



# Supreme Court of Guam

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HON. ROBERT J. TORRES  
CHIEF JUSTICE

*BB-16-1696*  
Office of the Speaker  
Judith T. Won Pat, Ed.D

June 7, 2016

The Honorable Eddie Baza Calvo  
Governor of Guam  
Ricardo J. Bordallo Governor's Complex  
P.O. Box 2950  
Hagatna, Guam 96910

Date: 6/9/16  
Time: 10:30 AM  
Received By: *[Signature]*

Dear Governor Calvo:

Thank you for your letter of May 25, 2016, together with a copy of your transmittal letter of the same date to Speaker Judith T. Won Pat supporting the expansion of the Superior Court, outlining your rationale to add additional justices to the Supreme Court, and your legislative proposal.

We are pleased that you concur with the Judicial Council's determination that an additional judge is necessary and trust that you will make an appointment pursuant to 7 GCA §4101(b). The Judicial Council and the members of the Guam Bar Association extensively reviewed and determined a need for an additional trial court judge. However, whether additional justices are needed on the Supreme Court is a separate and distinct issue that should not be intertwined with the expansion of the trial court.

We continue to review your proposed legislation to expand the Supreme Court of Guam with the appointment of two additional justices. The merits of having additional justices on the Supreme Court should be independently evaluated. In this effort, we are prepared to engage with the legislature, members of the Guam Bar Association and the public to further discuss your proposed legislation.

I do, however, wish to clarify the information regarding the percentage of cases heard with pro tempore justices being on the panel from 2000 to 2015.

From time to time, vacancies occur in the Supreme Court. Although there has not been a vacancy during your term of office, in the past, the court experienced the death of a sitting justice, retirements of three justices; the long-term leave of one justice, on two separate periods, for medical reasons; and the resignation of one justice in order to join the federal bench resulting in a 16-month span of time between the resignation of that justice and the confirmation of the new justice.

In 2008, a third justice was seated. Since 2009, which is when the first opinions that included the newest justice were issued, there has been a marked decrease in the number of "other" justices needed to decide opinions as compared to the earlier years.

Moreover, when the Supreme Court of Guam was first constituted, it was comprised of some justices who served previously as trial court judges. Naturally, these justices would recuse themselves from Supreme Court cases they were involved in at the trial level. Recusals are a function of avoiding

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conflicts of interest pursuant to 7 GCA §§ 6105-6108. In those instances, Guam law adequately provides for mechanisms to ensure that the wheels of justice continue to move.


Guam law expressly authorizes the designation of judges and justices of the Commonwealth of the Northern Mariana Islands (CNMI) to sit on Guam cases when the need arises, as long as the same opportunities are extended to Guam jurists by the CNMI. Pursuant to this authority, Guam and the CNMI justices will, on occasion, serve as pro tempore justices or judges in each other's jurisdictions. A large percentage of pro tempore appointments for Guam Supreme Court cases in recent years have been for CNMI justices. Another provision of Guam law allows for the appointment of designated justices, but no designated justices have been recently appointed.

The Supreme Court, with its current complement of justices and with the implementation of time standards, issued more opinions last year than at any other time since its inception and the Court is on track to exceed that number this year. The Judiciary has also spent less than \$10,000.00 from 2010 to 2015 on costs associated with pro tempore justices who serve on Supreme Court cases.

Although we continue to examine the budgetary costs, the estimated costs of funding and staffing two additional full-time justices would be significant. This would include (at a minimum) salary and benefits for the two justices, two additional chamber administrators, and two additional research attorneys. These estimated costs do not include the construction or renovation costs associated with creating chambers for the additional justices.

In closing, thank you for your support for adding another trial judge to the Superior Court bench. We look forward to continuing the dialogue on the need to add two additional justices to the Supreme Court.

*Senseramente,*



ROBERT J. TORRES  
Chief Justice of Guam

cc: Speaker Judith T. Won Pat  
Vice-Speaker Benjamin Cruz  
Senator Frank Blas Aguon, Jr.  
Justices/Judges