

DISTRICT COURT OF GUAM
Hagatna, Guam

ORAL INTERVIEW

OF

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(Conducted by Ms. Lolita C. Toves, Judicial Assistant)

Friday, January 20, 2006
9:00 a.m.

ORAL INTERVIEW OF MR. JOAQUIN C. ARRIOLA

Toves: Today is Friday, January 20, 2006. I am in Mr. Joaquin C. Arriola's Office. He's an Attorney at Law of Arriola, Cowan & Arriola, in Hagatna, Guam. And it's approximately 9:00 a.m.

Good Morning, Mr. Arriola.

Arriola: Good morning, Lolita. Nice seeing you again.

Toves: Thank you. Thank you for allowing me to interview you this morning for the District Court, Court History Project. I would like to concentrate on District Court itself, even yourself, about yourself, and the judicial system, how it developed over the years.

Arriola: I'll try and answer as much as I could recall because we're dealing now with over fifty years ago.

Toves: Yes, right. Just for purposes of identification, could you tell us your name?

Arriola: Yes. Joaquin Camacho Arriola. I was born in Agana, Guam.

Lolita: Could you give me briefly your background?

Arriola: I attended Padre Palomo. We were living in San Antonio District, right next to the Padre Palomo Park. I attended the Padre Palomo Grade School, and in the third or fourth grade, we moved in to the San Nicolas District. I started the Post Office school, then the Leary School, then the George Washington ninth grade when the war came and then all hell broke loose. So my schooling ended in December of 1941. I was in the ninth grade, and didn't get back to school again until after the reoccupation of Guam in 1944.

My younger days, not really much; studying, studying, studying. For what? Our parents just wanted us to go to school and study. Those days it was, of course, the U. S. Navy which was governing Guam. The governor was the executive, judicial, and the legislative; he was the supreme authority here on Guam under the U. S. Navy because the U.S. Naval Government was the controlling factor here on Guam. So he made the laws, he enforced the laws, and he was extremely powerful, of course and usually a captain in the U. S. Navy. Then, of course, Japanese forces invaded Guam; American forces re-occupied Guam in July, 1944. Then the

Navy again took control under Admiral Nimitz, a very popular figure during the war in the Pacific. During the war, we worked the farms. It was fairly peaceful the first two years. But when the American forces started coming back, it got a little bit rough. And so we were forced into labor. I was still a very young man in Tiyan. The occupation Force started construction of what was known as NAS Agana (presently, the Won Pat International Airport). I was also forced to work at the Orote runway. And then when the American forces starting getting near, they moved us out of Tiyan and we went over to Mangilao. We had a shack there and we lived there until the Japanese started getting the people and put them over in the concentration camp in Mennengon. I wasn't part of that group. I stayed behind. I was sort of like a renegade. I didn't want to go there because I didn't know what they were going to do to the people. So I stayed outside. I brought food to my family, as much as I could, and I just never stayed there.

When the American forces invaded Guam, I joined a group of 77th Army soldiers seeking Japanese stragglers. I got injured; got shot in Yona. Thought I was going to be limping for the rest of my life. Spent a few months in the hospital. Then we started high school, we finished high school like in about a year and a half with textbooks like Reader's Digest which is – I mean, it was really nothing.

Toves: This was public school system?

Arriola: George Washington, yes. Before the war it was in Agana which is right next to the old legislative building across the street, that was the old GW school. And then after the war, they built quonset huts in Sinajana. And that was the GW in Sinajana. I understand after I left for school, they moved the GW school to Maite. But I attended the GW in Hagatna and the GW in Sinajana, and that's where I graduated in 1946.

Toves: Then after high school, did you go to college soon after?

Arriola: Yes. I worked for the Navy Bank of Guam part time and then I worked full-time. I rose up to be the head teller of the Bank of Guam. It was very active then because of the military construction; millions of dollars circulated through Guam. But then I decided to further my education. Several of my classmates were joining the Navy. But I didn't want any part of the military, so I decided to further my education. So I went to the mainland - St. Paul, Minneapolis, Minnesota, and I started my college work at St. Thomas College in 1947,

graduated three years later, with honors, and then I didn't know what to do. I tried pre-med, but then my stomach just couldn't stand it. So I decided the next best thing maybe would be to try to get into law school. I wanted very badly to attend Yale Law (my grades were high enough for acceptance, having graduated with honors), but I didn't have the funds to go to that school. So I ended up at the University of Minnesota, a huge school at the time, about 55- 59,000 students, because this was right after the War. Thousands of veterans took advantage of the G.I. Bill and attended colleges. Probably the biggest, in terms of enrollment, the largest school at the time. Minnesota is a cold country, but I enjoyed it. And so after college, I went to the University of Minnesota, graduated there three years later, took the bar, came back to Guam, worried whether I passed or not, and then I got information that I did pass. And I was notified to be present at the Supreme Court there to be sworn in, but I couldn't because the notice came in real late, and then I didn't have the money to go back. Fortunately, I had a friend there in the Supreme Court who admitted me by proxy. So I passed the Minnesota Bar, was admitted to practice there by the Supreme Court. I decided to look over the California area and then Guam. I decided first to come to Guam and when I came back, people were interested in me, lawyers were interested in me, so I decided to stick around.

Toves: Because you were rare product back then, attorneys at law were rare, right?

Arriola: There was nobody on Guam, except Paul Palting. Cris Duenas (Judge Duenas) came to Guam one year before me. He was the first, I think, if I'm not mistaken, not counting Paul Palting, but he was the first Chamorro university-law school graduate. And then Carlos Taitano and myself came in second. 1952 for Cris (Judge Duenas); '53 for Carlos and myself. And so I came back to Guam; looked around. Paul Palting was the hot-shot lawyer here on Guam.

Toves: So you practiced as a lawyer as soon as you came back.

Arriola: Yes, as soon as I came back. I was away for more than six years, never came back for a visit – no money! People, they were very friendly, they urged me to stick around.

Toves: Was there a Guam Bar examination at that time?

Arriola: Oh, yes. The Bar Examiners as I recall it were the Attorney General, Judge of the Island Court, and the president of the Guam Bar Association.

Oh yes, the test then was unlike today's which is about three days, only one day, oral and written examination. I passed the bar, I got admitted. I got sworn in 1953, in August.

Toves: What was your first contact with the District Court of Guam?

Arriola: As a lawyer, well I was sworn in by the District Court

Toves: What year was that?

Arriola: I was walking out and Paul Palting –

Toves: What year was that?

Arriola: 1953. Would be about August, 1953. Just got sworn in by Judge Shriver and some members of the Island Court, I guess some members of the bar, and I was walking out when Paul Palting, who was my mentor and my partner, gave me a folder and said, "Here, plead this guy not guilty." I said, "What did he commit?" He said, "Mayhem."

It appeared that two Filipinos were fighting. My client had a knife, and the other Filipino had a cup or something and was going to throw it at my client. My client lashed out with his knife and cut two or three fingers. So I turned around, I appeared before Judge Shriver, I pleaded my client not guilty. I tried the case and he was found guilty, because there was just no defense at all.

Toves: Was this a jury trial?

Arriola: No. There were no jury trials, there were no jury trials in District Court at the time. Strictly the Judge of the District Court.

Toves: Can you give us the background of the creation of the District Court?

Arriola: Okay. The District Court of Guam, like the District Court-CNMI, is not an Article III Court. By that I mean, it is not a Constitutional court. It is a court established by the act of Congress. Congress can disband it and whatever. But not an Article III, like U.S. District Court in California or New York. The President appointed the first judge, Paul D. Shriver, confirmed by the senate. And I was, of course, back in school in 1950 and didn't come back until 1953. But he was judge then when I came back. The Clerk was Roland Gillette. Deputy Clerk was Soledad Santos. John Barnes was the reporter. Tun Jesus Siguenza was the bailiff and the judge himself. That was the District Court.

Facilities, this is the old legislative building across the street from the Cathedral. It was shared by the District Court, the Guam Legislature (21 members at the time); and the Island

Court which is now the Superior Court. The District Court had a huge courtroom, shared by the by the Legislature. The Island Court had their own smaller version and two chambers where trial was held. No jury either.

Toves: You wouldn't have a physical layout or a picture of the physical layout of this?

Arriola: No, but out of memory, I can do it.

Toves: All out of memory?

