

2013 State of the Judiciary Address
Delivered By
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Chief Justice of Guam
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Introductory Thoughts

Buenas yan Hafa Adai. I come before you today to once again inform you of the state of your Judiciary. A few weeks ago, I began to gather my thoughts about what I would say today, fully cognizant that I would be delivering my last State of the Judiciary address as Chief Justice of Guam for this term. It started me reflecting on the changes – *quite significant, in fact* – that the Judiciary has undergone from the time of my investiture in 2000 until today.

When I first became a Justice of the Supreme Court in October 2000, I was not only filled with pride, but more importantly, I was filled with hope – hope for the future of this budding branch; hope that our courts would become increasingly independent, stable, and responsive to our community’s evolving needs for justice; hope that I could play a role in bringing about positive change. The Judiciary during that time operated in many respects under a cloud of uncertainty. There was a period when the State of the Judiciary Address was abolished during Chief Justice B.J. Cruz’s term, and a time when the future of our courts was quite tenuous. When I was first elevated to the role of Chief Justice in 2003, Guam did not have a unified Judiciary. The process of unification did not begin until a year later, in 2004.

Now, looking back upon the various State of the Judiciary Addresses from past years, I discovered how remarkably these addresses document the evolution of our court, slowly but surely, toward a more secure justice system. When describing the state of our branch, the descriptions of Chief Justices past, myself included, have ranged from “a broken branch” in 1998, to being “in recovery” in 2002. More recently, the state of the Judiciary has been described as “advancing,” “sound,” “innovative,” as “challenged, yet responsive,” and last year, as “organized, dependable, and efficient.”

And these descriptions are not mere words chosen by their speakers to be used within the vacuum of a particular address. Rather, I believe these words are steeped with meaning and truly reflect the long and rough road our Judiciary has travelled, from the days of being a broken branch, as described by former Chief Justice Siguenza, unequal in all practical respects with the other branches of government, to the Judiciary we have today – an equal partner in our tripartite government; an independent and responsive branch committed to the course of progress which we have charted. And thanks go out to my predecessors, my colleagues on the bench of both the Supreme Court and the Superior

Court, and the lawmakers who have supported our branch – without our collective commitment and concerted efforts, the state of Guam’s Judiciary today would be quite different.

I want to especially thank former Senator Randy Cunliffe, who sponsored our unification legislation, and former Senators John Quinata and Robert Klitzkie, who were the co-sponsors and main movers of the initiative, which overturned a Governor’s veto and in turn enabled Congresswoman Madeleine Bordallo to pass the amendment to the Organic Act, cementing our court unification. Three members of this current legislature were among the senators who voted in favor of our unification in 2004 – they are Speaker Ben Pangelinan, Senator Rory Respicio, and Senator Tina Muna Barnes, and I thank them as well for their support.

My Vision for the Judiciary

By this point in my career, I have had the privilege of addressing this body and the people of Guam on several occasions to share with you my vision for this branch. Pondering my own past addresses, I am pleased that most, if not all, of these “big picture” visions have now been realized. The first vision I shared upon my investiture was that the Judiciary of Guam would become sufficiently matured in its institutional traditions so that the interim review of Guam Supreme Court decisions by the Ninth Circuit Court of Appeals would be eliminated. And we accomplished this in 2004, when, years ahead of our anticipated schedule, our Supreme Court was put on equal footing with the highest courts of the 50 states, subject only to review by the United States Supreme Court.

Second, I envisioned the Guam Supreme Court as the highest court of our territory with judicial and administrative oversight over the third branch. This vision was never just about authority or power; rather, it was something that went to the very heart of an independent judiciary, co-equal with the other branches whose administrative heads were the leading authorities of each respective branch. And this vision, too, has come to be.

No longer are we in a state of uncertainty as to where we stand in this government. We are a distinct and co-equal branch – one that cannot be abolished by the stroke of a pen or on a legislative whim as had been the case before. We are now a Judiciary unified not only in name but in practice and function, working cohesively for a common purpose. I want to especially thank Presiding Judge Alberto C. Lamorena, III, who has become a partner in this process. The change did not come easily at times, but I am as certain today as I was a decade ago that this vision was well worth the struggle, and that our Judiciary is stronger and more stable than any fractured incarnation of ourselves could ever be.

