SUPREME COURT OF GUAM

ADMINISTRATIVE RULE NO. 06-001

REGARDING CASE MANAGEMENT & DISPOSITION WITHIN THE SUPERIOR COURT OF GUAM PURSUANT TO PUBLIC LAW 28-137:1

A. Introduction

Pursuant to 48 USC §§ 1424-1(a)(4) and (6), and as mandated by Title 7 GCA § 4101(e) (as repealed and re-enacted by Public Law 28-137:1), the Supreme Court of Guam hereby promulgates this Administrative Rule regarding Case Management and Disposition within the Superior Court of Guam.[1]

The purpose of this Rule is to provide both a procedural framework for the efficient dispatch of the Superior Court's business as well as a system of data collection, management and reporting regarding each individual Judge as well as the trial court as a whole.

B. Relevant Law and Existing Rules

The Court notes that prior to the passage of PL 27-137 on July 7, 2006, 7 GCA 4101(e) read, as provided in PL 27-31, as follows:

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[1] Title 7 GCA § 4101(e) now reads as follows:

"(e) Enactment of Rules on Case Management and Disposition. The Supreme Court shall enact rules governing the efficient dispatch of the Superior Court's business, including the following:

(1) time frames and deadlines for matters taken under submission to provide speedy and efficient disposition of cases;

(2) compilation of data and statistics regarding the court and each judge's performance and publication of the same on the Supreme Court website. Said compilation shall include, but not be limited to, the number of motions filed in cases pending before each judge, the number of motions and trials to the court which each judge has had under submission more than sixty (60) days, and the number of motions and trials to the court each judge has had under submission more than one hundred twenty (120) days prompt and equitable assignment and distribution of cases and workload and time off among the judges;

(3) assignment, management, distribution, processing, scheduling and disposition of cases in the Superior Court;

(4) whether a referee or hearing officer may hear a case; and

(5) any other matters which affect the prompt, fair and just disposition of cases in the Superior Court."

> "(e) Effective November 1, 2003, for cases assigned after that date, a Judge of a court of record may not receive the salary for the judicial office held by the Judge while any cause before the Judge remains pending and undetermined for one hundred eighty (180) days after it has been submitted for decision."

The result of PL 28-137:1 has been to replace the PL 27-31 language with the language of the new 4101(e) which is quoted in its entirety in footnote 1 herein.

C. Section 4101(e)'s Requirements

Section 4101(e)(1):

Section 4101(e)(1) requires that rules be enacted regarding "time frames and deadlines for matters taken under submission to provide speedy and efficient disposition of cases." It is hereby adopted that the following deadlines shall apply to all matters taken under advisement:

1. a decision on a motion must be issued within 90 days; and
2. a decision on any other matter must be issued within 120 days.

The progress of each case for each judge shall be posted by the Clerk of Court on the Judiciary of Guam website and updated regularly as immediately set forth below.

Section 4101(e)(2):

Section 4101(e)(2)provides for the enactment of rules regarding the compilation of data and statistics regarding the Superior Court and each judge's performance and publication of the same on the Supreme Court website. In furtherance of this section, the Clerk of the Superior Court working with the Administrative Officer of the Courts and the MIS Division, shall cause the timely compilation of data and statistics containing detailed information about the caseload of the judges of the Superior Court. The data and statistics shall be published on the Judiciary of Guam website not later than 45 days from the effective date of this Administrative Rule. The judges, their chamber clerks and staff shall fully cooperate with the Clerk of Court and his team as well as the MIS Division regarding the timely collection, organization and regular updating of such data and statistics for inclusion on the Judiciary of Guam website.

Section 4101(e)(2) also includes language regarding equitable assignment and distribution of cases and workload, which is addressed below in the Section 4101(e)(3) discussion.

Section 4101(e)(2) further requires that time off among the judges be organized in a manner that maximizes the efficiency with which the Superior Court dispatches its business. Accordingly, all judges of the Superior Court other than the Presiding Judge shall obtain the prior written approval of the Presiding Judge regarding time they plan to be absent from the bench when such time is in excess of two consecutive work days. The Presiding Judge shall obtain the prior written approval of the Chief Justice of the Supreme Court regarding time he plans to be absent from the bench when such time is in excess of two consecutive work days. However, upon a showing of reasonable justification warranted by specific circumstances, written approval may be secured subsequent to a period of absence. Any judge who might be absent from the bench without approval as required herein will not receive their salary during the period of such absence.

Section 4101(e)(3):

Section 4101(e)(3) requires that this court enact rules addressing the "assignment, management, distribution, processing, scheduling and disposition of cases in the Superior Court." Specific time standards regarding the efficient disposition of cases are addressed with specificity below. Administrative Rule 05-01, entitled "Regarding Superior Court of Guam Case Assignments," adopted by the Court on January 14, 2005, a copy of which is attached hereto as Exhibit A, has been instrumental in facilitating the fair and equitable assignment, management, distribution and processing of cases filed in the Superior Court of Guam. Administrative Rule 05-01, shall remain as a component of the present Administrative Rule, together with any future amendments or changes the Court may make to that Rule.

In ongoing efforts to improve the operations of the Judiciary, the National Center for State Courts ("NCSC") was consulted and commissioned to provide assistance in this area and produced for the Judiciary its November 2005 Final Technical Assistance Report on Caseflow, Time Standards, and Efficiency of Personnel Assignments. A copy of that Report is attached hereto as Exhibit B. The time standards recommended by the NCSC have been reviewed and approved by the Superior Court judges as reasonably achievable standards which the Superior Court bench should aspire to attain. Those standards, which are hereby adopted as the Official Superior Court Time Standards, are as follows:[2]

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[2] The running of the applicable time standards herein shall be tolled during the pendency of diversion if a diversion order is issued in a criminal case or during the pendency of an alternative dispute resolution referral if a case has been referred for alternative dispute resolution.

Criminal Felony Cases:	100% concluded within 12 months.[3]
Criminal Misdemeanor Cases:	50% concluded within 6 months; 100% within 12 months.
Civil Cases:	75% concluded within 12 months; 100% within 18 months.[4]
Domestic Cases:	100% of uncontested cases concluded within 30 days.[5] 90% of contested cases concluded within 9 months; 100% of contested cases concluded within 15 months.
Juvenile Delinquency Cases:	80% concluded within 45 days, not including referral to drug court or restorative justice program;[6] 100% concluded within 120 days, not including referral to drug court or restorative justice program; 100% of drug court cases concluded within 15 months; 100% of restorative justice program cases concluded within 9 months.

The progress of each case for each judge shall be posted by the Clerk of Court on the Judiciary of Guam website and updated regularly.

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[3] Regarding criminal cases, the term "concluded" is intended to include sentencing, acquittal, dismissal or other action effectively ending the adjudicatory and dispositional phases of a case. It does not include post-conviction motions, appeals probation revocation hearings, or other post-dispositional matters.

[4] In civil cases, the term "concluded" is intended to include entry of judgment, dismissal or other action effectively ending the adjudicatory phase of a case. It does not include motions for a new trial, proceedings to enforce judgment, appeal, or other post-adjudicatory matters.

[5] For domestic proceedings, the term "concluded" is intended to include entry of the final divorce decree. It is not intended to include post-decree proceedings concerning child support, custody, visitation, or adjustment of alimony.

[6] For juvenile delinquency cases, the term "concluded" is intended to include issuance of a dispositional order, acquittal, dismissal or other action effectively ending the adjudicatory and dispositional phases of a delinquency case. It does not include post-dispositional motions, appeals, review hearings, probation revocation hearings, or other post-dispositional matters.

Remaining Sections of 4101(e):

Section 4101(e)(4), in regards to whether a referee or hearings officer may hear a case, and Section 4101(e)(5), in regards to any other matters which affect the prompt, fair and just disposition of cases in the Superior Court, will be addressed in a later Administrative Rule.

Adopted this 15th day of September, 2006.

F. Philip Carbullido
Chief Justice of Guam

Frances Tydingco-Gatewood
Associate Justice

Robert J. Torres
Associate Justice

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 Chid 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

Exhibit A

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

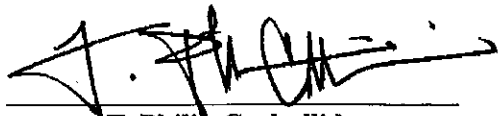
1. All Small Claims matters shall be assigned to the Superior Court and they will be heard by Judge Barcinas.

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.



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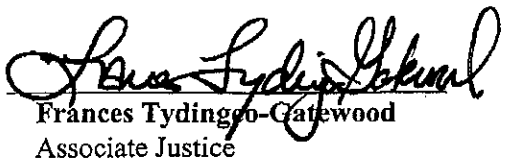

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CASEFLOW, TIME STANDARDS, AND EFFICIENCY OF PERSONNEL ASSIGNMENTS

FINAL TECHNICAL ASSISTANCE REPORT

November 2005

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Exhibit B

This report was prepared under Grant No. SJI-05-088 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.

