

2018 State of the Judiciary Address
Delivered By
The Honorable Katherine A. Maraman
Chief Justice of Guam
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Håfa Adai and good morning, Governor Calvo, Speaker Cruz and members of the Guam Legislature, my judicial colleagues, esteemed guests, and friends. I thank you for the privilege to once again appear before you all, the people of Guam, to report to you on the state of your judicial branch of government.

Before I begin, however, I wish all of you a Happy Law Day. We pause at this time of year to celebrate the rule of law and our liberty. This year's theme is separation of powers. Last Friday evening, our separate branches came together to celebrate our annual Law Fair. On behalf of the Judiciary, I thank the Speaker and the members of the Legislature and the Guam Museum for hosting the Fair.

I also want to recognize special guests of mine today – the winner of this year's Hustisia Award. The award recognizes a person or organization that has contributed significantly to the administration of justice and good government in Guam. Please welcome representatives of the Soroptimist Clubs and Erica's House, who are being honored for their work to provide safe exchanges and supervision of visitation for children who are involved in families where violence is of concern. Let's give them a round of applause.

When I delivered my first State of the Judiciary Address last year, I spoke of our justice system "hitting the refresh button" – strengthening and refreshing what we do at the Judiciary in service

to our people. This year, I am proud to report that we are continuing to build on the foundations that have supported our Judiciary in settling disputes in a more peaceful, equitable, and wholistic manner.

To that extent, I am pleased to report that, for the most part, the Guam Judicial System is healthy. This is not to say that we are not feeling the ill effects of the economic crunch that is upon our entire government, which we most certainly are. But we are managing as best we can to keep the wheels of justice moving, thanks in large part to our prudent planning, dedicated staff, and your collective support, which has helped us maintain the strength and vigor we need in order to meet the challenges we face now and in the years to come. I'd like to take this time to especially thank our court employees for their patience and perseverance in the face of financial uncertainty, and their unwavering dedication to not only doing their jobs, but to doing them with excellence.

During the last decade, we have seen thousands of new criminal and civil cases filed each year in Guam's trial courts. This does even not include the many juvenile proceedings, child support matters, and ex parte applications filed, nor the numerous hearings that are held for already-existing cases that require court monitoring.

In addition to the trial court, our Supreme Court considered over 70 new appeals, writs, and attorney discipline matters last year alone. All this judicial work is accomplished by 3 justices, 7 trial judges, 1 full-time magistrate, 3 referees, and the tireless work of all the men and women who make up our court family.

Deciding cases may be the principal task of judges, but the men and women of the judicial branch are also deeply engaged in a variety of other programs and activities that both support and

complement our core mission. I'd like to point out just a few examples of what's being accomplished.

In 2017, our Judicial Education program assisted the court in providing hundreds of classes for our Judiciary employees to enhance their respective roles in the court.

Also, during its first year in operation, the Judicial Education Center hosted various training programs that reached, among others, over 150 law enforcement officers from our branch, the Guam Police Department, the A.B. Won Pat International Airport Authority, and Attorney General's Office to meet Guam Peace Officer Standards & Training Commission, or POST, requirements.

I am proud to report to you that our Marshal and Probation Services divisions are 100 percent POST-certified. Congratulations to our Judicial Educator Dr. Richard Fee, Chief Marshal Troy Pangelinan and Chief Probation Officer Melanie Brennan for leading this effort. But our law enforcement personnel are not the only ones in whom we have invested training efforts. The Judiciary also conducted two courses for judges and supervisors, through which these employees received national certification from the Institute for Court Management.

Additionally, in our effort to provide the utmost access to justice for individuals who are of limited English proficiency or are hearing impaired, the Judiciary welcomed 19 new court interpreters last year after they completed our Basic Skills Training program. We now have 76 registered Court Interpreters, who support our work in 18 different languages.

Our companion obligation to providing access to justice for all court patrons and defendants is our appreciation of the role courts play in ensuring the safety of our community. To this end, we have implemented our Guam Immediate Violation Enforcement program, or GIVE. The GIVE

program imposes graduated sanctions for traditional probationers with drug offenses who violate their conditions. The goal is to immediately address probation violations in a consistent and fair manner.

As you directed last year, we were ready to implement a new electronic monitoring program. If funding becomes available, our trial court judges will have additional tools at their disposal, including electronic monitors for supervision of pre-trial detainees. This program would increase public safety while reducing our prison population at the Guam Department of Corrections facilities. My thanks to Judge Anita Sukola for leading both of these initiatives.

And as our justice system has been steadily moving toward becoming problem-solving courts over the past couple of decades, our judges have been able to employ innovative programs and techniques to improve access to our courts, to enhance the quality of justice achieved, and to help people throughout our island solve difficult problems and regain positive control over their own lives. We have been able to provide these services through our Juvenile and Adult Drug Courts, our Veterans Treatment Court, and our Mental Health Court, as some examples.

