



# JUDICIAL COUNCIL OF GUAM

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★★★★

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. Alokoa

**JUDICIAL COUNCIL OF GUAM  
REGULAR MEETING  
THURSDAY, FEBRUARY 24, 2022  
Justice Monessa G. Lujan Appellate Courtroom  
Guam Judicial Center  
And via Videoconference**

## 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 Piti)  
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 off-island)  
Judge Arthur R. Barcinas (calling in from the Judiciary)

Advisory Committee Members:  
Judge Maria T. Cenzon  
Judge Elyze M. Iriarte  
Judge Dana A. Gutierrez  
Referee Linda L. Ingles  
Administrative Hearing Officer Bridget-Ann Keith  
Jacqueline T. Terlaje, GBA President  
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  
Mr. Michael C. Bumagat, Staff Attorney / Acting Public Guardian  
Ms. Danielle T. Rosete, Clerk of Court, Superior Court  
Ms. Hannah G. Arroyo, Clerk of Court, Supreme Court  
Ms. Maria Erica R. Eschbach, Staff Attorney, Supreme Court  
Ms. Barbara Jean T. Perez, Human Resources Administrator  
Mr. Troy M. Pangelinan, Marshal of the Court

Ms. Rossanna Villagomez-Aguon, Chief Probation Officer  
Ms. Trisha T. Suzuki, Deputy Chief Probation Officer  
Ma. Dianne Ollet Gudmalin, FMD Administrator  
Mr. Carl Dominguez, Procurement & Facilities Management Administrator  
Ms. Marissa C. Antonio, Deputy Procurement & Facilities Management Administrator  
Ms. Virginia W. Yasuhiro, Client Services and Family Counseling Division Administrator  
Ms. Geraldine A. Cepeda, Compiler of Laws/Law Library Executive Director  
Mr. Robert John S. Rabago, Management Information Systems Administrator  
Ms. M. Grace Lapid Rosadino, Acting Courts Programs Administrator  
Mr. Michael M. Kilayko, Special Projects Coordinator (PIO)  
Ms. Sophia Santos Diaz, DPPCR  
Mr. David Welle, Language Assistance Program Manager, C&M Division  
Ms. Crystal C. Apiag, Court Information System Analyst I, MIS Division  
Ms. Jessica Perez-Jackson, Administrative Service 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 as per social distancing directives.

## **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, were 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, Presiding Judge Alberto C. Lamorena III, and Judge Arthur R. Barcinas identified themselves and their location. This meeting determined a quorum with four (4) Judicial Council members present. Associate Justice Katherine A. Maraman later joined the meeting at 12:24 p.m. \*\***

## **IV. READING AND DISPOSAL OF MINUTES: January 27, 2022 Regular Meeting**

**Justice Torres moved to approve the January 27, 2022 Regular Meeting minutes, subject to correction. Judge Barcinas seconded the motion. Chief Justice Carbullido called an oral vote. With no discussion, the four (4) Judicial Council members voted in favor; the minutes were approved, subject to correction.**

## **V. OLD BUSINESS**

### **A. Judiciary FY21 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 have been consistent and timely. She stated that from the \$32,687,295 appropriated to the Judiciary under PL 36-54, 42% or \$13,829,244 has been received. Ms. Gudmalin added that the last allotment was received on February 23, 2022; the next allotment is scheduled for March 8, 2022.

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

Administrator of the Courts (AOC) Ms. Kristina Baird reported that the Judiciary is still facing the third surge of COVID-19 cases, with 85 employees testing positive since January 1, 2022. She added that the Judiciary is averaging 20 employees testing positive per week. Ms. Baird stated that the contact tracers have been traced and monitored consistently in the last week, most of whom are experiencing mild symptoms.

Ms. Baird reported that the Judiciary continues to offer COVID-19 testing for Probation clients and defendants. She added that the Judiciary is experiencing difficulty procuring test kits due to shortages. She added Colonel Joseph J. Leon Guerrero, Deputy Chief Marshal, worked with the Department of Public Health and Social Service (DPHSS) to have five (5) probation officers and five (5) marshals trained to use the new CUE COVID-19 test kits. Ms. Baird stated that Col. Leon Guerrero also secured a supply of the CUE COVID-19 test kits for Probation clients and defendant units.

Ms. Baird said the Judiciary's Response to COVID-19 focuses on three areas: the sanitization of facilities, support of virtual platforms, and continued operation of high-capacity courtrooms. She explained the Judiciary contracted with a sanitization company, which for FY22 will clean the facilities five (5) days per week and sanitize three (3) days per week. Ms. Baird stated the Facilities Staff augments cleaning and sanitization efforts through the workweek. She said virtual platforms are encouraged as the alternative to in-person proceedings to minimize potential COVID-19 exposure. Ms. Baird noted that the three (3) high-capacity courtrooms: the San Ramon building, the Route 4 building, and Supreme Court, are operational and available for in-person proceedings, mainly criminal felony jury trials.

