



Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
LESIAN UMAY ATAMI
AGANA, GUAM, P.R.

MAR 03 1994

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

A handwritten signature in black ink, appearing to be "Joseph F. Ada", written over the typed name of the Governor.

RECEIVED
OFFICE OF THE SPEAKER
DATE: 3/3/94
TIME: 4:35
RECD BY: [Handwritten Name]

Dear Mr. Speaker:

Transmitted herewith is Bill No. 114 which I have signed into law this date as
Public Law 22-75.

Sincerely yours,

A large, stylized handwritten signature in black ink, reading "Joseph F. Ada".
JOSEPH F. ADA
Governor of Guam

220551

Attachment

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 114 (LS)

As substituted by the Committee on
Ways and Means and as further
substituted by the Committee on Rules.

Introduced by:

F. R. Santos
P. C. Lujan
J. T. San Agustin
A. C. Blaz
T. S. Nelson
C. T. C. Gutierrez
T. C. Ada
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
V. C. Pangelinan
D. Parkinson
E. D. Reyes
F. E. Santos
D. L. G. Shimizu
J. G. Bamba
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REPEAL AND REENACT §81 OF THE CODE
OF CIVIL PROCEDURE TO CHANGE THE
COMPOSITION OF THE SUPERIOR COURT OF
GUAM.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

1 **Section 1. Legislative findings and intent.** The Legislature finds that
2 the Superior Court of Guam is in need of an additional judge in order to
3 provide for more efficient and effective administration of justice and to
4 provide for the Constitutional guarantee of a speedy trial. The Legislature
5 has learned that a majority of the legal community of Guam is of the
6 consensus that an additional judge is needed to insure the effective
7 administration of all types and levels of cases, which are presently
8 backlogged at the Court.

9 **Section 2. Amendment to §81 of the Code of Civil Procedure.** §81 of the
10 Code of Civil Procedure is repealed and reenacted to read:

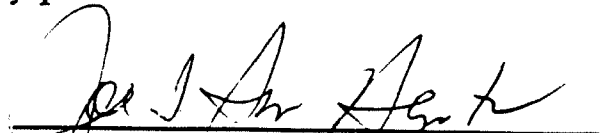
11 “§81. **Composition of court.** The Superior Court shall
12 consist of a presiding judge and six (6) additional judges.”

13 **Section 3. Source of funding for the additional judge.** The Legislature
14 has determined that the cost of an additional judge for the Superior court of
15 Guam is approximately Two Hundred Six Thousand Dollars (\$206,000).
16 Notwithstanding any other provision of law, the monies necessary to provide
17 for the salary and other benefits of one (1) additional judge from the time the
18 judge is confirmed until September 30, 1994, as well as for the furniture,
19 computers, and equipment for Fiscal Year 1994, shall be transferred from
20 amounts already appropriated in the Fiscal Year 1994 budget for the Superior
21 Court of Guam in the object categories of **Travel and Contractual Services.**
22 The personnel who are needed for the additional judge, which are a
23 courtroom clerk, a bailiff, and a law clerk, shall be transferred from other
24 areas of the court and of the ministerial division of the court.

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

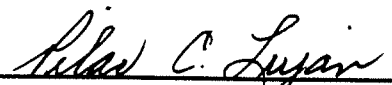
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 114 (LS), "AN ACT TO REPEAL AND REENACT §81 OF THE CODE OF CIVIL PROCEDURE TO CHANGE THE COMPOSITION OF THE SUPERIOR COURT OF GUAM," was on the 18th day of February, 1994, duly and regularly passed.



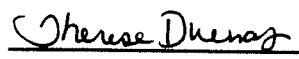
JOE T. SAN AGUSTIN
Speaker

Attested:



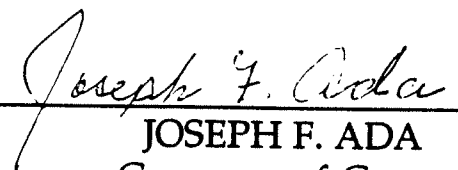
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 23rd day of February,
1994, at 3:55 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: March 3, 1994

Public Law No. 22-75

TWENTY-SECOND GUAM LEGISLATURE

1994 (SECOND) Regular Session

Date: 2/18/94

VOTING SHEET (AS REVISED)

Bill No. 114

Resolution No. _____

Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.	✓			
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente C.	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL 21 0 _____

Twenty-Second Guam Legislature

155 Hesler Street
Pacific Arcade
Agana, Guam 96910
Telephone: (671) 472-3407 thru 9
Fax: 477-3161



CARL T.C. GUTIERREZ
Senator

Chairman, Committee
on Ways & Means

Vice-Chairman, Committee
on Rules

Vice-Chairman, Committee
on Tourism & Transportation

November 17, 1993

Honorable Speaker Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:


The Committee on Ways & Means wishes to report out its findings on **BILL NO. 114 "AN ACT TO CHANGE THE COMPOSITION OF THE SUPERIOR COURT OF GUAM"** to the full Legislature with the recommendation to do Pass as Substituted by the Committee on Ways and Means.

The Committee Voting Record is as follows:

TO PASS:	<u>12</u>
NOT TO PASS:	<u>0</u>
ABSTENTIONS:	<u>1</u>
INACTIVE FILE:	<u>0</u>

Copies of the Committee Report and all pertinent documents are attached for your information.

