



BEFORE THE 2022 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC22-016

**RELATIVE TO REAPPOINTMENT OF JONTHAN R. QUAN AS SITTING MAGISTRATE
Under 7 GCA § 4401(d)**

- WHEREAS,** the initial term of Magistrate Judge Jonathan R. Quan is to expire on September 4, 2022; and
- WHEREAS,** Title 7 GCA § 4401(d) provides that the Chief Justice of Guam may reappoint a sitting magistrate without confirmation of *I Liheslaturan Guåhan* upon a unanimous recommendation of the Judicial Council for an additional term of four years; and
- WHEREAS,** on February 21, 2022, the Chief Justice of Guam created the Magistrate Judge Evaluation Committee (the "Committee"), chaired by Judge Alberto E. Tolentino and comprised of Jacqueline T. Terlaje (Guam Bar Association President), Danielle T. Rosete (Clerk of the Superior Court of Guam), Barbara Jean Perez (Human Resources Administrator of the Judiciary of Guam) and Andrew S. Quenga (Deputy Administrator of the Courts of the Judiciary of Guam) to evaluate the performance of Magistrate Judge Quan and to report its findings to the Judicial Council; and
- WHEREAS,** the Committee surveyed Guam Bar members, court patrons, court staff and judicial officers on the performance of the Magistrate Judge Quan; and
- WHEREAS,** Judge Tolentino presented a report on the results and findings of the survey of Magistrate Judge Quan (the "Report") at the regularly scheduled Judicial Council meeting of June 16, 2022, wherein the Committee was requested to submit its recommendation as an addendum to the Report (the "Addendum"), which Report, and Addendum are appended as an attachment; and
- WHEREAS,** the conclusion of the Committee was that "[b]ased on the information from the questionnaire/survey of those who have interacted with Magistrate Quan in their respective capacities, he has performed acceptable to excellent in the evaluation of the different criteria for judicial performance;" and
- WHEREAS,** the recommendation of the Committee was that "Magistrate Jonathan R. Quan be re-appointed to serve for another four-year term, pursuant to the provisions of 7 GCA § 4401."
- NOW THEREFORE BE IT RESOLVED,** that those members of the Judicial Council present and voting unanimously recommend (Chief Justice abstaining) that the Chief Justice of Guam re-appoint Magistrate Judge to another four-year term as provided in Title 7 GCA § 4401(d).
- DULY ADOPTED** this 16th day of June 2022 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: 06/16/2022

ATTEST:

Petrina M. Ula, Executive Secretary

Dated: 06/16/22



Superior Court of Guam

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HON. ALBERTO E. TOLENTINO
JUDGE

MEMORANDUM

To: Chief Justice F. Philip Carbullido

From: Honorable Alberto E. Tolentino, Chairperson
Superior Court of Guam Magistrate Judge Evaluation Committee

Cc: Magistrate Judge Evaluation Committee Members

Date: May 27, 2022

Subject: Report of the Findings of the Magistrate Judge Evaluation Committee
Regarding the Reappointment of Magistrate Judge Jonathan R. Quan

Hafa Adai, Chief Justice Carbullido,

The Magistrate Judge Evaluation Committee has completed its evaluation on the reappointment of Magistrate Jonathan R. Quan whose initial term expires in September 2022. Attached is the Committee's final report and supporting documents.

On behalf of the Committee, we thank you for the opportunity to serve on the Committee and to conduct an evaluation of Magistrate Quan's reappointment. The Committee will be available for any questions you or the Judicial Council members may have.

senseramente,

Hon. Alberto E. Tolentino

Attachments:

Report of the Findings of the Magistrate Judge Evaluation Committee
Exhibit A (Guidelines for the Evaluation of Judicial Performance)
Exhibit B (Survey to GBA Members, Court Patrons, and Court Staff)
Exhibit C (Survey Results and Magistrate Self-Assessment)

REPORT OF THE FINDINGS OF THE MAGISTRATE JUDGE EVALUATION COMMITTEE REGARDING THE REAPPOINTMENT OF MAGISTRATE JUDGE JONATHAN R. QUAN

INTRODUCTION

On February 21, 2022, Chief Justice of Guam, F. Philip Carbullido appointed the following individuals to serve on the Magistrate Judge Evaluation Committee (the “Committee”) to evaluate the performance of Magistrate Jonathan R. Quan whose initial term will expire on September 4, 2022:

Chair – Judge Alberto E. Tolentino, Superior Court of Guam
Jacqueline T. Taitano, President of the Guam Bar Association
Danielle T. Rosete, Superior Court of Guam Clerk of Court
Barbara Jean T. Perez, Judiciary of Guam Human Resources Administrator, and
Andrew S. Quenga, Judiciary of Guam Deputy Administrator of the Courts

The Committee was charged with evaluating the performance of Magistrate Judge Quan and to provide information for the Judicial Council to consider in contemplation of his potential reappointment pursuant to 7 GCA § 4401(d) which states:

The Chief Justice may reappoint a sitting magistrate without confirmation by *I Liheslaturan Guåhan* upon a unanimous recommendation of the Judicial Council:
(1) for one (1) additional term of four (4) years; or (2) until a new magistrate is appointed and duly confirmed, but not to exceed ninety (90) days.

BACKGROUND¹

Magistrate Judge Jonathan R. Quan was selected to serve as one of two Magistrate Judges by then-Chief Justice of Guam Katherine A. Maraman. His nomination was presented to and confirmed by *I Liheslaturan Guåhan* and he officially assumed the position on September 4, 2018.

The qualifications and duties of the magistrate are contained in Title 7 GCA § 4401(c). With specific regard to the duties of the magistrate judges it is noted that over the succeeding years since the statute was originally promulgated the responsibilities of the magistrate have been expanded and are reflected in the current iteration of this statutory provision.

METHODOLOGY

¹ The Committee notes that during Magistrate Quan’s four-year term, he was appointed by Chief Justice F. Philip Carbullido to serve as Judge *pro tempore* to assist with the docket vacated by Judge Michael J. Bordallo in February 2020 and Judge Anita A. Sukola in March 2021.

This report seeks to provide as comprehensive an evaluation as possible of the magistrate's performance in the discharge of his statutory duties as contained in the iterations of 7 GCA § 4401. Previous reports on the performance of a magistrate judge for reappointment consisted of the dissemination of surveys to members of the Guam Bar Association, court patrons, and Superior Court of Guam trial court judges. Those prior reports covered an average of the ratings assigned to each subject inquired upon; and an "approval rating" which was described as "the average rating compared to the maximum rating of 5." However, for the review of Magistrate Quan, this Committee wanted to capture his performance on a qualitative basis.

Therefore, the Committee considered and adopted the reasoning and methodology advocated by the American Bar Association (ABA) and its *Guidelines for the Evaluation of Judicial Performance* (February 2005). A copy of the guidelines is attached and incorporated by reference herein as Exhibit "A." As described by the ABA:

[i]n February 2005, the Judicial Division Lawyers Conference, working in cooperation with the former ABA Standing Committee on Judicial Independence, submitted to the association House of Delegates a collection of updated guidelines intended to provide a model for the evaluation of judicial performance. The guidelines were overwhelmingly adopted at the 2005 ABA Midyear Meeting.

(https://www.americanbar.org/groups/judicial/conferences/lawyers_conference/judicial_performance_resources/) (Last checked May 2, 2022). The guidelines generally provide a comprehensive basis and criterion for judicial performance evaluations that not only improve individual judge's performance as well as the judiciary as a whole; but also enable those responsible for reappointing of a judge to make an informed decision. *See Guidelines for the Evaluation of Judicial Performance* 1-1, 1-2, and 2-1. An important *caveat* to the use of these evaluations is that they cannot be used nor should they be disseminated to the judicial disciplinary authority. *Id.* 2-3.

The evaluation proposed by the ABA focuses on aspects of the judge's legal ability, his or her integrity and impartiality, communication skills, professionalism and temperament, and administrative capacity. *See Guidelines for the Evaluation of Judicial Performance* 5-1 *et seq.* The Guidelines included proposed questionnaires/surveys that seek input on specific criteria for each trait of judicial performance and the content and wording of the questionnaire is structured with the relevant respondent group and the nature and extent of that group's interaction with the judge.

