

Thank you so much for your warm welcome. I am truly honored to appear before you this morning on behalf of Guam's judicial branch to deliver my first State of the Judiciary Address as Chief Justice of Guam.

The theme of this year's State of the Judiciary speech is "Access to Justice." Today I'm going to ask and answer the question: What can we do-all of us-to make it easier for the people of Guam to obtain the justice they need and deserve? I chose this theme because I envision Guam as a place where everyone has equal access to justice-rich and poor, men and women, children and the elderly, military and civilian, immigrant and long-time resident. Today, I'm going to share with you some of our ideas for improving access to justice. But before I do, let me first remind you that the judiciary does not act in a vacuum. It takes all three branches of government-and the support of the people of Guam-to make fundamental changes in the way people access justice. Now, with that theme in mind, let me acknowledge some of the people who have supported our vision for the future of Guam's judiciary.

I would like to welcome Acting Governor Michael Cruz, his wife Jen as well as first Lady Joann Camacho. Governor Camacho called me before he left to testify at the Senate on the Guam Buildup to extend his regrets and he and I discussed some of the plans that I will reveal today. I know the Executive Branch shares our commitment to addressing the public's needs in our judicial system and am gratified by their willingness to meet with us to discuss the issues affecting the courts, and our aspirations for the future.

To Speaker Won Pat and the members of I Mina Bente Nuebi Na Liheslaturan Guahan who are present and rendered invaluable assistance and leadership in support of the judiciary, the judiciary is deeply indebted to you. I am confident that the Legislature will fairly and constructively help us as we confront the challenges ahead.

Although each branch of government is separate and independent, we are also intertwined in that we share a mutual desire for excellence in government and are united in our goal of serving the people. If we work together, we can accomplish things that may seem impossible today. I look forward to continuing to work with members of the Legislative and Executive Branches in developing solutions so that we can better serve the needs of our citizens.

I also owe special thanks to my friends and colleagues-I am very happy to call them both-Justices F. Philip Carbullido and Katharine A. Maraman. Your integrity, dedication, professionalism, and your commitment to delivering quality justice to the people of Guam are immeasurable. I am proud to be counted among you.

A little over three months ago, I was installed as the fourth Chief Justice of Guam. During that period, Justice Carbullido and I were committed to ensuring a seamless transition in leadership. I proudly accepted the responsibility of building upon the solid foundation constructed by those chief justices who preceded me. During Justice Carbullido's tenure, the Judiciary developed a comprehensive three-year strategic plan and this Plan will continue to be implemented under my leadership; and while I intend to

initiate changes, and pursue new ideas, I will be guided in my role by a strong sense of continuity, commitment and purpose.

I would also like to acknowledge the hard-working judges of the Superior Court, who are an integral part of our judicial community and, most assuredly, the backbone of our judicial system. They are passionately dedicated to administering justice according to law equally for all our people and, for that, we owe them an immense debt of gratitude.

Of course, we jurists could not meet our responsibilities without the hard work of all of our Judiciary employees. Their work is often demanding and difficult--not at all glamorous--but they see it as a public service and a worthwhile endeavor, not just a job. As your Chief Justice, I must tell you how truly proud I am of our employees. On behalf of the justices and all of the judges, I extend our sincere gratitude to each and every one of our employees for your outstanding work in promoting the effective, efficient, and fair administration of justice and for meeting the needs of our citizens with enthusiasm and a commitment to excellence. Please join me in acknowledging these hard-working judicial employees.

Of all our public servants, there is probably no group or body that has greater day-to-day contact with their constituency than the members of the Mayors' Council. Our mayors and vice mayors serve on the front lines. They live and work in the villages, and address the needs of their community on a very real and personal level. When it comes to their respective villages, they truly have their finger on the pulse of the community. As we seek to increase access to justice for all communities, the assistance of the Mayors

continues to be invaluable in ensuring the needs of their villagers are met. They will be instrumental in helping us achieve some of the goals and objectives we expect to realize in the next few months and years.

Once again, as we discuss the State of the Judiciary, servicemen and women are in combat conditions defending our system of government and our way of life. In many instances, those who defend us in Afghanistan, Iraq, Djibouti and elsewhere are co-workers, neighbors, friends, family members. So many from our island and our region have given the ultimate sacrifice.