Sincerely,


CARL T. C. GUTIERREZ
Chairman, Committee on
Ways & Means

Twenty-Second Guam Legislature
Committee on Ways & Means

VOTING SHEET

BILL NO.

114

AN ACT TO CHANGE THE COMPOSITION OF THE SUPERIOR COURT OF GUAM.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>15/10/16</i> Senator Carl T. C. GUTIERREZ Chairman	<u>1</u>			
<i>H. Dierking</i> Senator Herminia D. DIERKING Vice-Chairman	<u>✓</u>			
<i>[Signature]</i> Senator John P. AGUON Member	<u>✓</u>			
<i>[Signature]</i> Senator Elizabeth P. ARRIOLA Member	<u>—</u>			
<i>[Signature]</i> Senator Thomas C. ADA Member	<u>✓</u>			
<i>[Signature]</i> Senator J. George BAMBA Member	<u>✓</u>			
<i>[Signature]</i> Senator Anthony BLAZ Member	<u>✓</u>			
<i>[Signature]</i> Senator Pilar C. LUJAN Member	<u>✓</u>			
<i>[Signature]</i> Senator Marilyn MANIBUSAN Member	<u>—</u>			
<i>[Signature]</i> Senator Ted S. NELSON Member	<u>—</u>			
<i>[Signature]</i> Senator Vicente C. PANGELINAN Member	<u>✓</u>			
<i>[Signature]</i> Senator David SHIMIZU Member	<u>—</u>			
<i>[Signature]</i> Senator Antonio R. UNPINGCO Member	<u>—</u>		<u>✓</u>	
<i>[Signature]</i> Speaker Joe T. SAN AGUSTIN Ex-Officio Member	<u>✓</u>			

COMMITTEE ON WAYS AND MEANS COMMITTEE REPORT ON

BILL NO. 114

AN ACT TO CHANGE THE COMPOSITION OF THE SUPERIOR COURT OF GUAM.

PURPOSE AND ESSENTIAL ELEMENTS

Bill No. 114 contains two sections. Section 1 gives Legislative Findings and Intent that there is need for a new judge in the Superior Court of Guam to insure the effective administration of all types and levels of cases, and that there is a backlog of cases in the court. Section 2 repeals and reenacts Section 81 of the Civil Procedure Code, changing the number of judges from a presiding judge and five additional judges to a presiding judge and six additional judges.

PUBLIC HEARING

The Committee on Ways and Means conducted a public hearing on Monday, August 23, 1993 at 9:00 a.m. in the Legislative Public Hearing Room to gather testimony on Bill No. 114. Present at the hearing the Vice-Chairperson, Senator Herminia D. Dierking, who chaired the hearing, being joined by Senators T. C. Ada, E.P. Arriola, A.C. Blaz, M.D.A. Manibusan, P.C. Lujan, B. C. Pangelinan, and T. S. Nelson.

TESTIMONY

Senator Herminia D. Dierking began the hearing by introducing the committee members who were present and calling for those who wished to testify on Bill 114. The Honorable Judge Benjamin J. F. Cruz was the only person who testified, and he testified in favor of the bill. He submitted written testimony, which is attached. Judge Cruz mentioned that he had testified previously on this bill before the Committee on Judiciary and Criminal Justice. He presented part of his written testimony orally, and offered additional oral testimony.

Judge Cruz pointed out that he has been on the bench as a judge for nine years, and in that period of time that there are the same number of judges as there was nine years ago, the number of Attorneys General has tripled, and the number of employees of the Superior Court of Guam has tripled to handle the increased workload.

Judge Cruz mentioned that there may, in fact, be the need for two additional judges, instead of only one, however, the court supports the addition of one judge. Judge Cruz pointed out that the types of cases handled by the court has changed, that the society here has become very litigious. He pointed out that there are a great number of cases now which consist of members of families suing other members over land. Even the Catholic Church is involved in litigation.

Judge Cruz mentioned that since the criminal cases take priority on calendaring of cases, that often now that there is just no time to hear civil cases. Now, the calendaring of cases is done by the individual judges. A backlog is created. Judge Cruz then gave examples of various delays that are occurring in the civil cases.

Judge Cruz felt that the cost of an additional judge is not too great, that three persons would need to be assigned to the judge as his staff, and that some staff already on board at the court could be assigned to the judge. A new judge would need to hire a law clerk. He felt that the cost would be under Two Hundred Thousand Dollars (\$200,000). He also pointed out that government agencies of Guam are spending a great deal of money for attorney services and the Legislature might find out that more money is being spent on attorneys than is being spent on the Legislature as a whole. Judge Cruz thought that the benefit to the community of a new judge would be tenfold compared to the cost.

Senator Lujan then questioned the witness. She asked whether Tony Sanchez of the Superior Court of Guam would have the breakdown of the costs of a new judge. Judge Cruz then read the letter of Mr. Sanchez addressed to the Chairman, which is attached.

Senator Manibusan then pointed out that the number of cases has gone up, and the environment on Guam leads more people to go to court to settle disputes, and that more sexual assault cases are noted. Senator Manibusan felt that it would be prudent to add two judges to the court instead of one, given the rate of increase of caseload. She compared the caseload of Guam with the caseload of judges in California, which is 58% above the caseload of California. She pointed out also that Guam judges all handle appellate work, arraignments, hear trials in other jurisdictions, and this is not taken into consideration. She felt that the appointment of two judges would be foresighted.

