



# A Citizen - Centric Report

## The Judiciary of Guam

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F. Philip Carbullido  
Chief Justice of Guam

In Guam, as in the United States federal and state governments, the power to govern is divided among three separate and co-equal branches: executive, legislative and judicial. The Judiciary of Guam is charged with interpreting the laws of the Territory of Guam and in this regard provides for the orderly settlement of disputes between parties, determines the guilt or innocence of those accused of violations of the law and protects the rights of individuals. More than simply adjudicatory, however, the Judiciary of Guam also provides many critical social services to the island community, including:

- guardianship over and life assistance services to incapacitated adults (Office of the Public Guardian)
- forensic evaluations for competency and criminal responsibility, psychological evaluations for diagnostic and treatment purposes, and individual, marital, family or group counseling (Client Services and Family Counseling)
- rehabilitation of offenders through treatment services, conformance with court orders and community service (Probation Division)

The head of the Judiciary of Guam is the Chief Justice of the Supreme Court of Guam, currently F. Philip Carbullido. There are two associate justices of the Supreme Court. Seven judges and three judicial officers comprise the Superior Court of Guam.

### Therapeutic Courts - Treatment and Culpability

In addition to its courts of general jurisdiction, the Judiciary of Guam prides itself in the success of its therapeutic courts, which include: the Adult Drug Court, Juvenile Drug Court, Family Violence Court, Mental Health Court, and the newest Driving While Intoxicated (DWI) Court. These courts recognize that sometimes punishment cannot adequately address the real issues and, together with stakeholders in the community, provide treatment to stop recidivism.

In November, 2010, the Judiciary of Guam launched the DWI Court, presided over by Judge Elizabeth Barrett-Anderson. At the start of the new specialty court, there were 68 criminal misdemeanor DWI cases and 2 felony DWI cases on file. As of the publishing of this CCR, the total caseload is 813 cases, with 62 felonies and 751 misdemeanors! A dedicated DWI court has resulted in a closure rate of 22% and allowed the Office of the Attorney General to clear the backlog of cases idling at the AG's office.

### Savings to Government from Therapeutic Courts

*Therapeutic courts are successful, not only to address the root of the problem, but in savings to the people of Guam, when compared to incarceration.*

#### ADULT DRUG COURT (ADC)

Average daily cost to incarcerate an adult offender: \$97.76 per day, or \$35,662.40 per year.

Average cost to treat a participant in the Guam Adult Drug Court Program is \$20.82 per day, or \$7,599.30 per year.

**SAVINGS of \$76.94 per person per day, or \$28,083.10 per year!**

2010: 97 ADC clients = \$2,724,060.70 in annual savings compared with incarceration.

#### JUVENILE DRUG COURT (JDC)

The average cost to detain a juvenile at DYA is \$102.60 per day, or \$37,449.00 per year.

The average cost to treat a participant in the Juvenile Drug Court Program is \$27.81 per day, or \$10,150.65, per year.

**SAVINGS of \$74.79 per person per day, or \$27,298.35 per year!**

In 2010: 160 JDC clients = \$4,367,736.00 in annual savings compared with detention.

#### MENTAL HEALTH COURT (MHC)

Average daily cost to incarcerate an adult offender: \$97.76 per day, or \$35,662.40 per year.

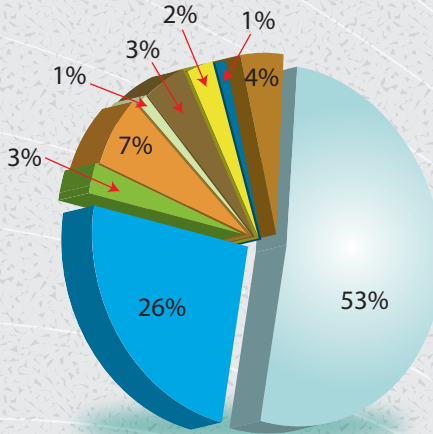
The average cost to monitor a client receiving treatment in MHC is \$5.61, or \$2,047.65 per year.

**SAVINGS of \$92.15 per person per day, or \$33,634.75 per year!**

In 2010: 64 MHC clients = \$2,152,624.00 in annual savings compared with incarceration.



