



**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, JUNE 17, 2021 | 12:00 PM
GUAM JUDICIAL CENTER
AND VIA VIDEOCONFERENCE**

AGENDA

- I. CALL TO ORDER**
- II. PROOF OF DUE NOTICE OF MEETING:** June 10, 2021
June 15, 2021
- III. DETERMINATION OF QUORUM**
- IV. READING AND DISPOSAL OF MINUTES:** May 20, 2021 Regular Meeting
- V. OLD BUSINESS**
 - A. Judiciary FY21 Remittances pursuant to P.L. 35-099
 - B. Update on the Judiciary's Response to COVID-19
 - C. Update on Capital Improvement Projects
 - D. JC Resolution Relative to Proposed Rescindment of JC20-028
- VI. NEW BUSINESS**
 - A. Certificate of Commendation (N. Mendiola)
 - B. JC Resolution Relative to Adopting the Revised Code of Conduct
 - C. JC 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)
- VII. COMMUNICATIONS**
- VIII. PUBLIC COMMENT**
 - A. Guam Bar Association – President's Report
- IX. EXECUTIVE SESSION**
 - A. Ongoing Litigation
- X. ADJOURNMENT**

Castillo holds tight lead in Peru election as protests break out

By Marco Aquino
and Marcelo Rochabrun
Reuters

Hundreds of Peruvians demonstrated outside the elections office in Lima on Tuesday as the presidential vote count neared its end, with socialist Pedro Castillo holding on to a narrow lead and tensions rising over contested ballots and accusations of fraud.

Castillo, who has worried markets and mining firms with his plans to shake up the copper-rich country's politics, held a slim lead of some 50.2%, ahead of right-wing rival Keiko Fujimori on 49.8%, with over 97% of the votes tallied.

On Monday, Fujimori made unsubstantiated accusations of fraud, adding fuel to an already tense situation, and

publicized a hashtag for Twitter users to submit instances of what she called "irregularities."

Electorate experts, including international observers, told Reuters that no fraud had been observed.

"We are protesting because of the flagrant electoral steal. The (elections office) is playing in favor of Mr. Castillo, they are trying to commit fraud in his favor," said Fernando Tavera, a pro-Fujimori protester outside the elections office.

Castillo backers also flocked to the elections office to voice their support in counter-protests. Both sets of demonstrations were peaceful.

Lourdes Morales, who supports Castillo, said, "We think it's a scandal the way (Fujimori) has increased her voting numbers," referring to how the conservative had slowly narrowed the



CASTILLO: Peru's presidential candidate Pedro Castillo gestures to supporters the day after a run-off election, in Lima on Monday. Sebastian Castaneda/Reuters

gap on Castillo for most of the day. "And that generates uncertainty," she said.

Lima is where Fujimori has the most

support. Castillo, the son of peasant farmers, had surged late in the count as more of the rural vote came in, leading by over 100,000 votes at one point. However, buoyed by international votes, Fujimori began to gain ground again.

The current margin is some 84,000 votes.

Fujimori, the scion of a powerful political family, said she held out hope of closing the narrow gap on Castillo on Monday night.

Markets in Peru wobbled for a second day, after dipping forcefully on Monday on the expectation that Castillo would win. Peru's stock exchange fell 0.74%, although the local currency, the Sol, strengthened 0.33%.

The drama has left Peruvians glued to media as they watch the tally. But the final result could still be days away, and contested ballots could be key.

There are some 1,385 contested "actas," or voting tables, which is likely to equate to some 300,000 votes. They are set to be counted by a special committee set up by the electoral board, which could take at least a week.



CHENNAI: A municipal vehicle decontaminates a road during a 21-day nationwide lockdown to slow the spread of COVID-19, in Chennai, India, on April 9, 2020. P. Ravikumar/Reuters

Biden Asia chief 'relatively confident' on vaccine timing despite India crisis

(Reuters) - President Joe Biden's Indo-Pacific policy chief said on Tuesday he was "relatively confident" a target for the production of a billion vaccine doses for the region by the end of 2022 would be met, despite the COVID-19 crisis in India, where they are due to be made.

Asked at an event hosted by the Center for a New American Security think tank if he expected a delay in the four-nation plan, which was announced at the White House in March with great fanfare, Kurt Campbell said Washington had been in close consultation with India and others involved in the project.

"Obviously, this is an extremely difficult period for Indian friends. The United States has tried to stand with Delhi and to bring others, both in the private and public sector, to support them," he said.

"Our discussions with both our

partners in the private sector, and also in government, suggest that we are - knock on wood - still on track for 2022."

"I think we're feeling relatively confident as we head in to 2022," he added, while stressing that across Asia and the world even countries that did well in handling the virus were facing outbreaks due to new strains.

"I think we understand, the only way to be effective, to counter this, is through vaccine diplomacy. We're trying to step that up more generally," he said.

NOTICE OF AVAILABILITY DEPARTMENT OF DEFENSE DEPARTMENT OF THE NAVY FINAL SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT (EA) AND FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR TERMINAL HIGH-ALTITUDE AREA DEFENSE (THAAD) ADDITIONAL FACILITIES AND INFRASTRUCTURE ANDERSEN AIR FORCE BASE, GUAM

Pursuant to the Council on Environmental Quality regulations (40 Code of Federal Regulations Parts 1500-1508) implementing the National Environmental Policy Act (NEPA), the U.S. Department of the Navy (Navy) gives notice of availability of its Finding of No Significant Impact (FONSI) for the proposed construction of additional facilities and infrastructure in support of the Terminal High-Altitude Area Defense (THAAD) ballistic missile defense battery in Guam. Joint Region Marianas is the Action Proponent on behalf of the U.S. Army, who would continue to operate the facility.

The Navy has determined the project would result in less than significant impacts on the quality of the human or natural environment. The Final Supplemental Environmental Assessment (EA) provides analyses of environmental consequences of the action. The Final Supplemental EA and FONSI are available for public download for a 30-day period at:

<https://www.guamthaadea.com>

For additional information please contact: Naval Facilities Engineering Systems Command Marianas, ATTN: EV2, NEPA Subject Matter Expert, PSC 455 Box 195, FPO AP 96540-2937.

e-Mail: THAAD.SEA.INQUIRIES@gmail.com

CHamoru Land Trust Commission P.O. Box 2950, Hagåtña, Guam 96932

PUBLIC HEARING NOTICE

The Designation of Lot 10125-R12-1, Municipality of Dededo for Commercial Use

Date: Saturday, June 12, 2021; Time: 1:00 p.m. to 3:00 p.m.

Location: Dededo Senior Center

335 Iglesia Circle, Dededo, Guam 96929

Written testimonies may be emailed to cltc.admin@cltc.guam.gov.

In compliance with ADA requirements, individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 Ext. 815.

This ad is paid by CLTC Operations Fund.



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www.guamcourts.org

NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION

The Judicial Council of Guam will conduct its monthly meeting on Thursday, June 17, 2021, at 12 Noon in the Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, by videoconference. 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/UCFnFCWwlp99fAeh9zi4Q4g/featured>. The agenda will be made available prior to the meeting.

In addition, a request for Executive Session of the Judicial Council of Guam will be made pursuant to 5 G.C.A. §8111(c)(4) following the discussion of regular meeting agenda items. The agenda for the Executive Session will be to discuss ongoing litigation.

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

New mural: You're not fighting mental illness alone

By Phill Leon Guerrero
phill@postguam.com

Although he was the muralist for the latest community artwork at St. Anthony Catholic School in Tamuning, a lot of hands went into the latest work by Lee San Nicolas.

"I'm forever grateful, and I'm honored when anyone reaches out to me, especially for events such as this," he said. "A lot of the murals I do are very personal, so I'm grateful."

San Nicolas collaborated with the Guam Behavioral Health and Wellness Center and winning student artists to come up with the mural, which was unveiled as part of Mental Health Awareness Month.

"I generated the idea from the kids, and, of course, we went back and forth to them to say, 'Do you approve of this? Do you like this?' There's a lot of

stuff, but this work is more along the lines of putting my heart into it."

One of the kids who gave their input was Maga'lāhi Salas, a fifth grader from C.L. Taitano Elementary School. His submitted artwork featured hands prominently, a motif San Nicolas adopted in the final piece.

"Someone is trying to reach into a box full of many mental illnesses. ... And they're trying to find the meaning to life and happiness," Salas told The Guam Daily Post. "It feels good," he said of his idea becoming a part of the full mural. "It feels like I'm a part of something important."

That expression and feeling should be supported, San Nicolas said.



GROUP EFFORT: Employees from the Guam Behavioral and Wellness Center and community partners gather on June 3 in front of the St. Anthony Catholic School wall to unveil the finished mural by artist Lee San Nicolas to cap off Mental Health Month.

Kevin Milan/The Guam Daily Post

"It's truly an inspiration, the kids really lightened up my life," he said. "It really helps a lot of us; this is our way to show emotions – through art. And we should focus on that as well."

'Seeing through the stigma'

The two artists, despite the age

difference, shared a sense of importance behind the commission.

"I entered the contest to tell people that they're not alone and they have somebody that knows what they're going through, and that I understand what they're going through," Salas said.

And for San Nicolas, who has around five murals scheduled for 2021 so far, "Seeing through the stigma" is more than just a

prompt for artwork.

"Sometimes there's a lot of embarrassment, and people are shy to reach out about anxiety or depression," he said. "We wanted to showcase this mural to address that, to let them know you're not alone."