Judge Cruz indicated that two judges would be better, but due to the political and fiscal realities, pushing for one would be more successful at this time. If two judges were available, then the court would be better served. Prior to 1994, the number of judges were set, but the vacancies would not need to be filled until the Presiding Judge certified the need. This could be done with the addition of two judges instead of one. Another judge could be then filled at a later date without going back to the Legislature again.

Senator Manibusan indicated that a mechanism could be set now, with one judge appointed now and another one appointed after the gubernatorial election, if the political realities are that it will not pass the Legislature for the present governor to appoint two judges immediately. She felt that the needs of the justice system need to be taken into account. She felt that the amount of time that it takes a case to go through the system needs to be taken into account. "Justice delayed is justice denied". The enabling Legislation could even be set to account for the appointment of three judges as time goes on.

Senator Ada inquired whether there are facilities now existing for a new judge. Judge Cruz indicated that renovations would be necessary to the court building if an

eighth judge is named, however, for one more judge, the seventh judge, a courtroom already exists and facilities for the judge.

Senator Pangelinan asked about the new individual system of calendaring, whether that has been implemented into the court system and whether there are more efficiencies realized because of this. Judge Cruz indicated that the system has been implemented. The two polls that were taken resulted in this new system, but whether it is more efficient or not depends upon the individual judges. Senator Pangelinan inquired whether the new efficiencies would obviate the need for another judge, and Judge Cruz replied that it would not. Judge Cruz then explained in a little more detail how the individual calendaring system works in relation to the assignment of cases to a judge.

Senator Pangelinan asked how hard it would be to eliminate a judge, should the court become more efficient and the new judge appointed later not really be needed. Judge Cruz replied that it would be impossible to unseat a judge. Judge Cruz then indicated that he felt that a seventh judge could be approved, with a mechanism included for including another judge at a later time, should that be necessary. Senator Pangelinan indicated that maybe some efficiencies in the system should be given time to work before appointing new judges.

Senator Nelson inquired whether the court was the source of the request. Judge Cruz indicated that the court has been asking for this for the last five years. Senator Nelson asked if the new judge was not authorized because of politics. Senator Nelson indicated whether the court feels that politics is the reason that a new judge was not authorized. Judge Cruz said that the court did not take any position on the reason. Senator Nelson asked if the Lt. Governor had already made his appointment. Senator Nelson indicated that he could guess who would be chosen, and that a judge may not retire because of hearing rumors of who will be appointed.

Senator Nelson asked which is the heaviest load. Judge Cruz said that the law requires that criminal trials be heard first. He explained some of the problems with other areas of cases that are in the system.

Senator Nelson asked if the bill was supported by the Judicial Council and the Attorney General. Judge Cruz replied that it was.

Senator Nelson inquired why the Public Defender was not entertaining civil cases, and whether this has anything to do with the number of judges. Judge Cruz replied that this did not have to do with the number of judges, but that the Public Defender had made the decision not to accept civil cases because of the need for more attorneys. Judge Cruz said that he thought that there were so many cases done by the Public Defender that they were in a situation of malpractice per se. There are too many cases assigned to that office. He indicated that there are 18 attorneys in the criminal division of the Attorney General's Office, and there are only 6 Public Defenders. The public pays for it anyway, because if a public defender cannot be assigned, then the case gets assigned to a private attorney and is paid for by the public. Judge Cruz then asked the legislature to please help the Public Defender's office, but he is here for Bill 114 now, and is in favor of a new judge.

Acting Chairman of the Committee on Ways and Means, Senator Dierking, then closed the hearing.

COMMITTEE ACTION

The Committee on Ways and Means, after consideration of the testimony offered at the public hearing, decided to look into alternate financing methods for the possibility of appointing a new judge. The Chairman of the Committee on Ways and Means corresponded with the Presiding Judge of the Superior Court concerning the transfer of funds from other categories of funds already appropriated to the Superior Court. The Presiding Judge was amenable to the transfer of funds from the categories of travel, contractual, and equipment. The Presiding Judge also indicated that personnel would be transferred from the Courts and Ministerial Division to accommodate the personnel requirement of the new judge. Letters from the Chairman of the Committee on Ways and Means to the Presiding Judge, and the letter from the Presiding Judge to the Chairman are attached.

The Committee then decided that an additional appropriation was not necessary in order to implement the appointment of an additional judge, and that transfers of funds within the Superior Court could accomplish this purpose.

COMMITTEE RECOMMENDATION

The Committee on Ways and Means wishes to report out Bill 114 to the full legislature to do pass, as substituted.

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No 114
Substitute Bill by Committee on
Ways and Means

Introduced by:

F. R. Santos

ACBLAZ

AN ACT TO CHANGE THE COMPOSITION OF THE SUPERIOR
COURT OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. (a) **Legislative Findings and Intent.** The Guam
3 Legislature has learned and found that the Superior Court of Guam is in
4 dire need of an additional judge in order to provide for the most efficient
5 and effective administration of justice and to provide for the Constitutional
6 guarantee to a speedy trial. The Legislature has learned that a majority of
7 the legal community of Guam are of the consensus that an additional judge
8 is needed to insure the effective administration of all types and levels of
9 cases, which are presently creating a backlog for the Superior Court of
10 Guam.