Arriola: All out of memory, I can picture it. In the background there is the conference room, and the library which later became the jury deliberation room. It was small area, but it accommodated everybody there. Everybody got along.

Toves: That shell over there now?

Arriola: Yes, just that shell, like you said. But of course in those days, the sessions were only in January and June. It was not a full-time legislature. There was plenty of space. We – I say “we” because I was part of it. We had sessions in January and we had sessions in June; 30 days, 30 days. We were paid \$900 for each session. It was built for a district court and a legislature by the Navy. I think it's still real strong enough for somebody to fix it up and get the legislature up there.

Toves: You say “We” and “because I was part of it.” Can you explain what you mean by that?

Arriola: «

Toves: It was a beautiful building, I remember it still.

Arriola: I mean that building is solid.

Toves: It's too bad that that they can't really renovate it.

Arriola: All they need to do really is fix it up. Because knowing the military, how they build, it's just solid concrete. Of course, there was no air-conditioning. There was no jury system at all.

Toves: So the District Court then, the jurisdictions of the court, it didn't handle felony matters at that time?

Arriola: Oh, yes. The District Court had jurisdiction of all felony cases.

Toves: Even as far back as 1950?

Arriola: Oh, yes, since 1950. By statute, Section 82 of the Code of Civil Procedure and the applicable statutes. The District Court had jurisdiction of all felony cases. District Court had jurisdiction of all civil cases involving \$2,000 or more, except domestic, land registration, traffic, probate. Those were under the jurisdiction of the then Island Court. Two judges in the Island Court – Judge Manibusan, Joaquin Perez -- and at one time Judge Francisco Lujan, who was the traffic court judge and Ben Bamba became a traffic court judge also. But everybody was in that area. Felonies, yes. No indictments, just information when you go to trial. It was challenged at the Ninth Circuit. But they told us that Guam is an unincorporated territory and the indictment provision does not apply to Guam. So it was until later. Even the jury system was not until, oh, much later. The one that really triggered the jury system was the land condemnation by the U. S. Government. U.S. Government cheated the local people in here and the District Court just didn't help any.

Toves: That was Judge's Shriver's time?

Arriola: Yes. I was in law school when I read a decision of District Court. Judge Shriver awarded a landowner \$300 for a hectare of land or 30 cents per square meter.

Toves: The market value back then was –

Arriola: There was no market value because, you know – there was no market value primarily and I'd say about 100 percent because the Navy imposed-- not the Navy, but the President imposed the so-called Navy Security Clearance. Have you heard of that? Naval Security Clearance. No one can enter Guam unless he or she had approval from the Secretary of the Navy. So Guam was locked out. Nobody can come in at all. Japanese, forget it! Americans, forget it!

Toves: Even the Americans were locked out?

Arriola: Oh, yes! Because they got to get security clearance. But us, Chamorros, we could go travel freely without security clearance. And on one occasion, a judge of the Ninth Circuit was passing through Guam, and, you know, he wanted to get out and look over the island because appeals from the District Court went over to the Ninth Circuit like it was some years ago, so he decided to get off the plane, but they wouldn't let him off. And this went on for years

and years. And the Government says there is no market for real property on Guam, and we countered by saying, “Yes, there’s no market because you closed the market to us.” But then when the jury system came up, that’s when “just compensation” increased, not much, but at least a little bit more decent. Like, for example, instead of 30 cents a square meter, they came up with \$2.00, \$3.00, \$4.00, \$5.00 a square meter, which was very good at the time. Judge Shriver was there for a while. And I think –

Toves: What do you know about Judge Shriver?

Well, let me touch on that later when I talk about the Judges, when we enter the judges section here. But you know how the district court developed over the years through the 1950's to 1960's. How are the issues, what type of issues were being brought before the court; what type of cases were being brought to court?

Arriola: Felonies, a lot of land condemnation cases, a lot, because they were being tried. The government especially Marine Drive how many parcels of land on Guam, so I’d say a big portion.

Toves: Because the military took claim of it during time the war, or took claim of it during the war?

Arriola: Actually land condemnation was after the war. When they came in, they just built because this was war time. I mean they just built. Condemnation until ‘46, ‘47, ‘48 thereabouts when they filed official condemnation but they went in there because again this was wartime. They filed condemnation so they deposited a few dollars as compensation, and so most of the cases then were land condemnation cases and, of course, felonies—murders, name it, they got it, drugs even.

Toves: So in murder cases that was a district court matter?

Arriola: District court. No jury.

Toves: No jury?

Arriola: No jury.

Toves: So when did the right to jury trial come up, was that challenged?

Arriola: Later on, much later.

Toves: Much later?

Arriola: I don't know when exactly but later, much later.

Toves: And also there was the right to jury indictment that also developed?

Arriola: Yes, much later, otherwise it was just the U. S. attorney filing information and the island attorney then was known as the Island Attorney for the Government of Guam filed the information.

Toves: And it was tried by the court, by the judge?

Arriola: There were motions in there to strike or to dismiss, but always upheld. The district court had jurisdiction, grand jury indictment was not available, jury trial was not available. And I was a member of the Legislature which passed the law for jury trial for civil cases.

Toves: But the local court's appealed cases would go to district court as far back as it existed?

Arriola: U. S. District Court, yes, for years and years. And then from district court to the Ninth Circuit.

Toves: Was there a federal bar association then at that time?

Arriola: No.

Toves: Nothing?

Arriola: No. But there were, you know, just a handful of attorneys.

Toves: In your law practice as an attorney when you prepare for a defendant, because you never worked as a prosecutor --

Arriola: No.

Toves: What type of preparations would you have to do to prepare a defendant?

Arriola: Well, the usual interview. Right now, as you probably know, discovery is rampant – depositions, interrogatories, request for admissions, the whole caboodle. Then nothing much done about it. Those things were alien to the legal community. We interviewed witnesses and then go to trial.

Toves: It was really at an infant stage, right?

Arriola: Yes, it's very simple. Criminal defendant, we interview him usually at the jail house and if we got any witnesses, interview them, and we then go to trial. Not much

preparation was involved and the judge decides the case.

Toves: And then was there sentencing after of the defendant with their probation officers in court?

Arriola: Yes, there was always a probation officer both in the District Court – I don't know who the probation officer was in the District Court. I really don't know. I know the marshals. Probation, I think the court handled it themselves.

Toves: Marshals, you mean, like a U. S. Marshal?

Arriola: Yes. U. S. Marshal was appointed again by the President. There were only two: Antonio Baza who was U.S. Marshal and John Camacho, Deputy Marshal, just two. U. S. Attorney, just one until the land condemnation, then they had two more. A.G., maybe three lawyers.

Toves: You mean, the Office of the U. S. Attorney?

Arriola: Office of U. S. Attorney was just one when I first started. H. Gordon Homme, H-O-M-M-E. And the District Court, personnel I remember there weren't many -- Siguenza, Gillette, John Barnes, Soledad.

Toves: Would you know when the Grand Jury was ever convened?

Arriola: That would be late '60's

Toves: Late 60's?

Arriola: Late 60's.

Toves: So after sentencing, would you appeal the case to the Ninth Circuit Court of Appeals.

Arriola: Depends on the facts, you know, depends on the facts. If there's a good ground for appeal, we will go forth. If there's not a good ground for appeal, the defendant throws himself upon the mercy of the court for a lenient sentence.

Toves: Did you ever have a difficult client where you would have to ask that you be replaced from the case?

Arriola: No, I never had occasion.

Toves: Did you handle a lot of criminal cases?

Arriola: Enough. Enough.

Toves: What would you say your percentage of criminal cases with acquittals?

Arriola: I have no idea. I have no idea.

Toves: You've heard of the federal guidelines, right, the federal sentencing guidelines?

Arriola: Yes, that was unknown in our days.

Toves: It was unknown back then. But did you ever handle a defendant in those days when it was required that the court follow the federal guidelines?

Arriola: Yes.

Toves: Do you agree with the federal guidelines?

Arriola: No, I would prefer that the judge himself make the decision.

Toves: There was a recent ruling on that which held that the judge is no longer bound by the mandatory sentencing guidelines.

Arriola: I prefer the judge because the judge is there to see the witnesses, to hear the testimony, rather than Congress. I thought that this was pure politics.

Toves: And because he (the judge) was going beyond what the jury decided, that was the issue, I think, wasn't it?

