



JUDICIAL COUNCIL OF GUAM

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**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, MARCH 18, 2021
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center
And via Videoconference**

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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. Anita A. Sukola

Hon. Vernon G. Perez

Hon. Maria T. Cenzon

Hon. Elyze M. Iriarte

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

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Administrator of the Courts:
Kristina L. Baird

Judicial Council Secretary:
Petrina Ula

Judicial Council Asst. Secretary:
Shelterihna T. Alokoa

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 12:01 p.m.

ROLL CALL*:

Chief Justice F. Philip Carbullido (calling in from the Judiciary)
Justice Robert J. Torres (calling in from Santa Rita)
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 Anita A. Sukola
Judge Maria T. Cenzon
Judge Elyze M. Iriarte
Family Court Referee Linda L. Ingles
Administrative Hearing Officer B. Ann Keith
Attorney Frederick J. Horecky

Guests:
Speaker Therese M. Terlaje, 36th Guam Legislature
Vice Speaker Tina Rose Muña Barnes, 36th Guam Legislature
Senator Sabina F. Perez, 36th Guam Legislature
Senator Telo T. Taitague, 36th Guam Legislature
Senator Joanne M. Brown, 36th Guam Legislature

Also, Present:
Ms. Kristina L. Baird, Administrator of the Courts (AOC)
Mr. Robert S. Cruz, Deputy Chief Administrator
Ms. Alicia A.G. Limtiaco, DPPCR

Mr. Andrew Sergio Quenga”, Staff Attorney, Judiciary of Guam
Mr. Daniel Mensching, Staff Attorney, Judiciary of Guam
Ms. Dawn R. Blas, Judicial Educator
Ms. Hannah G. Arroyo, Clerk of Court, Supreme Court
Ms. Danielle T. Rosete, Clerk of Court, Superior Court
Ms. M. Erica R. Eschbach, Staff Attorney, Supreme Court
Ms. Barbara Jean T. Perez, Human Resources Administrator
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer
Ms. Ma. Dianne Ollet Gudmalin, FMD Administrator
Mr. Carl V. Dominguez, 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
Mr. Joseph J. Leon Guerrero, Deputy Chief Marshal
Ms. Jessica Perez-Jackson, Administrative Service Officer
Ms. Shelterihna T. Alokoa, Judicial Assistant, Judicial Council Assistant Secretary
Ms. Petrina Ula, Judicial Assistant, Judicial Council Executive Secretary

*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 Guam Daily Post. Acknowledgements 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 over videoconference, respectively. With the presence of four (4) Judicial Council members, a quorum was determined for this meeting. Justice Katherine A. Maraman later joined the Zoom meeting at 12:03 p.m.

IV. READING AND DISPOSAL OF MINUTES: February 18, 2021 Regular Meeting

Presiding Judge Lamorena moved to approve the February 18, 2021 Regular Meeting minutes, subject to correction. Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote. With no discussion, the five (5) Judicial Council members voted in favor; the minutes were approved.

****At 12:04 p.m., Chief Justice Carbullido asked the Council if two (2) items under New Business could be discussed first. There was no objection. He began with Agenda Item VI. A.**

Chief Justice Carbullido recognized Speaker Therese M. Terlaje to speak to the Legislative Resolution Presentation Commending the Honorable Anita A. Sukola for her Service to the People of Guam on the occasion of her retirement. Speaker Terlaje recognized the members of the 36th Guam Legislature who joined the Council meeting to present Resolution No. 40-36 (COR) to Judge Sukola. Speaker Terlaje read the Resolution, which was sponsored by all the women law makers and recognizes Judge Sukola's thirty-six (36) years of service to the people of Guam as a highly respected judge, teacher, lawyer, and leader. Judge Sukola thanked the Speaker and the members of the 36th Guam Legislature for their kind words, and the people of Guam for the opportunity to serve them in the positions she has held. She affirmed she will always be a public servant of the people of Guam.

****At 12:12 p.m., Chief Justice Carbullido continued with Agenda Item VI. B.**

Chief Justice Carbullido introduced JC Resolution Relative to Commending the Honorable Anita A. Sukola for her service to the Government of Guam, and Judiciary of Guam. Chief Justice Carbullido entertained a motion to discuss the Resolution. **Presiding Judge Lamorena moved to discuss; the motion was seconded by Justice Maraman.** Chief Justice extended an opportunity to the Council to address Judge Sukola. Each member of the Council extended gratitude and appreciation for Judge Sukola, for her professionalism and dedication to serving the people of Guam, and wished her well. **Chief Justice Carbullido called an oral vote to adopt the resolution. All Council members voted in favor; the resolution was unanimously adopted.** Judge Sukola extended thanks to the Council members for the support shown throughout her years in service, and for the encouragement to learn and grow. She stated she will miss working with everyone in the administration of justice.

