

# 2012 9th Circuit Lawyer Representative Report for the District of Guam

Submitted by Rodney Jacob, Esq.

## Alternative Dispute Mediation

One key project initiated this year was the establishment of a viable Alternative Dispute Resolution (ADR) process within the District of Guam. I had the privilege of assisting in the planning of the Department of Interior Alternative Dispute Resolution Conference, held in San Francisco from May 18-19, 2011. Topics covered during this two-day conference included Mediation and Arbitration, including practical applications of each and approaches to implementing ADR in the Territories.

In October 2011, the District Court, along with the Guam Judiciary and the U.S. Department of Interior, sponsored a five-day Dispute Mediation training conference. Over 50 attorneys and judges from Guam and other islands participated in the event. The Ninth Circuit and the Northern District of California graciously provided the presenters for the week and participants gained experience in topics such as the 5 stages of a typical mediation, communication skills necessary for a mediator, styles of mediation, avoiding and resolving impasse, and handling confidentiality.

## Dedication of Carmen's Closet, October 2011

On October 28, 2011, The Closet, a popular Probation Office clothing program, was renamed "Carmen's Closet" in memory of the late Carmen O'Mallan, U.S. Probation Officer Specialist. In addition to clothing for job interviews, Carmen's Closet now includes numerous items for clients and their families from donations received.

## 2012 Annual District Conference, January 2012

The District Court held its Annual District Conference on January 26, 2012, and was honored with the presence of Associate Justice Sonia Sotomayor of the Supreme Court of the United States. Justice Sotomayor, joined by Chief Judge Frances Tydingco-Gatewood and Chief Justice F. Philip Carbullido of the Supreme Court of Guam, conducted a two-hour "Conversatorio" with the conference participants.



**Justice Sonia Sotomayor**

Circuit Judge Susan P. Graber and Circuit Executive Cathy Catterson provided a lunchtime presentation entitled "*What's Happening in the Ninth Circuit.*" Judge Graber also presented a session entitled, "*Lessons and Traps for Lawyers: Making an Effective Summary Judgment Motion.*"



**Cathy Catterson**



**Judge Susan Graber**

Chief Judge Curtis V. Gomez from the U.S. District Court of the Virgin Islands and Anthony Babauta, the Assistant Secretary for Insular Affairs for the U.S. Department of Interior were among several other panelists participating in two panel discussions on Territory and Insular Cases.



**Chief Judge Curtis Gomez**



**Anthony Babauta**

## Law Week, May 2012

The District Court co-sponsored Law Week events from April 27 to May 7, 2012, in conjunction with the Guam Bar Association and the Judiciary of Guam. On April 30, 2011, the Court held its annual Law Day Naturalization ceremony and welcomed 50 new citizens to this great nation. In recognition of the Law Day 2012 theme, "*No Courts, No Justice, No Freedom*," the special ceremony featured the Honorable F. Philip Carbullido, the Chief Justice of the Supreme Court of Guam, as keynote speaker.



**Chief Justice F. Philip Carbullido**

Immediately after the ceremony, these new citizens participated in the court's Citizenship Outreach Program. Representatives from the Guam Election Commission, the Guam Passport Office, and the Social Security Administration were present after the ceremony to assist the new citizens register to vote, apply for a U.S. passport, and apply for or amend, their Social Security information.

Law Week events also included tours of the

District Court by local school children, veterans, law enforcement personnel, non-profit organizations, and community leaders, mock trial plays by the island's students, and the annual Law Fair at the Micronesia Mall, where members of the legal and law enforcement community, non-profit organizations and court related community partners shared information and services with the general public. Participants in the Law Fair included the District Court, the U.S. Probation Office, U.S. Marshals Service, U. S. Attorney's Office and Federal Public Defenders Office.

## Trial Advocacy Conference, May 2012

The District Court, along with the Judiciary of Guam, the Public Defender Service Corporation, and the Guam Bar Association, sponsored a one-day trial advocacy training conference at the District Court for members of the Guam Bar Association. Four senior faculty members from the Tennessee Association of Criminal Defense Attorneys (TACDL) led sessions that included in depth instruction on Voir Dire, Opening Statements, Cross Examination, Closing Arguments, and Ethics in Discovery. In addition to eighty members of the Guam Bar, approximately a dozen members of the Bar Association of the



**Trial Advocacy Conference**

Commonwealth of the Northern Mariana Islands joined the training via videoconference.

## Bankruptcy Noticing Center

The Clerk's Office began to use the Bankruptcy Noticing Center (BNC) in the first quarter of 2012. Moving to the BNC is expected to reduce



the court's postage expenditures by at least 25% and will allow frequent creditors to take advantage of the BNC's Electronic Bankruptcy Noticing Facility.

## Cameras in Courts

In May 2011, the District Court of Guam was selected to be a pilot site for the "Cameras in Courts" pilot project of the Judicial Conference of the United States. As a participant in this pilot project, certain civil proceedings, subject to the approval of the Chief



Judge and the parties involved, may be captured by video recording by court staff

and disseminated to interested media outlets through the court's website.

The Court modified its Local Rule of Practice GR 15.1 to allow the video recording of such proceedings and procured and tested state-of-the-art video encoding equipment to capture these court proceedings. Parties in eligible civil cases will be formally asked whether they wish to consent to have certain proceedings recorded; consent for one hearing will not be construed as consent for future hearings in the same case. Media outlets and other interested parties may request that a hearing be recorded by submitting a request to the Court online at:

[http://www.gud.uscourts.gov/?q=video\\_request](http://www.gud.uscourts.gov/?q=video_request)

## Amending the Local Rules of Practice

Lastly, the District Court started to update its Local Rules of Practice this year. This initiative is being led by U.S. Magistrate Judge Joaquin V.E.

Manibusan Jr. The Local Rules of Practice for the District Court of Guam last underwent major revision 12 years ago and minor revisions were subsequently made to the Local Rules. More recently, however, efforts were undertaken to draft new criminal local rules, adopt a more comprehensive set of bankruptcy local rules, and review all other current local rules to ensure their consistency with the federal rules and statutes. We encourage members of the bar to participate in this process.

