



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3300 Fax: (671) 475-3140

**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
WEDNESDAY, FEBRUARY 16, 2023
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center
Via Zoom Videoconference**

Hon. Robert J. Torres
Chairman

Hon. Katherine A. Maraman
Member

Hon. F. Philip Carbullido
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Maria T. Cenzone
Member

Advisory Committee Members:

Hon. Arthur R. Barcinas

Hon. Vernon P. Perez

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

Administrator of the Courts:
Danielle T. Rosete

Judicial Council Secretary:
Jessica J. Perez-Jackson

Judicial Council Asst. Secretary:
Petrina M. Ula

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice Robert J. Torres, at the hour of 12:04 p.m.

ROLL CALL:

Chief Justice Robert J. Torres (calling in from off-island)
Justice F. Philip Carbullido (calling in from Judiciary)
Justice Katherine A. Maraman (calling in from Judiciary)
Presiding Judge Alberto C. Lamorena III (calling in from off-island)
Judge Maria T. Cenzone (calling in from off-island)

Advisory Committee Members:
Judge Dana A. Gutierrez
Referee Linda L. Ingles
Attorney Frederick J. Horecky

Also present:

Ms. Danielle T. Rosete, Administrator of the Courts (AOC)
Ms. Sarah G. Elmore-Hernandez,
Director of Policy, Planning, & Community Relations (DPPCR)
Ms. Suzane P. Santiago-Hinkle, Staff Attorney
Ms. Sophia Santos Diaz, Clerk of Court, Superior Court
Ms. Valerie D. Tenorio, Chief Deputy Clerk, Courts and Ministerial Division (C&M)
Ms. Hannah G. Arroyo, Clerk of Court, Supreme Court
Ms. M. Erica R. Eschbach, Staff Attorney, Supreme Court
Ms. Dawn R. Blas, Judicial Educator
Ms. Barbara Jean T. Perez, Human Resources Administrator
Mr. Troy M. Pangelinan, Marshal of the Court

Mr. Joseph J. Leon Guerrero, Deputy Chief Marshal
Ms. Trisha T. Suzuki, Deputy Chief Probation Officer
Ms. Ma. Dianne Ollet Gudmalin, Finance Management Division Administrator (FMD)
Ms. Melissa Casil Chargualaf, Client Services and Family Counseling Division Administrator (CSFC)
Mr. Robert John S. Rabago, Management Information Systems Administrator (MIS)
Ms. Marcelene C. Santos, Public Guardian
Ms. Geraldine A. Cepeda, Compiler of Laws/Law Library Executive Director
Mr. Carl V. Dominguez, Procurement and Facilities Management Division Administrator (PFMD)
Ms. Marissa C. Antonio, Deputy Procurement and Facilities Management Division Administrator (PFMD)
Ms. M. Grace Lapid Rosadino, Acting Court Programs Administrator
Mr. Andrew Sergio Quenga, Executive Director, CLRC
Ms. Margaret Pangelinan-Hughey, Legislative Assistant, Office of Speaker Therese M. Terjale
Mr. Jesse C. Franquez, Deputy Clerk Supervisor, C&M Division & IFIK President
Ms. Carmelita G. Tenorio, Court Reporter Supervisor, Courts & Ministerial Division
Ms. Jessica Perez-Jackson, Administrative Services Officer, Judicial Council Executive Secretary
Ms. Petrina M. Ula, Judicial Assistant, Judicial Council Assistant Secretary
Ms. Shelterihna T. Alokoa, Judicial Assistant & Supreme Court Technical Bailiff
Public Access in the Atrium

II. PROOF OF DUE NOTICE OF MEETING

Due publication of the five-day Notices of Meeting of the Judicial Council, as required under the Open Government Law, was published in the Guam Daily Post. Acknowledgments are on file.

III. DETERMINATION OF QUORUM

Chief Justice Torres began the roll call. Chief Justice Robert J. Torres, Associate Justice F. Philip Carbullido, Associate Justice Katherine A. Maraman, Presiding Judge Alberto C. Lamorena III, and Judge Maria T. Cenzone identified themselves and their location. This meeting determined a quorum with five (5) Judicial Council members present.