Pediatrician joins GMH

The Guam Memorial Hospital Authority has a new pediatrician.

Dr. Heidi Griffiths, a Buffalo, New York native, joins the hospitalist team of Dr. Jose Hernandez and Dr. Robert Leon Guerrero on June 14, according to the hospital in a press release.

In addition to completing her pedi-

atric training at the Children's Hospital of Pittsburgh, Griffiths was most recently at Washington University, working at the St. Louis Children's Hospital in the Pediatric Emergency Medicine Division as a clinical instructor.

"I am thrilled to join the medical team at GMHA. I'm a long way from home but the warmth of this community, and the hospital



Heidi Griffiths

especially, make the distance less and less noticeable," said Dr. Griffiths. "As a pediatrician, I'm looking forward to serving Guam's youngest residents."

Dr. Griffiths received her undergraduate degree in biomedical sciences at the University at Buffalo, where

she also completed medical school.

"She moved to Guam with her dog, Goose, and is looking forward

to hiking, snorkeling and exploring the island's beautiful culture," the release states.

"We are thrilled to welcome Dr. Griffiths to our medical staff. As doctors, our number one priority is our patients' well-being and I know Dr. Griffiths will ensure our island's youngest patients are taken care of," said Dr. Annie Bernaldo, GMHA associate administrator for Medical Services.

(Daily Post Staff)

SPEAKER THERESE M. TERLAJE
I Mina'trentai Sa'is na Liheslaturan Guahan
36th Guam Legislature



Committee on Health, Land, Justice and Culture

Notice of Public Hearings on Bill 112-36: June 23, July 7, and July 10, 2021, at 5:00 pm

Hafa Aday! The Legislature's Committee on Health will be conducting public hearings in I Liheslaturan Guahan's Public Hearing Room on Bill No. 112-36 (COR) – "AN ACT TO ADD A NEW CHAPTER 10 TO DIVISION 1, TITLE 10, GUAM CODE ANNOTATED; TO ADD A NEW § 42A101(i)(20) TO CHAPTER 42A OF DIVISION 3, TITLE 7, GUAM CODE ANNOTATED; TO AMEND § 42A101(j) OF CHAPTER 42A, DIVISION 3, TITLE 7, GUAM CODE ANNOTATED; AND, TO REPEAL CHAPTER 10 OF DIVISION 1, TITLE 10, GUAM CODE ANNOTATED; ALL RELATIVE TO MEDICAL MALPRACTICE IN THE TERRITORY OF GUAM."

• **Wednesday, June 23, 2021, at 5:00 - 8:30pm- Informational Hearing** will feature an introduction of Bill No. 112-36 and comparison with current Medical Malpractice Mandatory Arbitration law (MMMA), provided by the bill's sponsors, members of the Guam Bar Association, and malpractice insurance representatives.

Summary of Bill 112-36:

- Replaces the costly three (3) person arbitration panel with a magistrate judge
- Allows a local magistrate to confidentially consider claims, consider expert testimony and identify frivolous claims
- Allows for alternative confidential arbitration or mediation with consent of both parties
- Applies only to those healing arts professions covered under the current MMMA Act
- Applies the current standard of care
- Continues application of the Government Claims Act for Government providers

• **Wednesday, July 7th and Monday, July 12th at 5:00 p.m. - 8:30 p.m.:** Medical professionals, patients, and the public are invited to submit testimony on the bill on July 7th or July 12th at the Guam Congress Building, via Zoom, or via e-mail. Those interested in presenting written or verbal testimony should contact the Office of Speaker Therese Terlaje at (671) 472-3586 or senatorterlajegum@gmail.com by July 6, 2021. All documents submitted relative to Bill 112-36 will be available at <http://senatorterlaje.com/mandatory-medical-arbitration/>

All hearings will be broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and via Guam Legislature Media on YouTube. Recordings of the hearings will be available on the Guam Legislature Media YouTube Channel after the hearings. In compliance with the Americans with Disabilities Act, Individuals in need of assistance or accommodations should also contact the Office of Speaker Therese M. Terlaje.

Bill 112 was sponsored by Therese M. Terlaje, Telo T. Taitague, Joanne Brown, Tina Rose Muña Barnes, Joe S. San Agustin, V. Anthony Ada, Telena C. Nelson, Christopher M. Duenas, Clynton E. Ridgell, Amanda L. Shelton, Jose Pedro Terlaje, and Sabina F. Perez.

Ad is paid for by Legislature funds.



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/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman



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, June 17, 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 June 16, 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



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JUDICIAL COUNCIL OF GUAM REGULAR MEETING

THURSDAY, MAY 20, 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 Santa Rita)
Justice Katherine A. Maraman (calling in from Sinajana)
Presiding Judge Alberto C. Lamorena III (calling in from the Judiciary)
Judge Arthur R. Barcinas (calling in from the Judiciary)

Advisory Committee Members:
Judge Elyze M. Iriarte
Magistrate Judge Benjamin C. Sison, Jr.
Attorney Frederick J. Horecky

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. Alberto E. Tolentino, Ethics Prosecutor
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
Ms. Thelma Perez, Court Reporters Unit, C&M Division, retired
Ms. Manuel G. Tungol, F.M.D., retired
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, Associate Justice Katherine A. Maraman, and Presiding Judge Alberto C. Lamorena III identified themselves and their location over videoconference. With four (4) Judicial Council members present, a quorum was determined for this meeting. Judge Arthur R. Barcinas joined the meeting at 12:06 p.m.

IV. READING AND DISPOSAL OF MINUTES: April 15, 2021 Regular Meeting

Presiding Judge Lamorena moved to approve the April 15, 2021 Regular Meeting minutes, subject to correction. Justice Maraman 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.

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 disbursed in full and on time. She stated that from the \$29,444,760 appropriated to the Judiciary, 65% or \$19,252,347 had been received. Ms. Gudmalin added that the last allotment was received on May 19, 2021; the next distribution is scheduled for June 1, 2021.

i. Judiciary FY22 Pending Budget Proposal

Ms. Dianne Gudmalin reported the Judiciary of Guam's General Fund final budget request for FY 2022 was transmitted to the 36th Guam Legislature's Office of Finance and Budget on May 3, 2021. She explained the Judiciary requested \$35,745,330 for FY 2022. In addition, she noted, the Judiciary asked for a below-the-line request of \$579,204 to replenish the Electronic Monitoring (EM) program funds. Ms. Gudmalin stated a notice outlining the Judiciary's budget hearing date has not yet been received from the Legislature. She assured Council she would follow up with Senator Joe S. San Agustin, chairman of the Office of Finance and Budget, as to the date of the hearing.

B. Revised Code of Conduct

Ms. Barbara Jean Perez, Human Resources Administrator (H.R.), introduced two documents: the Revised Code of Conduct and the Table of Comments and Questions outlining the feedback received from Judiciary employees. Ms. Perez explained that following the March 18, 2021 Judicial Council meeting, as the Council recommended, the Revised Code of Conduct and feedback forms were disseminated to employees for review and feedback. Additionally, she reported, employees met with HR through a series of Question-and-Answer sessions to express concerns and provide feedback. Ms. Perez explained the Revised Code of Conduct was then updated to incorporate the legal team and HR changes to reflect the feedback received from employees, as recommended at the March 18, 2021 Judicial Council meeting. She added the Canons of Judicial Conduct for judicial staff under the direct supervision of Judicial Officers were included in the Revised Code of Conduct, as recommended by Justice Torres. Ms. Perez explained the Revised Code of Conduct would be the foundation for the development of Ethics training for Judiciary employees planned for the near future.

Chief Justice Carbullido added the latest revisions to the Code of Conduct, and the feedback chart was provided to the Council to demonstrate the progress HR and the legal team have made. He asked the Council to review the changes and be prepared to vote at the next Council meeting (June 20, 2021).

Staff Attorney Andrew Serge Quenga thanked Justice Torres for the suggestion to include the Canons of Judicial Conduct for judicial staff under the direct supervision of Judicial Officers. He described the new language included in the Revised Code of Conduct.

C. Memo re Reporting of Departures from the Mandatory Minimum Sentences Required by 9 GCA § 80.39.3 (Safety Valve Act)

Chief Justice Carbullido described the results of the memo requesting a Report of Departures from the Mandatory Minimum Sentences as Required by 9 GCA § 80.39.3 (Safety Valve Act). He stated the report would be posted on the Judiciary's website and transmitted to the Speaker, as requested. Justice Torres noted that for six (6) years, there were only five (5) cases where there was a Departure from the Mandatory Minimum Sentences; the trial court judges, including retired Judges Sukola and Bordallo, use it sparingly.

D. Update on Capital Improvement Projects

Ms. Kristina Baird, Administrator of the Courts (AOC), reported on three (3) ongoing Capital Improvement Projects (CIP): the Route 4 building, the San Ramon building, and the architect and engineering selection for the design and renovation of the 8th judge's courtroom and the Guam Historic Courthouse Building.

Ms. Baird reported the conversion of the Route 4 building into a temporary high-capacity courtroom is complete, with just a few minor items to be addressed. She added that jury selections, jury trials, deliberations, and the memorial service for the late Chief Justice Siguenza had been held in the building.

Ms. Baird declared the painting of the San Ramon building, from purple to cream and green, is 99% complete, with just a few touch-ups needed.

Ms. Baird stated that selecting an architect and engineering firm to design and renovate the 8th judge's courtroom and the Guam Historic Courthouse Building is almost complete.

