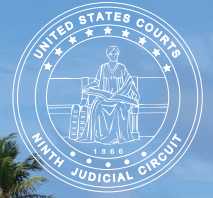


Pacific Islands Committee NEWSLETTER

WINTER 2019



A Word from the Chair

For those of you not familiar with the Pacific Islands Committee, our mission is to help improve the administration of justice in the United States territories of Guam and American Samoa, the Commonwealth of the Northern Mariana Islands, the Republics of Palau and the Marshall Islands, and the Federated States of Micronesia.



Circuit Judge M. Margaret McKeown has chambers in San Diego

Working almost exclusively with the state-level courts of these jurisdictions, our committee develops and presents a variety of judicial education and court professional training programs via grants from the U.S. Department of the Interior. We also collaborate with the Pacific Judicial Council, an organization of judicial officers from several island nations.

The Pacific Islands Committee assists in the development and delivery of live training throughout the territories and freely associated states of Micronesia, Palau, and the Marshall Islands. This has been a busy year for the committee. In 2018, we provided an environmental law workshop for judges, trial advocacy for judges and attorneys, mediation training, an elder law workshop, training for court clerks, and computer training for judges and court staff.

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Judge Alberto C. Lamorena

One of the longest serving presiding judges in any American trial court is the Honorable Alberto ("Al") Lamorena of the Superior Court of Guam — 30 years. Chief Justice John Marshall of the Supreme Court presided for 34 years. Judge Lamorena is close to equaling that tenure at the Guam trial court.



In those 30 years, Judge Lamorena has launched a series of milestone advances. He instituted a code of conduct for court personnel, established a drug-free workplace, established an employee-treatment plan to handle employee drug addiction as a

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Pacific Judicial Council Court Clerk Training

In August 2018, the Pacific Judicial Council sponsored a 3-day training for court clerks in Pohnpei. More than 40 clerks from the various PJC jurisdictions participated and learned the critical role court clerks play in the judicial system. The participants also had an opportunity to network with other court clerks. Presenters from the Guam Judiciary included Justice Robert J. Torres, Jr., Judge Arthur R. Barcinas, and Danielle T. Rosete, clerk of court.

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medical issue rather than a criminal issue, and created the first judicial no-sexual harassment policy in 1997.

Judge Lamorena also implemented the first automation system at the Guam Judiciary — the AS400 case-management system — and established a government-wide criminal justice information system allowing law enforcement agencies access to the court’s criminal records. He also set up a direct link with the FBI’s National Crime Information Center, permitting law enforcement in the U.S. territory access to the FBI criminal database.



*Written by
District Judge
William J. Alsup
of San Francisco*

Judge Lamorena further invented the concept of therapeutic courts in Guam. He established the Adult Drug Court, Family Violence Court, Mental Health Court, and DWI Treatment Court; served as chairman of the task force to create the Veterans Treatment Court; and has developed the Adult Reentry Program for high- and medium-risk offenders released on parole, the Family Drug Court for families in need of services, and the Hope Project for defendants with multiple criminal violations. He currently presides over general jurisdiction cases and the DWI Treatment Court and Adult Reentry Court. Judge Lamorena co-chairs the Juvenile Justice Reform Focus Area on the Court Referral Process and the Judiciary’s 2016-2019 Strategic Plan Focus Area on Court Partnerships and Community Relations, and he chairs the Criminal Sexual Offender Management Committee. He believes that completing treatment through therapeutic courts reduces offenders’ tendency to re-offend by providing them with evidence-based treatment, and judicial and community supervision through the collaboration of other stakeholders.

Judge Lamorena’s impact has been ocean-wide. He is a founder of the Pacific Judicial Council, which is a forum for sharing information and resources to improve the administration of the courts in the Pacific. Original member jurisdictions included American Samoa, the Commonwealth of the Northern Mariana Islands, and the Federated States of Micronesia National Court, and now includes Chuuk, Pohnpei, Yap, and the Kosrae State Courts, Guam, the Republic of the Marshall Islands, and the Republic of Palau. He was elected as the PJC’s first president and served three consecutive terms.

Judge Lamorena’s mother was born on Guam. His dad grew up in the Philippines. They met while she attended college in the Philippines, a rarity for women in those days. In 1947, they moved to Guam, Judge Lamorena’s father practiced law on Guam and was eventually elected to the legislature. His mother taught school then worked for the post office. Judge Lamorena began life on Guam in 1949 and received all of his education there until he left for the University of Illinois, where he earned a degree in political science in 1971. He received a degree in accounting from the University of Texas in 1974 and his law degree from Drake University in 1977.

It is said that Guam “is where America’s day begins.” The capital city is Hagåtña (also called Agana), located on Guam’s west coast at the mouth of the Hagåtña River. Walking down a street in Agana, it is not unusual for the judge to meet someone who smiles and thanks him for having helped them beat the habit and gone on to successful lives. At least 1,000 have benefited from the drug court alone since 2002. Getting off drugs, getting into a job, and drawing on family and community support are key, he says.

Judge Lamorena admires the Guam leaders who petitioned the United States Congress for self-government. Congress responded by passing the Organic Act of Guam, signed into law by President Truman in August 1950, and made Guamanians U.S. citizens.

Judge Lamorena is also amazed by a Japanese soldier who survived on Guam until 1972, when he was finally captured 27 years after the end of World War II. His name was Soichi Yokoi. He arrived on Guam in February 1942 and went into hiding when American forces captured the island in 1944. Yokoi refused to surrender in observance to the Bushido Code. Judge Lamorena was in high school when the capture occurred. (Yukoi went back to Japan as a hero and died in 1997.)