IV. READING AND DISPOSAL OF MINUTES: January 18, 2023 Regular Meeting and January 18, 2023 Executive Session

Justice Carbullido moved to approve the January 18, 2023 Regular Meeting minutes and the January 18, 2023 Executive Session minutes. Judge Cenzone seconded the motion. Chief Justice Torres called an oral vote. With no discussion, the Council members voted in favor; the minutes were approved.

V. OLD BUSINESS

A. Judiciary FY23 Remittances under PL 36-107

Ms. Dianne Gudmalin, the Financial Management Division (FMD) Administrator, reported that the scheduled bi-weekly allotment of \$1,295,990 from the General Fund Appropriation of \$33,695,000 for FY23 continues to be received on time. She stated that from the \$33,695,000 appropriated to the Judiciary under PL 36-107, 38% or \$12,958,000 had been received. Ms. Gudmalin added that the last allotment was received on February 9, 2023, and the next is due on February 21, 2023.

B. Update on the Judiciary's Response to COVID-19

The Administrator of the Courts (AOC), Ms. Danielle T. Rosete, stated that the Judiciary maintained the sanitization of facilities and had yet to receive reports of significant COVID-19-positive employees. She asked to remove the Judiciary's Response to COVID-19 from the JC agenda considering the Governor of Guam's lifting of the Public Health Emergency. There was no objection from the Council.

C. Update on Capital Improvement Projects

Ms. Rosete provided an update on the ongoing Capital Improvement Projects (CIP), including the Judicial Building and the Guam Historic Courthouse.

She said ongoing carpet installation has moved to the 1st floor of the Judicial building.

Ms. Rosete stated she would have an update on the cost of replacing the two (2) skylights in the Judicial building at the next Council meeting. She noted that the Procurement Administrator, Mr. Carl Dominguez, will meet with the architectural contractor next week to negotiate design costs.

Ms. Rosete said that the contract for rehabilitating the Guam Historic Courthouse Building would be extended beyond February 28, 2023, due to delays in shipping lead items, the chillers, and air handlers. She added that she would be meeting with the contractor to determine the timeline for the completion of the project. Ms. Rosete stated that work continues to progress despite the delays; the contractor is installing air ducts, drywall, and paint on the exterior of the building.

D. Certificate of Commendation (V. Yasuhiro) (tabled pending Ms. Yasuhiro's attendance)

Ms. Yasuhiro's Commendation is tabled until she can appear before Council.

VI. NEW BUSINESS

A. **Bill No. 24-37 (COR) Relative to the Adjusted General Pay Plan (GPP)**

Ms. Sarah Elmore-Hernandez, Director of Policy, Planning, and Community Relations (DPPCR) explained that Bill No. 24-37 (COR) was introduced to the Guam Legislature on February 1, 2023, to implement the Department of Administration's (DOA) recommendations to the Governor regarding the General Pay Plan (GPP). She noted that the DOA recommendation included a 22% upward adjustment for all Government of Guam employees under the GPP, to be implemented in FY2023. Ms. Elmore-Hernandez said the adjustment would be funded by \$16,000,000 from the General Fund. She stated that the measure was referred to the Committee on General Government Operations and Appropriations shortly after the introduction and is awaiting a public hearing.

Chief Justice Torres added that he has meetings scheduled with Judiciary management and Senators to discuss the implementation of the Bill ahead of the public hearing and that the progress of the Bill will be closely monitored. He added that the Judiciary management also monitors a Bill introduced at the Legislature, increasing the attorneys' salaries at the Public Defender Service Corporation. He said the Judiciary hopes that all employees will be treated equitably and fairly and that an update will be provided at the next Council meeting.

B. **JC Resolution Relative to Commending Judge Arthur R. Barcinas for His Service to the Judiciary of Guam**

Judge Barcinas' commendation was tabled to the next Council meeting.

C. **JC Resolution Relative to Commending Kristina L. Baird for Her Service to the Judiciary of Guam**

Ms. Baird's commendation was tabled to the next Council meeting.