In response to Justice Maraman's request at the May 20, 2021 Judicial Council meeting, Ms. Baird provided an update on the balance of the Bank of Guam commercial loan funds used to finance CIP. Ms. Baird explained two drawdowns have occurred: the first on January 22, 2021, for \$4,962,003, which covered the refinancing of the former Judicial Building Fund loan, and the second on June 2, 2020, in the amount of \$1,805,665, for costs associated with the purchase of the San Ramon building. She explained the third drawdown request for approximately \$845,000 is being prepared. Ms. Baird stated the total amount drawn from the Bank of Guam commercial loan funds is \$7,612,770.

Presiding Judge Lamorena thanked Ms. Baird and PF&MD 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.

VI. NEW BUSINESS

A. Certificates of Commendation: Thelma Perez and Manuel Tungol

Chief Justice Carbullido introduced the agenda item commending Ms. Thelma Perez and Mr. Manuel Tungol for their years of service to the Judiciary of Guam. The two retirees were brought forward individually, and their respective division head and each Council member shared thanks and accolades. Each retiree, in turn, thanked the Council members and the Kotte family for their support throughout their years of employment.

B. JC Resolution Relative to Ratifying the Judicial Council's Award of the 2021 Hustisia Award to Retired Magistrate Judge Joaquin V. E. Manibusan, Jr.

Chief Justice Carbullido described the presentation of the 2021 Hustisia Award to retired Magistrate Judge Joaquin V. E. Manibusan, Jr., which took place at the Guam Bar Association annual meeting at the Guam Hyatt on Friday, April 30, 2021. Chief Justice Carbullido, Justice Torres, and Justice Maraman presented the award that night.

Presiding Judge Lamorena moved to ratify the earlier grant of the 2021 Hustisia Award and adopt the Resolution; Judge Barcinas seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor of adopting the Resolution to Ratifying the Judicial Council's Award of the 2021 Hustisia Award to Retired Magistrate Judge Joaquin V. E. Manibusan, Jr.

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

Ms. Baird reported the Judiciary's ongoing response to COVID-19 includes sanitization of facilities, use of virtual platforms, and compliance with the Department of Public Health and Social Services and CDC guidelines for social distancing through the use of high-capacity courtrooms. She explained that the Judiciary resumed using a contracted janitorial vendor to steam clean and sanitize all facilities three times per week because of the increase in jury trials. The Facilities Division staff augments the vendor's efforts to sanitize with daily cleaning of all facilities, Ms. Baird added.

Ms. Baird described the Judiciary's initial request for funding under the American Rescue Plan (ARP) sent to Governor Leon Guerrero in March 2021, asking for ARP funds to augment Judiciary operations and other pandemic affected areas. In addition, she pointed out that the Speaker sent a letter to the Governor on May 6, 2021, requesting \$10,000,000 from the ARP funds on behalf of the Judiciary. Finally, Ms. Baird stated the Judiciary's legal team and FMD are looking into the guidelines regulating the usage of the ARP funds, recently released by the US Treasury. She said the Judiciary intends to submit a supplemental request for ARP funds to the Governor following what is allowed under the US Treasury guidelines.

D. Discussion re Proposed Rescindment of JC20-028

Chief Justice Carbullido shared a resolution Relative to Rescinding Judicial Council Resolution No. JC20-028 and Amending the Increment Schedule for the Attorney Pay Plan (APP). He stated the resolution he is proposing seeks to take a compromised position on the rescindment of JC20-028 and try to end the continuing discussion regarding the circumstance where unclassified attorneys with increments exceed the salaries of magistrate judges, the Judiciary's lowest-paid judicial officers. Chief Justice Carbullido explained the proposed resolution sets the cap for adjustments to increments of attorneys under the APP not to exceed the salary of a Superior Court judge. At the same time, he added, the proposed resolution will adjust the percentage of the increments at higher levels of the APP from 5.77% every eighteen (18) months to 3.1% every twenty-four (24) months, in parity with the judicial officer and other court managers' increments. The increment adjustment is also in line with the Hay Group study, he noted. Chief Justice Carbullido pointed out that Ms. Gudmalin provided the financial impact of lifting the freeze on increments and implementing the proposed resolution to the Council as part of the meeting packet.

Justice Torres moved to adopt the proposed resolution for discussion purposes; Justice Maraman seconded the motion.

Justice Torres stated Resolution JC20-028 intended to keep the salaries of unclassified employees on the APP from exceeding the compensation of the magistrate judges. He added that the resolution before Council today proposes modifying the APP, which is concerning since the Hay Group study recommended the APP. Justice Torres proposed, instead, to amend Resolution JC20-028 to state "not to exceed the salary of a Superior Court Judge" and not changing the APP increment percentage amounts. Justice Torres said he is concerned, as well, about maintaining parity with APP across the Government sector. Therefore, he recommended amending the fourth 'whereas' clause to 'Superior Court Judge' and list the current salary amount of \$139,777; then, in the 'resolve' clauses delete 'Judicial Officer' and insert 'Superior Court Judge.'

Ms. Gudmalin, FMD, described the financial impact of the proposed resolution with the amendment to the increment percentages, affecting the salaries of the six (6) employees, which would be \$59,885 for FY20-22. She added, the financial impact of the amending JC20-028, as proposed by Justice Torres, would be \$79,970.

Chief Justice Carbullido pointed out fund allocation has not been identified to cover the financial impact of the proposed resolution.

Ms. Perez noted, for the record that built into the Department of Administration Competitive Wage Act of 2014, attorneys on the APP receive an increment of 3.1% every two years once they reach step 10, consistent with the Hay Group study recommendations. On steps 8, 9, and 10, she added, the attorney receives an increment of 5.77% every 18 months. Justice Torres stated attorneys employed at the Attorney General's Office (OAG) receive increments on the same schedule Ms. Perez described. Chief Justice Carbullido noted the Judiciary's attorneys are unclassified employees and receive a higher starting salary than the attorneys at the OAG. Ms. Perez added, for the record, that if the goal is parity, as she understands the intent of the Chief Justice to be, the other court managers receive an increment of 3.1% every twenty-four (24) months.

Judge Barcinas asked if the proposed resolution is part of a broader plan relative to the freezing of the judicial officers' increments, as presented in a second resolution included in the meeting packet. Chief Justice Carbullido confirmed that the second resolution is a separate issue but relates to finances. Judge Barcinas stated it is becoming apparent that the Council needs to have a deeper discussion regarding managers' pay plans and adjusting who qualifies under the APP. Presiding Judge Lamorena agreed with Judge Barcinas on this point. Judge Barcinas added that most attorneys at the OAG do not act as managers; therefore, they qualify for the APP. Judge Barcinas said he appreciates the effort to manage Judiciary finances. He stated that if called to vote today, he would abstain to study the information provided.

Chief Justice Carbullido recommended tabling the matter for thirty (30) days to give the Council time to consider the matter. There was no objection.

E. Judicial Officers Pay Adjustment Freeze

Relative to the discussion of Agenda Item D., Chief Justice Carbullido tabled the discussion of the proposed freeze of Judicial Officers Pay Adjustments for thirty (30) days to give Council time to consider the financial impact and information presented in the proposed resolution. Chief Justice Carbullido stated he brought the proposed resolution forward to address any liability the Judiciary has to its employees, including the judicial officers.

Judges Barcinas asked if the matter could be discussed with the Superior Court judges; Chief Justice Carbullido had no objection and welcomed their input. Justice Maraman stated she did not understand the financial impact calculation and asked to meet with Ms. Gudmalin to understand her calculations.

F. Notice of Next Meeting (June 17, 2021)

Chief Justice Carbullido announced that the next Judicial Council regular meeting would be on Thursday, June 17, 2021.

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

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

Chief Justice Carbullido was notified that all four (4) officers of the Guam Bar Association Board of Governors could not attend the Council meeting due to schedule conflicts.

****At 1:21 p.m. Chief Justice Carbullido called for a recess to begin Executive Session to discuss two ongoing litigation matters as requested in a memo to the Judicial Council from Staff Attorney Andrew Serge Quenga. The Executive Session was to be held in a Zoom breakout room. Presiding Judge Lamorena motioned to move to Executive Session; Justice Torres 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, A.O.C. 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 1:39 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.**

X. ADJOURNMENT

The meeting was adjourned at 1:40 p.m.

Respectfully submitted this 17th day of June 2021.



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

The Minutes of the May 20, 2021 Regular Meeting as set out above were approved by the Judicial Council at the June 17, 2021 Regular meeting.



F. PHILIP CARBULLIDO
Chairman

Dated: 6/24/2021



JUDICIARY OF GUAM

Administrative Office of the Courts
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
Tel: (671) 475-3544 • Fax: (671) 477-3184



HON. F. PHILIP CARBULLIDO
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE
KRISTINA L. BAIRD
ADMINISTRATOR OF THE COURTS

June 7, 2021

VIA: Hand Delivery/
Email: speaker@guamlegislature.org

Hon. Therese M. Terlaje
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: Judiciary of Guam Written Testimony on Resolution No. 93-36

Dear Madam Speaker:

Håfa Adai! The Judiciary of Guam ("Judiciary") appreciates the initiative taken by the Legislature under your leadership in being proactive with the significant federal assistance provided to our community through the American Rescue Plan (ARP) Act. The Judiciary appreciates the commitment of support from this body in addressing and recovering from the unprecedented adverse impact of the COVID-19 pandemic.

