

JUDICIAL COUNCIL OF GUAM REGULAR MEETING THURSDAY, MARCH 16, 2023 | 12:00 PM GUAM JUDICIAL CENTER AND VIA VIDEOCONFERENCE

AGENDA

I.	CALL	TO C)RDEI

II. PROOF OF DUE NOTICE OF MEETING: March 9, 2023

March 14, 2023

III. DETERMINATION OF QUORUM

IV. READING AND DISPOSAL OF MINUTES: February 16, 2023 Regular Meeting

February 16, 2023 Executive Session

V. OLD BUSINESS

- A. Judiciary FY23 Remittances Pursuant to P.L. 36-107
- B. Update on Capital Improvement Projects
- C. Resolution, JC 23- Commending Judge Arthur R. Barcinas for His Service as a Member of the Judicial Council
- D. Resolution, JC 23- Commending Kristina L. Baird for Her Service to the Judiciary of Guam
- E. Certificate of Commendation (V. Yasuhiro) (tabled pending Ms. Yasuhiro's attendance)
- F. JC Resolution Relative to the Creation of the Position of Criminal Docket Manager
- G. Bill No. 24-37 (COR) Relative to the Adjusted General Pay Plan (GPP)

VI. NEW BUSINESS

- A. JC Resolution Relative to Approving Pay Increases for Judiciary Employees on Pay Structures based on the General Pay Plan (GPP) Subject to the Enactment of Bill No. 24-37 (COR) and the Availability of Funding
- B. JC Resolution Relative to Approving Pay Increases for Judiciary Law Enforcement Employees Subject to the Enactment of Bill No. 24-37 (COR) and the Availability of Funding
- C. Notice of the Next Meeting (Thursday, April 20, 2023)

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

- A. Guam Bar Association President's Report
- B. Court Employees Association

IX. EXECUTIVE SESSION

A. Ongoing litigation

X. ADJOURNMENT

Promoter's lawsuit against FIFA restored

NEW YORK (AP) — A promoter's lawsuit against FIFA and the U.S. Soccer Federation can proceed toward trial after a lower-court judge had thrown it out, a federal appeals court decided Tuesday.

The 2nd U.S. Circuit Court of Appeals ruled in the lawsuit by Relevant Sports, controlled by Miami Dolphins owner Stephen Ross, after the USSF refused to sanction a league match between Ecuador's Barcelona and Guayaquil in Mi-

AGGIE WHELAN KENNY In this courtroom sketch, defendants Hernan Lopez. center, and Carlos Martinez, second from right, sit with their attorneys as the jury deliberates March 7, 2023, at Brooklyn federal court in New York

ami Gardens, Florida.

In its refusal, the USSF had cited a 2018 FIFA policy that its ruling council "emphasized the sporting principle that official league matches must be played within the territory of the respective member association."



In a decision written by Judge Raymond J. Lohier Jr., the 2nd Circuit said a three-judge panel disagreed with a lower court judge who

said Relevent needed to have evidence to prove that the soccer entities had agreed in advance to adopt the 2018 policy.

The University Of Guam Solicits Applications To

Establish A List Of Eligibles For The Following

Position (Tenure/Non-Tenure Track Appointment,

Full/Part-Time, Subject to the availability of funds):

#046-23 ASSISTANT PROFESSOR

(MARINE MICROBIOLOGY)

Contact the Human Resources Office at (671)735-2350 for

additional information regarding requirements, qualifications

and application deadline, 8:00 a.m. to 5:00 p.m., Monday through

Friday, except holidays. View the Human Resources Office website

at http://www.uog.edu/hro for detailed information on the job

announcement. For further information, please email Tom Schils,

The University of Guam is a U.S. accredited institution and an

Equal Opportunity Employer and Provider and complies with

PhD., Search Committee Chair at tschils@triton.uog.edu.

"Relevent plausibly alleges that the 2018 Policy reflects a contractual commitment

of head-to-head competitors to restrict competition," the appeals court said.

It added that Relevent's lawsuit alleged that the policy itself violates antitrust laws and its implementation provides direct evidence of collusion among the parties.

The 2nd Circuit rejected arguments by FIFA that it isn't subiect to a lawsuit in New York. It said the USSF is FIFA's agent and transactions substantial business on behalf of FIFA in New York.

Relevent had first sued in 2019 over the issue in New York Supreme Court after the USSF refused to sanction the 2018-19 league match between Barcelona and Guayaquil.

It later withdrew the state lawsuit and brought the claims to federal court, also in 2019, citing antitrust law.

In 2020, the U.S. Justice Department warned FIFA unac prohibition against on league matchinternationally could violate American antitrust laws.

"Today's ruling is an apportant victory for important victory for both American soccer and the global growth of the game," Relevent said in a statement. "By paving the way for the best teams and players from football clubs around the world to compete in competitive matches in the United States, in the United States, in the United States, in the United States in the United States, in the United States in the more fans will have the chance to witness the sport being played at its highest level and directly experience all that it has to offer."

Guam Board of Barbering and Cosmetology Monday, March 13, 2023 9:00 AM (Guam ChST)

Join Zoom Meeting

https://us06web.zoom.us/j/813 <u>61706733?pwd=Yk9odDEwRUt</u> CUFpGbC9lTDQ1OGNhZz09

Meeting ID: 813 6170 6733 **Passcode**: 179399

Meeting Agenda:

CALL TO ORDER ROLL CALL PROOF OF PUBLICATION APPROVAL OF AGENDA APPROVAL OF MINUTES HPLO ADMINSTRATOR'S REPORT TREASURER'S REPORT

OLD BUSINESS

a. Rules and Regulations –

b. Complaints (1) GBBC-CO-2021-0001 - Date Received: 07/02/2021 (J. Blas) (2) GBBC-C0-2021-0002 - Date Received: 07/08/2021 (R. Santos) (3) GBBC-C0-2021-0003 - Date Received: 07/19/2021 (L. Tumaneng) (4) GBBC-C0-2021-0004 Date Received: 07/20/2021 (L. Tumaneng) (5) GBBC-C0-2021-0005 Date Received:

08/19/2021 (A. Taitano)
c. Applications for Examination d. Applications for Apprentice e. Application for Establishment

IX. NEW BUSINESS

(a) Applications for Examination (b) Applications for Apprentice (c) Application for Reciprocity (d) Board Logo Design (e) Barber – § 18118. Eligibility and Qualifications for Barber License - Statute (1) Osias B. Pascual

ANNOUNCEMENTS ADJOURNMENT

To view the names of the applicants being considered go to https://guamhplo.org/gbbc LIVE Streaming link

http://facebook.com/HPLOGuam

This advertisement was paid for by DPHSS/Health Professional Licensing Office-Local Funds.

For more information, please contact the Board office at 735-7404/10 thru 12. Persons needing telecommunication devise for the Hearing/Speech Impaired (TDD) may contact 475-8339.

JUDICIAL COUNCIL OF GUAM

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

NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION

The Judicial Council of Guam will conduct its monthly meeting on Thursday, March 16, 2023, at 12 Noon in the Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, by videoconference. A monitor will be set up for any members of the public who would like to observe and offer comments.

The meeting will also be streamed live on the Judiciary of Guam YouTube: https://youtube.com/@TheJudiciaryofGuam

The following agenda is available on the Judiciary of Guam website: http://www.guamsupremecourt.com/Judicial-Council/Judicial-Council-of-Guam.asp

CALL TO ORDER

PROOF OF DUE NOTICE OF MEETING: March 9, 2023

March 14, 2023

DETERMINATION OF QUORUM IV.