Third, I had a vision of a Judiciary that would forge ahead with a solid strategic plan – a plan that would anticipate the changing needs for our court system and our facilities, a plan that would set forth a clear path toward meeting those needs. And we did this. In 2006, we began crafting our first long-range strategic plan for our unified courts, which we titled “Justice With a Vision.” It was a plan that saw us through 2010. In 2011, we began updating this plan, calling it “Our Way Forward.” This current plan takes into

account the growing and evolving demands for justice through 2015, in light of the economic realities in which Guam finds itself. These are just some of the bigger visions, which we achieved largely by our ability to accomplish many smaller goals every step of the way, and at every stage of our growth.

Division/Project Highlights

Last year, I shared our Strategic Plan to guide “Our Way Forward” as the Judiciary. This plan is a living document we are using for internal governance – not some wish list we drafted and then put on the shelf for show. As a branch, we have brought together our judicial officers and court employees to pursue and implement several strategic projects. From justice to clerk, everyone has a role to play. To execute our strategic plan, we developed four strategic focus areas, each of which is divided into various specific sub-projects and is led by a team of at least two judicial officers and one court manager.

The strategic focus area of “Access to Courts and Delivery of Services” is chaired by Judge Anita Sukola and co-chaired by Senior Judge Pro Tem Elizabeth Barrett-Anderson and Administrative Hearings Officer Linda Ingles, with management lead Robert Cruz, our Deputy Administrative Director of the Courts. This team is overseeing the implementation of projects designed to offer more court services online and at off-site locations, to improve the distribution of court information through better interpreter services as well as instructional videos, and to develop parking solutions. Thanks to the work of this committee, we have greatly expanded the use of the Northern Court Satellite in Dededo by moving jury orientation sessions there, as well as various alternative sentencing and probation classes. This addresses both the shortage of parking and the limitations of our facilities in Hagåtña.

I would be remiss if I did not mention our Court Interpreter Registry Program, which is a prominent project under this focus area. Through this program, we have established a system for training and developing a pool of registered interpreters to assist with court hearings. They will now be available for use by the Guam Bar Association because these registered interpreters have been trained on ethics and court processes. By ensuring that judges and litigants have trained and qualified interpreters, we are able to guarantee the fair administration of the justice system. I thank Senior Judge Pro Tem Elizabeth Barrett-Anderson for all her efforts toward getting this project off the ground.

The focus group responsible for Operational Efficiency, Effectiveness and Timeliness has held regular meetings over the last year. That group is chaired by Justice Robert Torres and co-chaired by Judges Michael Bordallo and James Canto with management lead Richard Martinez, Superior Court Clerk of Court. Justices, judges, court employees, and attorneys have been working together to revisit the Local Rules of Court and Rules of Civil Procedure, recently amending the motion practice rule. If you are at all familiar with the motion practice rule, you’ll understand what a big undertaking this was. The team is also working on revising the judicial time standards and methods of reporting, as well as the method of assigning cases to judges. Team members continue to meet monthly to finalize these revisions.

Justice Katherine Maraman is chairperson of the group responsible for our strategic focus area concerned with sustaining Satisfied and Competent Personnel. Together with Judge Vern Perez, her co-chair, and management lead Barbara Perez, our Human Resources Manager, this team is working to revise performance evaluations and assess the effectiveness of the merit bonus program. The committee is revamping and modernizing court training programs to improve career development court wide. I would like to recognize Dr. Mary Okada, President of the Guam Community College, for being our partner in this effort.

An important part of “Our Way Forward” is the preservation of institutional knowledge and the establishment of a succession program. These are the focal points of our new Talent Management Program that anticipates future staffing needs by looking within our branch to develop candidate pools for critical positions, and to retain staff. The State Justice Institute, which provided the grant money to pilot our Talent Management Program, is looking to us as we implement this pioneering program. This program is a model that other courts and other branches might consider, especially in times of limited resources. I know the value of this branch’s employees. By offering tools for professional growth, the Judiciary employees will have the knowledge and skills to give their best to the people of Guam. I must thank Court Programs Administrator Jackie Cruz for her work in launching this program.