We are writing to demonstrate our full support of the ten million (\$10,000,000) dollars allocated to the Judiciary in Resolution No. 93-36. Set forth below for consideration is a summary of the Judiciary's priorities on how the proposed ARP funding will be utilized:

- **COVID-19 Necessary Expenditures.** Funding will mainly be use for COVID-19 direct expenses such as sanitization, teleworking services, temporary high-capacity felony jury trials courtroom and other costs needed for its operations. This amount is budgeted only until December 2021 and is allowable under the first category of eligible uses, *Public Health and Economic Impacts, Responding to COVID-19*, found in the recently issued Treasury Regulations.
- **Projected revenue loss in Judicial Building Funds and Client Services Funds.** This request is allowable under the third category of eligible uses found in the recently issued Treasury Regulations, *Revenue loss*.
- **Modernization of Cybersecurity, Technological Advancements and Public Access.** As recognized by Resolution No. 93-36, the Judiciary will need funding assistance to upgrade its case management systems and further expand the e-filing program to improve work efficiencies. Funding will support the upgrade of servers and associated support systems, improve cybersecurity and firewall systems, upgrade to internet and Wi-Fi capabilities, potential migration to cloud-based storage, and other needed upgrades of hardware and software. Additional work will be placed towards other technological advancements for

improvement of public access. This includes online dispute resolution programs, courtroom supports, digital evidence-based programs, maintenance and support of virtual platforms, court TV, jury messaging and others.

These expenses are covered in the third category of eligible uses, *Revenue Loss*. This category states that “Sections 602(c) (1) (C) and 603(c) (1) (C) of the Act provide recipients with broad latitude to use the Fiscal Recovery Funds for the provision of government services. Government services can include, but are not limited to, maintenance or pay-go funded building of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.”

The Judiciary also sees an opportunity to build high-tech courtrooms to further advance its services and keep up with technological speed and demands. Funding support will be used for the design, construction and other technological needs of the Superior Court courtrooms.

- **Expansion of Probation Mental Health and Substance Abuse Services and Supporting Infrastructure Needs.** This expense category is covered in the first category of eligible uses, *Public Health and Economic Impacts, Behavior Health Care*. This category identifies government services needed to meet behavioral health needs exacerbated by the pandemic and respond to other public health impacts. Interim rule states that these services include mental health treatment, substance misuse treatment, other behavioral health services, hotlines or warmlines, crisis intervention, overdose prevention, infectious disease prevention, and services or outreach to promote access to physical or behavioral health primary care and preventative medicine.

As mentioned by Chief Justice Carbullido in his State of The Judiciary Address, case filings revealed the toll that the pandemic has taken on those who are already prone to violence and substance abuse. In 2020, Family Violence was again the top charged criminal offense. Possession of a Schedule II Controlled Substance moved up significantly on the list of top offenses, with filings increasing by 50 percent from the year before.

The Judiciary sees an opportunity to expand its Probation services in support of the recognized negative economic and public health impact exacerbated by the pandemic. The Judiciary seeks support to expand infrastructure supporting Probation service and its mission. Funding will be to build treatment rooms with built-in safety precautions, improve drug testing capabilities, hire more professionals for counseling and other cares needed specifically with community matters, improve access and increase safety features with probationary check-ins and intakes, provide more tools and resources to victims and defendants to allow them to safely come back to the community.

- **Budget Shortfall in the fiscal year (FY) 2021) Appropriation.** The funding for budget is covered in the third category of eligible uses, *Revenue Loss*. This category states that “Sections 602(c) (1) (C) and 603(c) (1) (C) of the Act allow

recipients facing budget shortfalls to use payments from the Fiscal Recovery Funds to avoid cuts to government services and, thus, enable State, local, and Tribal governments to continue to provide valuable services and ensure that fiscal austerity measures do not hamper the broader economic recovery.” This section also covers *Rehiring State, Local, and Tribal Government Staff*, which provides guidance on eligible use for payroll, covered benefits, and other costs associated with rehiring public sector staff, up to the pre-pandemic staffing level of the government. While there is some expressed hesitation that the filling of these positions will not be sustainable in the future, the Judiciary submits that filling these positions will help the unemployment in the private sector. When the economy rebounds, government revenues should be in a position to sustain this cost. This is the premise of the American Rescue Plan. Filling the positions now not only provide income to those currently unemployed but also provides job training for future employment in the private sector when tourism returns and the economy rebounds.

With recovery of the Judiciary’s appropriation level, the Judiciary will be able to avoid any furloughs and recover staffing level desperately needed to attend to legislative mandates and addressing back logs of cases. Additionally, the Judiciary will have the resources needed to replace obsolete and depleting equipment debilitating operations and continue to proceed with deferred projects.

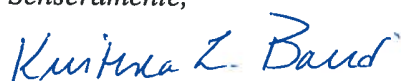
As stated by Chief Justice Carbullido in the State of the Judiciary Address, the Judiciary was able to continue operations and provide service to the community mostly through federal assistance, mainly the CARES Act. However, the CARES Act assistance has ended and the established innovative programs, such as virtual hearing platforms and expanded e-filings, will need further maintenance and support to continue to be effective and operable. Additionally, safety precautions and social distancing practice will need to be continually administered while the Judiciary operates during the pandemic and beyond. These expense items were not incorporated in the General Fund budget request because they were an anomaly to the operations and were brought upon by the pandemic.

Besides these COVID-19 expenditures, the Judicial Building Fund (JBF) and Client Service Fund (CSF) suffered substantial revenue losses because of the downturn to the economy and the partial closure of the Judiciary to the public. The loss revenue will affect certain operational functions to include building maintenance and our capability to provide legal services to indigent clients.

As highlighted in the State of the Judiciary and as addressed by this body in the Resolution, infrastructure and technology upgrades are critically needed to continue the momentum the Judiciary built through this pandemic. Funding support is needed to ensure that information is protected, operations are well-supported, and public access is improved.

In closing, the Judiciary is in full support of Resolution No. 93-36. The proposed 10-million-dollar assistance will be helpful in allowing the Judiciary to continue operations in the new pandemic work environment. Again, the Judiciary is thankful that the Legislature recognized and is proposing a sum that will assist the Judiciary with continued post-pandemic operations.

Senseramente,



KRISTINA L. BAIRD

Administrator of the Courts



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC21-

**RELATIVE TO RESCINDING JUDICIAL COUNCIL RESOLUTION NO. JC20-028
AND AMENDING THE INCREMENT SCHEDULE FOR THE ATTORNEY PAY PLAN**

WHEREAS, pursuant to 7 GCA § 5102(d), the Judicial Council is authorized to set salaries of non-judicial, unclassified employees of the Judicial Branch consistent with the Guam Competitive Wage Act of 2014; and

WHEREAS, on September 17, 2020, the Judicial Council approved Resolution No. JC20-028 which froze any salary increases or increments for unclassified employees that would result in a salary being greater than the lowest salary earned by any Judicial Officer; and

WHEREAS, the Judicial Council now desires to rescind Resolution No. JC20-028 and amend the 2014 Classification & Compensation Implementation Policy and Procedures relative to the increments of Judiciary attorneys, and the Judiciary of Guam Attorney Pay Plan, to provide for a more equitable increment schedule at higher ranges while capping such increments below the lowest salary earned by any Superior Court Judge.

NOW THEREFORE BE IT RESOLVED, that Judicial Council Resolution No. JC 20-28 is rescinded.

BE IT FURTHER RESOLVED, that Section V.4 of the 2014 Classification & Compensation Policy is amended as follows:

ATTORNEYS

- a. Attorney Levels 1-4. Upon satisfactory review, Attorneys ~~in levels at Levels 1-4~~ Steps 1 through 6 shall be entitled to a salary increment after twelve (12) months, and Steps 7 through 9 after eighteen (18) months. Attorneys at Levels 1-4 Step 10 or above shall receive an increment after twenty-four (24) months with a 3.1% increase upon satisfactory review.
- b. Attorney Level 5. Upon satisfactory review, Attorneys at Level 5, Steps 1 through 6 shall be entitled to a salary increment after twelve (12) months, and Steps 7 and 8 after eighteen (18) months. Attorneys at Level 5 Step 9 or above shall receive an increment after twenty-four (24) months with a 3.1% increase upon satisfactory review.

RESOLUTION NO. JC21-
RELATIVE TO RESCINDING JUDICIAL COUNCIL RESOLUTION NO. JC20-028
AND AMENDING THE INCREMENT SCHEDULE FOR THE ATTORNEY PAY PLAN
Page 2

- c. However, an increase or increment shall be frozen if such increase or increment will result in a salary that exceeds the lowest salary earned by a Superior Court Judge. If the lowest salary earned by a Superior Court Judge is increased, the increase or increment to the attorney's salary shall be adjusted accordingly with no retroactive pay.

BE IT FURTHER RESOLVED, that the amendments herein shall be effective *nunc pro tunc* to October 1, 2020.

