



# JUDICIAL COUNCIL OF GUAM

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**JUDICIAL COUNCIL OF GUAM  
REGULAR MEETING  
THURSDAY, JUNE 17, 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. Vernon G. Perez

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

## MINUTES

### I. CALL TO ORDER

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice F. Philip Carbullido, at the hour of 12:00 p.m.

### ROLL CALL\*:

Chief Justice F. Philip Carbullido (calling in from 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 (calling in from off island)  
Judge Arthur R. Barcinas (calling in from the Judiciary)

Advisory Committee Members:  
Family Court Referee Linda L. Ingles  
Attorney Jacqueline C. Terlaje

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  
Ms. Marcelene C. Santos, Public Guardian  
Mr. Robert John S. Rabago, Management Information Systems Administrator  
Ms. Marissa C. Antonio, Deputy Procurement & Facilities Management Administrator  
Ms. Carmelita G. Tenorio, Court Reporters Unit, C&M Division  
Mr. Nobert C. Mendiola, MIS, retired  
Ms. Denise J. Mendiola, Probation Division  
Ms. Jessica Perez-Jackson, Administrative Service Officer  
Ms. Shelterihna T. Alokoa, Judicial Assistant, Assistant Secretary  
Ms. Petrina M. Ula, Judicial Assistant, 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 Presiding Judge Alberto C. Lamorena III identified themselves and their location over videoconference. With three (3) Judicial Council members present, a quorum was determined for this meeting. Justice Katherine A. Maraman joined the meeting at 12:05 p.m. Judge Arthur R. Barcinas later joined at 12:40 p.m.**

## **IV. READING AND DISPOSAL OF MINUTES: May 20, 2021 Regular Meeting**

**Presiding Judge Lamorena moved to approve the May 20, 2021 Regular Meeting minutes, subject to correction. Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote. With no discussion, the three (3) Judicial Council members voted in favor; the minutes were approved.**

## **V. OLD BUSINESS**

### **A. Judiciary FY21 Remittances under PL 35-099**

Ms. Dianne Gudmalin, Finance Administrator (F.M.D.), reported that the Judiciary's scheduled bi-weekly allotment of \$1,132,491 for FY21 have been consistently received in full and on time. She stated that from the \$29,444,760 appropriated to the Judiciary, 73% or \$21,517,329 has been received. Ms. Gudmalin added that the last allotment was received on June 15, 2021; the next distribution is scheduled for June 29, 2021.

Ms. Gudmalin announced the Judiciary's FY22 Budget Hearing is scheduled for July 9, 2021, at 2:00 p.m. in the Public Hearing Room of the Guam Congress Building. She noted, due to the pandemic and CDC social distancing guidelines, the Office of Finance and Budget will only allow up to four (4) Judiciary employees to appear in person.

Chief Justice Carbullido added that the Budget Preparation Committee, which includes Justice Torres and Presiding Judge Lamorena, continues to meet regularly to assist Ms. Baird and Ms. Gudmalin with preparations for the upcoming budget hearing.

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

Ms. Kristina Baird, Administrator of the Courts (AOC), reported the Judiciary's Response to COVID-19 includes continued sanitization of facilities, use of virtual platforms, and compliance with the CDC guidelines for social distancing using high-capacity courtrooms. She explained that the Judiciary resumed use of a contracted janitorial vendor to deep clean and sanitize all facilities three (3) times per week because of the increase in jury trial activity. The Procurement, Facilities, and Maintenance Division (PFMD) staff augments the vendor's efforts to sanitize with daily cleaning of all facilities, Ms. Baird added. She stated the Superior Court judges are addressing the case backlog through the use of the high-capacity courtrooms. Ms. Baird announced the Judiciary will be leasing the Academy of Our Lady of Guam (AOLG) cafeteria for three (3) weeks in July 2021 to accommodate large jury selections.

Ms. Baird noted that the CARES Act funding ended on December 31, 2020, however, the Judiciary continues to bill the Department of Administration (DOA) and the Bureau of Budget and Management Research (BBMR) for expenses attributable to the pandemic, including the sanitization and construction of high-capacity courtrooms.