It is a testimony to the service and professionalism of our military personnel that we not only are able go on with our daily lives, but continue to enjoy an open, democratic government, including free elections and judicial proceedings that attempt to provide equal justice for all. May God continue to bless all of those who put themselves in harm's way to defend us and to preserve the rule of law. We cannot thank them enough for their service.

Thank You also to my classmate Fr. Felixberto Leon Guerrero from Santa Teresita Church for his wonderful invocation, and to his choir for their beautiful music. And to Reverend Neil Culbertson, Thank you for agreeing to deliver the benediction.

And finally, I want to take a moment to recognize my family, and most especially my loving wife and best friend, Mary. Thank you all for your support and for helping me keep a proper balance among work, family, and community.

Now that I have acknowledged those who are vital to the continuing success of the Judiciary, I can share with you my enthusiasm for improving access to justice in Guam. I understand that everyone has a busy schedule and much work to do, therefore I will try to be brief....but I'm sure everyone understands that brief is relative term....especially when someone in the legal profession uses it .

Before I explain where the Judiciary expects to be in the future, let me just mention where it stands in the present. I am pleased to report, with great confidence, that Guam's judicial system remains strong, vibrant, and innovative. While I am proud of our solid performance, I am not here to take comfort in the current state of affairs or to boast of our successes. Instead, I come here to talk about the future, and in particular, one of the greatest challenges facing the future of our court system--ensuring equal access to justice for all.

Almost all of you are familiar with the image of Lady Justice, who adorns the Great Seal of the Courts of Guam. Her scales represent even-handedness in dispensing justice, and her blindfold a refusal to consider the appearance of a case rather than its merits. Our courts have always paid close attention to this metaphor as they have decided each case before them fairly and impartially, in accordance with the law. What the metaphor fails to explain, however, is that there can be no justice if the Lady remains aloof in her tower, accessible only to a few. Our responsibility is to make certain this never happens, and that justice remains an accessible resource for all the people of Guam.

As Guam's population and economy change, as demands for court services grow, the courts must also change and grow to ensure that all people continue to have equal access to justice. There are many steps we can take to provide and facilitate access to the courts. Today, I want to focus on four issues that we, as a community, should...no, must....address if we are to continue to provide meaningful access to the courts: 1. Self-Represented Litigants; 2. Facilities; 3. Technological Innovations, and 4. Community participation and outreach

The Judiciary of Guam is seeing rising numbers of individuals and small businesses that cannot afford a lawyer to represent their interests, or who choose not to. Whether people represent themselves as a matter of choice or out of necessity, they have a constitutional right to access court services without an attorney, and we must accommodate them. But in all honesty, the vast majority of litigants who represent themselves are ill equipped to effectively serve as their own legal counsel.

Typically, self-represented litigants are unfamiliar with the law and with court procedures. Their lack of knowledge and skill affects more than the outcome of their cases-it places additional burdens on an already overtaxed court system as judges and staff members frequently answer questions in assisting self-represented parties. Such efforts divert valuable resources from other pressing cases and court services. Often, our assistance is limited by the fact that we must remain scrupulously neutral and fair to both sides of the dispute.

This problem is not unique to Guam as the increasing number of self-represented litigants is a national issue. Rather than ignore the challenges presented by self represented litigants, we have taken concrete steps by establishing Programen Ayudante to assist self-represented litigants in their pursuit of justice. We are doing everything that we can with our limited resources to make the courts understandable and easier to navigate for individuals who cannot afford or choose not to hire attorneys. A recently mounted display case on the wall directly opposite the atrium serves as a public information center that contains pamphlets for the general public on almost every court function.

Additionally, our hard-working Pro Se Advisory Committee, chaired by Judge Anita Sukola, continues to develop easy-to-use forms and instructions for self-represented litigants. Completed forms and instructions are available via the clerks' offices and on our website. These efforts will enhance court access for self-represented litigants.

We are also pleased to announce that we will partner with Guam Legal Services Corporation in installing computer workstations for the self-represented litigant as well as patrons of the court seeking information. By using A2J and HOTDOCS software we will reduce the barriers faced by self represented litigants by allowing them to easily complete and print court documents that are ready to be filed. The use of public access computer stations is an example of where I hope to imprint my particular passion for technology as well as the Judiciary's goal in adopting innovative practices.

