



**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, APRIL 15, 2021 | 12:00 PM
GUAM JUDICIAL CENTER
AND VIA VIDEOCONFERENCE**

AGENDA

- I. CALL TO ORDER**
- II. PROOF OF DUE NOTICE OF MEETING:** April 8, 2021
April 13, 2021
- III. DETERMINATION OF QUORUM**
- IV. READING AND DISPOSAL OF MINUTES:** March 18, 2021 Regular Meeting
- V. OLD BUSINESS**
- A. Judiciary FY21 Remittances pursuant to P.L. 35-099
 - B. Discussion re Proposed Rescindment of JC20-028
 - C. Update on Capital Improvement Projects
- VI. NEW BUSINESS**
- A. JC Resolution Relative to Approving the Judiciary of Guam Budget for FY22
 - B. Memo re Reporting of Departures from the Mandatory Minimum Sentences Required by 9 GCA § 80.39.3 (Safety Valve Act)
 - C. JC Resolution Relative to Review of Jurisdictional Limit for Small Claims Court
 - D. JC Resolution Relative to Proclaiming the Month of May as Guam Drug Court Month
 - E. JC Resolution Relative to the Declaration of Reentry Week
 - F. JC Resolution Relative to Commending the 2020 Law Week Committee
 - G. JC Resolution Relative to the Declaration of Law Month
 - H. Update on the Judiciary's Response to COVID19
 - I. State of the Judiciary Address April 30, 2021
 - J. Notice of Next Meeting (May 20, 2021)
- VII. COMMUNICATIONS**
- VIII. PUBLIC COMMENT**
- A. Guam Bar Association – President's Report
- IX. ADJOURNMENT**

Students begin picking up MiFi devices; GDOE blacklists entertainment streaming sites

By Jolene Toves

jolene@postguam.com

The distribution of internet devices under the Guam Department of Education's Providing Access to Homes, or PATH, program began Wednesday at the Sinajana gym.

"I think people were waiting to see if this was really going to happen. We have about 1,000 registrations, and we hope that will increase as people start to hear that they are starting to be distributed," said GDOE Superintendent Jon Fernandez.

About 20 families stopped by the Sinajana Mayor's Office for the first distribution, said Fernandez, adding, "That's a good sign."

IT&E won the bid to provide home internet services to students. GDOE made the announcement last week, and IT&E quickly mobilized to start



MIFi FOR STUDENTS: *Flori-Anne Dela Cruz, IT&E business account manager, shows village resident John Taitano some of the features of the new MiFi device he was picking up at the Sinajana gym Wednesday. The Guam Department of Education has teamed up with IT&E to supply GDOE students with free MiFi devices. The distribution started in Sinajana and will be offered throughout the island. David Castro/The Guam Daily Post*

distributing the devices.

The program will \$8 million set aside through the governor's office using from federal funds.

Fernandez said the department would continue to schedule distribution locations throughout the island.

Although there was an early registration for the PATH program, Fernan-

dez said the department is continuing to accept applications.

Families that receive a MiFi device will be held accountable, and with 50 gigabytes of data, there are mechanisms to ensure they are not misused.

"We have a list of sites that are whitelisted and a list of sites that are blacklisted," said Fernandez.

That means Netflix and similar entertainment streaming sites cannot be accessed using the devices.

"But you also are going to be able to use a lot of educational sites without it counting against your service for the month," said Fernandez, who is hopeful the measures will help weed out the inappropriate sites.

The PATH program is open to public, charter and private school students.

Fernandez said Catholic schools are on board with the program, as for charter schools, iLearn Academy opted out of the program. Fernandez said because technology is the basis of their curriculum, the school did not require additional support.

Distribution of the MiFi devices will continue Thursday at the Agat Mayor's Office from 10 a.m. to noon and Friday from 3 to 7 p.m. at the Agat Market grounds.



Man, 55, charged in alleged sexual assault of girl, 14

Joseph Gerard Lazaro Chargualaf

Joseph Gerard Lazaro Chargualaf, 55, has been charged with second-degree criminal

sexual conduct and fourth-degree criminal sexual conduct, according to the charges filed in the Superior Court of Guam on Wednesday.

He was arrested Tuesday.

The charges accuse him of sexually assaulting a 14-year-old

girl known to him.

In one of the alleged sexual assaults, the girl was sweeping when the defendant pushed her and caused her to fall. When the girl fell, the defendant held her to the ground and touched her primary genital area, accord-

ing to the complaint against Chargualaf.

In another alleged, incident, the defendant inappropriately touched the girl which prompted her to slap his hand, according to court documents.

(Daily Post Staff)



JON J. P. FERNANDEZ
Superintendent of Education

GUAM DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT
501 MARINER AVENUE, SUITE 116
BARRIGADA, GUAM 96913-1608
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CARMEN T. CHARFAUROS
Supply Management
Administrator

REQUEST FOR PROPOSAL

GDOE RFP 007-2021

MENTAL HEALTH CONSULTANT SERVICES (RE-ISSUANCE)

SUBMISSION DATE: Thursday, April 29, 2021 at 2:00 p.m. ChST

Note: It is solely the Offeror's responsibility to review the website on a daily basis for the issuance of Amendments/Clarifications for any possible changes to the RFP.

RFP packages are available for download on the GDOE website at www.gdoe.net/District/Department/12-Office-of-Supply-Management.

* A hard copy may also be picked up at the GDOE Office of Supply Management at **501 Mariner Avenue, Suite 116 Barrigada, Guam 96913-1608.**

* Please contact procurement@gdoe.net to schedule curb-side pick-up of hard copy.
* A non-refundable fee of \$10.00 (cash only) is required upon hard copy pick-up.