Thus, the Committee considered the proposed questionnaires/surveys and determined that they would be most helpful in constructing an appropriate inquiry into the performance of the magistrate. They were modified accordingly to match the most relevant respondent groups that they would be disseminated to. The survey groups included: (1) lawyers who had practiced before the magistrate; (2) court patrons, *i.e.*, parties or litigants, that appeared before the judicial officer; (3) court staff who interacted with the magistrate in the performance of his duties; and (4) a self-assessment by the magistrate himself. The Committee determined that the identified groups would most likely be able to provide actual insight into Magistrate Quan's performance and thus the Committee did not seek input from other judicial officers. The Committee

encouraged and assured the respondents that their responses would be completely anonymous and that case-identifying or respondent-identifying information would be excluded. A copy of each of the surveys is attached and incorporated herein as Exhibit "B."

The collection of data for this evaluation took place over the period of March 31, 2022 through May 6, 2022. The respondent groups were identified by the court's case management system as having appeared before Magistrate Judge Quan as lawyers and parties or other litigants in the various cases handled by him. Court staff included members of the Courts & Ministerial, Marshals, and Probation Divisions who have also interacted with Magistrate Judge Quan. The surveys were disseminated electronically utilizing a data collection tool, SurveyMonkey, which the Judiciary has used in the past. Access to this tool was accomplished with the assistance of the Guam Bar Association's ListServ, e-mail correspondence with parties and/or litigants and court staff. Paper surveys were distributed to those parties who were physically present at hearings before the Magistrate but after their matters were concluded and also mailed to parties who appeared before Magistrate Quan in the last year. As of the closing date, the following information is provided:

Court Patrons

Total Number of surveys disseminated - 84

Completed - 18

Attorney Surveys

The survey link was sent via ListServ to the active Guam Bar members

Completed - 49

Court Staff

Total number of surveys disseminated - 167

Completed - 102

Total surveys completed: 169

SURVEY RESULTS/ANALYSIS

The surveys/questionnaires were designed to capture information on specific criteria of legal ability, integrity and impartiality, communication skills, professionalism and temperament, and administrative capacity. The respondents were asked to rate Magistrate Judge Quan on the basis of the several attributes described above as either: excellent, very good, average, poor, or unacceptable. Copies of the Summary Evaluations from each responding group are attached to this memorandum. Additionally, Magistrate Quan submitted a self-evaluation which is also attached as Exhibit C for your review.

Legal Ability²

The Magistrate Judge was evaluated on his legal ability which includes legal reasoning ability; knowledge of substantive law; knowledge of rules of procedure and evidence; and keeping current on developments in law, procedure, and evidence.

In this regard, the surveys completed by attorneys provide an insight and perspective on the magistrate's performance. Ninety-eight percent of those who responded rated Magistrate Quan as excellent to acceptable on his legal reasoning ability and knowledge of the rules of procedure and evidence. Out of 49 responses, only one rated his performance as poor. The Magistrate's knowledge of substantive law was rated to be 96% excellent to acceptable. One rated his performance as poor, and another responded did not know/does not apply. Whether or not Magistrate Quan kept current in substantive law and rules of procedure and evidence, seventy-one percent rated his performance as acceptable to excellent, one respondent rated him poor and 13 responded that they did not know/does not apply.

Impartiality and Integrity³

The results of the evaluation of Magistrate Quan's performance on integrity and impartiality, included the avoidance of impropriety and the appearance of impropriety; treating all people with dignity and respect; absence of favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status; acting fairly by giving people individual consideration; consideration of both sides of an argument before rendering a decision; basing decisions on the law and the facts without regard to the identity of the parties or counsel, and with an open mind in considering all issues; and the ability to make difficult or unpopular decisions. All respondents provided input on these characteristics and the following conclusions are made:

Among the court patrons and attorneys who appeared before the magistrate and provided input of Magistrate Quan's avoidance of impropriety and the appearance of impropriety; 88% collectively evaluated his performance as excellent to acceptable. None rated his performance as poor to unacceptable. In contrast, seventy-two percent of court staff rated the magistrate's performance positively; however, nearly 18% found his performance poor to unacceptable.

When it came to Magistrate Quan's treatment of all people with dignity and respect, positive impressions in this regard were overwhelmingly favorable among court patrons and attorneys,

² Judges have a duty to know and understand the law. Judges must address, and therefore be knowledgeable in, many areas of law including a broad range of substantive law issues, constitutional law, procedure, and evidence. *Guidelines for the Evaluation of Judicial Performance* 5-1, commentary.

³ Judges must not show favor or disfavor with respect to issues, parties, or attorneys in matters before the court. Judicial impartiality is defined by the 1990 ABA Model Code of Judicial Conduct (Revised 2003) as an absence of bias or prejudice in favor of, or against, particular parties or classes of parties, and an open mind in considering issues that may come before the judge. Judges must appear to be and actually be fair. Both the appearance of and the quality of fairness are essential. For example, the fairness of a judge who consistently disregards or overrules one side's objections may be questioned, even if the rulings are legally sound. *Guidelines for the Evaluation of Judicial Performance* 5-2, commentary.

ninety-four percent and ninety-one percent, respectively. Among court personnel that favorable rating was at 71%; but 29% found his performance poor to unacceptable.

Similarly, when evaluated for favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status, Magistrate Quan was rated positively around 88% by all respondents; however, among court employees he rated unacceptable to poor by 12% of respondents. His negative rating among lawyers and court patrons was 2% and 5.56%, respectively.

Court personnel were asked if they found the magistrate acting fairly by giving people individual consideration. Twenty-eight percent found he performed in an excellent manner but 37% found it acceptable. Sixteen percent rated his performance as poor or unacceptable.

Ninety-two percent of lawyers rated Magistrate Quan's consideration of both sides of an argument before rendering a decision as excellent to acceptable. Four percent opined he performed poorly. Court staff however, rated the magistrate 76% acceptable or above, and 8% thought he performed poorly.

Both lawyers and court personnel were asked to assess whether Magistrate Quan based his decisions on the law and the facts without regard to the identity of the parties or counsel, and with an open mind in considering all issues, and the ability to make difficult or unpopular decisions. While 92% of lawyers rated the magistrate's performance as acceptable or better only 74% thought so. Nine percent of court staff thought the magistrate did poorly or unacceptable. In addition, 86% of lawyers thought Magistrate Quan rated acceptable and above in keeping an open mind and considering all relevant issues in making decisions while only 71% of court staff thought he did. Eight percent of lawyers and 17% of court personnel rated him poor or unacceptable.

Communication Skills⁴

Magistrate Judge Quan was evaluated on his communication skills, including clear and logical oral communication while in court and clear and logical written decisions. Among the court patrons, he performed excellent or very good by 94% of the respondents who were asked about clear and logical communication when speaking to lawyers, witnesses, and litigants while in court. Seventy-eight percent of court patrons thought he was very good or excellent in clearly explaining court procedures.

Ninety-four percent of lawyers found Magistrate Quan performed acceptable or above in the use of clear and logical oral communication while in court and that he uses plain English and

⁴ All judges must be able to communicate effectively. Effective communication skills include the ability to speak and write so that what is expressed is understood. The law of a case, whether presented in spoken or written form, should be clear and concise. If it is not, the law remains ambiguous not only for the parties to the case, but also for other litigants who attempt to employ it as precedent. Judges must also recognize the potential negative impact of verbal and nonverbal communications such as tone of voice, facial expressions, eye contact, hand motions, and posture. These mannerisms can create either an appropriate or inappropriate atmosphere in a judicial proceeding. Avoiding negative verbal and nonverbal communications is equally important. *Guidelines for the Evaluation of Judicial Performance* 5-3, commentary.

understandable language when speaking to litigants and witnesses. Eighty-three percent of the lawyers said his performance was acceptable or excellent in producing clear and logical written decisions. Two percent of the lawyers felt he performed poor or unacceptable.

Among court staff, 86% thought Magistrate Quan's use of clear and logical oral communication in court was acceptable to excellent. Nearly 10% rated him poor to unacceptable. Similarly, 85% of the court staff rated the magistrate's performance in using plain English and understandable language when speaking to litigants and witnesses as acceptable or better; while 8% found his performance poor to unacceptable.

Professionalism and Temperament⁵

With regard to Magistrate Judge Quan's professionalism and temperament, insight was sought on whether he acts in a dignified manner; treats people with courtesy; acts with patience and self-control; deals with *pro se* litigants and litigation fairly and effectively; and promotes public understanding of and confidence in the courts.

