



**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, DECEMBER 21, 2023 | 12:00 PM
GUAM JUDICIAL CENTER**

AGENDA

- I. CALL TO ORDER**
- II. PROOF OF DUE NOTICE OF MEETING:**
 - December 14, 2023
 - December 19, 2023
- III. DETERMINATION OF QUORUM**
- IV. READING AND DISPOSAL OF MINUTES:**
 - September 22, 2023 Regular Meeting
 - November 16, 2023 Regular Meeting
 - November 16, 2023 Executive Session
- V. OLD BUSINESS**
 - A. Judiciary FY 2024 Remittances Pursuant to Applicable Law
 - B. Update on Capital Improvement Projects
 - C. Update on Typhoon Damage and Restoration
- VI. NEW BUSINESS**
 - A. Court Statistics Project Reporting Excellence Award
 - B. 2024 Judiciary Strategic Plan
 - C. Notice of the Next Meeting (Wednesday, January 17, 2023)
- VII. COMMUNICATIONS**
- VIII. PUBLIC COMMENT**
 - A. Guam Bar Association – President’s Report
 - B. Court Employees Association
- IX. ADJOURNMENT**



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
www.guamcourts.org

NOTICE OF PUBLIC MEETING

The Judicial Council of Guam will conduct its monthly meeting on Thursday, December 21, 2023, at 12:00 p.m. in the Monessa G. Lujan Appellate Courtroom, Guam Judicial Center, 120 West O'Brien Drive, Hagåtña.

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>

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CHIEF JUSTICE ROBERT J. TORRES
Chairman



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GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

Thursday, December 21, 2023, at 6:00 p.m.

Guam Election Commission Regular Meeting

GEC Conference Room, Oka Building, Tamuning, GU

For meeting livestream, visit GEC's website at <https://gec.guam.gov/board>

AGENDA

- I. Call to Order - Certification of a Quorum Present
- II. Certification - Public Notice Requirements - Guam Daily Post and Guam Public Notice Website (12/14/2023 & 12/18/2023)
- III. Approval of Agenda
- IV. Approval of Minutes
 - a. November 16, 2023 Regular Meeting
- V. Correspondence
 - a. December 5, 2023 – Senator Telo Taitague Re: FOIA for all financial disclosure statements submitted by all members of the Guam Visitors Bureau Board of Directors
 - b. December 5, 2023 – Mr. Jonathan F. Diaz Re: Please consider by WRITE-IN Candidacy or Non-Voting Delegate and for All Registered and Un-registered Parties
- VI. Executive Director's Report
 - a. Timeline
 - i. 2024 Primary Election Candidate Packet
 - b. Monthly Voter by Precinct Report
 - c. Online/Motor Voter Registration and Pre-Registration
 - d. Monthly Financial Report/U.S. Election Assistance Commission Grant
 - e. Office of the Inspector General - U.S. Election Assistance Commission Audit
- VII. Old Business - Other Items
 - a. Campaign Finance Committee
 - i. Statutory & Guam Administrative Rules and Regulations Updates
 - b. Democratic Party of Guam Re: Lamorena Order in Civil Case No. CV 1456-03
 - c. Election Manual Update
 - d. Modernizing Election Process
 - i. E-Poll Books
- VIII. New Business
 - a. 2023 Council on Governmental Ethics Laws Annual Conference
 - b. U.S. Election Assistance Commission (EAC) Visit
 - c. Competitive Grant Application for Help America Vote College Program, Election Assistance Commission
 - d. FY 2025 Budget Request
- IX. Legal Counsel
 - a. Guam Society of Obstetricians and Gynecologists, Guam Nurses Association, et al. v. Douglas B. Moylan, et al.
- X. Public Comment
- XI. Next Meeting
- XII. Adjournment

For individuals requiring special accommodations, auxiliary aids, or services, please contact Christiana Ramirez at (671) 477-9791 or send an email to vote@gec.guam.gov.

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This ad was paid for with Government of Guam funds.

