



**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
WEDNESDAY, DECEMBER 21, 2022 | 12:00 PM
GUAM JUDICIAL CENTER
AND VIA VIDEOCONFERENCE**

AGENDA

- I. CALL TO ORDER**
- II. PROOF OF DUE NOTICE OF MEETING:**
 - December 14, 2022
 - December 19, 2022
- III. DETERMINATION OF QUORUM**
- IV. READING AND DISPOSAL OF MINUTES:**
 - August 17, 2022 Executive Session
 - October 20, 2022 Regular Meeting
 - October 20, 2022 Executive Session
- V. OLD BUSINESS**
 - A. Judiciary FY23 Remittances Pursuant to P.L. 36-107
 - B. Update on the Judiciary's Response to COVID-19
 - C. Update on Capital Improvement Projects
 - i. BOG Loan Drawdown Update (For Informational Purposes)
 - D. Acquisition of Properties (For Informational Purposes)
- VI. NEW BUSINESS**
 - A. Certificates of Commendation (R. Ceribo, J. Aguon, A. Meno)
 - B. JC Resolution Relative to Ratifying JC Resolution 22-024 Memorializing the Passing of Chief Justice Arthur Ngiraklsong
 - C. Proposed Amendment to the Superior Court Interim Traffic Court Rules
 - D. Notice of the Next Meeting (Thursday, January 19, 2022)
- VII. COMMUNICATIONS**
- VIII. PUBLIC COMMENT**
 - A. Guam Bar Association – President's Report
- IX. EXECUTIVE SESSION**
 - A. Ongoing Litigation
- X. ADJOURNMENT**

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DAILY POST

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INVITATION FOR BID

GMHA IFB No. 002-2023: CONSTRUCTION SERVICES REQUIRED TO COMPLETE CONTRACT PACKAGE 1B OF Z-WING DEMOLISHMENT

Submission Due: 9:00 a.m. ChST, Wednesday, December 28, 2022 in the
GMHA Materials Management Department

Opening Time: 9:30 a.m. ChST, Wednesday, December 28, 2022 in the
GMHA Facility Maintenance Conference Room

****Site Visit for assessment is scheduled for 09:30 a.m. CST, Monday, December 19, 2022** at the Guam Memorial Hospital Authority. All Covid-19 precautions must be followed. All bidders are requested to be present. All questions must be submitted in writing no later than Wednesday, December 21, 2022 at 3:00 p.m. CST.

All bids must be sealed, submitted with one (1) original and one (1) duplicate and received by the Materials Management Department by the due date of December 28, 2022 at 9:00 a.m. Chamorro Standard Time. Bidding documents are available until the submission date at the same department for a non-refundable fee of \$20.00 per set, or can be downloaded from the GMHA website. Funding is made available under the GMHA General Funds.

All interested firms must register with the GMHA Materials Management Department to participate in the bid. Please register online at www.gmha.org for assistance you may call (671)647-2165. Registration is required to ensure that all Amendments or Notices are communicated to all bidders throughout the bid process. GMHA shall not be liable for failure to provide notice to any party that did not register contact information with GMHA.

For more information, please visit our public information page at www.gmha.org.

/s/ Lillian Perez-Posadas, RN, MN
Hospital Administrator/CEO

This advertisement was paid for with GMHA Operational funds.

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JUDICIAL COUNCIL OF GUAM

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Tel: (671) 475-3413 Fax: (671) 475-3140
www.guamcourts.org

NOTICE OF PUBLIC MEETING and EXECUTIVE SESSION

The Judicial Council of Guam will conduct its monthly meeting on Wednesday, December 21, at 12 Noon in the Guam Judicial Center, 120 West O'Brien Drive, Hagatña, 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 channel:

<https://www.youtube.com/channel/UCFnFCWwllp99fAeh9zi4Q4g/featured>

The following agenda is available on the Judiciary of Guam website:

<http://www.guamsupremecourt.com/Judicial-Council/Judicial-Council-of-Guam.asp>

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A. Ongoing Litigation
- X. ADJOURNMENT

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 671-475-3544, or Petrina M. Ula at 671-475-3413.

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CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman



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IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF THE ESTATE
OF
ROMEO CHUA WHANG,
Decedent.

Probate Case No. PRO216-22

NOTICE OF HEARING

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

1. NOTICE IS HEREBY GIVEN that Jennifer Whang has
filed a petition for: Petition for Letters of
Administration.

2. The hearing on this Petition will be heard by online
remote appearance on **Wednesday, December 21,**
2022, at 9:30 a.m.

3. To attend or to participate in the hearing, go to
<https://guamcourts-org.zoom.us> and enter Meeting
ID: 864 4387 2213 and Passcode: JEMI. You may
also call in for the hearing; you can call into the
courtroom at 671-300-6703 at the designated
hearing time. For connectivity issues, you may
contact Eathan Cniz at (671) 475-3106 or email
efcruz@guamcourts.org

Dated: November 17, 2022

DANIELLE T. ROSETE
Clerk of Court
/s/ **Alice B. Mendoza**
Courtroom/Chamber Clerk

OBITUARIES

JOSE DUENAS CHARGUALAF

Jose "Jose 'Tongue'"
Duenas Chargualaf,
of Talo'fo'fo', died
Dec. 13 at the age
of 85. Mass is being
celebrated at 6 p.m.
at Our Lady of Lourdes Catholic Church,
Yigo. Last respects will be held from
8-11 a.m. Dec. 30 at Guam Memorial
Funeral Home Chapel, Leyang, Barri-
gada, followed by interment at Guam
Veterans Cemetery, Piti.



DANNY LEON GUERRERO SAN NICOLAS

Danny Leon Guer-
rero San Nicolas, of
Dededo, died Dec. 11
at the age of 57. Mass
will be celebrated at 6
p.m. Monday-Friday
at Santa Barbara Catholic Church
(lower level), Dededo, 5 p.m. at the
upper level and noon Sunday at the
upper level. Last respects will be held
from 1-3 p.m. Dec. 19 at Ada's Mortuary,



Sinajana, followed by cremation.

ROSITA TAITANO AGUON

Rosita "Auntie Tang"
/ "Rose" Taitano
Aguon, of Tamun-
ing, died Dec. 11
at the age of 85.
Rosary, followed by
Mass, will be said
from 5:30-6 p.m. weekdays and 4:30-5
p.m. weekends at St. Anthony Catholic
Church, Tamuning. Last respects will
be held from 9-11:30 a.m. Dec. 20 at
St. Anthony Catholic Church. Mass for
a Christian Burial will be celebrated at
noon, at St. Anthony Catholic Church,
followed by interment at Pigo Catholic
Cemetery, Anigua.



BERNIE V. MARANAN

Bernie V. Maranan,
of Mangilao, died
Nov. 27 at the age of
67. Viewing and last
respects will be held
from 8:30 a.m.-2 p.m.
Dec. 20 at Our Lady of
Peace Funeral Home, Barrigada. Inter-
ment service will follow immediately at
Our Lady of Peace Memorial Gardens,



Windward Hills, Yona.

