



# JUDICIAL COUNCIL OF GUAM

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## JUDICIAL COUNCIL OF GUAM REGULAR MEETING

FRIDAY, SEPTEMBER 22, 2023

Justice Monessa G. Lujan Appellate Courtroom

Guam Judicial Center

HYBRID ZOOM/IN-PERSON

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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

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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

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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 12:07 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 21<sup>st</sup> day of December 2023.

  
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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.**

  
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**ROBERT J. TORRES**  
Chair

**Dated:** 12/22/23