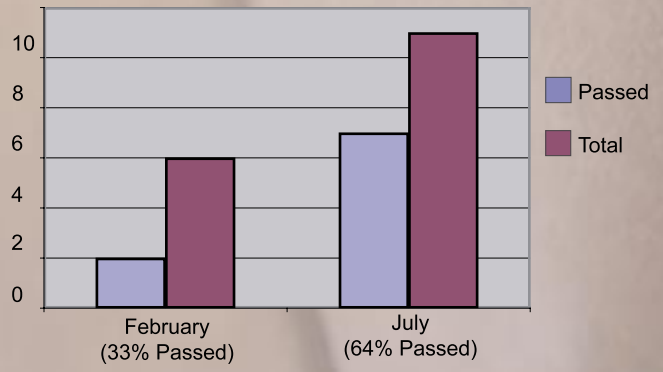
To that end, the Ethics Prosecutor receives and investigates complaints and prosecutes disciplinary proceedings against members of the Bar of Guam.



Board of Law Examiners

The Board of Law Examiners certifies as fit to practice law, those applicants who have passed the bar examination and established to the Board's satisfaction that they possess the requisite integrity and character.

Board of Law Examiners 2004 Test Data



Compiler of Laws

The Compiler of Laws is tasked with publishing the Guam Code Annotated, Session Laws, Opinions of the Supreme Court of Guam, Attorney General Opinions, Executive Orders and the Guam Administrative Rules.

The Compiler opened its doors in August 2004 under Supreme Court oversight and embarked upon fulfilling its mandated tasks. As of the printing of this report, the Compiler has updated all of the aforementioned, laws, rules and regulations and launched the compilers website. Printed updates of the Codes are expected by the middle of this year.

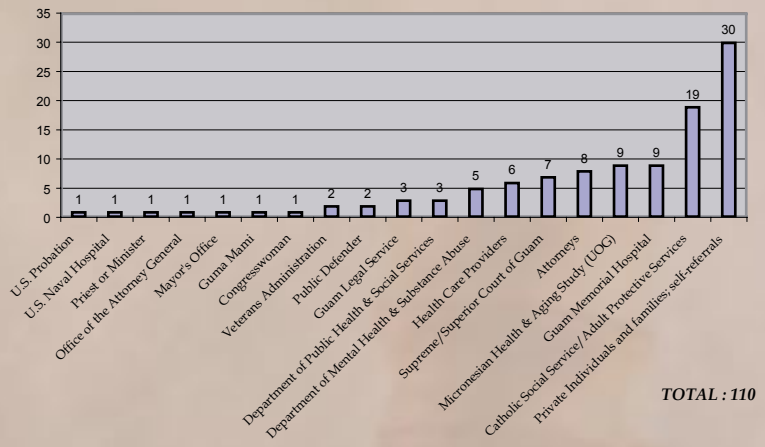
Judicial Hearings Division

The primary mission of this Division is to provide a speedy and efficient legal process in child support cases, which will assist the Superior Court of Guam Judges in adjudicating maintenance and child support matters, and in enforcing orders for support in accordance with applicable federal and territorial laws, rules and regulations. In 2004, the Judicial Hearings Division fielded 579 cases and heard and decided motions and preliminary matters on child support, modification of spousal support, orders to show cause, and other related matters.

Office of the Public Guardian

The Public Guardian serves as guardian of the person and/or estate of an elderly or mentally incompacitated individual when so appointed by the court and also assists the court in proceedings for the appointment of a guardian and for supervision of appointed guardians.

REFERRALS RECEIVED FROM THE OFFICE OF THE PUBLIC GUARDIAN IN 2004



TOTAL : 110

SUBCOMMITTEES

As the spring wells of ideas, the Supreme Court has formed several working subcommittees dedicated to the development of initiatives for the improvement of the administration of justice.

