



JUDICIAL COUNCIL OF GUAM

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

**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
WEDNESDAY, FEBRUARY 15, 2024
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center**

★★★★

Hon. Robert J. Torres
Chairman

Hon. Katherine A. Maraman
Member

Hon. F. Philip Carbullido
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Maria T. Cenzone
Member

★★★★

Advisory Committee Members:

Hon. Arthur R. Barcinas

Hon. Vernon P. Perez

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

★★★★

Administrator of the Courts:
Danielle T. Rosete

Judicial Council Secretary:
Jessica J. Perez-Jackson

Judicial Council Asst. Secretary:
Petrina M. Ula

MINUTES

I. CALL TO ORDER

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

ROLL CALL:*

Chief Justice Robert J. Torres
Justice F. Philip Carbullido
Justice Katherine A. Maraman
Presiding Judge Alberto C. Lamorena III (Via Zoom videoconference platform)*
Judge Maria T. Cenzone

Appearing via Zoom videoconference platform: *
Attorney Jacqueline T. Terlaje, Guam Bar Association President*

Also present in the Monessa G. Lujan Appellate Courtroom:
Ms. Danielle T. Rosete, Administrator of the Courts
Ms. Suzane P. Santiago-Hinkle, Staff Attorney
Mr. Andrew T. Perez, Staff Attorney
Ms. Sarah Elmore Hernandez, Director of Policy Planning & Community Relations
Ms. Ma. Dianne O. Gudmalin, Finance Administrator
Mr. Mardave Jose Toledo, Deputy Administrator, Financial Affairs
Ms. Barbara Jean T. Perez, Human Resources Administrator
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer
Mr. Troy D. M. Pangelinan, Marshal of the Court
Mr. Joseph Leon Guerrero, Deputy Chief Marshal
Ms. Hannah Gutierrez Arroyo, Clerk of Court, Supreme Court
Ms. M. Erica R. Eschbach, Staff Attorney, Supreme Court
Ms. Geraldine A. Cepeda, Compiler of Laws
Ms. Marcelene C. Santos, Public Guardian
Ms. Sophia Santos Diaz, Clerk of Court, Superior Court
Ms. M. Grace Lapid Rosadino, Acting Court Programs Administrator
Mr. Carl V. Dominguez, Procurement and Facilities Management Administrator
Ms. Lisa V. Baza, Senior Judicial Therapist, Client Services and Family Counseling Division
Mr. Jesse C. Franquez, Deputy Clerk Supervisor, C&M Division & IFIK President

Ms. Shelterihna Alokoa, Judicial Assistant & Supreme Court Technical Bailiff
Ms. Jessica Perez-Jackson, Administrative Services Officer, Judicial Council Executive Secretary
Ms. Petrina M. Ula, Judicial Assistant, Judicial Council Assistant Secretary

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. Presiding Judge Alberto C. Lamorena III appeared via Zoom teleconferencing platform. This meeting determined a quorum with all 5 (five) Judicial Council members present.

IV. READING AND DISPOSAL OF MINUTES: January 17, 2024 regular meeting minutes

Judge Cenzone moved to approve the January 17, 2024 regular meeting minutes. Presiding Judge Lamorena seconded the motion. Chief Justice Torres noted that Ms. Jessica Perez-Jackson sent corrected minutes on February 14, 2024. He called an oral vote. With no discussion, the five (5) Judicial Council members voted in favor; the corrected minutes were approved, subject to correction.

V. OLD BUSINESS

A. Judiciary FY24 Remittances Pursuant to Applicable Law

Ms. Gudmalin reported that in reference to the collection of allotments for General Operations P.L. 36-107, the Judiciary of Guam received approximately 38%, or \$15.5 million, of the total appropriated amount of \$40.4 million. She added that the Judiciary continues to receive a biweekly allotment in a timely manner, with the latest allotment deposited on February 9, 2024, and the next allotment scheduled to be received on February 20, 2024.

