



JUDICIAL COUNCIL OF GUAM

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**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, MARCH 28, 2024
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center**

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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 12:03 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

Also present via Zoom:
Ms. Jacqueline T. Terlaje, Guam Bar Association, President

Also present in the Monessa G. Lujan Appellate Courtroom:
Ms. Danielle T. Rosete, Administrator of the Courts
Mr. Dean Manglona, Guam Bar Association, Advisory Committee Member
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
Ms. Barbara Jean T. Perez, Human Resources Administrator
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer
Mr. Troy D. M. Pangelinan, Marshal of the Court
Ms. Hannah Gutierrez Arroyo, Clerk of Court, Supreme Court
Ms. Geraldine A. Cepeda, Compiler of Laws
Ms. Melissa Casil, Client Services and Family Counseling Division
Ms. Sophia Santos Diaz, Clerk of Court, Superior Court
Ms. Valerie Tenorio, Deputy Clerk of Court, Superior Court
Ms. Erica U. Dela Rosa, Court Programs Office
Mr. Carl V. Dominguez, Procurement and Facilities Management Administrator
Ms. Dawn R.S. Blas, Judicial Educator
Mr. Jesse C. Franquez, Deputy Clerk Supervisor, C&M Division & IFIK President
Mr. Andrew Gimenez, Special Projects Coordinator

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, Presiding Judge Alberto C. Lamorena III, and Judge Maria T. Cenzone identified themselves. This meeting determined a quorum with all 5 (five) Judicial Council members present.

IV. READING AND DISPOSAL OF MINUTES: February 15, 2024 regular meeting minutes

Associate Justice F. Philip Carbullido moved to approve the February 15, 2024 regular meeting minutes. Presiding Judge Lamorena seconded the motion. Chief Justice Torres called an oral vote. With no discussion, the five (5) Judicial Council members voted in favor of approving the minutes, 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. 37-42, Chapter 4, the Judiciary of Guam received approximately 50% of the appropriation or allotment, which is \$20.2 million of the total appropriation 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 March 20, 2024, and the next allotment scheduled to be received on April 2, 2024.

B. Update on Capital Improvement Projects

Ms. Sophia Santos Diaz, Acting Administrator of the Courts (AOC), provided an update on the capital improvement projects, particularly the restoration of the Historic Courthouse. She shared that assembly of the cubicles has begun; intake counter delivered and awaiting installation of its countertops; flooring – carpeting and tile work continue and are largely complete; a third of the work on wall paneling complete and final set of outside doors will be installed this weekend. Ms. Santos Diaz explained that a permit from the Department of Public Works (DPW) is required and will be issued in the next week, while substantial completion of project is expected to be complete in eight weeks. According to Ms. Santos Diaz, a generator

was delivered over the weekend, which is intended to be used on a temporary basis and in anticipation of summer loadshedding.

Chief Justice Torres added that this new generator will provide additional comfort as adequate backup power. The Chief Justice continued that the date of the ribbon cutting for the Historic Courthouse will be July 5th, which is appropriate because the Judiciary will be celebrating the 50th anniversary of the Court Reorganization Act. Chief Justice Torres shared the names of the distinguished speakers coming to Guam for the 50th Anniversary event: Judge Michelle Childs from the U.S. Court of Appeals for the District of Columbia Circuit; Chief Justice Alexander Gesmundo from the Philippine Supreme Court; Vice President of Thompson, Reuters, Tom Leighton; and President of the National Judicial College, Benes Aldana.

C. eCourts and eProbation Transition

Ms. Santos Diaz updated the Council members that approximately 85% of the work on case initiation is complete and experts have begun testing in the next phase of navigation. Santos Diaz continued that AOC Danielle Rosete, authorized an after-hours schedule to advance progress on the project. She explained that eProbation also known as eSupervision, will be used by both Probation and Client Services and transition work for this module will begin once the case, initiation and navigation phases are substantially complete. Ms. Santos Diaz said that a “go live” date will likely be identified at the next Council meeting.