EMELIA S. QUINATA

Emelia "Meling"/
"Emily" S. Quinata,
of Humatak, died
Nov. 29 at the age
of 68. Last respects
will be held from 9
a.m.-noon Dec. 19 at
Guam Memorial Funeral Home Chapel,
Leyang, Barrigada. Mass for a Christian
Burial will be celebrated at 1 p.m. at San
Dionisio Catholic Church, Humatak,
followed by interment at San Dionisio
Cemetery, Humatak.



LIBERTA LEELBIY

Liberta "Lee" Leelbiy,
of Chalan Pago, died
Dec. 5 at the age of
66. Last respects will
be held from 8-11
a.m. Dec. 19 at Our
Lady of Peace and
Safe Journey Catholic Church, Chalan
Pago. Mass for a Christian Burial will be
celebrated at noon at Our Lady of Peace
and Safe Journey Catholic Church,
followed by interment at Guam Memo-
rial Park, Leyang, Barrigada.



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This ad was paid for with Government of Guam funds.

CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

JOB ANNOUNCEMENT FOR TEMPORARY POSITIONS

17 - REINFORCING METAL WORKER

\$16.73/HR. (1 yr. exp.)

APPLY AT DANES CONSTRUCTION CORP BY CALLING 671-653-3637.

REFERENCES REQUIRED UPON REQUEST.



SENATOR SABINA FLORES PEREZ

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

Roundtable Hearing
Wednesday, December 21, 2022
Guam Congress Building, Public Hearing Room

9:00AM

Used Oil Task Force

- Used Oil Task Force Report
- Current Status of Used Oil
- Possible Solutions

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at office@senatorfperez.org or via phone at (671) 989-3568, no later than December 19, 2022, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Acting Chairperson, and will be accepted via hand-delivery to her office, our mailbox at the Guam Congress Building at 1601 Chalan Santa Rosa, Hagåtña, Guam 96913, or via email at office@senatorfperez.org, no later than 4pm December 21, 2022. In compliance with the Americans with Disabilities Act, individuals requesting special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2468. The hearing will broadcast on radio/television, GTC Channel 21, Doton Channel 112-4, and stream online via Facebook Live and YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!



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JUDICIAL COUNCIL OF GUAM EXECUTIVE SESSION

THURSDAY, AUGUST 17, 2022

Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center

And via Videoconference in Zoom breakout room



Hon. F. Philip Carbullido
Chairman

Hon. Katherine A. Maraman
Member

Hon. Robert J. Torres
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Arthur R. Barcinas
Member



Advisory Committee Members:

Hon. Vernon G. Perez

Hon. Maria T. Cenzon

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky



Administrator of the Courts:
Kristina L. Baird

Judicial Council Secretary:
Petrina Ula

Judicial Council Asst. Secretary:
Shelterihna T. Alakoa

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was recessed to Executive Session by the Chairman, Chief Justice F. Philip Carbullido, at the hour of 1:46 p.m.

IN ATTENDANCE:

Chief Justice F. Philip Carbullido
Justice Robert J. Torres
Justice Katherine A. Maraman
Presiding Judge Alberto C. Lamorena III
Judge Arthur R. Barcinas

Also, Present:

Ms. Kristina L. Baird, Administrator of the Courts (AOC)
Mr. Andrew Sergio Quenga, Deputy Administrator of the Courts
Mr. Daniel F. Mensching, Staff Attorney
Ms. Carmelita G. Tenorio, Court Reporters Unit, C&M Division
Ms. Petrina M. Ula, Judicial Assistant, Executive Secretary

*Note: All individuals listed above participated via video conference as per social distancing directives.

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 Pacific Daily News. Acknowledgments are on file.

III. DETERMINATION OF QUORUM

Chief Justice F. Philip Carbullido, Justice Robert J. Torres, Justice Katherine A. Maraman, Presiding Judge Alberto C. Lamorena III, and Judge Arthur R. Barcinas were moved from the main Zoom room to a Zoom breakout room intended for the Executive Session. AOC Kristina L. Baird joined them, along with Deputy AOC Andrew Serge Quenga, Staff Attorney Daniel F. Mensching, Court Reporter Carmelita G. Tenorio, and Judicial Council Executive Secretary Petrina Ula.

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

Staff Attorney Daniel F. Mensching requested, in a memo addressed to the Judicial Council dated August 16, 2022, 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*, District Court Case No. 1:22-cv-00014; and
- EEO matter

Presiding Judge Lamorena motioned to move to Executive Session; Justice Torres seconded the motion. Chief Justice Carbullido 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.

X. ADJOURNMENT

At 1:56 p.m., Chief Justice Carbullido entertained a motion to rise to Regular Session. Presiding Judge Lamorena made the motion; Justice Torres seconded. The public meeting of the Judicial Council resumed. Chief Justice Carbullido stated that no decision needs to be made in regular session due to convening in Executive Session.

Respectfully submitted this 21st day of December 2022.



PETRINA M. ULA.
Executive Secretary,
Judicial Council of Guam



F. PHILIP CARBULLIDO
Chairman

Dated:

12/21/22



JUDICIAL COUNCIL OF GUAM

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**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, OCTOBER 20, 2022
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center
And via Zoom Videoconference**

★★★★

Hon. F. Philip Carbullido
Chairman

Hon. Katherine A. Maraman
Member

Hon. Robert J. Torres
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Arthur R. Barcinas
Member

★★★★

Advisory Committee Members:

Hon. Vernon G. Perez

Hon. Maria T. Cenzon

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

★★★★

Administrator of the Courts:
Kristina L. Baird

Judicial Council Secretary:
Petrina Ula

Judicial Council Asst. Secretary:
Shelterihna T. Alokua

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice F. Philip Carbullido, at the hour of 12:00 p.m.

ROLL CALL*:

Chief Justice F. Philip Carbullido (calling in from Judiciary)
Justice Robert J. Torres (calling in from the Judiciary)
Justice Katherine A. Maraman (calling in from Sinajana) **
Presiding Judge Alberto C. Lamorena III (calling in from the Judiciary)
Judge Arthur R. Barcinas (calling in from the Judiciary) **

Advisory Committee Members:
Referee Linda L. Ingles
Administrative Hearings Officer B. Ann Keith
Attorney Jacqueline T. Terlaje
Attorney Frederick J. Horecky

Also, Present:
Ms. Kristina L. Baird, Administrator of the Courts (AOC)
Mr. Andrew Sergio Quenga, Deputy Administrator of the Courts
Mr. Daniel F. Mensching, Staff Attorney
Ms. M. Erica R. Eschbach, Staff Attorney, Supreme Court
Ms. Danielle T. Rosete, Clerk of Court, Superior 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 Leon Guerrero, Deputy Marshal of the Court
Ms. Trisha T. Suzuki, Deputy Chief Probation Officer
Ms. Ma. Dianne Ollet Gudmalin, FMD Administrator

Ms. Geraldine A. Cepeda, Compiler of Laws
Ms. Virginia W. Yasuhiro, Client Services and Family Counseling Division Administrator
Mr. Robert John S. Rabago, Management Information Systems Administrator
Ms. M. Grace Lapid Rosadino, Acting Court Programs Administrator
Ms. Sophia Santos Diaz, Director of Policy, Planning, & Community Relations (DPPCR)
Ms. Hannah G. Arroyo, Clerk of Court, Supreme Court
Ms. Carmelita G. Tenorio, Court Report Supervisor, Courts & Ministerial Division
Ms. Jessica Perez-Jackson, Administrative Hearings Officer
Ms. Petrina M. Ula, Judicial Assistant, Judicial Council Executive Secretary
Public Access in the Atrium

*Note: All individuals listed above participated via video conference.

