

**2017 State of the Judiciary Address  
Delivered By  
The Honorable Katherine A. Maraman  
Chief Justice of Guam  
May 2, 2017**

**Greetings and Recognition of Hustisa Award Recipient**

Hafa Adai and good morning Governor Eddie Baza Calvo, Lt. Governor Ray Tenorio, Speaker and retired Chief Justice Benjamin Cruz, our oversight chairperson, Vice Speaker Therese Terlaje, and senators of the 34th Guam Legislature . . . thank you for hosting us in this beautiful and historic hall, and for giving me the opportunity to speak to you and our people about the state of our Judiciary. To Chief Judge Frances Tydingco-Gatewood, my colleagues on the bench, our court employees, my friends, honored guests, and the people of Guam – thank you for being here.

Before I begin, I would like to take a moment to recognize the 2017 recipient of the Hustisia Award: Inafa’Maolek. This non-profit organization was founded in 1982 by Attorneys Pat Wolff, John Dierking, and the late Charles Troutman in an effort to help members of our community resolve conflicts outside of litigation. Over the years, Inafa’Maolek has helped countless people in Guam mediate domestic disputes, parent-child disputes, and small civil disputes, and our courts have even referred certain juvenile and criminal cases to Inafa’Maolek when restorative justice seemed an appropriate option. The organization has also done so much good for our community in terms of education and peer mediation training to promote peaceful conflict resolution, among other things. Please join me in thanking and recognizing Inafa’Maolek, which will be presented with the prestigious Hustisia Award at a later ceremony.

**Introductory Thoughts**

I am privileged to speak today not just for those present in this historic chamber but also for those who serve daily as the true lifeblood of our Judiciary – the women and men who staff our courts.

This is a special day for me, professionally and personally. Forty years ago, almost to this very day, I entered this building for the first time. I came here as a young lawyer in 1977 with the plan of working here for a couple of years before returning to the mainland. But the island and her people drew me in, embraced me as I did them, and gave me opportunities that I never could have imagined. I served 14 years as a trial judge, and I am now in my 9th year on the Supreme Court. When I first joined the judicial system, I found that it was filled with principled people who cared deeply about the law, as I did, and who cared about the effects that our decisions had on children and families. In those early years, I was supported and taught by a host of court clerks, attorneys, social workers, and fellow judges from Guam and throughout Micronesia, who helped me by sharing their experiences and knowledge.

Today, as the head of our judicial branch of government, I am so grateful to come to this position having had the experience of working in the trial courts, because, at least in my opinion, that experience gives you a unique appreciation for how the wheels of justice really turn – not just in theory, but in real life. Bearing the responsibility of sentencing a convicted criminal or carrying the heavy burden of deciding whether to keep a family together or separate parent and child has given me invaluable perspective when it comes to making the broader legal decisions I am now called on to make as a member of the Supreme Court, and now the policy decisions as your Chief Justice.

I stand here today as the first woman to hold the position of Chief Justice of Guam – a distinction that I take very much to heart, and very seriously. I resolved from the beginning of my term in January to take this opportunity to bring what I have learned from my life experience – from my perspective as a former trial court judge and from my passion for working toward the best interests of children and families, and yes, even from my perspective as a woman – I resolved to bring all these together with the goal of strengthening and refreshing our justice system. Because the truth is, like every organization or machine or operation, occasionally even our justice system needs to hit the “refresh” button every now and then.

Let me assure you, the state of our Judiciary is sound, but it is also in the process of refreshing itself. We have made great strides toward strengthening our workforce and starting on the path

toward far-reaching reform efforts in technology, juvenile and adult probation, and other areas. But in addition to keeping to the undeniable progress we have made over the years and the goals set forth in our strategic plan, I also believe in dusting ourselves off and sprucing ourselves up when necessary – taking a step back to look at our operations with a fresh perspective to see where we might better ourselves and, ultimately, better our delivery of justice.

### **Probation Reform**

Let me start with updating you on our Probation reform initiatives, because it is our efforts in this area that have the greatest potential to impact the lives of so many in our community in very tangible and personal ways. Our adult probation officers, judges, court counselors, and selected lawyers have received training in the use and implementation of the Ohio Risk Assessment System, or ORAS. This system classifies clients into low, medium, and high risk categories and allows probation officers and service providers to tailor their treatment according to the individual needs of the client, or to recommend diverting clients out of the system when appropriate, which sometimes is in their best interest. We have seen a marked decrease in the pretrial detainee population at the Department of Corrections, which I know has been an issue of concern in the past. ORAS will surely help us continue this trend.