CHIEF JUSTICE ROBERT J. TORRES
Chairman

The Guam Council on the Arts and Humanities Agency

will hold its Regular Monthly Board Meeting Wednesday December 27, 2023 at 3:00 pm at 238 Archbishop Flores St. STE 202 2nd Floor DNA Bldg. Hagatna

This meeting will also be on a Zoom Platform and Live Streamed

AGENDA

- | | |
|--|--|
| <ol style="list-style-type: none"> I. Call to Order II. Roll Call <ul style="list-style-type: none"> • Swearing in of New Board Members/Officers III. Approval of Minutes <ul style="list-style-type: none"> • September 2023 • October 2023 • November 2023 IV. Executive Directors Report V. FESTPAC 2024 | <ol style="list-style-type: none"> VI. Board Action <ul style="list-style-type: none"> • Resolution 2024-001 (Transfer of FestPac Funds) • Resolution 2024-02 (Account Signatory Update) VII. Old Business VIII. New Business <ul style="list-style-type: none"> • FY-2025 Budget Preparation/Review IX. Announcements <ul style="list-style-type: none"> • Art Openings, Shows, & Events X. Adjournment |
|--|--|

Any Persons needing Special Accommodation please contact GCAHA Office at 671- 300-1204, 671-300-1206 and 671-300-1208 and 671- 300-7582 or email at info@caha.guam.gov

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THE GUAM
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★★★★

Hon. Robert J. Torres
Chairman

Hon. Katherine A. Maraman
Member

Hon. F. Philip Carbullido
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Maria T. Cenzone
Member

★★★★

Advisory Committee Members:

Hon. Arthur R. Barcinas

Hon. Vernon P. Perez

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

★★★★

Administrator of the Courts:
Danielle T. Rosete

Judicial Council Secretary:
Jessica J. Perez-Jackson

Judicial Council Asst. Secretary:
Petrina M. Ula

JUDICIAL COUNCIL OF GUAM REGULAR MEETING

FRIDAY, SEPTEMBER 22, 2023

Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center
HYBRID ZOOM/IN-PERSON

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 12:07 p.m.

ROLL CALL:

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

Advisory Committee Members:
Hon. John Terlaje, Judge (Via Zoom)
Hon. Kristina Baird, Administrative Hearing Officer (Via Zoom)
Attorney Dean V. A. Manglona (Via Zoom)

Also present in the Monessa G. Lujan Appellate Courtroom:
Ms. Hannah Gutierrez Arroyo, Clerk of Court, Supreme Court
Ms. Sophia Santos Diaz, Clerk of Court, Superior Court
Ms. Sarah Elmore Hernandez, Director of Policy Planning & Community Relations
Ms. Ma. Dianne O. Gudmalin, Finance Administrator
Ms. Geri Cepeda, Compiler of Laws
Ms. Barbara Jean Perez, Human Resources Administrator
Mr. Troy M. Pangelinan, Marshal of the Court
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer
Mr. Joseph Leon Guerrero, Deputy Chief Marshal
Ms. M. Erica R. Eschbach, Staff Attorney, Supreme Court
Ms. M. Grace Lapid Rosadino, Acting Court Programs Administrator
Ms. Suzane Santiago-Hinkle, Staff Attorney
Mr. Andrew Perez, Staff Attorney
Mr. Carl Dominguez, Procurement and Facilities Management Administrator
Mr. Jesse C. Franquez, Deputy Clerk Supervisor, C&M Division & IFIK President

Ms. Jessica Perez-Jackson, Administrative Services Officer, Judicial Council Executive Secretary
Ms. Petrina M. Ula, Judicial Assistant, Judicial Council Assistant Secretary
Mr. Andrew Jay M. Gimenez, Special Projects Coordinator

Also present via Zoom meeting platform:

Ms. Danielle Rosete, Esq., Administrator of the Courts
Mr. Andrew Quenga, Esq., Executive Director, Criminal Law Review Commission
Ms. Marcelene C. Santos, Public Guardian, Office of the Public Guardian
Ms. Marissa Antonio, Deputy Administrator, Procurement & Facilities Management Division
Ms. Trisha Suzuki, Deputy Chief Probation Officer, Probation Services Division
Ms. Valerie Tenorio, Chief Deputy Clerk, Courts & Ministerial Division
Ms. Antonette Padua, Senior Judicial Therapist
Ms. Dawn Blas, Judicial Educator, Human Resources Division
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, and Judge Maria T. Cenzone identified themselves. This meeting determined a quorum with four of the five Judicial Council members present. Presiding Judge Alberto C. Lamorena III arrived at 12:11 p.m.

IV. READING AND DISPOSAL OF MINUTES: August 17, 2023 regular meeting minutes

Judge Cenzone moved to approve the August 17, 2023 regular meeting minutes. Associate Justice Carbullido seconded the motion. Chief Justice Torres called an oral vote. With no discussion, the four (4) Judicial Council members voted in favor; the minutes were approved, subject to correction.