This advertisement is One Hundred Percent (100%) LOCALLY FUNDED.

/S/ CARMEN T. CHARFAUROS
SUPPLY MANAGEMENT ADMINISTRATOR
For: JON J. P. FERNANDEZ
SUPERINTENDENT OF EDUCATION



GUAM ECONOMIC DEVELOPMENT AUTHORITY
590 S. MARINE CORPS, DR. SUITE 511 ITC BLD TAMUNING, GUAM 96913
TEL (671) 647-4332 FAX (671) 649-4146 www.investguam.com

NOTICE OF REGULAR BOARD MEETING

The Guam Economic Development Authority (GEDA), a public corporation, will be holding its Regular Board of Directors meeting on **Thursday, April 15, 2021 at 1:30PM**

via Zoom and in the GEDA conference room located in Suite 511, 5th Floor, International Trade Center (ITC) Building, 590 South Marine Corps Drive, Tamuning, Guam.

For the link request or for persons requiring special accommodations, please contact GEDA's coordinator, Jennifer Calvo-Guzman, at 647-4332 or at jennifer.calvo@investguam.com by April 14, 2021.

Pursuant to PL 26-12, funding for this ad was paid by GEDA General Fund.

/s/ MELANIE MENDIOLA,
GUAM ECONOMIC DEVELOPMENT AUTHORITY CEO/ADMINISTRATOR



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3413 Fax: (671) 475-3140
www.guamcourts.org

NOTICE OF PUBLIC MEETING

The Judicial Council will conduct its monthly meeting on **Thursday, April 15, 2021, at 12 Noon in the Guam Judicial Center, 120 West O'Brien Drive in Hagåtña by video-conference.** A monitor will be set up for any members of the public who would like to observe and offer comments. The meeting will also be streamed live on YouTube at <https://www.youtube.com/channel/UCfnFCWwllp99fAeh9zi4Q4g/featured>

The agenda will be made available prior to the meeting.

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 475-3544, or Petrina M. Ula at 475-3413.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

Lawmakers introduce the Medical Malpractice Pre-Trial Screening Act

By John O'Connor
john@postguam.com

Speaker Therese Terlaje, Sen. Telo Taitague and several other lawmakers have introduced the Medical Malpractice Pre-Trial Screening Act, the anticipated replacement to the Medical Malpractice Mandatory Arbitration Act.

Malpractice claimants and critics of current law argue that it bars access to the courts and makes pursuing medical malpractice claims prohibitively expensive.

"We have listened carefully, and the



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Read the full story online at PostGuam.com.

majority of senators recognize change is needed to fully protect patients, and that change can be made while still protecting our good doctors and specialists against frivolous claims," Speaker Terlaje stated in a release.

Bill 112-36, the Pre-Trial Screening Act, essentially mirrors Bill 430-35, legislation introduced at the tail end of the prior term, following three oversight hearings, which included discus-

sions with malpractice claimants or their families, doctors and lawyers.

A version of Bill 430 was expected to return in the 36th Legislature but at the time of introduction, it was co-sponsored by just Terlaje and Taitague.

Now, 10 other senators have backed Bill 112, which according to Taitague, represents months of research and discussions with malpractice victims, health care providers and medical malpractice insurance providers.

"Following three oversight hearings, introduction of Bill 430-35 in the previous term, and follow-up discussions with stakeholders, Sen. Taitague

Bill 112 ... represents months of research and discussions with malpractice victims, health care providers and medical malpractice insurance providers.

and I have been working diligently, to consider alternative pre-trial procedures used in other jurisdictions to draft viable and balanced legislation for Guam that takes physician concerns into account yet provides some justice for those patients who cannot afford arbitration," Terlaje stated.

Labor updates criteria for unemployment benefits

The criteria to be eligible for Pandemic Unemployment Assistance has been updated on hireguam.com, according to the Guam Department of Labor.

On Feb. 5, the U.S. Department of Labor approved additional eligibility

criteria for PUA, and one of the most impactful was the inclusion of workers on reduced hours, the local labor department stated.

As of Sunday, the hireguam.com system modifications were completed and applicants can select the added criteria when filing claims.

The new options on the system covers:

- workers who were laid off or had their hours reduced, but their

employers remain open

- workers who were denied PUA because they refused to work at a worksite that was unsafe due to COVID-19 because the employer failed to meet local safety standards

- workers who provide services to educational institutions who are out of work due to schedule volatility

- self-employed persons including freelancers, gig workers and independent contractors

For self-employed persons, the qualification is not based on hours worked. They may qualify for PUA but must show their income has been diminished significantly due to the public health emergency, the local labor department stated.

All eligibility criteria are updated on the hireguam.com system. If they do not fit your situation, select "none of the above," the local labor department stated. **(Daily Post Staff)**



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/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman



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Pursuant to PL 26-12, funding for this ad was paid by GEDA General Fund.

/s/ MELANIE MENDIOLA,
GUAM ECONOMIC DEVELOPMENT AUTHORITY CEO/ADMINISTRATOR

Prepare your familia. Protect our heritage.

In celebration of our history and Chamorro heritage, we can honor the essence of *inafa'maolek* by helping our families and neighbors prepare for natural disasters. By protecting our loved ones from harm, we protect our heritage and show *respetu* to those in our community. Not sure where to start? Create an Emergency Plan for your community, and prepare Disaster Supply Kits to distribute to your family and friends. These acts of kindness will keep us all safer and better prepared when disaster strikes.