Arriola: No, I think it was more political. They want to show that they are "tough" on crime, and the members of the congress of that day can get re-elected. I think that's more like it. And, of course, I think when there was some occasion when the district court judge was supposed to have sent someone off to jail and some of the sentences were too lenient. But again I prefer for the judge himself to make the decision.

Toves: But when the appeals court finds the sentence unreasonable, what do they do now? Do they go back to court and ask that the case be re-evaluated and resentenced?

Arriola: Go back to court and asked to be resentenced. Just like the most recent one. What's that one that just got convicted and one of the boys that came back for resentencing, was that Shelton?

Toves: Yes. So other than criminal cases, you would also bring civil cases to court?

Arriola: Civil cases, a lot of civil cases, personal injury cases, contract cases.

Toves: Is there any particular case that comes to your mind that's worth mentioning that's most notable?

Arriola: All of them are important, of course. Nothing earth-shaking. Tax cases, I've handled that.

Toves: Do you take cases because it brings you more money or because it's worth taking?

Arriola: Those who sought our services.

Toves: You will take it.

Arriola: We will take it, unless there's something wrong with it. But even court-martial, I've taken several court martial cases because they're interesting, different venue.

Toves: This is in district court?

Arriola: No, no, no military.

Toves: But in district court, you've handled civil cases

Arriola: Civil action, also on contract cases, on military construction, this is on behalf of the U.S. government for the benefit of the contractor.

Toves: Would you say that you handled more civil cases over criminal cases?

Arriola: I think so, yeah, I would say so.

Toves: Do you enjoy working more with civil or criminal?

Arriola: Both.

Toves: Both?

Arriola: Both. Especially with a jury trial, because that's where all the excitement is after you finish, and then waiting for the jury to come up with a decision. That's where they get really excited, how the jury is going to deliberate, and what they're going to come up with.

Toves: What do you despise about going to court?

Arriola: Despise?

Toves: What do you not enjoy with the District Court, or –

Arriola: With the district court – Nothing really. You know, I enjoyed going to trial.

Toves: And there's always one judge and there's no reason to judge-shop, like they do in Superior Court?

Arriola: There's no reason to. First of all, because he's not from here. You can't say that he's related to one of the defendants. I cannot recall of any incident where another judge

was appointed to sit on a case.

Toves: We're going to talk about the judges of the District Court now. We'll just be going to concentrate on them at this time

Do you have any knowledge of the nominating process or the appointing process, on how the judge is appointed, how his name comes up, and who makes the appointment?

Arriola: Well, of course, politics again.

Toves: That was my next question. Do you think they're politically appointed?

Arriola: Actually, they check what political influences they have in Washington and then they get appointed. It has worked, that's all. I couldn't criticize it. The president appoints, the senate confirms. Where Judge Shriver's name came from, I really don't know. Somebody told me that he came from the Philippines, because he was a war claims judge there, or a claims judge. I don't know. That he graduated from Blackstone law school, you know, one of these schools where you really don't attend but just – .

Toves: Home-study or something?

Arriola: Something like that, yes. But he was a sharp judge.

Toves: So you don't think that the political process is going to end or will ever be abolished?

Arriola: No.

Toves: Do you think there's a better process though?

Arriola: Probably. That's in the constitution.

Toves: For him to be appointed by the president.

Arriola: By the president, confirmed by the senate, on Article III. When I say Article III, again this is a constitutional judge. Same thing. A judge of the Guam District Court of Guam is not a Constitutional judge, but still the same position, except again that the U.S. District Court is life tenure; Guam is limited. First time, I think, it was four years, I think now it's ten.

Toves: It was four years initially, then eight years.

Arriola: Then ten.

Toves: Do you think that it will ever change, the Article III judgeship?

Arriola: No, for the Guam, on Guam, no. It's going to be appointed by the president

and confirmed by the Senate.

Toves: Isn't there a law about Virgin Islands becoming an Article III, or they're pushing for Article III, and CNMI also?

Arriola: No. Not CNMI. I'm familiar with the CNMI. Too worried about the economy over there. No.

Toves: So Judge Paul D. Shriver, he was our first judge after the Organic Act, right?

Arriola: Yes.

Toves: You told us a little bit about where he came from. According to research I've done, he came from Denver, Colorado. He had a high school equivalence.

Arriola: Does it say anything about his law school - Blackstone?

Toves: No, it doesn't say. It says that he came from the Philippines, worked for the War Damage Commission. (Referring to a reference material "Judges of the United States).

Arriola: So I was right. Does not say about what law school he attended?

Toves: It says he read law. He didn't - He read law 1921 to 1924 in Denver, Colorado. He was admitted to practice in 1924. I guess this James McDowell Livesay was the home-study program he went through.

Arriola: But he was a pretty sharp judge.

Toves: When he was here he brought his wife. It says he was married to a Melba in July 1940.

Arriola: Yes. They kept to themselves.

Toves: They didn't socialize?

Arriola: Nothing whatsoever. He was one judge who kept to himself. No socializing.

Toves: Do you know how he was selected?

Arriola: Again by the president. Probably had some pull back then in Washington, D.C. and it was Truman who was president then. And somebody suggested his name and he became a judge couple of terms I think, maybe more than two terms.

Toves: He was here for the first four years.

Arriola: And then another four.

Toves: And then another four. But wasn't there another judge between his two terms?

The second judge was Judge Gilmartin, Eugene Gilmartin.

Arriola: Judge Gilmartin, yeah. You mentioned something there about some judge coming back. Judge Shriver and then Gilmartin.

Toves: Judge Shriver first, then Gilmartin. Let me see what his time was. (Pause, referring to reference material)

Toves: His first term was from 1950 to 1958.

Arriola: Two terms.

Toves: Two terms. And then he studied law through self-teaching and was admitted to practice in October of 1924. The highlight of his term was the case involving the defendant's right to jury, trial by jury. And that was because there was a jury issue in the case. That was the case GovGuam vs. Hatchett. And then Judge Gilmartin came on in 1958 -- 1958 to 1961.

Arriola: Three years. Did he die?

Toves: Just a little background. He's from the state of Rhode Island, he graduated from a law school Georgetown University. I was going to ask you if you knew anything about him.

Arriola: No. Howard Trapp would know because he was his law clerk.

Toves: During his term, I understand he had a heart attack. He went for a checkup and he just died there at the doctor's clinic.

So there's nothing more you could talk about him - Judge Gilmartin.

Arriola: No. I know that after he died there was a backlog of cases in the District Court.

Toves: In 1961. And soon after, Judge Shriver came back on.

Arriola: No, I don't recall that.

Toves: Yes. He was appointed by the next president which was Eisenhower. (Pause).

Arriola: I just don't recall that when you mentioned that he came back after Gilmartin.

Toves: In my research, it said that he came back in 1961 to 1969.

Arriola: No.

Toves: No, that's not right?

Arriola: No. Check that. After when Gilmartin died, as I indicated, they backlogged in

district court here. The judges from the western area, district court judges were sent out here to try these cases.

Toves: They were designated judges?

Arriola: Well, yes. They're real top-notch lawyers. One of them I remember was Barnes from the Ninth Circuit Court of Appeals.

Toves: Oh, wait a second. It was Gilmartin that was appointed by Eisenhower.

Arriola: Yes, '58, no?

Toves: In '58 until his death in '61.

Arriola: Then who appointed Shriver? That would be John F. Kennedy, '62?

Toves: In 1962, it would be Kennedy.

Arriola: I don't recall of him coming back.

Toves: Yes, because –

Arriola: Oh, so district court judges right after Gilmartin.

Toves: Because he completed his second term in 1968.

Arriola: So he was appointed in '64?

Toves: And then Judge Duenas came on next as the fourth judge September 25th, 1969.

Arriola: Somehow that doesn't –

Toves: Doesn't register?

Arriola: All I recollect is that there were judges coming out from – you know, they had the attorneys lining up. “You line up here and get ready for your case.” I mean, they raised holy – because the attorneys were sort of like *hasta manana* deal. “We'll try this case today,” that's the practice. But when they came out here, he had them stand in line. He'll call his case after he finishes one. And these are just top-knotched judges. One of them was Bill Holt, H-o-l - t, real short guy from Oregon or something. After his cases here on Guam, he went back to Los Angeles and he presided over a trial of Mickey Cohen.

Toves: What's that?

Arriola: Mickey Cohen, I'm not sure.

Toves: You're going to have to give me the spelling of that.

Arriola: Who?

Toves: Do you remember the name?

