



JUDICIAL COUNCIL OF GUAM

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**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, MAY 19, 2022
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

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Advisory Committee Members:

Hon. Vernon G. Perez

Hon. Maria T. Cenzon

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

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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 12:03 p.m.

ROLL CALL*:

Chief Justice F. Philip Carbullido (calling in from the Judiciary)
Justice Robert J. Torres (calling in from off-island)
Justice Katherine A. Maraman (calling in from Sinajana)
Presiding Judge Alberto C. Lamorena III (excused)
Judge Arthur R. Barcinas (calling in from the Judiciary)

Advisory Committee Members:
Judge Elyze M. Iriarte
Referee Maria G. Fitzpatrick
Attorney Jacqueline T. Terlaje

Also, Present:
Ms. Kristina L. Baird, Administrator of the Courts (AOC)
Mr. Andrew Sergio Quenga, Deputy Administrator of the Courts
Mr. Daniel F. Mensching, Staff Attorney
Ms. Dawn R. S. Blas, Judicial Educator
Ms. Danielle T. Rosete, Clerk of Court, Superior Court
Ms. Hannah G. Arroyo, Clerk of Court, Supreme Court
Ms. Maria Erica R. Eschbach, Staff Attorney, Supreme Court
Ms. Barbara Jean T. Perez, Human Resources Administrator
Mr. Troy M. Pangelinan, Marshal of the Court
Mr. Joseph Leon Guerrero, Deputy Marshal of the Court
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer
Ms. Trisha T. Suzuki, Deputy Chief Probation Officer
Ms. Ma. Dianne Ollet Gudmalin, FMD Administrator

Mr. Carl Dominguez, Procurement & Facilities Management Administrator
Ms. Marissa Antonio, Procurement & Facilities Management Deputy Administrator
Ms. Virginia W. Yasuhiro, Client Services and Family Counseling Division Administrator
Mr. Robert John S. Rabago, Management Information Systems Administrator
Ms. Sophia Santos Diaz, Director of Policy, Planning, and Community Relations (DPPCR)
Ms. Marcelene C. Santos, Public Guardian
Ms. M. Grace Lapid Rosadino, Acting Court Programs Administrator
Ms. Crystal C. Apiag, Court Information System Analyst I, MIS Division
Ms. Shelterihna T. Alokoa, Judicial Assistant, Judicial Council Assistant Secretary
Ms. Petrina M. Ula, Judicial Assistant, Judicial Council Executive Secretary
Public Access in the Atrium

*Note: All individuals listed above participated via video conference as per social distancing directives.

II. PROOF OF DUE NOTICE OF MEETING

Due publication of the five-day Notices of Meeting of the Judicial Council, as required under the Open Government Law, were published in the Guam Daily Post. Acknowledgments are on file.

III. DETERMINATION OF QUORUM

Chief Justice Carbullido began the roll call. Chief Justice F. Philip Carbullido, Associate Justice Robert J. Torres, and Judge Arthur R. Barcinas identified themselves and their location. Associate Justice Katherine A. Maraman later joined the meeting at 12:04 p.m. This meeting determined a quorum with four (4) Judicial Council members present.**

IV. READING AND DISPOSAL OF MINUTES: April 21, 2022 Regular Meeting

Judge Barcinas moved to approve the April 21, 2022 Regular Meeting minutes, subject to correction. Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote. With no discussion, the four (4) Judicial Council members voted in favor; the minutes were approved, subject to correction.

V. OLD BUSINESS

A. Judiciary FY21 Remittances under PL 36-54

Ms. Dianne Gudmalin, the Financial Management Division (FMD) Administrator, reported that the Judiciary's scheduled bi-weekly allotment of \$1,257,204 for FY22 have been consistent and timely. She stated that from the \$32,687,295 appropriated to the Judiciary under PL 36-54, 65% or \$21,372,000 has been received. Ms. Gudmalin added that the last allotment was received on May 17, 2022; the next allotment is scheduled for May 31, 2022.