Eighty-nine percent of court patrons evaluated Magistrate Quan's performance in a dignified manner and courteous treatment of litigants and witnesses as acceptable to excellent. Of the eighteen responses only one found his performance poor and another found it unacceptable. Lawyers rated his performance in these areas a bit higher at approximately 90% of respondents for both characteristics. Out of the 49 lawyers who responded four found his performance in each category as poor and one as unacceptable. Court employees, however, reported a very different perspective. Seventy percent of the 102 respondents found that the magistrate acted in a dignified manner; while 19 court employees found his conduct poor and nine said it was unacceptable.

Whether the Magistrate Judge acted with patience and self-control, the surveys showed similar results. While 83% of the court patrons and 92% of the lawyers rated him acceptable or better; 64% of court employees rated him as such. Of the 18 court patron responses, two found the magistrate's performance as poor and one unacceptable. Of the 49 lawyers who responded, two found his performance poor and one unacceptable. One hundred and two court employees were surveyed and 24 rated him poor and 11 as unacceptable.

Court employees and lawyers found Magistrate Quan's work with *pro se* litigants and litigation in a fair and effective manner as acceptable or better by 63%, collectively. In promoting public understanding and confidence in the court, 80% of the lawyers responding thought he did excellent to acceptable; whereas 70% of court staff agreed. Nineteen percent of court staff thought the magistrate performed poor to unacceptable while 6.12% of lawyers thought he performed poorly.

⁵ The image of a judge is important, for a positive image creates respect for the judiciary. The most important element of a positive image is that elusive quality called judicial temperament. It includes such criteria as patience, courtesy, dignity, and compassion. *Guidelines for the Evaluation of Judicial Performance* 5-4, commentary.

Administrative Capacity⁶

Finally, a critical issue that the Committee believed was an important consideration for a proper evaluation had to include the Magistrate Judge's administrative capacity, which encompasses: punctuality and preparation for court; maintaining control over the courtroom; appropriate enforcement of court rules, orders, and deadlines; making decisions and rulings in a prompt, timely manner; managing his or her calendar efficiently; demonstrating appropriate innovation in using technology to improve the administration of justice; fostering a productive work environment with other judges and court staff; and acting to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system.

Court patrons overwhelmingly agreed that Magistrate Quan performed in an excellent manner in maintaining control over the courtroom and proceedings, that he appropriately enforced court rules, orders and time limits, and that he acted to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system.

Amongst lawyers, the magistrate averaged a positive rating of 89% of the respondents for both his punctuality and preparedness for court. Ten percent rated his performance as poor to unacceptable for punctuality while his preparedness was found to be poor to unacceptable by 4% of the respondents. By comparison, court employees ratings were substantially lower at 52% of respondents believing his performance was acceptable to excellent. Forty-two percent found his performance to be poor or unacceptable.

Lawyers and court staff also differed in Magistrate Judge Quan's performance in maintaining control over the courtroom, including courtroom personnel. Ninety-four percent of lawyers were of the opinion that he performed at least acceptable to excellent in this regard compared to only 73% of court staff. Twenty percent of court staff found his performance to be poor to unacceptable.

When the issue involved whether the Magistrate appropriately enforces court rules, orders, and deadlines, lawyers and court employees found he did an acceptable to excellent job 96% and 69%, respectively. Only 2% of lawyers rated his performance poor while 22% of court employees rated his performance poor to unacceptable.

Ninety percent of lawyers rated his ability to make decisions and rulings in a timely manner positively while 61% of court employees felt he did acceptable to excellent. Almost 25% of court staff thought he performed poor to unacceptable while only 6% of lawyer felt that way.

Magistrate Quan's performance in managing his court's calendar efficiently was approved of by 88% of the lawyers while only 51% of court staff thought he did at least acceptable to excellent.

⁶ Promptness in adjudication is essential and is equally important at both the appellate and trial levels. While an appellate judge may be unable to control completely the promptness with which a case is decided and an opinion filed, a reasonably prompt decision in all cases is important, and every appellate court judge must work toward this end. Trial court judges are generally in a position to control the disposition of their cases without regard to the schedule of other judges. *Guidelines for the Evaluation of Judicial Performance* 5-5, commentary.

Forty-three percent of staff thought he did poor to unacceptable compared to 4% of lawyers who found her performed poorly.

The magistrate's performance in fostering a productive work environment with other judges, magistrates, and court staff; 43% of lawyers rated him very good to excellent. Fifty-three percent of the respondents did not know/does not apply. Fifty-five percent of court staff thought he performed acceptable to excellent while 33% of them thought he did poor to unacceptable.

Lawyers were asked if the magistrate demonstrates appropriate innovation in the use of technology to improve the administration of justice. Seventy-three percent rated him acceptable to excellent and only 4% rated him poor.

When asked how Magistrate Quan performed in acting to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system, 79% of court employees found that he was acceptable to excellent compared to 65% of lawyers. Thirty-three percent of lawyers responded that they did not know/does not apply.

Finally, court patrons were asked if their interaction could have been improved to which 11 of 18 responded no.

Comments submitted by the different respondents is included in each of the summary evaluation reports and provide more personalized explications of their perception of Magistrate Quan's performance. The largest group of respondents that Magistrate Quan performed poorly for appears to be the court staff. It is noted that:

Judges must possess the attribute of cooperativeness. Trial court judges frequently work with other trial court judges and share responsibility for administration, scheduling, and other tasks crucial to accomplishing the work of the trial court ... [and] ...promoting cooperative relationships with other judges and with court staff will create a harmonious and productive work environment.

Guidelines for the Evaluation of Judicial Performance 5-5, commentary

Conclusion

Based on the information compiled from the questionnaire/survey of those who have interacted with Magistrate Quan in their respective capacities, he has performed acceptable to excellent in the evaluation of the different criteria for judicial performance.

Recommendation

Therefore, the Magistrate Judge Evaluation Committee recommends that Magistrate Jonathan R. Quan be re-appointed to serve for another four-year term, pursuant to the provisions of 7 GCA § 4401.

Exhibit A

AMERICAN BAR ASSOCIATION
BLACK LETTER GUIDELINES FOR THE
EVALUATION OF JUDICIAL PERFORMANCE

FEBRUARY 2005

I. GOALS

Guideline 1-1. Judicial evaluation programs improve the performance of individual judges and the judiciary as a whole. All court systems should develop and implement a formal program for the evaluation of judicial performance.

Guideline 1-2. In jurisdictions where judges are subject to reappointment, retention, or reelection, judicial evaluation programs enable those responsible for continuing judges in office to make informed decisions.

II. USES

Guideline 2-1. Primary uses of judicial performance evaluation include promoting judicial self-improvement, enhancing the quality of the judiciary as a whole, and providing relevant information to those responsible for continuing judges in office.

Guideline 2-2. Additional uses that may be considered include the effective assignment of judges within the judiciary and the improved design of continuing education programs.

Guideline 2-3. The uses of judicial performance evaluation do not include judicial discipline. The information developed in a judicial evaluation program should not be disseminated to authorities charged with disciplinary responsibility, unless required by law or by rules of professional conduct.

III. DISSEMINATION

Guideline 3-1. The dissemination of data and results from a judicial evaluation program should be consistent with and conform to the uses of the program. Except for the authorized uses of the performance evaluation and consistent with the law, the data and results should be confidential.

Guideline 3-2. When judicial evaluations are used only for judicial self-improvement, individual results should be provided only to the judge evaluated and the presiding or supervisory judge responsible for the performance of the court on which the judge serves.

Guideline 3-3. When judicial evaluations are used to improve the quality of the judiciary as a whole, results should not identify or give comparative rankings of individual judges.

Guideline 3-4. When judicial evaluations are used to inform decision makers regarding the continuation of judges in office, results should be made readily available to those responsible for continuation decisions, including voters, governors, legislatures, and commissions.

-4.1. Those responsible for reappointing, reelecting, or retaining judges should be provided with objective summaries of evaluation results for each judge and an explanation of how to interpret the results.

-4.2. If evaluation results are provided to an individual or entity responsible for continuation decisions, and those results include assessments of a judge's overall performance or recommendations as to whether a judge should be continued in office, judges should have an opportunity to review and respond to the evaluation report before it is disseminated.

-4.3. If evaluation results are publicly disseminated, and those results include assessments of a judge's overall performance or recommendations as to whether a judge should be continued in office, judges should have an opportunity to review, respond, and meet with members of the evaluation body before the results are made public.

IV. ADMINISTRATION AND SUPPORT

Guideline 4-1. Ultimate authority over the development and implementation of a judicial performance evaluation program should be vested in the highest court or other constitutionally mandated body having ultimate responsibility for judicial administration.