The last strategic focus area is Stakeholder and Community Relations, which is led by Presiding Judge Alberto C. Lamorena, III, and co-chaired by Judge Arthur Barcinas, with Court Policy, Planning, and Community Relations Director Joshua Tenorio as management lead. In addition to using Twitter as a method of disseminating information, the committee has selected crime victims’ rights and services as an area of focus for the court and its stakeholders to discuss in a forum to be held later this year. This will allow self-evaluation and improvement of the system currently in place. In the future, other topics will be selected with the goal of continuing this important dialogue with court stakeholders.

Last October, we implemented Phase II of our new Case Management System, or CMS. The Enterprise Resource Planning phase provides for increased efficiency of the court’s internal operations, including the Financial Management Division, the Human Resources Division, the Procurement and Facilities Division, the Court Programs Division for Federal Grants, and the Office of the Public Guardian. But for those outside the Judiciary, the new CMS means convenience, such as a Jury Management system that will allow potential jurors to complete questionnaires online. We anticipate that next year, when we implement Phase III, we will be able to process online payments for court fines and fees.

We remain steadfast in finding ways to decrease the number of juveniles entering the court system. The number of youth in the justice system has been on the rise in recent years, and alarmingly so. In 2012, 193 of our island’s children were under supervised probation – that’s up from 142 in 2011. Last year, our Juvenile Drug Court received 217

new cases. And the active caseload for our Juvenile Probation Office went from 656 in 2011 to 721 in 2012. Clearly, for the sake of these youth and our community, we must find ways to give these children the support and attention they need to steer them away from a life of crime and drugs. Our partnership with the Guam Department of Education placing School Resource Officers in our high schools, our anti-bullying efforts, and other law-related education programs help reduce the demands on our juvenile docket and create a safe school environment for our children.

I want to thank Superintendent Jon Fernandez, as well as Ike Santos, Joe Sanchez, and Chris Anderson for their unwavering support of these programs and for facilitating the Judiciary's partnership with DOE. We are also very appreciative of the Legislature's support of the Judiciary's Drug Court program, which has yielded life-changing results for many of the program's participants. With your continued support, we hope to expand these services to address the growing demand.

You will see the highlights of our branch's accomplishments in the Annual Report, but please allow me to share a few here.

In light of the reduced appropriation for our FY2013 budget, I met with the Administrator of the Courts Perry Taitano and court leadership, and I challenged them to examine our operations to see where we could cut. Nothing was to be spared. They presented me with a Budget Reduction Plan, which we have implemented and which will be in effect through the remainder of this fiscal year. I would also like to thank Governor Calvo for funding the Judiciary's outstanding allotments from prior years to help make up for the shortfalls in our FY2013 budget. As a result of our Budget Reduction Plan, the willingness of all employees to do more with less, and the Governor's release of our prior years' allotments, the Judiciary was able to avert the furloughs which were slated to begin this month.

In addition to these, our energy savings projects, first implemented in 2009, continue to reduce our branch's energy consumption and save on costs. In fact, 2012 was the Judiciary's banner year for energy savings. After installing an air conditioning digital control system and completing our light retrofit project, we have reduced our monthly kilowatt hours, using our savings to offset the increase in utility rates.

By having a Strategic Plan and the companion plan for developing and implementing strategic focus projects, we are able to press forward knowing what our shortcomings and needs are, and better able to address those needs in structured, thought-through ways. And as I said earlier, because so many of our court personnel have been given responsibility of implementing different projects, everyone has a personal interest in seeing this plan succeed.

Famed American author Alex Hailey, perhaps best known for his work *Roots*, is said to have lived by this motto: Find the good and praise it. What power and depth there is in this very simple phrase. While it is always easy to see what is wrong with our government or our island, it can be just as easy to see what is right and what is good with

it . . . if only we are willing to look. When I meet with Judiciary employees, or when I hear the latest example of the lives we touch with our services, it is not difficult for me to find the good in our branch. We are not perfect and I know there is much room for improvement, but we *are* good; and our employees wholeheartedly deserve my praise.