Arriola: Mickey Cohen, C-o-h-e-n.

Toves: And so we have come to Judge Duenas' time now. What do you know about Judge Duenas back then in your young days?

Arriola: We didn't have much – because the war , before the war again was school, school, nothing but studying, studying, studying. And we just never interact at all. He was three four years older than I. And I went to school and he went to school. I think he went to a private high school here

Toves: Yes, Nieves Flores.

Arriola: Nieves Flores Memorial School. And I went to George Washington, and we just never get in touch with one another. Then he went to school in Michigan and I went to school in Minnesota. We didn't get in touch until he came back. That's when we met again.

Toves: So he was Director of Land Management first?

Arriola: I don't know which one whether director or A.G's office first.

Toves: What I have is fresh out of law school, he had an offer to be an Assistant Attorney General of Guam in the A.G.'s Office and then he became director of Land Management.

Arriola: That may be true, yes.

Toves: And then from that position he was then appointed as judge.

Arriola: Yes, Island Court Judge.

Toves: Island Court Judge.

Arriola: And then, of course, from there to the District Court.

Toves: So who do you think nominated him or put up his name for nomination?

Arriola: What year would that be?

Toves: That would be 1968.

Arriola: Who was the President then? I don't know.

Toves: He was --

Arriola: Who was after Kennedy? Nixon?

Arriola: Nixon. It was Nixon.

Toves: So it would be the Republican party, local republican party?

Arriola: Yes. It's called the Territorial Party, and it became Republican. I don't know why. But Cris was Territorial Party and I was a Democrat, and I still am (chuckles).

Toves: So you don't really know how his name came up?

Arriola: I don't know. This was 1968. Imagine, you know –

Toves: Did you hear of any bad vibes about the nomination of his name coming up?

Arriola: Oh, it just went through. Of course, he had extremely good background, family, very good; very good education; very good high school, and an extremely good man.

Toves: Could you tell us about his qualifications as judge?

Arriola: I would rate him real high. He never privately practiced law. He was A.G. But as a judge, he spent his lifetime as a judge, he was top-notch. His temperament, everything about him, character.

Toves: So over the years you've come practiced before him in court --

Arriola: Got to know him real well.

Toves: How well do you think he performed as a judge?

Arriola: Excellent, top-grade.

Toves: Do you think that he understood the law? Was he a scholarly-type judge in his opinions?

Arriola: He's a practical judge. He was a very practical judge. He's sharp. He's a practical judge. He doesn't go off half-cocked over some theory and oftentimes he sticks to what is practical.

Toves: Often judges are identified as being practical, reservist, loyalist, pragmatic. So would he be a practical judge?

Arriola: Oh, he's made good decisions. He was a scholar. Again, he's a good all-around judge.

Toves: Did he have law clerks back in those days?

Arriola: Oh, yeah.

Toves: But do you think that he wrote his decisions himself mostly, or do you think that he would have his law clerks do the research?

Arriola: Cris is the type that would do his own.

Toves: Yes, I've notice that.

Arriola: Cris would the be type that would do his own. I mean he would depend on some law clerk to --. Who was the law clerk then? There was so many of them.

Toves: I think it was Rory Jensen. Wasn't he one of them? Or was that later; that was much later.

Arriola: The only law clerk I remember was Howard Trapp, he was the first law clerk of the District Court. Before him, Shriver didn't have any law clerk.

Toves: I understand he didn't want any, he didn't want a law clerk. So that's why.

Arriola: He made his own decisions. Just like Judge Duenas, maybe depended on his law clerk to do some research, but he penned his own decisions, as far as I know.

And he's always a gentleman.

Toves: Even up to now, in his late years, he's still a gentleman.

Arriola: He treats everybody --

Toves: Do you remember any case that you brought before Judge Duenas that made a difference in people's lives, notable case worth mentioning.

Arriola: No. You didn't give me enough time.

Toves: I know. I 'm sorry about that.

Arriola: Not only that, but just the usual civil cases and criminal cases.

Toves: Judge Duenas was also an administrator in the court system, the court. He also handled administrative duties about the court, about the organization itself.

Arriola: I understand that the personnel of the court really liked him.

Toves: That was my next question. Was he well-liked personally by the staff?

Arriola: Very well. He's a very personable person.

Toves: How about the bar members? Was he well-liked?

Arriola: They liked him. Some, of course, because of lack of position, that's natural. But he's a decent person and he carried his court like a gentlemen and like a judge. You can't let the attorneys run the courtroom because otherwise you're not --. He ran his courtroom well.

Toves: Did you practice a lot before Judge Duenas? This would be like over 30 years

ago, right?

Arriola: Yes, quite about, yeah. But I think I practiced before him when the jury came out, the jury system. Criminal as well as civil.

Toves: Could you talk about the jury system as it developed. I mean, how did the local people take the jury system? Were they nervous about it, were there a lot of people scared of the jury system, they don't want to serve –

Arriola: I think when we were discussing the jury system, I think that there was some comment by somebody back there that –

Toves: Could you just hold one moment? Let me turn the tape because I'm afraid I might lose you.

(Tape changed.)

Toves: Okay.

Arriola: There was some article or somebody or some smart person made a statement that the Guamanians don't know how to be jurors because they're not used to the jury system so why should we give them jury and that, of course, raised a storm out here and as it turned out that the jury system was indeed a very good act. Because first of all, they started awarding the landowners here on Guam more compensation for their land than what the government offered. Even the Chamorros then and up to now were very loyal, this and that, but they were cheated and then the juries came in and were started awarding some monies, a little bit more money than what it's worth, little bit more than what the government offered; and invariably the government tried to take an appeal but they got the information from the justice department payoff. So the jury system in that respect was very good, beneficial to the people of Guam. Also, it's good to have jury system in a criminal case because a judge in a criminal case almost always decides against the defendant. In other words, he just doesn't have that sympathy or you know, So even now, if you have a criminal case, you don't go before a judge, you go before a jury.

The character of the jurors have changed. Those days, when they first came out, six days, seven days. They are more attuned to what is right; black and white. Now it's: "Can the defendant afford it?" They go for the deep pocket now. Like, for example, defendant banks and insurance companies, many, many times, because the banks and insurance companies have

deep pockets, they say, “Well, we feel sorry for this guy,” and not decide it on the facts. And that’s the difference between then and now. Then, it was, I call it a character jury. Now, I think it’s one of those, “Maybe, he’s poor, that we should all give him some money. The banks can afford it, insurance companies can afford it, companies can afford it, even though he or she may not be entitled. That’s what I find about the jurors nowadays in civil cases. In criminal cases, they’re little bit more strict. In the early days, they tend to be a little bit more sympathetic to the defendant. More recently they are very strict and they tend to favor the government. Why, because there are just so many more crimes nowadays than then, especially if there’s a lot of publicity about drugs. Anybody appearing before the court, the jury will hang him. Just like now –

Toves: So, do you think the judicial jury system works, if that’s the feeling?

Arriola: Yes. It works. It works, but I have less confidence in the jury system now than I did then. Let me put it that way. I have less confidence in the jury system than I did. Then, one hundred percent. Now, maybe like about 70-75 percent.

Toves: So justice is not really being served?

Arriola: No, not like it used to be. And I think some of the lawyers will agree with me that the attitude, the character, the makeup of the people nowadays is different. But, of course, you know, people are different.

Toves: Is it because of the education the people are getting now?

Arriola: No. No. I think it’s just the culture. For example, in my days, in the Legislature, we had a caucus, decided to elect me for a speaker. Okay. It went through the caucus. Recently, for example, two three legislatures ago, they elected Tom Ada. When he came on the floor, they got somebody else. They changed their promises. In my days, a promise is a promise. Nowadays, it doesn’t matter. Nowadays it’s: “What can you give me?” Remember that incident? And I was there. In my days, you never do that. You vote for the guy, you vote him till the end of this earth. Now they changed. Last three, four, five legislatures, even the members of the legislature they changed. So what could you expect of the average man. They also change. Times are different. More like a “dog eat dog” culture now than then. Then you depend on your friends.

Toves: So the trend is changing in the judicial system?

Arriola: Definitely changing. It has changed.

Toves: Is there anything else that you can add about Judge Duenas that I've missed over; Do you want to expound on them?