Self-help pamphlets, legal forms in plain English, user friendly computer terminals-these are all part of Programen Ayudante. And while these resources are helpful to those who choose to represent themselves, they are no substitute for professional legal advice. To augment our efforts, the Guam Bar Association created a non-profit association, LASH an acronym for Legal Aid for Self Help. LASH's purpose is to provide legal services to those who cannot afford to pay for an attorney and who do not qualify for legal assistance from the existing legal service programs. I thank those proactive lawyers who have participated in this important program.

We are also exploring proposed amendments to various rules of procedure and attorney ethics rules to encourage limited-scope legal assistance, a practice referred to as unbundled legal services. These changes will make it easier for a lawyer to perform a particular task, such as drafting a petition or attending one hearing on behalf of a client, without requiring the lawyer to handle every aspect of a case from beginning to end. The end result is more affordable and accessible legal representation for the people of Guam .

To quote Justice Burger of the U.S. Supreme Court: "Concepts of justice must have hands and feet...to carry out justice in every case in the shortest possible time and the lowest possible cost." Thurgood Marshall chimes in by noting that "mere access to the Courthouse doors does not by itself assure a proper functioning of the adversary system."

Our courthouse mirrors the life of our community-the sorrow, the joys, and everything in-between. In order for lawyers and judges to meet the challenge of carrying out justice swiftly and effectively, the Judiciary's

workforce needs sufficient space and an adequate facility in which to operate.

Courthouse Space has become a significant issue for the Judiciary. Recently, the Judicial Center hosted four simultaneous felony jury trials and regular convening of the Grand Jury to decide on indictments. The unprecedented simultaneous juries placed a demand on the courthouse facilities that the Judiciary had never seen before. The volume of cases and the sheer number of people present in this building during this time resulted in considerable burdens on the system and made clear that access to justice cannot be adequately met by existing judicial resources and facilities. Crowded facilities are also hampering our operations.

The need for adequate space to meet the demands of our citizens for court services cannot be overstated and this need will only swell as our population grows. A system that is straining under the burden of rising demands and highly restricted resources necessarily implicates the safety of all who use our courts. Many litigants do not want to be in court, are emotionally charged, and have extremely high levels of anxiety. Crowded physical conditions only serve to further subject these litigants to unnecessary tension and heighten our security concerns.

On behalf of the myriad of court patrons in our community we ask you to support our plan for the opening of a satellite court in Northern Guam, to be known as the Northern Court Satellite, or NCS. More than Sixty percent of the island's population resides in the Northern villages. The NCS facility will provide a broad complement of court functions and services which will

undoubtedly improve judicial access for these residents as well as others. These citizens will have easier access to court services, such as obtaining court clearances, appearing in traffic court, paying traffic fines, resolving small claims matters, addressing child support issues, dealing with juvenile matters, and attending initial appearances. The planned complex will also be able to support criminal and civil jury trials if necessary.

NCS should have a positive domino effect as the opening of the complex will ease the overcrowded conditions at the Hagatna courthouse and users at this location including those from the Central and Southern villages, may find shorter lines, more convenient parking, and easier access to justice. The people deserve this kind of local access to the courts that NCS will provide.

Ensuring access to justice also requires that we have a sufficient number of judicial officers. In the Guam Judicial Workload Assessment Final Report, the National Center for State Courts, determined that the Superior Court needs additional full-time judicial officers. To help satisfy this need, we are seeking legislative approval of a bill creating authority for the Judiciary to appoint two magistrate judges, one of which will eventually be assigned to the NCS. We hope the people of Guam and the Legislature will support this effort to reduce hardship on court patrons by delegating preliminary matters to magistrates, thus easing the congestion in our trial judges' calendars.

Additional judicial officers and the establishment of NCS are current needs and not proposals we make lightly. We are not naïve, knowing that there are many current demands on the general fund. However, we put forth our request recognizing that opening a new center of justice is in the best interest

of the island and will be a cornerstone of our judicial system for generations to come. We anticipate our partners in government will share our vision and provide the additional funding required to complete the task.

