

# Pacific Islands Committee

## NEWSLETTER

SUMMER 2022



### Summer 2022 Contents

**A Word from the Chair**

**Page 1**

**Judge Profile: Magistrate Judge Jonathan Quan**

**Page 2**

**Pacific Island Judges Initiate Innovative Pilot Program to Tackle Family Violence**

**Page 4**

---

## A Word from the Chair

After a brief hiatus in funding due to pandemic-related cost savings, I am pleased to announce that the Ninth Circuit has received a grant to fund judicial education in fiscal year 2023. We are optimistic that we will be able to resume in-person programming across all islands and equally hopeful that the world begins to transition to a new normal.



*Hon. M. Margaret McKeown, Circuit Judge, Ninth Circuit Court of Appeals*

After more than two years of closed borders, we anticipate that the Federated States of Micronesia will open their borders for vaccinated travelers, as their president has committed to do by August 2022. The opening of the FSM will be a significant milestone in our return to standard programming, as it is the home of the largest number of judges served by this program. Though a concrete date has yet to be set, we anticipate that the Marshall Islands reduction in quarantine time may lead to fewer travel restrictions.

We are looking forward to September 2022, which will serve as a kickoff for a series of conferences. This

series of meetings will begin with the long-awaited grand opening of the new Northern Mariana Islands United States Courthouse in Saipan, followed by the NMI District Conference. The events will then continue in Guam, where the District of Guam will hold its district conference in conjunction with the Pacific Judicial Council Biennial Conference. The final conference in this series will be the Pacific Judicial Conference of Chief Justices, which is a biennial meeting for all the chief justices from both the North and South Pacific. This meeting was last held in Samoa in 2018 and has been rescheduled several times due to travel restrictions.

We anticipate a return to a full schedule of live training programs throughout 2023. As I have mentioned in past newsletter articles, the funding component of the Compacts of Free Association with the Federated States of Micronesia, the Republic of Palau and the Republic of the Marshall Islands concludes at the end of fiscal year 2023. The compact negotiations are ongoing, and we are hopeful that the funding for judicial education in the Pacific islands will continue beyond 2023. ●



### **Magistrate Judge Jonathan Quan Superior Court of Guam**

Magistrate Judge Jonathan Quan is a person who wears many hats. In addition to serving as a member of Guam's Superior Court, he is a major in the Judge Advocate General's Corps, Army National Guard; senior defense counsel for the Territory of Guam; a regular instructor for the National Guard Trial Defense Service; a husband, a father, the holder of three black belts (in Tae Kwon Do, Aikido and Kali/Arnis/Escrima) and an instructor of marshal recruits in the tactical application of the blade, flashlight and expandable baton.

Judge Quan's path to the bench was as varied as his current vocations and interests. Judge Quan was born in the Philippines because both of his grandparents were physicians there, but he was raised in Guam and attended Father Duenas Memorial High School. He was valedictorian of his class, earned several academic scholarships and attended the University of Pennsylvania, where he double-majored in international relations and Asian Middle Eastern studies. From there, Judge Quan headed to the west coast and earned his J.D. at Loyola Law School in Los Angeles in 1996.



*Hon. Morgan  
Christen, Circuit  
Judge, Ninth Circuit  
Court of Appeals*

Judge Quan speaks glowingly of Guam and describes it as "home forever," "very green with better beaches" and "neither commercial nor touristy." But his upbringing in Guam did require some cultural adjustments – and resulted in culture shock – when he attended college and law school. In addition to experiencing his first winter in Pennsylvania, Judge Quan realized that he had been raised with an entirely different approach to resolving conflicts. As Judge Quan explains it: if two co-workers on Guam have a dispute, they might ignore each other for days or even weeks unless a supervisor mediates a resolution. His theory is that people living on islands may be naturally more inclined to avoid confrontation as a strategy for living harmoniously in tight quarters. (Guam comprises about 240 square miles, and it takes about 2 1/2 hours to complete a drive around the island.)