READING AND DISPOSAL OF MINUTES: February 16, 2023 Regular Meeting

February 16, 2023 Executive Session

Judiciary FY23 Remittances Pursuant to P.L. 36-107

- B. Update on Capital Improvement Projects
 C. JC Resolution Commending Judge Arthur R. Barcinas for His Service as a Member of the Judicial Council
- JC Resolution Commending Kristina L. Baird for Her Service to the Judiciary of Guam

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

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

Bill No. 24-37 (COR) Relative to the Adjusted General Pay Plan (GPP) VI. NEW BUSINESS

JC Resolution Relative to Approving Pay Increases for Judiciary Employees on Pay Structures Based on the General Pay Plan (GPP) Subject to the Enactment of Bill No. 24-37 (COR) and the

Availability of Funding

B. JC Resolution Relative to Approving Pay Increases for Judiciary Law Enforcement Employees Subject to the Enactment of Bill

No. 24-37 (COR) and the Availability of Funding C. Notice of the Next Meeting (Thursday, April 20, 2023)

COMMUNICATIONS

VIII. PUBLIC COMMENT

A. Guam Bar Association – President's Report B. Court Employees Association

A. Ongoing Litigation **ADJOURNMENT**

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 671-475-3544 or Jessica Perez-Jackson at 671-475-3300.

This ad was paid for with Government of Guam funds.

CHIEF JUSTICE ROBERT J. TORRES Chairman

the Americans with Disabilities Act. For assistance, please contact the Director, EEO and Title IX/ADA Coordinator at (671)735-2244; (671)735-2243 (TTY).

/s/ JOSEPH B. GUMATAOTAO **Chief Human Resources Officer** THIS AD IS PAID FOR BY UNIVERSITY OF GUAM FUNDS



CIVIL SERVICE COMMISSION

KUMISION I SETBISION SIBIT Bell Tower Suite 201.

IN-PERSON MEETING AT 9:00 A.M. ON THURSDAY, MARCH 16, 2023

stream of this meeting on the CSC website at: csc.guam.gov or via

CALL TO ORDER.

APPROVAL OF MINUTES: None.

OLD BUSINESS:

Joey Taitano vs. Guam Waterworks Authority; CSC 21-AA20T

(2) HEARING ON THE MERITS (Continuation) Ken J. San Nicolas vs. Agriculture; CSC Case No.: 22-AA05D. GENERAL BUSINESS:

(1) Bills and Laws affecting CSC: None.

(2) Litigation by Administrative Counsel: None.
(3) Administrative Matters:

/s/ Daniel D. Leon Guerrero, Executive Director

710 W. Marine Corps Drive, Hagatna, Guam 96910 Tel: (671) 647-1855 • Fax (671) 647-1867

NOTICE OF MEETING

For special accommodations, please contact Eric D. Miller, CSC ADA Coordinator at (671) 647-1855. The public can access a live

zoom at: https://us06web.zoom.us/j/83841693153?pwd=QVVta llyaDRJUkcvV01Pa1FHb1pSZz09 (Meeting ID: 838 4169 3153 / Passcode: 678560)

AGENDA:

NEW BUSINESS: None.

(1) SIGNING: ORDER AFTER HEARING

(A) Board Training: Civil Service Commission Board

ADJOURNMENT

Paid for by the Civil Service Commission.

IN THE SUPERIOR COURT OF GUAM

In the Matter of the Estate of ISABEL AGUON TORRES,

Decendent

Probate Case No. PR0055-14

NOTICE OF REMOTE HEARING PETITION

THIS NOTICE IS REQUIRED BY LAW. YOU ARE NOT REQUIRED TO APPEAR IN COURT UNLESS YOU DESIRE.

- NOTICE IS HEREBY GIVEN that Thomas T. Quenga has filed a petition for: Partial Distribution upon the estate of the decedent named above, reference to which petition is hereby made for further particulars.
- 2. A hearing on the petition will be heard by online remote appearance on March 20, 2023 at 10:00 a.m.
- To attend or to participate in the hearing, go to https://guamcourts-org.zoom.us/join and enter Meeting ID: 234 590 **8670 Password: PJACL.** You may also call in for the hearing; to do so, find your local number at 671-969-7000 Meeting ID: 115 0693 2881 or IN PERSON at the designated hearing time. For connectivity issues, you may also contact Kristina Blaz at 671-475-3250 or by email at kblaz@ guamcourts.org.

Dated: 01/05/2023

/s/ Evelyn C. Santos Courtroom Chamber Clerk Superior Court of Guam

March Madness 2023: Set your brackets

Associated Press

March Madness is here! Here is what to know, including the favorites and underdogs as well as key games and how to watch the NCAA Tournament.

Top seeds

The top four seeds in the tournament are Alabama, Houston, Kansas, and Purdue. Each is in a region, some

and led by Kendric Da-

Place an ad in PDN **CLASSIFIEDS!** WORKS!



JUDICIAL COUNCIL OF GUAM

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

NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION

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COMMUNICATIONS **VIII. PUBLIC COMMENT**

- A. Guam Bar Association President's Report
- B. Court Employees Association
- **EXECUTIVE SESSION**
- A. Ongoing Litigation ADJOURNMENT

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This ad was paid for with Government of Guam funds.

CHIEF JUSTICE ROBERT J. TORRES Chairman

tougher than others (on paper). We break them down for you: EAST REGION: The Boilermakers got a No. 1 seed for the fourth time after edging Penn State 67-65 in the Big championship game, but they face potential hurdles in Memphis and surging Duke. Memphis (26-8) is fresh from a big upset of top-ranked Houston

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF THE APPLICATION OF

MOMO CORPORATION FOR REGISTRATION FOR TITLE TO LAND, DESCRIBED AS 384 +/-SQUARE METERS OF EXISTING RIII I CART TRAII RETWEEN LOT 5007-3 AND 5071#1-2 AND BETWEEN LOT 5007-4 AND LOT 5071#1-2 IN THE MUNICIPALITY OF TAMUNING

LAND REGISTRATION CASE NO. LR0003-22

NOTICE OF PETITION FOR REGISTRATION OF LAND

TO: ALL PARTIES HAVING ANY INTEREST IN THE SUBJECT LAND DESCRIBED BELOW NOTICE IS HEREBY GIVEN that Momo Corporation has filed a Petition for

Registration of Title to Land pertaining to:

384+/- square meters of existing bull cart trail between Lot 5007-3 and 5071#1-2 and between Lot 5007-4 and Lot 5071#1-2, in the Municipality of Tamuning, to be exchanged with an area of 746+/- square meters within Lot 5071#1-2 for Public Right-of-Way Use.

Mono Corporation prays for a decree declaring it as the owner in fee simple of such land in accordance with its Petition.

All interested and concerned persons may appear and answer the Petition ten (10) days after personal service, thirty (30) days after personal service out of Guam, and sixty (60) days after the first publication of this Notice. Absent an appearance and answer by an interested or concerned person, the Court may grant the Petition, direct registration of the land in accordance with the Land Title Registration Act, and bar such non-appearing interested or concerned persons from disputing the allegations disputing

Interested persons are referred to the Clerk of Court for further particulars and for an examination of this Notice in full.

Dated: March 8, 2023 SOPHIA SANTOS DIAZ Clerk of Court

By: /s/ Alice B. Mendoza Courtroom/Chamber Clerk



vis. Duke (26-8) shut down Virginia in a 59-49 ACC title game win. SOUTH GION: Alabama is a No. 1 seed for the first time after sweeping the Southeastern Conference regular season and tournament titles

The Law Offices of Phillips & Bordallo, P.C.

A Professional Corporation 410 West O'Brien Drive, Suite 102 Hagåtña Guam USA, 96910 TELEPHONE (671) 477-2223 FACSIMILE: (671) 477-2329 Attorney for Petitioner

> IN THE SUPERIOR **COURT OF GUAM**

IN THE MATTER **OF THE ESTATE**

WILLIAM S. YOKOI, Deceased.