We included in our budget submission a line item for the cost associated with implementing electronic monitoring of pretrial detainees, as a means to further reduce the pretrial detainee populations in Guam's corrections facilities. Our submission was provided strictly for the Legislature's information, but of course, the policy determination of whether to implement this practice rests with the lawmakers.

In line with our new individualized approach, our probation officers also received training in effective practices in community supervision, core correctional practices, and adolescent brain development. Truthfully, without understanding the unique workings of the juvenile brain, we cannot hope to achieve our best outcomes with our troubled youth. The skills and tools with which our officers are now equipped will help them better manage and supervise clients, with an end goal of decreasing recidivism – that is, improving client outcomes through their successful completion of probation. As with so many of our court projects and reform efforts, a key part of

our strategy for success is to work with our court partners, stakeholders, and service providers, all of whom will have the opportunity to undergo these same training programs.

There is no question that our collaboration with stakeholders in the criminal justice system is critical. I think we all recognize the great value that comes with working together – and when our collective goal is a safer community and better life outcomes for our justice-involved youth, then the reward is that much sweeter. It is with this collaborative spirit that we launched the Juvenile Justice strategic plan in March. Our aim is to minimize institutional placement of juveniles, and to implement evidence-based and community-based programs that are shown to improve the lives of troubled youth.

### **Therapeutic Courts**

We remain committed to finding new and better ways to treat the men, women, and children who come to court with special treatment needs or underlying conditions or circumstances that, if left unaddressed, will surely thwart any hope of recovery or rehabilitation. We know that not all case types are best handled in a traditional courtroom hearing or trial setting. Therapeutic courts seek redress with an eye toward reducing recidivism — addressing the root causes that lead some people to repeatedly violate the law. We have recognized that the way we handle these cases must conform to modern sensibilities. And it has paid off.

During the past few years, we have come to realize the savings — in dollars certainly, but more important, in lives saved — by utilizing a more targeted and holistic approach to addressing the particular causes and challenges faced by repeat offenders. Our therapeutic courts are predicated on the demonstrated fact that it is more beneficial to our community to treat substance abuse and mental health needs than to imprison.

In the coming weeks, the Judiciary will be launching a new therapeutic court – the Driving While Intoxicated Court, which up to now has only been a specialty docket rather than a treatment court. And later this year, the Judiciary plans to launch our Family Drug Court program and Project HOPE, which imposes graduated sanctions for traditional probationers who violate their conditions. I am proud to report that, in the very near future, we will have six

operational therapeutic courts, including the already-established Adult Drug Court, Juvenile Drug Court, Mental Health Court, Family Violence Court, and the Veterans Treatment Court.

We depend heavily on the support of our stakeholders to ensure the success of our treatment courts. And the fruits of our collaboration can be seen in many examples – one of which is to work with stakeholders like the Guam Behavioral Health and Wellness Center to get adult clients assessed and in treatment using evidence-based assessment tools. We know that immediate access to treatment is crucial when it comes to improving outcomes. When we reduce the time it takes for clients to receive treatment, we are one step closer to helping them turn their lives around.

### **WINGS**

We know how important it is to provide individuals with the tools and skills they need to succeed in whatever their goal is – be it those trying to reintegrate into the community after incarceration, or those trying to manage a mental illness, or those trying to overcome addiction. One group, however, that has been somewhat overlooked when it comes to providing skills-training and support is the group of people in Guam who serve as private guardians – those trying to help care for the financial, medical, and day-to-day needs of an incapacitated loved one. Representatives from the Guam Memorial Hospital, Catholic Social Services, Guam Legal Services Corporation, and other major stakeholders are actively involved with the Office of the Public Guardian in this process of providing meaningful training and education to support the roles and responsibilities of guardians in Guam.

Our Public Guardian is also spearheading a guardianship reform initiative that would restructure the Public Guardianship Review Board with implementation of the National Guardianship Network’s WINGS program. This initiative involves the formation of a broad-based, collaborative working group of stakeholders who will drive changes that affect the ways courts and guardians practice, and improve the lives of people who have or may need guardians.

We are able to carry out these activities with funding support from the State Justice Institute, which also includes support for guardianship conferences that will be held later this year to

increase public awareness of the guardianship training program and community services available.

### **Court-Appointed Special Advocates (CASA) Program**

One new program I am committed to establishing during my term as Chief Justice is the Court-Appointed Special Advocates, or CASA, Program. Presiding over juvenile cases as a trial judge was one of the most challenging experiences of my judicial tenure – particularly the abuse and neglect cases. Working to achieve the “best interest of a child” standard is paramount in ruling in any juvenile case, but understanding what is truly in a child’s best interest is not often an easy task. I firmly believe that in all abuse and neglect cases, children should have an advocate by their side. And this is precisely what the CASA program will provide.