Whatever the reason, life at law school definitely involved more commotion and much more direct one-on-one communication than Judge Quan was accustomed to, and his initial impression was that his tendency to avoid conflict would rule out a career as a litigator. But over time, he changed his mind. A student internship with the Los Angeles City Attorney's Office and a follow-on semester working in the Juvenile Crimes Division of the L.A. District Attorney's Office no doubt helped with that transition. In fact, when Judge Quan returned to Guam after law school, he recalls needing to "ratchet back" to get in step with the manner and pace of other members of the Guam bar.

Judge Quan's first job as one of Guam's legal professionals was a year-long clerkship in the superior court for Judge (now Associate Justice) Katherine A. Maraman. He was awed by then-Judge Maraman's work and work ethic, and the clerkship left him convinced of two things: he wanted to work in a courtroom, and civil discovery battles were not his cup of tea. Judge Quan accepted a job at the Prosecution Division of the Guam Attorney General's Office and began prosecuting misdemeanor and felony cases involving aggravated assault, DUIs,

## Quan *continued*

family violence, criminal sexual conduct, theft and burglary offenses.

Over the course of the next 20 years, Judge Quan held various positions at the Attorney General's Office, and in private practice, and litigated a broad range of matters. By the time he became a magistrate judge in 2018, his felony trial experience as a practitioner included cases involving murder, kidnapping and controlled substances offenses, and he had served as a member of Guam's Family Abuse and Sex Crimes Unit, the Mental Health Criminal Court Unit and as solicitor to the Guam Police Department. Judge Quan was also a member of the faculty at Guam Community College for five years and taught a number of introductory law courses, including criminal law and procedure, introduction to criminal justice and introduction to criminology.

Judge Quan also wound up having a varied civil practice and had the unique experience of serving as research counsel to F. Philip Carbullido, Esq. (now Guam Supreme Court chief justice) on a significant case that eventually made its way to the United States Supreme Court, *Gutierrez v. Ada*, 528 U.S. 250 (2000). *Gutierrez* held that Guam's Organic Act did not require a runoff election when a candidate slate for territorial governor and lieutenant governor received a majority of the votes cast for the gubernatorial slates, but not a majority of the total ballots cast in the simultaneously held general election.

Guam's Superior Court is the court of general jurisdiction and magistrate judges are appointed to four-year renewable terms. The local bar association selects the top three candidates and sends them on to Guam's chief justice, who interviews the finalists and selects a nominee for appointment, subject to a confirmation hearing before the legislature.

Judge Quan had no difficulty adjusting to life on the bench and he enjoys his job very much. Guam's population is about 165,000 people and its judicial officers are quite visible, so his position necessarily

entails a loss of some degree of privacy. But he feels at home on the island and welcomes its open and friendly culture. Even during the COVID lockdown period, Judge Quan remained very busy with telephonic court hearings, and coordinating life with his wife of 11 years, his stepson, a 7-year old daughter (whom he describes as "wonderfully rambunctious") and his National Guard work. The latter requires regular workouts to stay in shape for periodic physical tests.

Most of Judge Quan's court operations were conducted telephonically for the first several months of the pandemic, but he became dissatisfied with that arrangement as the months wore on and he began using video conferencing technologies to bridge the barriers between the courtroom and the public. With the assistance of a deputy marshal and a bailiff, Judge Quan set up an old 40-inch flat screen television in a hallway outside the courtroom and, with some painter's tape, connected the courtroom telephone to the computer. This gave the public and media the option of participating in proceedings via video conference, telephonically or in person in a makeshift public access area without compromising social distancing. The feedback he received was uniformly positive, particularly from members of the media, and he predicts the pandemic will result in at least some permanent changes to court operations for island communities. In his view, the technologies the court employed in response to COVID allowed the press to have better access than it has ever had, and the public has been well-served by the media's enhanced ability to cover more court proceedings and verify the accuracy of its coverage.