***At 12:09, Chief Justice Torres asked the Council if Item D. under New Business could be discussed first. There was no objection. He invited Ms. Bridget Ann Keith to join the Council members for the presentation of her Certificate of Commendation and Judicial Council Resolution 23-020, commending her for her service to the Judiciary of Guam. Ms. Sophia Santos Diaz, Acting Administrator of the Court, was invited to join the Council in the presentation.**

Ms. Santos Diaz recognized Ms. B. Ann Keith, with great honor and on the occasion of her retirement, for her service to the Judiciary of Guam as Administrative Hearing Officer and for her years of service in other divisions within the Judiciary since 2004. Ms. Santos Diaz thanked Ms. Keith for continuing to be a good example of what the Judiciary has to offer the community of Guam and public service. She then handed the floor back to Chief Justice Torres who called on Judge Cenzone, Presiding Judge Lamorena, Associate Justice Carbullido, and Associate Justice Maraman to say a few words before providing his own sentiments on her retirement. Chief Justice Torres then asked the Council, judicial officers, and managers to come forward for photos with Ms. Keith upon presentation of her commendation certificate. Afterward, Ms. Keith shared her words of gratitude to everyone present and to the Judiciary of Guam.

Later in the meeting Chief Justice Torres circled back to entertain a motion to approve Judicial Council Resolution 23-020 Relative to Commending B. Ann Keith for Her Service to the Judiciary of Guam. Presiding Judge Lamorena moved to approve and Judge Cenzone seconded the motion. The motion was approved unanimously by the Council.

V. OLD BUSINESS

A. Judiciary FY23 Remittances Pursuant to Applicable Law

Ms. Gudmalin reported that in reference to the collections of allotments for General Operations P.L. 36-107, the Judiciary of Guam received, in-full, the total appropriated amount of \$33,695,000 as of September 21, 2023, and are looking forward to the 2024 collections.

B. Update on Capital Improvement Projects

Ms. Danielle T. Rosete, Administrator of the Courts (AOC), appeared virtually and provided an update on the capital improvement projects.

Ms. Rosete reported that the renovation of the Guam Historic Courthouse is ongoing with continued weekly meetings with the project manager (PM), the contractor, and the internal team to resolve and address the completion of the renovation. She shared that the completion date has been extended through November and is primarily due to the delays in the electrical panels and some interior doors. Ms. Rosete further provided that within the next week or so, the second-floor renovation should be completed, and installation of the air handling unit is ongoing and should be done by early October 2023.

According to Ms. Rosete, once the air handling unit is installed completely, then the work on carpeting and workstations may begin and then when the second-floor renovation is complete, they can move on to the first-floor renovation, which is currently ongoing. Ms. Rosete said the team continues to monitor the progress of the renovation over the next few weeks and will schedule a pre-final inspection date with the architect and begin the building permit process.

C. Update on Typhoon Damage and Restoration

Ms. Rosete explained that the Judiciary continues to work closely with FEMA on recovery efforts. She shared that site inspections were completed recently on the Judicial Education Center (JEC), Route 4, and the Sinajaña storage facility, and site inspection reports have been completed and received by the FEMA representative. Ms. Rosete said the Judiciary continues to work on any damage inventory that needs to be provided for reimbursement costs on all the work that will be done on recovery efforts. Ms. Rosete was happy to report that the JEC renovation has been completed and is now open and available for training. She further provided that, in fact, the Judiciary has already had a couple of training sessions there since it reopened about two weeks ago.

Ms. Rosete updated the Council on the procurement of the replacement generator for the Guam Judicial Center, which is ongoing. She shared that the local vendor inquired about the structural design, including the exhaust ducting and piping underneath the current generator and the louver system. She explained that the Judiciary has asked the engineers working with the architect, Guma, to provide an assessment of the work that needs to be done for a replacement generator. Ms. Rosete expressed that the scope of work for a replacement generator is not as easy as was anticipated, and it is critical that they work with the subject matter engineers on a complete assessment for a permanent generator installation. Ms. Rosete said that while the assessment is being completed, the Judiciary continues to explore other measures, for instance, they are working with welders from the Cabras Marine Center to see if they can repair the leaks found in the existing generator's radiator. She further stated that the work is underway, and they are optimistic that this interim measure will work until the replacement generator is procured.

Justice Carbullido suggested that in consideration of the Guam Power Authority loadshedding, measurers to ensure access garage door into Judges' parking lot remains accessible for the marshals and other personnel who stay after hours when the power goes out. Chief Justice Torres agreed.