### SUPREME COURT



#### Cases and Actions Filed:

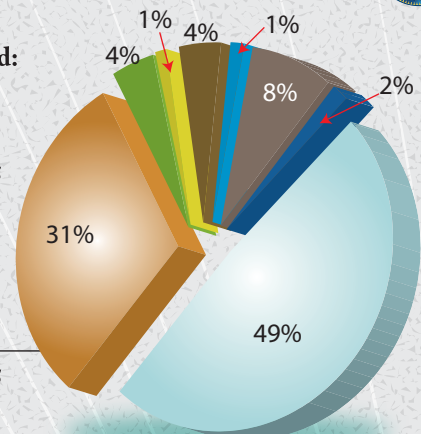
Attorney Discipline	9
Certified Question	3
Civil Case	97
Criminal Case	48
Pro Hac Vice	5
Promulgation Order	13
Writ of Habeas Corpus	1
Writ of Mandamus	5
Writ of Prohibition	1

Total: 182

#### Opinions and Orders filed:

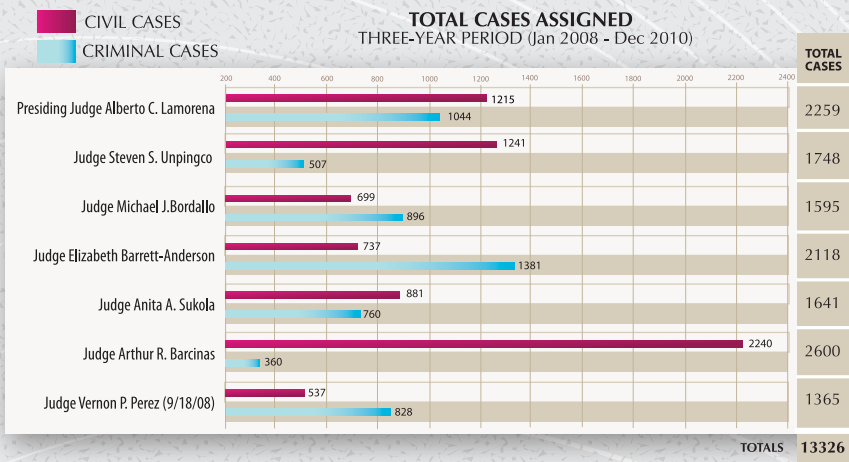
Attorney Discipline	18
Certified Question	4
Civil Case	105
Criminal Case	66
Promulgation Order	9
Writ of Habeas Corpus	1
Writ of Mandamus	9
Writ of Prohibition	2

Total: 215



### SUPERIOR COURT

#### Judicial Efficiency Data



#### CLOSURE RATES FOR CIVIL AND CRIMINAL CASES ASSIGNED MID - 2005 TO MID - 2007

JUDGE	CASES ASSIGNED	CASES OPEN AS OF 10/08/08	CLOSURE RATE
Presiding Judge Alberto C. Lamorena	1506	23	98%
Judge Steven S. Unpingco	1164	55	95%
Judge Michael J. Bordallo	1062	44	96%
Judge Elizabeth Barrett-Anderson	1412	14	99%
Judge Anita A. Sukola	1094	56	97%
Judge Arthur R. Barcinas	1732	42	97%

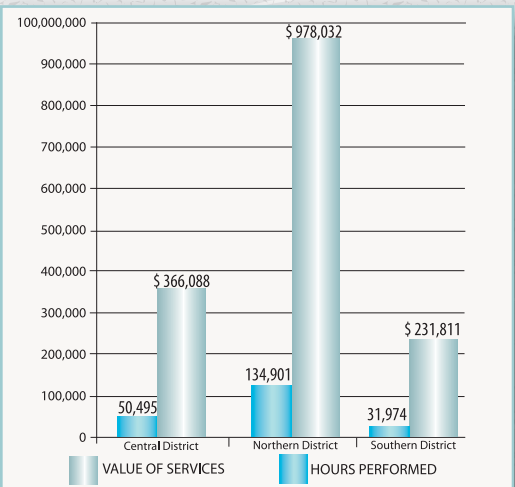
#### COMPARATIVE CASES FILED

	2009	2010
Adoption	57	43
Child Support	438	499
Civil	1,897	2,064
Criminal Felony	671	762
Criminal Misdemeanor	1,346	1,273
Domestic	868	849
Juvenile Division	276	235
Juvenile Special Proceedings	828	895
Juvenile Drug Court	141	84
Land Registration	5	6
Probate	182	176
Special Proceedings	264	260
Small Claims	2,154	1,869
Foreign Orders	1	6
Protective Orders	93	83
Restitutive and Fines	0	72
<b>TOTAL</b>	<b>9,221</b>	<b>9,176</b>

\* Criminal Felony and Misdemeanor cases are inclusive of all specialty courts: Family Violence Court, Adult Drug Court, Mental Health Court and DWI Court.