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

Chief Justice Torres reminded the Council that at the last Council meeting there were questions about the Interim Traffic Rules and whether the violations were criminal sanctions for some of the changes in the law that occurred. Chief Justice Torres asked Legal Counsel to make a report and provide a quick summary.

Ms. Suzane Santiago-Hinkle shared that a legal memorandum was prepared in response to the questions raised at the last Council meeting. Ms. Santiago-Hinkle explained that there are four violations listed in the PAWS Act and those are specific to animal neglect, animal abandonment, failure of a motorist to render aid to an injured animal, and leaving animals unattended in motor vehicles. She continued that the primary analysis focuses on a review of the legislative notes specific to the findings and recommendations of the Legislature's legal bureau, and the offenses highlighted in the PAWS Act have changed from a commission of a crime to a commission of an offense. Ms. Santiago-Hinkle recommends that while the Traffic Court can take jurisdiction over these violations, the rules need to be amended before the Traffic Court can do so.

Chief Justice Torres asked Presiding Judge Lamorena if the memorandum addresses his concern, to which Presiding Judge Lamorena replied that he does not object, but asked whether these were considered civil. Ms. Santiago-Hinkle responded that she believes they were considered to be civil and further explained that the Legislature put both of them together – both civil and criminal – in this one act. She elaborated and provided examples and reference to help clear up any confusion for the Council.

Presiding Judge Lamorena proposed that an amendment be made to Paragraph L, addition to the jurisdiction; the motion was seconded by Judge Cenzone. Chief Justice Torres called for an oral vote on the motion; the motion passed unanimously.

On the underlying resolution to recommend to the Supreme Court to adopt these traffic court rules, Chief Justice called for a vote. There was no objection and the motion passed unanimously.

Chief Justice Torres commented that they would try to get the amendments out and submitted to the Supreme Court to get a Promulgation Order before the end of the week with the updated rules.

VI. NEW BUSINESS

A. Resolution, JC 24 – Relative to Updating the Judiciary’s Classification and Compensation Policy

Chief Justice Torres asked who would speak on this. Acting Administrator of the Courts, Sophia Santos Diaz responded that she will, but she asks that Barbara Jean Perez, Human Resources Manager to join her at the table in case any questions arise.

Chief Justice Torres asked for a motion for to adopt the resolution for discussion purposes. Justice Maraman moved to adopt the resolution as presented for discussion purposes; seconded by Judge Cenzone.

Ms. Santos Diaz explained that the proposed resolution would 1) amend the Judiciary’s personal rules and regulations that sets the minimum threshold for Superior Court judges’ salaries; and 2) it will also set a differential amount for the annual compensation for the position of the Presiding Judge of the Superior Court from that of a Superior Court Judge. It is the recommendation that the current provision be changed from Superior Court judges making at least \$2,000 more than the highest paid attorney, to Superior Court judges being paid \$2,000 more than the highest paid employee. Ms. Santos Diaz added that it would also make sense to move the provision that sets that threshold from the Rule 8.200(d), which governs attorneys’ salaries out of that specific section and into Chapter 7, which sets the general policy for compensation and classification across the Judiciary.

Ms. Santos Diaz reported that management met with NCSC on at least three separate occasions to discuss marketing norms, trends, comparison points and particular issues impacting Guam, specifically, the high cost of living. According to Ms. Santos Diaz, as a result of the review, HR Determined that while it still lags behind the median for trial court judges, the current rate of pay for Superior Court judges is reasonable and sustainable and in consultation with NCSC, this assessment was validated. She further provided that while the salaries of the Superior Court judges are appropriate, the salaries of our other judicial officers lag more substantially behind median levels. According to Ms. Santos Diaz, HR concluded it is management's recommendation that annual compensation for the presiding judge be set at an amount of \$10,000 more than a Superior Court judge.