The newest program we established, which I am very hopeful about, is the Guam Family Recovery Program, or GFRP, which we launched late last year. This was in response to Child Protective Services receiving an average of 220 referrals a year involving children who were at-risk due to drug use by their parents or caretakers. Many of these referrals involve parents who are in the judicial system on child abuse or neglect charges stemming from their drug use.

As a former family court judge for many years, I am quite familiar with the sad cycle that is the reality for families too numerous to count. Sure, parents could enter into service plan agreements with CPS; however, CPS does not have the capacity to provide treatment or monitor

parental abstinence from drug use. And although we do administer a judicially-supervised Adult Drug Court program for eligible participants to engage in treatment while on probationary status, the truth is that the ADC program does not provide services to a participant's family, particularly their children.

I am very proud to report that, last November, GFRP bridged the gaps that exist in the current system by focusing on family engagement and reunification. The GFRP uses evidence-based treatment, drug and alcohol testing, and judicial monitoring in order to promote successful therapeutic interventions and treatment engagement. In addition, the program's treatment component takes into account the existing family dynamics -- the negative impact upon the children as a result of their parents' substance abuse, the skills-building needs of the parents, and other treatment issues that may impact successful family reunification and reengagement.

Additionally the Judiciary and community partners comprised of government and community-based organizations have developed a strategic plan through our Guam Adult Reentry Court Program to ensure comprehensive, individualized service delivery in an effort to reduce recidivism in our criminal justice system.

The unfortunate reality is that approximately half of Guam's recidivists are re-incarcerated due to drugs. Offenders transitioning back into the community need careful pre-release assessment and connection to community treatment along with aftercare to reduce their risk of recidivism. The program will target medium- to high-risk individuals incarcerated and convicted of non-violent offenses and eligible for parole and will address individualized supervision, treatment, and services by utilizing evidence-based practices and assessment-driven case plans.

The outcome indicators for the participants include job stability, permanent housing, completion of treatment, high school or GED completion, family reunification, and lowered recidivism. Thanks to the passage of Public Law 34-81, the Judiciary hopes to reduce recidivism by half in this target group over a five-year period. I want to thank Vice Speaker Therese Terlaje for introducing the legislation and championing it for us.

Finally, I'd like to speak briefly about an important measure that is still before this body -- the Safe Streets Act and development of a DWI Treatment Court. The formulation of this legislation was led by Attorney General Elizabeth Barrett-Anderson in collaboration with stakeholders, including the Guam Police Department Highway Division, Public Defender Services Corporation, Alternate Public Defender, Guam Behavioral Health and Wellness Center, and the Guam Department of Public Works Highway Safety Office.

The goal of this measure is to amend our DWI laws and adopt a treatment court to enhance public safety, lower costs, improve the quality of life of intransigent DWI offenders, and reduce recidivism in their cases. Participants become eligible after being identified as medium- to high-risk for criminogenic behaviors and high-need alcohol-dependent offenders, who may have co-occurring disorders; are repeat DWI violators or first-time violators with a BAC at 0.15 and higher.

So on behalf of the Judiciary and the program stakeholders, I ask that the Guam Legislature please pass Bill 203-34.

Also pending before this body is the nomination of Jonathan Quan to serve as a new magistrate. I ask for your due consideration of his appointment to office.

Twenty-five years ago the Superior Court, then under the leadership of Presiding Judge Lamorena, was asked to construct the Criminal Justice Information System. Thus began an outstanding collaboration between the judicial and executive branches through the Criminal Justice Automation Commission. Another matter that the Legislature has yet to act upon is a measure which will further support the Guam Integrated Criminal Justice Information System and develop plans for an inter-operable law enforcement communications system by formalizing the Commission.

This is a unique measure because we are not asking for any local money or a change in the way the Commission operates. We merely need the legislation to qualify for federal grant funding. We do not wish to disturb this success story of cooperation and progress.

Last year, I came to the Legislature asking for resources that cost money. Today, I affirm that our branch has been a prudent steward of the money entrusted to us and that we remain committed to ensuring accessible justice services to all our people.

We transmitted our Fiscal Year 2019 budget to the Guam Legislature this morning. At the direction of our Judicial Council and through the diligent work of our Administrator of the Courts, John Lizama, our request of \$36.7 million was presented to the Office of the Speaker. This request represents five percent of total estimated General Fund appropriations.

This submission follows two consecutive years of a status quo budget and the two preceding years with slight increases that were barely in line with the increasing costs of delivering important government services. We have presented a budget that funds our operations, with a focus on filling critical vacancies, implementing legislatively-mandated reclassification of all of

our personnel, starting the electronic monitoring program, and giving adequate financial resources to our under-funded indigent defense services.

Our Judicial Council, as always, weighed some important considerations when approving our budget submission. Our management team and division heads diligently combed through their respective budgets, cutting in areas they believed would not compromise service to court patrons. Additionally, the Judicial Council has already encouraged management to begin weighing a number of deeper cost-reduction options that can be deployed in the event GovGuam revenues plummet and further compromise cash-flow into our branch.