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 Pacific Daily News. Acknowledgments are on file.

III. DETERMINATION OF QUORUM

Chief Justice Carbullido began the roll call. Chief Justice F. Philip Carbullido, Associate Justice Robert J. Torres, and Presiding Judge Alberto C. Lamorena III identified themselves and their location. This meeting determined a quorum with three (3) Judicial Council members present. Associate Justice Katherine A. Maraman and Judge Arthur R. Barcinas later joined the meeting at 12:07 p.m. and 12:09 p.m., respectively.

IV. READING AND DISPOSAL OF MINUTES: August 17, 2022 Regular Meeting

Presiding Judge Lamorena moved to approve the August 17, 2022, Regular Meeting minutes, subject to correction. Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote. With no discussion, the three (3) Judicial Council members voted in favor; the minutes were approved, subject to correction.

V. OLD BUSINESS

A. Judiciary FY22 Remittances under PL 36-54

Ms. Dianne Gudmalin, the Financial Management Division (FMD) Administrator, reported that the Judiciary's scheduled bi-weekly allotment of \$1,257,204 for FY22 continues to be received on time. She stated that from the \$32,687,295 appropriated to the Judiciary under PL 36-54, 100% has been received. Ms. Gudmalin added that the last allotment was received on September 21, 2022.

i. FY23 Budget Update Pursuant to P.L. 36-107

Ms. Gudmalin presented several slideshows regarding her FY2023 Summary Report on the Judiciary's General Appropriation, which was signed into law on September 12, 2022 as Public Law 36-107. She reported that the Judiciary has been allotted a total amount of \$36, 441,595 from the Guam General Fund. She added that per Chapter 4 § 1 of P.L.36-107, \$33,695,731 is appropriated from the General Fund revenue available for the Judiciary's general operations.

Ms. Gudmalin noted that per Chapter 4 § 5, \$500,000 is appropriated from the General Fund to continue the Electronic Monitoring Program. She said that, additionally, \$190,000 was appropriated from the 2% General Fund Reserve to assist the Electronic Monitoring Program (EMP); the EMP has a total of \$690,000 for FY2023.

Ms. Gudmalin stated that per Chapter 4 § 6, \$1,655,000 was appropriated from the General Fund Revenue for the implantation of the pay adjustments to fund the 7% increase in compensation for the JOG Law Enforcement Personnel and the 6% increase in compensation for the JOG non-Law Enforcement Personnel, excluding the Judicial Officers, in FY2023. She added that per Chapter 4 § 11, \$400,000 was appropriated from the General Fund Revenue for an additional Superior Court judge and respective chamber staff pursuant to 7 GCA 4101. She noted that the additional Superior Court judge and chamber staff had not been a part of the Judiciary FY23 Budget Submission to the Legislature.

Ms. Gudmalin mentioned that, on May 01, 2022, the Judiciary had submitted the Judiciary's Budget Request totaling \$37,880,548 for the JOG general operations, the EMP, and to implement the pay adjustment. She said that the total appropriation for said categories per P.L. 36-107 totaled \$36,041,595, resulting in a difference of \$1,046,000. She remarked that management is optimistic about operating with the appropriated amount.

Ms. Gudmalin noted that in comparison with the total General Fund Revenue available for appropriation of about \$713,000,000, the Judiciary's portion of the appropriation of \$36, 695,731 represents about 5.08%. She added that the bi-weekly allotments for the Judiciary's FY23 general operations equate to about \$1, 295,000. She reported that the first allotment was received on October 04, 2022, and the second for the month was received on the meeting date, October 20, 2022. She concluded by stating that the Judiciary is working with the Department of Administration to determine if the allotments for the EMP and the pay adjustments will be given in lump sums or allotments.

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

The Administrator of the Courts (AOC), Ms. Kristina Baird, stated that the Judiciary has seen a lull in COVID-19-positive employees in the past two (2) weeks and has no employees reported to have tested positive.

Ms. Baird said the Judiciary is cleaned and sanitized throughout the workweek, including weekends, with heavy sanitization taking place on Sundays. She stated that the Judiciary continues to encourage using virtual platforms as an alternative to in-person proceedings. She added that physical distancing and face masks have been encouraged during in-person treatment sessions for both the clients and employees in the Client Services and Probation Services, respectively. She noted that face masks are available for free for clients.

Ms. Baird reported that the high-capacity courtrooms on the second floor of the San Ramon Building has been closed due to renovation for the expansion of several JOG divisions.

C. Update on Capital Improvement Projects

Ms. Baird (AOC) reported on two (2) ongoing Capital Improvement Projects (CIP): the 8th judge's courtroom and the Guam Historic Courthouse Building. She said the construction work on the 8th judge's courtroom is ongoing and is about 90% complete. She added that the MIS division is installing and testing the technological components of the courtroom and noted that the opening for the courtroom has been scheduled for October 31, 2022.

Ms. Baird explained that the renovation of the Guam Historic Courthouse Building continues, and the Judiciary hopes for a completion date in December 2022. She gave an update on two smaller projects, the Employee Break Rooms. She added that the Employee Break Rooms were made to provide employees with spaces to have their meals, breaks, and small meetings. She noted first break room on the 2nd-floor Employee Break Room is complete and available for use.

Ms. Baird reported that the 2nd floor of the San Ramon building is being prepared for renovation to house several JOG divisions. She stated construction quotes are expected by the end of the week, with construction to begin next week, hopefully, and the renovation will last about a month.

i. BOG Loan Drawdown Update (For Informational Purposes)

Ms. Baird said that under 7 GCA § 9512, the Judiciary is authorized to draw up to \$15,000,000 in loan proceeds for four (4) categories of approved projects. She reviewed different subsections of 7 GCA § 9512, how they apply to the CIP, and the different Judicial Council resolutions in the past pertaining to loan drawdowns. She presented a proposal from the Judiciary Administration, which proposes a total of three (3) drawdowns on the Bank of Guam loan with the total amount of about \$11,000,000 in drawdown monies with a drawdown period ending on January 16, 2023.

Ms. Baird displayed on the screen the first drawdown, which was in 2020, and the amount was used to refinance the existing loan. She noted that later in 2020, the Judiciary did the second drawdown to purchase the San Ramon building and a chiller for the Guam Historic Courthouse. She added that the third drawdown from this year, 2022, was for purchasing the Employee Parking Lot and renovating the Guam Historic Courthouse.