PROBATE CASE NO. PR0018-23

NOTICE OF HEARING: PETITION FOR PROBATE AND FOR LETTERS OF **ADMINISTRATION**

IN PERSON HEARING

THIS NOTICE IS **REQUIRED BY LAW. YOU ARE NOT REQUIRED** TO APPEAR IN COURT **UNLESS YOU DESIRE**

NOTICE IS HEREBY GIVEN that YOVETTI S. YOKOI TAITINGFONG has filed a Petition for Probate and for Letters of Administration for the ESTATE OF WILLIAM S. YOKOI, deceased, reference to which Petition is hereby made for futher particulars.

A hearing on the Petition is set for MAR 23, 2023, at 9:30 o'clock <u>a.m.</u>, in the courtroom of the Honorable **DANA A.** GUTIERREZ, Judge Superior Court of Guam, 120 West O'Brien Drive, Hagåtña, Guam

DATED: FEB. 13, 2023

SOPHIA S. DIAZ Clerk of Court, Superior Court of Guam

By: /s/ Pauline I. Untalan Chamber/Courtroom Clerk of the year Brandon Miller, capped by an 82-63 romp over Texas A&M. They will open the tourney not far from home, in Birmingham, Alabama. Potential hurdles for Tide Crimson could include Baylor, Arizona. There's an intriguing early matchup between No. 5 seed San Diego State and No. 12 Charleston, which has 31 wins. Furman is making its first tourney appearance since 1980. **MIDWEST**

RE-GION: Houston (31-3) got a top seed despite stumbling 75-65 against unranked Memphis in the American Athletic Conference title game, minus Alabama center Charles Bediako (14)dunks against Texas A&M during the first half of an NCAA college basketball game in the finals of the Southeastern Conference Tournament on March 12. 2023, in Nashville, Tennessee.

league player of the year Marcus Sasser (strained groin). They will open against Northern Kentucky (22-12). Potential hurdles could include Penn State, which took Purdue down to the wire in the Big Ten, and SEC Tournament runner-up Texas A&M. WEST REGION: The Jayhawks fell 76-56 to Texas in the Big 12 championship game and they wound up with the top seed in a stacked region. They will open against Howard (22-12), making its first NCAA Tournament appearance since 1992. Potential hurdles include No. 6 TCU (21-12), which beat Kansas at Allen Field House 83-60 on Jan. 21, and Arkansas (20-13).

CIVIL SERVICE COMMISSION

KUMISION I SETBISION SIBIT Bell Tower Suite 201, 710 W. Marine Corps Drive, Hagatna, Guam 96910 Tel: (671) 647-1855 • Fax (671) 647-1867

NOTICE OF MEETING

IN-PERSON MEETING AT 9:00 A.M. ON THURSDAY, MARCH 16, 2023

For special accommodations, please contact Eric D. Miller, CSC ADA Coordinator at **(671) 647-1855**. The public can access a live stream of this meeting on the CSC website at: **csc.guam.gov** or via zoom at: https://us06web.zoom.us/j/83841693153?pwd=QVVta | llyaDRJUkcvV01Pa1FHb1pSZz09 (Meeting ID: 838 4169 3153 / Passcode: 678560)

AGENDA:

CALL TO ORDER. APPROVAL OF MINUTES: None. NEW BUSINESS: None.

OLD BUSINESS:

(1) SIGNING: ORDER AFTER HEARING Joey Taitano vs. Guam Waterworks Authority;

(2) HEARING ON THE MERITS (Continuation) Ken J. San Nicolas vs. Agriculture; CSC Case No.: 22-AA05D.

GENERAL BUSINESS:
(1) Bills and Laws affecting CSC: None.
(2) Litigation by Administrative Counsel: None.

Administrative Matters:

(A) Board Training: Civil Service Commission Board Members.

/s/ Daniel D. Leon Guerrero, Executive Director Paid for by the Civil Service Commission.



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

Hon. Robert J. Torres Chairman

Hon. Katherine A. Maraman Member

Hon. F. Philip Carbullido Member

Hon. Alberto C. Lamorena, III. Member

Hon, Maria T. Cenzon Member

AAAA

Advisiory 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

AAAA

Administrator of the Courts: Danielle T. Rosete

Judicial Council Secretary: Jessica J. Perez-Jackson

Judicial Council Asst. Secretary: Petrina M, Ula JUDICIAL COUNCIL OF GUAM
EXECUTIVE SESSION
WEDNESDAY, FEBRUARY 16, 2023
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center
Via Zoom Teleconference

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was recessed to Executive Session by the Chairman, Robert J. Torres, at the hour of 12:53 p.m.

IN ATTENDANCE VIA ZOOM MEETING BREAKOUT ROOM:

Chief Justice Robert J. Torres Justice F. Philip Carbullido Justice Katherine A. Maraman Presiding Judge Alberto C. Lamorena III Judge Maria T. Cenzon

Also, Present:

Ms. Danielle T. Rosete, Administrator of the Courts (AOC)

Ms. Suzane P. Santiago-Hinkle, Staff Attorney

Ms. Carmelita G. Tenorio, Court Transcriber, C&M Division

Ms. Jessica Perez-Jackson, Judicial Assistant, Executive Secretary

II. PROOF OF DUE NOTICE OF EXECUTIVE SESSION

Due publication of the five-day Notices of Executive Session 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 Robert J. Torres, Justice F. Philip Carbullido, Justice Katherine A. Maraman, and Judge Maria T. Cenzon attended. Presiding Judge Alberto C. Lamorena III joined at 12:57 p.m. AOC Danielle T. Rosete joined them, along with Staff Attorney Suzane P. Santiago-Hinkle, Court Transcriber Carmelita G. Tenorio, and Judicial Council Executive Secretary Jessica Perez-Jackson.

IV. STAFF ATTORNEY'S REQUEST FOR EXECUTIVE SESSION AND SUBJECT MATTER

Staff Attorney Suzane Santiago-Hinkle requested, in a memo addressed to the Judicial Council dated January 27, 2023, to hold an Executive Session to discuss three (3) ongoing litigation matters:

- Gumataotao v. Judicial Branch, Superior Court Civil Case No. CV0342-22;
- Philips v. Guam Courts, Ninth Circuit Case No. 22-16919; and
- EEO matter

Judge Cenzon motioned to move to Executive Session; Justice Maraman seconded the motion. Chief Justice Torres called an oral vote. All Council members voted in favor.

V. TRANSCRIPTS

Transcripts of this executive session are being prepared and will be sealed for six (6) months from the date of the executive session unless further sealed by a court order.

VI. ADJOURNMENT

At 1:03 p.m., Chief Justice Torres entertained a motion to rise to Regular Session. Justice Carbullido made the motion; Presiding Judge Lamorena seconded. The public meeting of the Judicial Council resumed. Chief Justice Torres stated that no decision needs to be made in the Regular Session due to convening in Executive Session.

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

ROBERT J. TORRES

Chairman

Dated: 3 17 23



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

Hon, Robert J. Torres Chairman

Hon. Katherine A. Maraman Member

Hon. F. Philip Carbullido Member

Hon. Alberto C. Lamorena, III. Member

Hon. Maria T. Cenzon Member

MARA

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

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. Cenzon (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

Judicial Council Regular Meeting minutes February 16, 2023 Page 2 of 8

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. Cenzon 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 Cenzon 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.

Judicial Council Regular Meeting minutes February 16, 2023 Page 4 of 8

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.

Judicial Council Regular Meeting minutes February 16, 2023 Page 5 of 8

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 Cenzon 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 Cenzon was appointed to the Committee by Justice Carbullido when he was appointed Chief Justice. Under Judge Cenzon's direction, the Committee created a pilot project to examine the criminal case docket and find ways to improve practices. She noted that Judge Cenzon'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 Cenzon 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 Cenzon 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 Cenzon 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.