Arriola: A lot of it, even compared to U. S. District Court judges, and I have a very high regard for U. S. district court judges, some of the sharpest, most intelligent Americans alive, I'll put Judge Duenas in the same category, extremely able, capable. Myself, I don't like that position. I don't have the patience for that. But Judge (Duenas), I think he was just born to be a judge. His temperament, he's brilliant, he's bright. He handles himself like a gentleman. I don't believe I have ever seen him lose his temper. And I have tried many cases before him and watched him also. He's always kept his temper, always kept his demeanor. He's was always a gentleman, and again he was a good judge. He makes his ruling. He doesn't monkey around. He makes his ruling and that's the end of it.

Toves: How is he outside of court?

Arriola: He's very personable, but again – he doesn't – he does, or he did socialize but not that much really.

Toves: Is that because of his position?

Arriola: He tries, he kind of like avoid it. Shriver just doesn't go out at all. Judge Duenas would go. He came to my home a couple of times as I recall it.

Toves: Okay, and he also had two terms, right?

Arriola: I believe so, yes.

Toves: He had two terms, and that ended in 1991 when he retired.

Arriola: I believe he sat there for more than two terms.

Toves: Yes, he was judge in 1969 through – First term was 1969 through 1979, because it was ten years, right?

Arriola: I don't know.

Toves: Or at least in 1977, and then later on it changed to eight years. It was eight years and then changed later to ten years. And then from 1977 to 1991 when he retired.

Arriola: Sounded like he just retired a few years ago.

Toves: Yes.

Arriola: Time passes really quick.

Toves: And then our next judge was Judge Unpingco, John S. Unpingco. Do you know anything about him?

Arriola: No, not much, because he spent his professional life, I guess, in the military, so I didn't know him until he got back to Guam.

Toves: And he was a younger kid than you?

Arriola: Yes. And his father was my classmate so – He and I are very good friends. But I don't know Judge Unpingco that well before he came out here because again he was in the military. He was out here practicing maybe like about one year in private practice with Walter Ferenz firm, and then he joined the Air Force and he made that a career. And the next thing we knew, he was appointed as judge of the district court.

Toves: And you don't know how his name or his appointment came up?

Arriola: What year was he appointed?

Toves: He was appointed about 1992, November 1992.

Arriola: By?

Toves: By George Bush, he was president. By George Bush, the father. George Bush.

Arriola: Yeah, I guess so, yes.

Toves: In 1992.

Arriola: Yes, that would be George Bush. How he got appointed, again, I don't know.

Toves: However, you did practice before him?

Arriola: Yes.

Toves: Did you get a feel of how –

Arriola: I think when we found out that he was being considered, a number of us on Guam lobbied for his appointment, you know, some members of the Bar here, first of all, because he's a native Guamanian.

Toves: But you did have some input on his appointment?

Arriola: Yes, we had some input as I recall it to ask the President to appoint him as the next district court judge. There were others who were interested in here.

Toves: Were there others?

Arriola: Oh, yes. There's one from CNMI, Hefner. Robert Hefner, very interested. He and I have just have this personal conflict and that's one of the reasons that I don't want him.

Toves: You didn't go root for him?

Arriola: I didn't go root for him. I just don't want him to be district court judge. That also entered into it. But I wanted some Chamorro, educated, you know, to follow Judge Duenas in that.

Toves: There was some clout in Judge Unpingco's appointment, though, when his name came up. You know, people like to bring up dirty linen, or something.

Arriola: No, I don't know recall that. Do we have to talk about that?

Toves: No, we don't have to talk about it. Anyway –

Arriola: Why? He was in the military. I mean –

Toves: No, just this problem he had with the University about his student loan, he didn't come back and pay it or something.

Arriola: Oh.

Toves: That's minor. And as Judge of the District Court of Guam, you did come practice before him. What did you think of him as a judge?

Arriola: Good judge.

Toves: Do you think he ruled fairly?

Arriola: Oh, yes.

Toves: Or did he have some personal problems with the attorneys?

Arriola: Temperament sometimes.

Toves: Yes. That's my next question. Do you think he had good temperament to be judge?

Arriola: Sometimes. Sometimes he gets a little bit angry, if you will.

Toves: But why is that? Is it because attorneys –

Arriola: Well, that's just – just the personality. I'd probably would do the same thing.

Toves: Do you think it's personality conflict?

Arriola: It's personality. I'd probably do the same thing because I am an

impatient man.

Toves: What do you think is his impatience, Judge Unpingco with attorneys?

Arriola: I'm sorry?

Toves: What do you think is his impatience with attorneys?

Arriola: You try and let an attorney run your courtroom, and you're in trouble, so every now and then somebody would try to be smart-alecky and he just didn't like it.

Toves: Do you think that because he was in the military that had something to do with it?

Arriola: That's possible. By being in the military, I mean, it's much more strict, of course, than in civilian life. I think he's made some comments on occasion that, "I'm the judge, I run this courtroom, and don't you ever forget it." And you know that's appropriate.

Toves: And that was his style?

Arriola: That was his style. Judge Duenas doesn't tell you that, but you know that he is the judge and you better walk a straight line.

Toves: He's also involved in administering the operations of the court. Do you think he handled that well also with his clerk, other court unit executives, Mary Moran, and Michael Cruz, Chief U.S. Probation Officer?

Arriola: Yeah, I think he did. Yes, I think that they did. Well, when you have good people under you, then it helps quite a bit. If you don't have good people, not good workers, then regardless of how good you are as an administrator, you just won't do a good job. But I think he administered the courts. Changes started cropping up. Like you said, you mentioned the sentencing guidelines, and everything else, like discovery for example, man, that came on real heavy in the last ten-fifteen years. Nowadays, you don't go to court unless you go through depositions, and the whole bit, and then you handle all questions concerning discovery quite well.

Toves: So do you think that our court unit executives are doing well – Mary Moran and Michael Cruz?

Arriola: Definitely. When I first started out, there were how many employees did I mention, four or five?

Toves: Four.

Arriola: Now how many?

Toves: Clerks Office, about 12, 13 up front; Probation Office, there's like about 16.

Arriola: And then of course, there's a magistrate, so that helps out quite a bit. Maybe you don't need an administrator for the court presently. CNMI does not have an administrator.

Toves: You mean, like Mary Moran, the Clerk of Court?

Arriola: No. I mean administrator of the court itself, not the clerk.

Toves: I'm going to talk about Rose San Nicolas (Chief Deputy Clerk). She's also there at the District Court. She's our dinosaur of the District Court.

Arriola: Si, Rose?

Toves: She knows the in's and out's of the Court, don't you think?

Arriola: Yes. Priscilla also is another old one there. Is she still there?

Toves: No, she's not; she's no longer there.

Arriola: Oh, yes, Rose.

Toves: What can you say about Rose that will go down in the books?

Arriola: Rose is very helpful; she's very helpful. She's strict. She's very strict. You better know what you're doing when you ask her something. But I mean she's always decent to me and respectful.

Toves: Do you think she knows the court, the in's and out's of the court?

Arriola: She knows the judges, she knows the clerks, she knows the court system in there. You got anything to ask about the court – When did she start working, 60's?

Toves: I think in the early 60's. What do you think, do you think she's a valuable asset for the Court?

Arriola: I would think so. All I could say is that based on whatever is happening, she did her job and the court succeeds.

Toves: Let me tell you, when Judge Unpingco went out in private practice and he had a question for her, Rose treated Judge Unpingco like any other attorney.

Arriola: And don't monkey around with me! (Slaps table).

Toves: Exactly!

Arriola: Rose is like a marine sergeant. Let me put it that way. (Chuckles)

If you don't know what you're doing, don't practice law!

Toves: And that sounds like Rose.

Do you recall any major cases before Judge Unpingco that's worth mentioning, recent cases?

Arriola: No. The last case was a civil case, but we didn't try it, but we went into court many times about discovery. The last case I tried before him was a drug case and I tried that with another lawyer, the one who was shot, girl lawyer, what's her name now, Jan?

Toves: Oh, yes, Jan.

Arriola: She and I. She defended one and then I defended the other one before Judge Unpingco, and the jury acquitted both of them, but he did a good job. Sometimes again the lawyer attempts to go little bit overboard. Well, that's not what the evidence says. But again, he's a good, he's a fine judge.

Toves: Okay, we covered his style.

Would you say that he was well-liked by the Bar members? Recently before he resigned, there was a survey results by the Bar rating him as "C"? Why is that do you think? What do you think the bar had against him?