Ms. Gudmalin elaborated further on the proposal. She noted that management had reviewed financial data from previous years and prepared a form of financials to evaluate how the fund would be able to sustain a 30-year term loan payment. She pointed out that section 2 of the proposal laid out the Judiciary statements of revenues, expenditures, and changes in fund balance from FY2017 to FY2021, as well as an analysis of the revenue collection in said fiscal years. She gave further details about other sections of the reports.

Ms. Gudmalin stated that the Judiciary is in an interest-only payment until January 2023 or until the end of the drawdown period. She added that the current loan interest rate is 3.6% which will be adjusted on January 15, 2026. She continued to present the information provided in her slideshow. She concluded by stating that the Judiciary administration recommends that the capping of the drawdown be at \$11,000,000 based on the projected revenue and expense analysis.

Chief Justice Carbullido thanked the AOC and Ms. Gudmalin for their presentation. The AOC and Ms. Gudmalin answered various questions from the Council. From that discussion, the Chief Justice asked the AOC and FMD to look into any possible contingencies and costs that may occur in later years.

D. Rollout of the Revised JOG Personnel Rules and Regulations

Human Resources Administrator Ms. Barbara Jean Perez stated that, with the approval of the Council, the JOG Personnel Rules and Regulations with a fact sheet and FAQ sheet were launched and distributed on September 30 court-wide to all employees as well as on the JOG Intranet. She added that beginning in November, virtual training sessions will be held online for each division, and mandatory training will be given to the EEO and ADA coordinators, respectively.

ii. Annual Training Update (For Information Purposes)

Ms. Barbara Jean Perez explained that several in-person training sessions would take place in November, including the EEO/ADA course and the Active Shooter/OEP courses. She said that the Judicial Educator is creating self-paced training modules for refresher courses on professionalism and drug-free customer service. She stated that the dates and times for the respective training sessions will be announced later in the month. In response to a question from Justice Maraman, Ms. Perez noted that training for judicial officers and management heads will be scheduled later due to the November Pacific Judicial Council conference.

VI. NEW BUSINESS

A. Certificates of Commendation (L. Perez, R. Ceribo)

Ms. Barbara Jean presented the certificates of commendation. Ms. Linda Perez was brought forward, and her division head, Ms. Danielle Rosete, thanked her for serving the Judiciary for 26 years.

All the Council members shared their accolades and thanks with Ms. Perez, respectively. Due to technical difficulties, Ms. Perez was unable to speak on her end.

B. FY23 Health Insurance Rate (For Informational Purposes)

Ms. Gudmalin shared a slideshow with the FY23 Health Insurance Plans, which listed the different benefits of each plan compared to the FY22 Health Insurance Plans. She highlighted several positive updates, such as the 12-month vision benefit rather than a 24-month vision benefit and the addition of a second dental plan, Dental 2000. She reported the following rate changes:

- the FY23 HSA2000 rate for TakeCare will only increase from \$0.34 to \$1.03;
- the TakeCare PPO1000 rates have decreased by 10% in each class;
- the TakeCare Dental1000 rate increased by \$1.24 to \$3.72, or about 2%, per class;
- the SelectCare HSA2000 increased to only about \$0.78 to \$2.34 in each respective class;
- the SelectCare PPO1000 increased by about 10% per class; and
- the SelectCare Dental1000 rate is about the same price.

Ms. Gudmalin presented a brief analysis of the potential savings from procuring separate health and dental insurance plans from GovGuam, and the analysis estimated that from FY2021-FY2023, the Judiciary could potentially realize an average savings of about \$773,411 per annum in total contractual cost. She stated that the negotiation team and the legal team were very pleased with the rates negotiated for the JOG for FY23 and continue to recommend that the Judiciary negotiate separate health insurance plans from GovGuam. She thanked the members of the negotiation and legal team for the many hours of hard work, which consisted of Deputy Administrator of the Courts Mr. Andrew "Serge" Quenga, Director of Policy Planning and Community Relations Ms. Sophia Santos Diaz, Financial Management Division Administrator Ms. Dianne Gudmalin, Supreme Court Staff Attorney Ms. Erica Eschbach, Deputy Chief Probation Officer Ms. Trisha Suzuki, Staff Attorney Dan Mensching, Human Resources Employee Relations Supervisor Ms. Joleen Cruz, and Procurement Contract Supervisor Ms. Joleen Cepeda.

The Chief Justice and Council thanked the negotiation team for their hard work.

C. Notice of the Next Meeting (Friday, November 18, 2022)

The Chief Justice requested that the next Council meeting be held on Friday, November 18, 2022, due to a Conference of Chief Justices meeting he will need to attend on the regular Judicial Council meeting date. Justice Torres stated he would be traveling. Council decided to move the next Council meeting to Monday, November 19, 2022.

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

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

There was no report from the GBA board.

******At 12:59 p.m. Chief Justice Carbullido called for a recess to begin Executive Session to discuss ongoing litigation matters, as requested in an October 17, 2022 memo to the Judicial Council from Staff Attorney Daniel F. Mensching. The Executive Session was to be held in a Zoom breakout room. Judge Barcinas motioned to move to Executive Session; Justice Maraman seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor.**

IX. EXECUTIVE SESSION

Chief Justice F. Philip Carbullido, Justice Robert J. Torres, Justice Katherine A. Maraman, Presiding Judge Alberto C. Lamorena III, Judge Arthur R. Barcinas, AOC Kristina L. Baird, Deputy Administrator Andrew Sergio Quenga, Staff Attorney Daniel F. Mensching, Court Reporter Carmelita G. Tenorio, and Council Executive Secretary Petrina M. Ula were present during the Executive Session.

*******At 1:09 p.m. Presiding Judge Lamorena moved to rise to the regular session; Justice Torres seconded the motion. The public meeting of the Judicial Council resumed. Chief Justice Carbullido stated that no decision needs to be made in regular sessions due to the Executive Session convening.**

X. ADJOURNMENT

Justice Torres moved to adjourn. Presiding Judge Lamorena seconded the motion, adjourning the meeting at 1:10 p.m.

Respectfully submitted this 21st day of December 2022.



SHELTERIHNA T. ALOKOA
Assistant Secretary,
Judicial Council of Guam



PETRINA M. ULA.
Executive Secretary,
Judicial Council of Guam

As set out above, the Minutes of the October 20, 2022 Regular Meeting were approved by the Judicial Council at the December 21, 2022 Regular meeting.



F. PHILIP CARBULLIDO
Chairman

Dated: _____

12/21/22



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3413 Fax: (671) 475-3140

JUDICIAL COUNCIL OF GUAM

EXECUTIVE SESSION

THURSDAY, OCTOBER 20, 2022

Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center

And via Videoconference in Zoom breakout room



Hon. F. Philip Carbullido
Chairman

Hon. Katherine A. Maraman
Member

Hon. Robert J. Torres
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Arthur R. Barcinas
Member



Advisory Committee Members:

Hon. Vernon G. Perez

Hon. Maria T. Cenzon

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky



Administrator of the Courts:
Kristina L. Baird

Judicial Council Secretary:
Petrina Ula

Judicial Council Asst. Secretary:
Shelterihna T. Alakoa

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was recessed to Executive Session by the Chairman, Chief Justice F. Philip Carbullido, at the hour of 12:59 p.m.