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PREPARE A DISASTER KIT

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Stay informed on how you can prepare your community for disasters at **WWW.GHS.GUAM.GOV**



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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**

★★★

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

★★★

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

Exhibit A
Judiciary of Guam
Summary of General Fund Budget Request
Budget Requested vs. Actual Appropriation
FY 2017 to FY 2022

FY 2022 vs FY 2021

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Amount (\$)	Percentage (%)
Requested Amount	33,301,192	34,756,575	34,488,015	34,477,031	34,893,999	35,121,186	227,187	0.65%
Below the line request for EM Program	-00	551,966	-00	-00	-00	579,204		
Total Requested	33,301,192	35,308,541	34,488,015	34,477,031	34,893,999	35,700,390		

Amount appropriated for Judiciary operations	32,904,686	33,389,971	29,322,633	30,691,536	29,444,760
Total appropriation for EM Program		500,000			
Fiscal year reduction		(4,439,743)			
Adjusted Appropriation	32,904,686	29,450,228	29,322,633	30,691,536	29,444,760

Difference from total request	(396,506)	(5,858,313)	(5,165,382)	(3,785,495)	(5,449,239)
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Note: (1) Information presented herein excludes amount requested and appropriated for the Alternate Public Defender.

(2) For presentation and analysis purposes, only the Electronic Monitoring (EM) program "below the line" request was included in this analysis.

Judiciary of Guam
Summary of FY 2022 General Fund Budget Request

Expenditure Type	FY 2021 Requested	FY 2022 Request	Increase (decrease) from FY 2021 requested	
			Amount (\$)	Percentage (%)
Personnel Services:				
Regular salary & increment	\$ 22,124,653	21,942,318	(182,335)	-0.82%
Meritorious bonus	-00	-00	-00	
Overtime	19,171	106,323	87,153	454.61%
Hazardous	346,768	247,778	(98,990)	-28.55%
Night Differential	8,839	34,415	25,576	289.35%
Retirement	6,303,544	6,156,303	(147,241)	-2.34%
Medical insurance	1,656,771	2,066,292	409,521	24.72%
Dental insurance	148,409	276,967	128,558	86.62%
Medicare Tax	326,242	318,164	(8,078)	-2.48%
Life insurance	75,974	75,587	(387)	-0.51%
DC Death & Disability	123,002	126,620	3,618	2.94%
Wellness Benefits	-00	-00	-00	
Total Personnel Services	31,133,372	31,350,766	217,394	0.70%
Operational Cost:				
Contractual Services	1,619,971	1,616,658	(3,312)	-0.20%
Supplies & Materials	294,261	382,951	88,690	30.14%
Modernization, Improvements & Maintenance	207,166	110,000	(97,166)	-46.90%
Equipment	155,389	242,179	86,791	55.85%
Travel/Off-island Escort	18,000	3,000	(15,000)	-83.33%
Drug Testing	11,000	9,600	(1,400)	-12.73%
Court Appointed Fees / Pro Temp	11,500	11,500	-00	0.00%
Jury Stipend	143,000	150,000	7,000	4.90%
Interpreter / Transcriber Fees	15,000	-00	(15,000)	-100.00%
Jury Subsistence	20,000	25,000	5,000	25.00%
Personnel Development	124,186	68,854	(55,332)	-44.56%
Miscellaneous/Others	5,460	6,685	1,225	22.44%
Total Operational Cost	2,624,932	2,626,427	1,495	0.06%
Utilities:				
Power	966,000	966,000	-00	0.00%
Water/Sewer/Waste	73,150	71,540	(1,610)	-2.20%
Phone/Cable/Internet	96,545	106,452	9,907	10.26%
Total Utilities	1,135,695	1,143,992	8,297	0.73%
Total Amount	\$ 34,893,999	35,121,186	227,187	0.65%

Judiciary of Guam
FY 2022 General Fund Budget Request
Personnel Services and Benefits - Breakdown of Cost by Division