CASEFLOW, TIME STANDARDS, and EFFICIENCY OF PERSONNEL ASSIGNMENTS

FINAL TECHNICAL ASSISTANCE REPORT

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CASEFLOW, TIME STANDARDS, AND EFFICIENCY OF PERSONNEL ASSIGNMENTS

FINAL TECHNICAL ASSISTANCE REPORT

INTRODUCTION: On August 8-11, 2005, consultants from the National Center for State Courts (NCSC) conducted a technical assistance site visit in Guam. The visit had three objectives:

- To analyze current caseflow processes and the extent and causes of litigation delay
- To develop time standards for case processing with the bench and bar
- To assess the efficiency of the staffing of the Guam courts

Each of these objectives is addressed below with a description of the approach used to achieve the objective, an explanation of the findings reached, and a set of recommendations for improvement.

CASEFLOW ANALYSIS:

A cardinal principle of justice is that disputes must be fairly resolved in a timely manner. Whether a case is tried, settled, or dismissed within a reasonable time period is not simply a matter of efficiency; it is a matter of justice. Thus, caseflow management has been a central theme of modern judicial administration.

> To reduce and avoid delay, American courts have developed a set of principles and techniques since the 1970s that we refer to as "caseflow management." Caseflow management involves the entire set of actions that a court takes to monitor and control the progress of cases, from initiation through trial or other initial disposition to the completion of all post disposition court work, to make sure that justice is done promptly.[1]

[1] D. C. Steelman with J. A. Goerdt & J. E. McMillan, *Caseflow Management: The Heart of Court Management in the New Millenium,* xi (Williamsburg, VA: NCSC 2004).

Approach. The analysis consisted of meetings with three groups of staff from the Courts and Ministerial Division. The purpose of these meetings was to define the stages in processing cases in each of the major jurisdictional categories; the approximate length of time required to complete each stage; the impediments to expeditious movement of a case from filing to disposition; and possible methods for expediting caseflow.[2] The result of these meetings are the timelines contained in Attachment A for each jurisdictional category that show the major stages through which cases pass, some of the steps required for completing each stage, and the estimated time normally required to complete each stage.

Findings. It is clear that the judiciary and staff of the Guam Court System understand the importance of the timely disposition of cases and are informed about effective caseflow management techniques. The passage of 7 G.C.A. §4101(e) requiring issuance of a ruling or order no more than six months after a matter has been submitted for decision has reinforced their awareness of the public's concern with the timeliness of case resolutions and dispositions.

The Guam courts have already instituted a sophisticated system of differentiated case management and other practices to facilitate the fair, effective, and efficient disposition of cases. Four special calendars have been established: a Family Violence Court, an Adult Drug Court, two Family Courts. A special Master Calendar process has been instituted to address the high volume of collections cases, and a Court Referee hears all child support, truancy, and traffic matters as well as half of the "beyond control" petitions. In order to balance the judicial workload, a complex case assignment system has been established based on

[2] It was anticipated that 2004 case processing data would be examined as well and compared with the estimates of experienced staff, but the Court System's current management information system is not programmed to produce the necessary reports, although the required data has been entered.

estimates of the judicial work time and effort required to handle various types of cases.[3] Given this differentiation of focus, it is not surprising that the Superior Court judges have developed individualized approaches to handling the case types that are distributed to more than one jurist, and that there appears to be few common ground rules regarding when to issue a scheduling order or set a firm trial date, the number of trial settings that will be permitted, or how often to conduct calendar calls of the dormant cases.

The staff's estimates of the actual time required for various types of cases to proceed from filing to disposition are set forth in Table 1. The ranges reflect the sum of the time period required to complete each major step in the process. The estimates also recognize that there are exceptions on either end of the range -- pleas are occasionally entered or settlements reached much more quickly than the general minimum time required; and some cases take much longer to resolve because the defendant has absconded, the respondent has filed for bankruptcy, or because of the complexity of the litigation.

TABLE 1

Estimated Time from Filing to Disposition (in days)

TYPE OF CASE	MINIMUM TIME	MAXIMUM TIME
Felony	75	195
Misdemeanor	73	167
Civil (not including small claims)	215	340
Domestic	47	451
Delinquency	24	127

The ranges in each category reflect such factors as the incarceration status of the accused, the nature of the charge or allegations, the number of parties, etc.

[3] See Administrative Rule No. 05-01.

As noted above, it was not possible within the time period of the project to compare these estimates with the data from the AS 400 system. If the data confirms the staff's perceptions, then the Guam courts can be commended for their expeditious resolution of disputes. This achievement is all the more remarkable because of some serious impediments to early disposition faced by the Guam judiciary such as:

- The absence of regular reports to a judge of their caseload and the age of the cases
- The difficulty in accommodating the schedules of off-island attorneys and witnesses
- The number of general practitioners who practice as individuals and must juggle the varying time limits of the different types of cases

The staff of the Courts and Ministerial Division face difficulties as well, especially during the early stages of the process, due to the growing numbers of self-represented litigants; the high volume of so-called "internet divorce" cases, and the practice by some litigants and law firms of filing a dozen or more collections cases at one time.

Recommendations.

1. *The Judiciary, AOC Director, and staff should discuss the possible impediments to achieving the time standards and whether and how these impediments might be overcome or lessened. Among the impediments identified during the study and workshop are:*

    a. The need to accommodate the schedules of off-island attorneys and off-island expert witnesses.

    While not a total solution, technology could be useful in lessening these impediments. For attorneys, appearances via video-conference (either by satellite transmission or web-based) could reduce the difficulty in scheduling non-evidentiary hearings and status conferences. Enabling off-island witnesses to testify on-screen rather

than in person would also be helpful. Although not yet widespread, both remote appearances by lawyers and on-screen testimony is being used by a number of jurisdictions in the US and other nations.[4]

b. The limited number of qualified interpreters not only for assistance in the courtroom, but also for discussions with appointed attorneys, referrals for services, and meetings with clinicians.

The Guam Courts are already addressing this problem through other tasks supported through SJI Technical Assistance grants.

c. The expectation of the trial bar that continuances, especially stipulated continuances, will be granted.

A core element of effective case management is establishing an expectation within the court and the bar that hearings and trials will proceed on the date set. In order to establish this expectation, the court must make the granting of a continuance the exception rather than the rule. Busy attorneys will not prepare if they know that a continuance will be granted upon request. Accordingly, it is recommended that the current expectation and practice be changed through agreement on a best practice (See Recommendation 3 under Time Standards), a courtwide policy limiting the number of continuances per case, or establishment of a performance measure such as "more than one continuance is granted in less than 15 percent of all cases.

d. Practices by the Attorney General's Office that delay court proceedings such as appearance by AAG's who are not familiar with a case; the preparation of written plea agreements in minor misdemeanor cases; the apparent requirement that the AG personally approve all plea agreements; and failure to provide discovery material in a timely manner,

The Chief Justice and Presiding Judge should meet with the Attorney General and leaders of the bar to discuss the goal of the Guam judiciary to ensure the fair and timely disposition of cases, the steps which the Guam courts are taking to achieve this goal, and how changes in particular policies and practices of the Attorney General's Office could facilitate fair and timely disposition.

[4] *See e.g.,* Wisconsin Supreme Court Policy and Planning Committee, *Bridging the Distance: Implementing Videoconferencing in Wisconsin* (Madison, WI: Wisconsin Supreme Court, 2005), http://www.wicourts.gov/about/committees/docs/ppacvidconf.pdf; LIII NHR.S.A. §516:37 (2005).

e. The frequent use of aliases and false identification by defendants in collections and small claims cases making proper service difficult.

There is not much the courts can do other than, once defendants have been properly served and appear, asking them to state their name and address under oath and reminding them that providing false information under oath may subject them to prosecution for perjury.

f. The number of trial lawyers who are sole practitioners and who handle all types of cases which causes delays in civil and domestic cases in order to meet the speedy trial requirements for criminal cases.

There is no one solution to this difficult problem. The answer may be found through a combination of enhancing the case tracking system to sort by attorney name in order to enable a judge to see when a particular attorney is actually scheduled to appear; reducing the number of case events (e.g., trial settings) in order to limit the potential for conflicts; and as suggested above, meeting with the bar to discuss this issue and ways of addressing it.

2. *The Judiciary, the AOC Director, and the Clerk, as appropriate, should also consider testing the effectiveness of a number of procedures being used in other jurisdictions to facilitate the timely disposition of cases. These include:*

a. Referring a greater number of civil cases for alternative dispute resolution to obtain an earlier disposition and reduce the amount of time devoted to the case by a sitting judge.

These could include referral for mediation by a mediator or mediation of the court's or the parties' choice, or referral of the case to a retired judge who would serve as a settlement judge. Mediation is generally more effective where there is an ongoing business or personal relationship among the parties. A settlement judge is often most effective where the primary issues are the relative strengths of the plaintiff's and respondent's cases and the amount of the damages.

b. Issuing a scheduling order in civil cases soon after the filing of the answer rather than waiting for a motion to set a hearing date to begin asserting control over the pace of the litigation.