D. **JC Resolution Ratifying the Appointment of Danielle T. Rosete to the Position of the Administrator of the Courts**

Chief Justice Torres presented to the Council a resolution that ratifies Ms. Rosete's appointment to the position of the Administrator of the Courts. **Presiding Judge Lamorena moved to adopt the resolution as presented, and Justice Maraman seconded the motion. Chief Justice Torres called an oral vote, and all present Council members voted in favor of the resolution; the resolution was unanimously adopted.**

E. JC Resolution Relative to Updating the Signature Card for the Judiciary Accounts

Chief Justice Torres presented to Council the need to update the signature cards for the Judiciary's accounts held with First Hawaiian Bank, Bank of Guam, Bank of Hawaii, and Bank Pacific. He stated the update was needed due to recent changes in the Judiciary's management team. **Presiding Judge Lamorena moved to adopt the Resolution as presented; Judge Cenzone seconded the motion. Chief Torres called for an oral vote. All Council members voted to adopt the Resolution Relative to Updating the Signature Card for the Judiciary Accounts.**

F. JC Resolution Relative to the Creation of the Position of the Criminal Docket Manager

Ms. Rosete stated that the Council packet included a memorandum requesting the creation of a Criminal Docket Manager position within the Courts and Ministerial Division (C&M), similar to the Civil Case Manager position created by the Council previously. She said C&M recognizes the effectiveness and efficiency of having a Civil Case Manager. Ms. Rosete stated that the Clerk of Court continues to address how to improve efficiencies of case flow management for the Superior Court matters. She explained that the Judiciary's Strategic Plan Committee on Effective Case Management and Timely Resolution (the Committee), under then chair Justice Carbullido, identified the creation of the Criminal Docket Manager as one of its initiatives. Ms. Rosete added that Judge Cenzone was appointed to the Committee by Justice Carbullido when he was appointed Chief Justice. Under Judge Cenzone's direction, the Committee created a pilot project to examine the criminal case docket and find ways to improve practices. She noted that Judge Cenzone's year-long participation in the pilot project helped with her docket assignments for her criminal cases. She said that the pilot project further proved that the creation of the position of Criminal Docket Manager is warranted to improve efficiencies for criminal cases for all Superior Court Judicial Officers.

Ms. Rosete explained that should Council decide to create the position, the Clerk of Court for the Superior Court will not seek additional funding for the position; but that the position would be tied to existing staffing levels and funding for the C&M Division.

Chief Justice Torres asked for a motion to advance the resolution for discussion purposes. Presiding Judge Lamorena made the motion; Justice Carbullido seconded.

Judge Cenzone described the goals and the results of the aforementioned pilot program. She noted the effectiveness of the Civil Case Manager in examining open and active civil cases. Judge Cenzone stated that the pilot program's goal was to do the same for criminal cases. She explained that as part of the pilot program, she worked with Ms. Cynthia Tiong from the C&M Division to prepare a report on criminal case aging, with and without disposition. Judge Cenzone said they discovered many cases awaiting final disposition and should have been closed. She said that the role of the Criminal Docket Manager would be to identify such cases and assist in flagging asserted cases to ensure adherence to timelines.

Judge Cenzone added that the Criminal Docket Manager would create a repository of forms used by all Judicial Officers for consistency across all Chambers.

Presiding Judge Lamorena noted his support for creating the position and outlined focus areas. Justice Carbullido lent his strong support to the creation of the position.

Justice Maraman asked which pay grade was assigned to the Civil Case Manager position. Ms. Barbara Jean Perez, Human Resources Administrator, stated that pay grade "P" was assigned. Justice Maraman noted that the pay grade assigned to the Criminal Docket Manager is "N" and questioned for an explanation of differing pay grades for similar positions. Ms. Perez said that the role of the Criminal Docket Manager would be to audit filed cases; the Civil Case Manager must have paralegal experience, know how to solve problems and be accountable for solutions provided. Judge Cenzone stated that both positions require a bachelor's degree; however, the Criminal Docket Manager is open to candidates who may not have a degree but qualify due to their job experience and years in service. Judge Cenzone noted that the Criminal Docket Manager would not create forms but instead would be responsible for maintaining a repository of forms the trial court judges created. She said this was one of the considerations that went into deciding the pay grade. Justice Maraman asked to change the position description and salaries to be comparable. **Justice Maraman moved to table the resolution to the next Council meeting to allow time to adjust the position description to expand the duties to justify a salary increase; Presiding Judge Lamorena seconded the motion. Judge Cenzone abstained. The four (4) voting Council members voted to table the matter until the next Council meeting.** Justice Torres noted that the financial impact would have to be considered as the Clerk of Court was not requesting additional funding for this position.

