



The Judiciary of Guam

120 West O'Brien Drive | Hagåtña, GU 96910 | Website: www.guamcourts.org
October 2019 - September 2020

Fiscal Year 2020 Citizen-Centric Report

TABLE OF CONTENTS

| | |
|-----------------|---|
| About Us | 1 |
| Our Performance | 2 |
| Our Finances | 3 |
| Our Outlook | 4 |

Mission

The Judiciary administers justice by interpreting and upholding the laws, resolving disputes in a timely manner and providing accessible, efficient and effective court services.

Vision

The Judiciary will provide the highest quality of judicial services, thus enhancing public trust and confidence in Guam's independent and co-equal branch of government and becoming the model of judicial excellence.

The courts will:

1. Resolve matters and provide court services in a timely and efficient manner;
2. Be user friendly, understandable, accessible, and affordable to court users through the use of innovative resources and practices;
3. Have sufficient resources to support operations, programs, and services;
4. Develop highly skilled and satisfied judges and personnel; and
5. Be cost effective, accountable, and fiscally responsible.



Justice Robert J. Torres, Jr.; Chief Justice F. Philip Carbullido; Justice Katherine A. Maraman

About Us

The Judiciary of Guam, comprised of the Superior Court of Guam and the Supreme Court of Guam, is the third branch of the Government of Guam and mandated with interpreting and upholding the laws of Guam, resolving disputes brought before the courts, and ensuring the fair and efficient administration of justice.

The Supreme Court is the island's highest court and is composed of the Chief Justice and two Associate Justices. The Supreme Court hears appeals from the Superior Court, as well as cases involving attorney discipline and invoking the Court's original jurisdiction. The Chief Justice holds supervisory authority of the judicial branch, and with the advice of the Judicial Council of Guam, administers the divisions and offices of the Judiciary, which include Court Administrative Services, Courts and Ministerial, Probation, Marshals, and Client Services and Family Counseling.

The Superior Court is Guam's trial court, where the vast majority of cases begin in the court system. The judicial officers of the Superior Court of Guam are:

- Presiding Judge Alberto C. Lamorena III
- Judge Arthur R. Barcinas
- Judge Vernon P. Perez
- Judge Maria T. Cenon
- Judge Elyze M. Iriarte
- Judge Dana A. Gutierrez
- Magistrate Judge Benjamin C. Sison, Jr.
- Magistrate Judge Jonathan R. Quan
- Family Court Referee Linda L. Ingles
- Administrative Hearings Officer B. Ann Keith

These judicial officers hear a wide range of cases, from criminal prosecutions to cases arising from civil disputes, juvenile delinquency and neglect, traffic, family, probate, and small claims, as well as specialty treatment courts.

Demographics

2020 Staffing Levels

| | | |
|--|-----|-----|
| Court Administrative Services | 72 | 18% |
| Client Services and Family Counseling | 12 | 3% |
| Courts and Ministerial | 85 | 21% |
| Superior Court Judges Chambers and Judicial Hearings | 36 | 9% |
| Marshals Services | 75 | 19% |
| Probation Services | 79 | 19% |
| Supreme Court | 26 | 6% |
| Volunteer Deputy Marshals Reserve | 19 | 5% |
| | 404 | |

The Judiciary of Guam continued to provide services to the people of Guam in the face of an unprecedented public health emergency. Changes in the filings are explained in the following charts and narratives.

Supreme Court

TOTAL CASE FILINGS — THREE-YEAR TREND

| CASE TYPE | 2018 | 2019 | 2020 |
|-----------------------|-----------|-----------|-----------|
| Appellate Procedure | 0 | 0 | 0 |
| Attorney Discipline | 3 | 1 | 1 |
| Certified Question | 1 | 0 | 2 |
| Civil Case | 35 | 25 | 22 |
| Criminal Case | 15 | 20 | 12 |
| Pro Hac Vice | 0 | 0 | 0 |
| Promulgation Order | 3 | 1 | 3 |
| Writ of Habeas Corpus | 0 | 0 | 1 |
| Writ of Mandamus | 7 | 0 | 1 |
| Writ of Prohibition | 1 | 2 | 1 |
| Writ of Certiorari | N/A | N/A | 1 |
| GRAND TOTAL | 65 | 49 | 44 |

TOTAL OPINIONS ISSUED — THREE-YEAR TREND

| CASE TYPE | 2018 | 2019 | 2020 |
|--------------------|-----------|-----------|-----------|
| Civil | 14 | 15 | 19 |
| Criminal | 13 | 15 | 12 |
| Certified Question | 1 | 0 | 0 |
| Writ | 1 | 0 | 2 |
| GRAND TOTAL | 29 | 30 | 33 |

Despite the pandemic, the number of Supreme Court filings in 2020 (44 filings) reveal only a slight dip from 2019 (49 filings). There were fewer appeals from criminal cases in light of the temporary suspension of criminal jury trials due to health and safety concerns, but other case types were filed. Since the declaration of the public health emergency, the Supreme Court has held oral arguments by video conference, and in 2020, issued 33 appellate opinions, as well as orders in pending cases and orders addressing the administration of the judicial branch.