Judge Quan is proud of the large percentage of Guam residents who serve in the military and equally proud to be a part of Guam's long tradition of military service. In his view, this boils down to a simple value: "We have to take care of our home." He looks forward to many more years of serving his community as a judge, advocate, instructor and member of the National Guard. ●

# Pacific Island Judges Initiate Innovative Pilot Program to Tackle Family Violence

Chief judges and justices in the Pacific islands are in the midst of a historically ground-breaking pilot program that targets family violence in their region. The Pacific Judicial Council's Family Violence Emotional Quotient (EQ) Program aims to educate their communities on healthy emotional decisions and behavior. Pacific Judicial Council members from Guam, Saipan, Tinian, Rota, Palau, Yap, Chuuk, Kosrae and Pohnpei have teamed up with executive and legislative branch leaders on their islands to ensure success with this very special pilot program.



*Bill Cracraft,  
Communications  
Specialist, Office of  
the Circuit Executive*

“While our initial and main goal is to reduce family violence in our region, we clearly see the tremendous, immediate, and residual benefits of taking the Emotional Quotient approach,” said the Honorable Frances Tydingco-Gatewood, PJC president and District Court of Guam chief judge. “We are not simply reacting to the violence. In this case, we are working to be proactive. The three branches of government are taking very seriously the real possibility that if we can help our people understand their emotions - most especially our children - then they can learn to effectively manage those emotions.”

## A Crisis

Judge Tydingco-Gatewood and PJC committee co-chair for the EQ program, the Honorable Cyprian Manmaw, chief justice of Yap Island, recognized one of the greatest benefits of carrying out the Family Violence EQ program was that it would address what has been referred to as a crisis and national emergency in America: mental health - especially in youths. Micronesia claims one of the [highest rates of suicides per capita](#) in the world.



*Top: Honorable Frances Tydingco-Gatewood, Chief District Judge of the District of Guam, speaking at the opening session of the EQ Summit. Middle: Honorable Arthur R. Barcinas, Superior Court of Guam Judge and Pacific Judicial Council Education Chairman, speaking in the District Court of Guam courtroom that served as the EQ Summit's broadcast headquarters. Bottom: Honorable Cyprian Manmaw, Chief Justice of Yap Island, pictured left, joined the EQ Summit from Yap with other remote summit participants.*

## Pilot continued

Recent studies affirm the rise in family violence. Current comparative statistics on domestic (family) violence in Micronesia and other island areas are scarce, but global data show an upturn in domestic violence incidents. In their 2021 report, "[Domestic Violence During the COVID-19 Pandemic: A Systematic Review](#)," Anastasia Kourti and Androniki Stavridou, the primary authors, drew on 32 studies from North America, Europe, Asia-Pacific Area and Africa. The report's abstract notes, "COVID-19 has caused an increase in domestic violence cases," and states that domestic violence reporting is very likely compromised in terms of current statistics, noting "In children, however, although the specialists' estimations suggested an increase in child maltreatment and abuse cases, the rate of police and social services' reports has declined during the COVID-19 pandemic. School closures that isolated students at home seemed to have contributed to this decrease. Conclusions: Domestic violence has been a considerable issue imposed by the COVID-19 epidemic to a worldwide context. The home confinement led to constant contact between perpetrators and victims, resulting in increased violence and decreased reports. In order to minimize such issues, prevention measures and supporting programs are necessary."

### Something More Was Needed

"We really pondered how we could address the issue and determined a deeper approach to ending family violence, or violence in general, could be found through a scientifically proven and evidence-based solution referred to as "EQ" (emotional quotient)," Judge Tydingco-Gatewood said. "We consulted closely with U.S. Ninth Circuit Judge M. Margaret McKeown, chair of the Pacific Islands Committee (of the Judicial Council of the Ninth Circuit) and our Ninth Circuit education specialist, Russ Mathieson, (of the Office of the Circuit Executive for the U.S. Courts for the Ninth Circuit) for feedback and guidance."

### Three-phase Program

The PJC EQ program has three phases: (1) EQ Informational Conference and Training sessions,

which took place on December 2021, (2) EQ Curriculum and Community Outreach Pilot Program, January to April 2022, and (3) the EQ Reporting Conference which will take place July 27-29, 2022.