Division	Personnel Count	Salary	Prorated Increment	Retirement 28.50%	Medicare Tax 1.45%	DDI Insurance	Life Insurance	Medical Insurance	Dental Insurance	Total
<i>SUPREME COURT</i>										
Justices' Chamber & Legal Writing	12	\$ 1,007,326	\$ 15,239	\$ 291,431	\$ 14,827	\$ 3,954	\$ 2,244	\$ 43,754	\$ 6,074	\$ 1,384,849
Appellate Courts & Ministerial	4	\$ 242,985	\$ 1,953	\$ 69,807	\$ 3,552	\$ 1,977	\$ 748	\$ 20,068	\$ 2,620	\$ 343,710
Comprehensive Lawyer Regulatory System	2	\$ 158,110	\$ 96	\$ 45,089	\$ 2,294	\$ 989	\$ 374	\$ 14,876	\$ 1,299	\$ 223,127
Office of the Public Guardian	6	\$ 372,523	\$ 3,418	\$ 107,143	\$ 5,451	\$ 1,483	\$ 1,122	\$ 36,951	\$ 4,338	\$ 532,429
Officer of the Compiler of Laws	2	\$ 178,251	\$ 751	\$ 51,016	\$ 2,596	\$ -	\$ 374	\$ 5,784	\$ 1,299	\$ 240,070
<i>SUPERIOR COURT</i>										
Judges Chambers	38	\$ 2,638,069	\$ 21,268	\$ 713,663	\$ 38,560	\$ 13,345	\$ 7,106	\$ 182,960	\$ 26,161	\$ 3,641,133
Judicial Hearings - Child Support	7	\$ 128,579	\$ 1,403	\$ 37,045	\$ 1,885	\$ 336	\$ 445	\$ 9,810	\$ 1,354	\$ 180,856
Courts & Ministerial	76	\$ 3,261,877	\$ 33,408	\$ 939,156	\$ 47,782	\$ 22,736	\$ 14,773	\$ 417,510	\$ 55,345	\$ 4,792,586
Client Services & Family Counsel	12	\$ 786,125	\$ 10,023	\$ 226,902	\$ 11,544	\$ 3,460	\$ 2,151	\$ 58,314	\$ 6,978	\$ 1,105,498
Probation	64	\$ 3,673,691	\$ 46,196	\$ 1,060,168	\$ 53,938	\$ 14,828	\$ 11,949	\$ 347,866	\$ 47,230	\$ 5,255,867
Juvenile Drug Court	2	\$ 133,587	\$ 1,583	\$ 38,524	\$ 1,960	\$ -	\$ 374	\$ 18,101	\$ 2,073	\$ 196,201
Adult Drug Court	3	\$ 130,599	\$ 3,857	\$ 38,320	\$ 1,950	\$ 1,483	\$ 561	\$ 9,460	\$ 1,847	\$ 188,075
Sex Offender Registry	2	\$ 136,088	\$ 1,142	\$ 39,110	\$ 1,990	\$ -	\$ 374	\$ 11,711	\$ 1,718	\$ 192,133
DWI Drug Court	2	\$ 56,242	\$ -	\$ 16,029	\$ 816	\$ 247	\$ 174	\$ 5,031	\$ 622	\$ 79,159
Veteran Treatment Court	2	\$ 144,440	\$ 2,586	\$ 41,902	\$ 2,132	\$ -	\$ 374	\$ 10,241	\$ 1,492	\$ 203,167
Mental Health Court	2	\$ 99,361	\$ 1,876	\$ 28,853	\$ 1,468	\$ 494	\$ 374	\$ 19,475	\$ 2,244	\$ 154,145
Re-Entry Court	1	\$ 41,607	\$ -	\$ 11,858	\$ 603	\$ -	\$ 94	\$ 1,838	\$ 274	\$ 56,273
	78									
<i>GENERAL ADMINISTRATION</i>										
Administrative Offices	11	\$ 861,649	\$ 7,854	\$ 247,808	\$ 12,608	\$ 3,954	\$ 2,057	\$ 37,517	\$ 5,487	\$ 1,178,934
Procurement	8	\$ 424,495	\$ 4,501	\$ 122,264	\$ 6,220	\$ 1,977	\$ 1,496	\$ 16,801	\$ 2,812	\$ 580,567
Facilities & Management	16	\$ 554,591	\$ 3,293	\$ 158,997	\$ 8,089	\$ 6,425	\$ 2,992	\$ 92,715	\$ 12,120	\$ 839,223
Human Resources	9	\$ 511,478	\$ 7,975	\$ 148,044	\$ 7,532	\$ 3,460	\$ 1,683	\$ 32,284	\$ 4,585	\$ 717,040
Financial Management	17	\$ 827,254	\$ 8,021	\$ 238,053	\$ 12,111	\$ 5,931	\$ 3,179	\$ 93,006	\$ 12,271	\$ 1,199,826
Management Information Systems	9	\$ 548,504	\$ 4,394	\$ 157,576	\$ 8,017	\$ 1,977	\$ 1,683	\$ 58,687	\$ 7,633	\$ 788,470
Court Programs	6	\$ 343,137	\$ 5,590	\$ 99,387	\$ 5,057	\$ 1,977	\$ 1,122	\$ 36,414	\$ 4,692	\$ 497,376
Marshal	95	\$ 4,238,552	\$ 70,771	\$ 1,228,157	\$ 62,485	\$ 35,587	\$ 17,765	\$ 485,121	\$ 64,400	\$ 6,202,839
Total	408	\$ 21,499,119	\$ 257,198	\$ 6,156,303	\$ 315,467	\$ 126,620	\$ 75,587	\$ 2,066,292	\$ 276,967	\$ 30,773,554
Marshal-VDMR	31	\$ 186,000	\$ -	\$ -	\$ 2,697	\$ -	\$ -	\$ -	\$ -	\$ 188,697
Total Personnel Cost		\$ 21,685,119	\$ 257,198	\$ 6,156,303	\$ 318,164	\$ 126,620	\$ 75,587	\$ 2,066,292	\$ 276,967	\$ 30,962,251

Judiciary of Guam
FY 2022 General Fund Budget Request
Operational Cost - Breakdown of Cost by Expenditure Account