V. OLD BUSINESS

A. Judiciary FY21 Remittances under P.L. 35-099

Ms. Dianne Gudmalin, Finance Administrator (FMD), reported that the Judiciary's scheduled bi-weekly allotment of \$1,132,491 for FY21 has been disbursed in full and on time. She stated that from the \$29,444,000 appropriated to the Judiciary, 46% or \$13,589,000 has been received. Ms. Gudmalin added that the last allotment was received on March 16, 2021; the next allotment is scheduled for March 23, 2021.

B. Update on Capital Improvement Projects

Ms. Kristina Baird, Administrator of the Courts (AOC), reported on four (4) ongoing projects: the Route 4 building, the server room relocation, construction of a high-capacity courtroom in the 8th judge's courtroom, and the San Ramon Building.

Ms. Baird shared the shelling and construction in the Route 4 building has been completed. She reminded Council the shelling and construction was part of the original plan for the building to operate as the primary storage facility for all the Judiciary's case files that the Judiciary is required to store by law. However, she added, temporarily, due to the pandemic, a high-capacity courtroom has been constructed in the building. She stated the courtroom is about 90% complete, with a projected completion date of March 25, 2021.

Ms. Baird reported on the progress of the Management Information System's (M.I.S.) move to the new server room. She stated the fire suppression equipment has been installed. She added that the MIS division is currently working on moving fiber cabling from the two former server rooms to the new server room, which is a delicate process requiring mapping and labeling of wiring. She noted M.I.S. will finish the relocation in the next two weeks.

Ms. Baird said the next project the Judiciary will focus on is the demolition and construction of the 4th temporary high-capacity courtroom in the 8th judge's courtroom on the first floor of the Judiciary. She noted the courtroom design, prepared by Mr. Carl V. Dominguez, Procurement and Facilities Maintenance Division Administrator (PFMD) has been finalized. She added once the Route 4 building and relocating the servers are complete, PFMD will start demolition of the 8th judge's courtroom; the estimated completion date for the entire project is the end of May 2021.

Ms. Baird reported that bids for the painting of the exterior and the roof of the San Ramon building have been received and the contract will be awarded soon.

VI. NEW BUSINESS

A. Legislative Resolution Presentation Commending the Honorable Anita A. Sukola for her Service to the People of Guam

***Please see page 3**

B. JC Resolution Relative to Commending the Honorable Anita A. Sukola for his Service to the Government of Guam and the Judiciary

***Please see page 3**

C. JC Resolution Relative to the Vacancy on the Bench of the Superior Court of Guam Resulting from the Retirement of the Honorable Anita A. Sukola

Chief Justice Carbullido presented the Resolution which certifies the need to fill a vacancy on the bench resulting from Judge Sukola's retirement. He added the Council is required by law to certify the vacancy and request an appointment from the Governor of Guam, in accordance with law. **Judge Barcinas moved to adopt the Resolution and Presiding Judge seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor of adopting the Resolution Relative to the Vacancy on the Bench of the Superior Court of Guam Resulting from the Retirement of the Honorable Anita A. Sukola.** Chief Justice Carbullido stated he will transmit the Resolution to Governor Leon Guerrero after Judge Sukola's last day on the bench, March 26, 2021.

D. Proposed Revised Code of Conduct for Non-Judicial Employees for Discussion Purposes

Ms. Barbara-Jean Perez, Human Resources Administrator (HR), introduced the collaborative effort of the HR Department and the Judiciary's Legal team to craft a Proposed Revised Code of Conduct for Non-Judicial Employees (Proposed Revised Code), centered around the Judiciary's mission, vision, and core values. She added the team combined the current Code of Conduct (as amended on April 19, 2007 by Judicial Council JC 07-001) with excerpts of Codes of Conduct from other state courts in the crafting of the revision. She stated the Proposed Revised Code, accompanied by an Employee Feedback Form will be forwarded to employees for input and employees will have ten (10) days to provide feedback. Ms. Perez explained feedback will be provided to the Chief Justice and Council, and the Proposed Revised Code will be presented in the May 2021 Judicial Council meeting for action. Ms. Perez noted HR plans to launch virtual training and education to guide employees in ethics.

Chief Justice commended Ms. Perez, Staff Attorney Andrew "Serge" Quenga", and Assistant Staff Attorney Daniel Mensching, and team members for all their efforts to update the Code of Conduct.

Justice Torres asked Ms. Perez how extensive the changes to the existing Code of Conduct are, and Ms. Perez replied the changes would be a comprehensive overhaul of the existing Code of Conduct. Justice Torres asked, in that case, if additional time would be given to the employees to provide feedback, if needed. Ms. Perez assured him more time would be given if necessary.