11 (b) **Amendment of Section 81 of the Civil Procedure Code**
12 **to provide for an additional judge for the Superior Court o**
13 **Guam.** Section 81 of the Civil Procedure Code is repealed and reenacted
14 to read:

15 "Section 81. Composition of Court. The Superior Court shall consist of a
16 presiding judge and six (6) additional judges."

17 (c). **Source of funding for the additional judge provided for**
18 **in Subsection (b) of this Section.** The Legislature has determined
19 that the costs of an additional judge for the Superior Court of Guam would

1 consist of approximately Two Hundred Six Thousand Dollars (\$206,000).
2 Notwithstanding any other provision of law, amounts necessary to provide
3 for the salaries and benefits of one (1) additional judge from the time the
4 judge is confirmed until September 30, 1994, as well as furniture,
5 computers, and equipment for Fiscal Year 1994, shall be transferred from
6 amounts already appropriated in the Fiscal Year 1994 budget for the
7 Superior Court of Guam in the object categories of Travel, and Contractual
8 Services. Additionally, the actual personnel that are needed for the
9 additional judge, which are a courtroom clerk, a bailiff, and a law clerk,
10 shall be transferred from other areas of the Courts and Ministerial Division
11 of the Superior Court of Guam.

JAN 04 '93

TWENTY SECOND GUAM LEGISLATURE
FIRST (1993) REGULAR SESSION

Bill No. 114 (LS)

Introduced by:

F.R. Santos
A.C. BLAZER
[Signature]

AN ACT TO CHANGE THE COMPOSITION OF
THE SUPERIOR COURT OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM:

3
4 Section 1. Legislative Findings and Intent. The Guam
5 Legislature has learned and found that the Superior Court of
6 Guam is in dire need of an additional judge in order to
7 provide for the most efficient and effective administration of
8 justice and the Constitutional guarantees to a speedy trial.
9 The Legislature has learned that a majority of the legal
10 community of Guam are of the consensus that an additional
11 judge is needed to insure the effective administration of all
12 types and levels of cases presently creating a backlog for the
13 Superior Court of Guam.

14
15 Section 2. Section 81 of the Civil Procedure Code is
16 hereby repealed and reenacted to read:

17
18 "Section 81. Composition of Court. The
19 Superior Court shall consist of a presiding
20 judge and six (6) additional judges."
21

TESTIMONY ON BILL #114
TO 22ND GUAM LEGISLATURE'S WAYS & MEANS COMMITTEE
BY THE HON. JUDGE BENJAMIN J.F. CRUZ
ON BEHALF OF THE SUPERIOR COURT OF GUAM
AUGUST 23, 1993

GOOD MORNING MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE COMMITTEE ON WAYS AND MEANS. ON BEHALF OF THE SUPERIOR COURT OF GUAM, I WOULD LIKE TO THANK YOU FOR THIS OPPORTUNITY TO TESTIFY ON BILL #114; AN ACT TO ALLOW FOR AN ADDITIONAL JUDGESHIP TO PRESIDE OVER TRIALS THAT COME BEFORE GUAM'S COURTS OF GENERAL JURISDICTION.

WE COME BEFORE THIS AUGUST COMMITTEE SEEKING THE RELIEF THAT AN ADDITIONAL JUDGE OR JUDGES WOULD BRING TO THE COURTS. OUR COURT'S PRESENT CASELOAD HAS RISEN TO SUCH LEVELS THAT TIMELY DISPOSITION OF CASES IS BECOMING AN IMPOSSIBILITY AND COULD VERY WELL TURN INTO A CRISIS SITUATION.

FOR THE PAST FOUR YEARS A RECORD NUMBER OF CRIMINAL AND CIVIL CASES HAVE BEEN FILED ON GUAM. THERE HAS BEEN A CORRESPONDING INCREASE IN THE TYPES OF CHARGES AND COMPLEXITY OF ISSUES BROUGHT BEFORE OUR JUDGES; REFLECTIVE OF THE GROWTH SEEN IN GUAM'S ECONOMY AND POPULATION IN THE LAST FIVE YEARS.

SINCE THE ONSET OF THE '90'S OUR COURTS HAVE EXPERIENCED A RECORD NUMBER OF CASES FILED EACH SUCCESSIVE YEAR. LAST YEAR'S TOTAL OF 10,896 CASE FILINGS WAS 10% ABOVE THE PREVIOUS YEARS TOTALS AND FIFTY-TWO (52%) ABOVE THE TOTAL CASE FILINGS FOUR YEARS AGO.

THIS TREND IN OUR INCREASING CASELOAD CONTINUES TO GROW AT A DISTURBING RATE. AT THIS YEAR'S HALF-WAY MARK OUR CASE FILINGS SHOWED AN INCREASE OVER LAST YEAR'S HALF-WAY MARK IN ALL MAJOR AREAS -- CIVIL, CRIMINAL FELONY, CRIMINAL MISDEMEANOR, DOMESTIC AND JUVENILE DIVISION CASES. BASED ON THIS, WE ESTIMATE THAT THE COURT WILL EXPERIENCE A FIFTEEN TO TWENTY PERCENT (20%) INCREASE OVER LAST YEAR'S RECORD SETTING LEVELS.