Operational Cost Expenditure Account	FY 2022 Request	vs FY 2021 Request		
		FY 2021 Requested	Difference in amount (\$)	Difference in percentage (%)
Contractual Services				
Ads, Duplicating, Printing	39,014	30,742	8,272	21.20%
Counseling Services	40,000	61,133	(21,133)	-52.83%
Dues & Subscription	378,445	424,127	(45,682)	-12.07%
Equipment Maintenance	141,610	136,472	5,138	3.63%
Insurance, Bonding	28,600	-	28,600	100.00%
Other Services	11,400	7,676	3,724	32.67%
Postal / Communication Service	35,529	32,315	3,214	9.05%
Professional / Consultant Services	573,829	549,552	24,276	4.23%
Real Property & Bldg Lease	294,735	314,676	(19,941)	-6.77%
Vehicle & Equipment Rental / Lease	73,496	63,278	10,218	13.90%
Total Contractual Services	1,616,658	1,619,972	(3,313)	-0.20%
Supplies & Materials				
Firearms & Security Accessories (targets, ammunition)	15,575	14,095	1,480	9.50%
Fuel & Lubricants	59,100	28,200	30,900	52.28%
Instructional Supplies	3,500	3,000	500	14.29%
Maintenance Supplies	63,000	62,000	1,000	1.59%
Office Supplies & Materials	42,613	53,563	(10,950)	-25.70%
Other Supplies	8,449	6,517	1,932	22.87%
Softwares / Computer Supplies	119,326	75,398	43,928	36.81%
Testing Materials	30,088	25,088	5,000	16.62%
Uniforms (Work Clothing & Shoes)	41,300	26,400	14,900	36.08%
Total Supplies & Materials	382,951	294,261	88,690	23.16%
Equipment				
Firearms & Security Equipment	18,911	2,080	16,831	89.00%
Furniture & Equipment (less \$5,000)	219,904	153,309	66,596	30.28%
Training Equipment	3,364	-	3,364	100.00%
Total Equipment	242,179	155,389	86,791	35.84%
Modernization, Improvements & Maint.				
Automation Hardware	-	74,800	(74,800)	
Furniture & Equipment (Over \$5,000)	10,000	132,366	(122,366)	-1223.66%
Vehicle	100,000	-	100,000	100.00%
Total Modernization, Improvements & Maint.	110,000	207,166	(97,166)	-88.33%
Misc and Others				
Personnel Development	68,854	124,186	(55,332)	-80.36%
Court Appointed Fees / Pro Temp	11,500	11,500	-	0.00%
Drug Testing	9,600	11,000	(1,400)	-14.58%
Interpreter / Transcriber Fees	-	15,000	(15,000)	
Stipend Pay	150,000	143,000	7,000	4.67%
Jury / Client Subsistence	25,000	20,000	5,000	20.00%
Contingency Fund	2,000	-	2,000	100.00%
Misc Others	4,685	5,460	(775)	-16.54%
Off-island Official / Conference	-	18,000	(18,000)	
Off-Island Training	3,000	-	3,000	100.00%
Total Misc and Others	274,639	348,146	(73,507)	-26.76%
TOTAL OPERATIONAL COST	\$ 2,626,427	\$ 2,624,933	\$ 1,494	0.06%

Judiciary of Guam
FY 2022 General Fund Budget Request
Utilities Cost - Breakdown of Cost by Expenditure Account

Utilities Expenditure Account	Total Requested FY 2022	vs FY 2021 Request		
		Total Requested FY 2021	Difference in amount (\$)	Difference in percentage (%)
Power	966,000	966,000	-00	0.00%
Telephone / Internet	105,678	94,997	10,681	10.11%
Cable TV	774	1,548	(774)	-100.00%
Solid Waste Removal Services	21,000	19,968	1,032	4.91%
Water / Sewer	50,540	53,182	(2,642)	-5.23%
TOTAL UTILITIES	\$ 1,143,992	\$ 1,135,695	\$ 8,297	0.73%

Judiciary of Guam
FY 2022 Additional Budget Request (below the line)
Electronic Monitoring Program

A. Summary of Budget Request

Item	Amount
Personnel Services	197,090
Benefits	105,614
Operational Cost & Utilities	276,500
Total	579,204

B. Personnel Services

Position	Personnel Services	Benefits	Supplemental (OT/HZ/ND)	Total
Sr. Probation Officer	\$ 67,777	\$ 33,142	\$ 2,500	\$ 103,419
Probation Officer I	\$ 37,271	\$ 24,158	\$ 5,000	\$ 66,428
Probation Officer I	\$ 37,271	\$ 24,158	\$ 5,000	\$ 66,428
Probation Officer I	\$ 37,271	\$ 24,158	\$ 5,000	\$ 66,428
Total	\$ 179,590	\$ 105,614	\$ 17,500	\$ 302,704

C. Operational and Utilities Cost

Item Description	Amount
GPS monitoring (\$6.00/day x 100 clients)	219,000
Equipment and supplies	50,000
Communication device, contracts and other cost	7,500
Total	276,500



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 21-005

RELATIVE TO APPROVING THE JUDICIARY OF GUAM BUDGET FOR FISCAL YEAR 2022

WHEREAS, the proposed Fiscal Year 2022 Judiciary of Guam Budget was presented by the Administrator of the Courts and the Finance Administrator in the form of a Budget Summary at the Judicial Council's duly noticed meeting of April 15, 2021; and

WHEREAS, the proposed Fiscal Year 2022 Judiciary of Guam Budget Summary was reviewed, discussed, and considered.

NOW, THEREFORE BE IT RESOLVED, that the Fiscal Year 2022 Judiciary of Guam Budget Summary as shown in the attached Exhibit "A" is hereby **APPROVED** by the Judicial Council for submission in final budget form to the *I Liheslaturan Guåhan* and shall be subject to legislative appropriation.

BE IT FURTHER RESOLVED that the Chief Justice and Administrator of the Courts are authorized to finalize all remaining supporting documentation relative to the Fiscal Year 2022 Judiciary of Guam Budget consistent with the Budget Summary marked Exhibit A and need not present such documentation to the Judicial Council for approval.