Judicial Council Regular Meeting minutes February 16, 2023 Page 6 of 8

Judge Cenzon 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 Cenzon 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 Cenzon 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 Cenzon 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.

Judicial Council Regular Meeting minutes February 16, 2023 Page 7 of 8

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 Cenzon motioned to move to Executive Session; Justice Maraman seconded the motion. Chief Justice Torres called an oral vote. All Council members voted in favor.

Judicial Council Regular Meeting minutes February 16, 2023 Page 8 of 8

IX. EXECUTIVE SESSION

Chief Justice Robert J. Torres, Justice F. Philip Carbullido, Justice Katherine A. Maraman, Judge Maria T. Cenzon, 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



BEFORE THE 2023 JUDICIAL COUNCIL OF GUAM RESOLUTION NO. JC23-

RELATIVE TO COMMENDING THE HONORABLE ARTHUR R. BARCINAS FOR HIS SERVICE TO THE JUDICIAL COUNCIL OF GUAM

- WHEREAS, the Honorable Arthur R. Barcinas has served as a judge of the Superior Court of Guam since 2005; and
- **WHEREAS**, upon his appointment and confirmation, Judge Barcinas brought to the Superior Court a strong belief that the indigent have the same right as the wealthy to competent representation; and
- **WHEREAS**, Judge Barcinas currently presides over General Jurisdiction cases, Juvenile Drug Court, and Mental Health Court and also chairs the Education Committee for the Pacific Judicial Council; and
- WHEREAS, Judge Barcinas also co-chairs the Judiciary's 2020-2023 Strategic Plan Focus Area on Mental Health, Substance Use Disorders, which strives to increase the availability of programs, treatment, and services for persons with mental illness and substance use disorders to improve positive outcomes and reduce recidivism; and
- **WHEREAS**, Judge Barcinas was appointed to the Judicial Council in February 2008, and was instrumental throughout his tenure in the Council's adoption of resolutions toward these efforts, as well as other court operations and activities, including:
 - Establishment of a Guam Adult Reentry Court Program at the Judiciary of Guam
 - Recommending the establishment of a Veterans Treatment Court in the Superior Court of Guam
 - Recommending that the Driving While Intoxicated (DWI) Court be Converted to a Treatment Court in the Superior Court of Guam
 - Approving the Creation of a Mental Health Court Coordinator for the Judiciary of Guam
 - Approval of revisions to the Judiciary's Equal Employment Opportunity Policy and Discrimination Charge Procedure
 - Approval of the Judiciary of Guam Disability Accommodation Policy and the Judiciary of Guam Temporary Modified Assignment Policy
 - Implementation of a Tax Refund Offset Program Relating to Past Due Legally Enforceable Debts Owed by Taxpayers to the Judiciary of Guam
 - Amending the Judicial Council of Guam Procurement Regulations
 - Approval of the Judiciary of Guam Equal Employment Opportunity Policy and Procedure, and the Judiciary of Guam Equal Employment Opportunity Policy and Procedure for Judicial Officers
 - Approval of the Revised Judiciary of Guam Personnel Rules and Regulations
 - Approval of the acquisition of the employee parking lot and the San Ramon Building
 - Approval of pay increases for law enforcement and non-law enforcement court personnel

NOW, THEREFORE, BE IT RESOLVED that the Judicial Council recognizes the immeasurable efforts of the Honorable Arthur R. Barcinas in his service to the Judicial Council; and

BE IT FURTHER RESOLVED that the Judicial Council hereby extends heartfelt *Dångkolo Na Si Yu'us Ma'ase* to Judge Arthur R. Barcinas for his service to the Council, the Judiciary, and the people of Guam; and

DULY ADOPTED this 16th day of February 2023 at a duly noticed meeting of the Judicial Council of Guam

ROBERT J. 7 Chief Justice o	of Guam &
Chairman, Judicial C	Council of Guam
F. PHILIP CARBULLIDO	KATHERINE A. MARAMAN
Member	Member
Justice, Supreme Court of Guam	Justice, Supreme Court of Guam
ALBERTO C. LAMORENA III	MARIA T. CENZON
Member	Member
Presiding Judge, Superior Court of Guam	Judge, Superior Court of Guam



BEFORE THE 2023 JUDICIAL COUNCIL OF GUAM RESOLUTION NO. JC23-005

RELATIVE TO COMMENDING KRISTINA L. BAIRD FOR HER SERVICE AS ADMINISTRATOR OF THE COURTS

- WHEREAS, on January 30, 2020, in Supreme Court of Guam Administrative Order No. ADM20-001 the Honorable F. Philip Carbullido, under 48 USCA 1424-1(b)(2) and (3), appointed Kristina L. Baird to the position of Administrator of the Courts of Guam; and
- WHEREAS, prior to this appointment, Kristina provided exemplary service as the Staff Attorney for the Judiciary of Guam from 2017 -2020 and gained much institutional knowledge of the Judiciary's operational and administrative process and systems; and
- WHEREAS, as Administrator of the Courts, Kristina maintained a stable and efficient Judiciary during an unprecedented and challenging period in the branch's history—the COVID-19 pandemic; and
- WHEREAS, throughout Kristina's appointment, the Judiciary never wavered in its mandate to administer justice for the people of Guam while adapting essential court operations to accommodate social distancing requirements and remote work needs; and
- WHEREAS, under the leadership of the Honorable F. Philip Carbullido, Kristina maximized efficiencies and streamlined operations to keep the wheels of justice turning, overseeing many important projects and undertakings, including the following:
 - COVID-19 precautions and requirements, including industrial sanitation of Judiciary facilities and contact tracing operations
 - the Judiciary's Teleworking Policy (UJ20-04) to control remote working by employees due to the pandemic
 - the Judiciary's Laptop and Mobile Device Interim Policy and Procedures (UJ20-02) to control the remote use of Judiciary devices by teleworking employees
 - Administrative Orders relative to court operations under exigent circumstances related to the COVID-19 pandemic, including remote and hybrid hearings
 - the first fully-virtual Supreme Court appellate arguments
 - the first fully-virtual Judicial Council meetings in compliance with the Open Government Law
 - infrastructural upgrades, including replacement and upgrade of aged computer workstations and laptops, and technology utilization to make the courts more accessible and user-friendly
 - adoption of text messaging juror notification capabilities
 - updates to and official adoption of the Code of Judicial Conduct for Judicial Employees
 - updates to and modernization of the Personnel Rules and Regulations
 - renovations to the Guam Judicial Center, including the construction of an additional, high-technology courtroom, interior refurbishments such as replacement of carpeting and furniture, and constructing employee lounges
 - acquisition and refurbishment of the San Ramon Building
 - conversion of the Route 4 Building to a courtroom and later to office spaces
 - acquisition of the Judiciary of Guam employee parking lot
 - rehabilitation of the Guam Historic Courthouse
 - enhancement and beautification of the Judicial Center parking lot and landscaping
 - purchase of motor vehicles to replace the Judiciary's aged fleet
 - improving pay parity for law enforcement and non-law enforcement court personnel

NOW, THEREFORE, BE IT RESOLVED that the Judicial Council recognizes the efforts of Kristina L. Baird for her exemplary management, leadership, and service to the Judiciary of Guam as Administrator of the Courts; and

BE IT FURTHER RESOLVED that the Judicial Council hereby extends heartfelt Dångkolo Na Si Yu'us Ma'ase to Kristina L. Baird for her service as Administrator of the Courts to the Judiciary of Guam and people of Guam; and

DULY ADOPTED this 16th day of March 2023 at a duly noticed meeting of the Judicial Council of Guam

RT J. TORRES Chief Justice of Guam &

Chairman, Judicial Council of Guam

HILIP CARBULLIDO

Member

Justice, Supreme Court of Guam

Member Justice, Supreme Court of Guam

MARIA T. CENZON

Member

Judge, Superior Court of Guam

ALBERTO C. LAMORENA III

Member

Presiding Judge, Superior Court of Guam



Certificate of Commendation

On behalf of the Judiciary of Guam, this Certificate of Commendation is presented to:

Virginia W. Yasuhiro

Client Services and Family Counseling Administrator

for 39 years of service to the Judiciary of Guam.