LET ME GIVE YOU AN EXAMPLE OF HOW TREMENDOUS OUR CASELOAD GROWTH HAS BEEN. THE 1,921 CRIMINAL MISDEMEANOR CASES FILED LAST YEAR SET AN ALL-TIME RECORD, EXCEEDING THE PREVIOUS YEARS TOTAL BY FORTY-EIGHT PERCENT (48%) AND THE CASELOAD LEVELS OF FOUR YEARS AGO BY TWO HUNDRED AND SEVENTY-NINE PERCENT (279%). CRIMINAL FELONY WAS NOT TO BE OUTDONE, AS THE RECORD NUMBER OF 403 CASES FILED IN 1992 WERE FIFTY-PERCENT OVER THE PREVIOUS YEARS AND A HUNDRED AND SIX (106%) OVER THE FELONIES BROUGHT BEFORE US FOUR YEARS AGO.

BY STATUTE, CRIMINAL CASES TAKE PRECEDENCE OVER ALL OTHER CASE TYPES FILED BEFORE THE COURTS. THE 1,203 CRIMINAL CASE FILED AS OF LAST THURSDAY, MUST BE BROUGHT TO TRIAL OR IN THE PROCESS OF RESOLUTION NO LATER THAN 60 DAYS AFTER ARRAIGNMENT, OR 45 DAYS SHOULD THE INDIVIDUAL BE IN CUSTODY. LET ME ASSURE YOU THAT THE DEFENDANT'S RIGHT TO A SPEEDY TRIAL IS FOREMOST IN THE MINDS OF THE JUDGES. BUT MEETING THIS REQUIREMENT MAY BECOME INCREASINGLY MORE DIFFICULT IF THE PRESENT JUDGES CASELOAD CONTINUES TO INCREASE WITHOUT A CORRESPONDING INCREASE IN THE PRESENT NUMBER OF JUDGES.

BUT WHEREAS CRIMINAL CASES HAVE RECEIVED THE ATTENTION THEY DEMAND, THE OTHER TYPES OF CASES HAVE NOT. WITH ONLY A LIMITED NUMBER OF JUDGES TO HEAR CASES, THE RISE IN CRIMINAL CASES HAVE LEFT A VIRTUAL BACKLOG IN THE DISPOSITION OF CIVIL MATTERS. THIS IS DESPITE THE FACT THAT WE HAVE SEEN A SIMILAR INCREASE IN CIVIL CASES BROUGHT BEFORE THE COURT.

THE 1,979 CIVIL CASES FILED IN 1992 WAS THIRTY-SIX PERCENT (36%) ABOVE THE 1991 LEVELS AND FIFTY-FOUR PERCENT (54%) THOSE FILED FOUR YEARS AGO. THE NUMBER OF NON-CRIMINAL CASES FILED IN 1992 WAS 6,210 AS COMPARED TO 5,915 IN 1991. THESE LEVELS WERE NEW RECORDS FOR GUAM IN TERMS OF NON-CRIMINAL CASES FILED.

THE MOST DIFFICULT CASES IN TERMS OF TIME AND DIVERSIFICATION ARE CIVIL CASES. THESE CASES INVOLVE LAWS AND CONTRACTS WITH A WIDE RANGE OF ISSUES THAT MUST BE DEALT WITH ON A CASE BY CASE, IF NOT POINT BY POINT, BASIS. MANY OF THEM INVOLVE HUNDREDS OF THOUSANDS OF DOLLARS, EFFECTING HUNDREDS OF FAMILIES IN OUR COMMUNITY. CONSIDERING THE NUMBER OF CRIMINAL CASES BEING FILED WITH THE COURT, THE ABILITY TO DISPOSE OF OUR NON-CRIMINAL BACKLOG BECOMES MORE AND MORE DIFFICULT.

AS AN EXAMPLE OF THE AMOUNT OF HOW COMPLEX AND TIME-CONSUMING A TRIAL CAN TAKE, IN 1992 THE CHANCO VS. GUTIERREZ AND GUZMAN VS. TOWER DEVELOPMENT -- BOTH CIVIL MATTERS-- EACH TOOK NINE WEEKS OF TRIAL. THIS MEANS THAT FOR THIS PERIOD, THE COURTS WERE OPERATING AT 60% CAPACITY IN TERMS OF JUDGES.

IT SHOULD BE NOTED THAT TRIAL TIME IS DICTATED BY THE COMPLEXITY OF THE CASE -- THE NUMBER OF WITNESSES, THE ISSUES BROUGHT UP DURING PROCEEDINGS, THE OBJECTIONS AND RULINGS INVOLVED. EACH CASE IS UNIQUE IN ITSELF WITH NO SPECIFIC TIME FRAME IN TRIAL, ALLOWING AN INDIVIDUAL TO PRESENT HIS CASE. JUDICIAL PROCEEDINGS ARE SUCH THAT THEY MAY INVOLVE HUNDREDS OF MOTIONS, STIPULATIONS, AND ORDERS EVEN PRIOR TO GOING TO TRIAL.

AS OF LAST WEEK THERE WERE OVER 150 JURY TRIALS AND OVER FIFTY BENCH TRIALS SCHEDULED TO BE HEARD FOR THE REMAINING PART OF THE YEAR. AS OF LAST WEEK THERE WAS IN EXCESS OF 3,000 HEARINGS THAT ARE ALREADY ON CALENDAR AND SCHEDULED. THIS DOES NOT INCLUDE THOSE CASES FILED BETWEEN NOW AND DECEMBER 31, 1993. NOW IN ALL LIKELIHOOD, THE MAJORITY OF THESE SCHEDULED TRIALS WILL END UP IN PLEA AGREEMENTS. BUT THE THOUGHT OF EVEN 10 PERCENT OF THESE REACHING TRIAL IS STAGGERING.