Ms. Baird stated the Judiciary submitted written testimony to the 36<sup>th</sup> Guam Legislature supporting Resolution 93-36 which identified a proposed \$10,000,000 in American Rescue Plan (ARP) funds to be allocated to the Judiciary. She added the written testimony, which was provided to the Council in the meeting packet, sets out the Judiciary's funding priorities.

**\*\*At 12:05 p.m., Chief Justice Carbullido asked Council if item A. under New Business could be discussed at this time. There was no objection. He began a discussion of Agenda Item VI. A.**

Chief Justice Carbullido introduced the agenda item commending Mr. Nobert C. Mendiola for his 28 years of service to the Judiciary of Guam. Mr. Mendiola was brought forward and his division head, Mr. Robert Rabago, and each Council member shared thanks and accolades. Mr. Mendiola thanked the Council members and the Kotte family for their support throughout his career at the Judiciary.

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

Ms. Baird (AOC), reported on three (3) ongoing Capital Improvement Projects (CIP): the MIS move from the 8<sup>th</sup> judge's courtroom, the Route 4 and San Ramon building high-capacity courtrooms, and selection of an architect and engineering firm to design and renovate the 8<sup>th</sup> judge's courtroom and the Guam Historic Courthouse Building.

Ms. Baird reported the MIS division has moved out of the 8<sup>th</sup> judge's courtroom clearing the way for demolition to begin this weekend (June 20-21,2021). She stated all demo work will be done over the weekend, to not interfere with court business.

Ms. Baird explained the Route 4 and San Ramon building continue to be utilized as temporary high-capacity courtrooms to address the case backlog.

Ms. Baird stated that a Notice of Intent to Award has been posted; said notice will announce which architect and engineering firm has been awarded the contract to design and renovate the 8th judge's courtroom and the Guam Historic Courthouse Building. She added the contract will be finalized and forward movement on the renovation projects will be swift.

Ms. Baird reported there are no changes to the information provided in an update on the balance of the Bank of Guam drawdowns since the May 20, 2021 Council meeting.

Presiding Judge Lamorena thanked Ms. Baird and PFMD for addressing the audio issues at the Route 4 Building and requested the building be set aside for jury selection since it can accommodate up to eighty (80) jurors per selection.

### **D. Discussion re Proposed Rescindment of JC20-028**

Chief Justice Carbullido again shared a proposed resolution Relative to Rescinding Judicial Council Resolution No. JC20-028 and Amending the Increment Schedule for the Attorney Pay Plan (APP). He stated Council deferred the resolution pending updates regarding ARP funding and the Judiciary's FY22 budget. Chief Justice Carbullido noted, as reported previously by Ms. Gudmalin and Ms. Baird in the meeting, there are no updates.

**Justice Maraman recommended tabling the matter for thirty (30) days. There was no objection.**

**Chief Justice Carbullido pointed out he withdrew the proposed resolution relative to the Judicial Officers pay adjustment freeze.**

## VI. NEW BUSINESS

### A. Certificate of Commendation: Nobert C. Mendiola

**\*\*See page 4**

### B. JC Resolution Relative to Adopting the Revised Code of Conduct

Ms. Barbara Jean Perez, Human Resources Administrator (HR) and Mr. Andrew Sergio Quenga, Staff Attorney, recounted the development and progression of the Revised Code of Conduct (revised Code) before the Council today for adoption. Ms. Perez added the revised Code lines up with the Judiciary's core values of professionalism, integrity, and excellence, and is also in line with the JOG's vision and mission statement. She stated, as a source document, it clearly defines the duties, responsibilities, and expectations of Judicial employees consistent with Guam Law and court policies. Ms. Perez explained that if the Council acts on the proposed JC Resolution Relative to Adopting the Revised Code of Conduct, HR plans to distribute the revised Code court wide, requiring receipt acknowledgement from each employee, and to provide training of the revised Code as part of the upcoming Judiciary Ethics Academy. Attorney Quenga thanked the employees who attended the Question-and-Answer sessions and provided feedback as part of the development of the revised Code. He stated the feedback received from employees were included in the black marked copy of the revised Code attached to the Resolution as Exhibit A.