DULY ADOPTED this 20th day of May 2021 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

Petrina M. Ula, Executive Secretary

Dated: _____



BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-028

RELATIVE TO SALARIES OF UNCLASSIFIED EMPLOYEES

WHEREAS, pursuant to 7 GCA § 5102(d), the Judicial Council is authorized to set salaries of non-judicial, unclassified employees of the Judicial Branch consistent with the Guam Competitive Wage Act of 2014; and

WHEREAS, on October 19, 2017, the Judicial Council adopted Judicial Council Resolution JC17-024, *Relative to Adjusting Judicial Officer Salaries*, which set the annual salary for the position of Judge of the Superior Court (other than the Presiding Judge) at \$139,777; and

WHEREAS, 7 GCA § 4401(b)(8) provides that "[a] magistrate shall . . . receive a salary *no greater than* ninety percent (90%) of a Judge who is *not* the Presiding Judge." (emphasis in original); and

WHEREAS, under the aforementioned JC17-024 and 7 GCA § 4401(b)(8), Magistrate Judges of the Superior Court currently earn a salary of \$125,799; and

WHEREAS, on July 17, 2014, the Judicial Council in Resolution No. JC14-016 adopted the pay scales and salary increases included in the Competitive Wage Act of 2014 for classified and unclassified, non-law enforcement employees of the Judiciary; and

WHEREAS, the current staffing pattern allows unclassified non-Judicial Officers to continuously receive salary increments and ultimately earn salaries higher than those earned by Judicial Officers;

NOW, THEREFORE, BE IT RESOLVED that salary increases or increments for any unclassified employee shall be frozen if such an increase or increment would result in the unclassified employee's salary being an amount greater than the lowest salary earned by any Judicial Officer.

BE IT FURTHER RESOLVED, that if the lowest salary earned by any Judicial Officer is increased, the increase or increment to an unclassified employee's salary affected by the freeze herein shall be adjusted accordingly at such time with no retroactive pay.

DULY ADOPTED this 17th day of September, 2020 at a duly noticed meeting of the Judicial Council of Guam.

A handwritten signature in black ink, appearing to read "F. Philip Carbullido".

F. PHILIP CARBULLIDO, Chairman

Dated: SEPTEMBER 17, 2020

ATTEST:

A handwritten signature in black ink, appearing to read "Petrina M. Ula".

Petrina M. Ula, Executive Secretary

Dated: SEPTEMBER 17, 2020



Certificate of Commendation

*On behalf of the Judiciary of Guam,
this Certificate of Commendation is presented to:*

Nobert C. Mendiola

for 28 years of service to the Judiciary of Guam.

*In gratitude for your dedication and commitment to justice, we, the undersigned
Justices and Judges of Guam, do hereby express our sincere appreciation and
congratulations on your retirement from service.*

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

ROBERT J. TORRES
Associate Justice, Supreme Court of Guam
Member, Judicial Council of Guam

ALBERTO C. LAMORENA, IIII
Presiding Judge, Superior Court of Guam
Member, Judicial Council of Guam



KATHERINE A. MARAMAN
Associate Justice, Supreme Court of Guam
Member, Judicial Council of Guam

ARTHUR R. BARCINAS
Judge, Superior Court of Guam
Member, Judicial Council of Guam

Attested:

KRISTINA L. BAIRD
Administrator of the Courts

BARBARA JEAN T. PEREZ
Human Resources Administrator



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC 21-013

**RELATIVE TO APPROVAL OF THE JUDICIARY OF GUAM
CODE OF CONDUCT FOR JUDICIAL EMPLOYEES**

WHEREAS, the Code of Conduct for Non-Judicial Court Employees was adopted by the Judicial Council in 1996 in Judicial Council Resolution No. JC05-096 and amended in 2007 in Judicial Council Resolution No. JC07-011; and

WHEREAS, since the promulgation of the original Code of Conduct in 1996, the Judiciary of Guam has seen much growth in its core mandates and in the duties and responsibilities of its employees, especially in the area of technology; and

WHEREAS, since 1996, Guam law on the standards of conduct for employees of the government of Guam, to include Judiciary employees has also changed; and

WHEREAS, in March of 2020, the Human Resources Division (“HR”) was tasked with revising the Code of Conduct to update and modernize its provisions to better suit the duties, responsibilities, and expectations of Judicial employees and to be consistent with applicable Guam law; and

WHEREAS, HR reviewed the existing Code of Conduct for revision based upon its extensive experience with Judiciary of Guam employees’ conduct and has incorporated provisions from the codes of conduct from other court jurisdictions that directly support and align with the core values of professionalism, integrity, and excellence of Judiciary of Guam employees along with the Judiciary’s Mission and Vision Statement; and

WHEREAS, at the March 18, 2021 Judicial Council meeting, HR presented the proposed Revised Code of Conduct to the Judicial Council along with its plan to submit the Revised Code of Conduct to Judiciary employees for their notice and comment; and

WHEREAS, HR distributed the Revised Code of Conduct court-wide on March 25, 2021 and held a total of 32 Question & Answer (Q&A) sessions from April 7, 2021 through April 22, 2021; and


WHEREAS, HR thoroughly reviewed and carefully considered each employee comment and made several changes to the Revised Code of Conduct; and

WHEREAS, at the May 20, 2021 Judicial Council meeting, HR submitted a summary of all comments received from employees and the responses of HR to all employee comments along with a marked-up Revised Code of Conduct showing the changes made by HR as a result of employee input.

NOW, THEREFORE, BE IT RESOLVED, that the Revised Code of Conduct for Judicial Employees attached hereto as Exhibit A is APPROVED.

BE IT FURTHER RESOLVED, that the Revised Code of Conduct for Judicial shall be effective on September 1, 2021.

DULY ADOPTED this 17th day of June 2021, at a duly noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman
Dated: 6/24/2021

ATTEST:



Petrina M. Ula, Executive Secretary

Dated: 6/24/21

JUDICIARY OF GUAM CODE OF CONDUCT FOR JUDICIAL EMPLOYEES

Approved in Judicial Council Resolution No. JC21-013 (June 17, 2021)
Effective Date September 1, 2021

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STATEMENT OF PURPOSE

A fair and independent judicial system is essential to the administration of justice. Proper conduct by Judicial Employees inspires public confidence and trust in the Judiciary of Guam (“Judiciary”) as a co-equal branch of government. Certain principles should govern the conduct of all Judicial Employees and should be consistent with the Judiciary’s core values of professionalism, integrity and excellence. This Code of Conduct (“Code”) provides uniform standards for the conduct of all Judicial Employees other than Judicial Officers.

The minimum standards in this Code are in addition to 4 GCA Chapter 15, Standard of Conduct for Elected Officers and Public Employees of the Government of Guam that are applicable to Judicial Employees and do not preclude the adoption of, nor do they usurp more rigorous conduct standards set by law, Supreme Court Administrative Orders, or other Judiciary policies. Violations of this Code shall be enforced in the same manner as violations of the Judiciary of Guam Personnel Rules and Regulations. Questions regarding this Code may be directed to the Human Resources Administrator or the Administrator of the Courts.

DEFINITIONS

The following terms have specific meanings within the context of this Code:

- A. Domestic Partner. A person in a mutually exclusive committed relationship with a Judicial Employee and who both share a primary residence for twelve (12) or more consecutive months and who are jointly responsible for the common welfare of each other and who share financial obligations.
- B. Family Member. A relation by blood or marriage within the third degree, who is a spouse, parent, mother-in-law, father-in-law, stepparent, child to include adopted and reared children (in loco parentis), son-in-law, daughter-in-law, stepchild, brother, stepbrother, brother-in-law, sister, stepsister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great grandchild and great grandparent.
- C. Household Members. Persons living together at the same residence.
- D. Judicial Officer. Any person who performs judicial functions within the judicial system who is a Supreme Court Justice, Superior Court Judge, Magistrate Judge, Court Referee, Administrative Hearings Officer, ~~or~~ *pro tempore* justice, or *pro tempore* judge.
- E. Judicial Officer’s Personal Staff. Staff dedicated specifically to a judge to include a courtroom chamber clerk, bailiff, law clerk, intern, extern, volunteer, secretary, or other staff as assigned.
- F. Judiciary. The Supreme Court of Guam and the Superior Court of Guam.

- G. Judicial Employee. Any employee of the Judiciary, whether at-will, exempt, non-exempt, permanent, part-time, full-time, probationary or temporary, including voluntary deputy marshals reserves, but does not include Judicial Officers. Contractors and other nonemployees not covered above who serve the Judiciary are not covered by this Code, but the Judiciary may impose these or similar ethical standards on such nonemployees, as appropriate.

SECTION I.
JUDICIAL EMPLOYEES SHALL UPHOLD THE INTEGRITY
AND INDEPENDENCE OF THE JUDICIARY

Independence and Integrity. An independent and honorable judicial branch is indispensable to justice in our society. Therefore, Judicial Employees shall maintain high standards of conduct, integrity, honesty, and truthfulness so that the independence of the judicial branch is preserved. This Code shall be construed and applied to further these objectives. The standards of this Code do not affect or preclude other more rigorous conduct standards set by law, Supreme Court Administrative Orders, or other Judiciary policies.

Commentary:

The fundamental attitudes and habits of individual Judicial Employees reflect on the integrity and independence of the Judiciary and are of vital importance in maintaining the confidence of the public in the Judiciary. Honesty and truthfulness are paramount.

SECTION II.
JUDICIAL EMPLOYEES SHALL AVOID IMPROPRIETY AND THE APPEARANCE
OF IMPROPRIETY IN ALL THEIR ACTIVITIES FOR THE JUDICIARY

- A. Compliance with Law and Public Confidence. Judicial Employees shall respect and comply with the law regarding their employment by the Judiciary and in the performance of their duties for the Judiciary, shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.

