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SUPREME COURT  
OF GUAM

IN THE SUPREME COURT OF GUAM

<p>6 <b>Re:</b></p> <p>7 <b>ADOPTION OF AMENDED CASE</b></p> <p>8 <b>ASSIGNMENT RULE FOR THE</b></p> <p>8 <b>SUPERIOR COURT OF GUAM</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Supreme Court Case No. PRM10-003</p> <p><b>PROMULGATION ORDER</b></p> <p><b>NO. 10-003-02</b></p>
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10 The Supreme Court was advised in July, 2011, that the Judiciary's new case management

11 system would not be able to efficiently incorporate the existing case assignment rule, as

12 articulated in Promulgation Order 10-003-01, into the automated case assignment process as the

13 system cannot work with the percentages contemplated by the existing rule. The court has

14 considered changes to the existing case assignment procedures to most effectively satisfy the

15 needs of the new system. Additionally, upon consultation with the trial court judges, the court

16 has considered certain adjustments to the case assignment procedures in its ongoing effort to

17 maintain fairness and equity among the trial court judges regarding case assignments.

18 For cause shown, and pursuant to 48 U.S.C.A. 1424-1(a)(6), it is hereby **ORDERED** that

19 the Administrative Rule updating the trial court's case assignment procedures, as set forth in

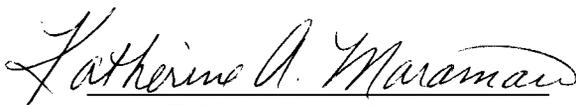
20 Exhibit A attached hereto and incorporated herein by this reference, be promulgated.

21 **SO ORDERED** this 23rd day of December, 2011.

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23 **ROBERT J. TORRES**

24 Associate Justice



**KATHERINE A. MARAMAN**

Associate Justice



**F. PHILIP CARBULLIDO**

Chief Justice

20112402

ORIGINAL

**ADMINISTRATIVE RULE RE AMENDED TRIAL COURT  
CASE ASSIGNMENT PROCEDURES**  
[December 2011]

I. Introduction.

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 or holidays, the Clerk of Court shall confer with the Chief Justice, Presiding Judge, 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.

All cases shall be assigned in accordance with this Rule.

II. Assignment of Cases Other Than Small Claims, Traffic and Child Support Matters

A. Creation of “Specialty Courts” and Assignment of Cases to The Specialty Courts

There shall be five Specialty Courts created for specific types of cases with each specialty court to be occupied by one judge for a period of three years. The Specialty Courts shall be the Family Court I (“FCI”), Family Court II (“FCII”), Family Violence Court (“FVC”), the Adult Drug Court (“ADC”) and the Driving While Under the Influence Court (“DWIC”). The specific types of cases assigned to each of the Specialty Courts shall remain with that particular Specialty Court upon the completion of the Specialty Court judge’s three year term and become the responsibility of the next-incoming Specialty Court judge. All other cases assigned outside the Specialty Courts

shall remain the responsibility of the judge who was originally assigned those cases unless that judge is disqualified from the matter.

Each Specialty Court judge shall occupy the allocated Specialty Court for a period of three years after which time the Specialty Court shall be randomly reassigned to another judge. Such random reassignment to the five 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 three year Specialty Court rotation to allow the next incoming Specialty Court judge to adequately prepare for their Specialty Court role. Such random reassignment shall be fair and equitable and provide each of the seven judges with the opportunity to occupy each of the seven rotations established hereunder. Notwithstanding this random selection of Specialty Court slots, the first full three-year rotation as the DWIC slot shall be occupied by the trial court judge that oversaw the initial DWIC pilot program. Thereafter reassignment to the DWIC slot shall occur randomly, just as the other four Specialty Court slots are reassigned.

1. Family Courts I & II

a. All Juvenile cases shall be distributed in the following manner:

Juvenile Delinquency (JD) Cases. Such cases shall be assigned equally between the two Family Court Judges.

Juvenile Proceeding (JP) Cases. Such cases shall be equally assigned to the two Family Court Judges except in the instances of “beyond control” cases which shall be equally assigned (1/3 each) among the two Family Court Judges and the Child Support

Hearing Officer, and “truancy” cases, all of which shall be assigned to the Child Support Hearing Officer.

b. Family Court I shall have a component which will be referred to as the “Mental Health Court.” The following cases shall be assigned to the Mental Health Court:

(i) All cases in which the defendant has been deemed unable to be proceeded against due to their mental state as determined by the assigned Judge pursuant to Title 9 GCA § 7.22 or § 7.37 shall be reassigned to the Mental Health Court for all subsequent proceedings and will be credited towards the Mental Health Court Judge’s assigned criminal cases as stated in the “Assignment of Other Criminal Cases” section below; and

(ii) All Special Proceedings (SP) cases that involve competency hearings, civil commitment hearings or adult guardianship matters.

c. Family Court II shall have a component which will be referred to as the “Juvenile Drug Court (JDC).” All Juvenile Drug Court (JDC) cases shall be assigned to that component of Family Court II.

2. Family Violence Court:

a. All felony and misdemeanor cases involving any level of a family violence charge shall be assigned to the Family Violence Court (FVC).

b. Cases involving both family violence and drug charges shall, in the first instance, be assigned to the Family Violence Court, but may be referred by the Family Violence Court Judge to the Adult Drug Court to

determine the eligibility of the defendant and the defendant's interest in participating in the program. Should the defendant qualify for and accept the terms of the program, the case will be reassigned to the Adult Drug Court program. Should the defendant not qualify for, or does not choose to participate in the program, the case will remain with the Family Violence Court Judge.

c. Non-family violence criminal cases which are existing priors of a newly-charged family violence criminal defendant, whether post-judgment or pre-trial, shall not be automatically reassigned to the Family Violence Court unless requested or accepted by the Family Violence Court judge. Any pre-trial reassigned felony cases under this procedure will be credited towards the Family Violence Court judge's assigned felony cases as stated in the "Assignment of Other Criminal Cases" section below. No credit will be given for reassigned non-family violence misdemeanor cases since the Family Violence Court judge will not typically be assigned any non-family violence misdemeanors.