D. Certificate of Commendation and Resolution, JC 23-020 Relative to Commending B. Ann Keith for her Service to the Judiciary of Guam

****Please see page 3.**

E. Report on FY 2024 Budget

Ms. Gudmalin reported that on September 11, 2023, the Fiscal Year 2024 Budget lapsed into law, P.L. No. 37-42 and that under Chapter 4 of this budget law, \$41,461,574 was appropriated to the Judiciary from the general fund available for appropriation and this amount is \$884,000 shy from what was submitted. She provided that \$40,392,000 is appropriated for general operations, \$690,000 for the electronic monitoring and \$378,000 for the Guam Criminal Law and Procedure Review Commission. Ms. Gudmalin continued to report that the Budget Act also appropriated \$37,594 from the Safe Streets fund to pay for the contractual services for the operation of Erica's House Family Visitation Center. According to Ms. Gudmalin, in comparison to the reported \$812,000,000 available for appropriation, the Judiciary's appropriation equates to about 5.21%.

VI. NEW BUSINESS

A. FY 2024 Health Insurance Rates (For Informational Purposes)

Ms. Gudmalin provided the health insurance rates and pointed out that the Judiciary will continue to offer Take Care HSA plan to all employees at no premium cost share for all classes. She shared that there is an increase to the PPO 1000 and some of the dental 2000 plans, but ultimately, it will only be a nominal increase for all employees. Ms. Gudmalin also pointed out that the projected savings – by separating from the Government of Guam insurance group – is expected to be around \$600,000 for FY 2024, which is why the Judiciary continues to negotiate its own plan.

Justice Maraman asked what percentage from the total population of the Judiciary enrolls with these plans, to which Ms. Gudmalin replied, "approximately 70 to 80%."

B. Resolution, JC 23- Relative to Updating the Attorney Pay Plan and the Judiciary's Classification and Compensation Policy

Chief Justice Torres introduced the resolution raising the need to address the critical issue of attorney compensation. Unlike other Judiciary employees under the Law Enforcement and General Pay Plans, Judiciary attorneys have not seen a pay adjustment this year. The Chief Justice noted that Title 4 GCA § 6301 mandates the branch to ensure internal equity and external competitiveness.

Chief Justice Torres further noted that the Human Resources Division conducted a study of the Judiciary's Attorney Pay Plan to address this issue. The findings were presented at the May Judicial Council Meeting, revealing a disparity between Judiciary attorneys and those in the government of Guam. In response to this data, HR recommended an adjustment to the APP, amounting to a roughly 15% increase. This increase was unanimously approved by the Judicial Council, included in the FY2024 Budget Request, and subsequently enacted into law under the Budget Act on September 11.

Chief Justice Torres commented that since the budget has become law and the funding is available, the final step is to adopt the updated Attorney pay scales that reflect

the proposed increases. Chief Justice highlighted the two key actions presented in this resolution:

1. First the Council must look at rescinding the increment schedule in Resolution No. 21-017, which froze the increments of attorneys and extended the period in which their increments were going to be done; and
2. The principle that the Judicial Council set forth must be maintained in that judicial officers should not earn less than the attorneys who serve under them, which was established out of deference to judges, who hold a critical and crucial responsibility in upholding the integrity of the justice system.

To address this issue, Chief Justice Torres noted that the resolution proposes language that a judge's salary be at least \$2,000 greater than the highest compensated employee under the Attorney Pay Plan. He further noted that the Council has made past adjustments to judicial officers' salaries, in alignment with prevailing market standards. Included in council members' packets were two such resolutions: JC17-024 and JC14-024. He continued, that despite these efforts, Guam still ranks 52 out of 56 jurisdictions in which judicial officer salaries were at the bottom according to data published from the National Center for State Courts. The Chief Justice summarized that, in short, this resolution rectifies attorney compensation at the Judiciary; our entire system relies on their dedicated work, they are essential to the work that we do, operations would be compromised without their expertise and institutional knowledge; and there is a shortage of attorneys but a demand from several agencies that can offer greater compensation. Chief Justice asked for the Council to support this endeavor and to remain consistent with the policies that provide for an attorney to not earn more than a judicial officer.

Justice Maraman moved to adopt the resolution; Presiding Judge Lamorena seconded the motion; Justice Carbullido raised that he had questions for management regarding the basis and implementation of the proposal.

Justice Carbullido inquired with Finance Administrator Gudmalin whether the proposed 15% increase would be applied across the board. Ms. Gudmalin confirmed the 15% increase, apart from those under the Attorney Pay Plan Level 5 Step 10 which represents an approximate 18% increase. Ms. Gudmalin explained that the resolution is meant to bring back the original method of calculation based on the Competitive Wage Act of 2014, which was previously frozen. Chief Justice Torres further noted that restoring the scales based on the original CWA is consistent with what Council authorized for both the Judiciary's Law Enforcement and General Pay Plans earlier this year.