In gratitude for your dedication and commitment to justice, we, the undersigned Justices and Judges of Guam, do hereby express our sincere appreciation and congratulations on your retirement from service.

Chief Justice of Guam Chairman, Judicial Council of Guam

Associate Justice, Supreme Court of Guam Member, Judicial Council of Guam

ALBERTO C. LAMORENA, III Presiding Judge, Superior Court of Guam Member, Judicial Council of Guam

Member, Judicial Council of Guam

ARTHUR R. BARCINAS Judge, Superior Court of Guam

Member, Judicial Council of Guam

Attested:

Kuitha Z

Administrator of the Courts

Human Resources Administrator



BEFORE THE 2023 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC23-006

RELATIVE TO CREATING THE POSITION OF CRIMINAL DOCKET MANAGER

- WHEREAS, in its efforts toward improvements, the Judiciary has determined it is appropriate to create a position that supports its continuing efforts to improve and enhance case flow and case management of criminal cases that are aligned with strategic mission objectives; and
- WHEREAS, recognizing the need for a workforce structure that reflects the scope and specializations now necessary to effectively manage the Judiciary's criminal docket, the Administrator of the Courts, in a request submitted to the Judicial Council on February 13, 2023, formally requested that the position of Criminal Docket Manager be created; and
- **WHEREAS**, the provision of 4 GCA §6303 requires that the position description for the requested position of Criminal Docket Manager is posted on the Judiciary's website.

NOW, THEREFORE, BE IT RESOLVED that the position of CRIMINAL DOCKET MANAGER is hereby APPROVED as a position at the Judiciary of Guam, which duties are reflected in the job description shown in the attached Exhibit A.

BE IT FURTHER RESOLVED that the attached position description shall be posted on the Judiciary's website in accordance with 4 GCA §6303.

DULY ADOPTED this 16th day of March 2023 at a duly noticed meeting of the Judicial Council of Guam.

ROBERT J. TORRES, Chairman
Dated: 3/17/23

ATTEST:

Jessica Perez-Jackson, Executive Secretary

Dated:

3 17 23

EXHIBIT A RESOLUTION, JC23-006 RELATIVE TO THE CREATION OF THE POSITION OF CRIMINAL DOCKET MANAGER HUMAN RESOURCES DEPARTMENT JOB STANDARD

	JUDICIARY OF GUAM	HUMAN RESOURCES DEPARTMENT JOB STANDARD				
CLASSIFICATIO	ON TITLE:	EFFECTIVE DATE:				
PAY GRADE:	TOTAL HAY EVALUATION POINTS:	POSITION STATUS:				
0	466	[X] Classified [] Unclassified [X] FT [] PT				
FLSA CATEGO	RY: [X] Exempt [] Non-Exempt	EEO CATEGORY: Professional				
REPORTS TO: Superior Court Clerk of Court or Designee		APPROVED BY: DANIELLE T. ROSETE				

NATURE OF WORK:

This professional and highly responsible position is assigned to assist judicial officers and chamber staff in the efficient management and disposition of criminal cases filed in the Superior Court of Guam by using benchmark case management techniques to promote case progression and disposition. This position includes assisting the Courts and Ministerial Division in scheduling and monitoring compliance with requirements for handling criminal cases under the Guam Code Annotated, Local Rules of Court, and Administrative Rules.

ESSENTIAL FUNCTIONS: (This is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities required of the incumbent for this position. Duties, responsibilities, and activities may change at any time with or without cause.)

Identifies and implements a variety of case flow techniques to promote case progression and disposition and to address time standards relating to the disposition of criminal cases.

Assists judicial officers by coordinating and managing criminal cases through tasks including, but not limited to, monitoring all incoming criminal case motions and coordinating scheduling with appropriate judicial staff.

Reviews criminal cases for compliance with Guam law, local rules, and administrative orders to assure completeness and readiness for hearings.

Assists with the case management of judicial caseloads, enters data in the court's case management system and maintains a database of open cases needing attention.

Evaluates and classifies cases by manner of disposition and the legal status of defendants, including bail information, pre-trial detention, treatment court participation, in order to assist the judicial officers in efficient scheduling of future hearings.

Reviews case processing timeframes and assists the judicial officer with establishing benchmarks for effective case management.

Judiciary of Guam Job Standard Criminal Docket Manager Page 2

Compiles forms to be placed in a repository to be utilized by Judicial Officers issuing criminal orders.

Identifies time-sensitive filings to ensure that they are addressed in a timely and appropriate manner, such as *ex parte* filings, speedy trial assertions, and bail modifications.

Prepares case management and statistical reports generated by the court's case management system.

Participates in training opportunities, court activities, projects, and committees as requested or required.

Reviews court files where issues arise and responds to inquiries from judicial officers regarding criminal cases and statuses.

Provides information, guidance and direction to attorneys, patrons of the court, other court employees and agency representatives regarding applicable case management policies and procedures.

Adheres to and complies with all promulgated policies, standards, and codes of ethical conduct.

Performs other related duties as assigned.

MINIMUM KNOWLEDGE, ABILITIES & SKILLS:

Working knowledge of core principles of substantive law applicable to proceedings in the criminal justice system.

Thorough knowledge of legal terminology related to the area of assignment.

Thorough knowledge of criminal documents and criminal case rules and procedures.

Thorough knowledge of legal secretarial practices and procedures.

Thorough knowledge of business English, spelling, punctuation, and arithmetic.

Knowledge of courtroom protocol.

Knowledge of procedures and practices specific to the criminal justice system.

Knowledge of legal terminology and legal format.

Knowledge of court case management principles.

Knowledge of Microsoft Office, including Microsoft Word, Excel, and PowerPoint.

Judiciary of Guam Job Standard Criminal Docket Manager Page 3

Ability to organize and facilitate in court proceedings to include coordination of resources and logistics associated with conducting complex trials and hearings.

Ability to develop, layout, and implement clerical procedures and operations from general instructions and guidelines.

Ability to make routine decisions by established rules, policies and procedures and applicable statutes.

Ability to compose correspondence on routine matters and to perform everyday tasks without referral to supervision.

Ability to maintain confidentiality and discretion concerning case management.

Ability to maintain a professional demeanor and work efficiently with judicial officers, officials, attorneys, self-represented litigants, the public, and employees.

Ability to identify problems and make recommendations for improvements.

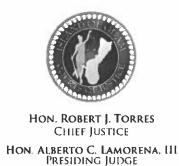
Ability to establish work priorities and meet deadlines.

Ability to communicate effectively orally and in writing with judges, coworkers, litigants, lawyers and the public.

Skill in the use of court specific computer applications to manage court processes, gather and analyze statistics, and create reports.

MINIMUM EDUCATION, EXPERIENCE & TRAINING:

- A. Graduation from a recognized college or university with a Bachelor's degree in criminal justice or public administration, or a closely related field, plus three (3) years of experience as a Paralegal or equivalent work; or
- B. Any equivalent combination of experience and training which provides the minimum knowledge, abilities, and skills.