-1.1. In states where performance evaluation programs have not been established by the judiciary or other governmental body, bar associations should develop and administer evaluation programs according to these guidelines.

-1.2. In states where judges are chosen in contested elections, it may be inappropriate for the judicial branch or any other entity using public funds to disseminate performance evaluations of incumbent judges running for reelection. In order to provide voters in these states with relevant information, bar associations should develop and administer judicial performance evaluation programs according to these guidelines.

Guideline 4-2. The day-to-day activities of the judicial evaluation program should operate through an independent, broadly based, and diverse committee.

-2.1. In jurisdictions where judicial evaluations are used solely for self-improvement and for improving the quality of the judiciary as a whole, oversight committees should be composed of members of the bench and the bar.

-2.2. In jurisdictions where evaluations are used to inform decisions regarding the continuation of judges in office, oversight committees should also include members of the public who are familiar with the judicial system.

Guideline 4-3. Staff support and adequate funding should be available to support a judicial evaluation program of high quality.

Guideline 4-4. Judicial evaluation programs should be structured and implemented so as not to impair judicial independence. The evaluation process should be free from political, ideological, and issue-oriented considerations.

Guideline 4-5. Judicial evaluation programs should be developed systematically and may be implemented in progressive stages. Evaluation programs should remain flexible so that they may be modified as needed. The entity having ultimate responsibility for the evaluation program should conduct periodic assessments of the program.

V. CRITERIA

Guideline 5-1. A judge should be evaluated on his or her legal ability, including the following criteria:

- 1-1. Legal reasoning ability.**
- 1.2. Knowledge of substantive law.**
- 1.3. Knowledge of rules of procedure and evidence.**
- 1.4. Keeping current on developments in law, procedure, and evidence.**

Guideline 5-2. A judge should be evaluated on his or her integrity and impartiality, including the following criteria:

- 2.1. Avoidance of impropriety and the appearance of impropriety.**
- 2.2. Treating all people with dignity and respect.**
- 2.3. Absence of favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.**
- 2.4. Acting fairly by giving people individual consideration.**
- 2.5. Consideration of both sides of an argument before rendering a decision.**
- 2.6. Basing decisions on the law and the facts without regard to the identity of the parties or counsel, and with an open mind in considering all issues.**
- 2.7. Ability to make difficult or unpopular decisions.**

Guideline 5-3. A judge should be evaluated on his or her communication skills, including the following criteria:

-3.1. Clear and logical oral communication while in court.

-3.2. Clear and logical written decisions.

Guideline 5-4. A judge should be evaluated on his or her professionalism and temperament, including the following criteria:

-4.1. Acting in a dignified manner.

-4.2. Treating people with courtesy.

-4.3. Acting with patience and self-control.

-4.4. Dealing with pro se litigants and litigation fairly and effectively.

-4.5. Participating and providing leadership to an appropriate degree in professional development activities and in jurisdiction-wide and statewide court improvement and judicial education activities.

-4.6. Promoting public understanding of and confidence in the courts.

Guideline 5-5. A judge should be evaluated on his or her administrative capacity, including the following criteria:

-5.1. Punctuality and preparation for court.

-5.2. Maintaining control over the courtroom.

-5.3. Appropriate enforcement of court rules, orders, and deadlines.

-5.4. Making decisions and rulings in a prompt, timely manner.

-5.5. Managing his or her calendar efficiently.

-5.6. Using settlement conferences and alternative dispute resolution mechanisms as appropriate.

-5.7. Demonstrating appropriate innovation in using technology to improve the administration of justice.

-5.8. Fostering a productive work environment with other judges and court staff.

-5.9. Utilizing recruitment, hiring, and promotion policies and practices to ensure that the pool of qualified applicants for court employment is broad and diverse.

-5.10. Acting to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system.

Guideline 5-6. Additional criteria should be developed reflective of jurisdiction (specialized versus general) and level of court (trial versus appellate).

-6.1. A specialized court judge should be evaluated according to whether he or she demonstrates the knowledge and skills necessary.

-6.2. An appellate court judge should be evaluated on the quality of his or her preparation for and participation in oral argument and on his or her effectiveness in working with other judges of the court.

VI. METHODOLOGY

Guideline 6-1. The judicial evaluation process is comprised of data collection, synthesis and analysis, and its usage.

Guideline 6-2. Expert competence should be used in developing methods for evaluating judges and collecting and analyzing data.

Guideline 6-3. Behavior-based instruments should be used to evaluate judges.

Guideline 6-4. The evaluation process must ensure the anonymity of individual respondents.

Guideline 6-5. Reliable sources of information should be developed for judicial evaluation programs.

-5.1. Multiple sources should be used whenever feasible.

-1.1. Potential sources of information for trial judge evaluations include attorneys, jurors, litigants, and witnesses who have appeared before the judge; non-judicial court staff, social service personnel, and law enforcement officials who have had regular contact with the judge; and appellate judges who have reviewed the judge's decisions.

-1.2. Potential sources of information for appellate judge evaluations include attorneys who have appeared before the judge, non-judicial court staff who have had regular contact with the judge, other appellate judges, and trial court judges whose decisions have been reviewed by the judge.

-5.2. Sources should be limited to those with personal and current knowledge of the judge.

-5.3. Objective sources of information may include public records.

Guideline 6-6. At the outset of the evaluation program, program administrators should establish minimum thresholds for both response rates and number of respondents.

Guideline 6-7. Questionnaire content and wording should be structured with the relevant respondent group, and the nature and extent of that group's interaction with judges, in mind. In most instances, it will be necessary to use a different performance questionnaire for each respondent group.

Guideline 6-8. Judges should be evaluated periodically. The frequency of judicial evaluations should be related to such factors as the length of time the judge has served on the bench and when the judge will be considered for reappointment, retention, or reelection.

Exhibit B

Attorney Evaluation



Superior Court of Guam

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HON. ALBERTO E. TOLENTINO
JUDGE

April 15, 2022

To: Attorneys, Litigants, and Parties Who Have Appeared Before
Magistrate Judge Jonathan R. Quan *and* All Superior Court of Guam Staff
Who Have Interacted with Magistrate Judge Quan

From: Honorable Alberto E. Tolentino, Chairperson
Superior Court of Guam Magistrate Judge Evaluation Committee

Subject: Magistrate Judge Evaluation Committee Survey/Questionnaire

Hafa Adai! The Judiciary of Guam respectfully requests your assistance in completing an assessment of Magistrate Judge Jonathan R. Quan's performance during his term as Magistrate Judge. A survey will be made available for you to complete beginning April 15, 2022 and concluding May 6, 2022.

Magistrate Judge Quan's four-year term will be expiring this September 2022, and the reappointment will be considered by the Judicial Council pursuant to 7 GCA § 4401(d). In preparation, Chief Justice F. Philip Carbullido has appointed the following individuals to serve with me on the Evaluation Committee: Danielle T. Rosete, Superior Court of Guam Clerk of Court, Barbara Jean T. Perez, Judiciary of Guam Human Resources Administrator, Andrew S. Quenga, Deputy Administrator of the Courts, and Jacqueline T. Terlaje, Guam Bar Association President. The Committee is tasked with reporting to the Judicial Council an assessment of Magistrate Judge Quan's performance, as evaluated by practitioners, litigants and parties who have appeared before him, as well as court staff who have interacted with him.

It is urgently requested that the evaluation be completed. The survey/questionnaire will be made available to you by various means of dissemination to facilitate contact with all interested individuals so that they might have the opportunity to provide input. To complete the survey online, please click on the following link <https://www.surveymonkey.com/r/PCL73MS>.

Your responses are invaluable to ensuring that the appointee continues to serve the interests of justice. The Committee thanks you in advance for taking the time to be a part of this important process.

Thank you!

The Judiciary of Guam is an equal opportunity employer and provider.

JUDICIAL PERFORMANCE EVALUATION

Attorney Evaluation of Magistrate Judge Jonathan R. Quan

In an effort to improve the quality of the judiciary and justice system the above-named magistrate's performance on the bench is being evaluated. A critical component of this effort is to obtain the thoughtful, considered input from individuals who have appeared before the magistrate. As part of this process, attorneys who appeared before the magistrate during the past twelve months are being asked to complete a brief questionnaire.

Court records indicate that you or others in your law firm/office appeared before the magistrate during this time period. As you have had the opportunity to personally observe the magistrate on the bench, you are in a position to provide meaningful, reliable information to this evaluation by completing the attached questionnaire as completely and forthrightly as possible.