Justice Carbullido sought clarification on the basis for the figures as well as the dates and amounts for the next adjustments. Justice Carbullido expressed that while he supported increasing attorneys' pay, he urged caution where it affects judicial officers' salaries. While the Council has twice amended judicial officer salaries in the past, he noted that Council has relied on CWA recommendations. Chief Justice Torres noted that the Council has adjusted salaries based on market norms under JC14-024 and JC17-024. Under the present resolution, Council is not adjusting salaries based on market norms, otherwise the amounts would be much higher. The Council is only preserving the principle set forth by past Councils that judicial officers should not earn less than the attorneys who serve under them, and attorneys should not be withheld their adjustments if they were to surpass the salary of a judicial officer.

Justice Maraman commented that when she was Chief Justice, adjustments were made for judicial salaries based on the same increments that attorneys did, understanding that in order to take office, judges must be attorneys with at least seven years' experience. She continued that justices must have 10 years' experience.

With regard to the salary difference between the Presiding Judge and Superior Court Judges, Ms. Sophia Santos Diaz and Presiding Judge Lamorena noted that the difference is rooted in the additional administrative duties that the Presiding Judge has been tasked with. Council has further maintained the salary difference between the Presiding Judge and Superior Court Judges under both JC Resolutions 17-024 and 14-024. **Following more discussion, Justice Maraman proposed an amendment clarifying the annual salaries of the Justices and Presiding Judge based on the figures that were provided and approved by the Guam Legislature in the Fiscal year 2023 Budget Act.**

Justice Maraman also proposed to add a new Resolve clause that requires the Administrator of the Courts to conduct a review of Judicial Salaries similar to what was done by the National Center for State Courts in 2014 and 2017.

Justice Maraman moved to adopt the amendments and Judge Cenzone seconded the motion. Four members of the Council, Chief Justice Torres, Justice Maraman, Presiding Judge Lamorena, and Judge Cenzone voted in favor and Justice Carbullido voted in opposition.

Chief Justice Torres called for a vote to approve the existing resolution. Four votes from Chief Justice Torres, Justice Maraman, Presiding Judge Lamorena, and Judge Cenzone voted in favor, and one vote from Justice Carbullido, opposed. The Resolution Relative to Updating the Attorney Pay Plan and the Judiciary's Classification and Compensation Policy passed.

*****A full verbatim transcript of the discussion on Resolution, JC 23-028 Relative to Updating the Attorney Pay Plan and the Judiciary's Classification and Compensation Policy may be found [here](#).*

A. Notice of the Next Meeting (Thursday, October 19, 2023)

Chief Justice Torres stated that the next Judicial Council meeting will be held on Thursday, October 19, 2023. There was no objection from the Council.

VII. COMMUNICATIONS

There were no communications.

VIII. PUBLIC COMMENT

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

No report.

B. Court Employees Association

Mr. Jesse C. Franquez, IFIK President, provided an update on an upcoming social mixer fundraiser and the annual Labor Day/ Summer Bash Picnic which will be on October 21, 2023 at Ypao Beach Park from 11:00 a.m. – 4:00 p.m. Presiding Judge Lamorena pointed out that the Marshals are holding a fundraiser as well.

******At 2:04 p.m., Chief Justice Torres called for a recess to begin Executive Session to discuss ongoing litigation matters, as requested in a September 15, 2023 amended memo to the Judicial Council from Staff Attorney Suzane Santiago-Hinkel. Judge Cenzone motioned to move to Executive Session; Presiding Judge Lamorena seconded the motion. Chief Justice Torres called for an oral vote. All Council members voted in favor.**

X. EXECUTIVE SESSION

Chief Justice Robert J. Torres, Justice F. Philip Carbullido, Justice Katherine A. Maraman, Presiding Judge Alberto C. Lamorena III, Judge Maria T. Cenzone, Attorney Suzane Santiago-Hinkel, Attorney Court Transcriber Priscilla Torres, Council Secretary Jessica Perez-Jackson, and Council Assistant Secretary Petrina M. Ula were present during the Executive Session. Administrator of the Court, Ms. Danielle T. Rosete, appeared via Zoom.

*******At 2:21 p.m., Justice F. Philip Carbullido moved to rise to the regular session; Judge Cenzone 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.**

XI. ADJOURNMENT

Presiding Judge Lamorena moved to adjourn. Judge Cenzone seconded the motion, adjourning the meeting at 2:22 p.m.

Respectfully submitted this 21st day of December 2023.


JESSICA PEREZ-JACKSON
Executive Secretary
Judicial Council of Guam

As set out above, the Minutes of the September 22, 2023 Regular Meeting were approved by the Judicial Council at the December 21, 2023 Regular meeting.