*A 7th grade class, led by Principal and Teacher Mae Lynn Tiningidow from Dalipebinaw Community School in Yap, immersed in the Domestic Violence EQ curriculum.*

### Phase 1 Conference Details

The first phase, a training conference, took place at the District Court of Guam from Dec. 1-3, 2021. Nearly 300 people representing the different branches of government from participating islands either attended in-person or virtually via video conferencing software. EQ expert, Dr. Neil Nedley, traveled to Guam to conduct workshops on the different aspects of emotional intelligence as well as answer questions from attendees.

Day one, December 1, opened with remarks by Judge Tydingco-Gatewood and Guam Chief Justice the Honorable F. Philip Carbullido, followed by Dr. Nedley who spoke on emotional intelligence and brain plasticity – "changing the brain" and how this solution will help to reduce family violence on the islands. Train-the-trainer sessions were held each afternoon.

Day two started with Dr. Nedley's presentation: "The Role of the Family in Developing Emotional Intelligence" and "Boosting Your Emotional Intelligence and Helping Others Do the Same." In these talks, he addressed issues like the differences between a functional and dysfunctional family.

## Pilot *continued*

On the third and final day of the conference, attendees heard details on the EQ pilot program taking place from January to April and from Dr. Nedley on global issues with mental illness.

### Two Major Components

Judge Tydingco-Gatewood summed up the program: “The content presented to students and others is composed of two major components that must be completed within a 3–4-month period,” she said. “The first is a specifically developed, comprehensive EQ curriculum for elementary, middle and high school grade levels where students learn about their brains in a simple, fun and exploratory way. Next, they learn how their emotions are connected to their brains and how to understand their emotions.”

### Initial Response Overwhelming

“The response to the program outline and overall concept content has been overwhelming,” Judge Tydingco-Gatewood said. “Leaders from all the three branches, as well as their co-leaders and staff, all had similar things to say.”

Associate Justice Kerio D. Walliby, of the Chuuk State Supreme Court, said he has been working for about 14 years with the FSM national government as a program manager/administrator for the FSM Behavioral Health and Wellness Program. “Understanding and solving the problems through education and counseling will reduce domestic violence and improve emotional intelligence,” he said.

### Ninth Circuit Pacific Islands Committee Role

The training is provided by Nedley Health Solutions, said Russ Mathieson education specialist in the Office of the Circuit Executive for the U.S. Courts for the Ninth Circuit. Mathieson staffs the Pacific Islands Committee of the Judicial Council of the Ninth Circuit chaired by U.S. Ninth Circuit Judge M. Margaret McKeown. The committee’s mission is to help improve the administration of justice in the participating entities named above.

Working almost exclusively with the state-level courts of these jurisdictions, the committee develops and presents a variety of judicial education and court professional training programs through grants from the U.S. Department of the Interior. Live events were the norm prior to the COVID-19 pandemic, but the committee transitioned quickly to holding online sessions.

Pilot schools will introduce program elements along with regular material rather than have separate classes. “Each team is charged with presenting the EQ program curriculum to one elementary school, one middle school, and one high school class, for a maximum of 100 combined participants due to constraints with the materials printing costs,” said Mathieson. If the pilot program is found to be effective at the July assessment, the plan is to institutionalize the program in the curriculum of the island schools, he added.

The program is specially designed to educate not just the student learning about emotional intelligence in class, but parents, siblings and others through various elements of the program. ●

[Read the full text of this article online.](#)



### Office of the Circuit Executive

Susan Y. Soong, Circuit Executive  
P.O. Box 193939, San Francisco, CA 94119-3939  
Ph: (415) 355-8900, Fax: (415) 355-8901  
<https://www.ca9.uscourts.gov>

### Pacific Islands Committee Newsletter Staff:

Renée S. Lorda, Managing Editor, Assistant Circuit Executive for Public Information, Conference and Education  
Russ Mathieson, Education Specialist for Public Information, Conference and Education  
Katherine M. Rodriguez, Communications Administrator for Public Information, Conference and Education  
Alex Clausen, Audio & Visual Specialist for Public Information, Conference and Education