The survey should take 5 to 10 minutes to complete. Your responses will **remain totally confidential** and will be attributed to you in no manner. Neither your name nor any other identifying information will be asked and should not be provided on the questionnaire. Any potentially personally identifying information will remain confidential and responses will be reported only in summary form and aggregated with the other attorneys that complete the survey.

For each of the statements below, mark the box that best represents your own perspective on the topic, **based solely on your experience appearing before the above named magistrate**. You will be asked to provide background information that will help put the survey results into context. There is space in the questionnaire for you to provide any comments or additional information on the magistrate's performance or the evaluation materials and procedures.

Thank you for your participation and effort in this important endeavor.

Judicial Performance Evaluation
Attorney Evaluation of
Magistrate Judge Jonathan R. Quan

Please rate the magistrate's performance, based on your own personal experience, using the following scale:

A Excellent B Very Good C Acceptable D Poor F Unacceptable

Please answer **Don't Know/Does Not Apply ("DK/DNA")** for any items in which you lack sufficient information from your own observation to fairly and accurately rate the magistrate's performance or items which do not apply to your interactions with the magistrate.

	A	B	C	D	F	DK/DNA
<u>Section 1 Legal Ability</u>						
a. Legal reasoning ability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Knowledge of substantive law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Knowledge of rules of procedure and evidence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Keeps current on developments in substantive law and rules of procedure and evidence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Section 2 Integrity and Impartiality</u>						
a. Avoids impropriety and the appearance of impropriety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Treats all people with dignity and respect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Willingness to make difficult or unpopular decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Acts fairly by giving people individual consideration.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Considers both sides of an argument before rendering a decision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Presents a neutral presence on the bench.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Refrains from inappropriate <i>ex parte</i> communication.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Bases decisions on the law and facts without regard to the identity of the parties or counsel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Keeps an open mind and considering all relevant issues in making decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Acts without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IF YOU ANSWERED A, B, C, OR DK TO QUESTION J ABOVE, PLEASE **SKIP** TO SECTION 3

- k. If you believe the magistrate acts with favor or disfavor to anyone based upon personal characteristics, such as those listed above, please list the characteristic(s) giving rise to your belief.

Section 3 Communication

- | | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Uses clear and logical oral communication while in court. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Uses plain English and understandable language when speaking to litigants and witnesses. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Prepares clear and logical written decisions and orders. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Section 4 Professionalism and Temperament

- | | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Acts in a dignified manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Treats people with courtesy. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Is attentive to proceedings. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Acts with patience and self-control. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. When working with <i>pro se</i> litigants and litigation does so fairly and effectively. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Has appropriate levels of empathy with the parties involved in proceeding. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Promotes public understanding of and confidence in the courts. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Section 5 Administrative Capacity

- | | | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Is punctual for court. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Is prepared for court. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Maintains control over the courtroom. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Appropriately enforces court rules, orders, and deadlines. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Makes decisions and rulings in a prompt, timely manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Manages the court's calendar efficiently. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Demonstrates appropriate innovation in the use of technology to improve the administration of justice. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Fosters a productive work environment with other judges, magistrates and court staff. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Acts to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Section 6 Background Information

- a. Which of the following areas of law best describe your practice (select up to 2 items)
- ☐ CIVIL TORT -- DEFENSE
 - ☐ CIVIL TORT -- PLAINTIFF
 - ☐ CRIMINAL -- DEFENSE ATTORNEY
 - ☐ CRIMINAL -- PROSECUTION
 - ☐ COMMERCIAL & GENERAL CIVIL
 - ☐ JUVENILE OFFENDER OR DEPENDENCY
 - ☐ DOMESTIC RELATIONS/FAMILY LAW
 - ☐ ESTATE/PROBATE
 - ☐ GOVERNMENT PRACTICE
 - ☐ OTHER (please specify) _____
- b. Which of the following best describes your work setting?
- ☐ PROSECUTING ATTORNEY'S OFFICE
 - ☐ ATTORNEY GENERAL'S OFFICE
 - ☐ PUBLIC DEFENDER
 - ☐ LEGAL AID
 - ☐ IN HOUSE CORPORATE COUNSEL
 - ☐ PRIVATE PRACTICE
 - ☐ OTHER (please specify) _____
- c. How many times have you appeared for a virtual or in-person hearing in Magistrate Quan's court over the past year?
- ☐ NEVER
 - ☐ ONCE
 - ☐ 2-3 TIMES
 - ☐ 4-10 TIMES
 - ☐ MORE THAN 10 TIMES

Comments

Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire or the magistrate's performance on the bench in the space below. You may use the back of this page or add additional pages if needed.

Thank you very much for your time and effort.

Court Patron Evaluation



Superior Court of Guam

Guam Judicial Center • 120 West O'Brien Drive • Hagåtña, Guam 96910
Telephone: (671) 475-3323 • Facsimile: (671) 477-1852



HON. ALBERTO E. TOLENTINO
JUDGE

April 15, 2022

To: Attorneys, Litigants, and Parties Who Have Appeared Before
Magistrate Judge Jonathan R. Quan *and* All Superior Court of Guam Staff
Who Have Interacted with Magistrate Judge Quan

From: Honorable Alberto E. Tolentino, Chairperson
Superior Court of Guam Magistrate Judge Evaluation Committee

Subject: Magistrate Judge Evaluation Committee Survey/Questionnaire

Hafa Adai! The Judiciary of Guam respectfully requests your assistance in completing an assessment of Magistrate Judge Jonathan R. Quan's performance during his term as Magistrate Judge. A survey will be made available for you to complete beginning April 15, 2022 and concluding May 6, 2022.

Magistrate Judge Quan's four-year term will be expiring this September 2022, and the reappointment will be considered by the Judicial Council pursuant to 7 GCA § 4401(d). In preparation, Chief Justice F. Philip Carbullido has appointed the following individuals to serve with me on the Evaluation Committee: Danielle T. Rosete, Superior Court of Guam Clerk of Court, Barbara Jean T. Perez, Judiciary of Guam Human Resources Administrator, Andrew S. Quenga, Deputy Administrator of the Courts, and Jacqueline T. Terlaje, Guam Bar Association President. The Committee is tasked with reporting to the Judicial Council an assessment of Magistrate Judge Quan's performance, as evaluated by practitioners, litigants and parties who have appeared before him, as well as court staff who have interacted with him.

It is urgently requested that the evaluation be completed. The survey/questionnaire will be made available to you by various means of dissemination to facilitate contact with all interested individuals so that they might have the opportunity to provide input. To complete the survey online, please click on the following link <https://www.surveymonkey.com/r/P2HWP55>. You can also complete the attached paper survey and return it to the Judiciary of Guam using the self-addressed envelope provided. The survey should be completed by May 6, 2022. If you completed an online survey you do not need to send a paper survey.

Your responses are invaluable to ensuring that the appointee continues to serve the interests of justice. The Committee thanks you in advance for taking the time to be a part of this important process.

Thank you!

The Judiciary of Guam is an equal opportunity employer and provider.

JUDICIAL PERFORMANCE EVALUATION

Evaluation of Magistrate Judge Jonathan R. Quan

In an effort to improve the quality of the judiciary and justice system the above-named magistrate's performance on the bench is being evaluated. A critical component of this effort is to obtain the thoughtful, considered input from individuals who have appeared in the magistrate's courtroom. You have had the opportunity to personally observe the magistrate during the course of proceedings before the magistrate. As such, you are in a unique position to provide meaningful, reliable information in this process by completing the attached questionnaire as completely and forthrightly as possible. By answering these questions you will not only be helping the magistrate improve his performance, you will also be providing information that can lead to improving the quality of services the entire court system can provide to the public.

The survey should take about 5 minutes to complete. Your responses will remain **totally confidential** and will be attributed to you in no manner. Neither your name nor any other identifying information will be asked and should not be provided on the questionnaire. Any potentially personally identifying information will remain confidential and responses will only be reported in summary form.

For each of the statements on pages below, please mark the box that best represents your own perspective on the topic, **based solely on your experience**. You can also provide any comments or additional information on the magistrate's performance or the evaluation materials and procedures.

Thank you for your participation and effort in this important endeavor.

Judicial Performance Evaluation Court

Patron Evaluation of

Magistrate Judge Jonathan R. Quan

Please rate the magistrate's performance, based on your own personal experience, using the following scale:

A Excellent B Very Good C Acceptable D Poor F Unacceptable

Please answer **Don't Know/Does Not Apply ("DK/DNA")** for any items in which you lack sufficient information from your own observation to fairly and accurately rate the magistrate's performance or items which do not apply to your interactions with the magistrate.