We submitted to the Legislature today, as required by law, our proposed budget for FY 2009 requesting additional funding to move forward our plans to increase the public's access to justice and to establish NCS. We do so after making every effort to provide streamlined and cost-conscious estimates. The percentage of the overall GovGuam budget requested by the Judiciary remains within the same range as it was last year-about 4.6% of the total. Although we are a co-equal branch of the government, the fact our budget is less than 5% of the island's total budget may actually cause some to believe the Judiciary is more like a twig than a branch.

The final proposal I want to raise today regarding facilities is a long range planning issue but I did want to plant the seed. This proposal involves the future planning for the entire block occupied by the judicial building, the law library, and the adjoining area. My vision is that the law library will be demolished and, we will make better use of this space by including the law library as part of a new judicial complex with the entire block committed to the Judicial Branch.

The recent formation of the Judiciary of Guam Facilities Master Planning Committee highlights the importance of facilities in our commitment to ensuring access to justice. The FMPC will evaluate the existing Hagatna facilities and develop a master facility plan for the area relying in part on the National Center for State Court facilities guidelines and standards and

taking into consideration other factors, including changing demographics, economics, energy efficiency, policies, procedures, and laws. It may take 10 or 15 years to accomplish, but we must start planning now because we have a fiduciary obligation to provide suitable facilities for the work of the courts.

Almost 20 year ago, a Master Plan was created that built what you see around you today. With Crime Lab nearing completion thanks to Judiciary planning, and the new plan for a NCS, we have proven our leadership in facilities management. We will continue with our forward-looking approach as we design our new Long Range Master Plan.

No discussion with me about access to justice would be complete without addressing technology - a topic I am personally excited about. I'm very proud of what the Judicial Branch has accomplished with regard to information technology and automation in the last four years with limited resources. For instance, you have heard how the Judiciary has upgraded our web services, implemented e-filing, and installed videoconferencing technology so transport of prisoners and juveniles for initial appearances is no longer necessary. Our clerk's office already provides free access to all calendars on the internet, and every document ever filed in the Supreme Court is available to the public on the worldwide web Searchable databases containing our statutes, rules, and case law are also available online. Innovations continue on a daily basis.

We will continue to increase public access to court records and laws. In our push toward a more accessible Judiciary, we are in the midst of an extensive

digital archiving program of all court records, with priority given to criminal felony and misdemeanor cases. Every new case that gets filed today is automatically scanned and digitally archived.

In the not-too-distant future, anyone with a computer or PDA will have access to our public records. From the comfort of home or office or even on the road, one will be able to download needed information from the Judicial Branch. We are conscious, however, of the individual's right to privacy, and access to court records requires balancing of two competing public interests: allowing and even encouraging access yet restricting access when an identifiable interest requires confidentiality.

As the public is able to enjoy greater electronic access to court information, we are also recognizing and taking advantage of the convenience and efficiency of sharing and accessing internal documents electronically. In January of this year we initiated paperless meetings of the Judicial Council, and the administrative and committee meetings, so the agenda and all attachments and documents are sent and displayed electronically to participants instead of being printed and manually distributed. Our ultimate goal is to have a "paper-on-demand" system throughout the entire Judiciary, where documents would not be generated automatically, but would be produced only when needed. The time savings, cost savings, and storage space savings are already measurable and bound to increase over time.

"Paper on demand" is also an integral part of our efforts to go green-to make active decisions to reduce our negative impact on the environment-and we are taking several important steps to do so. We are in the process of

implementing a new comprehensive Waste Management and Recycling Program and distribution of memos and announcements will now occur only via the intranet. Paperless filings for all courts and divisions are in the planning. Our MIS division has consciously invested in energy saving equipment and strives to make sure that old equipment is properly recycled. We are making it a habit to print on both sides of the paper and use the back side of old documents for faxes, scrap paper and drafts. We also recently installed digital thermostats for our air conditioning system, which keeps temperatures at a constant 71 to 75 degrees. This saves fuel costs, conserves energy, and is yet another step in our efforts to take advantage of technological innovations and go green here in the Judiciary.