Publicly, the Governor's office has said that there has been a 10 percent cut to our branch. But in reality, the Judiciary's cash allotments have been slashed twice. We bore a 10 percent cut of \$3.4 million. Recently, further cash allotment reductions increased our shortfall to \$4.6 million, or 13 percent of the funds appropriated for FY 2018. These cuts have gone from hampering, to now threatening, core court operations. The Judicial branch has been asked to bear 15 percent of total FY 2018 government-wide reductions, yet we only represent 5 percent of the General Fund operations.

We fully recognize that belt-tightening is a necessity to be borne by all of us who work in service to our people. For the record, we have responsibly managed our dwindled resources by increasing efficiencies across all of our divisions, but cutting corners will inevitably come at the cost of serving the public. We have been transparent in this process.

Our management team saw a challenged fiscal year as soon as it started. We communicated this emerging fiscal problem to our staff back in October so they could begin taking stock of the limited resources we had, ensuring we use them carefully. We rolled out a host of solutions to the public and Guam Bar Association, including the closure of our clerks and probation windows an hour early to reduce overtime. We delayed hiring when we lost our people to retirement or separation, which yielded significant cost savings. We have carefully considered many staff-driven recommendations, which have kept us moving ahead in very austere times, when allotments were stalled for much of the start of this current fiscal year.

The rapid growth in the complexity of modern judicial matters in Guam is producing challenges to handling our caseloads. I realize that you have heard, and will continue to hear, pleas for adequate resources from many funded Government of Guam entities. I am concerned that the monotonous repetition of these requests may result in listlessness.

I ask that you hold the line and not think that when the judicial branch budget comes before you that we are just another agency. We are more than that. We, a separate and co-equal branch of government, play a critical role in public safety, in protecting children, in resolving family disputes, and maintaining commerce by adjudicating business disputes.

As my colleague said to this body not too long ago: “The judicial branch has neither the power of the sword nor the purse but instead must rely on the respect of the people in order to carry out its duties. The trust of the people in our ability to run a fair and impartial court system is not just an ideal but a necessity for us to function as our Constitution and Organic Act envision.”

Courts are vital to maintaining the infrastructure of our society. Although not always noticeable, it becomes more apparent in the face of rapidly changing economic and social landscapes.

Businesses, government, and individuals need access to fair, quick, and neutral dispute resolution.

There is no doubt that in measuring the modern business climate of Guam, the due-process methods and the timeliness of the disposition of lawsuits plays a significant role in the result.

Furthermore, backlogs drive up local incarceration costs, put the rights of the accused in jeopardy, impact businesses' ability to operate in Guam and Micronesia, and harm families. That is why I ask again for support to fund an eighth judge for the Superior Court of Guam. It has the backing of the Guam Chamber of Commerce, our Consular Corps, and other community stakeholders. Adding a new judge is necessary to ensure the effective and efficient delivery of justice.

I give this speech in the heart of Law Week. This year's national theme is "Separation of Powers - Framework for Freedom." It is such a fitting time and venue to discuss the importance of this concept.

Justice was dispensed here in the Guam Congress Building in 1947 and well into the 1960s. Here stood the Island Court. My judicial colleagues and I continue to embrace the awesome responsibility of administering justice.

Each of our branches, in the beauty of this Great Experiment called American democracy, is entrusted to protect this framework of government. As James Madison wrote: "But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary means, and personal motives, to resist encroachment of the others."

Even since the inception of this nation, our framers envisioned the importance of ensuring that each branch has the necessary resources it needs to carry out its respective mandates and the most basic functions in our tripartite government. This is at the heart of ensuring that this Great Experiment succeeds.

I know that each of us wants what is best for our people, and I understand the daunting and unenviable task of trying to figure out how to stretch our government's dwindling resources. As for the Judiciary – the branch I stand for in this framework – I ask my sister branches to give us the basic means to continue to serve the people and our government as we should. I submit to you that our budgetary request represents a merely sustainable budget. “Sustainable” means having enough resources and support to not just dispense justice daily, but to do so as a separate and equal branch of government.

What we have asked for is simply what will allow us to continue our core operations and to implement both short-term and long-term strategies for supporting our role today, while ensuring quality performance and improvement for the future.

The Judiciary of Guam continues to strive to meet the responsibilities that Guam's Organic Act and laws have placed upon us, and to earn the trust and confidence of our people. There is not a day, or a single moment, when we are not collectively humbled by these duties; never are we indifferent to the impacts our efforts to discharge them have on our fellow citizens. They too are our fathers, mothers, sisters, brothers, relatives and friends.

And there is not a moment when we are not mindful of the vital respect and support you have always given us and the great benefit it has been not only to us but to all the people of Guam.

And so we work hard to try to execute our duties with all the wisdom, knowledge, skill, and integrity that we can humanly bring to bear.

Thank you and Si Yu'os Ma'åse for the opportunity to speak with you today.