TECHNOLOGY AND INFORMATION SYSTEMS

Co-chaired by Justice Robert J. Torres and Peter F. Leon Guerrero, MIS Administrator, the powerful and dynamic purpose of the Subcommittee on Technology and Information Systems is to envision solutions that will bring the Judiciary to the forefront of Judicial Technology through research, sharing of information with other Judicial Centers and implementing projects with the careful input from a balanced representation of key members of the Guam Judiciary's work force. The Subcommittee members, which include Lorrie Anderson, Terry Brooks, Robert Cruz, Joe Leon Guerrero, Jehan'ed Martinez, Norbert Mendiola, Sirena Perez, Serge Quenga, Benjamin Sison and Joe Tenorio, researched, made recommendations and organized the project to implement Wireless Networking for the Guam Bar Association, and made plans to include access to the Judiciary's Case Management System. Assessment of implementing Digital Recording for both the appellate and trial courtrooms has been completed and plans to procure this technology are now underway. Through the efforts of the Subcommittee, the Judiciary is evaluating its case management system and processes and hopes to implement e-filing and digital document management within the Superior Court in the near future. The proposed management information systems standards as drafted by the Subcommittee will be instrumental in elevating the Judiciary into a more responsible, efficient and professional workforce. The desired expectation will promote greater security from unexpected threats in the form of viruses or spyware. The Subcommittee has been pro-active in modernizing our technology and optimizing the Judiciary's ability to carry out its mission.

JUDICIAL, ATTORNEY AND COMMUNITY EDUCATION

Led by Justice Frances Tydingco-Gatewood and Judges Elizabeth Barrett-Anderson and Anita Sukola, and the with the assistance of Committee Members, Alicia Limtiaco, Carol Hinkle-Sanchez, John Weisenberger and Stephanie Flores, the Committee is dedicated to the education of justices, judges, attorneys and the community at large. Most recently, the Committee held the Guam Family Violence 2004 Conference, which was a joint project by the Office of the Governor, the Office of Justice Programs, U.S. Department of Justice, and Violence Against Women Office. Various speakers such as justices, judges, counselors, victims, advocates and members of the legislature educated the community on how violence happens and the options available for victims and defendants.

INDIGENT DEFENSE

Chaired by Justice Frances Tydingco-Gatewood and Judge Michael J. Bordallo, members of this Committee include former GBA President Jay Arriola, Jamie Canto, Kathy Maher, Mitch Thompson, Hank Parker and Serge Quenga. After its first meeting on April 1, 2002, the Unified Judiciary Committee ("UJC") revived the Subcommittee on Indigent Defense in order to address concerns regarding unpaid court-appointed attorneys and the need for amending the Rules for Appointment of Counsel for Indigent Defendants. On September 19, 2002, the Subcommittee proposed rules to the UJC. After minor amendments, the UJC passed a resolution recommending adoption of the rules to the Supreme Court of Guam. On November 19, 2002, the Supreme Court, en banc, adopted the rules. The new rules provide for the formation of a Private Attorney Panel to be composed of private attorneys with experience in criminal defense to replace the somewhat random assignment of attorneys in cases where the Public Defender or the Associated Defense Advocates were conflicted. Because of skyrocketing costs associated with indigent defense, coupled with substantial decreases in legislative appropriations for indigent defense, the Subcommittee explored other more economical methods and proposed the formation of an "Alternative" Public Defenders Office to handle conflicted cases from the regular Public Defender Service Corporation. The Judiciary is expected to reduce the costs for indigent defense by half. The Subcommittee worked tirelessly to ensure the payments of outstanding indigent defense vouchers, which in some cases were years behind payment, and in total, ran into the hundreds of thousands of dollars in arrears. Working with the Administrator of the Courts, Perry Taitano, the payment of these vouchers became a priority, and as of January 2005, were paid in full to that date. The total payments by the Judiciary for indigent defense peaked in 2004 at over $2.7 Million Dollars. The criminal defense expertise found in the Public Defenders Office, the Alternative Public Defenders Office and the Private Attorney Panel also serves to decrease the cost of criminal indigent defense.

CRIME VICTIMS AND WITNESS PROTECTION PROGRAM

The Crime Victims and Witnesses Protection Program Subcommittee, led by Justice Frances Tydingco-Gatewood and Judge Anita Sukola, is responsible for ensuring the safety of the crime victims and witnesses as the cases of criminal offenders proceed through the court system. The recent amendment of the Crime Victim's Rights Act required the promulgation of program guidelines. Accordingly, the Committee examined existing protocol and procedure to ensure compliance with the new law. The Committee is also investigating other methods to better meet the protection and safety concerns of the crime victims and witnesses. The program guidelines were promulgated by the Supreme Court on April 1, 2005. Committee members include Marshal Rose Aguero, Probation Officer Roseanna Castro and Research Attorney Geri Cepeda.