I am pleased with the application of technology that exists in the Court system today, but we must do more to improve the technology infrastructure. The Superior Court's case management system is now 15 years old, is antiquated, greatly limited in its applications and in desperate need of replacement. If you are old enough to remember the days of green computer screens, when text-based web pages appeared through the magic of Cobalt, Gopher and Lynx, then I invite you over to our MIS after this speech for a trip down memory lane. Although we might laugh at these anachronisms, our antiquated system presents a real risk of catastrophic failure with disastrous consequences for all who depend on our criminal and civil justice information.

We are diligently working on a plan to replace the existing system with an automated integrated case management system, that, when fully implemented, will allow our courts at all levels to manage information

associated with individual cases, streamline work flow, organize data, ensure compliance with court orders, eliminate redundant data entry, strengthen accountability, generate reports, and handle repetitive tasks that presently require considerable manual effort. Replacing such a CMS is, however, a costly and time consuming process.

We anticipate going through the planning, request for proposals, and workflow processes in the coming year, in preparation for purchasing and implementing a new system in the next two years. Because we have been responsible and resourceful stewards of public dollars, I am comfortable in alerting the Legislature and the Governor that we will need your assistance in modernizing the Judiciary's case management system.

Even without an automated integrated CMS, we realize that faithful enforcement of court mandates is essential to the rule of law. Un-enforced judgments undermine public confidence in the judicial process, which in turn undermines the rule of law.

With those goals in mind, we will begin overhauling our payment and collection system to phase in online payments of traffic citations, fines, fees and other financial obligations authorized and required by the Judiciary. This will make compliance more convenient and efficient. The result will be more accurate accounting, more secure payments, more proficient administration and better compliance with court mandates.

I serve as Chairman of the Criminal Justice Automation Commission, a commission that oversees our criminal justice information sharing initiative

in Guam and consists of representatives from the Governor's office, the Legislature, the Attorney General's office, Homeland Security, Guam Police Department, DOA, DOC, Public Defender, Customs, Airport Police and the Judiciary. The Commission is in the process of implementing various federally funded projects. The focus is to improve the quality, completeness, and accessibility of the island's criminal justice records systems, with an emphasis on criminal history information.

Working in partnership with the U.S. Department of Justice and others who depend on criminal justice information, the arrests, orders, convictions, and sentences of offenders will be reported quickly and electronically. As you can readily imagine, this will dramatically increase the accuracy and timeliness of data and will result in obvious benefits to our constituents. Complete criminal history records are vital to all components of the criminal justice system, as well as the many non-criminal justice users who need the information for employment and licensing decisions.

While technological innovations and access to court records will help promote access to justice and keep the public informed about our work, we also believe in the importance of outreach in helping the community understand the role and function of the courts.

Fifty years ago today President Dwight D. Eisenhower proclaimed the first Law Day a "day of national dedication to the principle of government under law."

As a pledge to this branch's commitment to equal access to justice, this year we are hosting more Law Day events than ever before and heightening awareness of the rule of law. We have had essay and art contests and other outreach opportunities with the schools. Activities at the courthouse this week have included the Mercy Heights and Infant of Prague kindergartners' rendition of the riveting trial of Goldilocks versus The Three Bears, and the Big Bad Wolf versus the Three Little Pigs. Middle schoolers from Agueda Johnston are reenacting the drama of the Village versus the Boy Who Cried Wolf. In the coming days, our celebration of Law Week continues, with a Law Fair on the Judiciary grounds and on the adjacent Agana Shopping Center parking lots. You're all invited!

The goal of all these is to instill in the participants and observers the importance of a having a sound legal system, and of making justice accessible to all.

As a judiciary concerned with future crime, we have committed our resources to bringing awareness of the consequences of risky and criminal behavior to children of all ages. One of the most satisfying outreach projects we have this year is the Children At Risk Project video, which involves a trial of two teenagers charged with possession and sale of marijuana at GUAM MIDDLE SCHOOL. The video is a production that will be used to educate middle & high school students who need to be aware of the juvenile justice system and how that system responds when youth become involved in the system. The video, made possible through a federal grant, was a collaboration between the Judiciary and the Guam Public School System. We all are aware of the many challenges facing GPSS and not much positive

gets said about their efforts. Well let me tell you GPSS has some talented people who have been exceptionally helpful in making this project a success.

