Guam Legislature Clerks <clerks@guamlegislature.org>

M&C Rescind and Replace Fwd: JUDICIARY OF GUAM FISCAL YEAR 2019 CITIZEN-CENTRIC REPORT

1 message

Speaker's Office <speaker@guamlegislature.org> Wed, Oct 28, 2020 at 5:27 PM
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

Buenas and Hafa Adai Clerks,
The Office of the Speaker is requesting to rescind Messages and Communications 35GL-20-2327 and replace with attached documents.
Thank you and Have a nice day.

10/23/20	2:11 PM	10/23/20	2019 Citizen Centric Report.*	Judiciary of Guam	35GL-20-2327

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Valerie Cruz** <vcruz@guamcourts.org>
Date: Mon, Oct 26, 2020 at 3:18 PM
Subject: JUDICIARY OF GUAM FISCAL YEAR 2019 CITIZEN-CENTRIC REPORT
To: <speaker@guamlegislature.org>
Cc: Kristina Baird <kbaird@guamcourts.org>, Dianne Ollet <mdollet@guamcourts.org>, Robert Cruz <rcruz@guamcourts.org>

Good Afternoon Speaker Muna-Barnes,

Attached herewith is the Judiciary of Guam's Fiscal Year 2019 Citizen-Centric Report.

Regards,
Valerie Cruz
Management Officer for the
Administrator of the Courts' Office
Tel: 475-3544

2 attachments

CCR - SPEAKER.pdf
30K

2019 CCR 10 22 2020.pdf
13675K

JUDICIARY OF GUAM

Administrative Office of the Courts
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
Tel: (671) 475-3544 • Fax: (671) 477-3184

HON. F. PHILIP CARBULLIDO
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE

KRISTINA L. BAIRD
ADMINISTRATOR OF THE COURTS

October 23, 2020

Hon. Tina Muna-Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guahan
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Dear Speaker Muna-Barnes:

Hafa Adai! Transmitted herewith is the Judiciary of Guam's FY2019 Citizen – Centric Report which is mandated by Public Law 30-127 to be submitted to the Public Auditor of Guam and the Speaker of *I Liheslaturan Guahan,* no later than sixty (60) days after an independent audit has been released by the Office of Public Accountability.

Should you have any questions or concerns, please feel free to contact me.

Senseramente,

Kristina L. Baird
KRISTINA L. BAIRD
Administrator of the Court

Attachment

The Judiciary of Guam

Fiscal Year 2019
Citizen-Centric Report

120 West O'Brien Drive | Hagåtña, GU 96910
Website: www.guamcourts.org

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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.



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

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.

"I am proud to report that the state of the Judiciary is steady, stable, and safe. The Judiciary's performance in this pandemic is attributable to several factors, the most significant of which is the strong foundation upon which the Judiciary of Guam has been built. This foundation has allowed us to innovate – really, at a moment's notice – so we could keep our employees safe, and also continue to serve our people consistent with our mandate."

-- Chief Justice F. Philip Carbullido
State of the Judiciary Address, June 12, 2020

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 Superior Court is Guam's trial court, where the vast majority of cases begin in the court system. The court consists of the Presiding Judge, six Superior Court judges, two magistrates, a Family Court Referee, and the Administrative Hearings Officer. 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.

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.



Superior Court of Guam: (L-R back) Administrative Hearings Officer B. Ann Keith, Magistrate Judge Benjamin C. Sison, Jr., Judge Elyze M. Iriarte, Judge Vernon P. Perez, Judge Maria T. Cenzon, Family Court Referee Linda L. Ingles, Magistrate Judge Jonathan R. Quan; (L-R front) Judge Arthur R. Barcinas, Presiding Judge Alberto C. Lamorena III, Judge Anita A. Sukola.

SUPREME COURT CASE FILINGS — THREE-YEAR TREND

CASE TYPE	2017	2018	2019
Appellate Procedure	0	0	0
Attorney Discipline	16	3	1
Certified Question	1	1	0
Civil Case	30	35	25
Criminal Case	19	15	20
Pro Hac Vice	0	0	0
Promulgation Order	1	3	1
Writ of Habeas Corpus	1	0	0
Writ of Mandamus	2	7	0
Writ of Prohibition	2	1	2
GRAND TOTAL	**72**	**65**	**49**

SUPERIOR COURT CASE FILINGS — THREE-YEAR TREND

CASE TYPE	2017	2018	2019
Adoption	42	36	47
Child Support	321	274	273
Civil	1,340	1,226	1,481
Criminal Felony	745	772	720
Criminal Misdemeanor	752	643	588
Domestic	683	691	720
Foreign Order	1	0	1
Juvenile Delinquency	286	196	202
Juvenile Drug Court	0*	0*	0*
Juvenile Proceedings	395	436	355
Land Registration	4	6	5
Probate	204	223	202
Special Proceedings	203	218	216
Protective Orders	135	124	141
Restitution (Collection)	51	88	160
Small Claims	1,707	1,608	1,610
Traffic	7,543	4,480	5,167
Total	**14,412**	**11,021**	**11,888**