This is an appropriate time to mention Anthony Aguon and John Diego – two Judiciary employees who are currently deployed to Afghanistan, doing their noble duty of defending our freedom, under the leadership of Major General Benny Paulino. In addition to these two, another 32 of our employees serve as guardsmen and reservists in our nation’s armed forces, and 8 of our employees have spouses who are deployed. These men and women especially have my thanks and my praise.

If there is one thing we have been clearly reminded of in the past few weeks, it’s that threats to our safety and national security do not just play out in distant deserts thousands of miles away; indeed, Guam has been a named target of the menacing danger of a potential North Korean missile attack. And while we all pray that such an attack will not take place, the Judiciary has taken every step to prepare for it. I’d like to thank our Procurement Administrator, Retired Colonel Ray Taimanglo, and Deputy Chief Marshal Joe Leon Guerrero for spearheading our branch’s efforts to ensure that all court employees are made aware of what to do, where to go, and how to respond in the event the unthinkable happens during working hours – when not only our employees’ safety, but our patrons’ safety, must be taken into account. We have designated shelters by division and implemented other security and accountability measures in consultation with the Joint Information Center. The constant reminder from the JIC is to be prepared. And that we are.

As I enter my last few months as Chief Justice, I am more confident than ever that our branch is on a steady course of progress. Thanks to our strategic planning, our succession planning, and the willingness of all court personnel to learn new and better ways to get their jobs done more efficiently and to live within their means, and thanks to the continuing support of our sister branches, the Judiciary of Guam will continue to serve our people well. We have put into place a process for running this branch, efficiently and through all climates of change and political whims.

Ladies and gentlemen, despite our challenges, the state of your Judiciary remains committed and prepared: Committed to ensuring justice for all our people, and prepared for the uncertainties in our daily lives.

A Return to the Dream

In the years that have ensued since I assumed the bench, Guam has seen much turbulence. Our economic strength has wavered, and with a shrinking economy came the expected rise in crime and in business disputes – matters which ended up on the doorsteps of our courthouse. The economic state of our island and our nation in recent years has been undeniably bleak. Courts across the country have made drastic cuts to

their services to correspond with their dwindling resources. Core functions of a justice system stood to be eviscerated, and I can tell you without hyperbole that the ideal of swift and efficient justice for all was at risk in every state in our nation. Guam's Judiciary has not been spared in this regard. While we were thankfully able to avert the harshest alternatives, such as cutting work hours for our employees, we did make serious cuts to operations, eliminating all but the most pressing expenses while still aspiring to provide excellent service.

Two years ago, after resuming my role as Chief Justice, I stood in this hall and urged for a return to the basics of governance. I firmly believed in that arresting moment in our history – when the agenda on any given day was simply to keep afloat until the next day – that it was our duty to return to the “small,” the fundamentals of each of our respective branches. I closed that address by expressing my hope that, together, we would bring to the challenges at hand all the seriousness we had to bear, along with a willingness to forsake, at least for a while, the big for the small, the dream for the details, and the glamour for the grit. And, speaking for the branch I represent, I can assure our people that this is exactly what the Judiciary did.

Now, here we are, two years later, and I can say with much optimism that all indications point to recovery. Although we are by no means out of the financial troubles that crippled us a few years ago, our island seems to have begun its bounce toward a more stable and healthy economy. Dare I say that perhaps it is time, then, to once again revisit the dream, and to bring the focus back to the bigger vision of how to carry out our mission more efficiently and effectively.

Law Day: Realizing the Dream

Today, May 1st, is nationally recognized as Law Day – a day on which we celebrate the rule of law; a day on which we recommit ourselves to living up to the ideals of ensuring liberty and justice for all. This year, the American Bar Association selected a Law Day theme that honors one of the most eloquent and committed champions of justice in the 20th century. This year's theme, “Realizing the Dream: Equality for All,” summons the memory of Dr. Martin Luther King, Jr. and his most famous oration. When Dr. King proclaimed the now emblematic phrase “I have a dream,” he did no less than ignite a fire that many in our freedom-loving nation for generations had either forgotten or refused to stoke, out of fear or ignorance. Martin Luther King, Jr. held no elected office; he presided over no court; yet he brought a nation, by his life and his death, to the inescapable realization that civil rights belong to all citizens; that neither color nor creed were contemplated when our forefathers inked the words “all men are created equal.”