I MUST EMPHASIZE THAT ALL JURY AND BENCH TRIALS ARE HEARD BY THE SAME JUDGE FROM BEGINNING TO END AND TAKE PRIORITY OVER OTHER JUDICIAL MATTERS. WHILE A JUDGE IS ON TRIAL, ALL OTHER MATTERS SCHEDULED BEFORE THEM MUST BE RE-SCHEDULED. WITH THE ONSET OF THE INDIVIDUAL CALENDAR SYSTEM, EACH ASSIGNED CASE NOW REMAINS WITH A JUDGE UNTIL SUCH TIME THAT IT REACHES FINAL DISPOSITION. THEREFORE, EVEN UNCOMPLICATED LEGAL MATTERS MAY BEGIN TO BACKLOG AS AN INDIVIDUAL JUDGE HEARS MORE TRIALS. THIS BECOMES UNMANAGEABLE WHEN THE JUDGE IS BURDENED WITH AN INORDINATE AMOUNT OF CASES, AS IN THE SITUATION WITH GUAM'S JUDGES.

THE PRESENT JUDGE'S CASELOAD IN THE GUAM'S TRIAL COURTS IS 1,707 PER JUDGE, AS COMPARED TO OUR COUNTERPARTS IN CALIFORNIA WHO HAVE A CASELOAD AVERAGE OF 1,079 PER JUDGE. THIS IS 58% ABOVE CALIFORNIA'S JUDGE'S CASELOAD. NOR DOES NOT TAKE INTO ACCOUNT THAT EACH GUAM JUDGE HANDLES MAGISTRATES, ARRAIGNMENTS, SITS ON APPELLATE DIVISIONS, AND HEAR TRIALS IN OTHER JURISDICTIONS -- UNLIKE MANY JUDGES IN CALIFORNIA WHO ARE STRICTLY TRIAL JUDGES. I NEED NOT REMIND YOU THAT CALIFORNIA IS CONSIDERED ONE OF THE MORE LITIGIOUS ORIENTED STATES IN THE UNION.

SINCE 1990, GUAM'S COURTS HAVE MAINTAINED A CALENDAR LEVEL OF OVER 20,000 HEARINGS A YEAR. THE COURTS HAS REDUCED ITS AVERAGE TO 2.5 HEARINGS PER CASE IN 1992 AS COMPARED TO 2.75 THE PREVIOUS YEAR. LAST YEARS 47 JURY TRIALS WAS A THIRTY-FOUR PERCENT (34%) INCREASE OVER THE PREVIOUS YEAR. THERE WAS ALSO 57 BENCH TRIALS, BRINGING THE TRIAL TOTALS TO 104. IN ADDITION GUAM'S JUDGES PRESIDED OVER 62 JURY SELECTIONS AS OPPOSED TO 41 IN 1991. THERE WERE 109 GRAND JURY SESSIONS IN 1992 AS COMPARED TO 88 IN 1991, WITH EACH RETURN BE HEARD BY A JUDGE.

NONE OF THE AFOREMENTIONED INCLUDES THE UN-CALENDARED EVENTS THAT A JUDGE MUST HANDLE SUCH AS MAGISTRATES, JURY ORIENTATIONS, EXPARTE MATTERS SUCH AS ORDERS TO SHOW CAUSE, TEMPORARY RESTRAINING ORDERS, CHILD PROTECTIVE SERVICES (PINS), RETURN OF WARRANTS, SPECIAL APPOINTMENTS, CHILD SUPPORT WRITS, AFFIDAVIT OF PROBABLE CAUSE, PRELIMINARY HEARINGS ON JUVENILE DETAINEES, WEDDINGS AND SWEARING-IN CEREMONIES TO NAME A FEW.

SINCE 1984, THE SAME NUMBER OF SUPERIOR COURT OF GUAM JUDGES HAVE SERVED THIS COMMUNITY. WE ARE A VASTLY DIFFERENT COMMUNITY AS COMPARED TO NINE YEARS AGO. THE GOVERNMENT'S PROSECUTION HAS MORE THAN DOUBLED IN NUMBER IN JUST THE PAST THREE YEARS. THE ATTORNEY GENERAL HAS GROWN TO 54 ATTORNEYS OVERALL. TODAY THE GUAM BAR HAS MORE THAN TRIPLED WITH OVER 363 ATTORNEYS ALLOWED TO PRACTICE ON GUAM, AS COMPARED TO THE SEVENTY PLUS IN THE EARLY 1980'S. THE COURT CASELOAD HAS GROWN MORE THAN THREE-FOLD SINCE WE APPOINTED THE SIXTH JUDGE TO THE COURTS AND CONTINUES TO SPIRAL UPWARD.

THE LACK OF PROPORTIONAL INCREASE IN THE NUMBER OF JUDGES, AS COMPARED TO ATTORNEYS AND COURT LITIGATION HAS PLACED A BURDEN ON THE COURTS IN TERMS OF RESOLVING LEGAL ISSUES BROUGHT BY GOVERNMENT AND PRIVATE ATTORNEY ALIKE. THE CORRESPONDING INCREASE HAS MADE IT VIRTUALLY IMPOSSIBLE FOR THE JUDGES TO MAINTAIN ANY FORM OF SPECIALIZATION, WHETHER IT BE CRIMINAL, CIVIL, JUVENILE, FAMILY AND SO FORTH. THE NEED FOR AN ADDITIONAL JUDGE IS PARAMOUNT.