Another axiom of effective case management is that the court should take control of the scheduling of a case as early as possible. One

proven technique for doing so is the scheduling order.[5] *Scheduling orders can be used to simplify or narrow the issues in controversy, refine the pleadings and encourage stipulations as to facts, and assess the possibility of settlement, as well as schedule of future case events.*

c. Holding calendar calls for dormant civil and domestic cases more than once per year.

Because more than 95 percent of cases settle at some point before trial, any court's docket appears larger than it actually is. In order to obtain a more accurate picture of the workload and caseload confronting a court, it is helpful the flush out the cases that have been settled formally or informally two to four times each year. The practice among the Superior Court judges currently varies. Some hold calendar calls quarterly; others annually. A more consistent practice will enable the Court to be better able to assess its docket and control its calendar.

d. Encourage greater use of preliminary hearings in witness-dependent criminal cases to provide an early opportunity to test evidence and reach a plea agreement.

At first glance, this recommendation may seem counterproductive, since conducting preliminary hearings requires more court, prosecutor, and defense attorney time than relying on the grand jury process. However, for assaults and other relatively minor felony cases that will eventually depend on the credibility of the victim vs. the credibility of the defendant, disposition may actually be accelerated and the total court time required lessened by providing a test of the strength of the witness testimony at a preliminary hearing. If the prosecution's witnesses appear strong, the defense may be more willing to enter an early plea; if they appear weak, the Attorney General may be more willing to dismiss.

e. The Court should use the planned judicial workload assessment to ensure that the new case assignment protocol equitably distributes the workload among judges.

The Superior Court agreed earlier this year on a new case assignment protocol. The complex protocol is based, at least in part, on assumptions about the actual judicial work time needed for various types of cases. In order to make sure that one or more judges are not

[5] National Conference of State Trial Judges, *Litigation Control: The Trial Judge's Key to Avoiding Delay*, 26 (Chicago, IL: American Bar Association, 1996).

being inadvertently overburdened, the results of the workload assessment that is currently being developed should be used to test the assumptions. If any inequities are revealed, the assignment protocol should be adjusted accordingly.

f. In order to provide guidance on how many trials to stack on a single day, document the number of instances over a six month period in which a trial has had to be rescheduled because one or more other cases set for trial that day did not settle as expected.

In most courts, it is reasonable to set more than one case for trial each day on the assumption that most will settle or a plea agreement will be reached prior to trial. The question is how many to set.

> *The "setting factor" should result in the setting of the smallest number of cases possible to ensure hearing of matters at or near the scheduled time and date, [and] accommodation of cases that "fall out. . . . " An "optimal setting level" must often be achieved through experimentation. . . . The court manager should increase the number of cases set and see what happens to the ration of cases tried, continued, and settled or otherwise disposed. If the ration of cases tried or disposed to those continued improves, the manager should continue adding cases until there are too many cases continued. . . . At that point, the manager should reduce the number of cases set until an optimal ration of trials and other dispositions to continuances is reached.*[6]

g. Develop procedures for processing by the Intake Unit of the Courts and Ministerial Division of multiple cases filed at the same time (e.g., collections cases and internet divorce cases),

The procedures developed by the Intake Unit of the Courts and Ministerial Division were designed to efficiently process a steady flow of complaints. When multiple cases are filed at one time, they create a bottleneck and sometimes prevent the timely assignment of those and other cases. The C & M Division has been quite innovative in developing its processes and, with encouragement, can develop a method of bringing in extra hands from other units and teams without disrupting operations. In addition, the Court should discuss with the law firms and litigants who regularly file batches of cases, the possibility of scheduling those filings throughout a week or month

[6] Steelman *et al.*, *supra*, note 1, at 9.

(e.g., firm 1 on Monday afternoon, firm 2 on Tuesday, firm 3 every second Wednesday, etc.) to spread the workload more evenly.

h. Establish guidelines for the staff of the Intake Unit to decline to accept an obviously incomplete document or pleading (e.g., when an attorney fails to sign a pleading or neglects to attach the required affidavits or supporting documents) so that time does not need to be taken later in the process to correct the error.

The Courts and Ministerial Intake Unit is instructed to accept any document proffered for filing, whether or not it is signed or has the required supporting documents or affidavits regardless if the filer is an attorney or unrepresented litigant. These errors must then be corrected later, often during the initial or subsequent hearing. This takes up unnecessary courtroom time and frequently results in a continuance in order for the attorney or party to gather the necessary documents. Even when the deficiencies are subsequently corrected at the Courts and Ministerial counter, it requires an extra expenditure of time and retrieval and refiling of the file. While Intake Unit staff should not be asked to review the legal sufficiency of the documents, they should be authorized to review the proffered material to make certain the form requirements have been met and to decline to accept documents (at least those from attorneys) when they do not.

i. Regularly provide judges with lists of the cases on their dockets with those that approach or exceed the agreed upon time standard highlighted.

In order for judges to manage their calendars effectively, they need to know, at a minimum, how many cases have been assigned to them and how long those cases have been on the docket. It would be helpful as well to have the date and nature of the last court event for each case. Ideally, this information would be available on-line so that a judge could check it at any time, but a monthly hard-copy list is a useful and needed interim step. A sample judicial calendar report is included in Appendix C.

TIME STANDARDS:

Time standards are an integral element of case management. They set the goals for the system; establish expectations for judges, the bar, court staff, and the public; encourage the search for and utilization of innovative practices; help to

organize management information and reporting systems; and provide a measure of performance.

Approach. The proposed time standards for Guam were developed through workshops involving Superior Court judges, Supreme Court Justices, and one member of the Guam bar. Invitations were issued to the Guam Bar Association, the Attorney General, and the Public Defender to participate in workshops on the mornings of August 10 and 11, but only one lawyer actually attended. Two members of the Superior Court bench and one Supreme Court justice participated in the August 10 judicial workshop on criminal cases, and four Superior Court judges and two members of the Supreme Court participated in the workshop on civil, domestic, and juvenile cases. Each workshop began with a brief presentation on the purposes of courts; the impact of delay on achieving those purposes; the definition and elements of caseflow management; the role of time standards; and the range of case processing time goals that have been adopted by the American Bar Association and 38 states.[7]

[7] American Bar Association, *Standards Relating to Trial Courts*, §2.52 (Chicago, IL: ABA 1992); Pankey, Kenneth G., Jr., and Heather Dodge. Case Processing Time Standards in State Courts, 2002-2003. Williamsburg, VA: National Center for State Courts, 2003.

Findings.

TABLE 2
Proposed Time Standards for the Superior Court of Guam

TYPE OF CASE	PROPOSED TIME STANDARD
Felony	100% of felony cases should be concluded within 12 months.[8]
Misdemeanor	50% of misdemeanor cases should be concluded within 6 months; 100% of misdemeanor cases should be concluded within 12 months.
Civil	75% of civil cases should be concluded within 12 months; 100% of civil cases should be concluded within 18 months.[9]
Domestic	100% of *uncontested* domestic cases should be concluded within 1 month;[10] 90% of *contested* domestic cases should be concluded within 9 months; 100% of *contested* domestic cases should be concluded within 15 months.
Juvenile Delinquency	80% of delinquency cases, not including referrals to the juvenile drug court or restorative justice program, should be concluded within 45 days;[11] 100% of delinquency cases not including referrals to the juvenile drug court or the restorative justice program should be concluded within 120 days. 100% of cases referred to the juvenile drug court should be concluded within 15 months; 100% of cases referred to the restorative justice program should be concluded within 9 months.
Juvenile Special Proceedings	80% of "beyond parental control" cases should be concluded within 45 days;[12] 100% of "beyond parental control" cases should be concluded within 120 days; 100% of abuse or neglect cases should be concluded within 24 months.[13]

[8] For criminal cases, the term "concluded" is intended to include sentencing, acquittal, dismissal or other action effectively ending the adjudicatory and dispositional phases of a felony or misdemeanor case. It does not include post-conviction motions, appeals, probation revocation hearings, and other post-dispositional matters.
[9] For civil cases, the term "concluded" is intended to include entry of judgment, dismissal, or other action effectively ending the adjudicatory phase of a civil case. It does not include motions for new trial, proceedings to enforcement judgment, appeal, or other post-adjudicatory matters.
[10] For domestic proceedings, the term "concluded" is intended to include entry of the final divorce decree. It is not intended to include post-decree proceedings concerning child support, custody, visitation, or adjustment of alimony.
[11] For juvenile delinquency cases, the term "concluded" is intended to include issuance of a dispositional order, acquittal, dismissal or other action effectively ending the adjudicatory and dispositional phases of a delinquency case. It does not include post-disposition motions, appeals, review hearings, probation revocation hearings, and other post-dispositional matters.
[12] For "beyond parental control" cases, the term "concluded" is intended to mean issuance of a dispositional order, dismissal, or other action effectively ending the adjudicatory and dispositional phases of the case. It does not include post-disposition motions, appeals, review hearings, and other post-dispositional matters.
[13] For abuse or neglect proceedings, the term "concluded" is intended to mean entry of the order establishing a permanent placement for the child.

Recommendations.