Judge Lamorena loves travel, and particularly exploration of ancient civilizations. Some examples are Egypt, Peru, and Cambodia. He remains hugely impressed by the Pyramids, the Valley of the Kings and Queens, and Luxor and Karnak in Egypt, Machu Picchu and Nazca Lines in Peru and Angkor Wat in Cambodia. The mathematical precision and engineering skill of the ancients fascinate him. He is fit. He may exceed Chief Justice Marshall’s tenure. 🌐



Court clerks play an integral role in the judicial system from the time of filing of a case to disposition. The first day of the training opened with an icebreaker activity with the participants learning a fun fact or two about their fellow clerks. Understanding why courts exist and the purpose of courts was the first topic presented. Participants were given a brief history of courts, learned the purposes of courts, and discussed the importance of due process and maintaining public trust and confidence. Day 1 ended with the clerks focusing on the role of the clerks with breakout sessions on authorities and duties.

As a follow-up to understanding the vital role of clerks, code of conduct and ethics for non-judicial employees were the highlight of discussion on day 2. Participants learned about different ethics codes and used scenarios and hypotheticals to describe the behaviors and ethical conduct expected of employees. The clerks also answered poll questions with their digital devices and engaged in discussions on legal advice and legal information. Using the National Association for Court Managers (NACM) Model Code of Conduct for Court Professionals, the participants examined four canons relevant to performing their duties as non-judicial employees. Through role-playing exercises, the clerks had an opportunity to review and apply the principles.

Social media and the courts was the final topic presented. Learning how courts use social media, understanding social media issues related to the duties of a clerk and other court employees, and developing a court social media policy were a few of the items discussed. Participants reviewed several social media policies from other courts and engaged in a discussion on why it was important for courts to have a social media policy.

After all the training topics were presented, the participants teamed up to play a round of legal jeopardy testing their skills on what they learned during the training. The training culminated with breakout sessions where the clerks discussed

whether to revise their court's code of conduct or develop a court social media policy. The goal of this portion of the training was to empower the clerks to identify which topic should be the focus in their respective courts and to have them participate in the planning team for the item selected. Developing a court social media policy was the most selected topic from the jurisdictions represented.

Overall, the training was very interactive, educational, and resourceful. For many participants, it was their first PJC court clerk training in their judicial career. The participating jurisdictions should look forward to their clerks working together with the planning team on social media and code of conduct policies.

This article was written by Clerk of Court Danielle Rosete of the Superior Court of Guam.

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In September, committee members participated in the 23rd Pacific Judicial Conference, a gathering of the chief justices from the island jurisdictions that we work with in the North Pacific, as well as chief justices from the South Pacific, including New Zealand, Kiribati, Solomon Islands, Papua New Guinea, and Vanuatu. Chief Judge Emeritus J. Clifford Wallace, Senior Circuit Judge Richard R. Clifton, and I represented the committee in Apia, Samoa, at the biannual conference, which was chaired by the Chief Justice Patu Tiava'asu'e Falefatu Sapolu of Samoa.

Judge Wallace and I presented on the role of courts in handling money laundering cases (and the challenges of money laundering at the national level). Judge Clifton presented on illegal fishing, which is a prominent issue on the calendars of many courts in this region.

We are already planning for 2019; we have courses planned on decision-making, opinion writing, leadership for court clerks, and a session for court interpreters. Russ Mathieson, who heads the Pacific Islands Program in the Office of the Circuit Executive, and I will travel to D.C. to coordinate funding matters with the Department of the Interior.

The Pacific Islands

The Pacific Islands Committee assists the local judiciaries in six governmental entities. Guam and American Samoa have existed as United States territories for more than a century. The Commonwealth of the Northern Mariana Islands, the republics of Palau and the Marshall Islands, and the Federated States of Micronesia were previously parts of the Trust Territory of the Pacific Islands established by the United Nations after World War II. The United States administered the trust until 1986, when

Palau, the Marshall Islands and Micronesia attained their independence through a Compact of Free Association. Rather than independence, the Northern Mariana Islands established a political union with the U.S. while remaining self-governing with locally-elected political leaders. Legal systems in some of the islands are a mix of common law and customary law and sometimes use U.S. law as guidance. All of the islands have local court systems. The Northern Mariana Islands and the “organized” territory of Guam also have federal courts, while the “unorganized” territory of American Samoa has a high court whose chief justice and associate chief justice are appointed by the secretary of the U.S. Department of the Interior.



1. American Samoa (South Pacific)



U.S. territory since 1900
Highest local court:
High Court of American Samoa
*Population: 50,100

2. Guam (North Pacific)



U.S. territory since 1898
Highest local court: Supreme Court of Guam
*Population: 168,100

3. Republic of the Marshall Islands



Attained independence 1986
Highest court: Supreme Court
*Population: 76,800

4. Federated States of Micronesia



Attained independence in 1986
Highest court:
Supreme Court of FSM
*Population: 103,100

5. Northern Mariana Islands



Commonwealth established 1976
Highest local court:
Supreme Court of CNMI
*Population: 51,700

6. Republic of Palau



Attained independence in 1994
Highest court: Supreme Court of Palau
*Population: 21,600

*United States Census Bureau: <https://www.census.gov/popclock/world>



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