Modeled after initiatives in other jurisdictions, this program, which will be managed by the Public Guardian, will be comprised of trained volunteers who are appointed by the court to represent the best interests of a child in an abuse or neglect case, in and out of court. The legal system can be frightening and confusing enough to adults – how much more to an already-traumatized child? The success of the program will ensure that every abused or neglected child can feel safe, can have a permanent home, and can have the opportunity to thrive.

### **Justice and Public Safety**

For the Judiciary, we aspire to always provide access to timely and quality justice. As I mentioned earlier, one component of our work is helping the vulnerable in our community have the greatest access to services and treatment. This is a responsibility that we in the courts take very seriously, because we know how much our efforts can impact the lives of those involved. We are very proud of the benefits reaped as a result of our probation reforms and therapeutic court approaches, and the role that we play in turning around individual lives. But there is another extremely important role that we play, and that’s in promoting public safety and the rule of law. We cannot forget that, in the midst of all our reform efforts, community outreach initiatives, and therapeutic models of justice, the core of our mission still rests largely in the “traditional” work that we do inside the courtrooms – adjudicating persons charged with crimes, and resolving disputes between private citizens.

Our efforts spent in fulfilling this mission are a crucial component in promoting the rule of law, and ultimately, public safety. My predecessors, in past addresses, have expounded on the critical function our branch serves in ensuring law and order. And I stress this to you again. Without a stable court system and the technical infrastructure to support it, public safety will be diminished.

The Judiciary has been working diligently in partnership with other public safety entities through the Criminal Justice Automation Commission, or CJAC. And for the last few years, the Judiciary has served as the nerve center for the Virtual Computerized Criminal History system, housing the network that provides criminal history data to all law enforcement entities in Guam. CJAC will soon be submitting a bill for consideration by the Legislature, which will seek to formalize its existence, while keeping operations under the auspices of the Judiciary. This will aid law enforcement in investigating crime, and will also provide officers with valuable, real-time information in their day-to-day work of apprehending violators of the law.

We hope we can count on your support when that bill comes before you. Our collective commitment to formalizing this Commission will help ensure that the criminal justice system and all its component parts are working cooperatively, efficiently, and effectively. I believe that any time we all work together toward the same effort, our people are better served. Indeed, justice is better served.

### **Delivery of Justice and Customer Service**

Just as you in our sister branches deal with constituents from all walks of life and with concerns and problems that run the gamut, we in the Judiciary are also called on to address patrons with almost every conceivable life situation. We must always be mindful that people come to court for a variety of reasons – because they got a speeding ticket, or they have been charged with assault; because their loved one's estate needs to be probated, or they can't agree on child support or custody; or maybe they are business owners trying to settle a contract dispute. To the people involved, their cases are the most important thing in their lives. They remind us that the judicial system's paramount purpose is the fair and impartial resolution of every case.

The Organic Act confers upon me an array of responsibilities as Chief Justice and the administrative head of the judicial branch. Now, I not only have the opportunity to engage in the legal matters before the Supreme Court of Guam, but I also have the opportunity to steer what advances we might make to improve the delivery of justice. Studies show, and by now it is well understood, that people will accept judicial outcomes, even if adverse to their side of the case, if they believe they have been treated fairly and with respect. Put simply, process counts.

But due process is just an empty promise if we focus only on touching the constitutional demands, without giving any thought to how our actual *processes* affect the lives of the people who come before us. To live up to the promise inherent in the concept of due process requires constant and vigorous review of our work. We are taking steps to ensure, as best we can, that all who enter our courthouses are given the courtesy and respect to which they are entitled. We continually educate ourselves about best practices in all interactions with the public. Customer service and community relations matter. Developing a workforce that is trained and educated to better perform their duties and better provide their services to court patrons is an important aspect of ensuring that court users leave our building feeling like they were treated fairly and respectfully.

### **UOG-JOG Master of Public Administration (Judiciary Emphasis)**

Last May, as part of our commitment to giving our employees every opportunity to advance in their training and education, the Judiciary entered into a partnership with the School of Business and Public Administration of the University of Guam to create a one-year pilot *Master of Public Administration* program with a special emphasis on judicial administration. This first cohort of twelve court employees met for six hours every Friday evening and every Saturday for one year to complete the twelve-course graduate program. The formal Hooding Ceremony will be held at the Judiciary on May 17. We believe that this unique partnership will help us train future leaders in judicial administration. We are hopeful that a second cohort will begin this summer.