ROBERT J. TORRES
Chair

Dated: 12/22/23



JUDICIAL COUNCIL OF GUAM

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120 West O'Brien Drive
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**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING AND EXECUTIVE SESSION
THURSDAY, NOVEMBER 16, 2023
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center
HYBRID/IN-PERSON**

★★★★

Hon. Robert J. Torres
Chairman

Hon. Katherine A. Maraman
Member

Hon. F. Philip Carbullido
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Maria T. Cenzone
Member

★★★★

Advisory Committee Members:

Hon. Arthur R. Barcinas

Hon. Vernon P. Perez

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

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Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

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Administrator of the Courts:
Danielle T. Rosete

Judicial Council Secretary:
Jessica J. Perez-Jackson

Judicial Council Asst. Secretary:
Petrina M. Ula

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice Robert J. Torres, at the hour of 12:03 p.m.

ROLL CALL:

Chief Justice Robert J. Torres
Justice F. Philip Carbullido
Justice Katherine A. Maraman
Presiding Judge Alberto C. Lamorena III (arrived at 12:09 p.m.)
Judge Maria T. Cenzone (arrived at 12:05 p.m. via Zoom)

Advisory Committee Members:
Ms. Danielle Rosete, Administrator of the Courts
Attorney Dean V. A. Manglona (Via Zoom)

Also present in the Monessa G. Lujan Appellate Courtroom:
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer
Ms. Rhonda N. Calvo, Deputy Human Resources Administrator
Ms. Grace L. Rosadino, Court Programs Administrator
Mr. Carl Dominguez, Procurement and Facilities Management Administrator
Mr. Troy Pangelinan, Marshal of the Courts
Ms. Suzane Santiago-Hinkle, Staff Attorney
Ms. Sarah Elmore-Hernandez, Director of Policy, Planning, and Community Relations
Mr. Andrew T. Perez, Staff Attorney
Ms. Sophia Santos Diaz, Clerk of Court, Superior Court
Mr. Baldwin L. Quibuyen, Management Information Systems Supervisor
Ms. Hannah G. Arroyo, Clerk of Court, Supreme Court
Ms. Melissa M. Casil, Client Services & Family Counseling Administrator
Ms. Ma. Erica R. Eschbach, Staff Attorney
Mr. David Castro, Guam Daily Post

Ms. Petrina M. Ula, Judicial Assistant, Judicial Council Assistant Secretary
Ms. Shelterihna T. Alokoa, Judicial Assistant & Supreme Court Technical Bailiff
Mr. Andrew Jay M. Gimenez, Special Projects Coordinator

Also present via Zoom meeting platform:

Hon. John C. Terlaje, Superior Court Judge
Hon. Alberto E. Tolentino, Superior Court Judge
Ms. Marcelene C. Santos, Public Guardian, Office of the Public Guardian
Ms. Trisha T. Suzuki, Deputy Chief Probation Officer, Probation Services Division
Ms. Valerie Tenorio, Chief Deputy Clerk, Courts & Ministerial Division
Ms. Dawn Blas, Judicial Educator, Human Resources Division
Ms. Ma. Dianne O. Gudmalin, Finance Administrator
Ms. Alicia A. G. Limtiaco, Office of Regulation Counsel
Mr. David Welle, Court Interpreters Registration Program Manager and IFIK representative
Mr. Joseph J. Leon Guerrero, Deputy Marshal of the Courts
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, and Associate Justice Katherine A. Maraman identified themselves. This meeting determined a quorum with three of the five Judicial Council members present. Judge Maria T. Cenzone arrived at 12:05 p.m. via Zoom and Presiding Judge Alberto C. Lamorena III arrived at 12:09 p.m.

IV. READING AND DISPOSAL OF MINUTES: September 22, 2023 regular meeting minutes, September 22, 2023 executive session minutes, October 19, 2023 regular meeting minutes, and October 19, 2023 executive session minutes

Justice F. Philip Carbullido asked to defer the September 22, 2023 regular meeting minutes as he requested that the minutes should reflect more detail on what transpired and offered to have Assistant Secretary Petrina Ula assist with editing the minutes. Chief Justice Torres tabled all four meeting minutes until the arrival of Presiding Judge Alberto C. Lamorena III and Judge Maria T. Cenzone because Justice Maraman was not present for the October meeting so there would not be sufficient numbers for a vote.

Chief Justice Torres, later in the meeting with the arrival of Presiding Judge Alberto C. Lamorena III and Judge Maria T. Cenzone, circled back to entertain a motion to approve the minutes. Presiding Judge Lamorena moved to approve the minutes for September 22, 2023 Executive Session, October 19, 2023 Regular Meeting, and October

19, 2023 Executive Session. Associate Justice Carbullido seconded the motion. The September 22, 2023 Regular Meeting minutes remain deferred. All approved the September 22, 2023 Executive Session minutes, all approved the October 19, 2023 Regular Meeting and Executive Session minutes, with the exception of Justice Katherine A. Maraman abstaining.