	A	B	C	D	F	DK/DNA
1. Avoided impropriety and the appearance of impropriety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Treated all people with dignity and respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Acted without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IF YOU ANSWERED A, B, C, OR DK TO QUESTION 3 ABOVE, PLEASE **SKIP** TO QUESTION 5

- | | | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 4. If you believe the Magistrate acted with favor or disfavor to anyone based upon personal characteristics such as those listed above, please list the characteristic(s) (if any) giving rise to your belief. | <hr/> | | | | | |
| 5. Used clear and logical oral communication when speaking to lawyers, witnesses, and litigants while in court. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Clearly explained court procedures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Acted in a dignified manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Treated the attorneys, litigants and witnesses with courtesy. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Acted with patience and self-control. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Maintained control over the courtroom and proceedings. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Appropriately enforced court rules, orders, and time limits. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Acted to ensure that disabilities and linguistic and cultural differences did not limit access to the justice system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Do you feel that your interaction with the Magistrate could have been improved? | | | | | | |
| ○ YES | | | | | | |
| ○ NO | | | | | | |

If so, how?

Comments

Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire or the magistrate's performance on the bench in the space below. You may use the back of this page or add additional pages if needed.

Thank you very much for your time and effort.

Court Staff Evaluation



Superior Court of Guam

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HON. ALBERTO E. TOLENTINO
JUDGE

April 15, 2022

To: Attorneys, Litigants, and Parties Who Have Appeared Before
Magistrate Judge Jonathan R. Quan *and* All Superior Court of Guam Staff
Who Have Interacted with Magistrate Judge Quan

From: Honorable Alberto E. Tolentino, Chairperson
Superior Court of Guam Magistrate Judge Evaluation Committee

Subject: Magistrate Judge Evaluation Committee Survey/Questionnaire

Hafa Adai! The Judiciary of Guam respectfully requests your assistance in completing an assessment of Magistrate Judge Jonathan R. Quan's performance during his term as Magistrate Judge. A survey will be made available for you to complete beginning April 15, 2022 and concluding April 29, 2022.

Magistrate Judge Quan's four-year term will be expiring this September 2022, and the reappointment will be considered by the Judicial Council pursuant to 7 GCA § 4401(d). In preparation, Chief Justice F. Philip Carbullido has appointed the following individuals to serve with me on the Evaluation Committee: Danielle T. Rosete, Superior Court of Guam Clerk of Court, Barbara Jean T. Perez, Judiciary of Guam Human Resources Administrator, Andrew S. Quenga, Deputy Administrator of the Courts, and Jacqueline T. Terlaje, Guam Bar Association President. The Committee is tasked with reporting to the Judicial Council an assessment of Magistrate Judge Quan's performance, as evaluated by practitioners, litigants and parties who have appeared before him, as well as court staff who have interacted with him.

It is urgently requested that the evaluation be completed. The survey/questionnaire will be made available to you by various means of dissemination to facilitate contact with all interested individuals so that they might have the opportunity to provide input. To complete the survey online, please click on the following link <https://www.surveymonkey.com/r/CVD7XT2>.

Your responses are invaluable to ensuring that the appointee continues to serve the interests of justice. The Committee thanks you in advance for taking the time to be a part of this important process.

Thank you!

The Judiciary of Guam is an equal opportunity employer and provider.

JUDICIAL PERFORMANCE EVALUATION

Court Staff Evaluation of Magistrate Judge Jonathan R. Quan

In an effort to improve the quality of the judiciary and justice system the above-named magistrate's performance on the bench is being evaluated. A critical component of this effort is to obtain the thoughtful, considered input from individuals who have worked with the magistrate over an extended time period. The magistrate and court administration are aware that a number of court personnel, including but not limited to bailiffs, courtroom clerks, deputy clerks, court interpreters, probation officers, and marshals have been selected to provide the information requested in the attached questionnaire.

As a member of the courthouse staff, you are in a position to provide meaningful, reliable information to this evaluation by completing the attached questionnaire as completely and forthrightly as possible. By answering these questions you will not only help the magistrate improve his/her performance on and off the bench, but will also help enhance the quality of services the court system can provide to the public.

The survey should take 5 to 10 minutes to complete. Your responses will remain **totally confidential** and will be attributed to you in no manner. Neither your name nor any other identifying information will be asked and should not be provided on the questionnaire. Any information provided that could potentially identify you as a respondent to the questionnaire will be deleted and responses provided by you and other participants will be reported only in summary form and aggregated with all other individuals that complete the survey.

For each of the statements in the survey on pages 2 and 3, select the response that best represents your own perspective on the topic, **based solely on your personal observations**. The questionnaire also has space for you to provide any comments or additional information on the magistrate's performance or the evaluation materials and procedures.

Thank you for your participation and effort in this important endeavor.

**Judicial Performance Evaluation
Court Staff Evaluation of
Magistrate Jonathan R. Quan**

Please rate the magistrate's performance, based on your own personal experience, using the following scale:

A Excellent B Very Good C Acceptable D Poor F Unacceptable

Please answer **Don't Know/Does Not Apply ("DK/DNA")** for any items in which you lack sufficient information from your own observation to fairly and accurately rate the magistrate's performance or items which do not apply to your interactions with the magistrate.

	A	B	C	D	F	DK/DNA
<u>Section 1 Integrity and Impartiality</u>						
a. Avoids impropriety and the appearance of impropriety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Treats court personnel with dignity and respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Treats litigants with dignity and respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Treats attorneys with dignity and respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Willingness to make difficult or unpopular decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Acts fairly by giving people individual consideration.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Considers both sides of an argument before rendering a decision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Bases decisions on the law and facts without regard to the identity of the parties or counsel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Keeps an open mind and considers all relevant issues in making decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Acts without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IF YOU ANSWERED A, B, C, OR DK TO QUESTION j. **PLEASE SKIP TO SECTION 2**

- k. If you believe the Magistrate acts with favor or disfavor to anyone based upon personal characteristics such as those listed above, please list the characteristic(s) (if any) giving rise to your belief.

	A	B	C	D	F	DK/DNA
<u>Section 2 Communication</u>						
a. Uses clear and logical oral communication in court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Uses plain English and understandable language when speaking to litigants, and witnesses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Section 3 Professionalism and Temperament</u>						
a. Acts in a dignified manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Treats people with courtesy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Acts with patience and self-control.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Works with <i>pro se</i> litigants and litigation fairly and effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Promotes public understanding of and confidence in the courts through conduct on the bench.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Section 4 Administrative Capacity</u>						
a. Is punctual and prepared for court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Maintains control over the courtroom, including courtroom personnel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Appropriately enforces court rules, orders, and deadlines.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Makes decisions and rulings in a prompt, timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Manages the court's calendar efficiently.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Fosters a productive work environment with other judges, magistrates, and court staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Acts to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire or the magistrate's performance on the bench in the space below. You may use the back of this page or add additional pages if needed.

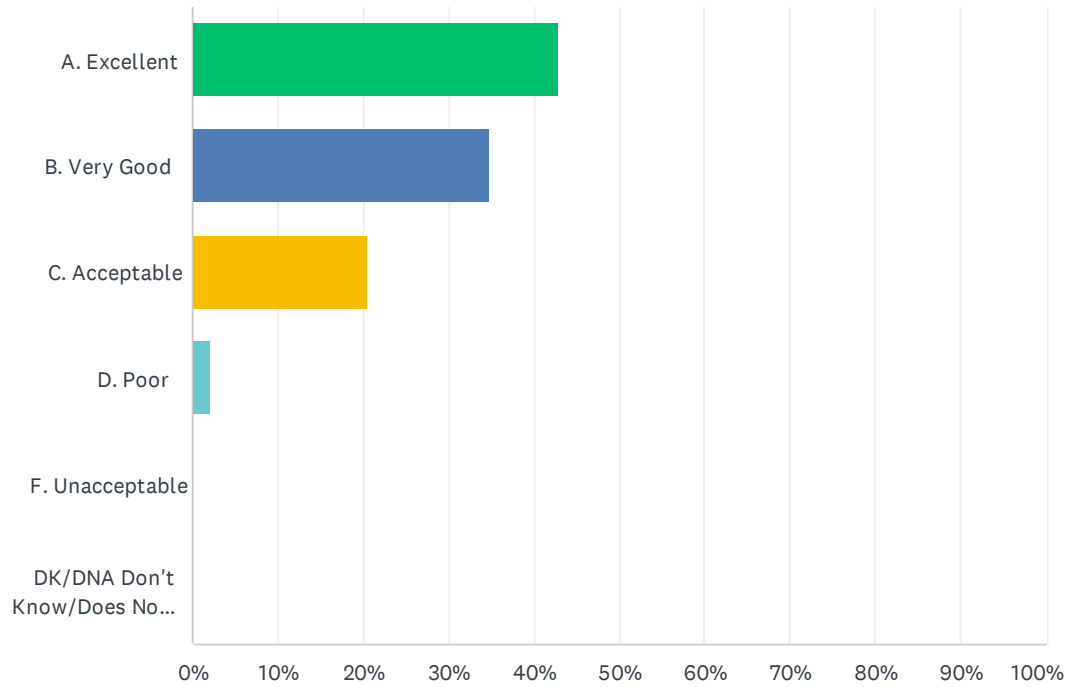
Thank you very much for your time and effort.