Justice Torres asked to have language included in the Proposed Revised Code to address the employees who are subject to additional cannons due to their position within a Chamber. Chief Justice Carbullido thanked him for the helpful suggestion. Justice Maraman asked if HR considered having an open Q&A time for employees. Ms. Perez agreed that was a good suggestion and would add it to the Plan of Action.

Justice Maraman asked if an employee commits an ethical violation, do they then go through the normal employee discipline process. Ms. Perez responded in the affirmative and described the process. Chief Justice Carbullido stated this matter will be brought back to Council in the May 2021 meeting.

E. Update on Judiciary's Response to COVID-19

Ms. Baird reported in three (3) areas: sanitization, support of virtual platforms, and high-capacity courtrooms (see Agenda Item V. B above for additional information regarding high-capacity courtrooms). Ms. Baird stated that when the CARES Act funding ended on December 31, 2020, the contract to sanitize facilities covered with said funding ended; PFMD works with a contractor covered with Judiciary funding to sanitize all facilities on weekends. She shared the Judiciary continues to support virtual platforms as an alternative to in-person activities. Ms. Baird explained the lease with the Academy of Our Lady of Guam (AOLG) ended in February 2021; the cafeteria of AOLG was utilized for large group jury activities. The large group jury activities will be moved to the Route 4 building and San Ramon building, she added.

F. Discussion re Proposed Rescindment of JC20-028

Chief Justice Carbullido asked Justice Maraman to pick up the discussion of the proposed draft Resolution she presented in the February 18, 2021 Judicial Council meeting.

Justice Maraman stated she prepared the draft Resolution after the Council's initial discussion regarding rescinding JC Resolution 20-028 that froze salaries of unclassified employees because one of the issues that was raised was the financial impact. She explained the draft Resolution rescinds the suspension of increments, recognizing the Judiciary may not be able to pay adjustments this fiscal year, and proposes tracking what is due the employee and paying it out when funds become available. She reminded the Council of how the Judiciary addressed the increase in salary for law enforcement personnel set forth in Public Law 29-105 in 2008 and that the Judiciary reached an agreement to pay out the increase over four years.

Justice Maraman moved to adopt for discussion purposes; Judge Barcinas seconded the motion.

Chief Justice Carbullido noted that since the February 18, 2021 Council meeting, HR and FMD informed him that should the Council move forward and adopt Justice Maraman's draft Resolution, Referee Ingles' salary will exceed Judge Barcinas' salary. He added the documents showing the salary and financial impact of implementing the draft Resolution were included in the packet provided to the Council. Chief Justice stated HR and FMD questioned how benefits and retirement would be addressed by the draft Resolution. Justice Maraman suggested it would be addressed in the same way as it was for the law enforcement personnel. Ms. Perez stated this is a little more complicated situation, requiring consideration of retirement benefits. Justice Torres suggested perhaps the legal team consult with the Government of Guam Retirement Board for guidance. Justice Torres stated the Council should be careful not to express an opinion in this meeting as there is a pending case before the Supreme Court regarding a retirement fund issue. Justice Torres suggested, as well, waiting until after FY2022 budget hearings and funds from the Federal American Recovery Plan are allocated by the Governor's Office to make a decision. He brought up points that were discussed previously about the Attorney Pay Plan increments and deferred implementation of the Judicial Officers increments.

Justice Torres amended the motion and moved to table the matter for 30 days. Chief Justice Carbullido asked Justice Maraman if she would consider withdrawing the motion to adopt for discussion purposes and table the matter; Justice Maraman agreed. Chief Justice Carbullido tabled the matter until the FY22 budget has been approved, the American Recovery Plan funds have been allocated, and the concerns raised by HR and FMD regarding retirement and benefits have been resolved.

G. Notice of Next Meeting (April 15, 2021)

Chief Justice Carbullido announced that the next Judicial Council regular meeting will be on Thursday, April 15, 2021.

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

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

There was no one present from the Guam Bar Association Board of Governors.

B. Court Employees Association Board (IFIK) – Board of Governor’s Report

Chief Justice Carbullido announced the IFIK President, Ms. Jaylene San Nicolas, will not be reporting orally in the Judicial Council meetings going forward; she requested to submit written reports instead starting with the next meeting. No objection was noted.

X. ADJOURNMENT

The meeting was adjourned at 1:05 pm.

Respectfully submitted this 15th day of April 2021.



SHELTERIHNA T. ALOKOA
Assistant Secretary,
Judicial Council of Guam



PETRINA M. ULA
Executive Secretary,
Judicial Council of Guam

The Minutes of the March 18, 2021 Regular Meeting as set out above were approved by the Judicial Council at the April 15, 2021 Regular meeting.



F. PHILIP CARBULLIDO
Chairman

Dated: 4/15/2021