Superior Court

The effects of the declaration of a public health emergency resulted in a drastic decrease in the filings for the year 2020, for nearly all non-criminal case types. The drop of about 34% in Traffic cases from 2019 may be explained by the island-wide "lockdown" when travel was prohibited except for essential functions. Small Claims filings fell from 1,610 to 576 cases, and Domestic filings from 720 to 458 cases. However, filings of Special Proceedings cases were at their highest since 2011, although the five-year trend reflects only a slight increase from 216 in 2019 to 238 in 2020. This rise in 2020 may be attributed to the cases filed by petitioners challenging the Department of Public Health and Social Service quarantine and isolation orders. Criminal Misdemeanor filings saw a less than 12% decrease from 2019, and Protective Order filings dropped only 11% from 2019.

For explanations of Case Type, visit the court website here:
<http://www.guamcourts.org/Annual-Report/Annual-Report.asp>

SUPERIOR COURT CASE FILINGS — THREE-YEAR TREND

| CASE TYPE | 2018 | 2019 | 2020 |
|--------------------------|---------------|---------------|--------------|
| Adoption | 36 | 47 | 23 |
| Child Support | 274 | 273 | 88 |
| Civil | 1,226 | 1,481 | 1,087 |
| Criminal Felony | 772 | 720 | 623 |
| Criminal Misdemeanor | 643 | 588 | 514 |
| Domestic | 691 | 720 | 458 |
| Foreign Order | 0 | 1 | 0 |
| Juvenile Delinquency | 196 | 202 | 126 |
| Juvenile Drug Court | 0* | 0* | 0* |
| Juvenile Proceedings | 436 | 355 | 259 |
| Land Registration | 6 | 5 | 0 |
| Probate | 223 | 202 | 168 |
| Special Proceedings | 218 | 216 | 238 |
| Protective Orders | 124 | 141 | 126 |
| Restitution (Collection) | 88 | 160 | 159 |
| Small Claims | 1,608 | 1,610 | 576 |
| Traffic | 4,480 | 5,167 | 3,369 |
| Total | 11,021 | 11,888 | 7,814 |

*Juvenile Drug Court cases are filed under the Juvenile Delinquency case type.

The year-to-year changes in the offenses charged are attributable to the charging decisions made by the Prosecution Division of the Office of the Attorney General of Guam.

TOP OFFENSES CHARGED — THREE-YEAR TREND

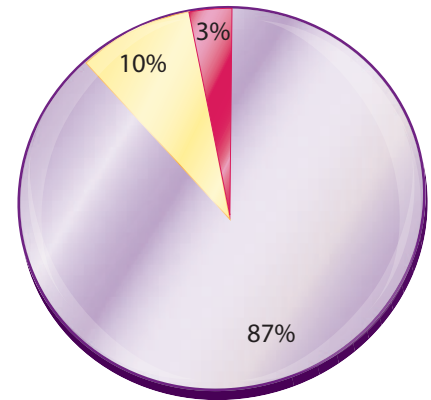
| OFFENSE | 2018 | 2019 | 2020 |
|---|------------|------------|------------|
| Family Violence | 287 | 377 | 329 |
| Possession of a Schedule II Controlled Substance | 302 | 150 | 224 |
| Driving While Impaired | 198 | 237 | 187 |
| Assault-Reckless Cause/Attempt to Cause Bodily Injury | 168 | 169 | 99 |
| GRAND TOTAL | 955 | 933 | 839 |

JUDICIARY OF GUAM GENERAL FUND - OPERATIONS

| | |
|--|---------------------|
| Revenues | |
| Intergovernmental | 1,402,031 |
| Fines and forfeits | 1,812,177 |
| Total revenues | 3,214,208 |
| Expenditures by Function | |
| Individual and collectible rights | 32,191,411 |
| Total expenditures | 32,191,411 |
| Excess (deficiency) of revenues over (under) expenditures | (28,977,203) |
| Other financing sources (uses) | |
| Transfers in from other funds | 33,000,632 |
| Transfers out to other funds | (1,231,766) |
| Total other financing sources (uses), net | 31,768,866 |
| Change in fund balance | 2,791,663 |