Ms. Santos Diaz presented the proposed resolution to the Council for consideration with the effective date in fiscal year 2025. She pointed out that if the plan is approved by Council to include these adjusted amounts in the budget request to the Legislature, the proposed salary structure would become effective in fiscal year 2025.

Chief Justice Torres asked Council if they have any questions and asked Justice Carbullido if he would like to comment. Justice Carbullido asked if the report from the NCSC was oral or a written one that can be provided to Council. Ms. Santos Diaz responded that it was both through meeting correspondence and email exchanges which she can provide to Council. Justice Carbullido asked if that information could be shared with Council for background information and thanked management for the review that they conducted and for providing the justification for Council. Justice Carbullido stated that had this been prepared prior to the vote on the salary adjustment, it would have influenced his vote.

Justice Maraman remarked that as the Council did last year, she thinks it appropriate to make this recommendation as part of the budget act, and then Council will have the assurance that it's been reviewed by both the Legislature and the governor. She continued that the October first date is appropriate and she supports the resolution.

Justice Carbullido asked to clarify the exhibit attached that shows the adjustments of salaries.

Chief Justice Torres asked for a motion to approve the resolution. Judge Cenon moved; seconded by Justice Maraman. There was no objection and the resolution passed unanimously.

B. Resolution, JC 24- Relative to Proclaiming the Month of April as Second Chance Month 2024

Presiding Judge Lamorena requested approval of the resolution. Second Chance Month provides those who have been incarcerated with a second chance to be rehabilitated, and upon success they receive early release. Presiding Judge asked that this resolution be approved.

Justice Maraman moved to adopt the resolution; seconded by Judge Cenon. There was no objection and the resolution passed unanimously.

C. Notice of the Next Meeting (Monday, April 22, 2024)

VII. COMMUNICATIONS

State of the Judiciary Address on May 1, 2024 at 10 a.m.

VIII. PUBLIC COMMENT

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

Guam Bar Association President Attorney Jacqueline T. Terlaje reported that the GBA held their Annual Meeting on March 19, 2024. She reported that the membership adopted a resolution for a recommendation to the Supreme Court involving the indigent defense rule. She reported that the has been submitted to the Court for its consideration in reviewing its appointment process. Attorney Terlaje shared that 94 attorneys were in attendance because of the interest on this particular issue. She continued that the Guam Bar is making a recommendation to the Supreme Court that they adopt a provision that requires attorneys who are also performing in a government capacity and who do not have a conflict or prosecutorial

function, or serving in a current defense entity of the court systems, to serve as part of the court appointment system. Attorney Terlaje pointed out that the resolution has been provided to the Court in the president's annual report.

Attorney Terlaje also reported that GBA has seen a slight decline in membership this year. She explained that they are working on efforts to reestablish the Pro Tech Award and will get the letter to the Chief Justice soon, to request the Judiciary's support in requesting that UOG place the juris doctorate back on the professional technical degrees that are permitted under that particular scholarship.

Terlaje shared that on April 22, GBA has a public outreach program that they will be hosting on educating the public on how to acquire public documents, specifically the Sunshine Reform Act request.

Justice Maraman acknowledged and thanked the Guam Bar for their participation in the mock trials.


B. Court Employees Association

Mr. Jesse C. Franquez, IFIK President, reported they are working on boosting membership and current count is at 252 members. He shared future events – the 5K and the 50th Anniversary Gala.

XI. ADJOURNMENT

Presiding Judge Lamorena moved to adjourn until April 22, 2024 at 12:00 pm. Judge Cenzone seconded the motion, adjourning the meeting at 12:45 p.m.

Respectfully submitted this 16th day of May 2024.



JESSICA PEREZ-JACKSON
Executive Secretary
Judicial Council of Guam

As set out above, the Minutes of the March 28, 2024 Regular Meeting were approved by the Judicial Council at the May 16, 2024 Regular meeting.



ROBERT J. TORRES
Chair

Dated: 05/16/24