1. Before final adoption, it is recommended that these proposed time standards be reviewed by all members of the Superior and Supreme Courts and discussed with the Guam bar.

   While the Court can and should provide leadership, a case management program cannot be successfully implemented without input and cooperation from the bar. In describing the standards and other aspects of the case management program to the bar, the Court can emphasize that in addition to ensuring clients a timely disposition of their cases, establishing time standards will provide the bar with greater certainty and ability to manage their caseloads and schedules. The bars in jurisdictions such as Philadelphia, that have implemented vigorous case management programs have come to see this certainty as a great benefit to their practice.

2. In conducting this review and discussion, it would be helpful to circulate data from the AS 400 system indicating how long each class of case actually takes to conclude. Such data should include at a minimum:

   a. The number of filings and dispositions by case types specified in the standards in 2004.
   b. The average time from filing to disposition by case type for cases concluded in 2004.
   c. The length of time required to dispose of the percentages specified for each type of case in the above standards for cases concluded in 2004.
   d. The number of trials and dismissals by case type for cases concluded in 2004.
   e. The average number of trial settings for each case type for cases concluded in 2004.

   Following adoption of time standards, reports with this case management data should be regularly prepared and circulated as a measure of the Court's progress in meeting these standards.

   The proposed standards are based on educated estimates. Statistical information on actual practice could suggest adjustments (either shortening or lengthening the proposed timeframes) and resolve differences in opinion.[14] *Once adopted, this information can serve as a measure of to what degree the*

[14] For example, despite the large number of misdemeanor cases, a participant in one of the workshops suggested that a feasible standard would be disposing of 50% within 3 months and 100% with 6 months. This suggests that even if the 6 and 12 month timeframe is retained, the target percentage for cases concluded in 6 months might be increased.

Court is able to meet the adopted standards and a signal of where any problems may be occurring. While the recommendation suggests reporting the average, an even better measure would be to report the number or elapsed time for 50%, 75%, and 90% of the cases. This would provide a clearer picture of both typical performance and the effect of the exceptional case.

3. Along with agreeing on time standards, the Judiciary should consider "best" or "suggested" judicial practices for meeting these goals.

   While judges should operate their courtrooms in the manner that reflect their experience and style, having some agreed upon "best practices" based upon the experience of the Court as a whole are helpful in establishing greater consistency in practice and performance across the Court, make the Court's commitment to ensuring the fair and timely disposition of cases clear to the bar and litigants, and provide a guide to new judges joining the bench. During the workshops with judges, at least two examples of possible "best practices" were suggested. The first, is that in civil cases, there should be no more than 2 – 3 court events between the initial trial setting and the trial, if any. These events could include, motion hearings, pre-trial conferences, or trial settings. The second, is to establish a guideline that the elapsed time between the initial trial setting and "real" trial date should ordinarily be no more than 90 days.

4. In considering such practices, it would be helpful to have information concerning the average time required to complete each stage of the process of each case type for cases concluded in the preceding year. [See Attachment B].

   Having data for the elapsed time for each stage in the case process is helpful in identifying where any procedural bottlenecks may be occurring and points in the process where reductions in the overall time to disposition may be achieved. This information is already being collected by the Court's AS 400 system. All that is needed is development of a summary report that can provide this information. Once such a report has been developed, it should be regularly circulated to all judges and Court unit managers. Again, reporting the average should be considered a beginning step. A clearer picture of practice and performance can be obtained by reporting elapsed times at the 50%, 75%, and 90% levels, i.e. after X days, 50% of the cases have completed stage A; after X+Y days, 75% of the cases have completed stage A; and after X+Y+Z days, 90% of the cases have completed that stage.

PERSONNEL EFFICIENCY STUDY

The efficient allocation of staff is essential for any organization that must operate with limited resources. This is especially true of a court, given its critical responsibilities and high expectations of quality, service, and timeliness by funders, lawyers, and the public. It is common that, over time, staffing patterns lose their original rigor as responsibilities are added or shift, technology and procedures change, staff leave and are not replaced, and individuals transfer and improve their skills. Thus, a periodic assessment of how an organization can allocate its staff more efficiently is both a necessary and healthy feature of proactive management.

Approach. Two data collection methods were used for the personnel efficiency study. First, the staff of the Superior Court of Guam and the Administrative Office of the Courts were asked to complete a confidential written survey. The questionnaire requested information concerning their responsibilities, supervision, training, workload, and adequacy of resources to perform their jobs. Following review of this questionnaire, interviews were conducted with 78 judiciary employees from the following Courts, Divisions, and Programs:

- Supreme Court
- Superior Court
- Administrative Office of the Courts
- Marshals
- Probation
- Courts and Ministerial
- Procurement and Facilities Management
- Client Services and Family Counseling
- Office of the Ethics Prosecutor
- Office of the Public Guardian
- Human Resources
- Financial Management
- Management Information Systems

Overall Findings. The Courts of Guam are well served by their staff. As a whole, they are a dedicated, competent, group of employees. In reviewing with them their work and working conditions, several general themes emerged:

- The need for current and complete standard operating procedures

For example, while the operating procedures for the Probation staff are currently being revised, those of the Marshals Division were last updated in 1999. Also, the revision of the personnel rules and regulations remains incomplete, creating uncertainty throughout the organization. The absence of clear, up-to-date procedures and rules leaves staff without a reference when questions arise and increases the learning time for new employees and those who change positions.

- Being burdened with duties that could be better performed by non-professional staff or outsourced

Staff of a number of units reported that they begin each day cleaning their work area (e.g., Human Resources, Courts and Ministerial, and Marshals). Others (e.g., Client Services and Family Counseling Counselors and Probation Officers) commented that they often spend considerable time performing clerical duties. These added tasks are not only demoralizing, they take time away from performing their primary duties decreasing unit performance and creating individual stress.

The greatest opportunities for improving productivity by reallocating responsibilities occur within the Marshals, Probation, and Courts and Ministerial units. Marshals currently spend considerable time serving notices of hearings and orders of appointments to police officers, attorneys, and defendants who have already been advised of the time and date of the hearing or order of appointment in the courtroom. If deputy marshals were relieved of this redundant responsibility, both they and Courts and Ministerial staff (who must enter the affidavits of services into the AS400 and place the affidavits in the case file) would have more time for performing more needed services.

Probation officers spend considerable time conducting drug tests. Current policy requires two officers to observe each drug test. As many as 50 drug tests are performed on a daily basis. This is a time-consuming, tedious, and unpleasant duty that many jurisdictions outsource to a testing lab or drug treatment service.

Finally, Courts and Ministerial staff spend hours auditing attorney fee claims and interpreter invoices, and its Court Reporter Unit staff are required to attend Grand Jury proceedings four days each week simply to operate the tape recorder. As is suggested below, there are many alternatives that can be used to facilitate the auditing of attorney fee claims and other staff available who can assist in recording Grand Jury proceedings.

- A desire for job-related training

Training needs cited included instruction and manuals on the software applications being used by court staff; cross-training and job-development training for Courts and Ministerial staff; and basic law enforcement training for all deputy marshals.

- A lack of up-to-date or sufficient equipment

While it is hardly unusual for the staff of any organization to seek updated or improved equipment, several of the needs identified appear particularly urgent. These include the lack of: protective vests for those probation officers who meet with convicted violent offenders and adjudicated violent juvenile offenders outside the probation office; non-lethal weapons, protective vests, and radios that permit easy communication with other law enforcement agencies for deputy marshals; and updated computers and other IT equipment for the Court as a whole.

- Unpleasant working conditions

The Judicial Center is almost always very cold. This not only wastes energy, but also reduces the productivity of staff whose fingers are sometimes numb. In

addition, some units complained of poor lighting, exposed wiring, excessive dust, fumes, and wet floors (e.g., Probation and Procurement and Facilities Management). The space being renovated on the second floor will improve the working conditions for at least some of the employees.

- Understaffing

Again, while the need for additional staff is a commonly heard complaint in many jurisdictions, some instances of understaffing relayed by Guam's court employees appear particularly acute – e.g., those of the Financial Management Division and Public Guardian.

- Awareness that they had not received a salary increase in years

Although the freezes on salaries has been lifted by all or nearly all state court jurisdictions following the most recent nationwide court budget squeeze, Guam's continues. This lack of raises falls most acutely on the lowest paid staff.

Overall Recommendations:

1. The Court should establish as a priority, updating the Standard Operating Procedures of each unit and division and completing the personnel rules and regulations. Once completed, a copy of the personnel rules and regulations should be provided to each member of the Court staff.

2. The Court Administrator should take immediate steps to improve the custodial services provided in the Judicial Center so that court staff are not burdened with cleaning their work areas.

3. The Court Administrator should review the number and allocation of clerical staff and reassign or add support staff as necessary so that counselors, probation officers, and other professional staff are not routinely required to perform clerical duties.

4. The Court should take steps (including seeking statutory change if necessary) to provide a written notice of hearing and orders of appointment to counsel and parties present in the courtroom upon conclusion of the proceeding at which the date of the hearing is set or the order of appointment is issued. If the date of a hearing is changed or an appointment order is issued when counsel are not

present, placement of a copy of the notice or order in the attorneys' courthouse box or faxing the notice or order to the attorneys' offices should be deemed sufficient to constitute legal notice.