PRO SE LITIGATION

Co-chaired by Justice Frances Tydingco-Gatewood and Judge Arthur Barcinas and with the assistance of Jay Arriola, Seaton Woodley, Michael Pangelinan, John Terlaje, Cynthia Ecube, Maria Cenzon-Dueñas, Dan Somerfleck and Lori Gutierrez-Long, the Pro Se Litigation Subcommittee seeks to explore who pro se litigants are, and why they are unrepresented, and further seeks a determination of the extent to which pro se litigants place a burden on the judicial system. The Subcommittee will examine methods of ensuring that pro se litigants are better equipped and prepared and fully informed of their rights and responsibilities. The Subcommittee will also examine the feasibility of lawyers providing pro bono service to educate pro se litigants, including the possibility of having attorneys provide unbundled legal services to pro se litigants as a viable method of ensuring that the pro se litigants are better prepared and informed when entering into our Guam courts. The Committee is sensitive to the many similar, and at times, different perspectives and interests of the key stakeholders (attorneys, justices, judges, court staff, legal services organizations, self-represented litigants, and the public).

ALTERNATIVE DISPUTE RESOLUTION - ARBITRATION

Under the leadership of Chief Justice F. Phillip Carbullido and Justice Robert J. Torres, and with the assistance of Retired Chief Justice Peter C. Siguenza, Jr., Ignacio Aguigui, Bruce Bradley, Eduardo Calvo, Jennifer Calvo, Tim Roberts, Thomas Tarpley, David Ledger and Brandon Carbullido, this subcommittee is presently drafting proposed Commercial Arbitration Rules which will govern matters referred to arbitration at the Guam International Arbitration Center ("GIAC"). The GIAC was created by the passage of Public Law 27-81 and is expected to not only facilitate the resolution of commercial disputes without the need for traditional litigation before the courts of Guam, but to also establish a center for dispute resolution throughout the Pacific Rim region. The subcommittee's goal is to complete the draft rules later this year for distribution to the Guam Bar Association for comment thereafter.

ALTERNATIVE DISPUTE RESOLUTION- MEDIATION

The Mediation Subcommittee of the Alternative Dispute Resolution Committee, led by Justice Frances Tydingco-Gatewood and Judge Michael Bordallo, is tasked with examining methods to integrate mediation principles into the existing court system, as alternative dispute resolution methods have been shown to decrease the caseload before the courts and encourage parties to work together to reach a more amicable resolution of their disputes. The

amendment of Guam's child custody statute to allow for mediation in child custody cases provided the Committee with the opportunity to create the Mediation Pilot Program in disputed child custody cases. The subcommittee, with the hard work of committee members, Retired Chief Justice and now Senator Benjamin J. Cruz, Pat Wolff, Geri Cepeda, Kathy Maher, Tricia Ada, and John Weisenberger, drafted rules outlining the procedure to be used in the Mediation Pilot Program. The rules were promulgated by the Supreme Court on April 4, 2005.

Rules of Civil Procedure and Rules of Court Revisions

Justice Robert J. Torres and Judge Katherine Maraman co-chair the Subcommittee on rules of Civil Procedure & Superior Court Revisions which has completed a re-drafting of Rules 1 through 90 of the Rules of Civil Procedure for the Superior Court of Guam. The Committee members include Judge Elizabeth Barrett-Anderson, Judge Arthur Barcinas, Joaquin Arriola, Maria Cenzon-Duenas, Janalynn Cruz Damian, Cynthia Ecube, Ann Keith, John Maher, Richard Martinez, Michael Pangelinan, Richard Pipes, Danielle Rosete and Charles Troutman. New rules for distribution to the Guam Bar for public comment are being published. This Committee also recently began revising the long neglected Superior Court Rules of Court. The revision of these local rules should also be completed this year, and ready for public comment late in the year or early next. Because of the importance of the local rules, particularly the local rules on motion practice and on ex parte proceedings, there remains an open invitation to the Bar to assist with these revisions.