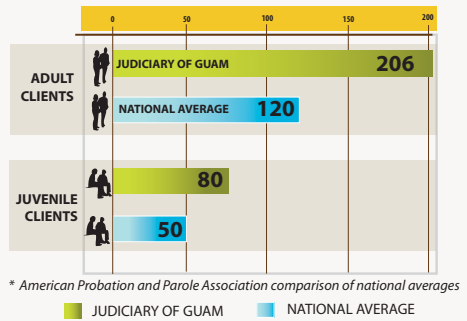
### Other Court Services:

#### Community Service Performed



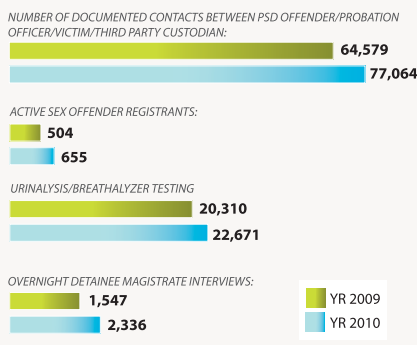
Through the Probation Division's Alternative Sentencing Office (ASO), Community Service Workers (CSW) satisfied their court-ordered community service by reporting to work in various non-profit and government entities throughout the island, including mayor's offices and other government agencies. In 2010, 2,725 CSWs performed a total of 217,370 HOURS of community service, equivalent to \$1,575,932.50, based on a minimum wage.

#### CASES PER PROBATION OFFICER

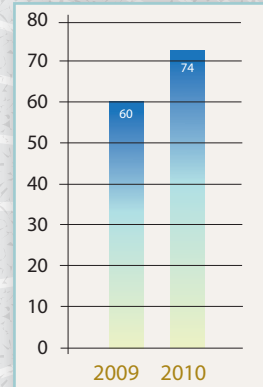


\* American Probation and Parole Association comparison of national averages

#### COMPARISON OF IN-PERSON CONTACTS: 2009 VS. 2010



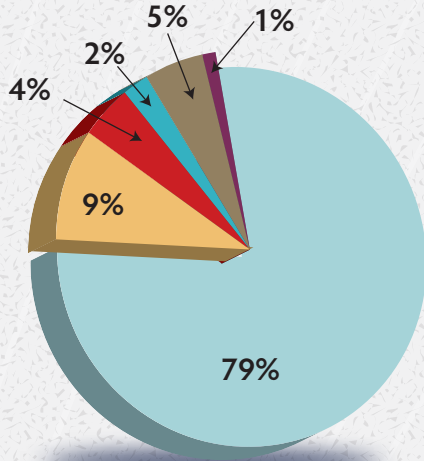
#### Office of the Public Guardian Active Guardianships



The Superior Court of Guam also provides a host of services to the community including the monitoring of defendants ( Probation Services Division), counseling of offenders and victims (Client Services and Family Counseling) and guardianship over incompetent adults (Office of Public Guardian).



**FY'2010  
FUNDING SOURCES**

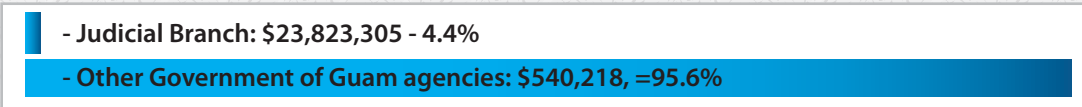


	2009	2010	%
APPROPRIATIONS	22,257,084	23,823,305	7.04%
FEDERAL GRANTS	1,192,122	2,821,265	136.66%
TRAFFIC FINES	1,337,809	1,299,849	-2.84%
FINES	794,149	647,351	-15.09%
FEES	1,289,327	1,601,933	24.25%
MISCELLANEOUS	273,695	257,625	-5.87%
<b>TOTAL</b>	<b>27,144,186</b>	<b>30,451,328</b>	

**FY'2010**

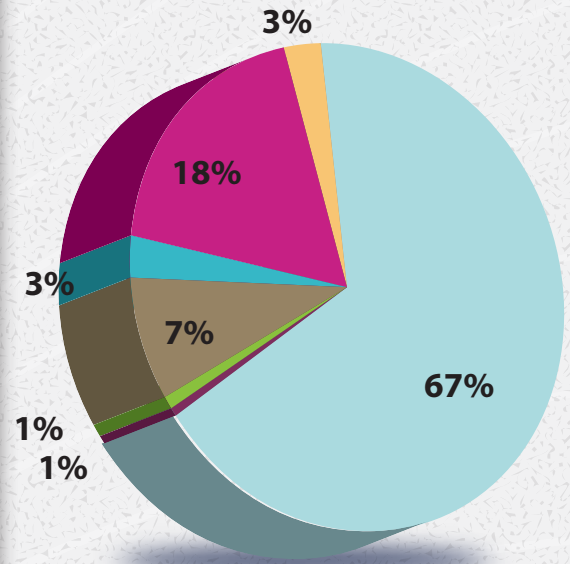
- The Judiciary relies heavily on the General Fund to fund its Operations.
- In 2010, 4.4% of the General Fund was appropriated to the Judiciary of Guam.