V. OLD BUSINESS

A. Judiciary FY24 Remittances Pursuant to Applicable Law

Chief Justice Torres proceeded to Old Business item A, with the remittances pursuant to law and asked Ms. Dianne Gudmalin, the Financial Management Division Administrator to report.

Ms. Gudmalin reported that in reference to the collections of allotments for General Operations P.L. 37-42, the Judiciary of Guam received approximately 15%, or 6.2 million dollars, of the total appropriated amount of roughly \$40,000,000.

B. Update on Capital Improvement Projects

Ms. Danielle T. Rosete, Administrator of the Courts (AOC), provided an update on the capital improvement projects.

Ms. Rosete reported that the renovation of the Guam Historic Courthouse is ongoing with continued weekly meetings with the project manager, the contactor, and the internal team to resolve and address the completion of the renovation. She shared that the 2nd floor renovation has been completed, pending the installation of carpet, cable lines, and employee workstations. According to Ms. Rosete, the remaining work on the 1st floor is the installation of ceiling tiles, floor tiles, and electrical and lighting fixtures, with the work slated for completion by the end of November.

Ms. Rosete explained that delays in manufacturing and delivery of the building's electrical switchboard are hindering the completion and occupancy of the building and she will meet with the electrical engineer and contractor to explore viable options with locally-sourced equipment.

C. Update on Typhoon Damage and Restoration

Ms. Rosete explained that the Judiciary continues to work closely with FEMA on recovery efforts. She shared that all site inspections have been completed by FEMA and the Judiciary continues to work with them for damage, recovery work, and mitigation projects. Ms. Rosete reported that supporting documents for reimbursement by FEMA have been sent to FEMA's consolidated resource center.

Ms. Rosete updated the Council on the status of the building's back-up generator, reporting that a new leak developed and the generator is rendered inoperable. Ms. Rosete shared that the Judiciary continues to work with Cabras Marine Corporation on further repairs, and hopes to get it operable on a temporary basis while awaiting the procurement of a new permanent generator. In the meanwhile, Ms. Rosete reported that the Judiciary has purchased a smaller temporary 500kW generator, slated to arrive in late January or early February, while awaiting the procurement and installation of a permanent generator.

VI. NEW BUSINESS

A. JC23-032 Relative to Ratifying JC Resolution No. 23-031 Memorializing the Passing of the Hon. John S. Unpingco, Former District Court of Guam Judge

Chief Justice Torres requested the adoption of this resolution that ratifies the resolution memorializing Judge John S. Unpingco's passing and recognizing his contributions to justice on Guam. **Presiding Judge Lamorena moved to adopt, seconded by Justice Maraman, with no objection by the Council.**

B. JC23-033 Relative to Amending the Appointments of Members on the Committee on Judicial Discipline

Chief Justice Torres reported that this resolution means to clarify that the appointments made to the Committee on Judicial Discipline are four-year terms, commencing on December 16, 2021 and expiring on December 16, 2025.

C. JC23-034 Relative to Creating the Position of Payroll Supervisor

Ms. Rosete requested for the creation of a payroll supervisor, who would fall under the purview of the Financial Management Division and be responsible for managing the constant updates to personnel rules and tax policies, and handling the new employee timekeeping system. **Presiding Judge Lamorena moved to adopt, with Justice Maraman seconding, and no objection from the Council.**

D. JC23-035 Relative to Creating the Position of Data Analyst

Ms. Rosete requested the creation of a Data Analyst position, who would fall under the purview of the Administrator of the Courts and would be responsible for collecting and managing data, preparing presentations of data, and regarding future course of action and the development of programs or services. As the branch looks to the future, Ms. Rosete reported that this position would be vital, as many jurisdictions across the nation have research and statistics divisions, while the Judiciary does not have one analyst.

Justice Carbullido moved to adopt, with Presiding Judge Lamorena seconding, and no objection from the Council.

E. JC23-036 Relative to Creating the Position of Database Specialist

Ms. Rosete requested for the creation of a Database Specialist, who would fall under the purview of the Management Information Systems division. This role would be responsible for understanding and managing databases, database design, and action planning critical for operations of the branch.

Judge Lamorena moved to adopt, with Justice Carbullido seconding, and no objection from the Council.

F. Notice of the Next Meeting (Thursday, December 21, 2023)

Chief Justice Torres stated that the next Judicial Council meeting will be held on Thursday, December 21, 2023. There was no objection from the Council.