5. The Court Administrator should explore outsourcing the provision of drug tests to persons on probation and in the adult and juvenile drug court programs.

6. The Court should revise the process through which appointed counsel are paid for their service. Among the revisions that should be considered are:

a. Requiring attorneys to wait until the disposition of the case (e.g., dismissal, sentencing) to file a payment claim
b. Reviewing the claim form to ensure that it is as easy to complete and audit as possible
c. Providing attorneys with clear written instructions and training on how to properly complete and document their claims

7. The Court should request the Attorney General to assign a staff person to operate the tape recorder for grand jury proceedings since these hearing are under his office's control.

8. The Court Administrator should appoint a Judicial Branch Training Coordinator who will assist Court staff in developing individual development plans, develop and coordinate in-house training programs, identify on-island and off-island training opportunities for judges and court staff, and seek out sources of scholarships and other support for training. Funding support for this position and judicial branch training should be included in the Court's next request for appropriations.

9. The Court should prioritize equipment needs and identify sources of support including both grants and appropriations for securing the equipment required to carry out the functions and responsibilities of each unit and division.

10. The Court Administrator should determine what is required to better regulate the temperature and air circulation in the Judicial Center and initiate the steps required to assure that a comfortable temperature and good air circulation is maintained throughout the building.

11. Following completion of the judicial workload assessment now underway, the Court should undertake a full staff workload assessment to determine the number of staff required and how they should be allocated in order to effectively accomplish the responsibilities of the Court.

12. Once new staffing and salary plans have been developed, the Court should seek funding for merit-based salary increases consistent with the plans.

Unit Level Findings and Recommendations

In addition to these overall findings and recommendations, the Personnel Efficiency Study resulted in the following unit or division specific findings and recommendations:

Marshals Division

Findings. The Marshal's Division is responsible for ensuring the safety of justices, judges, court employees, jurors, and court patrons who visit the Guam Judicial Center and Erica's House. The Marshals Division also processes and serves felony and misdemeanor warrants, subpoenas, summons, orders to show cause, notices of hearings, orders of appointment, child support orders, and restraining orders. The marshals execute levies, writs, notices of attachment, and conduct Marshals sales. The Division also includes the CJIS Project (NCIC) staff and a Special Investigations Unit which conducts confidential investigations and administers the Homeland Security Program.

Current Staffing – 64 Filled Positions
(5 Employees are on Military Leave)

- Marshal
- Deputy Marshal
- Deputy Marshal Supervisors (6)
- Deputy Marshal III (14)
- Deputy Marshal II (18)
- Deputy Marshal I (17)
- Management Secretary
- Data Entry Clerk (5)
- CJIS Project Coordinator

In addition to the number of apparently unnecessary notices and orders that marshals must serve, they routinely receive process that does not contain the

identification and address information needed to properly execute service and must deal with a variety of forms of the same documents. Both make completion of their duties more time-consuming and difficult.

The Marshals Division CJIS Unit has also experienced performance-inhibiting problems. When the CJIS 2000 software was designed, it did not contain a means to transfer the data. As a result, from 2001 until recently, the CJIS Unit has been unable to transfer disposition data to NCIC. Thousands of records need to be transferred. In late July 2005, the Unit Coordinator created a way to transfer a limited number of records by email. Thus, while Unit staff have been entering the data and scanning the documents, they have not been able to fulfill the Unit's responsibility to transfer the data to NCIC. Although this problem may not have been exacerbated by the Unit's inclusion with the Marshals Division, the responsibilities of the CJIS staff do not easily align with those of the rest of the Division.

Recommendations.

1. The Court should review the forms used for requesting service of process to assure that they are clear, easy to complete, and require all the necessary information. Instructions should be drafted and included on or attached to the form explaining the nature and format of the information that must be inserted. Once this review and revision has been completed, the Court should establish a standard form and require its use.

2. The Court Administrator should consider transferring the CJIS Unit from the Marshals Division to the MIS Division.

Probation Division

Findings. The Probation Division supervises and monitors all persons placed on supervised release by the court. This includes pre-trial and post judgment release. Probation officers also prepare pre-sentence reports, status reports,

violation reports, informational reports, incident reports, and dispositional reports. Additionally, the officers perform restitution investigations and submit restitution status reports as ordered by the court. They also monitor compliance with court orders and conditions of release including payment of fees, community service, diversion, and educational/rehabilitative programs. Finally, probation officers execute arrest warrants in the event of a violation of the terms of probation. The division provides probation staff for Adult and Juvenile Drug Courts. This function includes facilitation of support groups for parents. Additional responsibilities include maintaining the Sex Offender Registry and property vault (which includes 1,200 confiscated items), as well as operating the electronic home monitoring system and drug testing program.

Current Staffing – 63 Filled Positions
(2 Employees are on Military Leave)

- Acting Chief Probation Officer
- Deputy Chief Probation Officer
- Probation Officer Supervisor (5)
- Senior Probation Officer (13)
- Probation Officer II (10)
- Probation Officer I (19)
- Alternative Sentencing Officer Supervisor
- Senior Alternative Sentencing Officer
- Alternative Sentencing Officer
- Drug Court Coordinator (2)
- Drug Court Case Manager (2)
- Management Secretary (2)
- Administrative Services Assistant (3)
- Data Entry Clerk (2)

The primary mission of the Probation Division is the supervision of defendants. Yet, it was reported that only 25 percent of the probationers had ever met their probation officer and that supervision is often limited to the weekly reporting to the probation office for drug testing. Probation officers rarely make home or work site visits. While in many jurisdictions this minimal level of supervision is accorded to minor offenders such as first-time misdemeanants, we were told that

this is the standard practice for all probationers on Guam, regardless of the serious of the offense or the risk posed by the offender.

The current level of supervision is necessitated, at least in part, by overwhelming caseloads. Probation officers reported having to supervise between 100 and 300 probationers. A Probation Officer I reported that a single court docket may include 80 cases for which he must prepare. Coupled with the lack of supervision time are the limited capacity of drug treatment and other services for probationers, and alternative means of supervising probationers such as electronic monitoring and Robocuff. The Crime Victims Act and the Witness and Victim Witness Protection Program Guidelines enacted by the Guam Supreme Court on April 1, 2005 will add to the work-demands on probation. The Guidelines will require probation officers to meet with each victim to obtain information that will allow the probation officers to notify the victim when a probationer has violated a criminal restraining order, a court-imposed stay-away order, terms or conditions of release, terms of probation, or terms of a plea agreement.

Finally, some probation officers expressed frustration about the practice of a few judges of altering their calendars without notifying the probation officer so that officers appear for proceedings that have been postponed or must rush to a courtroom for a hearing that has been set at an earlier time.

Recommendations.

1. The Division should consider developing a risk scale to determine the level of supervision that should be given to various classes of probationers. Examples of risk scales used in other jurisdictions are available from the American Probation and Parole Association (APPA).[15]

2. Following the development and application of this risk scale and completion of the staff workload assessment called for in Overall

[15] See e.g., *APPA,* Juvenile Probation White Paper *(2000), pp 35-91.*

Recommendation 11, above, the Division should adjust the caseload of probation officers accordingly, and, together with the Court Administrator, determine the staffing level required for the Division. (See also Overall Recommendations 3 and 5, above.)

3. The Court Administrator should explore what grant and other resources are available to expand the capacity of the treatment and other services available for probationers.

4. The Court Administrator should explore what grant and other resources are available to expand the capacity of the Probation Division to use alternative forms of supervision.

5. The Court should implement procedures that will routinely advise probation officers, in a timely manner, of changes in the time or date of proceedings at which probation officers are required to appear. This notice can be provided informally by telephone or e-mail.

Courts and Ministerial Division

Findings. The Courts and Ministerial Division (C&M) is responsible for the filing, processing, disposal, and distribution of all pleadings filed in the Superior Court. The division maintains all records, dockets, schedules cases, prepares daily calendars, provides courtroom support, manages juror services, provides transcription services and administers court case assignment procedures. In addition, the Court Clerk currently serves as Guardian for seven (7) wards.

Current Staffing – 62 Filled Positions
(3 Employees are on Military Leave)

Clerk
Chief Deputy Clerk
Traffic Violations Clerk
Jury Commissioner
Jury Clerk
Court Archivist
Deputy Clerk Supervisor (7)
Deputy Clerk III (10)
Deputy Clerk II (9)
Deputy Clerk I (12)
Court Bailiff
Deputy Clerk Assistant (4)
Court Report Supervisor
Court Transcriber (4)
Data Entry Clerk (8)

The staff is organized into eight teams. This organization has enhanced the efficiency, accountability, and flexibility of operations.