Exhibit C

Attorney Evaluation Summary

Q1 Legal reasoning ability

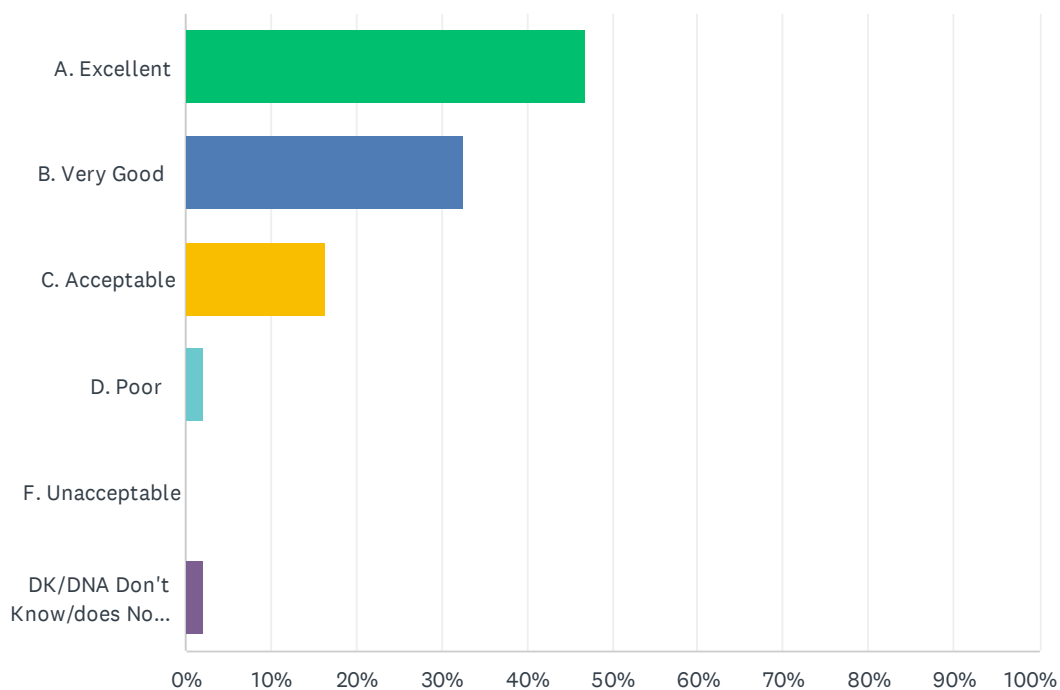
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	42.86%	21
B. Very Good	34.69%	17
C. Acceptable	20.41%	10
D. Poor	2.04%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		49

Q2 Knowledge of substantive law

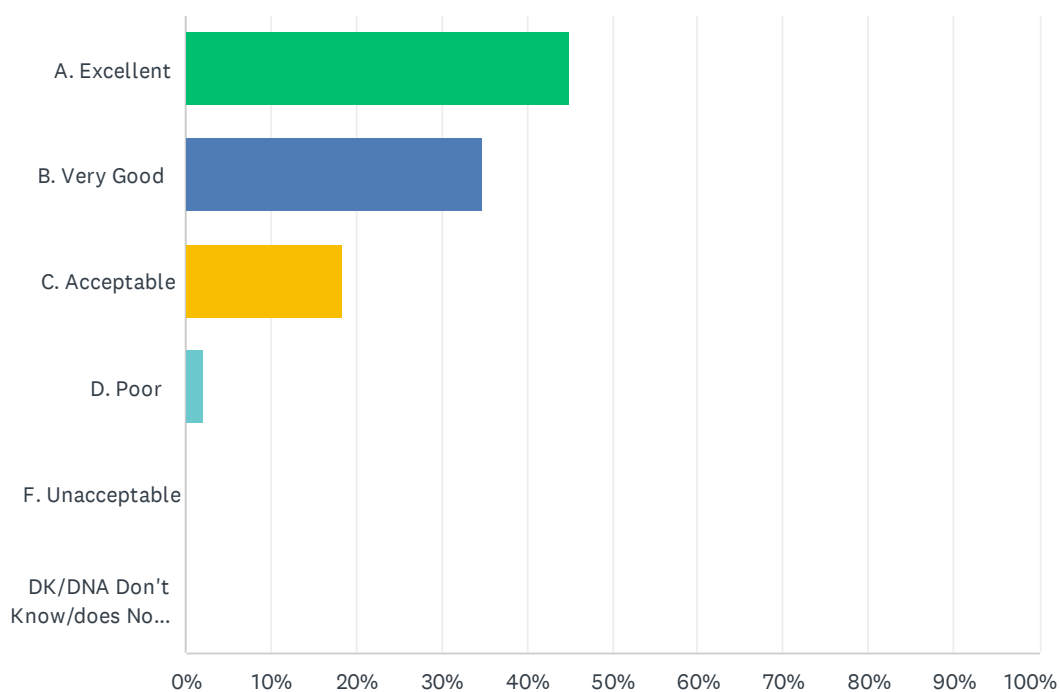
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	46.94%	23
B. Very Good	32.65%	16
C. Acceptable	16.33%	8
D. Poor	2.04%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/does Not Apply	2.04%	1
TOTAL		49

Q3 Knowledge of rules of procedure and evidence

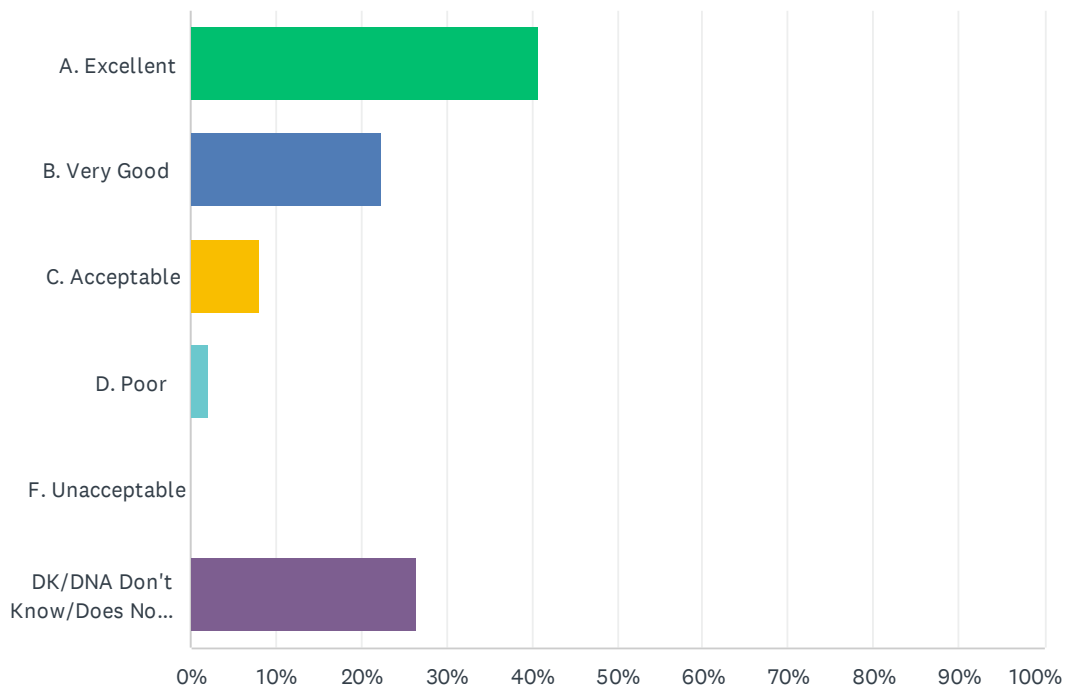
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	44.90%	22
B. Very Good	34.69%	17
C. Acceptable	18.37%	9
D. Poor	2.04%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/does Not Apply	0.00%	0
TOTAL		49