Arriola: Because he was very strict. Strict in the sense that he'll just tell off a lawyer.

Toves: Do you think that the C's came from --

Arriola: And of course, some lawyers resented that. Some lawyers, they like him. But again, maybe, he was just a little bit too strict. I think, maybe, he should be just a little bit bendable. But Judge Unpingco is not the bendable type. Maybe because he was in the military, and he runs his court the way he was used to.

Toves: But you never had any problem with him personally?

Arriola: No.

Toves I think one of the reasons why Judge Unpingco tended to be so stern with attorneys is was the fact that some of them don't come prepared to court. And you're well known as one that comes to court well-prepared. Can you tell us why that is important for you?

Arriola: Why, again?

Toves: Why coming to court prepared is important?

Arriola: Why coming to court – ?

Toves: – coming to court prepared, you know, for your case?

Arriola: Oh, yes, you'd better. Well, because, – well, if you are not prepared for anything, then just go find another job.

Toves: Because you're not doing service to your client?

Arriola: You just have to be extremely prepared, in knowing your case in and out and all the other guys' cases, in and out. Otherwise you have no business being a lawyer.

Just like a doctor, if you don't study –

Toves: And if you come to court unprepared, you also waste a lot of people's time?

Arriola: And, of course, you irritate the judge because you don't know what's going on.. Judge Shriver was a real funny character. I tried a case against somebody else. Invariably, obviously that guy's not too smart, he'd help the other guy. Asked questions that the other guy should have asked.

“I'd object, Your Honor.”

“Object?”

He's the kind who would help a lawyer who was not doing his job properly. Judge Unpingco would never do that, he would scream at the lawyer. But again, it depends on the personality, I guess. But as a judge, he's a good judge. He ran his courtroom like Ceasar ran his palace.

Toves: Do you think that this information about Judge Unpingco being stern, and all this, came to – no, I don't think it ever reached the President, but what do you think is the reason that he did not get reappointed or his name was not up for reappointment?

Arriola: I have no idea. Let me see. When did his term end?

Toves: His term ended 2002.

Arriola: His term ended in 2000.

Toves: His term ended 2002.

Arriola: Would that be Clinton, or George W. Bush.

Toves: I think it's the young Bush.

Arriola: I have no idea. Maybe again, you know – I mean, this is a position that is quite a good position, and back there –

Toves: And it's still a political position?

Arriola: Oh, yes. And there are hundreds of people out there who would like that job. A lot of them, and then the president owes a lot of favors to a lot of people. And the judges of Guam out here and same thing in CNMI, somebody – somebody's waiting in the woods. I hope Judge Manibusan gets appointed, frankly.

Toves: Do you think that Judge Unpingco would be a better judge? How do you think he can be a better judge?

Arriola: Again, I find nothing to criticize him. I find nothing to give him a bad mark. He ran his courtroom. He makes his decision. He's just a good fine judge.

Toves: Judge Unpingco now is in private practice. What are your observations in his practice?

Arriola: I just had a very brief dealing with him. He's okay. I don't know how he finds private practice but like you said about Rose, "You're a lawyer; you're no longer the judge." But I understand he's no longer with Dave Lujan firm, but is now in solo practice. It's difficult from being a district court judge to coming out here to be just a regular guy.

Toves: And then, of course, we have a new position in our court, the magistrate judge – Joaquin V.E. Manibusan Jr. And you say you would like to see him appointed as district judge?

Arriola: I would like to see him appointed. He's one real sharp dude.

Toves: Really? Why do you say that?

Arriola: In private practice, you know, he was kinda quiet, laid-back, but as a judge, he's really super superb. Sharp. He does not monkey around. He goes right straight to the heart of the issues.

Toves: And so you've had cases before him in Superior Court?

Arriola: Oh, plenty of cases. Plenty of cases. And even in District Court. We have this Hong Kong Shanghai Banking Corporation, have you heard about it? The files probably will fill this whole room. But in Superior Court, I've appeared many, many times with him. He will make a superb District Court Judge.

Toves: Did he come from a good family background too?

Arriola: Oh, yes. His grandfather, Jose C. Manibusan was one of the Island Court judges when I first came to Guam. And his father Joaquin Manibusan became a Superior Court judge also handling small claims. And he came from a very good law school and he had very high grades. Academically, he's tops. I think he was valedictorian in his class.

Did he graduate from Berkeley?

Toves: Boalt Hall.

Arriola: That's top-knotched school, Lolita.

Toves: While he was in private practice did you ever have any case against him in court?

Arriola: I don't know. I think he just wasn't that active in private practice. I don't recall.

Toves: Was he soon appointed judge after his –

Arriola: He was solo practitioner. And then he got appointed judge. I think he was one of those cases –

Toves: Kind of like Judge Duenas, short time in practicing as a lawyer –

Arriola: No. Judge Duenas was never in private practice.

Toves: Oh, he never practiced? That's right

Arriola: No, Judge Duenas never practiced. Just quiet, didn't make too much waves.

Toves: You don't think Judge Manibusan is quiet still? He's still quiet as a judge.

Arriola: That's what I mean. But in private practice he was quiet. I mean he didn't make too much waves. Not like some other attorneys, they get this and that, like a rooster, in private practice. And then he became a judge; and that I think is his real forte - a judge. Of course he grasps things and their issues real quick. And of course, you know, his character is --

Toves: So he was a good judge at Superior Court?

Arriola: Very good.

Toves: And now as a magistrate judge?

Arriola: Magistrate Judge, I think he's excellent.

Toves: So you don't have any qualms about him in his judgeship here at District Court?

Arriola: No, and like I said, I'll support him for district court judge

Toves: You would support him for district court judge?

So he was a good selection for the district court magistrate judgeship?

Arriola: And I'm surprise that no body else started lobbying for his appointment.

Toves: Oh, for district court judge?

Arriola: Yes, district court judge. Because he would make an extremely good judge.

Toves: Would the Guam Bar do that, submit his name for consideration?

Arriola: No, because this is politics. Guam Bar would come in for, you know, "how do you classify this one, what is your grading on this one?"

Toves: But you've heard of other names of people wanting to be district judge, right? Alicia Limtiaco's name came up. Barcinas, I think, and a few others.

Arriola: Oh, yes, I've heard.

Toves: Have you heard a rumor about who's going to be our district court judge?

Arriola: No, I haven't. Of course, there's an article in the paper that the president will appoint these judges because there are a lot of vacancies; not only in the circuit, but in the district, a lot of vacancies for appointments.

Toves: And Guam's like a little state.

Arriola: Still, it's a very good position.

Toves: Do you think it will happen soon the appointment of our district judge?

Arriola: I hope so. He's too busy with his war in Iraq. I do hope somebody would make a move to get him appointed. I don't know who his friends might be. All it takes is one friend in congress. Maybe Madeleine. I don't know whether Madeleine has got that pull at all.

Toves: I thought Madeleine would nominate somebody, like your son Jay.

Arriola: I don't know. Again whether Madeleine has enough votes, she's a democrat. And the President is a republican. So what has Madeleine got to give the President in exchange for appointing somebody out here?

Toves: So of all the judges you've come before on Guam, which of those judges impressed you the most?

Arriola: That's not a fair question. That's not a fair question.

Toves: No? Okay. I won't ask you that, I won't include it.

Arriola: But all of them are good, excellent judges. I would say, Judge Joaquin Manibusan, Jr., the present Magistrate, and Judge Duenas impressed me the most.

Toves: Do you want to take a break now or?

Arriola: The ones that you mentioned, huh?

Toves: Yes.

Arriola: By that, I mean Shriver. Gilmartin was - I thought was a little bit slow in making decisions.

Toves: Oh, so you did have some personal knowledge?

Arriola: Oh, yeah. Gilmartin, yes. That's why they sent out those judges because of the backlog, to clean up the docket here. They cleaned it up. But he was a fine gentleman-Gilmartin. Eugene was his first name?

Toves: Eugene, yes.

Arriola: Very friendly guy. Maybe he's not meant to be a judge because he's just too friendly.

Toves: I'm going into another subject. Do you want to take a break?

Arriola: No, go ahead.

Toves: Let me just check something.

Arriola: That should do it, shouldn't it?

Toves: We're going towards the end; we're almost done.

Do you want to do your family?

Arriola: You mean, my children and all that?

Well, they all went to college and graduated.

Toves: Wait, I'm not recording.

(Turn of cassette tape.)