DULY ADOPTED this 15th day of April 2021 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: 4/15/2021

ATTEST:

Petrina M. Ula, Executive Secretary

Dated: 4/15/21

Judiciary of Guam
Summary of General Fund Budget Request (Amended)
Budget Requested vs. Actual Appropriation
FY 2017 to FY 2022

FY 2022 vs FY 2021

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Amount (\$)	Percentage (%)
Requested Amount	33,301,192	34,756,575	34,488,015	34,477,031	34,893,999	35,166,186	272,187	0.78%
Below the line request for EM Program	-00	551,966	-00	-00	-00	579,204		
Total Requested	33,301,192	35,308,541	34,488,015	34,477,031	34,893,999	35,745,390		

Amount appropriated for Judiciary operations	32,904,686	33,389,971	29,322,633	30,691,536	29,444,760
Total appropriation for EM Program		500,000			
Fiscal year reduction		(4,439,743)			
Adjusted Appropriation	32,904,686	29,450,228	29,322,633	30,691,536	29,444,760

Difference from total request	(396,506)	(5,858,313)	(5,165,382)	(3,785,495)	(5,449,239)
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Note: (1) Information presented herein excludes amount requested and appropriated for the Alternate Public Defender.

(2) For presentation and analysis purposes, only the Electronic Monitoring (EM) program "below the line" request was included in this analysis.



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
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Tel: (671) 475-3413 Fax: (671) 475-3140

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

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Hon. Maria T. Cenzon

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

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

MEMORANDUM

TO: All Superior Court Judges

FROM: Chairman of the Judicial Council

DATE: April 20, 2021

SUBJECT: Reporting of Departures from the Mandatory Minimum Sentences

The reporting of departures from mandatory minimum sentences is required by 9 GCA § 80.39.3, which states:

Upon departing from mandatory minimum sentences, judges shall report to the Judicial Council which shall, one (1) year following the enactment of this statute and annually thereafter, make available in electronic form and on the world wide web, a report as to the number of departures from mandatory minimum sentences made by each judge of the Superior Court of Guam.

This statute was enacted on May 7, 2015 in Public Law 33-22. The Judicial Council's next report is due on May 7, 2021. So that the Judicial Council may comply with these reporting requirements, please provide the number of cases that you presided over, since May 7, 2015, wherein there was a departure from the mandatory minimum sentence. Please provide this information no later than April 23, 2021. A sample form is attached here for your use.

Annually hereafter, the Judicial Council will remind all judges of this reporting requirement.

F. PHILIP CARBULLIDO
Chairman

MEMORANDUM

TO: Chairman of the Judicial Council
FROM: Judge
DATE:
SUBJECT: Mandatory Justice Safety Valve Act Reporting Form

MANDATORY JUSTICE SAFETY VALVE ACT REPORTING FORM

This form is submitted to the Judicial Council pursuant to the reporting requirements of the Justice Safety Valve Act and 9 GCA § 80.39.3. The number of cases below departed from the mandatory minimum sentence.

Reporting Period	Number of Cases that Departed from the Mandatory Minimum Sentence
May 7, 2015 to May 7, 2016	
May 8, 2016 to May 7, 2017	
May 8, 2017 to May 7, 2018	
May 8, 2018 to May 7, 2019	
May 8, 2019 to May 7, 2020	
May 8, 2020 to Present	

Submitted by:

Name: _____

Title: _____

Date: _____



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 21-006

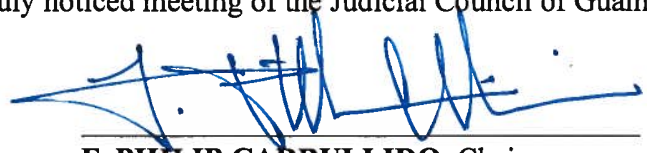
RELATIVE TO REVIEW OF JURISDICTIONAL LIMIT FOR SMALL CLAIM COURT

WHEREAS, Title 7 GCA § 4208, entitled “Mandatory Annual Review of Jurisdictional Limits,” provides that “In April of each year commencing with 1990, the Judicial Council shall consider adjustment of the jurisdictional limits for the Small Claims Division, and may adjust upwards the jurisdiction limits of the amount of claims allowed in the Small Claims Division based upon increases in the cost of living indices prepared by the Guam Department of Commerce and the United States government, and based upon the availability of attorneys to take small claims cases;” and

WHEREAS, in October 2018, the Civil Justice Reform Initiative launched, and a new Case Information Sheet was implemented to ensure full statistical representation of the types of cases filed in the Superior Court. The Civil Case Management Team continues to review and audit the information captured for civil and small claims cases filed in 2020 along with other case information from the filed pleadings in order to examine the Small Claims jurisdiction limit. The Superior Court of Guam Clerk of Court respectfully requested that the small claims jurisdictional amount remain status quo until further examination of the information captured is completed.

NOW, THEREFORE, BE IT RESOLVED that after a review of the small claims jurisdictional amount under 7 GCA § 4208, the Judicial Council agrees not to take any action to change the small claims jurisdictional amount until the next annual review, to take place in April 2022.

DULY ADOPTED this 15th day of April 2021 at a duly noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman
Dated: 4/15/2021

ATTEST:



Petrina M. Ula, Executive Secretary

Dated: 4/15/21



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM


RESOLUTION NO. 21-007

RELATIVE TO PROCLAIMING THE MONTH OF MAY AS GUAM DRUG COURT MONTH

- WHEREAS,** this year marks the 32nd anniversary of treatment courts; and
- WHEREAS,** treatment courts are now recognized as the most successful justice system intervention and now number more than 4,000 nationwide and have served over 1.5 million individuals; and
- WHEREAS,** the Superior Court of Guam established the first Drug Court in 2002, pursuant to Public Law 26-125 and since that time the Adult and Juvenile Drug Courts have graduated nearly 400 adults and over 100 juveniles, respectively, with hundreds enrolled in the programs collectively; and
- WHEREAS,** the National Association of Drug Court Professionals annually celebrates National Drug Court Month in order to bring attention to and celebrate the successes of treatment courts, which work to break the cycle of addiction in families and reduce the number of re-arrests. and re-incarcerations; and
- WHEREAS,** treatment courts significantly improve substance use disorder treatment outcomes, substantially reduce addiction and related crime, and do so at less expense than any other criminal justice strategy; and
- WHEREAS,** treatment courts improve education, employment, housing, and financial stability, promote family reunification, reduce foster care placements and increase the rate of addicted mothers delivering babies who are fully drug free; and
- WHEREAS,** treatment courts facilitate community-wide partnerships, bringing together public safety and public health professionals; and
- WHEREAS,** treatment courts demonstrate that when one person rises out of substance use and crime- we all rise.