### **C. Update on Capital Improvement Projects**

Ms. Baird (AOC) reported on three (3) ongoing Capital Improvement Projects (CIP): renovation of the third floor of the San Ramon Building (SRB), the 8<sup>th</sup> judge's courtroom, and the Guam Historic Courthouse Building.

Ms. Baird explained the construction work on the 3<sup>rd</sup> floor of the SRB is completed, including carpet installation. She said the contractor has a few small items to finish up. Ms. Baird reported that the 3<sup>rd</sup> floor of the SRB would house Regulation Counsel and the Finance Management Division; the cashier's window will not be moved. Because the workstations have not yet been delivered, the move-in date has not been set, Ms. Baird stated. She said that the 3<sup>rd</sup> floor will be used for jury deliberation for any SRB high-capacity courtroom proceedings until the end of March. She added once the workstations arrive, the Clerk of Court of the Superior Court will be advised the space is no longer available and the move-in date for FMD and Regulation Counsel will be set.

Ms. Baird reported that the construction work on the 8th judge's courtroom continues; the targeted completion date is March 28, 2022.

Ms. Baird reported that the Judiciary worked with the contracted architect on the Guam Historic Courthouse Building blueprints and agreed on a layout of the building design. She added that the blueprints will soon be complete and put out for construction bids. Ms. Baird stated expected blueprint completion date is the end of March.

Chief Justice Carbullido commented that the estimated renovation costs and necessary financing for the Guam Historic Courthouse Building project were discussed at the last Council meeting. He stated the item would be placed on the agenda of the April/May Judicial Council meeting when a substantial portion of the drawings are complete, and the contractor completes an estimation of the cost. Chief Justice Carbullido said the Judiciary would have a better idea of the financing needed and could decide at that time.

## **VI. NEW BUSINESS**

### **A. Executive Order No. 2022-01: Relative to Establishing a Law Enforcement Officer Pay Scale Within the Competitive Wage Act Plan**

Ms. Barbara-Jean Perez, Human Resources Administrator (HR), stated that the Guam Executive Branch established a Law Enforcement Officer Pay Scale Within the Competitive Wage Act Plan in Executive Order No. 2022-01. She added that the Executive Order went into effect on Monday, January 31, 2022, affecting the law enforcement officers (LEO) employed by the Executive Branch. Ms. Perez reported that HR is working with the Judiciary's legal team and Ms. Sophia Diaz, the Director of Policy, Planning, and Community Relations (DPPCR), to provide an analysis with appropriate recommendations and a proposal to the Council affecting the Judiciary's LEO. Ms. Perez stated that more information is needed, including the legal authority to implement the EO, pay parity within the Judiciary, and the financial impact.

Chief Justice Carbullido asked HR and involved managers to examine the Executive Order's effect and be prepared to discuss it in the March Judicial Council meeting. If implemented, he noted, action will be needed in the April Judicial Council meeting to include the required funding in the FY23 Budget request. He stated the FY23 Budget request has to be transmitted to the Legislature by May 1, 2022. Ms. Perez agreed with the timeline.



Justice Torres emphasized the importance of receiving the analysis to include funding in the FY23 Budget request. He requested a copy of the adopted LEO Pay Plan from HR. Ms. Perez stated that what was implemented was an 18% increase of the LEO pay scale. She agreed to send a copy to Justice Torres.

Justice Torres stated he is concerned about losing LEOs to other agencies due to increased pay offered elsewhere but recognizes that parity and equity amongst other employees are essential.

Ms. Perez mentioned the Executive Order intended to assist the Guam Police Department with staff shortages and retention of LEOs; however, the Executive Order includes LEOs employed in other Government of Guam agencies. She stated she is working with the Department of Administration (DOA) to obtain a copy of their final report as part of the analysis.

Presiding Judge Lamorena asked to have copies of the requested reports provided to all members of the Council. Chief Justice Carbullido asked to allow the management team to deliver the reports as part of their analysis with the documentation provided for the March Judicial Council meeting.

Justice Torres noted that the LEO pay plan covers all LEOs of the Executive Branch, except Port Authority. Ms. Perez said all Executive Branch LEOs were included; however, it is up to each agency to fund the raise.

**\*\*Justice Maraman joined the meeting at 12:24 p.m.**

## **B. JC Resolution Relative to Amending the Language Assistance Policy for Persons of Limited English Proficiency**

Chief Justice Carbullido asked for a motion to adopt for discussion the Resolution Relative to Amending the Language Assistance Policy for Persons of Limited English Proficiency. Presiding Judge Lamorena made the motion, and Justice Torres seconded the motion. Chief Justice Carbullido recognized the Clerk of Court for the Superior Court, Ms. Danielle Rosette, and Mr. David Welle, the Language Assistance Program manager.