In that time, hailed by history as the “the Civil Rights Movement,” our laws evolved to mesh with the reality that we must all be regarded equally under the law. Bad laws were repealed, better laws were enacted. And the cycle continues today. And that, I believe, is the greatness of our system of government: We *all* play a part in making our land more

just, and we *all* bear the responsibility of stoking the fires of social justice in whatever we do in our lives.

Martin Luther King, Jr. said once, in that precarious time in our nation's history, that "we must live together as brothers or perish together as fools." This is true in society, and it is true for us – the lawmakers, the executives, and the courts of justice. Our governmental structure requires us to work together if we ever hope to do any good for our people. And the time has come once again, as it does every year at about this time, to ask our Legislature and our Executive Branch to take fair account of the Judicial Branch – of our committed efforts to serve our people's needs for justice, of our efficiency and frugality, and of the critical role we play in ensuring a system of law and order. The Judicial Branch has neither the power of the sword nor the purse, but instead must rely on the respect of the people and the support of our sister branches in order to ensure the fair administration of justice. The trust of the people in our ability to run a fair and impartial court system is not just an aspiration; it is a necessity if we are to function as our laws envision. When people – ordinary citizens or businesses – come to our courts in hopes of obtaining whatever justice they seek, it is my responsibility as the head of this branch to make sure that they have meaningful access to our courts. And we as a Judiciary are continuing to do all we can to deliver.

Concluding Thoughts

During my time at the helm of this branch, I hope that I have adequately conveyed to you – our elected leaders, the people of Guam, and especially the 350+ Judiciary employees – how thankful I am to have had the honor and the privilege of working with the most dedicated, resourceful, and able group of individuals – people whose life's work is dedicated to keeping the wheels of justice moving. I thank all our employees – my management team, our clerks and administrators, our facilities workers, our marshals and probation officers, our judicial officers.

When I consider the incredible strides we have made together in just over a decade; when I think about how we once considered ourselves a fragmented branch – fragmented not just from the other two branches, but fragmented internally, within ourselves; when I think that, in this relatively short time in our judicial history, we have gone from having two separate court administrations, neither unified nor cohesive, to establishing a Supreme Court on par in stature with the highest courts of all the states, to having a truly unified Judiciary . . . when I really stop and ponder these, I am filled with a renewed sense of hope and pride – different, however, from the hope and pride I felt on the day of my investiture. On that day in October 2000, my hope was flamed only by a vision. Today, having seen that vision realized, having witnessed the Judiciary surmount great hurdles by a willingness to work together, my hope is now flamed by experience, and by the reassuring knowledge that we have set in motion a solid strategy to guide the growth of the Judiciary for years to come.

Fourteen months ago, something happened in my life that sharpened my perspective and filled me with an even greater sense of duty to ensure that the Guam we leave to the next

generation is strong and good and driven by principles of justice and fairness. Fourteen months ago, I became a grandfather to a little boy named Kellan Philip. If ever I grow weary of the challenges that still lay ahead, despite the many strides we've made so far, the thought of his future renews and refreshes me. I am sure that many of you have your own "Kellan Philip" who drives your desire to do the best you can to set our island on a steady course. Together, let us recommit to finding the good and praising it, to letting the dream of a better and more just island drive the decisions we make in our respective branches, to stoking the fires of justice and civility with our work and with our lives. Life is too short for us to do otherwise.

I'd like to end with a quote from Dr. Martin Luther King, in the spirit of this Law Day. In life, he said "We must accept finite disappointment, but never lose infinite hope." Ladies and gentlemen, my hope for this branch and for our island is infinite. And with heartfelt gratitude for this privilege of serving you, I bid you all un dangkolu na si Yu'os ma'ase.