Proposed Criminal Justice Jury Instructions

Led by Justice Frances Tydingco-Gatewood, subcommittee members include Judges Anita Sukola and Arthur Barcinas, as well as Kathy Maher, Richard Dirkx, Tricia Ada, Alicia Limtiaco, Donna Cruz and Don Calvo. This Committee has already developed a set of proposed criminal jury instructions. This set of over 120 criminal jury instructions are in their final stages of review before publication to the Bar for comment. It is the Committee's goal to have standardized jury instructions available to judges and the criminal Bar by next year.

Rules of Evidence Revisions

Co-chaired by Justice Robert J. Torres and Judge Katherine A. Maraman, and with the assistance of committee members Judge John Unpingco, Georgette Bello-Concepcion, Maria Cenzon-Duenas, William Gravas, Stephen Hattori, Stephanie Sato, Traylor T. Mercer and Charles Troutman, the subcommittee on Rules of Evidence Revisions was formed to review the existing Evidence Law of Guam and to propose amendments to the Rules and Principles of Evidence found in Title 6 of the Guam Code Annotated. The current rules of evidence are based in part on the old Federal Rules of Evidence and Guam and California Codes of Civil Procedure. The Committee earnestly worked over the past few months to identify and review the changes that have been made to these old precedents since the initial promulgation of the Rules in 1979, and discussed whether to incorporate any of these changes. The Committee also updated the Compiler's comments and inserted Guam Supreme Court cases to refer to for guidance on how the rules have been interpreted. The draft of the revised Rules of Evidence, Rules 101-1102, was sent to the Guam Bar Association for review and comments and an open Bar forum was held on April 8, 2005 to

solicit additional comments and suggestions. Finally, the Committee continues to work on revising the Principles of Evidence found in Division 2 of Title 6 of the Guam Code Annotated and plans to complete their work before the end of the year.

PROPOSED CIVIL JURY INSTRUCTIONS

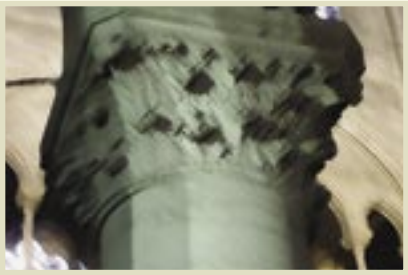
The subcommittee on Proposed Civil Jury Instructions , co-chaired by Justice Robert J. Torres and Judge Michael J. Bordallo, is tasked with drafting jury instructions that are legally accurate and understandable to the average juror. With the assistance of Committee members Michael D. Flynn, William Gravas, Bill Mann, Patrick Mason, Jeanne Quinata, Tim Roberts, and Wayson Wong, each instruction is prepared by a member of the Committee and subject to full committee refinement and consideration. Once finalized and approved by the Committee, the instructions will be submitted to the Bar for comment and then forwarded to the Supreme Court for its consideration and approval. The first set of proposed instructions, consisting of Introductory Instructions, Evidence, Contracts, and Negligence are being finalized by the Committee for distribution to the Bar for comment. The Committee continues to draft civil jury instructions on other areas of law.

GUAM CODE ADVISORY COMMISSION

The Guam Code Advisory Commission was created by PL 27-77 to work with the Compiler's Office to conduct a review of the structure, format, and organization of Guam's laws, rules and regulations, and court reports, and to recommend ways by which these materials may be more accessible to the general public. The Commission will consider all means of distribution, including both paper and electronic, and is composed of the Chief Justice of Guam, Chairperson; the Presiding Judge; the Attorney General, or designee; Public Defender, or designee; Governor's Legal Counsel; Legislative Counsel; President of the Guam Bar Association, or designee; Judge Katherine A. Maraman and Jonathan Quan are also members. The Commission is presently working on the publication of the interim Guam Code Annotated, which will provide an update to the GCA for the first time since 1998.