G. Notice of the Next Meeting (Thursday, March 16, 2023)

Chief Justice Torres stated that the next Judicial Council meeting would be held on Thursday, March 16, 2023, and that notice would be sent as to the meeting format.

VII. COMMUNICATIONS

Chief Justice Torres announced that Ms. Moana P. Taijeron, Deputy Clerk II in the Supreme Court Clerk's Office, will be the designated support person for the Judicial Council's Committee on Judicial Discipline; Presiding Judge Lamorena chairs the Committee. He explained that under the new Guam rules of Lawyer Disciplinary Enforcement and Disability Proceedings, the Regulation Counsel was removed from the Judicial Discipline process and will no longer perform the duties previously under the Ethics Prosecutor.

***At 1:04 p.m., following Executive Session, Chief Justice Torres announced that the Investiture of Judge John C. Terlaje would be held on March 1, 2023, at 4:00 p.m. in the Atrium of the Judicial Center.**

VIII. PUBLIC COMMENT

A. Guam Bar Association Board (GBA) – President's Report

Chief Justice Torres read into the record the written report provided by the President of the Guam Bar Association: the Board of Governors held an uncontested election; the election committee will count ballots in a meeting on February 20, 2023; Attorney Phil Tydingco will serve as acting interim Treasurer; and the Annual Meeting will be held on April 21, 2023. He added that the memo also described the 2023 Indigent Defense Criminal Law CLE Series that will be held on the last Tuesday and Thursday of every month for the year.

B. Court Employees Association

Mr. Jesse C. Franquez, IFIK President, noted that in a meeting held on February 14, 2023, the results of a member survey regarding venues for the annual Court Employees Association Christmas party were finalized. He stated that members recommended the Dusit Thani Resort, Hyatt, and Nikko hotels for consideration.

Mr. Franquez explained that committees had been formed to plan the 2023 Law Month 5K, scheduled for Saturday, May 13, 2023.

He described that IFIK applied for two grants to support proposed programs, including a childcare assistance grant.

Mr. Franquez noted that IFIK would participate in Guam Liberation Day Pageant events.

He noted that 25 new members joined IFIK and that membership is now up to 252. He said the current membership drive is open until the end of March 2023.

Mr. Franquez announced that each division of the Judiciary is charged with holding a fundraiser that will benefit IFIK and that a calendar of the events will be released following the next IFIK meeting.

****At 12:53 p.m. Chief Justice Torres called for a recess to begin Executive Session to discuss ongoing litigation matters, as requested in a January 27, 2023, memo to the Judicial Council from Staff Attorney Suzane Santiago-Hinkle. Judge Cenzone motioned to move to Executive Session; Justice Maramba seconded the motion. Chief Justice Torres called an oral vote. All Council members voted in favor.**

IX. EXECUTIVE SESSION

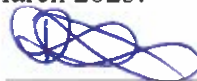
Chief Justice Robert J. Torres, Justice F. Philip Carbullido, Justice Katherine A. Maraman, Judge Maria T. Cenzone, AOC Danielle T. Rosete, Staff Attorney Suzane Santiago-Hinkle, Court Transcriber Carmelita G. Tenorio, and Council Executive Secretary Jessica Perez-Jackson were present during the Executive Session. Presiding Judge Alberto C. Lamorena III joined at 12:57 p.m. He was experiencing connectivity issues.

***At 1:03 p.m., Presiding Judge Lamorena moved to rise to the regular session; Justice Maraman seconded the motion. The public meeting of the Judicial Council resumed. Chief Justice Torres stated that no decision needs to be made in regular sessions due to the Executive session convening.

X. ADJOURNMENT

Justice Carbullido moved to adjourn. Presiding Judge Lamorena seconded the motion, adjourning the meeting at 1:04 p.m.

Respectfully submitted this 16th day of March 2023.



PETRINA M. ULA
Assistant Secretary,
Judicial Council of Guam



JESSICA PEREZ-JACKSON
Executive Secretary,
Judicial Council of Guam

As set out above, the Minutes of the February 16, 2023 Regular Meeting were approved by the Judicial Council at the March 16, 2023 Regular meeting.



ROBERT J. TORRES

Chair

Dated:

3/17/23