Commentary:

As public servants, Judicial Employees shall respect and comply with the law, personnel rules, policies, and this Code. Public confidence in the Judiciary is maintained by the willingness of each employee to live up to this standard. When faced with conflicting loyalties, Judicial Employees shall seek first to maintain public trust.

- B. Statements on Pending Cases. Judicial Employee shall not express to any person not an employee of the court a personal opinion about a pending or impending court case or disclose the extent of his or her involvement in the decision-making process. This

prohibition does not extend to public statements made during one's official duties or to an explanation of court procedures.

- C. Gifts and Extra Compensation. Judicial Employees shall not solicit, accept, agree to accept or dispense any gift, favor or loan either for themselves or on behalf of another based on the understanding either explicit or implicit that such would influence an official action of the court. Unsolicited gifts of *de minimis* or insignificant value may be allowed if authorized by the Administrator of the Courts.

Judicial Employees shall not request or accept any fee or compensation beyond their regular compensation for assistance given as part of their official duties for the Judiciary.

Commentary:

Examples of improper conduct include seeking a favor or receiving a gift at any time, or the promise of one at any time, whether it is money, services, travel, food, entertainment, or hospitality that could be reasonably viewed as a reward for past or future services. Employees may accept awards in recognition of public service. If authorized by the Administrator of the Courts, Judicial Employees may receive unsolicited refreshments and items of *de minimis* or insignificant value (*e.g.* a cake, snacks, flowers and other items with a low fair market value but never cash or cash equivalents like gift cards) during the holidays or when attending a conference, seminar, or meeting. Receiving fees or compensation not provided by law in return for public service is not permissible. Accepting, agreeing to accept, giving, or requesting a gift with an understanding that any judicial business or proceeding would be influenced may violate Guam law.

- D. Reporting of Gifts. Judicial Employees shall report gifts in accordance with 4 GCA § 15202.
- E. Abuse of Position. Judicial Employees shall not use or attempt to use their positions as employees of the Judiciary to influence or secure special privileges or exemptions to personally benefit themselves or any other person.
- F. Employment of Family, Domestic Partner, Household Members. No Judicial Employee shall knowingly employ, advocate, or recommend for employment any Family Member, Domestic Partner, or Household Member.
- G. Nepotism.
1. Spouses and persons within the first degree of relation such as brother/sister or parent/child may not be employed in the same division in a direct supervisor-subordinate relationship. Exception to this rule may be made when it is for the good of the service and upon the approval of the Chief Justice and Judicial Council.

2. No spouse of any division manager or chief may be employed within the division so headed by such division manager or chief.
3. Whenever there are already two or more members of an immediate family in the public service under the same division, no other members of such family shall be eligible for appointment to any such division. ("Immediate Family" means a collective body of persons living together in one house under one head).

H. Use of Public Resources. Judiciary resources must be used to benefit the citizens of Guam. These resources include staff time, equipment, facilities, information systems, and the money allocated to the Judiciary. Judicial Employees must ensure proper accountability of the Judiciary's resources. Use of these resources must be transparent to the public and beyond reproach. Resources must not be expended simply for the direct benefit of individual employees. Physical resources must be safeguarded to avoid unnecessary damage or wear. Equipment must be properly maintained and replaced when appropriate. All Judicial Employees should constantly look for improved efficiency in job processes. Deficiencies and safety hazards must be reported and addressed in a timely manner. Sound business practices must be employed in managing contracts to avoid waste of court resources.

Commentary:

Judicial Employees shall not, for example, knowingly falsify, backdate, destroy, alter, mutilate, or deliberately fail to make required entries on any court record or document to include electronic documents. Employees shall not falsely claim reimbursement for mileage or expenses; misuse the telephone, computer, internet, instant messaging, facsimile machine, or copying machine; or take supplies for private use.

Judicial Employees may not install personal software or equipment without prior approval, nor may they take copyrighted software outside the court for personal use.

SECTION III.

JUDICIAL EMPLOYEES SHALL PERFORM THEIR DUTIES IMPARTIALLY AND DILIGENTLY

- A. Professionalism. Judicial Employees shall be respectful, dignified, patient, prompt, and courteous to everyone, including jurors, witnesses, co-workers, supervisors and others who come in contact with the Judiciary. Judicial Employees shall never criticize a Judicial Officer, manager, supervisor or co-worker in public nor denigrate a court user.
- B. Impartiality. Judicial Employees shall perform their duties impartially, and shall not be influenced by kinship, domestic partnership, a household member, social or economic status, political interests, public opinion or fear of criticism or reprisal.

Commentary:

Judicial Employees who think they may be unduly influenced in a particular matter shall discuss the situation immediately with a supervisor, administrator, or human resources.

- C. Bias and Prejudice. Judicial Employees shall perform their duties without bias or prejudice and shall not manifest bias or prejudice by words or conduct.

Commentary:

Judicial Employees encounter a variety of people from many walks of life. They may be of a different race, color, national origin, age, religion, genetic information, sex, sexual orientation, ancestry, military or socioeconomic status. They may have a physical or mental disability, or medical condition, or they may have an actual or perceived health condition. Regardless, Judicial Employees shall perform their duties with no bias or prejudice toward those with whom they come in contact including fellow employees and members of the public.

- D. Further Requirements. Judicial Employees who are also part of a Judicial Officer's Personal Staff may be subject to Certain Canons of the Model Code of Judicial Conduct. Judicial Employees who are law students, attorneys, or members of other professional groups are also bound by the appropriate professional duties of these roles. Judicial Employees who are law students or attorneys are bound by the Guam Rules of Professional Conduct for their term of employment with the Judiciary.

Notwithstanding this Code of Conduct, other professionals employed by the Judiciary are bound by the standard model codes of conduct or ethics as established within their respective professions and/or governed by rules and regulations set forth by the Judicial Council. These employees include, but are not limited to psychologists, psychiatrists, counselors, social workers, probation officers, marshals, court reporters, etc.

- E. Harassment. Judicial Employees must always conduct themselves in a professional and respectful manner. Judicial Employees must not engage in inappropriate, offensive, or unwelcome conduct of a sexual nature, or inappropriate or offensive conduct based upon a person's race, color, national origin, age, religion, genetic information, sex, sexual orientation, ancestry, military status, socioeconomic status, physical or mental disability, or other personal characteristics, whether or not it rises to the level of harassment. Judicial Employees are expected to treat all persons with dignity, fairness, and respect and, by doing so, will foster a work environment free from harassment. Judicial Employees should follow the appropriate procedures in reporting inappropriate behavior.
- F. Information and Records. Judicial Employees, when authorized, shall furnish timely, accurate, information and shall provide the public access to public judicial proceedings and records according to established procedures and subject to applicable law. Falsification of any court record or document is strictly prohibited.

G. Confidentiality. Judicial Employees shall not disclose any confidential information received in the course of official duties, except as required in the performance of such duties, or use such information for personal gain or advantage.

1. No Judicial Employee shall disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another. A Judicial Employee should abstain from public comment about pending or impending proceedings in the Court, other employees, their superiors, or Judicial Officers.
2. Confidential information includes, but is not limited to, information on pending cases that is not already a matter of public record and information concerning the work product of any judge, law clerk, staff attorney or other employee including, but not limited to, notes, papers, discussions and memoranda, as prescribed under the Freedom of Information – Sunshine Act, Title 5 GCA, Chapter 10. Confidential information also includes information involving juvenile matters.
3. Confidential information that is available to specific individuals by reason of statute, court rule, or administrative policy shall be provided only by persons authorized to do so.
4. Every Judicial Employee shall report confidential information to the appropriate authority when the employee reasonably believes this information is or may be evidence of a violation of law or of unethical conduct. No Judicial Employee shall be disciplined for disclosing such confidential information to the appropriate authority.
5. Court managers should educate Judicial Employees about what information is confidential and, where appropriate, should designate materials as confidential.
6. A former Judicial Employee should not disclose confidential information when disclosure by a current Judicial Employee would be a breach of confidentiality.

H. Media Requests. All media requests should be forwarded to the Judiciary's Director of Policy Planning & Community Relations, Public Information Officer, or Administrator of the Courts.

I. Electronic Information. Information retained in electronic files must be safeguarded like any other official court document. Its confidentiality should be assumed unless otherwise specified. To preserve the integrity of electronic systems, Judicial Employees must monitor court electronic information and take appropriate steps to ensure that the information is accurate. Falsification of any electronic court record is strictly prohibited. Great care should be taken in the transmission of electronic data and communications so as not to embarrass the court or the sender if read by an unintended recipient.

- J. Legal Advice. Judicial Employees shall respond to inquiries regarding standard court procedures but shall not give legal advice unless it is required as part of one's official position.

Commentary:

Judicial Employees may assist the public, consistent with the Judiciary's resources, with matters within the scope of their responsibilities and knowledge. In performing their official duties, Judicial Employees shall not recommend the names of private attorneys to the public unless the Judicial Employee works in a court-approved lawyer-referral program but may refer members of the public to bar associations or legal aid organizations.

- K. Education, Licensing, and Certification. Judicial Employees shall comply with judicial education requirements and maintain any licensing or certification required for their positions.
- L. Communication with Judicial Officers. Unless as required as part of a Judicial Employee's official duties, he or she shall not communicate personal knowledge about the facts of a pending case to the assigned Judicial Officer of the case and shall not make or repeat remarks about a pending case before the Judiciary that might affect the outcome of the proceeding.
- M. Permitted Communications. Based upon general direction by a Judicial Officer, a Judicial Employee may communicate information from a party to the Judicial Officer for scheduling, administrative, or emergency purposes, which does not address substantive matters.