VII. COMMUNICATIONS

Chief Justice Torres requested that a letter from Judge John S. Unpingco's wife, Annie F. B. Unpingco, be read into the record. The letter expresses her appreciation for the Judiciary's condolences on her husband's passing and for recognizing his contributions to justice and law on Guam.

VIII. PUBLIC COMMENT

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

No report.

B. Court Employees Association

Mr. David Welle, Court Interpreter Registration Program Manager and IFIK representative, reports that the Judiciary of Guam holiday party will take place on Saturday, January 27, 2024 at the Hyatt Regency.

**** At 12:36 p.m., Chief Justice Torres called for a recess to Executive Session to discuss ongoing litigation matters in a November 7, 2023 memo to the Judicial Council from Staff Attorney Suzane Santiago-Hinkel. Presiding Judge Lamorena motioned convene in Executive Session; Justice Carbullido seconded the motion. Chief Justice Torres called for an oral vote. All Council members voted in favor.

IX. EXECUTIVE SESSION

Chief Justice Robert J. Torres, Justice F. Philip Carbullido, Justice Katherine A. Maraman, Presiding Judge Alberto C. Lamorena, and Judge Maria T. Cenzone attended. AOC Danielle T. Rosete joined them, along with Staff Attorney Suzane P. Santiago-Hinkle, Staff Attorney Andrew T. Perez, Court Transcriber Carmelita G. Tenorio, and Judicial Council Assistant Secretary Petrina M. Ula.

****** At 12:40 p.m., Chief Justice Torres entertained a motion to rise to Regular Session. Presiding Judge Lamorena made the motion; Justice Carbullido seconded. The public meeting of the Judicial Council resumed. A report was provided in the Executive Session and no action was taken.**

XI. ADJOURNMENT

Presiding Judge Lamorena moved to adjourn. Judge Cenzone seconded the motion, adjourning the meeting at 12:41 p.m.

Respectfully submitted this 21st day of December 2023.



JESSICA PEREZ JACKSON
Executive Secretary,
Judicial Council of Guam

As set out above, the Minutes of the November 16, 2023 Regular Meeting were approved by the Judicial Council at the December 21, 2023 Regular meeting.



ROBERT J. TORRES
Chair

Dated: 12/21/23



JUDICIAL COUNCIL OF GUAM

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Hagåtña, Guam 96910-5174
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★★★★

Hon. Robert J. Torres
Chairman

Hon. Katherine A. Maraman
Member

Hon. F. Philip Carbullido
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Maria T. Cenzone
Member

★★★★

Advisory Committee Members:

Hon. Arthur R. Barcinas

Hon. Vernon P. Perez

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

★★★★

Administrator of the Courts:
Danielle T. Rosete

Judicial Council Secretary:
Jessica J. Perez-Jackson

Judicial Council Asst. Secretary:
Petrina M. Ula

**JUDICIAL COUNCIL OF GUAM
EXECUTIVE SESSION
THURSDAY, November 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 12:36 p.m.

IN ATTENDANCE IN THE MONESSA G. LUJAN APPELLATE COURTROOM:

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

Also, Present:

Ms. Danielle T. Rosete, Administrator of the Courts (AOC)
Ms. Suzane P. Santiago-Hinkle, Staff Attorney
Mr. Andrew T. Perez
Ms. Carmelita G. Tenorio, Court Transcriber, C&M Division
Ms. Petrina Ula, Judicial Assistant, 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, Presiding Judge Alberto C. Lamorena, and Judge Maria T. Cenzone attended. AOC Danielle T. Rosete joined them, along with Staff Attorney Suzane P. Santiago-Hinkle, Staff Attorney Andrew T. Perez, Court Transcriber Carmelita G. Tenorio, and Judicial Council Assistant Secretary Petrina M. Ula.

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 November 7, 2023, to hold an Executive Session to discuss ongoing litigation matters:

- *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.

Presiding Judge Lamorena motioned to move to Executive Session; Justice Carbullido seconded the motion. Chief Justice Torres called an oral vote. The five (5) Council members present voted in favor.

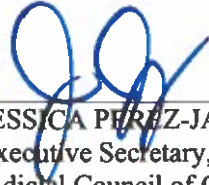
V. TRANSCRIPTS

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 12:40 p.m., Chief Justice Torres entertained a motion to rise to Regular Session. Presiding Judge Lamorena made the motion; Justice Carbullido seconded. The public meeting of the Judicial Council resumed. A report was provided in the Executive Session and no action was taken.

Respectfully submitted this 21st day of December 2023.


JESSICA PEREZ-JACKSON
Executive Secretary,
Judicial Council of Guam


ROBERT J. TORRES
Chairman

Dated: 12/21/23