

**DISTRICT COURT OF GUAM
LAWYER REPRESENTATIVE REPORT
2009-2010 Term**

**Joaquin C. Arriola, Jr., Esq.
Ninth Circuit Lawyer Representative**

The Lawyer Representative for the District Court of Guam submits this report highlighting events, programs and progress of the District for 2009-2010.

**2009 ANNUAL DISTRICT CONFERENCE FEATURES NOTED CONSTITUTIONAL
LAW SCHOLAR DEAN ERWIN CHEMERINSKY**

Over 150 lawyers and judges filled the ballroom of the Sheraton Guam Resort for the Annual District Conference of the District Court of Guam on Monday, December 7, 2009. The annual Conference is sponsored by the District Court of Guam and Guam Bar Association, providing contemporary and continuing legal education for Guam's federal legal community.

Guam once again welcomed Distinguished Professor of Law Erwin Chemerinsky, the Founding Dean of the University of California Irvine, School of Law, which opened its doors just last fall. Dean Chemerinsky went uninterrupted for nearly two hours (after awaking from the 20-hour journey to the islands) and captivated the audience with his discussion on *Developments in the U.S. Supreme Court*. He discussed the latest cases from the last term of the High Court, providing background information and details on the caselaw, as well as the political and ideological swing of the Court through its cases.



Dean Erwin Chemerinsky



Judges Coughenour and Clifton with other panelists

The District Conference also featured United States 9th Circuit Judge Richard Clifton and U.S. District Judge John Coughenour. Their presentation, *Ethical Complaints Against Lawyers and Judges*, was moderated by local attorneys Jacqueline T. Terlaje, Chair of the Guam Bar Ethics Committee and Bruce Bradley, Guam Bar Ethics Prosecutor. The panel discussed ethical dilemmas often faced by members of the bench and bar, and answered questions from the conference attendees.

Forensic evidence, made popular by television shows *CSI: Crime Scene Investigators* and *NCIS*, was the topic of discussion by Assistant Federal Public Defender Robert Epstein from Philadelphia, PA. His presentation was entitled *The Scientific Community Speaks: The National Academy of Sciences Report*

and How Defense Attorneys Can Utilize it to Challenge the Government's Forensic Experts. As with all federal public defenders who have visited Guam at the hosting of Guam Federal Public Defender John T. Gorman, APD Epstein gave a very topical and practical discussion on forensic evidence.

The impending federalization of immigration in the neighboring islands of the Commonwealth of the Northern Marianas was the hot topic in a panel discussion entitled *Immigration Law and Practices*. The panel included Assistant U.S. Attorney Kirk Schuler from the District of the CNMI and Region 9 District Director David Gulick of the Department of Homeland Security who spoke about regional developments from the Department of Homeland Security, and immigration practitioner Attorney Melinda Swavely, of the firm Dooley Roberts Fowler, who presented on local practices.

Chief Judge Frances M. Tydingco-Gatewood remarked, "Our Federal Court is pleased to have such distinguished guests and scholars present the latest in legal education to members of our bench and bar. We were fortunate to have Dean Chemerinsky visit the islands to provide the latest education on our Supreme Court. He is one of the most sought-after speakers for the legal community and we certainly were not let down with his latest presentation."

LAW WEEK 2010

For the second year in a row, the District Court of Guam, in co-sponsorship with the Judiciary of Guam and Guam Bar Association, garnered the prestigious American Bar Association's Law Outstanding Activity Award Day in recognition of the many and varied public community activities held during Law Week 2009. On February 5, 2010, the ABA presented the award as part of its Mid-Year Meeting in at the Walt Disney World Resort in Orlando, Florida.

In 2010, the District Court again was a cosponsor for Law Week events from April 24, 2010 until May 3, 2010. On April 30, 2010 May 1, 2009, the court held its annual Law Day Naturalization ceremony and welcomed 51 new citizens to this great nation. In recognition of the Law Day 2010 theme, "Law in the 21st Century: Enduring Traditions, Emerging Challenges," the special ceremony featured a keynote speaker Mr. Antonio Palomo, a local historian, author and former Administrator of the Guam Museum. 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.