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

TOP FELONY OFFENSES CHARGED

2019	# offenses
Possession of Schedule II Controlled Substance	150
Burglary (as a 2nd Degree felony)	135
Terrorizing	129
Criminal Mischief	118
Family Violence (as a 3rd Degree felony)	92

TOP MISDEMEANOR OFFENSES CHARGED

2019	# offenses
Family Violence	352
Driving While Impaired	237
Assault - Recklessly Cause / Attempt to Cause Bodily Injury	169
Harassment	138
Criminal Trespass	119

SUPREME COURT TOTAL OPINIONS ISSUED — THREE-YEAR TREND

CASE TYPE	2017	2018	2019
Civil	13	14	15
Criminal	14	13	15
Certified Question	1	1	0
Writ	0	1	0
GRAND TOTAL	**28**	**29**	**30**

TOP OFFENSES CHARGED OVERALL

2019	# offenses
Possession of Schedule II Controlled Substance	150
Family Violence	377
Driving While Impaired	237
Assault - Recklessly Cause / Attempt to Cause Bodily Injury	169
2018	
Possession of Schedule II Controlled Substance	302
Family Violence	287
Driving While Impaired	198
Assault - Recklessly Cause / Attempt to Cause Bodily Injury	168
2017	
Possession of Schedule II Controlled Substance	217
Family Violence	372
Driving While Impaired	292
Assault - Recklessly Cause / Attempt to Cause Bodily Injury	182

TOP CAUSES OF ACTION IN CIVIL CASES

2019	# offenses
Seller Plaintiff (Debt Collection)	1,126
Unlawful Detainer	68
Intentional Tort	30
Promissory Note	30
Contract Other	29

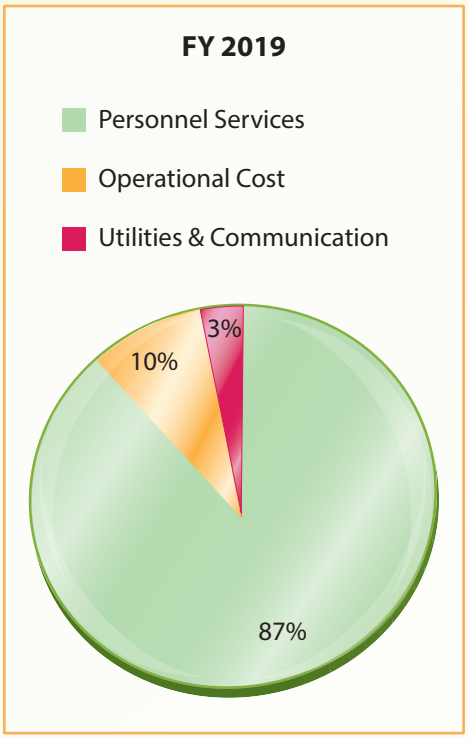
TOP CAUSES OF ACTION IN DOMESTIC CASES

2019	# offenses
Uncontested Divorce	478
Contested Divorce	156
Child Custody	77
Annulment	6
Paternity	4

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

JUDICIARY OF GUAM GENERAL FUND - OPERATIONS

Revenues	
Intergovernmental	2,690,895
Fines and forfeits	849,615
Total revenues	**3,540,510**
Expenditures by Function	
Individual and collectible rights	31,885,997
Total expenditures	**31,885,997**
Excess (deficiency) of revenues over (under) expenditures	**(28,345,487)**
Other financing sources (uses)	
Transfers in from other funds	31,015,917
Transfers out to other funds	(1,582,601)
Total other financing sources (uses), net	**29,433,316**



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

Operations Breakdown	FY2017	FY2018	FY2019	Δ FY2018 - FY2019	Δ FY2017 - FY2019
Personnel Services	21,916,896	21,201,075	20,575,637	(625,438)	(1,341,259)
Benefits	7,361,491	7,744,106	7,042,148	(701,958)	(319,343)
Contractual Services	1,936,783	1,803,496	1,987,689	184,193	50,906
Capital Outlay	847,057	1,424,266	263,387	(1,160,879)	(583,670)
Utilities & Communication	973,248	1,081,167	1,043,272	(37,895)	70,024
Travel	449,520	243,552	245,032	1,480	(204,488)
Supplies and Materials	265,908	131,024	239,107	108,083	(26,801)
Equipment - Non Capital Items	276,051	42,158	228,533	186,375	(47,518)
Miscellaneous	34,963	125,443	261,192	135,749	226,229
Total	**34,061,917**	**33,796,286**	**31,885,997**	**(1,910,289)**	**(2,175,920)**

Under its General Fund Operations, the majority of the Judiciary's funding source was received from the General Fund appropriations. In FY 2019, of the total revenue received, 89% were from the General Fund appropriation while the remaining 11% were received from federal grants funds and other special funds.