B. Update on Capital Improvement Projects

Ms. Danielle T. Rosete, Administrator of the Courts (AOC), provided an update on the capital improvement projects, particularly the restoration of the Historic Courthouse. She noted that the alternate designs for the electrical work were completed by the engineer and presented to the Department of Public Works (DPW). Ms. Rosete stated Mr. Carl Dominguez, the Procurement and Facilities Management Administrator, is working with a representative from DPW to expedite the review of the alternate electrical design, and once approved; the contractor can proceed to complete the electrical work, which would take approximately two weeks. She said the vendor is completing the installation of the second-floor cubicle workstations. Ms. Rosete noted that minor electrical and lighting jobs, tiling, and installation of the Probation Division intake counters are ongoing on the first floor. She explained that the exterior painting is almost complete, with ongoing work on the stone façade. Ms. Rosete invited the Council to visit the site to view the work site. Mr. Dominguez is working with the contractor to determine the scheduling of a pre-final inspection. She noted that they continue weekly meetings with the contractor to press for the target completion date.

Chief Justice Torres noted that a soft opening is planned and that the official ribbon cutting is planned for the afternoon of July 5, 2024.

C. eCourts and eProbation Transition

Ms. Rosete updated the Council members about the migration and new case management system, called eCourts and eSupervision or eProbation, with the current vendor, Journal Technologies. She shared that the focus has been on the eCourts module, and the case structures for the Superior Court are almost complete. She noted that the work of Supreme Court subject matter experts on their case structure is ongoing. Ms. Rosete said the next step is navigating cases to the new system. She noted that workflows have been tested. Ms. Rosete explained that the Financial Division has also been working with the vendor to address the financial components tied to the system. She added that an overview and end-user demonstration will be planned once a plan is developed. Then, she said, a similar process will be followed for migration to the eSupervision module.

Chief Justice Torres asked if the target date to go live is mid-year. Ms. Rosete said the developments in the next 60 days will help her project the timeline.

VI. NEW BUSINESS

A. Resolution, JC 24 – Relative to Recognizing March 1-10 as National Judicial Outreach Week

Chief Justice Torres said that March 1-10 is recognized every year as National Judicial Outreach Week by the Judicial Division of the American Bar Association; he added that the Council is being asked to join in the recognition. Chief Justice Torres explained that the Judiciary would hold programs during the recognition week, including judging mock trials. **Presiding Judge Lamorena motioned to approve the Resolution; Judge Cenzone seconded the motion. Chief Justice Torres called for oral votes; the Resolution passed unanimously.**

B. Resolution, JC 24 – Relative to Recommending Approval of Proposed Amendments to the Superior Court of Guam Interim Traffic Court Rules

Chief Justice Torres asked Ms. Sophia S. Diaz, Clerk of Court for the Superior Court, to report on this item. Ms. Diaz requested the Council to consider making a recommendation to the Supreme Court of Guam to amend the Superior Court of Guam Interim Traffic Court Rules. She noted that through Ms. Jeanette Roberto, the Judiciary's Traffic Bureau clerk, the Judiciary received an inquiry from the Department of Agriculture Division on Animal Health relative to the jurisdiction of the Traffic Court to hear violations of an act known as Protecting Animal Welfare and Safety or the ("PAWS") Act or Puga's Law. She added that the PAWS Act was codified in Title 9 of the Guam Code Annotated (GCA) Chapter 70 and provides for several violations that appear appropriate for hearing before the Traffic Court, including animal neglect at 9 GCA Section 70.20, failure of a motorist to render aid to an injured animal at 9 GCA Section 70.55, and leaving animals unattended in motor vehicles at 9 GCA Section 70.60. Ms. Diaz noted that the PAWS Act includes crimes that are misdemeanors and felonies, which would not be subject to the Traffic Court's jurisdiction; the request is limited to violations that are appropriate before the Traffic Court for hearing. She explained that the draft rules, with the changes, were included in the Council's packet with the draft resolution.