JOG OPERATIONS EXPENDITURES FY 2020

- Personnel Services
- Operational Cost
- Utilities & Communication



JUDICIARY OF GUAM GENERAL FUND - OPERATIONS EXPENDITURES BY CLASSIFICATION (AUDITED)

| Operations Breakdown | FY2018 | FY2019 | FY2020 | Δ FY2019 - FY2020 | Δ FY2018 - FY2020 |
|-------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|
| Personnel Services | 21,201,075 | 20,575,637 | 21,004,541 | 428,904 | (196,534) |
| Benefits | 7,744,106 | 7,042,148 | 7,159,036 | 116,888 | (585,070) |
| Contractual Services | 1,803,496 | 1,987,689 | 2,035,030 | 47,341 | 231,534 |
| Capital Outlay | 1,424,266 | 263,387 | 174,374 | (89,013) | (1,249,892) |
| Utilities & Communication | 1,081,167 | 1,043,272 | 830,097 | (213,175) | (251,070) |
| Travel | 243,552 | 245,032 | 35,396 | (209,636) | (208,156) |
| Supplies and Materials | 131,024 | 239,107 | 283,014 | 43,907 | 151,990 |
| Equipment - Non Capital Items | 42,158 | 228,533 | 520,461 | 291,928 | 478,303 |
| Miscellaneous | 125,443 | 261,192 | 149,462 | (111,730) | 24,019 |
| Total | 33,796,286 | 31,885,997 | 32,191,411 | 305,414 | (1,604,875) |

Under its General Fund Operation Account, the primary source of funding for the Judiciary of Guam is pursuant to the FY 2020 Annual Appropriations Act, enacted by P.L. 35-036. In FY 2020, of the total revenue collected, 88% was from the allocated General Fund appropriation, while the remaining 12% was from federal grants funds and other special funds.

Compared to the year prior, there were notable increases in equipment and personnel services expenditures in FY 2020. The increase in equipment expenditure was mainly attributed to the upgrade of approximately 75 workstations and two backup servers, which were federally funded under the National Criminal History Improvement Program and the Edward Byrne Memorial Justice Assistance Grant. Personnel services expenditures minimally increased by approximately 4% due to organic increases, including salary increments and increased cost of employee benefits.

Compared to the year prior, there were notable decreases in expenditures related to reported travel and utilities and communication. Travel expenditures in FY 2019 were primarily funded by federal grants. In FY 2020, travel was severely curtailed by the Covid-19 pandemic, and the reduction in travel expenditures can be attributed to restrictions on off-island travel and cancellation of scheduled off-island training events. For health and safety reasons, in-person activities at Judiciary facilities were limited during the pandemic, which resulted in decreased power consumption and lowered utility costs.

The Judiciary is included in the government-wide annual audit by Deloitte & Touche, LLP. The complete financial information can be found at the Office of Public Accountability website at www.opaguam.org.

In his 2021 State of the Judiciary Address, Chief Justice F. Philip Carbullido reported that the Judiciary of Guam “has been and continues to be, motivated and mission driven – motivated to establish and implement innovative ways to continue critical operations and justice services, mindful that providing these services is at the very core of why we exist at all.”

Going forward, the Judiciary will continue to navigate the challenge of providing services in a post-pandemic environment, while at the same time, bringing a renewed focus on plans and initiatives that had been deferred due to the pandemic.

Capital Improvement Projects

Recognizing that physical distancing restrictions are temporary and that the immediate need for high-capacity courtrooms will decline, the Judiciary has already begun planning the following projects:

- Construction of a new courtroom/multi-purpose room in the Guam Judicial Center in Hagåtña
- Renovation of the San Ramon Building to accommodate court administrative offices
- Renovation of the temporary high-capacity courtroom in the Route 4 Building for office spaces
- Renovation of the Guam Historic Courthouse
- Renovation of judicial chambers (ongoing)

Effective Court Operations

The pandemic revealed the necessity of finding alternatives to face-to-face services and access to the public. The judicial branch successfully shifted to videoconference and teleconference court hearings and meetings, and adapted existing processes for filing court documents. As the reliance on technology will only increase, the Judiciary will continue to explore how to meet the demand for virtual and online services.



Strategic Plan 2020-2023

Over the years, the Judiciary has used its strategic plans to bring direction to its priorities and initiatives. For Strategic Plan 2020-2023, the five strategic focus areas are:

- Mental Health (MH), Substance Abuse Disorders (SUD), and Treatment Courts
- Technology
- Effective Case Management and Timely Resolution
- Employee Excellence and Satisfaction
- Community Relations/Stakeholders

Each committee, chaired by a judicial officer and comprised of court managers, employees, and stakeholders, has identified goals and objectives and developed projects aligned to each strategic focus area.



Budgeting Challenges

The Judiciary continues to face the challenge of maintaining its high level of services, when faced with receiving far less than the requested budgetary allotment from the General Fund. Federal “bridge funding” received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the American Rescue Plan should not serve as a replacement for the annual budgetary appropriations to the third branch of government. The need for adequate funding is especially critical, as the judicial branch addresses the backlog of cases that were stayed during the pandemic, and eviction proceedings after the lifting of the moratorium on these cases.



WE WANT TO HEAR FROM YOU!

Do you like this report? Is there any other information you would like to see included? Please let us know by contacting Kristina Blaz, Public Information Officer at Tel: 475-3250 or email: kblaz@guamcourts.org. See previous Citizen Centric Reports of the Judiciary of Guam at www.guamcourts.org.