NOW, THEREFORE, BE IT RESOLVED that the Judicial Council of Guam does hereby recognize the month of May 2021 as Drug Court Month, recognizing drug courts and other therapeutic courts as the cornerstone of criminal justice reform sweeping the island. The Judicial Council on behalf of the Judiciary of Guam urges the people of Guam to use this occasion to reflect on the positive changes brought by Drug Courts and other therapeutic courts to our island community.

DULY ADOPTED this 15th day of April 2021 at a duly noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman
Dated: 4/15/2021

ATTEST:


Petrina M. Ula, Executive Secretary

Dated: 4/15/21



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 21-008


**RELATIVE TO PROCLAIMING THE WEEK OF APRIL 26-30
AS REENTRY COURT WEEK 2021**

- WHEREAS,** reentry refers to the transition of offenders from prison to community supervision; and
- WHEREAS,** the Second Chance Act, passed by Congress and signed into law by President George W. Bush on April 9, 2008 aimed to enhance public safety by breaking the cycle of criminal recidivism and improving outcomes for people returning from prisons, jails, and juvenile facilities; and
- WHEREAS,** in 2015, the Judiciary of Guam received an award from the Bureau of Justice Assistance Second Chance Act demonstration grant to establish the Guam Adult Reentry Court in order to provide reentry services to individuals 18 years or older who are assessed as medium- to high-risk for recidivism using evidence-based tools; and
- WHEREAS,** in 2016, during the inaugural National Reentry Week, the Department of Justice sponsored events designed to raise awareness of the importance of successful reentry; and
- WHEREAS,** in February of 2018, Public Law 34-81 was passed by *I Mina'Trentai Kuattro Na Liheslaturan Guahan* allowing the Judiciary of Guam to establish the Guam Adult Reentry Court Program; and
- WHEREAS,** in April of 2018, at the recommendation of the Judicial Council of Guam, the Supreme Court of Guam established the Guam Adult Reentry Court Program as a specialized treatment program within the Superior Court of Guam through Promulgation Order 18-003-01; and
- WHEREAS,** in 2018, the Judiciary of Guam received funding through the U.S. Department of Justice Office of Justice Programs for Adults with Co-occurring Substance Abuse and Mental Illness (CSAMI); and
- WHEREAS,** incarcerated persons with co-occurring substance abuse and mental illness reentering the community face many challenges in obtaining adequate and effective services such as supervision, access to treatment, formal peer recovery support services, and access to wraparound services; and
- WHEREAS,** other challenges faced by formerly incarcerated individuals reentering society include, but are not limited to, the need for family support, transitional housing, government identification documentation, health care and health insurance, workforce development, employment, legal services, and transportation resources; and

WHEREAS, the Guam Adult Reentry Court has and continues to partner with various government, non-profit, and private sector organizations in the delivery of services to support individuals who volunteer and participate in the program.

NOW, THEREFORE, BE IT RESOLVED that the Judicial Council of Guam does hereby recognize the week of April 26-30, 2021 as Reentry Court Week 2021, recognizing all those reentering and committed to rejoining society as positive and engaged members of our community and workplaces, and making meaningful contributions to our island. The Judicial Council of Guam, on behalf of the Judiciary of Guam, urges the people of Guam to use this occasion to reflect on the collaborative efforts of our community partners and the positive changes brought about by the Guam Adult Reentry Court Program in helping individuals rebuild their lives as they transition back into our island community.

DULY ADOPTED this 15th day of April 2021 at a duly noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman
Dated: 4/15/2021

ATTEST:



Petrina M. Ula, Executive Secretary

Dated: 4/15/21



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 21-009

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 WEEK 2020 AND FOR ITS SELECTION FOR THE AMERICAN BAR ASSOCIATION 2020 OUTSTANDING LAW DAY ACTIVITY AWARD FOR BEST PUBLIC PROGRAM

WHEREAS, the year 2020 was marked by the COVID-19 global pandemic that forever changed, and continues to influence, the administration of justice by courts all around the world; and

WHEREAS, despite the pandemic, the Guam Law Week committee, made up of representatives from the Judiciary of Guam, the District Court of Guam, and the Guam Bar Association, planned and hosted the following events to promote and educate the public about the American Bar Association's 2020 Law Day theme, "Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100," which recognized how American women fought for, and won, the right to vote through their voice and action:

- On Law Day, May 1, 2020, the Supreme Court of Guam held its first virtual appellate argument using videoconference technology. The historic event was livestreamed on the Judiciary of Guam's YouTube channel, enabling all members of the public to observe the proceeding in real time. Where past Outreach Oral Argument events had the justices at the island's high schools and university, this year's milestone extended its appellate argument outreach to the entire island.
- Education has long been a key component of Guam's Law Week program. Leading up to Law Day, a local newspaper, the Pacific Daily News, published articles that publicized Law Week events, as well as opinion-editorial pieces from Governor of Guam Lourdes Leon Guerrero and Speaker of the Legislature Tina Muña-Barnes, describing the continued relevance of the 2020 Law Day theme.
- Throughout May of 2020, and to support continued learning despite the closure of schools due to the pandemic, Guam's Law Week program included several educational components. The COVID-19 Educational Challenge integrated the resources in iCivics.org, which engaged middle and high school students with educational games and interactive activities. Students registered with the website, completed activities, and were eligible to win cash prizes.