**Justice Torres moved to adopt the Resolution; Presiding Judge Lamorena seconded the motion. Justice Maraman moved to amend the Resolution to insert an effective date of September 1, 2021; Presiding Judge Lamorena seconded the motion to amend. Chief Justice Carbullido called an oral vote. All Council members voted in favor of amending the Resolution Relative to Adopting the Revised Code of Conduct to include the effective date of September 1, 2021. Ms. Perez and Attorney Quenga thanked Justice Maraman for recognizing the need to include an effective date and agreed that September 1, 2021, allows the HR team the time needed to disseminate the revised Code and educate employees. Chief Justice Carbullido called an oral vote. All Council members voted in favor of the Resolution Relative to Adopting the Revised Code of Conduct as amended.**

Chief Justice Carbullido commended the HR division and the staff attorneys for the tremendous effort put forth to revise the Judiciary's Code of Conduct.

**C. JC Resolution Relative to Ratifying the Approval of the Modification Agreement to the 2020 Bank of Guam Credit Agreement**

Chief Justice Carbullido stated Ms. Baird approached the Bank of Guam asking to extend the drawdown period for the proceeds from the loan by one (1) year, increasing the period from two (2) years to three (3) years. He added that it is essential to do this because the Judicial Building Fund (JBF) revenue collections are lagging compared to pre-COVID-19 collections. Second, because COVID-19 has delayed Master Plan construction projects, drawdowns from the loan have likewise been delayed. As previously reported by Ms. Baird, there have been only two (2) drawdowns: \$4,800,000 to refinance the outstanding balance, and the other to purchase the San Ramon building, the Chief Justice noted.

**Presiding Judge Lamorena moved to adopt the Resolution; Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor of the Resolution Relative to Ratifying the Approval of the Modification Agreement to the 2020 Bank of Guam Credit Agreement.**

**D. Notice of Next Meeting (July 15, 2021)**

**Chief Justice Carbullido announced that the next Judicial Council regular meeting would be on Thursday, July 15, 2021.**

**VII. COMMUNICATIONS**

**VIII. PUBLIC COMMENT**

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

Attorney Jacqueline C. Terlaje reported the GBA is providing at least four (4) CLE credit opportunities over the summer term to the membership. She stated the GBA is co-sponsoring with the District Court of Guam a LGBTQ issues webinar on June 29, 2021. She added that a webinar that addresses cannabis issues and ethics would be held in September 2021 via Zoom. She noted that more information about the events will be sent out the membership as more details are finalized.

**\*\*\*At 12:40 p.m. Chief Justice Carbullido called for a recess to begin Executive Session to discuss ongoing litigation matters as requested in a memo to the Judicial Council from Staff Attorney Andrew Sergio Quenga. The Executive Session was held in a Zoom breakout room.**

**\*\*\*\*At 12:41 p.m. Justice Maraman motioned to move to Executive Session; Judge Barcinas seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor.**

**IX. EXECUTIVE SESSION**

Chief Justice Carbullido, Justice Torres, Justice Maraman, Presiding Judge Lamorena, Judge Barcinas, AOC Kristina L. Baird, Staff Attorney Andrew Serge Quenga, DPPCR Alicia Limtiaco, Staff Attorney Daniel Mensching, Court Reporter Carmelita Tenorio, and Council Executive Secretary Petrina Ula were present during the Executive Session.

\*\*\*\*\*At 1:13 p.m., Chief Justice Carbullido moved to rise to regular session. The public meeting of the Judicial Council resumed. Chief Justice Carbullido stated no decision needs to be made in Regular Session due to convening in Executive Session and that the Executive Session was for information purposes only regarding pending or impending litigation. The Executive Session minutes will be published on the Judiciary's website and on file for public access.

**X. ADJOURNMENT**

The meeting was adjourned at 1:14 p.m.

Respectfully submitted this 15th day of July 2021.

  
SHELTERINA T. ALOKOA  
Assistant Secretary,  
Judicial Council of Guam

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

The Minutes of the June 17, 2021 Regular Meeting as set out above were approved by the Judicial Council at the July 15, 2021 Regular meeting.

  
F. PHILIP CARBULLIDO  
Chairman

Dated: 7-15-2021