**How the Judiciary's Budget compares to the Government of Guam in FY'2010**



**MANDATORY EXPENSES**

	2009	2010	%
<b>PERSONNEL</b> (Salaries)	14,284,323	15,549,553	<b>8.86%</b>
<b>INCREMENTS</b> (Salary)	173,383	124,306	<b>-28.31%</b>
<b>HAZARDOUS PAY</b>	156,575	193,970	<b>23.88%</b>
<b>INDIGENT CLIENT SERVICES</b>			
Interpreters	47,101	44,789	-4.91%
Court Appointed Attorneys	1,124,644	1,655,786	47.23%
Other	3,815	139,778	3563.91%
<b>Total</b>	<b>1,175,560</b>	<b>1,840,353</b>	<b>56.55%</b>
<b>HEALTH INSURANCE</b>			
Life Insurance	46,375	40,304	-13.09%
Hospital Insurance	512,056	548,999	7.21%
Dental Insurance	60,672	55,639	-8.30%
Total Health Benefits	619,103	644,942	<b>4.17%</b>
<b>RETIREMENT BENEFITS</b>			
Retirement	3,783,125	4,051,512	7.09%
Social Security	189,005	199,818	5.72%
Defined Contribution	90,117	102,906	14.19%
<b>Total</b>	<b>4,062,247</b>	<b>4,354,236</b>	<b>7.19%</b>
<b>Law Enforcement</b> (Starting in '09)	624,529	621,918	<b>-0.42%</b>



**FY'2010**

- The Judiciary consistently experiences annual budgetary shortfalls, challenging its ability to timely pay vendors including indigent counsel and other service providers, as well as to hire essential personnel.
- In 2009, the shortfall (the difference between what was needed to operate and what was appropriated), was \$2,569,700. In 2010, the shortfall was \$2,884,115.

**Independent Audit**

Independent Audit was performed by Deloitte & Touche LLP. The Government of Guam received an unqualified (clean) opinion. The Office of the Public Auditor released the Government of Guam wide financial audit report on June 30, 2010. For more information about the independent audit, you may visit this web site address <http://www.guamopa.com>



### **JUDICIAL CENTER CAPACITY EXPANSION PROJECT**

The Judiciary of Guam requested \$7.1 Million from the U.S. Office of Budget Management and Office of Economic Adjustment, respectively, in order to expand the capacity of the Judicial Center in Hagåtña in preparation for the impending military buildup. The Judicial Council approved a recommendation to adopt a version of the Facilities Master Plan which would allow for expansion and renovation to the existing Hagåtña facility with the possibility of a northern court with a larger footprint than the current Northern Court Satellite.



### **SPECIAL PROCESS SERVER PROGRAM**

In 2010, the Judiciary of Guam undertook regulation of private process servers, who had previously been licensed only on an ad hoc basis. The process now requires uniform curriculum and training by our marshals division for this very important function. As of December 31, 2010, thirty-seven applicants have been certified pursuant to this new procedure.



### **NEW CASE MANAGEMENT SYSTEM AND INTEGRATED JUSTICE INFORMATION SYSTEM (IJIS)**

On October 27, 2009, the Judiciary contracted the National Center for State Courts (NCSC) to undertake high-level technology work and project management services to guide the Judiciary in procuring a new case management system for the Supreme Court, Superior Court, and related Judiciary organizations or stakeholders. The new system is intended to replace Guam's grossly obsolete Criminal Justice Information System (CJIS) which has been the modal used by Guam's law enforcement. The new CMS is expected to "go live" by September, 2011.

The new CMS encompasses five major components: Case Management System (CMS), Enterprise Resource Planning (ERP), Enterprise Content Management (ECM), Jury Management, Integrated Justice Information System (IJIS), E-Filing plus data exchange/integration among these systems and stakeholder systems with point of sale features.

### **We want to hear from you.**

Do you like this report? Do you believe it should include any other information? Please let us know by contacting Maria T. Cenzone at 475-3278 or e-mail [mcenzone@guamcourts.org](mailto:mcenzone@guamcourts.org). Complete information can be found in our website at [www.justice.gov.gu](http://www.justice.gov.gu)