Compared to the year prior, the two most notable changes in total FY 2019's expenditures were decreases in personnel cost and capital outlay. Due to financial impact of the Tax Cuts and Jobs Act implemented in FY 2018, the Judiciary over the years has experienced a continued reduction in its personnel force. This cost is most specifically noted and experienced in FY 2019 where personnel costs decreased by 5% total. In reference to the significant change in capital outlay, decrease in total cost was a result of the completion of the Judiciary's repair and improvement to the Guam Judicial Center's roof. This was the last major capital outlay that the Judiciary has completed as of FY 2019. To further address the continued financial constraints and decrease in its annual appropriations, the Judiciary has deferred its capital improvement plans and other planned changes and improvements to facilities, equipment, and operations.

The Judiciary is included in the Government-wide annual audit. The complete financial information can be found at http://www.guamcourts.org/Audit-Report/Audit-Report.asp.

OUR OUTLOOK

I am confident that, together, we will recover, evolve, and progress as a government and as an island community. We have a long and proud history of survival – through war, typhoons, earthquakes, missile threats, and yes, we will survive even through this global pandemic. The people of Guam know what it takes to recover together.

-- Chief Justice F. Philip Carbullido, State of the Judiciary Address, June 12, 2020

Challenges

The Covid-19 pandemic and subsequent declaration of a public health emergency has altered nearly every aspect of life in Guam. In response, the Judiciary of Guam has realigned its priorities in order to meet health and safety concerns, while continuing to perform its essential role: to maintain the continued operation of the justice system and uphold the rule of law.

Capital Improvement Projects

To meet the requirements of physical distancing, and ensure the health and safety of judges, court staff, lawyers, and court patrons, the Judiciary has pivoted from previous plans to modernize the Historic Court House and renovate the Route 4 Building. In light of pandemic conditions, the Judiciary in 2020 has already:

- Facilitated the construction of a high-capacity eighth courtroom in the Guam Judicial Center in Hagåtña, by renovating existing spaces.
- Constructed a new high-capacity courtroom by renovating the newly purchased San Ramon Building adjacent to the Hagåtña court house. This new courtroom has already been used for a criminal jury trial and will also be used for office space for judicial branch operations.
- Converted existing spaces adjacent to courtrooms into remote hearing rooms, or "Zoom rooms," thereby allowing litigants without the access to necessary technology to appear at court hearings by videoconference.
- Begun the process of renovating the Route 4 Building for much needed office and storage space.
- Established protocols for regular sanitization and deep cleaning of Judiciary facilities, including the main courthouse building, the
- Historic Courthouse, Judicial Education Center, and the Northern Court Satellite in Dededo.

Realigned Priorities

Throughout the time the island was under stay-at-home orders, essential court operations never stopped, and the Judiciary continued to adhere to its mandate under the U.S. Constitution, Organic Act, and laws of Guam. Meeting the necessities of the current situation called for the realignment of priorities and the decision to delay certain initiatives, including seeking another judge for the Superior Court and legislation to formalize the ad-hoc committee overseeing the island's criminal history records infrastructure. The focus has shifted to building and supporting court services and operations from a virtual platform, and in 2020, the Judiciary has already:

- Expanded the use of virtual hearing technology for all case types in the Superior Court and for appellate argument in the Supreme Court;
- Begun conducting Judicial Council meetings using videoconferencing technology and livestreaming on YouTube;
- Procured services to increase the court's existing bandwidth capability to meet the demands required in conducting virtual court hearings and providing more services online;
- Adapted certain court processes to accommodate alternatives to in-person contact, such as expanding online payments, permitting filing by email, and permitting court appearances by phone.

Decline in General Fund Appropriations and Cost-saving Measures

The most significant challenge for the Judiciary is maintaining its level of operations in the upcoming fiscal year, despite a budgetary allotment that is far less than its request, and $1 million less than the proposal submitted by the Executive Branch. The fiscal challenge is compounded by the additional expenditures in response to the pandemic, including the costs for sanitization and deep cleaning, hiring additional law enforcement personnel to manage the new high-capacity courtrooms, and the purchase of licenses and other equipment to support the move to a primarily online work environment. The Judiciary had already initiated steps to reduce existing expenses, which include cutting rental costs by renovating the Route 4 Building for storage, as well as more dramatic plans to freeze hiring of open positions, and possibly implementing a reduced workweek.

Looking Ahead

The effects the global health crisis continue to touch on all aspects of our lives. Despite the shift in priorities and reduced appropriations, the Judiciary has adapted to life in the post-pandemic world and will continue to provide fundamental and essential services to the people of Guam.

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: 300-9250 or email: kblaz@guamcourts.org. See previous Citizen Centric Reports of the Judiciary of Guam at www.guamcourts.org.