THE COURTS OF GUAM ARE UNDERGOING A GREAT METAMORPHOSIS. THE SUPREME COURT HAS BEEN CREATED AND AWAITS THE APPROVAL OF THE APPELLATE RULES OF PROCEDURE AND ORGANIZATIONAL CHART. THE TYPE OF LITIGATION COMING BEFORE THE BENCH, ARE MORE COMPLEXED AND DIVERSIFIED THAN EVER BEFORE. FOUNDATIONAL ISSUES ARE BEING BROUGHT BEFORE THE BENCH AND LANDMARK DECISIONS ARE BEING HANDED DOWN.

THE COURTS AND ITS ACTIONS ARE HAVING A GREATER IMPACT ON OUR COMMUNITY AND THE QUALITY OF LIFE WE ENJOY. THE ABILITY TO RESOLVE ISSUES AS EXPEDITIOUSLY AS OUR PEOPLE DESERVE AND DEMAND MUST BE ENHANCED IN ORDER TO ENSURE AND PROTECT THEIR RIGHTS AND PRIVILEGES.

AS OUR ISLAND CONTINUES TO GROW IN POPULATION, EXPAND ECONOMICALLY, AND PROGRESS SOCIALLY -- WE MUST ACCEPT THE FACT THAT OUR LAWS AND THE PROTECTION OF OUR CITIZENRY MUST EXPAND WITH IT. A PRAGMATIC LOOK AT THE COURT'S INCREASING CASELOAD, THE DIVERSIFICATION OF ISSUES, THE GROWING COMPLEXITY OF CASES, THE CHANGING LAWS AND THE CORRESPONDING NEED TO RESOLVE VIOLATIONS OF THOSE LAWS CONTINUALLY POINT TO THE NEED FOR AN ADDITIONAL JUDGE.

ONCE AGAIN I REITERATE THE SUPERIOR COURT OF GUAM'S SUPPORT FOR BILL #114, AND HOPE THAT IT RECEIVES YOUR FAVORABLE CONSIDERATION. THANK YOU AND SI YU'OS MAASE.

**SUPERIOR COURT OF GUAM
5 YEAR CASE COMPARATIVE REPORT**

CATEGORY	CASES FILED	CASES FILED	CASES FILED	CASES FILED	CASES FILED	PERCENTAGE COMPARATIVE TO 1992			
	1988	1989	1990	1991	1992	1988	1989	1990	1991
ADOPTION	104	103	111	77	87	-16.35%	-15.53%	-21.82%	12.99%
CHILD SUPPORT			1,689	1,308	1,198			-29.19%	-8.56%
CIVIL	1,288	1,280	1,140	1,454	1,979	53.85%	54.61%	73.80%	36.11%
CRIMINAL FELONY	196	339	214	289	403	105.61%	18.88%	88.32%	49.81%
CRIMINAL MISDEMEANOR	507	683	747	1,302	1,921	278.90%	117.55%	157.16%	47.54%
DOMESTIC	1,997	1,756	1,509	1,156	1,214	-39.21%	-30.87%	-19.55%	5.02%
JUVENILE DIVISION	316	230	411	388	355	12.34%	54.35%	-13.63%	-8.51%
JUVENILE SPECIAL PROCEEDINGS	691	746	808	945	825	19.39%	10.59%	2.10%	-12.70%
LAND REGISTRATION	28	39	20	14	30	7.14%	-23.08%	50.00%	114.29%
PROBATE	185	340	353	305	237	21.54%	-30.29%	-32.86%	-22.30%
SPECIAL PROCEEDINGS	274	288	292	268	287	4.74%	0.35%	-1.71%	7.09%
SMALL CLAIMS	1,571	1,717	1,478	2,352	2,361	50.29%	37.51%	59.74%	0.38%
TOTAL	7,167	7,720	8,772	8,828	10,888	52.02%	41.13%	24.20%	10.74%



SUPERIOR COURT OF GUAM

GUAM JUDICIAL CENTER
120 WEST O'BRIEN DRIVE
AGANA, GUAM 96910



ANTHONY P. SANCHEZ
PUBLIC INFORMATION OFFICER

TELEPHONE: (671) 475-3271
(671) 475-3371
FACSIMILE: (671) 477-3181

August 23, 1993

Senator Carl T. C. Gutierrez
Chairperson
Committee on Ways and Means
22nd Guam Legislature
Agana, Guam

Dear Senator Gutierrez,

This is in response to your August 5th correspondence to Presiding Judge Alberto C. Lamorena III, which was referred to my office. This was regarding Bill #114, the additional Judges proposed legislation, and the need for subsequent information.

The Superior Court of Guam can currently house one additional Judge with no modifications to our building whatsoever. There is currently a Seventh Judge's courtroom and chambers already in place. We could house an eighth Judge with some interior adjustments to our second floor computer room.

In terms of support staff, each additional Judge would require a Courtroom clerk (Pay grade L beginning at \$26,520.00), a Bailiff (Pay grade C7 - beginning at \$18,723.00) and a Law clerk (\$36,000.00). All totaled, the support staff would run \$ 81,243.00 in base salaries. Currently a Superior Court of Guam Judge receives \$100,000 a year, leaving the sum total of salaries at \$181,243.00.