Ms. Gudmalin reported that the Judiciary's FY2023 budget request was timely submitted to the Legislature's Office of Finance and Budget on May 2, 2022. She stated the Council members received a digital copy of the budget and that each division manager received a copy of their budget and the executive summary. Ms. Gudmalin said that the total General Fund Appropriation budget request was \$37,088,548, as approved by the Council in the April 21, 2022 Judicial Council meeting. She noted the requested amount consists of an above-the-line request of \$34,779,956 for regular operations and a below-the-line request of \$652,748 for the Electronic Monitoring program (EM), and \$1,655,864 for the proposed pay adjustments of 6% for non-law enforcement salaries and 7% for law enforcement salaries. Ms. Gudmalin stated judicial officers are not included in the proposed pay adjustments. The Judiciary's request represents 5.33% of the total General Fund Appropriation reported in the Governor's FY2023 Executive budget, reported Ms. Gudmalin. She added that the Judiciary's Budget Hearing would be held at the Legislature on June 21, 2022, at 9:00 a.m.

Chief Justice Carbullido stated he would convene a budget hearing presentation team to prepare for the budget hearing.

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

The Administrator of the Courts (AOC), Ms. Kristina Baird, reported that pursuant to ADM22-003 dated May 3, 2022, the Judiciary rescinded the mask-wearing requirement within the Judiciary's facilities. Ms. Baird stated the Judiciary continues to clean and sanitize throughout the week. She noted the Judiciary has an average of two COVID positive employees per week and that the contact tracing teams are available to trace and monitor them.

She noted that the high-capacity courtrooms at the Route 4 building, the second floor of the San Ramon Building, and the Supreme Courtroom are available for use and the use of virtual platforms continue to be encouraged.

C. Update on Capital Improvement Projects

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

Ms. Baird said that the construction work on the 8th judge's courtroom continues; the targeted completion date is now June 17, 2022, due to difficulties securing the materials needed.

Ms. Baird reported that the Financial Management Division and Regulation Counsel have moved into their new office spaces on the third floor of the San Ramon Building.

Ms. Baird reported that the contracted architect provided the blueprints and project specifications to the Procurement division last week. She added the Procurement team would review the provided documents and then put the project out for bid. Ms. Baird stated a 30-day turnaround timeframe for contractor bids would be included in the request for bids.

Chief Justice Carbullido stated once the contractor bids are received, the next funds' draw-down request will be prepared.

D. Common Areas Recording Policy

Mr. Daniel Mensching, Staff Attorney, reminded the Council of the timeline and purpose of the proposed Common Areas Recording Policy (the Policy).

Mr. Mensching reported that the Policy was sent to the Guam Bar Association (Bar) members for comment, and response from the Bar was limited but positive. He noted the Policy was sent to the Guam media outlets on April 20, 2022. He stated several Guam media outlets responded to express their concerns with the Policy. Mr. Mensching listed the media's concerns to include restrictions on transparency. Some media outlets suggested that if the Policy is implemented, it should not apply to credentialed media representatives.

Chief Justice Carbullido stated there is no urgency to act on this matter and, considering the vigorous response from the media outlets, he would like to table this matter. He stated he would like for Judiciary management to meet with the media outlets to discuss the proposed Policy. Justice Torres agreed with the suggestion to defer the matter. **Justice Maraman moved to table the matter until the June 2022 meeting; Judge Barcinas seconded the motion. Chief Justice Carbullido called for an oral vote. All four (4) Council members voted in favor of tabling the matter to the next meeting.**

VI. NEW BUSINESS

A. JC Resolution Relative to Memorializing the Passing of Attorney Joaquin C. Arriola, Sr.

Chief Justice Carbullido stated that upon adoption, the Resolution would be presented to the Arriola family at the Memorial service to be held on Friday, May 20, 2022. He asked for Council members, Judicial Officers, and managers to attend.