As another example of our collaboration with GPSS, we will be signing an M.O.U. this week allowing our probationers to provide weekend maintenance services on school campuses. This program will help the probationers fulfill their community service requirements, while helping to avoid the crippling shutdown of our schools.

We are also instituting a middle school program called Play By The Rules, which uses a playbook based on 200 of Guam's laws to teach kids accountability to the law. Holding children accountable to the law without teaching them the law is not working. Kids can't play the game if they do not know the rules. Play By the Rules develops their sense of civic responsibility and provides them with the tools they need to prevent crime, save lives and build safer communities. Guam is proud to be one of only five recipients in the entire United States, together with Connecticut, Texas, Florida and Nevada, to receive this grant to adapt and implement a Play by the Rules Program here. GPSS has also been a tremendous asset in helping to make this program possible. I would like to personally thank all of the GPSS employees who have worked so hard in bringing both the Children at Risk and the Play by the Rules projects to our future responsible citizens, the children of Guam.

Those children we help today will someday serve one of the most important functions of our legal system...in the role of jurors. Equal access to justice requires that we enable all citizens to meaningfully participate in our jury

system. In our civil cases, jurors announce the community standard of what we define as fair and just. In criminal cases, they are entrusted with the heavy burden of deciding whether a defendant is guilty or innocent. Because of these powers and responsibilities, juries should truly reflect the diversity of our community. Regardless of one's socio-economic status and educational background, every citizen of majority age has a duty to serve and participate in our civil and criminal justice system.

Each year thousands of people from many walks of life take time away from their families, jobs, and other obligations to fulfill this important civic function, and we recognize that their time is valuable. To ensure community participation, we are making strides to upgrade the process of jury duty through automation of jury functions. We currently make available general juror information for the community to conveniently access online, but we will soon post jury questionnaires, waiver of jury fees and other forms. Our efforts continue to improve the quality and convenience of jury service by making better use of jurors' time. Right now, jurors have access to wireless internet service in the courthouse and may use their down time to stay caught up with their own work. In the near future, we plan to provide a web service that would allow jurors to check their jury status the night before service.

We realize that it can be all too easy to see jury service as a burden, an inconvenience that many want to avoid if at all possible. I want to make sure that we do our part to bring the process of maintaining jury pools into the technological age, and hopefully make the experience of serving as potential jurors a positive one.

Any discussion of access to justice would be incomplete without mentioning another group of unsung heroes-our court interpreters. Part of our Strategic Plan is an acknowledgement of the need to improve qualified and certified interpreter services. The Judiciary currently provides interpreter services to individuals who are limited in English but proficient in Chamorro, Tagalog, Chuukese, Palauan, Pohnpeian, Yapese, Mandarin, Cantonese, Vietnamese, Japanese, and Korean. The tremendous diversity of the people of Guam provides numerous challenges in interpretation. Difficulties have arisen in securing specific language interpreters, and an absence of certification standards has placed us in a vulnerable position. In response, we have formed a planning group, in partnership with the University of Guam to develop a formal Court Interpreter Training/Certification Program that will address current and long term needs. Through a new Interpreter Training and Certification Program, we hope to achieve new levels of professionalism in dealing with the multiple languages and cultures of our diverse island. With the assistance of the Cooperative Extension, Professional Development and Life-long Learning Center, a comprehensive court interpreter program will be in place later this year.

Finally, there is one last group of participants I would like to mention-the people of Guam. They are the true beneficiaries of the plans we make today, plans that will guarantee continuing access to justice for all. We must never forget who it is we serve, and all three branches of government must work together to ensure that the people of Guam continue to enjoy a fair, impartial, accessible, and accountable justice system that resolves disputes, adjudicates guilt, protects our children, and serves the public.

Oliver Wendell Holmes, Jr. once said that: "Law is the business to which our lives are devoted and we would show less than devotion if we did not do what in us lies to improve it and when we perceive what seems to us the ideal of its future if we hesitate to point it out and to press toward it with all our hearts."

I have never been hesitant in sharing our ideals for the future of Guam's judiciary and how we can improve the public's access to justice. Please join me and all of the dedicated employees of the Judiciary in doing what lies within us to achieve those ideals, and let's press toward them with all our hearts.

Thank You, Si Yu'os Ma'ase , and God bless Guam.