IN ATTENDANCE:

Chief Justice F. Philip Carbullido
Justice Robert J. Torres
Justice Katherine A. Maraman
Presiding Judge Alberto C. Lamorena III
Judge Arthur R. Barcinas

Also, Present:

Ms. Kristina L. Baird, Administrator of the Courts (AOC)
Mr. Andrew Sergio Quenga, Deputy Administrator of the Courts
Mr. Daniel F. Mensching, Staff Attorney
Ms. Carmelita G. Tenorio, Court Reporters Unit, C&M Division
Ms. Petrina M. Ula, Judicial Assistant, Executive Secretary

*Note: All individuals listed above participated via video conference as per social distancing directives.

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 Pacific Daily News. Acknowledgments are on file.

III. DETERMINATION OF QUORUM

Chief Justice F. Philip Carbullido, Justice Robert J. Torres, Justice Katherine A. Maraman, Presiding Judge Alberto C. Lamorena III, and Judge Arthur R. Barcinas were moved from the main Zoom room to a Zoom breakout room intended for the Executive Session. AOC Kristina L. Baird joined them, along with Deputy AOC Andrew Serge Quenga, Staff Attorney Daniel F. Mensching, Court Reporter Carmelita G. Tenorio, and Judicial Council Executive Secretary Petrina Ula.

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

Staff Attorney Daniel F. Mensching requested, in a memo addressed to the Judicial Council dated August 16, 2022, 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*, District Court Case No. 1:22-cv-00014; and
- EEO matter

Judge Barcinas motioned to move to Executive Session; Justice Maraman seconded the motion. Chief Justice Carbullido 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.

X. ADJOURNMENT

At 1:09 p.m., Chief Justice Carbullido entertained a motion to rise to Regular Session. Presiding Judge Lamorena made the motion; Judge Barcinas seconded. The public meeting of the Judicial Council resumed. Chief Justice Carbullido stated that no decision needs to be made in Regular Session due to convening in Executive Session.

Respectfully submitted this 21st day of December 2022.



PETRINA M. ULA.
Executive Secretary,
Judicial Council of Guam



F. PHILIP CARBULLIDO
Chairman

Dated: 12/21/22



Certificate of Commendation

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

Rosa I.T. Ceribo

for 17 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.*

F. PHILIP CARBULLIDO
Chief Justice of Guam
Chairman, Judicial Council of Guam

ROBERT J. TORRES
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



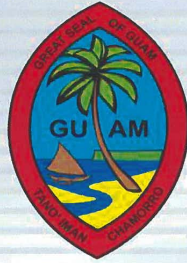
KATHERINE A. MARAMAN
Associate Justice, Supreme Court of Guam
Member, Judicial Council of Guam

ARTHUR R. BARCINAS
Judge, Superior Court of Guam
Member, Judicial Council of Guam

Attested:

KRISTINA L. BAIRD
Administrator of the Courts

BARBARA JEAN T. PEREZ
Human Resources Administrator



Certificate of Commendation

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

Jennifer L. Aguon

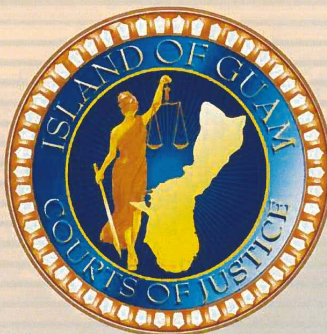
for 21 years of service to the Judiciary of Guam.

*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.*

F. PHILIP CARBULLIDO
Chief Justice of Guam
Chairman, Judicial Council of Guam

ROBERT J. TORRES
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



KATHERINE A. MARAMAN
Associate Justice, Supreme Court of Guam
Member, Judicial Council of Guam

ARTHUR R. BARCINAS
Judge, Superior Court of Guam
Member, Judicial Council of Guam

Attested:

KRISTINA L. BAIRD
Administrator of the Courts

BARBARA JEAN T. PEREZ
Human Resources Administrator



Certificate of Commendation

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

Anthony J. Meno

for 24 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.*

F. PHILIP CARBULLIDO
Chief Justice of Guam
Chairman, Judicial Council of Guam

ROBERT J. TORRES
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



KATHERINE A. MARAMAN
Associate Justice, Supreme Court of Guam
Member, Judicial Council of Guam

ARTHUR R. BARCINAS
Judge, Superior Court of Guam
Member, Judicial Council of Guam

Attested:

KRISTINA L. BAIRD
Administrator of the Courts

BARBARA JEAN T. PEREZ
Human Resources Administrator



BEFORE THE 2022 JUDICIAL COUNCIL OF GUAM
RESOLUTION NO. JC22-024

RELATIVE TO MEMORIALIZING THE PASSING OF CHIEF JUSTICE ARTHUR NGIRAKLSONG

- WHEREAS,** the Judicial Council recognizes with great sadness the passing of Arthur Ngiraklsong, who retired as Chief Justice of the Supreme Court of Palau in June of 2020; and
- WHEREAS,** born on February 28, 1941 in Koror, Palau in what was then known as the Trust Territory of the Pacific Islands, Arthur Ngiraklsong's education and legal career spanned decades across several Pacific Island jurisdictions, including Hawaii, where he attended college, the Federated States of Micronesia, and right here in Guam, where he served for several years as Assistant Attorney General in the Office of the Attorney General of Guam; and
- WHEREAS,** Chief Justice Ngiraklsong was a member of the bar in Palau, the Northern Mariana Islands, Pennsylvania, and the Marshall Islands, and was also admitted to practice before the Supreme Courts of the United States of America and the Federated States of Micronesia; and
- WHEREAS,** following graduation from the law school at Rutgers University, then-attorney Ngiraklsong served as staff attorney for the Micronesian Constitutional Convention, where he worked for the Committee on Civil Liberties and contributed significantly toward the legal research and drafting of the Bill of Rights contained in the Constitution of the Federated States of Micronesia; and
- WHEREAS,** for several years early in his career attorney Ngiraklsong worked on behalf of the Trust Territory of the Pacific Islands and their successor nations to lay the legal foundations for their governments and, in particular, their judicial systems; and
- WHEREAS,** Chief Justice Ngiraklsong championed innovations such as establishing specialty courts and court mediation; addressing issues such as preventing domestic violence, stopping drug abuse, and protecting the environment; and using technology to increase court efficiency; and
- WHEREAS,** Chief Justice Ngiraklsong's greatest passion was providing high quality continuing education and training for all judiciary staff throughout the region, with the aim of building up justice systems that respected both the law and the cultural values of each distinctive island jurisdiction; and
- WHEREAS,** as a member of the Executive Board of the Pacific Judicial Council ("PJC") for over twenty-five years, he directly impacted the shape of judicial education, which has brought training and education to judiciaries across PJC member jurisdictions; and
- WHEREAS,** known affectionately to many of us as "CJ Art," Chief Justice Ngiraklsong, was quick-witted with a wonderful sense of humor, yet he was also humble and fully appreciated the duty and responsibility of his position. He left a lasting impression on so many of those with whom he interacted; and
- WHEREAS,** during his entire legal career, but especially during his time on the bench, Chief Justice Ngiraklsong was a visionary force, not just within his jurisdiction of Palau, but throughout Micronesia, the Marianas, and Oceania. His passion for the law and for improving the workings of justice went far beyond the shores of the island he called home; indeed, the justice systems of our entire region benefitted from his presence. He regarded his position as a unique opportunity to collaborate with Chief Justices throughout the Marianas and Oceania and judges of the Ninth Circuit to improve the timely delivery of justice. Truly, he was a transcendent figure in the legal communities of the Pacific; and
- WHEREAS,** the Justices and Judges of Guam were proud to call him friend and are ever grateful for his leadership in preserving the Rule of Law in the Pacific.