A new citizen at the Law Day Naturalization Ceremony

Law Week events included a "Race Judicata" 5K Fun Run, mock trial plays by the island's students held at the local Judiciary of Guam, and the annual Law Fair at the Micronesia Mall, when members of the legal and law enforcement community, non-profit organizations and court related



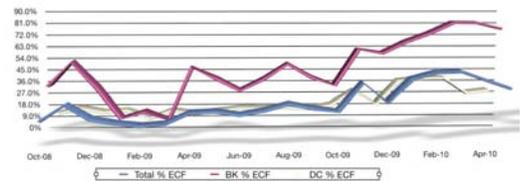
Hon. Cristobal C. Dueñas

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, United States Attorney’s Office and Federal Public Defenders Office.

Law Week 2010 concluded with the posthumous presentation of the Hustisia Award to Chief Judge Cristobal C. Dueñas of the District Court, during a ceremony on May 3, 2010.

ELECTRONIC FILING

While the District Court of Guam has afforded the bar the opportunity to file bankruptcy, civil, and criminal documents electronically for several years, the Court has never made electronic filing mandatory in the district. Nevertheless, the rate of electronic filing of eligible documents exceeded 50% in early 2010. In fact, the rate of electronic filing of eligible bankruptcy documents now regularly approaches 80%.



NEW U.S. PROBATION WEBSITE



The U.S. Probation Office launched a new website in May 2010. The new site offers a calendar, answers to questions frequently asked by clients, common forms, and a variety of links to other useful client resources.

EDUCATING THE GUAM BAR ABOUT BANKRUPTCY

The District Court facilitated a panel presentation during the Guam Bar Association’s CLE Conference on October 30, 2009 at the Hilton Guam Resort and Spa. The panel included Bankruptcy Judge Robert J. Faris from the District of Hawaii, and Bankruptcy Case Manager Francine Diaz, Trustee Mark Heath and Attorney Mark S. Beggs. The panel members discussed the process of filing for bankruptcy, and answered questions from attendees.

On March 26, 2010, the District Court hosted a CLE Bankruptcy seminar with Attorney Curtis Ching, of the U.S. Trustee’s Office in Honolulu, Hawaii. More than 30 local attorneys attended his presentation on “Basic Chapter 7 Bankruptcy Law.”



Assistant U.S. Trustee Curtis Ching

2010 DISTRICT COURT CONFERENCE - 60TH ANNIVERSARY OF THE GUAM COURTS

Planning is underway for the 2010 District Court of Guam Conference, set for December 7, 2010. Senior Judge Clifford Wallace from the Ninth Circuit Court of Appeals has confirmed his participation as the keynote speaker, and noted Stanford Law Professor Kathleen Sullivan will also give a review of constitutional law and recent Supreme Court decisions. This year marks the 60th



President Truman signing the Organic Act establishing the District Court of Guam (August 1950)

Anniversary of the signing of the Organic Act of Guam by President Lyndon Johnson. The Organic Act is the federal law that established the legal framework for the civilian government of Guam, including a chief executive who was originally appointed by the President but is now elected, as well as an elected legislative body. The Organic Act also created the federal District Court of Guam and authorized the creation of local courts as would be provided by the laws of Guam. This year's District Conference will recognize the Anniversary celebration of the establishment of the courts of Guam.

2010 NINTH CIRCUIT JUDICIAL CONFERENCE

The 2010 Ninth Circuit Judicial Conference will be held in August in Maui, Hawaii. Chief Judge Frances Tydingco-Gatewood, Magistrate Judge Joaquin V.E. Manibusan, Jr., Clerk of Court Jeanne G. Quinata, Chief U.S. Probation Officer Rossanna Villagomez-Aguon, U.S. Attorney Alicia Lintiaco, U.S. Federal Public Defender John T. Gorman, will represent the District of Guam and attend the conference.