

HONORABLE ALEX KOZINSKI
CHIEF JUDGE, NINTH CIRCUIT COURT OF APPEALS

HONORABLE FRANCIS Y. DINGVO-GATEWOOD,
CHIEF JUDGE, DISTRICT COURT OF GUAM
MEMBERS AND PARTICIPANTS OF THE 2008 ANNUAL

DISTRICT COURT CONFERENCE.
I EXTEND TO JUDGE ^{GATEWOOD,} HIS MAGISTRATE
JOAQUIN MAXIBUSAN, AND THEIR STAFFS
A DANKULO NA SI YU US MAHSE, AS SINCERE
THANK YOU FOR THEIR EFFORTS IN THE
PRESENTATION OF THE TRIBUTE OR
TESTIMONIAL IN MY HONOR.

I DO NOT EXPECT ANY PUBLIC ACKNOWLEDGEMENT FOR MY 21 YEARS
OF SERVICE AS CHIEF JUDGE, DISTRICT
COURT OF GUAM. BE THAT AS IT MAY,
I REITERATE MY GRATITUDE WITH
DUE HUMILITY.

BEING A FEDERAL JUDGE IS NOT AN
EASY TASK. A PERSON ASSUMING
THIS POSITION MUST HAVE, AMONG OTHERS
A SENSE OF COURAGE, TEMPERAMENT,
INDUSTRY, STUDIOUSNESS, PATIENCE,
JUSTICE OR IMPARTIALITY, AND ABOVE ALL
A HIGH SENSE OF MORALITY. HE MUST
ALSO ADHERE TO THE PROVISIONS
OF THE CODE OF JUDICIAL CONDUCT FOR
UNITED STATES JUDGES. A LOT OF DO'S
AND DON'TS IN THAT CODE ENTAIL
PERSONAL SACRIFICES IN MANY PUBLIC
APPEARANCES AND ACTIVITIES.

REMINISCING OVER THE YEARS
I SPENT ON THE BENCH CERTAIN
INCIDENTS OR DECISIONS CAME TO
MIND, THE PRESSURE OF TIME PRECLUDE
A NARRATION OF THEM. HOWEVER I RECALL
ONE IMPORTANT MATTER, THAT I FEEL
WORTHY OF A NARRATING. IT INVOLVED
THE SUPREME COURT OF GUAM.

(over)

IN 1974, THE GUAM LEGISLATURE
ENACTED THE SO-CALLED REFORM
~~THE COURT REFORM ACT.~~

AMONG THINGS, IT ESTABLISHES THE
SUPERIOR COURT, REPLACING THE
ISLAND COURT OF GUAM, IT VESTED
JURISDICTION IN ALL CAUSES ARISING
UNDER THE LAWS OF GUAM CRIMINAL
AND CIVIL. THIS RESULTED IN ALL
CRIMINAL CASE, MISMEANOR AND FELONY
AND DELINQUENTS ARISING UNDER THE LAWS
OF GUAM, THE ACT ALSO CREATED THE
SUPREME COURT OF GUAM. NOT TOO
LONG AFTER THIS, A DECISION OF THE
SUPERIOR COURT WAS APPEALED TO THE
SUPREME COURT OF GUAM, THE UNSUCCESSFUL
LITIGANT ~~FILE~~ SOUGHT RELIEF IN THE
DISTRICT COURT OF GUAM, CONTENDING
THAT THE SUPREME IS A NULLITY, SINCE
THE ~~LEGISLATIVE~~ ORGANIC ACT OF GUAM
DID NOT GIVE THE LEGISLATURE THE
AUTHORITY TO CREATE A SUPREME COURT
I RULED THAT THE APPEAL SHOULD HAVE
BEEN FILED IN THE APPELLATE DIVISION
OF THE DISTRICT COURT, MY ~~DECISION~~ DECISION
IN A PANEL OF 3 JUDGES.

SHORTLY THEREAFTER A CRIMINAL
CONVICTION WAS APPEALED BOTH IN THE
DISTRICT COURT AND SUPREME COURT,
AT THE TIME THE SUPREME COURT
HAS NOT YET REGULATED ANY RULES
THE PEOPLE MOVED THAT THE
APPEAL SHOULD BE IN THE SUPREME
COURT. I CONCUR WITH THE CONTENTION
OF THE PEOPLE THAT ONLY THE
SUPREME COURT OF GUAM, SINCE
THERE IS NO ~~OR~~ LONGER AN
APPELLATE DIVISION OF THE DISTRICT
COURT. I RULED IN FAVOR OF THE
GOVERNMENT. MY DECISION WAS
APPEALED TO THE NINTH COURT
~~OR~~ ONCE AGAIN I WAS REVERSED,
THE COURT HOLDING THAT THE
SUPREME COURT OF GUAM IS A
NULLITY, THE MATTER FINALLY UP
IN THE COURT OF THE UNITED STATES.
BY A 5/4 DECISION THE US SUPREME
COURT HELD THAT THE LEGISLATURE DID
NOT HAVE THE AUTHORITY TO CREATE A
SUPREME CT.

STATE BY 35 EQUALLY THE US CONGRESS
AMEND THE ORGANIC ACT OF GUAM, AS A RESULT
OF THIS THE GUAM SUPREME COURT CAN EXIST