We estimate that furniture, computers and equipment for the Judge and his staff would cost no more than \$25,000.00

I hope this answers you questions satisfactorily. Should you have any additional inquiries, please feel free to contact me at 475-3374/3270. Thank you and si yu'os maase.

Sincerely,

Anthony R. Sanchez

Twenty-Second Guam Legislature

155 Hesler Street
Pacific Arcade
Agana, Guam 96910
Telephone: (671) 472-3407 thru 9
Fax: 477-3161



CARL T.C. GUTIERREZ
Senator

Chairman, Committee
on Ways & Means

Vice-Chairman, Committee
on Rules

Vice-Chairman, Committee
on Tourism & Transportation

November 16, 1993

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S.M.A.M.
SUPERIOR COURT OF GUAM
JUDGE LAMORENA'S
CHAMBER

The Honorable Alberto C. Lamorena III
Presiding Judge
Superior Court of Guam
120 West O'Brien Drive
Agana, Guam 96910

Dear Presiding Judge Lamorena:

Bill 114, AN ACT TO CHANGE THE COMPOSITION OF THE SUPERIOR COURT OF GUAM, and which provides for an additional judge for the Superior Court, was given a public hearing by the Committee on Ways and Means on August 23, 1993. At that time, the Honorable Benjamin J. F. Cruz appeared and testified in favor of the bill. At the same time, there was some concern about the cost of another judge to the General Fund of the Territory.

I had written to you on August 5, 1993 requesting for more information concerning the physical space requirements, need for support staff, renovations, furniture, miscellaneous and contingency requirements, and so forth, involved in the placement of an additional judge.

Mr. Anthony P. Sanchez, Public Information Officer to the Superior Court of Guam, responded to my request by letter dated August 23, 1993 and indicated that the following personnel would be needed for each new judge:

The Honorable Alberto C. Lamorena III
Presiding Judge, Superior Court of Guam
transfers of funds/11-16-93/page 2.

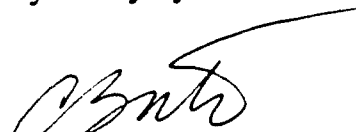
Courtroom Clerk	\$26,520
Bailiff	18,723
Law Clerk	<u>36,000</u>
Total Employee Salaries:	\$81,243
judge's salary	<u>\$100,000</u>
Total Salaries:	\$181,243
furniture, computers equipment:	<u>\$25,000</u>
TOTAL:	\$206,243

The salaries noted above are starting level salaries.

If the Legislature authorizes the appointment of an additional judge for the Superior Court of Guam, what Divisions and Categories of items already budgeted for the Superior Court for Fiscal Year 1994 will be eliminated to provide the funding necessary to take care of an additional Judge?

Please provide determination of projected transfers of funding to the Committee on Ways and Means as soon as possible.

Very truly yours,



Carl T. C. Gutierrez

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11/16/93 dk



Superior Court of Guam
Judicial Center
120 West O'Brien Drive
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Hon. Alberto C. Lamorena III
Presiding Judge

November 16, 1993

Honorable Carl T.C. Gutierrez
Senator
155 Hesler Street
Pacific Arcade
Agana, Guam 96910

Dear Senator Gutierrez,

Thank you for your letter dated November 16, 1993 regarding the additional judgeship position. As you know the present caseload in the courts makes the need for an additional judge a paramount concern.

Considering the revenue situation confronting our Government, the Court is willing to fund the initial cost of the Judge and his or her staff utilizing the five percent transfer authority I have, while assigning existing personnel presently on board to work with the new Judge.

The categories to be affected by the transfer authority will be Travel, Contractual and Equipment. We will transfer personnel from the Courts and Ministerial Division in order to accommodate the personnel requirement of the new Judge.

The Courtroom, chambers and equipment necessary to house a Seventh Judge is presently in place. No additional funding will be required in this area.

We are confident in the ability of our island's leadership to resolve the temporary revenue situation presently facing us. The Court looks forward to the time when direct legislative appropriation will fund the new Judge's position. As a strong advocate of Justice, your continued support of the Courts is greatly appreciated.

Sincerely,

Alberto C. Lamorena, III

JAN 04 '93

TWENTY SECOND GUAM LEGISLATURE
FIRST (1993) REGULAR SESSION

Bill No. 114 (LS)

Introduced by:

F.R. Santos

AN ACT TO CHANGE THE COMPOSITION OF
THE SUPERIOR COURT OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM:

3
4 Section 1. Legislative Findings and Intent. The Guam
5 Legislature has learned and found that the Superior Court of
6 Guam is in dire need of an additional judge in order to
7 provide for the most efficient and effective administration of
8 justice and the Constitutional guarantees to a speedy trial.
9 The Legislature has learned that a majority of the legal
10 community of Guam are of the consensus that an additional
11 judge is needed to insure the effective administration of all
12 types and levels of cases presently creating a backlog for the
13 Superior Court of Guam.

14
15 Section 2. Section 81 of the Civil Procedure Code is
16 hereby repealed and reenacted to read:

17
18 **“Section 81. Composition of Court. The**
19 **Superior Court shall consist of a presiding**
20 **judge and six (6) additional judges.”**
21