### **New Judicial Education Center**

Because the need for education, training, and development of Judiciary employees has increased dramatically over the years, as has our commitment to meeting that need, we realized that we had

to establish a more appropriate place to offer these training opportunities. We previously accommodated training in make-shift classrooms, in a small computer lab in our MIS office, and even in our appellate courtroom. The Judiciary was fortunate to lease a portion of the Guam Law Library to create a new Judicial Education Center. This facility, which can accommodate up to 100 people, offers a large computer lab, a conference room, two classrooms, office space for our education staff, restrooms, and a break room.

Equipped with fiber optic internet connections for videoconferences, webinars, and quality class instruction, this training facility will provide space with the latest technology for in-house training, court-mandated classes for probationers, and training programs for community groups and the Guam Bar Association, to name just a few. This is a great step toward refreshing our promise to do our part to build up a well-trained, skilled, and ever-developing team of employees and court partners.

### **Judicial Tools**

We are also refreshing the ways in which we conduct the day-to-day operational needs of judges, recognizing the critical role technology plays in helping judges manage their dockets. Our judges have been working to utilize our case management system more regularly to view case information in and out of the courtroom. As we expand e-filing in the Superior Court, judges will need appropriate tools and abilities to use technology effectively. For some judges, embracing judicial tools will likely require a culture shift. But our judges understand the importance of these tools and how they can streamline and improve case processing for all involved.

### **Capital Improvement Projects**

Also as part of our commitment to hitting that “refresh” button, our grounds and facilities are in the process of getting revitalized and modernized, in order to make our public spaces more accessible and easily navigated, and of course, more secure. We are presently undertaking several Capital Improvement Projects to meet the growing needs of our community, by maintaining and expanding court facilities. There are present and future demands for adequate, modern, accessible, and secure facilities to properly provide justice services. More courtrooms,

better use of public and employee spaces, and security enhancements, including improvements to holding cells, are all in the plans. Because our facilities projects will probably be the most publicly visible of all the improvements we are undertaking, I would like to spend some time telling you about some of the renovations, relocations, and restorations that you can expect to see over the next couple of years.

We recently awarded our roof renovation and repair project to replace the existing roof and skylights of the Guam Judicial Center. Initially damaged by Typhoon Pongsona, the condition of the aging roof tiles has continued to deteriorate. I am pleased to report that this project is now underway, and in just about 10 months, the Center will have a new roof in place.

In addition to the roof replacement you can already see in the works, we will soon start the ball rolling on the relocation of the Supreme Court. The Guam Judicial Center was built 26 years ago – five years before the Supreme Court was even created. A couple of decades ago, the Hagåtña courthouse facility was able to accommodate the needs of both the Superior Court and the then-newly created Supreme Court just fine. However, today, it can no longer fully serve the logistical needs of both courts.

To address this challenge, the Guam Historic Courthouse, which currently houses our Probation division and Office of the Public Guardian, will soon serve as the new home of the Supreme Court. Upon relocation to this building, the Supreme Court will include a modernized courtroom, incorporating emerging technology and upgraded safety and security features. It will be equipped for streaming of live sessions of the Supreme Court.

Additionally, accommodations for all functions of the Supreme Court, including the offices of the Ethics Prosecutor and the Public Guardian, will be centralized in this building. We hope to incorporate solar panels to the roof structure to maximize energy efficiency. And in the midst of all of these changes to the Guam Historic Courthouse, your renovation of the Congress Building has inspired us; we will take care to protect and preserve all historic features of the building, honoring its unique place in Guam's history.

Use of the Guam Historic Courthouse for the Supreme Court requires the relocation of the Judiciary's Probation Services Division. This unit will move to a facility located on Route 4, which is currently under renovation. With the relocation of the Supreme Court to the Historic Courthouse, we plan to renovate the space within the Guam Judicial Center to meet the program expansion needs of trial court operations, to include an additional trial courtroom. Current plans call for the relocation of administrative offices to the vacated third floor space, using an open office concept that encourages employee collaboration and teamwork.

Finally, for both security and operational reasons, the Judiciary must have permanent control over the parking lot. The property is located across the street from a major shopping center complex and, as such, may attract commercial development. The risk of losing control of the lease to real estate developers would create an immediate disruption to court operations by limiting court employees' and patrons' parking access to court buildings. Adequate parking has been a major concern of the courts for quite some time. Purchasing the parking lot will enable us to maintain the 137 existing slots vital to our operations. We hope to shore up that deal in the very near future.