NOW THEREFORE BE IT RESOLVED, that the Judicial Council, together with the entire Judiciary of Guam, expresses our sincere condolences and gratitude to the family of the late Chief Justice Arthur Ngiraklsong for his immeasurable service and contributions as a champion of the rule of law, as a respected jurist, and as a friend.

DULY ADOPTED this 30th day of November, 2022 by the Judicial Council of Guam.

F. PHILIP CARBULLIDO
Chief Justice of Guam &
Chairman, Judicial Council of Guam

ROBERT J. TORRES
Member
Justice, Supreme Court of Guam

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

KATHERINE A. MARAMAN
Member
Justice, Supreme Court of Guam

ARTHUR R. BARCINAS
Member
Judge, Superior Court of Guam



BEFORE THE 2022 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC22-025

**RELATIVE TO RATIFYING THE JUDICIAL COUNCIL'S RESOLUTION
MEMORIALIZING THE PASSING OF CHIEF JUSTICE ARTHUR NGIRAKLSONG**

WHEREAS, Judicial Council Resolution No. JC22-024 memorializing the passing of Chief Justice Arthur Ngiraklsong was signed by all members of the Judicial Council and presented to his family at the State Funeral, honoring him on December 8, 2022.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. JC 22-024 is hereby **RATIFIED**.

A handwritten signature in blue ink, appearing to read "F. Philip Carbullido", written over a horizontal line.

F. PHILIP CARBULLIDO, Chairman

Dated: _____

A handwritten date "12/21/22" in blue ink, written over a horizontal line.

ATTEST:

A handwritten signature in blue ink, appearing to read "Petrina M. Ula", written over a horizontal line.

Petrina M. Ula, Executive Secretary

Dated: _____

A handwritten date "12/21/22" in blue ink, written over a horizontal line.



BEFORE THE 2022 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 22-__

**RELATIVE TO RECOMMENDING APPROVAL OF PROPOSED
AMENDMENTS TO THE SUPERIOR COURT OF GUAM
INTERIM TRAFFIC COURT RULES**

WHEREAS, the Interim Traffic Court Rules were adopted by the Supreme Court through Promulgation Order No. 14-002-01 and amended with Promulgation Order Nos. 14-002-02 and 20-003-01; and

WHEREAS, the Superior Court Clerk of Court, who oversees the Traffic Violations Bureau explained the process for adjudicating citations filed with the Bureau under the current rules; and

WHEREAS, the proposed amendments would eliminate a step in the case processing before a judgment is entered and will also expand the authority of the Traffic Violations Bureau Clerk to issue a dismissal upon the death of a respondent; and

WHEREAS, the proposed amendments will procedurally improve the adjudication of citations; and

WHEREAS, the Superior Court Clerk of Court informed the council members of a clerical error in the Interim Rules presented to Council on November 20, 2020, which error was corrected in the proposed amendments; and

WHEREAS, the Superior Court Clerk of Court, has presented the proposed Amended Interim Traffic Court Rules attached hereto as Exhibit A, to the Judicial Council; and

WHEREAS, the Superior Court Clerk of Court has requested that the Judicial Council recommend that the Supreme Court of Guam, subject to notice and any public comment and under its rule making authority, approve the proposed Amended Interim Traffic Court Rules.

NOW, THEREFORE, BE IT RESOLVED, that the Judicial Council hereby transmits the proposed Amended Interim Traffic Court Rules, attached hereto as Exhibit A, to the Supreme Court of Guam and recommends approval of the amendments by the Supreme Court.

DULY ADOPTED this ____ day of December, 2022 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

Petrina Ula, Executive Secretary

Dated: _____

EXHIBIT A
SUPERIOR COURT OF GUAM
INTERIM TRAFFIC COURT RULES

NOTE: Adopted as interim rules pursuant to Supreme Court of Guam Promulgation Order No. 14-002-01 (June 20, 2014) and amended by Supreme Court of Guam Promulgation Order No. 20-003 (November 24, 2020).

- Rule 1. Title.
- Rule 2. Scope, Purpose and Construction.
- Rule 3. Jurisdiction.
- Rule 4. Definitions.
- Rule 5. Traffic Violations Bureau.
- Rule 6. Commencement of Action.
- Rule 7. Guam Uniform Complaint and Citation.
- Rule 8. Admission - Contest.
- Rule 9. Failure to Appear - Order - Default.
- Rule 10. Contest - Trial - Evidence.
- Rule 11. Entry of Judgment.
- Rule 12. Dismissal.
- Rule 13. Repeat Offender - Penalties - Suspension.
- Rule 14. Retention of Counsel - Entry of Appearance.
- Rule 15. Appearance of the Attorney General not Required.
- Rule 16. Notice to Regulatory Agency.
- Rule 17. Amendment.
- Rule 18. Appeal.
- Rule 19. Enforcement of Judgment.
- Rule 20. Interim Rules and Effective Date.

RULE 1. Title.

These rules shall be known and cited as the Superior Court of Guam Traffic Court Rules.

RULE 2. Scope, Purpose and Construction.

- (a) **Scope of Rules.** These Rules govern the practice and procedure in the Traffic Court, a Division of the Superior Court of Guam for all cases involving civil violations within the jurisdiction of the Traffic Court.
- (b) **Purpose and Construction.** These rules are intended to provide for the just determination of all violations which fall within the jurisdiction of the Traffic Court, and to that end shall be construed to ensure simplicity, uniformity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

RULE 3. Jurisdiction.