Judiciary of Guam

Administrative Office of the Courts Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910 Tel: (671) 475-3544 • Fax: (671) 475-3184



February 13, 2023

MEMORANDUM

To: Chief Justice Robert J. Torres

Members, Judicial Council of Guam

From: Administrator of the Courts

Subject: Creation of Position

Ref: Criminal Docket Manager

Chief Justice and Members of the Guam Judicial Council:

In compliance with Title 4 GCA Subsection 6303(a), I hereby request Judicial Council's approval to create a new position, namely Criminal Docket Manager in the Judiciary of Guam. The creation of this position supports our continuing efforts to identify resources to improve and enhance case flow management of criminal cases that are aligned with strategic mission objectives.

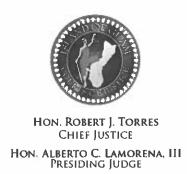
The Criminal Docket Manager position will be responsible for identifying and implementing a variety of case management techniques to improve case processing standards that promote case progression and disposition. Some examples of the duties performed include evaluating criminal cases for compliance with Guam law, local rules, and administrative orders to assure completeness and readiness for hearings; assisting with the case management of judicial caseloads and maintaining a database of open cases needing attention; and developing case management plans based on case types and/or case management issues.

The job standard for the Criminal Docket Manager position has a proposed pay grade of N. This pay grade assignment is a result of the Hay Guide Chart Methodology. The position will be assigned to the Courts and Ministerial Division under the overall supervision of the Superior Court Clerk of Court, or designee.

The Judicial Council's approval of this position reaffirms the Judiciary's commitment to promote an efficient and effective justice system.

DANIELLE T. ROSETE

Attachments



Judiciary of Guam

Administrative Office of the Courts Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910 Tel: (671) 475-3544 • Fax: (671) 475-3184



PRESS RELEASE CREATION OF POSITION PURSUANT TO 4GCA § 6303 (a) & 6303.1

The Judiciary of Guam is creating a new position, CRIMINAL DOCKET MANAGER in the CLASSIFIED SERVICE, at pay grade N, with a salary range from \$47,714.84 to \$84,098.28. A copy of the position description is available on the Judiciary of Guam's website at www.guamcourts.org. This notice is made in order to comply with 4GCA § 6303.1.

For more information regarding this release, contact **BARBARA JEAN T. PEREZ**, Human Resources Administrator at 475-3422.

DANIELLE T. ROSETE, ESQ. Administrator of the Courts

4 GCA Public Officers & Employees Ch. 6 Compensation of Public Employees

by P.L. 28-112:6 (April 14, 2006). Amended by P.L. 36-107:XII:33 (Sept. 12, 2022).

§ 6303. Creation of Positions.

- (a) Creation of Positions in the Judiciary. New positions may be created by the Administrator of the Courts for the Judicial Branch, when necessary for the efficient performance of the duties and functions of the Judiciary.
 - (1) The Administrator of the Courts shall submit to the Judicial Council the position descriptions for the positions within thirty (30) calendar days after creation and post the position descriptions on the Judiciary website.
 - (2) The positions shall be terminated unless approved by the Judicial Council within ninety (90) days after submission.
 - (3) No newly created position shall be filled in the absence of appropriations to pay the salary of the proposed position.
- (b) This Section shall not apply to positions required by law to be filled by persons confirmed by *I Liheslaturan Guåhan*.
 - (c) (1) The petition of the head (Department Head) of a line agency or department to create a position shall include:
 - (A) the justification for the new position;
 - (B) the essential details concerning the creation of the position;
 - (C) an analysis of the similarities and differences between the position to be created and positions listed pursuant to 4 GCA § 4101.1(d);
 - (D) the position description;
 - (E) the proposed pay range and demonstration of compliance with § 6301 of this Title;
 - (F) a fiscal note as that term is described in 2 GCA § 9101 et seq.; and any other pertinent information.
 - (2) The Department Head and the Director of Administration shall post the petition on their respective

4 GCA Public Officers & Employees Ch. 6 Compensation of Public Employees

respective websites for ten (10) days (Saturdays, Sundays, and government of Guam holidays excepted).

- (ii) After the posting, the Director of Administration shall forward the petition with his recommendation to *I Maga'låhi* who, if he approves the same, shall so indicate and file it for record with the Director of Administration and the Legislative Secretary.
- (C) Autonomous Agencies and Public Corporations. The head of an autonomous agency or public corporation shall forward the petition, along with evidence of his compliance with § 6303.1(a), to the governing board or commission, who, if it approves the same, shall approve the petition by resolution and file the petition and resolution for record with the Director of Administration and the Legislative Secretary.
- (3) No amended position may be filled until after compliance with the provisions of this Section, and one hundred eighty (180) days have elapsed from the date of filing with the Legislative Secretary.
- (4) If a position's qualifications were amended and the position must be filled prior to the one hundred eighty (180) day period, the last approved position qualification shall be used for selection. No penalty shall be applied to any applicant who does not meet requirements from an amended position description that did not complete the one hundred eighty (180) day period.

SOURCE: GC § 4114. Repealed and reenacted by P.L. 21-059:7. Amended by P.L. 22-144:5 (12/27/94), P.L. 24-327:16, P.L. 28-068:IV:45 (Sept. 30, 2005). Subsection (a) amended by P.L. 28-112:7 (April 14, 2006). Subsections (c) added by P.L. 28-112:8 (April 14, 2006). Subsection (d) added by P.L. 28-112:9 (April 14, 2006). Subsection (e) added by P.L. 34-131:2 (Oct. 17, 2018).

2018 NOTE: Subsection designations have been added/altered pursuant to authority granted by 1 GCA § 1606.

§ 6303.1. Transparency and Disclosure.

4 GCA Public Officers & Employees Ch. 6 Compensation of Public Employees

- (a) Prompt notice of the postings required by 4 GCA §§ 6205 and 6303 shall be provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam.
- (b) The petitions required by 4 GCA §§ 6205 and 6303 are public documents for the purposes of 5 GCA, Ch.10, Art 1. (The Sunshine Law.)
- (c) Any attempted creation of a position or above-step recruitment not in compliance with the provisions of 4 GCA §§ 6205, 6303, and 6303.1(a) is void.

SOURCE: Added by P.L. 28-112:10 (April 14, 2006).

§ 6304. Differential Pay.

The Director of Administration and the Judicial Council shall establish and implement uniform differential pay policies. All statutes, rules, regulations, and policies which are not covered by or inconsistent with the policies set forth herein, are hereby repealed upon establishment of uniform pay policies.

SOURCE: GC § 4115; Repealed and reenacted by P.L. 21-059:7.

NOTE: Effective January 1, 2006, reference to the "Civil Service Commission," amended to "Director of Administration" pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

ARTICLE 4 ELECTED OFFICIALS' COMPENSATION COMMISSION

SOURCE: Added by P.L. 21-058:1. Repealed by P.L. 28-068:IV:41 (Sept. 30, 2005), effective January 1, 2006.

ARTICLE 5 MISCELLANEOUS PERSONNEL LAWS

2013 NOTE: P.L. 21-059:7(e) (Sept. 27, 1991) added a new Article 4 to Chapter 6, Title 4 and transferred §§ 6213-6216.1 and §§ 6311-6312 to the newly created article. However, Article 4 had been previously codified by another subject; therefore, the Compiler

I Mina'trentai Siette Na Liheslaturan Guåhan BILL STATUS

BILL 24-37 (COR)

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
		AN ACT TO APPROPRIATE SIXTEEN MILLION DOLLARS (\$16,000,000) TO THE							
1	by request of I Maga'hāgan Guāhan ,	DEPARTMENT OF ADMINISTRATION FOR IMPLEMENTATION OF THE ADJUSTED GENERAL	9:44 a.m.						
24-37 (COR)	the Governor of Guam, in accordance	PAY PLAN.							
	with the Organic Act of Guam.								
	1								

CLERKS OFFICE Page 1

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN 2023 (FIRST) Regular Session

Bill No. 24-37 (COR)

Introduced by:

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DUS

Committee on Rules
by request of I Maga'hågan
Guåhan, the Governor of
Guam, in accordance with the
Organic Act of Guam.