Chief Justice Torres noted that the Interim Traffic Court rules were promulgated by the Supreme Court of Guam and adopted in 2014 and 2020; he further said that the rules that were included in the packet still reference them as Interim Traffic Court rules and say that they will be 'interim' until promulgated by the Supreme Court of Guam. He asked if the recommendation to the Supreme Court of Guam should be adopted as permanent rules and if the 'interim' reference should be dropped. Ms. Diaz agreed that the recommendation should be that the Traffic Court rules be adopted as permanent rules. She said they are ready for finalization, and if, at the Traffic Bureau level, any considerations or concerns are found, they will take them to the Council for recommendation to the Supreme Court of Guam. Justice Carbullido noted that the resolution recommends the adoption of the final permanent Traffic Court Rules by the Supreme Court of Guam.

Chief Justice Torres called an oral vote. Presiding Judge Lamorena noted that the Guam Legislature changed the jurisdiction of the Traffic Court to a civil court and that the PAWS Act under 9 GCA Section 70 is a criminal statute. He asked if this created a conflict. Ms. Diaz stated that the proposed language for consideration for recommendation to the Supreme Court of Guam articulates that it would be limited in scope to those provisions that are violations, expressly, the three violations noted earlier, that are punishable by no more than a fine. She stated that the language adequately covers the limitations of the scope, but if the Council prefers a more specific language, it can be amended accordingly. Justice Carbullido noted that Ms. Diaz pointed out that the language limits the Traffic Court's jurisdiction to the civil violations under the PAWS Act.

Chief Justice Torres invited Ms. Suzanne Santiago-Hinkle, Staff Attorney, to comment. She said that the Legislative consent specifically states civil liabilities and criminal penalties, so they were contemplated when the legislation was adopted. Ms. Santiago-Hinkle noted that although the statute is found in the criminal code, Title 9, civil liabilities are contemplated in the legislation. **Presiding Judge Lamorena requested that the Resolution be tabled until the next meeting; Chief Justice Torres agreed and asked legal counsel to provide a clarifying written memorandum to the Council. There was no objection from the Council to tabling the Resolution.**

C. Resolution, JC 24 – Relative to Updating the Attorney Pay Plan

Chief Justice Torres reminded the Council that prior discussions of the Attorney Pay Plan (APP) revealed that Judiciary attorneys were some of the lowest paid in the Government of Guam. He noted that, to address this, the Council adjusted the Attorney salaries by a total of 22% after the Legislature appropriated funds, to take effect on October 1, 2023, the beginning of the fiscal year. The Chief Justice noted that the salary increase was based on the Judiciary's Human Resources Department's (HR) study of the local labor market and other court jurisdictions. At the time of the recommendation, he added that while the recommended salary increase could have been higher, HR aimed for a reasonable, fair, and fiscally responsible amount. Chief Justice Torres stated that shortly after the Legislature directed that the Department of Administration (DOA) begin working on a pay study for all Government of Guam attorneys. He noted that the DOA contacted HR for information on the study they conducted. Chief Justice Torres said that the DOA recommendation, outlined in Exhibit A in the Council's packet, was a total % salary increase of 24%. He explained that the Governor approved DOA's recommendation, and the increase is being implemented Government-wide. To avoid disparity, the aim of the Resolution before the Council is to increase the Judiciary's APP in line with the DOA recommendation.

Ms. Barbara Jean Perez, Human Resources Administrator, explained that in keeping with the Judiciary's philosophy of internal equity and external competitiveness, and after the study of attorney salaries, the recommendation was to increase salaries by 22%. She further recommended the adoption of the proposed update to attorney pay scales up to 24% to ensure parity and attract and retain attorneys. She noted that the judiciary has recently experienced difficulties in attracting law clerks. Ms. Perez said that the proposed increase includes an increase in law clerk salaries.

Justice Carbullido noted his support for the increase, but he asked if adjusting the APP correspondingly increased the salaries of the Superior Court since these salaries are \$2,000.00 more than the salaries of the Judiciary's highest-paid attorneys. Ms. Perez confirmed that this was the case. He noted that the Superior Court judges deserve a competitive salary when compared nationwide. Justice Carbullido asked if the salary of the Presiding Judge, to which the Supreme Court justices' salaries are tied, would be affected; Ms. Perez stated that it would not. Justice Carbullido noted that the gap between the Superior Court judges' salaries and the Presiding Judge's salary will continue to narrow. **Justice Maraman moved to amend the second "Be It Resolved" clause of the Resolution to add "increment dates are not affected by this adjustment" and for the adoption of the Resolution.** Ms. Perez confirmed that all increment dates would remain the same. **Judge Cenzone seconded the motion. Chief Justice Torres called for an oral vote on the amendment; the amendment passed unanimously. The Chief Justice then called for an oral vote on the Resolution as amended; the amended resolution passed unanimously.**