SECTION IV.

JUDICIAL EMPLOYEES SHALL CONDUCT THEIR OUTSIDE ACTIVITIES AS TO MINIMIZE CONFLICTS WITH THEIR EMPLOYMENT RESPONSIBILITIES

- A. General. Judicial Employees shall avoid all outside activities that reflect negatively upon the Judiciary or that might detrimentally affect their ability to perform their duties for the Judiciary.
- B. Outside Activities. A Judicial Employee's activities outside of official duties may not detract from the dignity of the court, interfere with the performance of official duties, or adversely reflect on the operation of the court or office the Judicial Employee serves. A Judicial Employee may engage in activities such as, but not limited to, civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities. Such activities may include speaking, writing, lecturing and teaching. If such outside activities concern the law, the legal system, or the administration of justice, the Judicial Employee should first consult with the Administrator of the Courts to determine whether the proposed activities are consistent with the foregoing standards

and the other provisions of this code. A Judicial Employee may not accept a governmental appointment that has the potential for dual service to and/or supervision by independent branches of government (including other courts) or different governments during judicial employment, except as allowed by law or approved by the Administrator of the Courts. In addition, outside activities may include but are not limited to outside employment (including self-employment), business activities and non-compensated activities. Before Judicial Employees engage in outside employment, notice must be given and approval granted as per rules and policies of the Judicial Branch.

Except as provided by law or authorized by the Judicial Branch, Judicial Employees shall not engage in any outside activity that:

1. Is with an entity that regularly appears in court or conducts business with the court system, and requires the Judicial Employee to have frequent contact with attorneys who regularly appear in the court system, unless approved by the Administrator of the Courts;
2. Requires or induces the Judicial Employee to disclose confidential information acquired in the course of and by reason of official duties;
3. Is within the judicial, executive or legislative branch of the government unless allowed by public law or authorized by the Judiciary;
4. Performs any non-court ordered transcribing either during or after working hours;
5. Is conducted during the Judicial Employee's normal working hours, regardless of leave status;
6. Places the Judicial Employee in a position of conflict with the Judicial Branch, with his or her official role at the Judicial Entity or otherwise creates a conflict of interest;
7. Requires the Judicial Employee to appear regularly in judicial or administrative agency proceedings;
8. Identifies the Judicial Employee with the Judicial Branch or gives an impression that the employment or activity is on behalf of the Judicial Branch;
9. Is detrimental to the interests of the Judicial Branch;
10. Is directly related to the practice of law, unless it is approved pro bono work or pro se; or
11. Requires use of judicial equipment, materials, supplies, telephone or Internet services, office space, computer time, or facilities.

Commentary:

These provisions should be read to not inhibit the exercise of constitutional rights such as freedom of speech, association or religion.

Judicial Employees may become foster parents, and may teach, lecture, speak, or write on any subject, so long as any payment does not create the appearance of impropriety, any presentation or document clarifies that the Judicial Employee is not representing the Judicial Branch, and any confidential documents and information are not disclosed.

- C. Solicitation of Funds. A Judicial Employee may solicit funds in connection with outside activities, subject, but not limited, to the following:
1. A Judicial Employee should not use or permit the use of the prestige of the office in the solicitation of funds.
 2. A Judicial Employee should not solicit subordinates to contribute funds to any such activity but may inform them about a general fund-raising campaign. A member of a Judicial Officer's personal staff should not solicit any Judiciary personnel to contribute funds to any such activity if the staff member's close relationship to the Judicial Officer could reasonably be construed to give undue weight to the solicitation.
 3. A Judicial Employee should not solicit or accept funds from lawyers or other persons likely to come before the Judicial Employee or the court or office the Judicial Employee serves, except as an incident to a general fund-raising activity.
- D. Conflict of Interest. Judicial Employees shall manage personal and business matters to avoid situations that may lead to conflict, or the appearance of conflict, in the performance of their employment for the Judiciary.
1. Judicial Employees shall inform the appropriate supervisor of any potential conflict of interest involving their duties.
 2. Judicial Employees shall withdraw from participation in a court proceeding or judicial business in which they have a personal, financial, business, or family interest or in which a Family Member, Domestic Partner or Household Member is involved or that may actually or appear to influence the outcome of the judicial proceeding or business.
 3. Every Judicial Employee who has a direct or indirect interest in any firm, partnership, business or corporation which contracts with the Judiciary, at the time of submission of bids or commencement of negotiations as the case may be, shall file a statement under oath with the Administrator of the Courts describing such interest. Any such statement shall also be given to the division manager of such employee and shall also be a public record for all purposes.

Commentary:

Every Judicial Employee has a legal and moral obligation to identify, disclose, and avoid conflicts of interest. A potential conflict of interest exists when an official action or decision in which a Judicial Employee participates may specially benefit or harm a personal, financial, business, or employment interest of the Judicial Employee, the Judicial Employee's Family Member, Household Member or Domestic Partner, or the Judicial Employee's close friends. In a judicial proceeding, a potential conflict of interest arises if a Judicial Employee's business associate, Family Member, Household Member, Domestic Partner, or close friend is an interested party. Even if no impropriety actually occurs, a conflict of interest creates an appearance of impropriety that can seriously undermine the public's confidence and trust in the judicial system. If withdrawal from a matter would cause unnecessary hardship, the Judicial Officer or Administrator of the Courts may authorize the Judicial Employee to participate in the matter if:

- Permitted by this Code,
- No reasonable alternative exists, and
- Safeguards, including full disclosure to the parties involved, ensure official duties are properly performed.

Judicial Employees shall not process any paperwork filed by themselves, a Family Member, Domestic Partner, Household Member or close friend. For example, if the son of a Judicial Employee who is a clerk in Superior Court or Supreme Court files a case in that court, the related Judicial Employee should not process the paperwork.

- E. Restrictions on Post Employment. Under 4 GCA § 15210, no former Judicial Employee shall disclose any information which by law is not available to the public and which the employee acquired in the course of official duties or use the information for personal gain or the benefit of anyone.

No former Judicial Employee shall, within twelve (12) months after termination from employment, assist any person or business, or act in a representative capacity for a fee or other consideration, on matters involving official action by the Judiciary.

SECTION V. JUDICIAL EMPLOYEES SHALL REFRAIN FROM INAPPROPRIATE POLITICAL ACTIVITIES

- A. Employee's Rights. Every employee has the right to freely express his/her views as a citizen and to cast his/her vote. Political activities of employees shall be in accordance with prevailing provisions in the Guam Code Annotated and this section.

B. Definitions. As used in this Section, the following terms have the meanings specified below:

1. Employee: A person employed in the Judicial Branch with the following exceptions:
 - i. Judges and chamber staff, including chamber clerks, law clerks and bailiffs, including magistrates, full time hearing officers and full time *pro tem* judges;
 - ii. Justices and staff of the Supreme Court;
 - iii. The Administrator of the Courts, the Clerk of Court for the Superior Court, the Clerk of Court for the Supreme Court, the Director of Policy Planning and Community Relations, the Marshal of the Court, the Chief Probation Officer, the Compiler of Laws, the Staff Attorney for Superior Court, the Staff Attorney for Supreme Court, the Public Guardian, and the following Division Managers: Procurement and Facilities Management Administrator, Human Resources Administrator, Client Services and Family Counseling Administrator, Court Programs Administrator, Finance Administrator, and Management Information Systems Administrator;
 - iv. A person retained from time to time to perform professional or special services for a specific fee;
 - v. A person working on a casual basis on the days he/she performs no services; and
 - vi. Employee includes a person on administrative, annual, or sick leave, unless such person has resigned or has received a lump sum payment for such leave.
2. Election: Means any local, primary, general or special election.
3. Activity: Means the independent action of an employee, the action of an employee in open or secret cooperation with others, and the indirect action of an employee through an agent. Activity does not mean the independent action of the husband or wife of an employee, upon his or her own initiative and his or her own behalf;
4. Political Party: Means a national political party, a state or territorial political party and an affiliated organization;
5. Partisan and Non-Partisan: When used as an adjective refers to political parties; and

6. Candidate: As used herein, candidate means:

- i. An individual as defined in 3 GCA § 1115; and
- ii. A candidate for an office in a political party.

C. Permitted Activity.

1. An employee may engage in political activity to the fullest extent consistent with restrictions set forth in this section, so long as such activity does not materially compromise the efficiency or integrity of the employee or the neutrality, efficiency or integrity of the employee's division. Each employee specifically retains the right to register and vote in an election and, while not on duty and a while not in a uniform identifying the person as an employee to:
 - i. Express his/her opinion as an individual citizen privately and publicly on political issues and candidates;
 - ii. Take an active part in an organized solicitation of votes in support of or in opposition to a candidate, including distributing and displaying campaign literature, advertisement, stickers, pictures or buttons, and endorsing or opposing a candidate in a political advertisement, a broadcast, campaign literature, a letter or article in the newspaper (signed or unsigned), or similar material;
 - iii. Participate in the non-partisan political activities of a civic, community, social, labor, professional or similar organization;
 - iv. Be a member, officer or delegate, of a political party or other political organization and participate in its activities to the fullest extent consistent with this section, and organize or reorganize a political party, partisan political organization, or committee thereof, or serve as delegate, alternate or proxy to a political party convention;
 - v. Attend and address a political convention, rally, fundraising function or other gathering of a political party in support of or in opposition to a candidate or on a partisan political question;
 - vi. Initiate, circulate or sign a nominating petition for a candidate;
 - vii. Make, as an individual citizen, a contribution to or expenditure on behalf of a political party or organization or candidate;
 - viii. Be free from any obligation to contribute to any political fund or to render any political service;

- ix. Participate in political activity in connection with a question not specifically identified with a political party; for example, soliciting signatures for a petition relative to changing working conditions or campaigning for an issue in a referendum;
 - x. Serve as a member of a precinct board or other election official who performs duties under this Title 3 GCA, including acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, partisan political organization or candidate;
 - xi. Drive voters to the polls on behalf of a political party, partisan political organization, or candidate;
2. The division manager may prohibit or limit participation of an employee in an activity otherwise permitted under this section if such participation would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interest.