AN ACT TO APPROPRIATE SIXTEEN MILLION DOLLARS (\$16,000,000) TO THE DEPARTMENT OF ADMINISTRATION FOR IMPLEMENTATION OF THE ADJUSTED GENERAL PAY PLAN.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Title. This Act shall be known and cited as the General Pay Plan
 Adjustment Appropriation Act of 2023.

Section 2. Legislative Intent. Pursuant to Chapters 4 and 6 of Title 4 Guam Code Annotated, the Director of Administration has authority to review compensation structures and administrative policies for employment compensation within the government of Guam, to adopt and administer a unified pay schedule based on Hay methodology, to reassign pay grades as necessary, and to delegate authority to assess and update the unified pay schedule to certain agencies as appropriate. Pursuant to this authority, on January 30, 2023, the Director of Administration submitted to the Governor of Guam recommendations for a General Pay Plan (GPP) update, which the Governor approved for implementation beginning April 1, 2023.

Section 3. Appropriation to the Department of Administration. The sum of Sixteen Million Dollars (\$16,000,000) shall be appropriated from the General Fund to the Department of Administration (DOA) for the purpose of paying salary adjustments to employees affected by the GPP. DOA is hereby authorized to allocate funding to other departments and agencies for implementation of the GPP.

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

Judiciary of Guam

Proposed Adjustment of General Pay Plans

LEGAL AUTHORITY

Title 4 GCA §6301

Review for internal equity & external competitiveness

Title 7 GCA §5102

 Vests Judicial Council with authority to adopt plans to compensate its employees

COMPETITIVE WAGE ACT (CWA) UPDATE (GPP & Other related updates)

Reference: Memorandum dated 1/30/23 from the Director of Administration, approved & concurred by the Governor on 1/31/23.

- I. Adjust the structure of the GPP by 22%; employees will be slotted "step-to-step"
- II. The following will be effective on or after 9/11/22:
 - a. 22% adjustment to the GPP pay structure (Governor approved implementation beginning 4/1/23); and
 - b. Annual pay adjustments to the GPP at a range of 2% to 4% beginning Fiscal Year 2024

BILL NO. 24-37

2/1/23 9:44 a.m. MC

DUS

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÂHAN 2023 (FIRST) Regular Session

Bill No. 24-37 (COR)

Introduced by:

April 1, 2023.

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13

Committee on Rules
by request of I Maga'hågan
Guåhan, the Governor of
Guam, in accordance with the
Organic Act of Guam.

AN ACT TO APPROPRIATE SIXTEEN MILLION DOLLARS (\$16,000,000) TO THE DEPARTMENT OF ADMINISTRATION FOR IMPLEMENTATION OF THE ADJUSTED GENERAL PAY PLAN.

Section 1. Title. This Act shall be known and cited as the General Pay Plan

BE IT ENACTED BY THE PEOPLE OF GUAM:

3 Adjustment Appropriation Act of 2023. Section 2. Legislative Intent. Pursuant to Chapters 4 and 6 of Title 4 Guam 5 Code Annotated, the Director of Administration has authority to review 6 compensation structures and administrative policies for employment compensation within the government of Guam, to adopt and administer a unified pay schedule 8 based on Hay methodology, to reassign pay grades as necessary, and to delegate authority to assess and update the unified pay schedule to certain agencies as 9 10 appropriate. Pursuant to this authority, on January 30, 2023, the Director of Administration submitted to the Governor of Guam recommendations for a General 11 Pay Plan (GPP) update, which the Governor approved for implementation beginning 12

Section 3. Appropriation to the Department of Administration. The
sum of Sixteen Million Dollars (\$16,000,000) shall be appropriated from the
General Fund to the Department of Administration (DOA) for the purpose of paying
salary adjustments to employees affected by the GPP. DOA is hereby authorized to
allocate funding to other departments and agencies for implementation of the GPP.

Section 4. Severability. If any provision of this Act or its application to
any person or circumstance is found to be invalid or contrary to law, such invalidity
shall not affect other provisions or applications of this Act which can be given effect
without the invalid provisions or application, and to this end the provisions of this
Act are severable.

EXECUTIVE BRANCH IMPLEMENTATION OF 22% JOG STATUS QUO (6%)

CURRENT COMPENSATION / 6% FOR JOG						
JUDICIARY OF GUAM				DEPARTMENT OF ADMINISTRATION		
DIVISION	PAY GRADE	SALARY (6%)	POSITION TITLE	PAY GRADE	PROPOSED SALARY (22%)	
P&FM	GPP-H	\$28,111.20	Maintenance Worker	H	\$32,355.00	-\$4,243.80
P&FM	GPP-I	\$30,310.70	Buyer I	Н	\$32,355.00	-\$2,044.30
CT PGRM	GPP-K	\$35,945.66	Program Coordinator I	K	\$41,372.00	-\$5,426.34
HR	GPP-L	\$39,326.00	Personnel Specialist II	М	\$49,731.00	-\$10,405.00
OPG	GPP-L	\$39,326.00	Social Worker II	M	\$49,731.00	-\$10,405.00
FMD	GPP-L	\$39,326.00	Accountant I	K	\$41,372.00	-\$2,046.00
	P&FM P&FM CT PGRM HR OPG	P&FM GPP-I CT PGRM GPP-L OPG GPP-L	IARY OF GUAM DIVISION PAY GRADE SALARY (6%) P&FM GPP-H \$28,111.20 P&FM GPP-I \$30,310.70 CT PGRM GPP-K \$35,945.66 HR GPP-L \$39,326.00 OPG GPP-L \$39,326.00	DEPARTMENT OFDIVISIONPAY GRADESALARY (6%)POSITION TITLEP&FMGPP-H\$28,111.20Maintenance WorkerP&FMGPP-I\$30,310.70Buyer ICT PGRMGPP-K\$35,945.66Program Coordinator IHRGPP-L\$39,326.00Personnel Specialist IIOPGGPP-L\$39,326.00Social Worker II	DEPARTMENT OF ADMINISTRDIVISIONPAY GRADESALARY (6%)POSITION TITLEPAY GRADEP&FMGPP-H\$28,111.20Maintenance WorkerHP&FMGPP-I\$30,310.70Buyer IHCT PGRMGPP-K\$35,945.66Program Coordinator IKHRGPP-L\$39,326.00Personnel Specialist IIMOPGGPP-L\$39,326.00Social Worker IIM	DEPARTMENT OF ADMINISTRATION DIVISION PAY GRADE SALARY (6%) POSITION TITLE PAY GRADE PROPOSED SALARY (22%) P&FM GPP-H \$28,111.20 Maintenance Worker H \$32,355.00 P&FM GPP-I \$30,310.70 Buyer I H \$32,355.00 CT PGRM GPP-K \$35,945.66 Program Coordinator I K \$41,372.00 HR GPP-L \$39,326.00 Personnel Specialist II M \$49,731.00 OPG GPP-L \$39,326.00 Social Worker II M \$49,731.00

I. Recommend approval of the resolutions:

- JC Resolution Approving Pay Increases for Judiciary Employees on Pay Structures Based on the GPP
- JC Resolution Approving Pay Increases for Law Enforcement Officers

II. Approval subject to:

- 1. Enactment of Bill No. 24-37 or Substitute Legislation; and
- 2. Availability of funding



BEFORE THE 2023 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC23-007

RELATIVE TO APPROVING PAY INCREASES FOR JUDICIARY EMPLOYEES ON PAY STRUCTURES BASED ON THE GENERAL PAY PLAN SUBJECT TO THE AVAILABILITY OF FUNDING