3. Adult Drug Court Specialty Court: All felony and misdemeanor cases involving any drug charge shall be assigned to the Adult Drug Court unless they are first assigned to the Family Violence Court and remain in that court as addressed in Section II(A)(2)(b) immediately above.

4. DWI Specialty Court:

a. All felony and misdemeanor cases involving any DWI charge filed with the Superior Court of Guam after November 15, 2010, shall be assigned to the DWI Specialty Court.

b. The judge assigned to the DWI Specialty Court shall not be assigned any non-DWI misdemeanor cases.

B. Assignment of Other Criminal Cases<sup>1</sup>

1. Felony Cases: All felony cases that are not assigned to the Adult Drug Court Judge shall be equally divided, one-sixth (1/6) each, by the two Family Court judges, the Family Violence Court judge, the DWI Court judge and the two judges not assigned to any of the Specialty Courts (referred to as General Jurisdiction Judges). Felonies assigned to a Specialty Court other than the Adult Drug Court shall count towards that Specialty Court judge's one-sixth share of these felony cases.

2. Misdemeanor Cases: All criminal misdemeanor cases that are not assigned to Family Violence Court or DWI Court shall be equally divided, one-fifth (1/5) each, by the two Family Court judges, the two General Jurisdiction judges and the Adult Drug Court judge. Any misdemeanors assigned to the Adult Drug Court Specialty Court shall count towards the Adult Drug Court judge's one-fifth share of these misdemeanor cases.

C. Assignment of Non-Criminal Cases

All non-criminal cases not assigned to the Specialty Court judges shall be divided equally among the seven Superior Court judges, one-seventh (1/7) to each judge. Provided, however, that the Family Violence Specialty Court judge shall be assigned all

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<sup>1</sup> The efficiency of processing criminal cases is often maximized when a defendant with more than one open criminal case has all such cases before the same judge. In order to maximize this efficiency, when a new non-specialty court criminal case is filed and a named defendant in that case is also a named defendant in a prior criminal case that is still open, which shall include cases involving probation, the newly filed case will be assigned to the judge that is assigned to the prior criminal case to the extent practical. The new case assignment shall be in place of the assigned judge's next scheduled random assignment of that type of criminal case.

Family Violence-related DM cases and all Civil Restraining Order cases which shall be credited towards his/her one-seventh share of non-criminal cases.

D. Ex Parte Applications

1. All civil Ex Parte Applications for Temporary Orders of Protection (“TPO”) and Orders to Show Cause, and all Protective Order cases (“PO”) as defined under the Guam Local Rules of Court Miscellaneous Rule 2.1 shall be assigned to the Family Violence Court.

2. Consistent with the concept of One-Judge-One-Family, any domestic case (DM) involving a party or parties who are also involved in a related family violence and/or PO case or cases shall be assigned, or reassigned, to the Family Violence Court as provided for under Miscellaneous Rule 2.1.2(B), with appropriate credit given to the Family Violence Court judge for reassigned felony cases.

3. All ex parte applications for POs shall be referred to the Family Violence Court judge and not the on-duty ex-parte judge and any hearings, including OSC hearings, on these types of cases shall be scheduled by the Family Violence Court judge.

4. Ex Parte applications for civil or non-domestic violence restraining orders shall be promptly randomly assigned just as newly filed standard non-criminal cases are randomly assigned and the assigned judge shall hear the application. If the randomly assigned judge is not available to promptly hear the application, the matter shall remain assigned to that judge but shall be temporarily referred to the on-duty ex-parte judge for immediate action, as necessary.

E. Disqualification/Recusal and Re-Assignment

The procedures for recusal and disqualification articulated in Promulgation Order 10-003-01 shall remain in effect until further order of the Supreme Court of Guam notwithstanding the December 31, 2011 sunset provision articulated in Promulgation Order 10-003-01.

F. Complex Litigation

When motions to consolidate cases which have been assigned to different judges are filed, the Presiding Judge shall meet with the judges involved to attempt to reach consensus on how the litigation should be assigned. The Presiding Judge shall thereafter make the assignment of cases in order to promote equitable distribution of cases and judicial economy. In order to have a fair and equitable case distribution, the Presiding Judge may adjust total case assignments when complex litigation requires the assigned judge to devote a greater proportion of his or her time to the complex case or cases.

G. Miscellaneous Matter

All judges will rotate every two weeks as the *ex parte* judge with a schedule to be established by the Presiding Judge.

H. Assignment of Cases to Child Support Hearing Officer

The Child Support Hearing Officer will hear all child support cases, all truancy matters and one-third of JP beyond control matters. The Child Support Referee shall also hear any Person in Need of Services (PINS) case that may arise from such truancy cases and may also hear other PINS cases upon agreement with the Family Court

judges. The Child Support Hearing Officer shall also hear traffic cases when the assigned Magistrate, judge *pro tempore* or referee is not available to hear them.

III. Random Case Assignment:

The Administrative Officer of the Courts shall take reasonable steps as may be necessary to cause to be computerized the random assignment of cases as described herein.

IV. The portions of Promulgation Order 10-003-01 addressing case assignment procedures is superseded by this Administrative Rule. The portion of Promulgation Order 10-003-01 addressing recusal and disqualification remains in effect.