D. Prohibited Activity.

- 1. An employee shall not use his or her official authority or influence for the purpose of interfering with or affecting the result of an election.
- 2. Specific activities in which employees are prohibited from participating include but are not limited to:
 - i. Soliciting, collecting, handling, disbursing, or accounting for assessments, contributions or other funds for a political party, partisan political organization or candidate;
 - ii. Organizing, selling tickets to, seeking support for, or actively participating in a fund-raising activity or a political party, partisan political organization or candidate;
 - iii. Taking an active part in managing the political campaign of a candidate;
 - iv. Being a candidate;
 - v. Discharging, promoting, demoting, or changing the compensation of any other employee, or promising or threatening to do so, because said other employee advocates or fails to advocate through contribution, voting or otherwise for a candidate; and
 - vi. Using government travel allowances, transportation, equipment, supplies, facilities or resources for the benefit of any political party, partisan

political organization or candidate.

- vii. Displaying political materials such as signs, brochures, badges and/or buttons in the workplace.
- viii. Soliciting signatures for a candidate in the workplace.

3. Special Restrictions

- i. The following positions are prohibited from taking part in any activity delineated in this section, or from taking an active part in political management or political campaigns:
 - a. Judges and chamber staff, including chamber clerks, law clerks and bailiffs, including magistrates, full time hearing officers and full time *pro tem* judges;
 - b. Justices and staff of the Supreme Court;
 - c. The Administrator of the Courts, the Clerk of Court for the Superior Court, the Clerk of Court for the Supreme Court; the Director of Policy Planning and Community Relations , the Marshal of the Court, the Chief Probation Officer, the Compiler of Laws, the Staff Attorney for Superior Court, the Public Guardian, and the following Division Managers: Procurement and Facilities Management Administrator, Human Resources Administrator, Client Services and Family Counseling Administrator, Court Programs Administrator, Finance Administrator and Management Information Systems Administrator.
- ii. For the purposes of this Section, the term “active part in political management or in a political campaign” means a campaign for or against candidates, or political activity in concert with a political party, or a candidate for partisan political office, or a partisan political group, or campaigns involving initiatives, referenda, plebiscites, or removal. “Political organization” means a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office.

E. Activities Not Affected. Nothing in this Code shall preclude the use under a rental agreement of government of Guam facilities by a political party, partisan political organization or candidate.

F. Review by Administrator of the Courts.

1. When any person has reason to believe that an employee has violated the provisions of the section, he/she may report the matter to the Administrator of the Courts. On receipt of a written report, or on receipt of such other information which seems to the Administrator to warrant a review, the Administrator of the Courts shall review the matter in accordance with the provisions of these sections to determine whether disciplinary action is appropriate.
2. If the Administrator of the Courts has determined that disciplinary action is appropriate, the procedures outlined in the Adverse Action and Judicial Council Hearing Officer Procedures shall govern.

G. Other Restrictions. No person, whether or not an employee, shall solicit or receive a contribution or distribute literature for any political purpose in any room or building occupied in the discharge of official duties by a person employed by the Executive, Legislative, or Judicial Branch of the Government of Guam. For purposes of this section, soliciting a contribution includes a solicitation by letter or circular addressed to and delivered to an employee in said room or building.

**SECTION VI.
DUTY TO REPORT AND VIOLATIONS**

- A. Duty to Report. Judicial Employees shall immediately report any violation or perceived violation of the law by a Judicial Employee or Judicial Officer. Judicial Employees shall also immediately report any violation of this Code by any Judicial Employee. Reports shall be made to the applicable division manager, to the Administrator of the Courts in the case of a division manager or Judicial Officer, or to the Chief Justice in the case of the Administrator of the Courts or as otherwise provided by rule, order, or policy as applicable within the Judiciary. Division managers shall forward any reports to the Administrator of the Courts. Minor infractions need not be reported. Judicial Employees shall not be subject to retaliation for reporting violations if such report is made in good faith. Judicial Employees shall report to their supervisor any personal violation of the law or charge immediately. Failure to report may be a violation of this Code.
- B. Violations. When any person has reason to believe that a Judicial Employee has violated the provisions of this Code, he or she may report the matter to the Administrator of the Courts. Upon receipt of information which seems to warrant a review, the Administrator of the Courts shall review the matter to determine whether disciplinary action is appropriate. If the Administrator of the Courts has determined that disciplinary action is appropriate, the Judiciary of Guam Personnel Rules and Regulations shall govern.

SECTION VII. COURT MANAGERS

Court Managers include the Administrator of the Courts, Deputy Administrative Director, Director of Policy Planning & Community Relations, Supreme Court Staff Attorney, Superior Court Staff Attorney, Supreme Court Clerk of Court, Superior Court Clerk of Court, Finance Administrator, Human Resources Administrator, Procurement & Facilities Management Administrator, Court Programs Administrator, Management Information Systems Administrator, Marshal of the Court, Chief Probation Officer, Client Services & Family Counseling Administrator, Compiler of Laws, Public Guardian, and any other position designated by the Administrator of the Courts.

- A. Court Managers shall require Judicial Employees subject to their direction and control to observe the ethical standards set out in this Code.
- B. As leaders, Court Managers must set the example for employees to follow in terms of their ethical behavior and the Judiciary's expectations regarding standards of conduct, integrity, honesty and truthfulness.
- C. Court Managers shall diligently discharge their administrative responsibilities, maintain professional competency in judicial administration and facilitate the performance of other Judicial Employees.
- D. Court Managers shall take action regarding any unethical conduct of any Judicial Employee by filing a complaint with the Administrator of the Courts for administrative review and appropriate disciplinary measures.



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC21-014

**RELATIVE TO THE APPROVAL OF THE MODIFICATION AGREEMENT TO THE 2020
BANK OF GUAM CREDIT AGREEMENT**

WHEREAS, under 7 GCA § 9512 and Judicial Council Resolution No. JC19-027, in January of 2020, the Judicial Council entered into a Credit Agreement and Promissory Note with the Bank of Guam for the financing of specific capital improvement projects; and

WHEREAS, because the COVID-19 public health emergency caused delays to the specific capital improvement projects, a request by the Chief Justice and the Administrator of the Court was made to the Bank of Guam to extend the drawdown period of twenty-four (24) months by an additional twelve (12) months as authorized under Section 5.F. of the Credit Agreement; and

WHEREAS, the Bank of Guam has agreed to the request to extend the drawdown period and requires modifications to the Credit Agreement and Promissory Note to reflect the extended drawdown period; and

WHEREAS, the Bank of Guam requires a Judicial Council resolution authorizing the Modification Agreement to the 2020 Bank of Guam Credit Agreement.


NOW, THEREFORE, BE IT RESOLVED, that the Judicial Council authorizes the Chief Justice and Administrator of the Courts to negotiate, approve and execute any modification, including any supporting documentation, to the 2020 Bank of Guam Credit Agreement and Promissory Note necessary to extend the drawdown period not to exceed an additional twelve (12) months and need not present such documentation to the Judicial Council for further approval.

DULY ADOPTED this 17th day of June 2021, at a duly noticed meeting of the Judicial Council of Guam.


F. PHILIP CARBULLIDO, Chairman

Dated: 6/24/2021

ATTEST:


Petrina M. Ula, Executive Secretary

Dated: 6/24/21



HON. F. PHILIP CARBULLIDO
CHIEF JUSTICE

JUDICIARY OF GUAM

Administrative Office of the Courts
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
Tel: (671) 475-3544 • Fax: (671) 477-3184



HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE

KRISTINA L. BAIRD
ADMINISTRATOR OF THE COURTS

June 17, 2021

TO: JUDICIAL COUNCIL MEMBERS

FROM: STAFF ATTORNEY


SUBJECT: Recommendation for Executive Session to Discuss Ongoing Litigation at the Judicial Council Regular Meeting of June 17, 2021

Pursuant to 5 GCA § 8111(c)(1), I recommend that the Judicial Council hold an executive session at its regular meeting scheduled for May 20, 2021 for the limited purpose of discussing the following ongoing legal matters:

- *TakeCare v. Birn and Baird*, District Court Case Civil Case No. CV19-00126,
- *Story-Bernardo v. Government of Guam, et. al.*, Superior Court Civil Case No. CV0733-20, and
- *Litigation threatened as reasonably expected.*

Further pursuant to Section 8111(c)(1), an affirmative vote of the Judicial Council will be necessary to hold this executive session.

Submitted for your consideration.



Andrew S. Quenga, Staff Attorney

CC: Kristina L. Baird, Administrator of the Courts