- The traditional art contests for elementary school students from the island's public, private, and homeschools included a coloring contest for Kinder to 2nd grade, and an art/poster contest for 3rd to 5th grade. The middle school essay contest asked students to consider what the Law Day theme meant to them, while high school students were asked to reflect on a contemporary problem with respect to equality in voting rights. Entries were submitted via drop box and by email.
- Although the most popular Law Week event – fairy tale mock trial plays – could not be held in person, the students of Adacao Elementary School performed the first-ever virtual mock trial play on May 26, 2020. The students, who had already been rehearsing the mock trial of *People of Guam v. Harry Potter* in anticipation of Law Week, donned their costumes in a criminal trial that accused Harry Potter of the murder of Professor Quirrel. Participating via videoconference from home, the students' performance was livestreamed on the Judiciary's YouTube channel.
- Guam's Law Week events continued into June, with the island's first-ever virtual proclamation signing held June 9, 2020, when Governor Lourdes Leon Guerrero and Lt. Governor Joshua Tenorio declared May 1, 2020 Law Day, and May 31 to June 12, 2020 as Law Week.
- On June 12, 2020, Chief Justice F. Philip Carbullido presented his Annual State of the Judiciary Address at the Guam Congress Building. The address was broadcast island wide on the Guam Legislature's television channel. During his address, the Chief Justice announced the winner of the prestigious Hustisia Award: a posthumous award to Retired Chief Justice Peter C. Siguenza, who had passed away in March 2020.
- Guam's Law Week events wrapped up on June 19, 2020, with the virtual Law Week Awards Ceremony. Chief Justice Carbullido, Law Week Chair Justice Robert Torres, Chief Judge Frances Tydingco-Gatewood, and Guam Bar President Jacqueline Terlaje recognized the winners of the Coloring Contest, Art Contest, and the Middle School and High School Essay Contests; and

WHEREAS, the American Bar Association Awards Committee selected the Judiciary of Guam, District Court of Guam, and the Guam Bar Association as the recipients of the 2020 Outstanding Activity Award winner for Best Public Program; and


WHEREAS, over the past 13 years, the Law Week Committee has received eight Outstanding Law Day Activity Awards for Best Public Program from the American Bar Association; and

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RELATIVE TO COMMENDING 2020 LAW WEEK COMMITTEE
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WHEREAS, the Law Week Committee's accomplishments are numerous, significant, and worthy of recognition and commendation.

NOW, THEREFORE, the Judicial Council, congratulates and commends the Law Week Committee for its accomplishments in preserving and strengthening the rule of law.

DULY ADOPTED this 15th day of April 2021 at a noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman
Dated: 4/15/2021

ATTEST:



Petrina M. Ula, Executive Secretary

Dated: 4/15/21



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 21-010

RELATIVE TO THE DECLARATION OF LAW DAY AND LAW MONTH

- WHEREAS,** the American Bar Association (“ABA”) celebrates the first day in May of every year as Law Day, encouraging all Americans to reflect upon the Rule of Law and the good fortune of living in a nation of laws; and
- WHEREAS,** this year the American Bar Association has set the Law Day theme to be “Advancing the Rule of Law Now.” This year’s theme reminds us that the rule of law is the bedrock of American rights and liberties in times of calm and unrest alike, and that we the people share the responsibility to promote the rule of law, defend liberty, and pursue justice; and
- WHEREAS,** the Judiciary of Guam has historically followed the ABA tradition, and intends to recognize Law Day on May 1, 2021, and to celebrate Law Month from April 24, 2021 through June 12, 2021; and
- WHEREAS,** Law Month 2021 provides a unique opportunity to help promote public understanding of the rule of law by concentrating events important to the legal community, such as the State of the Judiciary Address, media publications of community views of legal principles, essay and art contests, fairy tale mock trial plays featuring the island’s youth, Hustisia Award presentation, a special Naturalization Ceremony, a virtual appellate outreach argument, Jump for Justice and obstacle course challenge, Guam Girl Scouts Democracy Badge event, and a virtual “Race Judicata” 5K, a collaborative and unified effort to raise funds for a charitable organization;

NOW, THEREFORE, the Judicial Council, in uniformity with the American Bar Association, does hereby proclaim Friday, May 1, 2021, as Law Day and April 24 through June 12 as Law Month. The Judicial Council invites the people of Guam to these events to celebrate and reflect on the rule of law in Guam and how we all share the responsibility to promote the rule of law, defend liberty, and pursue justice.

DULY ADOPTED this 15th day of April 2021 at a noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO
Chief Justice of Guam &
Chairman, Judicial Council of Guam

ROBERT J. TORRES
Member
Justice, Supreme Court of Guam

KATHERINE A. MARAMAN
Member
Justice, Supreme Court of Guam

ALBERTO C. LAMORENA III
Member
Presiding Judge, Superior Court of Guam

ARTHUR R. BARCINAS
Member
Judge, Superior Court of Guam

FRANCES TYDINGCO-GATEWOOD
Member
Chief Judge, District Court of Guam

MICHAEL J. BORDALLO
Member
Magistrate Judge, District Court of Guam