The Traffic Court shall hear and determine violations under the following statutes:

- (a) 10 GCA Chapter 34 [animal control];
- (b) 10 GCA Chapter 51, Article 2 [litter];
- (c) 10 GCA Chapter 69 [boating];
- (d) 10 GCA § 58111 [Fire Code] violations;
- (e) 10 GCA § 73110 [Fire Code] violations;
- (f) 10 GCA Chapter 90 [smoking];
- (g) 16 GCA Chapter 5 [commercial motor vehicle];
- (h) 16 GCA Chapters 3, 7, 9, 13, 19 and 26 [Vehicle Code] violations, and any violation of the Vehicle Code committed by a minor sixteen (16) years or older [19 GCA § 5103(a)(4)].
- (i) 5 GCA Chapters 60 and 63 [fish, game, forestry, and conservation]
- (j) 5 GCA Chapter 40 [mayors' enforcement of sanitary and health laws]
- (k) 26 GARR Chapter 4, Article 28 [rules governing the enforcement of public health guidance and directives during the COVID-19 public health emergency]

NOTE: Title 19 GCA § 5103(a)(4) removes from the jurisdiction of the Family Court any violation of the Vehicle Code committed by a person 16 years or older. Title 9 GCA § 67.401.2(b)(3) was effectively repealed by P.L. 35-0005:4 (April 4, 2019). Title 26 GAR Chapter 4, Article 28 was enacted by the Department of Public Health and Social Services pursuant to 10 GCA § 19802 and Executive order No. 2020-38. DPHSS Announcement Nov. 19, 2020.

RULE 4. Definitions.

- (a) **Abuse.** The unlawful use of a lawful process or the perversion of a process in order to obtain a result, which was not intended by the law to effect.
- (b) **Apprehending Officer.** Means any designated person employed by the Department of Parks & Recreation, the Department of Agriculture, the Guam Environmental Protection Agency, the Department of Public Health and Social Services, the Department of Public Works, all mayors and assistant mayors, and any peace officer.

SOURCE: 10 GCA § 51202(a) (2005).

- (c) **Moving Violation.** Any violation of the Motor Vehicle Code committed while a driver is operating a vehicle in motion, including any temporary or intermittent stop in the course of operating a vehicle in motion on any roadway or highway in Guam.
- (d) **Non-moving Violation.** Any parking or standing of a motor vehicle not in operation in violation of a statute, ordinance or regulation.
- (e) **Non-traffic Violation.** All other violations within the jurisdiction of the Traffic Court as defined in Rule 3 including but not limited to violations prescribed under 9 GCA § 67.401.2 (b)(3); 10 GCA Chapters 34, 69, 90; 10 GCA Chapter 51, Article 2; 10 GCA § 58111; 10 GCA § 73111; and 26 GARR Chapter 4 Article 28.
- (f) **Peace Officer.** The same meaning as provided for in 8 GCA § 5.55.
- (g) **Respondent.** The person cited with a violation under the jurisdiction of the Traffic Court.
- (h) **Traffic Court Judicial Officer.** A judge, judge pro tempore, magistrate judge, or referee appointed by the Chief Justice of the Supreme Court of Guam to preside over Traffic Court cases.
- (i) **Guam Uniform Complaint and Citation.** A complaint and citation issued for a violation within the jurisdiction of the Traffic Court under Rule 3, using the General Guam Uniform Complaint and Citation form, including (but not limited to) complaints and citations for litter, boating and smoking.

- (j) **Violation.** Any infraction under the jurisdiction of the Traffic Court punishable by a civil fine.

RULE 5. Traffic Violations Bureau.

There is hereby established a Traffic Violations Bureau (“TVB”) within the Superior Court of Guam at various locations. The TVB Clerk shall be under the general supervision of the Clerk of Court. The TVB Clerk, or assigned Deputy Clerk(s), shall have authority to accept a respondent’s entry of appearance, waiver of trial, admission or denial of liability, payment of fines, fees, and court costs, sign orders to appear and Orders to Show Cause pursuant to Rule 9(a) and (b) below, set trial dates and assess fines, fees, and court costs in accordance with the schedule of fees approved by the Judicial Council, on any violation for which an admission has been entered.

RULE 6. Commencement of Action.

An action is commenced when a Guam Uniform Complaint and Citation (“GUCC”) is issued by any peace officer or apprehending officer. The GUCC may also be in electronic format. The reverse side of the GUCC, except for electronic citations, shall provide for recording of the judgment. Electronic citations do not need to meet the formatting requirements but must otherwise provide the same information as a hard copy GUCC. The format of the GUCC for each scope of jurisdiction in Rule 3 shall be approved by the Clerk of Court.

RULE 7. Guam Uniform Complaint and Citation.

- (a) Filing the GUCC. The issuing agency or apprehending officer shall file the original GUCC with, or transmit the electronic citations to the TVB on or before the appearance date.
- (b) Grounds for Dismissal by TVB Clerk. The following causes may be grounds for administrative dismissal of the GUCC by the TVB Clerk:
 - (1) Failure to cite a statute, or citing an incorrect statute;
 - (2) Upon a first violation of the provisions of the Accessible Parking statute as contained in 16 GCA §§ 3401.1(b)(1) or (c), or 3401(d), provided the respondent files a Declaration stating he/she is a disabled person under 16 GCA § 7120.1(a)(2), and the person responsible for the violation, or was with the person responsible at the time the GUCC was issued; or
 - (3) The issuing agency or apprehending officer requests in writing that the original GUCC be voided before filing the citation.
 - (4) Proof of respondent’s death is provided to the TVB Clerk.
- (c) Accounting of GUCCs Issued. The TVB shall be responsible for and reconcile all GUCCs filed or received. Each Director or agency head shall be held accountable for any and all GUCCs released to their department for use, and shall report to the TVB any unused, lost, or missing GUCCs on an annual basis.

RULE 8. Admission - Contest.

- (a) **Admission.** A respondent, or his/her designee with written authorization, may enter an admission to a violation by submitting or delivering the amount of the fine plus court costs, together with the signature by the respondent or designee on the GUCC and on a waiver of trial, to the TVB Clerk at any Traffic Court location, or by mailing the same to the Superior Court of Guam Traffic Violation Bureau, 120 West O’Brien Drive, Hagåtña, Guam 96910, or by any other approved electronic means of payment. Judgment shall be entered against the respondent after an admission imposing applicable fines and court costs, and there shall be no right to appeal.
- (b) **Contest.** A contest to the validity or regularity of a violation or process must be made at the first appearance. A designee may enter a contest, however the respondent or respondent’s counsel must personally appear to contest the violation. A hearing to contest the violation shall be scheduled pursuant to Rule 11.

RULE 9. Failure to Appear - Order - Default.

- (a) First Appearance. If the respondent fails to appear or otherwise answer the violation on or before the first appearance date, an Order to Appear shall be issued by mail ordering the respondent to appear and answer to the violation not later than thirty (30) days from the date of mailing of the Order to Appear.
- ~~(b) Order to Show Cause. If the respondent fails to appear or otherwise answer the violation within thirty (30) days from the mailing of the Order to Appear, an Order to Show Cause (“OSC”) shall be issued ordering the respondent to appear at a hearing before the Traffic Court Judicial Officer.~~
- ~~(c) Entry of Default. If the respondent is served with the OSC and fails to appear at the Order to Show Cause hearing, a default judgment may be entered against the respondent imposing maximum fines and court costs, plus legal interest of 6%. The Traffic Court Judicial Officer may issue further orders including~~

~~but not limited to an order for a warrant of arrest, an Alias Order to Appear, or an Alias OSC.~~

- (b) Failure to Answer. If the respondent fails to appear and answer to the violation within thirty (30) days from the mailing of the Order to Appear a default judgment may be entered against the respondent imposing maximum fines and court costs, plus legal interest of 6%. The Traffic Court Judicial Officer may issue further orders including but not limited to a warrant of arrest, an Alias Order to Appear, or an Order to Show Cause.