Toves: I think we've touched on the changes in the federal (district) court system a little bit. But let's go over it again. What do you think the changes were from say the 50's to the present as far as -

Arriola: For example, the local rules when I first started out, I don't believe there were

maybe two or three pages. Now, one book.

Toves: Did you have local rules back then?

Arriola: I think I recall –

Toves: Or did you just have the Federal Rules of Procedure, Civil Rules of Procedure.

Arriola: Yes, Well, of course, we had the Federal Rules of Civil Procedure.

Toves: And you followed that too?

Arriola: Yes. But for example at discovery phase, we just didn't follow that. I'm sure there were local rules, but very meager unlike now. Lañya, now it's three volumes. That I thought it was just a little bit too much. Granted, you know, there are many, many cases. Now I'd say it's about ten times more expensive to try a lawsuit than then because it just takes too much time.

Toves: Is it because of the new social issues that's being brought to court, the types of cases, the new developments?

Arriola: No. Partly that. But it's just that it is required. If you don't take a deposition, for example, you could end up being sued for malpractice. So, the lawyers prepare themselves as much as possible and the only way you can prepare to go to trial is find out what the other guys have to say in the event of trial. That's when the discovery comes in. Those days, never heard of depositions. Interrogatories, forget it.

Toves: We're going to talk about events of the court system. In the 60's, 1950's-60's, the Island Court handled some felony matters, soon after the Organic Act.

Arriola: No. All felonies, District Court. All felonies. All civil cases, \$2,000 or more.

Toves: And then in the 1970's, there was the Court Reorganization Act of 1974. That was the creation of –

Arriola: The jurisdiction issue, for example, felonies.

Toves: But didn't it create the Supreme Court of Guam also?

Arriola: Yes, but that didn't go through.

Toves: It didn't go through, right? In 1980, there was a ruling –

Arriola: But somewhere along the lines, the District Court – this is a long time ago – felonies were transferred over to the -- and they changed the name from Island Court to Superior

Court. So all local felonies tried before the Superior Court; and all civil cases before the Superior Court except cases under the constitution, the treaties, and the diversity cases remained with the District Court, but all others similar to a state system, all local matters with the Superior Court.

Toves: And the Court Reorganization Act of 1984, that ruled that there was no Supreme Court of Guam, which meant that the legislature didn't have the power to create that court?

Arriola: Yes. They knocked that out.

Toves: And the constitutional issues still had to be determined by the appellate court? Is that what that meant?

Arriola: Yes, the District Court Appellate Court.

Toves: Did you ever bring cases before the District Court Appellate Division?

Arriola: Oh, yes. Oh, yes. It's comprised of – because that's the appeal from the Superior Court. Island Court would go up to the appellate division of the District Court which consisted of the local judge and two off-island judges, and from there to the Ninth Circuit. And I really liked that system.

Toves: You don't like the present system?

Arriola: No, I – It's okay, because it's local. But I found nothing wrong with the system from here to the district court to the Ninth Circuit. Ninth Circuit – Wait a moment. Let me go back.

Judges in the Ninth Circuit and U. S. District Courts are extremely brilliant, smart Americans. I'm not saying that the Chamorros are not. But they don't have the friendship of the people around here. They're less apt to be prejudiced than here on Guam. Me, I'd like to appear before a judge who doesn't know anything about nothing. I can present my case before that judge and let him decide strictly on that case and not because he knows Joe Blow, and that's why I really wasn't in favor of the Supreme Court of Guam, even though I was a member, became a member of that court.

Toves: Because Guam's too small, right?

Arriola: Just too many close relationships. It's bound to affect -- I don't care what what a guy says, it's bound to affect somebody's decision, family, this and that. But when I go

to the District Court Appellate Division or the Ninth Circuit, I know that those guys are going to decide on the merits of the case. And maybe I don't agree with them, and maybe I lose, but I like that system. And of course much less costly to the Government of Guam.

Toves: But then you have this argument that you're not giving the local people a chance, the right to prove themselves that they can do these things, by that observation that you just stated?

Arriola: I'm not really interested really in deciding their own fates through the judicial system, through the legislative, yes, but through the judicial system I think that should be just above board, above all politics. And we go the route now, it's politics involved. You go that Ninth Circuit route, it's much – still politics, but much, much, much less.

Toves: Much safe?

Arriola: You could put it that way. You could say you go that route, that they're prejudiced because of this and that, and I've argued many cases before the Ninth Circuit and I always found those guys, I mean, real excellent judges.

Toves: And that appellate jurisdiction ended in 1996, right, with pending cases to remain with the district court?

Arriola: Are you sure?

Toves: Yes, I think it was in 1996.

Arriola: Oh, yes. I thought you said '86. Yes, 1996.

Toves: And then the year 2000, what happened in the year 2000? When did the present Supreme Court happen - in 2000?

Arriola: No, 1996 I was appointed (associate justice of the Supreme Court).

Toves: Oh, that was in 1996 also, and that's why the appellate division of the District Court ended?

Arriola: Yes, 1996, yes, because the Supreme Court was created by an act of Congress, or authorized by an act of Congress

Toves: Is there anything else that they're trying to push on the judicial system?

Arriola: No, I think it's pretty much well-established, the judicial system.

Toves: Okay, I'm going into another subject, the physical locations of the District

Court. But you've touched on that where it was in the '50s, the Guam Legislative Hall.

Arriola: And then they moved to the PDN.

Toves: In 1974?

Arriola: The PDN?

Toves: The sixth floor of the PDN building. Was there ever a discussion about building a new federal courthouse during that time?

Arriola: No. They were just renting out, you know.

Toves: Why was the PDN chosen, was it because it was available?

Arriola: Only place available large enough. I understand there were always having some problem – not problem but always concerned about security because you know there were other offices in that building.

Toves: And it was central and was practical to be?

Arriola: That's what I heard, that there have always had concern about the location of the District Court because there were other tenants involved, you know, I guess you could go through the ceiling and whatever, so –

Toves: At PDN?

Arriola: PDN. So it wasn't too good a location for a district court, and then I guess it was Judge Unpingco who apparently convinced the authorities back there, the powers to build a separate district court.

Toves: And that's our present location – 520 West Soledad Avenue, the new building. What do you think of the present home of the District Court?

Arriola: Good. The security, though, I always question the security.

Toves: Do you think it's a good place?

Arriola: The court, district court, the airport. For me, all that security is BS. It's just not necessary.

Toves: The – ? You don't think it's necessary?

Arriola: Security, it's not necessary. What happened in here is that Bin Ladin just kicked the butts of the American people and they got so darned scared. They pass the Patriotic Act, which I call "Un-American Act," and all kinds of security. Who would carry bombs, for

example, in a plane from here to Saipan, for cryin' out loud ! (:)

Toves: Can you critique the present courthouse now? Do you think it's a good building, well-built? Are you satisfied with it?

Arriola: I don't know what would happen if we have a wave that would come in.

Toves: Like a tsunami?

Arriola: I don't think a tsunami would ever reach Guam, you know why? Because the water surrounding Guam is too deep, and by the time that wave comes up it would dissipate. There had been some concerns about tsunami warning, I don't think it would ever come to Guam, but a typhoon.

Toves: You don't think it's because of our reefs? Is it also because of our reefs that surround us?

Arriola: No. Because we are surrounded by too deep floors. I used to go out there fishing, bottom fishing. Here as the tsunami comes, the waves come, they dissipate. In other words, the more space, the less space, it becomes lower.

Toves: Because our island is more isolated that they are in Thailand?

Arriola: And just imagine the Marianas Trench is seven miles down there, so by the time the tsunami comes it dissipates because there's so much ground to get lost. But a big typhoon, I don't know!

Toves: I need to change this tape again, but we're almost done.

Arriola: Okay. Thank you.

(Brief period. Change of tape)

Toves: This is tape 2 of the oral interview of Mr. Joaquin C. Arriola. Friday, January 20th, 2006.

Okay. Mr. Arriola, we're going to touch upon another subject: There's been changes in the District Court of Guam: The Case Management-Electronic Case Filing system (CM-ECF) system. Are you familiar with that, where you attorneys can go on-line and search?

Arriola: Our office?

Toves: Yes.

Arriola: No. But my people are into that electronic system. Me, I know nothing.

Toves: I was afraid of it at first, but I can access it, any information I want to get to, I mean I was afraid to go into it, but I did and it's really convenient. You just have to have a pacer number.