D. Timekeeping System

Ms. Rosete provided a general overview and update on the implementation of Implementation of the new automated timekeeping system, UKG. She noted that the system is expected to track employee timesheets and leave requests effectively, replacing the current manual process. Ms. Rosete said that to ensure that the new system is implemented correctly, several division managers from HR, the Finance division, and legal staff were designated to work on comprehensive timekeeping policies and standard operation procedures that will govern its use, line up with the Judiciary's personnel rules and regulations. She added that the team has worked with the vendor to map out the use of features of the system. Ms. Rosete explained that tests of the system started last month; feedback and suggestions were requested from users and passed along to the vendor. She said the anticipated 'go live' date is March 10, 2024, requiring all employees to use the system. Ms. Rosete stated that training is ongoing; a general overview will be provided to the Judicial Officers at the next Combined Robes meeting.

Ms. Gudmalin noted some of the benefits of the system, including the ability to request leave electronically using the mobile app. She said that this feature will eliminate most paper document leave requests. Ms. Gudmalin provided a list of additional beneficial features, including tracking leave balances, military leave balances, computation of night differential, and more. She noted that, to the benefit of the management officers, the system would interface with the payroll system, eliminating the need for manual input of time roll. Ms. Gudmalin also listed the reporting features, including tracking who was in the building during the emergency.

Justice Carbullido asked if remote work would be allowable under the new system. Ms. Gudmalin said that the new system requires employees to clock in and clock out in real-time when connected to a Judiciary facility network; however, if they are working remotely, they would have to submit a change request through the system to their manager, who would have to acknowledge and approve the request, if authorized. Justice Carbullido asked what would happen if there was a discrepancy between a supervisor and a staff member regarding tracking hours worked. Ms. Gudmalin stated there would have to be a collaboration between the manager and the employee, but that final authority lies with the manager per the Judiciary's personnel rules. Judge Cenzone asked if written protocols would be provided and how overtime would be handled. Ms. Gudmalin reiterated that comprehensive timekeeping policies and standard operation procedures that align with the Judiciary's personnel rules and regulations will be provided. She added that video tutorials for employees are in the works as well.

Justice Maraman asked how emergencies, like if a Probation Officer gets called out to execute a warrant after hours, would be handled. Ms. Rosete stated that the employee would submit a change request to the supervisor upon returning to work the following day, not in real-time. She added that training for Judicial Officers would be provided at the next meeting Combined Robes meeting.

E. Notice of the Next Meeting (Thursday, March 28, 2024)

Chief Justice Torres stated that the next Judicial Council meeting will be held on Thursday, March 28, 2024, not Thursday, March 21, 2024. The Council did not object.

VII. COMMUNICATIONS

- A.** Presiding Judge Lamorena re-appointed Judge Maria T. Cenzone to the Judicial Council.
- B.** Staff Attorney, Mr. Andrew Perez, reminded the Council that at the December 2023 Judicial Council regular meeting, a request from the family of Judge Unpingco was read into the record. He said that the letter requested support from the Judicial Council in the renaming of the District Court of Guam courthouse to honor Chief Judge John Sablan Unpingco and that communication would be directed to the Congressional Delegate, James Moylan. Mr. Perez stated that after reviewing the statutes that outline the rules of the Judicial Council, he concluded that the statute does provide the powers for the Judicial Council and that the Council can make recommendations; however, it limits those recommendations to the Governor and the Legislature. He added that it does not provide any powers to the Judicial Council to go outside of those limitations; the applicable statute is 7 GCA Section 5.02 and Judicial Council Rules under Article 4.01. Mr. Perez recommended that the Council not communicate with Congressman Moylan regarding the request.