Ms. Rosete presented the Resolution relative to amending and revising the Language Assistance Policy. She reminded Council the Policy was first adopted in 2007 and that updates and revisions have been made to the Policy in the past. Updates and revisions to Sections 3, 5, 6, and 8 of the Policy are before Council for approval and adoption, Ms. Rosete stated. Primarily, she noted, the updates are to the demographic information and the data, reflecting how the services are provided; there are no substantive updates to how the services are provided. The requested revisions are that instead of presenting updates and revisions annually, the Policy will come before Council for review biannually stated Ms. Rosete. She also asks that the Policy be revised to allow the AOC to approve changes to its demographics and data and any other non-substantive revisions without bringing it to Council.

Chief Justice Carbullido asked Ms. Rosete if the Resolution should be amended to include the proposed revisions. Justice Torres said the needed updates are contained in Section 8 on page 10 of 11 of the Policy attached to the Resolution.

**Judge Barcinas moved to adopt the Resolution; Presiding Judge Lamorena seconded the motion.** Chief Justice Carbullido asked if the Council had any other questions or comments before calling for the vote. Judge Barcinas recommended having the Policy reviewed biannually in April when the Judiciary must review Small Claims Jurisdiction by statute. Chief Justice Carbullido agreed with the suggestion. **Chief Justice Carbullido called for an oral vote. All five (5) Council members voted in favor of adopting the Resolution Relative to Amending the Language Assistance Policy for Persons of Limited English Proficiency.**

**C. JC Resolution Relative to Commending the Judiciary of Guam, the District Court of Guam, and the Guam Bar Association for a Job Well Done in Celebrating Law Month 2021 and for its Selection for the American Bar Association 2021 Outstanding Law Day Activity Award for the Best Public Program**

Justice Torres stated the Law Month Committee was notified that their Law Month program was selected for the American Bar Association (ABA) 2021 Outstanding Law Day Activity Award for the Best Public Program for the 9<sup>th</sup> time. He added that the Law Month Committee will participate in the virtual ABA Awards Ceremony on March 8, 2022. He stated the Law Month Committee has started planning the 2022 Law Month program and hopes to return to some of the in-person events this year. He noted the theme of 2022 Law Day is “Towards a More Perfect Union: The Constitution in Times of Change.” Justice Torres asked for volunteers and novel ideas for the 2022 Law Month program.

Chief Justice Carbullido and Ms. Rosete thanked the Law Month Committee members for the time and effort dedicated to the Law Month program. Ms. Rosete stated the Law Month Committee will give a 5-minute presentation at the ABA Awards Ceremony.

**Justice Torres moved to adopt the Resolution.** Chief Justice Carbullido asked if the Council had any other questions or comments before calling for the vote. Judge Barcinas asked to have a copy of the notification of the ABA Award and the finalized Resolution for posting on the Pacific Judicial Council website. Chief Justice Carbullido agreed with the suggestion. **Presiding Judge Lamorena seconded the motion and congratulated the Law Month Committee for their accomplishment. Chief Justice Carbullido called for an oral vote. All five (5) Council members voted in favor of adopting the Resolution Relative to Commending the Judiciary of Guam, the District Court of Guam, and the Guam Bar Association for a Job Well Done in Celebrating Law Month 2021 and for its Selection for the American Bar Association 2021 Outstanding Law Day Activity Award for the Best Public Program.**

**D. Notice of Next Meeting (March 17, 2022)**

Chief Justice Carbullido announced the next Judicial Council regular meeting will be Thursday, March 17, 2022.

## VII. COMMUNICATIONS

## VIII. PUBLIC COMMENT

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

President Terlaje announced that the Guam Bar Association (GBA) will hold their annual meeting before the April 30 deadline as required in their bylaws; scheduling and planning are underway. She stated she plans to communicate with the Judiciary to determine if a CLE credit presentation will be part of the annual meeting.

She added that an announcement of the new location of the GBA headquarters will be made at the annual meeting.

Chief Justice Carbullido thanked the President for housing the GBA headquarters in her law office. He noted the Supreme Court is adopting new rules and that presenting the new rules as part of a CLE program at the annual meeting would be appropriate.

## X. ADJOURNMENT

**Justice Torres moved to adjourn. Presiding Judge Lamorena seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 12:38 p.m.**

Respectfully submitted this 17<sup>th</sup> day of March 2022.



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SHELTERIHNA T. ALOKOA  
Assistant Secretary,  
Judicial Council of Guam



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

**The Minutes of the February 24, 2022 Regular Meeting as set out above were approved by the Judicial Council at the March 17, 2022 Regular meeting.**



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**F. PHILIP CARBULLIDO**  
Chairman

Dated: \_\_\_\_\_

3/17/2022