It was reported that case files are routinely lost or misrouted, and that it may take as much as a week to find a file which has not been routed properly. In addition, storage space for files is very limited. Filing cabinets are so full that numerous files must be removed before a document can be placed in a single file. In addition, the rolling storage system currently being used is in need of repair and awkward to use. The clerks reported that they must stand on a lower shelf to reach the highest shelves. The inadequacy of the storage increases the amount of time a clerk spends filing documents. Also adding to the time required for filing is the practice of attorneys, probation officers, and marshals to file documents without the proper case number.

As is common throughout the United States, the number of self-represented litigants is increasing. C&M Division staff reported that members of the public constantly ask questions about the court process and that the line between court information and legal advice is unclear, making it difficult for the deputy clerks to

determine what questions are proper to answer and what responses may violate the prohibition against providing legal advice.

Finally, there has been an increasing problem with inoperable courtroom microphones and incorrect log entries that make it more difficult for the transcribers to accurately prepare transcripts of court proceedings. The installation of digital recorders should greatly alleviate these problems as well as reduce the demand for storage space for tapes.

Recommendations.

1. Court staff should be provided instruction on and periodically reminded to use the file tracking system currently available on the AS400.

2. The Court should explore implementation of a scanning and imaging system for case material to reduce storage, permit easier access to case documents, reduce the need for moving files around the Judicial Center, facilitate cross-indexing of files (by number, party, and attorney name), and prepare the way for e-filing.

3. The Court should provide Clerk and Ministerial Division staff with guidelines regarding what constitutes (and what does not constitute) legal advice.[16]

4. The Court, in collaboration with the bar, should develop materials for self-represented litigants that explain the process for those types of cases in which individuals represent themselves, the forms and information that deputy clerks can provide, the role and responsibilities of litigants who represent themselves, the benefits of being represented by an attorney, and who to contact in order to consult with an attorney.[17]

5. The guardianships currently assigned to the Clerk should be shifted to the Office of the Public Guardian in order to relieve the Clerk of this responsibility that is unrelated to his other duties.

[16] "Legal Information Versus Legal Advice," *Judicature* 84 No. 4 (January/February 2001).
[17] For links to materials for self-represented litigants used in other jurisdictions, see the Pro Se Litigant section of the CourTopics page of NCSC's website – www.ncsconline.org

6. The Court should consider producing a jury orientation video that could be shown to all jurors in order to decrease staff time needed to conduct jury orientations.[18]

Management Information Systems

Findings. This division is responsible for the information technology (IT) operations of the Guam judiciary including case management systems, e-filing, email, antivirus, website, and database management. The MIS staff is also responsible for all related routers, switches, hubs, workstations, video conferencing systems, printers, digital recording systems, and power protection devices. Additional duties include overseeing the operations of the National Crime Information Center (NCIC).

Current Staffing – 6 Filled Positions
Management Information Systems Administrator
Senior Systems Programmer (2)
Senior Systems Analyst
Network Specialist
Database Administrative Specialist

This division appears severely understaffed. Nine (9) positions are vacant or unfunded. MIS employees described their daily responsibilities as "interrupt driven." Employees are constantly responding to the needs of judicial employees. Adding to the strain on the current employees is that they must maintain outdated systems and computers in need of immediate replacement. Replacement parts are not readily available on the island when a computer experiences mechanical failure.

Recommendations.

1. The Court Administrator should create and staff a "help desk" to respond to the questions and needs of court staff and permit other MIS employees to focus on their other responsibilities.

[18] Sample juror orientation videos can be obtained from NCSC's Knowledge Information Service.

2. The Court Administrator should create a training position within the MIS Division. The person in this position should be given responsibility for training court staff and creating manuals on the case management system software and other software applications used by the Court.

Client Services and Family Counseling Division

Findings. The Client Services and Family Counseling Division provides a variety of clinical services in support of the judicial process. The staff provides forensic and psychological evaluations, diagnostic services, therapeutic counseling, and rehabilitative services for individuals, groups, couples, families, adults, adolescents, and children. Clinical services are provided to clients and their families involved in criminal, domestic, and juvenile proceedings to improve individual, marital, or familial functioning. Target populations include: family violence offenders, juvenile sex offenders, victims of sexual abuse/incest or physical abuse or neglect, marital conciliation for couples, and children involved in high conflict custody or domestic proceedings. In 2004, the division received 588 court ordered referrals.

Current Staffing – 9 Filled Positions
- Client Services and Family Counseling Administrator
- Clinical Psychologist
- Senior Individual Marriage and Family Therapist (4)
- Individual Marriage and Family Therapist Intern
- Management Secretary
- Administrative Services Assistant

The division provides in-house forensic and psychological services to the courts in a cost-efficient manner. The services negate the need for more costly evaluations many of which would have to be obtained from off-island providers. The therapists also provide crisis counseling services to court employees with regard to family violence, relationship issues, and child difficulties.

The counseling services are provided free of charge to clients with the exception of some group sessions. While this is of tremendous service to the community, it spreads the current staff of counselors quite thin.

Recommendation.

Unless prohibited by statute, consideration should be given to creating a means based system of charging clients for services rendered and/or referring court clients to private counseling services when appropriate to help support the service and ensure that the court provided services are available to those in greatest need.

Office of the Public Guardian

Findings. The Public Guardian is appointed by the Superior Court of Guam to serve as guardian of the person and/or estate of an elderly or mentally incompetent individual. The Public Guardian also assists the Court in proceedings for the appointment of a guardian and for supervision of appointed guardians.

Current Staffing – 2 filled positions
The Public Guardian
Legal Secretary

The office has five (5) statutory duties:

- Serve as guardian of the person and or estate of adults when appointed by Superior Court when no relative or friend is available
- Assist families with the preparation of legal documents necessary to obtain a guardian for family member
- Provide support and assistance to those appointed as guardian to carry out responsibilities
- Assist, as required by the Superior Court, in supervision of a guardian (to include investigation)

- Assist individuals to avoid guardianship

In addition, the Public Guardian is to educate the community on guardianship and alternatives to guardianship.

The Public Guardian also currently manages the estates of forty-four (44) wards. Responsibilities include: management of ward's finances and accounts, securing living arrangements, acquiring medical care and prescriptions, transporting wards to medical appointments, resolving day-to-day problems including hiring and supervising caregivers, attending periodic court proceedings, preparing court ordered reports, and visiting wards and caregivers. All these services are provided to wards free of charge.

This office is understaffed for the number of wards currently being served. The Public Guardian, who is a licensed attorney, currently performs many functions including transporting wards to doctor appointments and to other appointments that could be performed by other persons if additional staff was available. The office cannot adequately provide assistance to families with the preparation of guardianship documents. Families are forced to wait months for assistance. Some of the Public Guardian's service functions could be delivered by community volunteers if sufficient staff was in place to recruit and supervise the volunteers.

Recommendations.

1. The Court Administrator should allocate a new position to the Office to serve as a volunteer coordinator or contract with a volunteer agency in the community to perform this function.

2. Unless prohibited by statute, the Court should consider creating a means based system of charging clients for services rendered, especially when the Public Guardian is serving as the guardian of an estate.

3. See also Recommendation 5 under Courts and Ministerial and recommendation 2 under Financial Management.

Chamber Clerks and Bailiffs

Findings. The courtroom/chamber clerks serve as primary administrative support staff for the judge including duties inside the courtroom and in the judge's chambers. They also routinely interact with the team members from the Courts and Ministerial Division. The bailiffs perform several functions including securing the judge, the chamber and the courtroom, enforcing all courtroom policies, and providing additional administrative support for the judges. The bailiffs may also perform other functions as directed by the judges. Bailiffs are not trained security officers.

Current Staffing – 10 filled positions
Courtroom/Chamber Clerk (6)
Bailiff (4)

Recommendation.

> Because they are not trained and equipped law enforcement officers, bailiffs should not be considered as substitutes for a deputy marshal and relied upon to provide security for the judge and in the courtroom.

Judicial Hearings (Child Support) Division

Findings. The primary purpose of this division is to provide a speedy and efficient legal process in child support cases. In 2004, the division processed 579 cases and heard motions and preliminary matters on child support, modification of spousal support, orders to show cause, and other related matters.

Current Staffing: 5 Filled Positions
Administrative Hearing Officer
Deputy Clerk III
Deputy Clerk II (2)
Deputy Clerk Assistant

Like the Courts and Ministerial Division staff, personnel in the Judicial Hearings Division must frequently deal with self-represented litigants seeking legal advice,

many of whom are unhappy or angry. While they do so effectively, developing additional skills in diffusing potentially dangerous situations would be helpful.

Recommendation.

See Overall Recommendation 8 and Courts and Ministerial Recommendations 3 and 4.

Financial Management Division

Findings. This division within the AOC is responsible for the financial affairs of the Guam Judicial Branch of Government including development and maintenance of all accounts, accounting procedures, billing procedures and records, collection of revenues, analysis of costs, preparation of financial reports, and the preparation and submission of the budget for the Judicial Branch. This division disperses all funds held by the judiciary and processes accounts payables for vendors and jurors, receives cash payments for restitution, court fines, and fees, processes claims from court appointed counsel, experts, investigators, and interpreters, and processes travel-related expenses and supporting documents submitted by court employees. The Financial Management Division also administers the funds for the seven Veterans Administration wards.