RULE 10. Contest - Trial - Evidence.

- (a) **Scheduling a Hearing.** All contests shall be heard before the Traffic Court Judicial Officer. The TVB Clerk shall schedule a hearing on a contest on the next available date and time. The date set for hearing shall be set not earlier than twenty (20) days, and not later than thirty (30) days from the date of the respondent's request to contest the violation. A hearing in cases involving an accident resulting in personal injury shall be set no earlier than sixty (60) days and not later than ninety (90) days from the date of the respondent's request to contest the violation. These dates may be extended for good cause.
- (b) **Respondent to Appear Mandatory.** The respondent must appear at the hearing to contest the violation. No hearing will proceed in the absence of the respondent. Failure of the respondent to appear at the hearing shall be grounds for entry of a default judgment.
- (c) **Service of Process.** Notice of the hearing shall be served by the Superior Court Marshal to the Guam Police Department, Office of the Chief of Police, or appropriate regulatory agency. A respondent is entitled to have process issued by the Traffic Court. If the respondent requests for marshal service, the respondent must pay the marshal's fee.
- (d) **Right to Be Heard.** All witnesses shall be heard prior to judgment and disposition.
- (e) **Evidence.** The Rules of Evidence do not apply in Traffic Court hearings.
- (f) **No Jury Trial.** There is no right to a jury trial in Traffic Court. Traffic Court is not a court of record, and therefore, no verbatim record of proceedings is required.

RULE 11. Entry of Judgment. A Judgment may be entered when:

- (a) A respondent admits to the violation;
- (b) The Traffic Court Judicial Officer has determined after a hearing that the respondent committed a violation; or
- (c) A respondent fails to appear ~~after being served an Order to Show Cause~~ or otherwise answer the violation within thirty (30) days from the mailing of the Order to Appear or has failed to appear at trial.

RULE 12. Dismissal.

- (a) After Hearing. The GUCC shall be dismissed if the Traffic Court Judicial Officer has determined after a hearing that the respondent did not commit the violation.
- (b) Peace Officer Not Appearing. Failure of any peace officer or apprehending officer to appear at trial in order to prove the violation shall be grounds for dismissal.

RULE 13. Repeat Offender - Penalties - Suspension.

- (a) **Second Judgment within Any 12 Months.** The amount of fines to be imposed on a second judgment for the same or separate violation under the Vehicle Code, charged within any twelve (12) month period, shall be an additional fifty percent (50%) of the original fine for the current violation.
- (b) **Third Judgment within Any 12 Months.** The amount of fines to be imposed for a third judgment for the same or separate violation under the Vehicle Code, charged within any twelve (12) month period, shall be an additional seventy-five percent (75%) of the original fine for the current violation.
- (c) **Suspension of Driver's License.** The Traffic Court Judicial Officer may suspend the driver's license of a person liable for violating any provision related to a moving violation as provided in 16 GCA § 3111 for a period of thirty (30) days for a first violation, sixty (60) days for a second moving violation, and for a period not to exceed six (6) months for any subsequent violation. The TVB Clerk or designee shall take possession of the license, and retain it for the period of suspension.
- (d) **Disabled Parking.** Upon a second violation, the respondent shall be required to appear and answer under oath before the Traffic Court Judicial Officer as to the circumstances giving rise to the repeat violation, and if found in the discretion of the Traffic Court Judicial Officer to have abused the privileges of disabled

parking, shall be fined not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). If no abuse is found the violation shall be dismissed with prejudice.

SOURCE: 16 GCA § 3111 (2005); 16 GCA § 3401.1(d) (2005).

RULE 14. Retention of Counsel - Entry of Appearance.

A respondent may obtain an attorney to represent him/her during the pendency of the violation before the Traffic Court. The attorney must file an entry of appearance with the TVB.

RULE 15. Appearance of the Attorney General not Required.

The Attorney General will not be required to appear to prosecute violations, and the matter may proceed with the peace officer or apprehending officer, or other representative of the citing agency.

RULE 16. Notice to Regulatory Agency.

Upon entry of a judgment, the TVB Clerk shall report through electronic means, any record of the violation to the Guam Police Department and the Department of Revenue & Taxation, or other appropriate regulatory agency.

RULE 17. Amendment.

The Traffic Court Judicial Officer may permit to be amended any process or pleading or any omission or defect therein, or for any variance between the complaint and the evidence adduced at the trial. If the respondent is substantially prejudiced in the presentation of his or her case as a result of the amendment, the Traffic Court Judicial Officer shall recess the hearing to some future time, upon such terms as are just and proper.

RULE 18. Appeal.

- (a) **Trial Court.** The Superior Court shall have appellate jurisdiction to review any judgment rendered before the Traffic Court Judicial Officer. An appeal shall be taken within five (5) business days after the judgment is entered by filing a written notice of appeal and paying a filing fee in the same amount as that required for the filing of a civil case.
- (b) **Admission by Respondent.** No appeal can be taken from a judgment entered by admission of the respondent.
- (c) **De Novo.** Upon appeal by the respondent the case shall be tried on the merits *de novo*.

SOURCE: 7 GCA § 4102 (2005); 8 GCA § 1.09(b) (2005).

RULE 19. Enforcement of Judgment.

The Administrator of the Courts ("AOC"), or the AOC's designee may undertake collection measures and efforts for fines, fees, and court costs more than sixty (60) days outstanding.

RULE 20. Interim Rules and Effective Date.

These Rules are interim rules to be in effect until permanent rules are promulgated by the Supreme Court of Guam. These rules shall take effect upon promulgation by the Supreme Court and shall remain in effect until adoption of the permanent rules or further order of the Supreme Court.



HON. F. PHILIP CARBULLIDO
CHIEF JUSTICE

JUDICIARY OF GUAM

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HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE

KRISTINA L. BAIRD
ADMINISTRATOR OF THE COURTS

December 21, 2022

TO: JUDICIAL COUNCIL MEMBERS

FROM: DESIGNATED STAFF ATTORNEY

SUBJECT: Recommendation for Executive Session to Discuss Pending Litigation
at the Judicial Council Regular Meeting of December 21, 2022

Pursuant to 5 GCA § 8111(c)(1), I recommend that the Judicial Council hold an executive session at its regular meeting scheduled for December 21, 2022 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.
- *Case 1:22-cv-00014, Philips v. Guam Courts:* Complaint filed by Dr. Sherif Philips in the District Court of Guam on June 16, 2022, seeking review of 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.

Andrew S. Quenga, Designated Staff Attorney
Deputy Administrator of the Courts

CC: Kristina L. Baird, Administrator of the Courts
Daniel Mensching, Staff Attorney