Chief Justice Torres asked, on behalf of the Presiding Judge, if the individual Council members could communicate with Congressman Moylan about renaming a private building vs. a public building. Mr. Perez stated that whether or not an individual Judicial Officer could make the recommendation is governed by the Model Code of Judicial Conduct, more specifically under Canon 4, which dictates extra Judicial activities. He added that the Judicial Officer may make the recommendation; however, the analysis would have to be made by the individual Judicial Officer whether or not their circumstances and facts would allow them. Mr. Perez stated that since the building is privately owned, the recommendation would show impropriety or the appearance of impropriety.

Justice Carbullido asked about the scope of the recommendations the Judicial Council can make; he offered that earlier in the meeting, the Council made a recommendation to the Supreme Court of Guam to adopt the Traffic Rules. Mr. Perez explained that the Council's recommendations to the Governor and Legislature pertain to the administration of justice; he added that separate rules govern making recommendations to the Supreme Court of Guam. Chief Justice Torres said that under 7 GCA, Section 5.102, under the powers of the Council, specifically sub-section C, the Council can make recommendations to the Governor and Legislature regarding the administration of justice as deemed proper while naming the building could be within that parameter since the request was to make the recommendation to the Congressional Delegate, it is not allowable.

Presiding Judge Lamorena asked for clarification on the ability of Judicial Officers to make the recommendation individually; Mr. Perez stated that it is up to the individual Judicial Officers to decide on their own.

VIII. PUBLIC COMMENT

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

Guam Bar Association President Attorney Jacqueline T. Terlaje reported that the GBA Board of Governors approved the Annual Meeting on March 19, 2024, which will include 2 to 3 hours of CLE. She noted that the venue is still pending.

Ms. Terlaje added that a written request will be forwarded to the Judiciary for the University of Guam Protec Award to place the juris doctorate and other related legal professions back on the employment priority list for 2024. She noted that the modification should be in March or April 2024, so the letter will be transmitted next week.

Ms. Terlaje asked that the Judiciary act on the GBA's request to adopt a confidentiality rule to support the planned lawyer assistance program, which is identical to the rule adopted by the NY State Bar Association's rule. She noted that adopting the same rule would give confidence to the providers located in New York and enable them to provide services here through online teleconferencing.

Ms. Terlaje stated that she recently attended the American Bar Association's (ABA) National Conference of Bar Presidents Mid-Year Meetings in Kentucky. She reported that the Virgin Islands Bar Association and GBA jointly requested support from the ABA House of Delegates for Resolution 401. She added that Resolution 401 was intended to support that the Supreme Court of Guam and the other territories' highest courts should be the final arbiter of interpretation of all territorial law. Ms. Terlaje stated that there was a discussion of instances where, in certain instances, the Organic Acts of the territories are being used to obtain Federal jurisdiction to hear matters of which our local courts are interpreting territorial law. She reported that the support was gained.

Lastly, Ms. Terlaje reported that the GBA, in conjunction with the Virgin Islands Bar Association, has submitted the proposal to the ABA to showcase territorial law and indigenous rights CLE for the entire bar association for the 2024 annual meeting. If this proposal succeeds, it will be the first time that territorial law issues will be presented to the ABA.

B. Court Employees Association

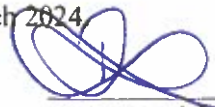
Mr. Jesse C. Franquez, IFIK President, reported that the 2024 Board of Governors would be sworn in this week and start meeting to support the 2024 IFIK Court Association. He thanked the Judicial Officers, managers, and employees for their support in 2023.

Chief Justice Torres expressed gratitude for the successful Christmas party.

XI. ADJOURNMENT


Presiding Judge Lamorena moved to adjourn until March 28, 2024 at 12:00 pm. Judge Cenzone seconded the motion, adjourning the meeting at 1:02 p.m.

Respectfully submitted this 28th day of March 2024.



PETRINA M. ULA
Assistant Secretary
Judicial Council of Guam

As set out above, the Minutes of the February 15, 2024 Regular Meeting were approved by the Judicial Council at the March 28, 2024 Regular meeting.


ROBERT J. TORRES
Chair

Dated: 3/28/24