Arriola: I imagine my people would go into it because they're trained for that and technically – But me, I don't know.

Toves: Just like this little thing (digital recorder), I'm still afraid of it, but I'm going to learn it. I can link it to my computer with just a cord and it will go to my computer and I can work on it on my computer. And this is with no cords. Hopefully, it's working. Or else I'll be back to this (cassette recorder).

Arriola: I still use the old typewriter, Lolita, the IBM Selectric.

Toves: I do too. I'm slow learning it. But I know these young kids, there's no problem.

Arriola: Absolutely. No problem. Me, I tried to learn it, but --

Toves: But still, I'm working on it.

Okay. Another subject is your personal contributions to the court. You have contributed a lot to the judicial system. I was going to ask you about the cases, but again this is last minute notice. But you can give it to me on paper how you contributed to the judicial system and, especially to the district court and your significant accomplishments and that's being an attorney, right?

Arriola: Not necessarily the District Court.

Toves: You can comment on that.

Arriola: Well, graduating from law school, 100 out of nearly 400 starting students. Graduating from college after only three years with honors and with hardly any high school education. And then in more personal life when the people of Guam gave me the highest number of votes three successive times in running for the Legislature.

Toves: That's the next subject. You as the statesman or congressman, you've been reputed as one of the pioneers of Guam as a legislator. That was one of your positions. Can you describe what you did exactly, your accomplishments there?

Arriola: In the legislature. The most laudable, I think, would be the Governorship Act.

I was Speaker of the Legislature. In those days, the Speaker represented the Legislature. Unlike now, it's every which way. Now, everybody is going and testifying and appearing before congress. Then, it was the speaker.

Toves: You were the spokesperson for the Legislature?

Arriola: I was that. And the speaker of the legislature then was quite powerful because it is the highest elective office in the territory. Governors were appointed. And in the federal system, Congress as well as cabinet members there gave more respect to an elected official rather than an appointed official. I found that out before congress and before some of the cabinet members. If you're elected, then you're much higher, even though governor is highest. They tend to respect or give more credence to an elected because he was there because of the people voted him in. Governor who was appointed by the President, he could be a bum. I'm not saying that anybody is a bum, but those days when a speaker appeared, they listened up there. So I was very much involved in the elective governorship bill, and I think that that was probably one of my best accomplishments, you know. As far as personal again, when three successive times they voted me number one for the legislature, and then we had 21 members. And then the members of the legislature elected me as their speaker for two terms. That's also one of my accomplishments.

Toves: So what's another position that you held besides a legislator?

Arriola: Well, I as I indicated in here, I was chairman of the Board of Regents, College of Guam then at the time; chairman of various governmental agencies when they were just coming out - GHURA, for example. I mentioned College of Guam, and just one or two – a whole list of them.

Toves: You were also Associate Justice?

Arriola: Yes. Part-time Associate Justice for about three years.

Toves: How do you separate your position as lawyer and that of associate justice?

Arriola: That's why I resigned. That's why I resigned.

Toves: Was it hard to separate your duties?

Arriola: Yes, it was. It wasn't easy. And I resigned now because it's just no good. I just didn't enjoy it.

Toves: Because you know a lot of people? What you were talking about the Supreme Court of Guam, knowing everybody with their cases that come in before them, you were also seeing that as associate justice?

Arriola: Also participated in the decision in there, but that didn't come up as far as I know during my term.

Toves: But you just didn't enjoy that term?

Arriola: I just didn't enjoy that position at all. I mean it's a prestigious position, but as far as the work in there, to me, it's just blah.

Toves: So you're not made to be a judge?

Arriola: I don't think so. Trial judge, lanya, I'd probably throw books at lawyers.

Toves: So you'd be like Judge Abbate.

Arriola: I'd be worse than Judge Abbate.

Toves: I heard he was throwing files. So you're still practicing as an attorney. What type of cases do you take?

Arriola: Mostly civil cases, defense, banking.

Toves: Just that mostly civil banking?

Arriola: Hardly any criminal cases.

Toves: You have no plans to retire yet?

Arriola: What am I going to do?

Toves: That's what keeps you busy?

Arriola: Yes.

Toves: What do you think will happen if you retire?

Arriola: I'd die. I'd go bananas. I'd go crazy.

Toves: The last subject is the recent developments before the Supreme Court of the United States. You've brought cases before the Supreme Court of the United States, or you've argued cases?

Arriola: No. I was admitted. Those days, you had to appear in court, so I had a friend and I was admitted before them. It was really, really something to be admitted to the Supreme Court.

Toves: Do you approve of John Roberts as chief justice, the new young one and then he gets to be Chief Justice? What happened?

Arriola: Yes, I know. That's the system. Plus, he's young.

Toves: What about Anthony Kennedy? Yes, seniority, what happened to that? Doesn't seniority count? Isn't that traditional.

Arriola: Seniority. There's no seniority. In Congress, yes, seniority counts. Not in the judicial system because it's supposed to be non-political. Supposed to be non-political. Whereas, in the legislative branch it's all political. It's all politics. That's where seniority comes in. Yes, according to the background check, he's a fine man. As far as you know again like I said previously, all those people, they're extremely brilliant Americans. You'll find the most brilliant Americans in the congress, in the cabinet, and in the judicial system.

Toves: So that isn't traditional for seniority in the Supreme Court?

Arriola: No.

Toves: Just one more on the Supreme Court. The candidates are often labeled as loyalist, liberalists, leftists, conservative, and more recently on Alito, he's a pragmatic.

Arriola: I thought he was labelled as a conservative.

Toves: Okay. I read something that he was also labelled as pragmatic. And I don't know what those mean.

Arriola: Pragmatic is what works, it's good. If it works, it's good. If it doesn't work, it's not good. In other words, more like average person.

Toves: Is that practical also?

Arriola: Yes. Practical. Pragmatism and Practical.

Toves: Is also practical?

Arriola: Same thing, same meaning. What is practical is good. Not too much about theory, or philosophy.

Toves: So loyalists and liberalist, they're like that. Leftist is being against or going against?

Arriola: Yes.

Toves: What's conservative like?

Arriola: Conservative means no change, not much change. Status quo. Don't change it. Don't change it. Let's stick with what we have in here and not change it.

Toves: And what's loyalists like?

Arriola: I don't know what loyalist is. But I think what you mean is liberal,. Liberal, there's all kinds of changes. Like Kennedy, for example, he's probably the number one liberal in the country. He wants to dish out money, just liberal, wide-open type service. Whereas, the conservative, wait a minute, now, don't move too fast.

Toves: Okay. Finally. Memorabilia – do you have any in your files?

Arriola: I'm sure I have some.

Toves: – that we could copy or donate to the court? You know, pictures of you and the judges, or anything having to do with District Court that's worth keeping for display purposes for court history, or any articles that you have written on the District Court, or any articles of the District Court that you might have?

Arriola: I can't recall, but –

Toves: I saw a magazine. Remember the Tribune of way back or the Pacific Journal, I saw an article about the District Court in there and I lost it over the storm, I think.

Arriola: Nothing in the library?

Toves: I've been meaning to go look, either at MARC (Micronesian Area Research Center - University of Guam) or in the library,

Arriola: It's difficult especially during the typhoon, because I lost a lot of stuff when the typhoon hit Guam, especially when it was Karen and then we lost out all, and subsequent.

Toves: Even myself I've lost a lot at my house.

Arriola: I've had a lot of family pictures. But if you find something --

Arriola: Yes. If I could think of something, I'll donate it.

Toves: Or if we can copy it. Or if you want to donate it as a display item at the courthouse?

Toves: Okay. Final note.

Is there any other subject that that you might have missed on the District Court?

Arriola: No.

Toves: You don't remember anything else that you might have missed?

(No response).

Toves: If you come up with something else, you can just call me or write me about it.

Arriola: Okay, yes.

Toves: And this is the end. Thank you for the time you've given me.

Arriola: Yes. I hope I've given you some help.

Toves: And I'll get back to you about the transcript and also about the release form.

Well, after the transcript is transcribed, edited and finalized, I'll come up with the release form. I'll talk to you about what you want done with the transcript. It is the property of the District Court, you get a copy. You control whether you want it released or not.

Arriola: It's not really much.

Toves: All right, thank you very much. It's about 10:45 a.m. in the morning.

This concludes the oral interview of Mr. Arriola.

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