Justice Torres made the motion to adopt the Resolution for discussion purposes; Judge Barcinas seconded the motion.

Justice Maraman moved to amend the Resolution to reference Joaquin C. Arriola as Associate Justice and rather than use the title of Attorney. Judge Barcinas seconded the motion.

Chief Justice Carbullido called for an oral vote. All four (4) Council members voted in favor of amending the Resolution. The amendment was unanimously adopted.

Justice Maraman pointed out that the Whereas Clause that refers to the time he served as an Associate Justice would need editing.

Chief Justice Carbullido called for an oral vote. All four (4) Council members voted in favor of the Resolution as amended. The Resolution was unanimously adopted.

B. JC Resolution Relative to Ratifying the Judicial Council's Award of the 2022 Law Month Hustisia Award to Retired Judge Elizabeth Barrett-Anderson

Chief Justice Carbullido introduced the Resolution Relative to Ratifying the Council's Award of the 2022 Law Month Hustisia Award to Retired Judge Elizabeth Barrett-Anderson. **Justice Torres made the motion to Ratify the action; Judge Barcinas seconded the motion. Chief Justice Carbullido called for an oral vote. All four (4) Council members voted in favor of the Resolution. The Resolution was unanimously adopted.**

Justice Torres noted that the May 12, 2022 *Hustisia* Award ceremony had been wonderful, and he thanked everyone involved in organizing the event.

C. JC Resolution Relative to Acquisition of Properties

Chief Justice Carbullido referred the matter to Justice Torres to lead since he recused himself due to a conflict concerning the owners of the property.

Justice Torres stated that this is an issue that has come before the Council previously and concerns the employee parking lot. He added the Resolution authorizes him and Ms. Baird, the AOC, to negotiate the purchase of the parking lot. Justice Torres stated they would need the Council's approval of the negotiated price. He described the options offered under the lease, including the opportunity to purchase and a chance to extend the lease. Justice Torres said the deadline to extend the lease has been deferred from June 1, 2022, to September 30, 2022.

Judge Barcinas moved to adopt the Resolution for discussion purposes. There was not a second to the motion. Chief Justice Carbullido suggested tabling the matter to the next meeting. Justice Maraman stated that when the Judiciary initially voted to acquire the parking lot a few years ago, the status of the Judiciary's finances was different. Justice Maraman said she does not think the Judiciary needs to buy the parking lot. **Justice Torres tabled the matter to the next Council meeting.**

Chief Justice Carbullido noted that the lease payments of the parking lot property were not included in the budget request. He asked Ms. Gudmalin to provide the pro forma prepared to support the purchase to the Council members.

Judge Barcinas noted a decision could not be made without the price and that the Resolution just grants permission to start the negotiation process. Justice Torres pointed out that the drawdowns of the loan need finalizing by January 1, 2023.

D. Notice of Next Meeting (June 16, 2022)

Chief Justice Carbullido announced the next Judicial Council regular meeting will be Thursday, June 16, 2022.

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

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

GBA President Jacqueline T. Terlaje reported on projects GBA (the Bar) is undertaking. She stated the Bar decided to create a kid's storybook about the foster care system. President Terlaje said the Bar would participate in the PJC Biennial Conference in September and provide a session on mental health. Finally, she shared that the Bar is exploring implementing an internship and scholarship program for those attending law school due to the declining number of attorneys in Guam.

X. ADJOURNMENT

Judge Barcinas moved to adjourn, Justice Torres seconded the motion, and the meeting was adjourned at 12:44 p.m.

Respectfully submitted this 16th day of June 2022.



SHELTERIHNA T. ALOKOA
Assistant Secretary,
Judicial Council of Guam



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

The Minutes of the May 19, 2022 Regular Meeting, as set out above, were approved by the Judicial Council at the June 16, 2022 Regular meeting.



F. PHILIP CARBULLIDO
Chairman

Dated: 06/16/2022