Current Staffing – 13 Filled Positions
Controller
Deputy Administrator for Financial Affairs
Management Officer
Court Fiscal Officer III (1)
Court Fiscal Officer II (3)
Court Fiscal Officer I (3)
Court Fiscal Assistant (3)

Increasing indigent defense costs have placed a great strain on the judicial budget and on the staff of this division who must process the claims. Claims for compensation are often held until sufficient funds are placed in the budget to pay the outstanding claims. Several of the fiscal officers commented that the

counter is not suitable for all day sitting and that they experience sore arms and backaches as a result.

Recommendations.

1. See Overall Recommendations 8, 9, and 11.
2. The responsibility for managing the estates of Veteran Administration wards should be shifted to the Office of the Public Guardian.

Procurement and Facilities Management Division

Findings. This division is responsible for procuring any and all supplies, equipment, machinery, and inventory necessary to operate the Guam Judicial System including negotiating and executing all contracts. This division is also responsible for main-training all judicial facilities, structures, machinery, grounds, vehicles, and inventory. This division is also responsible for the distribution of judicial mail. The division's employees strive to provide a safe and clean environment for judicial employees, clients, and others visiting or utilizing the courts and the judicial buildings.

Current Staffing – 22 Filled Positions

Administrator
Assistant Administrator
Court Procurement Officer III (2)
Court Procurement Officer II (1)
Court Procurement Officer I (1)
Jr. Programmer Analyst
Facilities Maintenance Superintendent
Facilities Maintenance Supervisor (2)
Plumber, Mechanic and Electrician (1) of each
Facilities Maintenance Worker (8)
Vehicles Officer

The staff reported that they are often hampered by antiquated systems (e.g., HVAC) and lack of proper tools and replacement parts. They often must use their personal tools to perform official duties. The division also would benefit from cross-training, so that more staff would be able to perform basic repairs in areas that are not their particular specialty.

Recommendation.

See Overall recommendations 8, 9, and 10.

Human Resources

Findings. This division administers the personnel rules and regulations and provides personnel and human resource management services for the Guam Judicial System including personnel recruitment, classification and compensation, benefits, new employee orientation, development and training, employee/management labor relations and travel.

Current Staffing – 8 Filled Positions
Human Resources Administrator
Senior Human Resources Management Officer
Human Resources Management Officer (2)
Human Resources Officer
Human Resources Assistant (2)
Management Officer

Currently, the staff of this division receives many inquiries regarding job vacancies and announcements and about the personnel policies and rules that apply to court staff. They also reported that Court staff have expressed uncertainty about whom they should go to with personnel problems and inquiries because the responsibilities and role of the various members of the Human Relations Division staff are not clear.

Recommendations.

1. Job vacancies and announcements should be posted on the AOC's website so as to make them easily available to all staff and reduce the time that Human Resource Division personnel devote to responding.

2. The Director of the Human Resources Division, together with the Court Administrator, should clarify the organization structure and staff responsibilities of the Division.

APPENDIX A

PROCESS MAPS

CRIMINAL PROCESS

FELONY

|----------1 day----------| |----------1 day----------| |----------1day/21 days--------| |----------

COMPLAINT FILED
C&M Intake—
Stamps file
Logs case in
Assigns case number
C&M Mid-Intake
Enters identifying information

CASE ASSIGNED
Chf. Dep. Clk—
Assigns to team or specialty court per the assignment protocol

CONFLICT REVIEW
Chambers Clerk & Judge

ARRAIGNMENT

---14 days-----| |----------2days/21days---------| |----------14/28 days----------| |----------21 days----------| |----------

INDICTMENT

TRIAL SETTING
Scheduling order

MOTIONS/TRIAL SETTING
May be multiple trial settings

TRIAL/PLEA

----21 days/60 days ---|

SENTENCING

Estimate 75 to 195 days

CRIMINAL PROCESS

MISDEMEANOR

|----------1 day----------| |----------1 day----------| |----------1 day/ 21 days----------| |----------

COMPLAINT FILED
C&M Intake—
Stamps file
Assigns case number
Logs case in
C&M Mid-Intake—
Enters identifying information

CASE ASSIGNED
Chf. Dep. Clk—
Assigns to team or specialty court per the assignment protocol

CONFLICT REVIEW
Chambers Clerk & Judge

ARRAIGNMENT

--7 days/21 days----------| | ----------21 days----------| |----------21 days-----| |----------21 days/60 days---|

TRIAL SETTING
Scheduling order

MOTIONS/TRIAL SETTING
May be multiple trial settings

TRIAL/PLEA

SENTENCING

Estimate 73 – 167 days

CIVIL PROCESS

|----------1 day----------||----------1 day----------||----------14 days----------||----------

COMPLAINT FILED
C&M Intake—
Stamps file
Assigns case number
C&M Mid-Intake—
Enters identifying information

CASE ASSIGNED
Chf. Dep. Clk—
Assigns to team or specialty court per the assignment protocol

CONFLICT REVIEW
Chambers clerk & Judge

ANSWER FILED

----120 days from answer-------||----------30-60 days----------||----------28 days----------||----------

MOTION TO SET HEARING
Scheduling order

TRIAL SETTING
May be multiple trial settings
Possible referral to mediation or to a settlement judge

MOTIONS/TRIAL SETTING

---21 days/60 days----|

TRIAL

Estimate 215 -340 days

DOMESTIC PROCESS

|----------1 day----------| |----------1 day----------| |----------14 days--------| |----------

COMPLAINT FILED — **CASE ASSIGNED** — **CONFLICT REVIEW** — **CUSTODY REVIEW** / **REFERRAL TO IN'FAMALIK**

C&M Intake—
Stamps file
Assigns case number
C&M Mid-Intake—
Enters identifying information

Chf. Dep. Clk—
Assigns to team or specialty court per the assignment protocol

Chambers clerk & Judge

--14 days from conflict review----------| |--------0 days uncontested----------| |----------30 days uncontested----| |------
if no custody rev. or referral

--90 days from custody review----------| |------21-60 days contested----------| |----------30-90 days contested---| |------
or referral

TRIAL SETTING — **MOTIONS/TRIAL SETTING** — **TRIAL**

----------1 day uncontested------|

--7- 15 days contested----------| |----------180 days----------|

INTERLOCUTORY DECREE — **FINAL DECREE**

Estimate 47-451

JUVENILE PROCESS

DELINQUENCY

|----------1 day----------| |----------1 day----------| |----------1 day in custody/----------
21 days on release

COMPLAINT FILED
C&M Intake—
Stamps file
Assigns case number
C&M Mid-Intake—
Enters identifying information

CASE ASSIGNED
Chf. Dep. Clk—
Assigns to team or specialty court per the assignment protocol

CONFLICT REVIEW
Chambers clerk & Judge

|----------(admit) 14-60 days from answer----------|
----------| |----------7-14 days------| |-------30 days (no admit)-------| |------14-60 days from adjudication .....|

PRELIMINARY HEARING **ANSWER** **ADJUDICATION** **DISPOSITION**

Estimate 24 - 127 days

APPENDIX B

LISTS OF KEY CASE EVENTS

Lists of Key Case Events

It would be ideal to be able to measure the time that elapses between the following case events and from the initial filing to each event:

FROM	TO
MISDEMEANOR	
Complaint	Arraignment
Arraignment	Initial Trial Setting or Scheduling Order
Initial Trial Setting/Scheduling Order	Trial/Change of Plea/Dismissal
Trial/Change of Plea/Dismissal	Sentencing
FELONY	
Complaint	Arraignment
Arraignment	Indictment
Indictment	Initial Trial Setting/Scheduling Order
Initial Trial Setting/Scheduling Order	Trial/Change of Plea/Dismissal
Trial/Change of Plea/Dismissal	Sentencing
JUVENILE	
Petition	Preliminary Hearing
Preliminary Hearing	Answer
Answer	Adjudication/Change of Plea/Dismissal
Adjudication/Change of Plea/Dismissal	Disposition
CIVIL	
Complaint	Answer
Answer	At Issue
At Issue	Scheduling Order
Scheduling Order	Pretrial Conference
Pretrial Conference	Trial/Settlement/Dismissal/Ref. to Mediation
Trial/Settlement/Dismissal/Ref. to Mediation	Judgment
DOMESTIC	
Petition	Answer
Answer	Scheduling Order
Scheduling Order	Pretrial Conference
Pretrial Conference	Trial/Settlement/Dismissal/Ref. to Mediation
Trial/Settlement/Dismissal/Ref. to Mediation	Judgment

APPENDIX C

SAMPLE CASE MANAGEMENT DATE REPORTS

AGE OF CASES REPORT

District Court: Criminal Active Cases

AS OF CLOSE and COUNTY by ACTIVE DAYS

Source: y:\prepdata\DC_CR_Active_c2005-10-14_x2005-10-17.DC_CR_Active.xls

		# ACTIVE DAYS			
AS OF CLOSE	COUNTY	<181	181-360	>361	Grand Total
########	An	86	7		93
	Bh	104	6	6	116
	Ca	171	15	5	191
	Cn	920	151	56	1127
	Ex	32	11	10	53
	Fl	209	6	5	220
	Gl	33	8	2	43
	Le	114	28	9	151
	Oe	90	19	2	111
	Os	168	9	2	179
	Rd	381	108	48	537
	Wm	409	136	45	590
	Wn	321	50	8	379
	Wr	262	28	4	294
Grand Total		3300	582	202	4084