GUAM BOARD OF LAW EXAMINERS DRAFTING AND GRADING

This subcommittee is chaired by Justice Frances Tydingco-Gatewood. Since July 2002, the subcommittee has drafted its own local questions for seven Guam Bar examinations. The local graders have been trained with the National Conference of Bar Examiners and are highly qualified. Through the use of local



graders, the results of the Bar exam are available much sooner than in the past, when exams were graded off-island.

COURT CALENDARING AND CASE ASSIGNMENTS

Chaired by Chief Justice F. Philip Carbullido and co-chaired by Judges Michael J. Bordallo and Elizabeth Barrett-Anderson, this subcommittee is evaluating current calendaring and case assignment procedures and proposing modifications in order to continually improve the flow and management of cases. Working in collaboration with the trial court judges the subcommittee developed novel case assignment procedures which were recently promulgated by the Supreme Court. The subcommittee membership includes Jay Arriola, and Attorneys Mark Beggs, Robert Keogh, Harold F. Parker, Jeanne Quinata, Leonardo Rapadas, and Thomas Tarpley.

JUDICIAL REVIEW/APPELLATE RULE REVISIONS

This subcommittee is examining the existing Guam Rules of Appellate Procedure and proposing revision to the rules. Chaired by Chief Justice F. Philip Carbullido and co-chaired by Attorney Thomas Sterling, the subcommittee members are Attorneys Maria Cenzon-Duenas, Seth Forman, Michael Flynn, Alicia Limtiaco, Sirena Perez and Howard Trapp. The subcommittee's proposed revisions have been made available to the Bar for comment and the Supreme Court should adopt new rules within the next sixty days.

PUBLIC TRUST AND CONFIDENCE IN THE JUDICIARY

Chaired by Chief Justice F. Philip Carbullido and co-chaired by Judge Anita A. Sukola, this subcommittee developed a National Action Plan with black letter recommendations for improving lawyer competence and effective lawyer regulation, providing for more public understanding of lawyer professionalism and ethics and encouraging public access to the justice system. In addition, the

recommendations addressed lawyer professionalism in court and public participation on court and bar committees as well as interstate cooperation to ensure consistency among jurisdictions concerning lawyer regulation and professionalism. Subcommittee members include Attorneys Jay Arriola, Catherine Bejerana, William Blair, Thomas Tarpley, Nelson Xu and Justice Robert J. Torres.

TASK FORCE ON JUDICIARY CONSOLIDATION

This Task Force was created last year to examine the Judiciary's resources and develop a blueprint for Judicial reorganization and consolidation. Chaired by Dan Tydingco and co-chaired by Robert Cruz, the Task Force made recommendations for consolidating contracts, personnel and financial resources and developing unified rules, policies and procedures for judicial operations in order for the judicial branch to operate more effectively and efficiently. Subcommittee members include Barbara Aguon, Audre Borja, Josita Calvo, Patrick Cepeda, Pete Leon Guerrero, Richard Martinez, Marie McElligott, Ray Taimanglo, Joseph Tenorio, and Michael Wintterle.

JUDICIAL ETHICS

Judicial Ethics, chaired by Chief Justice F. Philip Carbullido and co-chaired by Presiding Judge Alberto C. Lamorena III, developed new rules to govern the procedure when an ethical complaint is filed against a Judge or Justice. It utilized the American Bar Association's model rules for judicial discipline enforcement as a guide in formulating disciplinary rules. Subcommittee members include Justice Robert A. Torres, retired Supreme Court Justice Janet Healy Weeks, Judge Pro Tem Richard Benson and Attorneys William Blair, Patrick Civille, Jeffrey Cook, Jose I. Leon Guerrero, Sirena Perez, and Alberto Tolentino.

JUDICIARY OF GUAM
VISION STATEMENT

The Judiciary of Guam aspires to preserve and uphold the ideals and principles of law, fairness and justice for all, and pledges to:

Improve court operations and access to the judicial system with the highest level of service for all;

Recognize that the Judiciary shall continue to be accountable for effective and efficient management and administration of court operations;

Promote positive relationships with other branches of government and all justice system constituencies;

Remain impartial, progressive and committed to good governance; and to

Develop and empower employees to be innovative and responsive to the diverse needs of our island community and promote trust and teamwork.

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