- WHEREAS, on January 30, 2023, the Governor of Guam approved the Department of Administration's General Pay Plan ("GPP") update, which recommended that the GPP be adjusted by 22% to bring the pay structure and associated salaries closer to alignment with market data and address internal disparity with Government of Guam autonomous agencies; and
- WHEREAS, on February 1, 2023, the Governor of Guam transmitted legislation to the Guam Legislature, now Bill No. 24-37 (COR), which appropriates Sixteen Million Dollars (\$16,000,000) from the General Fund to the Department of Administration for the implementation of the adjusted GPP in Fiscal Year 2023; and
- WHEREAS, Bill No. 24-37 (COR), as introduced, did not include an appropriation to fund an increase for Judiciary of Guam employees in Fiscal Year 2023; and
- WHEREAS, under 7 G.C.A. § 5102, the Judicial Council is authorized to adjust the pay scales of Judiciary employees; and
- WHEREAS, Judicial Council Resolution No. JC 22-003 and 22-006 formally adopted a 7% increase for judicial branch law enforcement personnel and a 6% increase for all non-law enforcement and non-judicial officer employees, respectively, subject to appropriations by the Guam Legislature; and
- WHEREAS, 4 G.C.A. § 6301 requires that employee compensation be based on "internal equity and external competitiveness"; and
- WHEREAS, in recognition of the Judiciary's obligations to its workforce to compensate based on internal equity and external competitiveness, Chief Justice Robert J. Torres appeared before the Guam Legislature on February 27, 2023 and submitted testimony on Bill No. 24-37 (COR) advocating for the inclusion of an appropriation to the Judiciary of Guam for the purpose of paying salary adjustments to judicial branch employees affected by pay structures based on the GPP; and
- WHEREAS, adjustments to employee pay are contingent on an appropriation to the judicial branch of adequate levels of funding to cover the same without sacrificing its current operations; and

RESOLUTION NO. JC23-007
RELATIVE TO APPROVING PAY INCREASES FOR JUDICIARY EMPLOYEES ON PAY STRUCTURES BASED ON THE GENERAL PAY PLAN SUBJECT TO THE AVAILABILITY OF FUNDING Page 2

NOW THEREFORE, BE IT RESOLVED that the Judicial Council hereby adopts an approximate 15% increase from current pay scales to yield a 22% increase for all Judiciary of Guam employees affected by pay structures based on the General Pay Plan; and

BE IT FURTHER RESOLVED that this approval of pay increases for Judiciary employees is subject to the inclusion of the Judiciary's requested funding amount to the Guam Legislature in Bill No. 24-37 (COR) or any substitute legislation; and

BE IT FURTHER RESOLVED that such adjustments shall go into effect upon approval by the Guam Legislature of an appropriation for this purpose and its enactment into law.

DULY ADOPTED this 16th day of March 2023 at a duly noticed meeting of the Judicial Council of Guam.

ROBERT J. TORRES, Chairman

Dated: 3-20-23

ATTEST

Jessica Perez-Jackson, Executive Secretary

Dated:



BEFORE THE 2023 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC23-008

RELATIVE TO APPROVING PAY INCREASES FOR JUDICIARY LAW ENFORCEMENT EMPLOYEES SUBJECT TO THE ENACTMENT OF BILL NO. 24-37 (COR) OR SUBSTITUTE LEGISLATION AND THE AVAILABILITY OF FUNDING

- WHEREAS, on January 18, 2022, the Governor of Guam issued Executive Order No. 2022-01, which raised the base pay of executive branch law enforcement officers by 18% but which did not affect Judiciary Probation Officers or Marshals; and
- WHEREAS, in response to the executive branch law enforcement pay increase, the Judicial Council adopted Resolution No. JC 22-003, which formally adopted an increase to the law enforcement pay scale of seven percent (7%); and
- WHEREAS, the Judicial Council did not increase the JOG law enforcement compensation by 18% due to JOG internal pay equity and the availability of funds;
- WHEREAS, on February 1, 2023, the Governor of Guam transmitted legislation to the Guam Legislature, now Bill No. 24-37 (COR), to raise the base pay of employees affected by the General Pay Plan ("GPP") structure by 22% in Fiscal Year 2023; and
- WHEREAS, Bill No. 24-37 (COR), As Introduced, did not include an appropriation to fund a 22% increase for Judiciary of Guam employees affected by pay structures based on the GPP; and
- WHEREAS, on February 27, 2023, Chief Justice Robert J. Torres appeared before the Guam Legislature and submitted testimony on Bill No. 24-37 (COR) advocating for the inclusion of an appropriation to the Judiciary of Guam for the purpose of paying salary adjustments to judicial branch employees affected by pay structures based on the GPP; and
- WHEREAS, 4 G.C.A. § 6301 requires that employee compensation be based on "internal equity and external competitiveness"; and

NOW THEREFORE, BE IT RESOLVED that in recognition of its obligations to its workforce and having considered the branch's legal authority under 7 G.C.A. § 5102, and its prior actions relative to adjustments of employee pay, the Judicial Council hereby adopts an approximate 10% increase from the earlier adjusted law enforcement pay scales to yield an 18% increase for all Judiciary of Guam law enforcement personnel; and

BE IT FURTHER RESOLVED that this approval of pay increases for Judiciary law enforcement employees are subject to the availability of funds; and

RESOLUTION NO. JC23-008
RELATIVE TO APPROVING PAY INCREASES FOR JUDICIARY LAW ENFORCEMENT EMPLOYEES
SUBJECT TO THE ENACTMENT OF BILL NO. 24-37 (COR) OR SUBSTITUTE LEGISLATION AND THE
AVAILABILITY OF FUNDING
Page 2

BE IT FURTHER RESOLVED that the adjustments for Judiciary law enforcement employees shall go into effect upon the approval and enactment into law of Bill No. 24-37 (COR) or any substitute legislation for the appropriation of paying salary adjustments to judicial branch employees affected by pay structures based on the GPP.

DULY ADOPTED this 16th day of March 2023 at a duly noticed meeting of the Judicial Council of Guam.

ROBER J. TORRES, Chairman

Dated: 3-20-23

ATTES

Jessica Perez-ackson, Executive Secretary

Dated:



Judiciary of Guam

Administrative Office of the Courts Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910 Tel: (671) 475-3544 • Fax: (671) 475-3184



HON. ALBERTO C. LAMORENA, III Presiding Judge

March 1, 2023

TO: **Judicial Council Members**

FROM: Suzane Santiago-Hinkle, Staff Attorney

SUBJECT: Recommendation for Executive Session to Discuss Pending Litigation at the

Judicial Council Regular Meeting of March 16, 2023

Pursuant to 5 GCA § 8111(c)(1), I recommend that the Judicial Council hold an executive session at its regular meeting scheduled for March 16, 2023, for the limited purpose of discussing the following ongoing legal matters:

- CV0342-22, Gumataotao v. Judicial Branch: Complaint filed by Gary W.F. Gumataotao in the Superior Court of Guam on June 10, 2022, seeking damages for an alleged slip and fall.
- Ninth Circuit Case No. 22-16919, Philips v. Guam Courts: Notice of appeal filed by Dr. Sherif Philips in the U.S. Court of Appeals for the Ninth Circuit, appealing the District Court of Guam's order dismissing his request to review several cases filed in the Superior and Supreme Courts of Guam.
- EEO Matter.

Further pursuant to Section 8111(c)(1), an affirmative vote of the Judicial Council will be necessary to hold this executive session.

Submitted for your consideration.

Suzane Santiago-Hinkle, Staff Attorney

CC: Danielle T. Rosete, Administrator of the Courts