### **Additional Judicial Officer**

While the need for more and better configured work space and stable parking solutions may be addressed by the Capital Improvement Projects and implementation of our facilities master plan, one issue that expansion and renovation cannot address is the growing caseloads of our judges. In May of 2016, the Judiciary completed a study that revealed the need for an additional judicial officer. According to the study, our trial courts have experienced a 4.5-fold increase in the number of criminal jury trials since 2006. In addition, we have more therapeutic courts, which require more personal interactions between the participants and the judge, which translates to more time spent on the bench.

Our efforts to timely resolve cases are not focused only on criminal and juvenile matters, although these comprise the majority of our caseload. In a few weeks, the Clerk of Court and I will attend a Civil Justice Reform Summit in Utah, to help us address an important goal of our Strategic Plan, which is to improve our case management. We will have the chance to learn

about civil reform efforts in other jurisdictions and develop an action plan for improving how we manage our cases. Our action plan will address ways to enhance how we manage civil cases. Too often, the civil docket takes a back seat because of asserted criminal matters. Our court will respond to the call to action in achieving justice for all by ensuring that each case gets the attention necessary for an efficient and just resolution.

However, even with all the reform efforts underway to streamline court operations and the way we approach justice services, there remains a need for an additional full-time judicial officer to address the caseload demands in the Superior Court. As a former trial court judge, I fully appreciate and understand the amount of work involved in managing a trial court caseload. I am optimistic that the Legislature will act swiftly on this request.

### **Budget**

As you may have anticipated, this is my transition into the portion of my address in which I am asking for resources that cost money. We transmitted our budget request this morning, which seeks a \$1.9 Million increase for existing operations. Our request represents 5 percent of general fund appropriated revenues, which is consistent with the percentage appropriated to us by the Legislature for the last three years.

The majority of the increase we seek is attributed to personnel salaries and benefits, primarily to meet mandated increments and adjustments. For the last several years, our management team has worked diligently to assess our human resources and to place the right people in the right positions. Now, in support of our core mission, our team will focus on filling gaps in the organization to ensure our operations have the human resources necessary to provide safe, efficient, and improved access to the courts.

The new therapeutic court and programs I spoke about earlier were initiated through federal grants awarded to us by the U.S. Department of Justice. Beginning this year, however, the court has begun diverting local appropriations away from our existing operations in order to fund what the federal government refers to as our cash match. This cash match is our investment and commitment to implementing the grantor's program.

Some of the grants we were awarded in the last few months include the Driving While Intoxicated Court, the Family Drug Court project, Project HOPE, and Juvenile Justice Community Supervision, to name a few. The federal investment in our island for these initiatives is around \$1.5 Million, and the Judiciary must invest about \$530,000 for our share. These programs have great promise and enormous potential to positively impact the lives of many in our community. We are counting on the Legislature's financial support to guarantee the success of these initiatives, without impacting the resources of our core mission.

In our effort to deal candidly and transparently with you, I want to call your attention to our budget request for a 3.1 percent increase in salaries for all judicial officers, not including hearing officers, to take effect in FY 2018, followed by a regular increase of 3.1 percent every other year thereafter. Prior to the adjustment of judicial salaries with the Competitive Wage Act in 2012, there were lengthy periods of time when our judges and justices went without any increase in their compensation, compared the consistently increasing demands of their growing caseloads. The judicial officers' compensation is comparable to government attorneys except in one respect: attorneys receive 3.1 percent salary increments every other year; judicial officers currently have no salary increment structure in place. We simply seek equity. I hope that you will look favorably on that request, as well as our overall submission.

The courts have been prudent stewards of the monies entrusted to us, and I assure you that our request was prepared in full consideration of the tight resources of our government as a whole. Be assured that our budget submission is not our pie-in-the-sky wish list; it is based on what we truly need to continue fulfilling our mandates to provide fair, swift, safe, and accessible justice services to the island of Guam.

### **Concluding Thoughts**

Before I close this address, I would like to sincerely thank the Legislature and the executive branch for your partnership and your support of the Judiciary's efforts to continually improve and advance the work of the courts. Even when we have differences of opinion regarding policy, I remain heartened by the fact that we are all driven by the same values. Fairness, equality, individual rights, public safety – these are values essential to the strength and continuity of our justice system, and I know they are values shared by each one of our branches. To borrow the

words of Supreme Court Justice Elena Kagan, “what I’ve learned most is that no one has the monopoly on truth and wisdom. I’ve learned that we make progress by listening to each other, across every apparent political or ideological divide.”

The Judiciary is doing well and, with your support, we will continue making strides toward becoming more efficient and increasingly accessible to the public. The future presents challenges and opportunities alike, and the time is ripe for reasoned and thoughtful reform, reflection, and revitalization. I look forward to working with all of you on behalf of the people of Guam. Thank you for your time and attention.