CASES OVER TIME STANDARD REPORT

Active Cases
COURT and TYPE and TRACK by OVER

			Over?		
Court	Type	Track	Under	Over	Grand Total
Bn	1A Divorce-Children	STD	71	3	74
		COMPLEX	5	1	6
	1B Divorce-No Children	STD	40		40
		COMPLEX	2		2
	1C Parentage	STD	31	5	36
		COMPLEX	1		1
Ga	1A Divorce-Children	STD	54	14	68
		COMPLEX	3	4	7
	1B Divorce-No Children	STD	26	7	33
		COMPLEX	1		1
	1C Parentage	STD	31	6	37
		COMPLEX	1	3	4
Cn	1A Divorce-Children	STD	215	30	245
	1B Divorce-No Children	STD	110	11	121
	1C Parentage	STD	91	19	110
Ex	1A Divorce-Children	STD	13	2	15
		COMPLEX	2		2
	1B Divorce-No Children	STD	7	1	8
	1C Parentage	STD	9	1	10
Oe	1A Divorce-Children	STD	49	6	55
		COMPLEX	4		4
	1B Divorce-No Children	STD	15	1	16
	1C Parentage	STD	17	1	18
		COMPLEX	1	1	2
Os	1A Divorce-Children	STD	42	7	49
		COMPLEX	6		6
	1B Divorce-No Children	STD	20	3	23
	1C Parentage	STD	14	4	18
		COMPLEX	1	2	3
Wm	1A Divorce-Children	STD	69	8	77
	1B Divorce-No Children	STD	37	6	43
	1C Parentage	STD	11	7	18
Wr	1A Divorce-Children	STD	102	13	115
		COMPLEX	14	3	17
	1B Divorce-No Children	STD	70	2	72
		COMPLEX	3	3	6
	1C Parentage	STD	33	10	43
		COMPLEX	1	1	2
Grand Total			1222	185	1407

CASE AGE AT DISPOSITION REPORT

Report: CIRCCAD — Montgomery Co. Circuit Court — Run Date: 01-MAR-1999
User: [illegible] — Custom Age of Cases at Disposition — Run Time: 02:20 PM
Instance: TEST — Page: 1

Ordered By: County
Circuit: 12
Case Category Code: Circuit Civil
Period Starting Date: 01-MAR-1999
Period Ending Date: 08-MAR-1999

Missouri Case Proceeding Standards:
90% in 18 months, 98% in 24 months (Effective 01-JAN-1997)

County	0 - 12 Months No.	%	Cum%	12 - 18 Months No.	%	Cum%	18 - 24 Months No.	%	Cum%	Over 24 Months No.	%	Cum%	Total Disp.	Average Age Day	Months
Montgomery	2	100%	100%	0	0%	100%	0	0%	100%	0	0%	100%	2	153	5.10
Total:	2	100	100%	0	0%	100%	0	0%	100%	0	0%	100%	2	153	5.10

* the age of the case was calculated using definitions contained in revised Administrative Rule 17, effective January 1, 1997.

*** End of Report ***
Total number of records printed: 1

CASE ASSIGNMENT BY JUDGE

Judge	Pend. at Start	New	Re Open	Ass. Chal	Ass. Rec	Ass. SCD	Ass. Other	Ded. Chal	Ded. Rec	Ded. Other	Closed	Pend. at End
A	48	0	16	24	19	0	30	0	0	1	37	76
B	251	205	11	8	19	0	9	50	12	248	174	3
C	0	254	3	6	10	0	301	4	5	3	177	315
D	489	434	66	53	12	0	52	28	33	35	465	549
E	18	1	19	0	0	0	0	9	10	111	1	17
F	1	0	0	0	0	0	1	0	0	0	0	2
TOTALS	813*	894*	116*	91*	60*	4*	396*	91*	60*	400*	861*	967*

DISPOSITIONS REPORT							
Date Range: 07/01/2005 - 10/04/2005							
Report Date: 10/04/05							
Case Type	Total Dispositions	Jury Trials	% of Dispositions	NonJury Trials	% of Dispositions	Total Trials	% of Dispositions
Civil	660	0	0	79	11.97	79	11.97
Criminal	141	6	4.26	4	2.84	10	7.09
Total	801	6	0.75	83	10.36	89	11.11

JUDICIAL CASELOAD REPORT

For Internal Use Only - May Contain Confidential Information

Judge A -- District Court Performance Report - 01/01/2005 to 09/08/2005

Case Class	New Cases	Reopened Cases	Dispositions	Clearance Rate	Active Caseload	Avg. # of Case Events	Docket Entries	Increased Filings	Increased Dispositions	Increased Active Caseload
Civil	53	1	49	90	103	17.4	853	8	11	21
Criminal	22	10	40	125	32	25.6	1000	-31	-4	-23
Domestic Relations	40	32	73	101	65	13	899	10	-12	14
Domestic Violence	25	4	22	75	18	6.6	146	31	0	63
Juvenile Delinquency	8	2	14	140	3	17	221	-37	27	-70
Abuse and Neglect	2	0	0	0	6	n/a	0	0	-100	20

For Internal Use Only - May Contain Confidential Information

DORMANT CASE REPORT

For: X District Court

Report Date: 10/04/05

Case Categories = CR

Judge = A

Excluding Cases w/ Outstanding Warrants

Total Cases: 110

D-412-CR-9800073 - STATE VS. GALLEGOS - 04/06/1998 - FEL DRUG OFFENSE

Reopen Date: 09/29/2005
Defendant: GALLEGOS ANTIONETTE DOB: 09/04/1975 Represented By: ARTHUR E. VARGAS

Plaintiff: STATE OF NEW MEXICO DA Represented By: ESTHER M GARDUNO

Last Event: RPN: MTN/PETITION TO REOPEN - 09/29/2005

Comment: DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE

Last Receipt: FINE - PMT: FINE - 07/11/2003 - 30.00

D-412-CR-200100139 - STATE VS. STEVEN MARTINEZ - 09/18/2001 - FEL CRIMES AGAINST PROPERTY

Reopen Date: 10/14/2004

Defendant: MARTINEZ STEVEN DOB: 05/22/1981

Plaintiff: STATE OF NEW MEXICO DA

Last Event: WAR: BENCH WARRANT RETURN - 09/28/2005

Comment: RETURN WHERE DEFENDANT IS FOUND ON SEPTEMBER 24, 2005

D-412-CR-200200010 - STATE VS. CHRISTOPHER GURULE - 01/23/2002 - FEL CRIMES AGAINST THE PERSON

Reopen Date: 03/01/2005

Defendant: GURULE CHRISTOPHER DOB: 05/21/1977

Plaintiff: STATE OF NEW MEXICO DA Represented By: GRANO MARK A

Last Event: CAL: HEARING - 11/22/2005

Comment: HEARING TO BE HELD @ 9:00 AM

D-412-CR-200200133 - STATE VS. JOSE E MAESTAS - 07/10/2002 - FEL CRIMES AGAINST THE PERSON

Reopen Date: 03/23/2005

Defendant: MAESTAS JOSE E DOB: 03/31/1979

Plaintiff: STATE OF NEW MEXICO DA

Last Event: DISCHARGE - 03/28/2005

Comment: ORDER OF UNSATISFACTORY DISCHARGE

6 MONTH ADVISORY REPORT

Start Date: 10/04/2005 End Date: 12/31/2005

Judge = A

DueDate Code = 6MTH ADVIS

SIX MONTH RULE

Case #	DueDate	Status	Case Title / Comments	DueDateID
D-412-CR-200400138	10/5/2005	ACTIVE	STATE VS. CHARLES L MARTINEZ CRIMINAL SCHEDULING ORDER FILED 10/08/04 SECOND CRIMINAL SCHEDULING ORDER FILED 5/4/05	1255
D-412-CR-200400076	10/7/2005	ACTIVE	STATE VS MENDOZA CRIMINAL SCHEDULING ORDER FILED ON 7/9/04 ORDER FOR EXTENSION OF TIME FILED 1/3/05 ORDER FOR EXTENSION OF TIME FILED 04/11/2005	1086
D-412-CR-200400080	10/18/2005	ACTIVE	STATE VS. WALLACE JOHNSON ORDER EXTENDING TIME FILED 7/18/05	1441
D-412-CR-200500074	10/19/2005	ACTIVE	STATE VS. CIPRIANO SANCHEZ SECOND CRIMINAL SCHEDULING ORDER FILED 05/31/2005	1609
D-412-CR-200500069	10/29/2005	ACTIVE	STATE VS JOSEPH RIVERA CRIMINAL SCHEDULING ORDER FILED 5/2/05	1616