Q4 Keeps current on developments in substantive law and rules of procedure and evidence

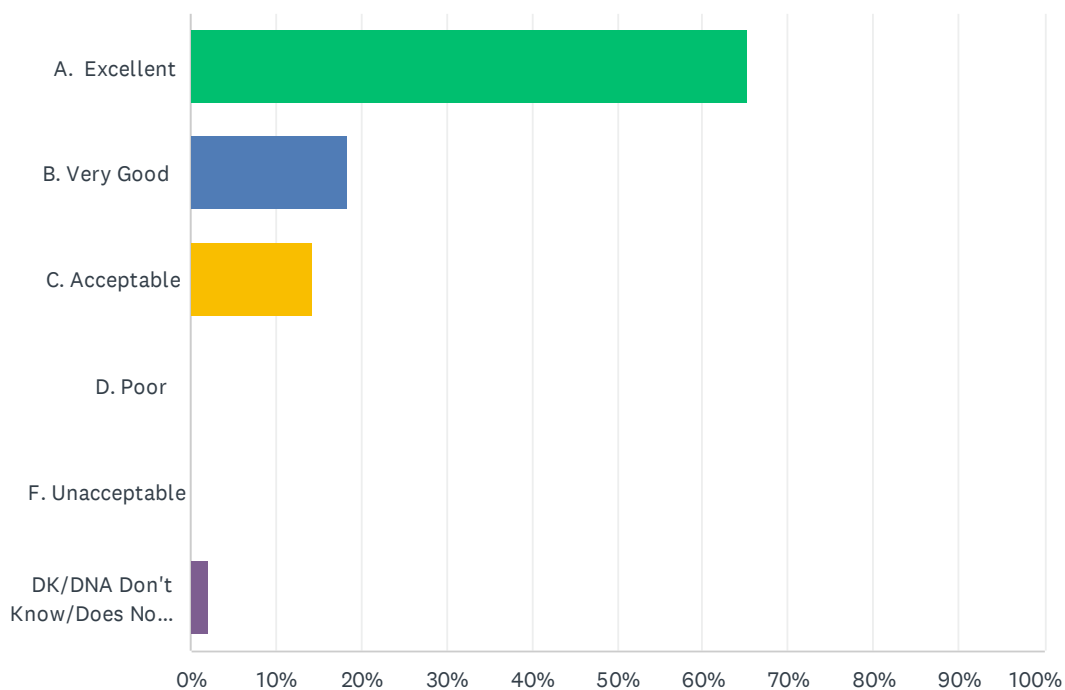
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	40.82%	20
B. Very Good	22.45%	11
C. Acceptable	8.16%	4
D. Poor	2.04%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	26.53%	13
TOTAL		49

Q5 Avoids impropriety and the appearance of impropriety

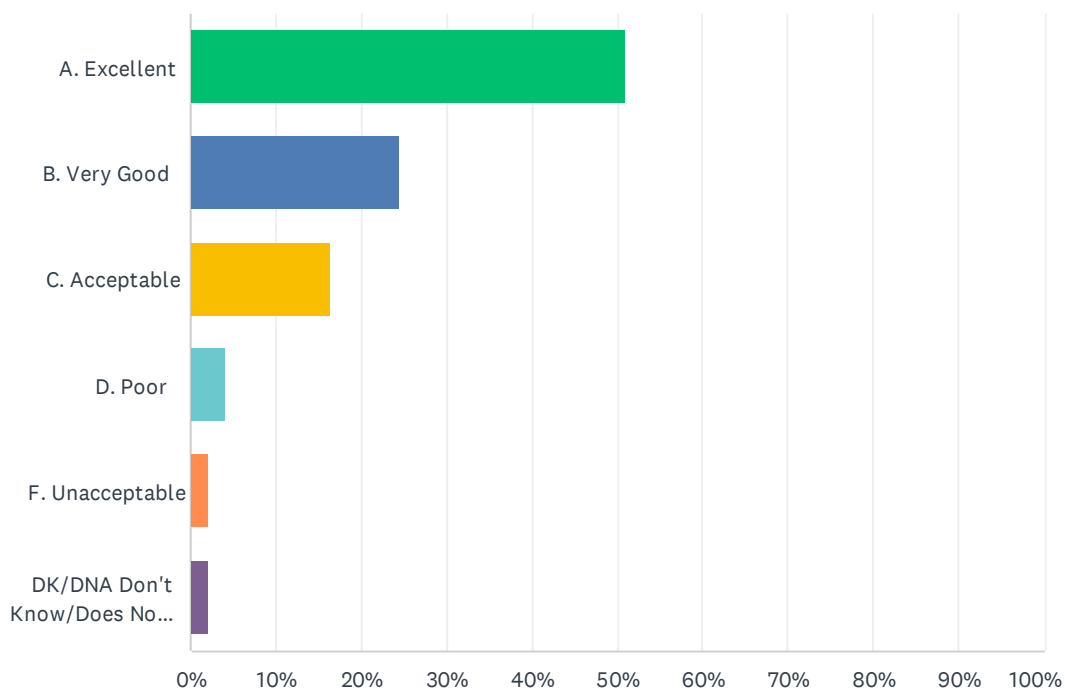
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	65.31%	32
B. Very Good	18.37%	9
C. Acceptable	14.29%	7
D. Poor	0.00%	0
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	2.04%	1
TOTAL		49

Q6 Treats all people with dignity and respect

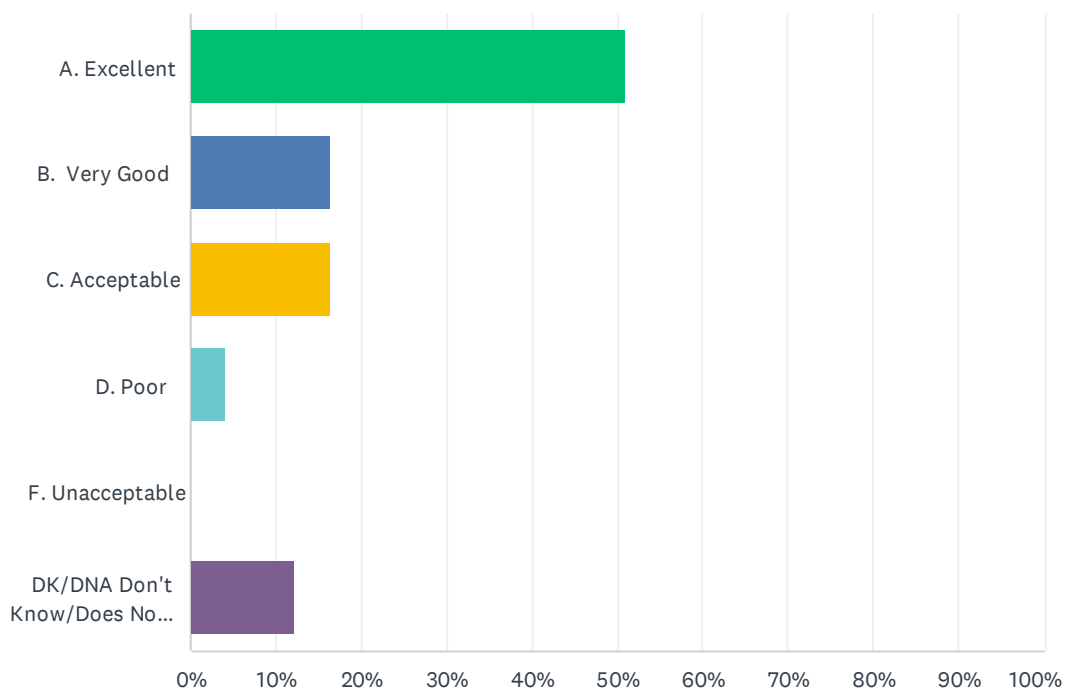
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	51.02%	25
B. Very Good	24.49%	12
C. Acceptable	16.33%	8
D. Poor	4.08%	2
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	2.04%	1
TOTAL		49

Q7 Willingness to make difficult or unpopular decisions

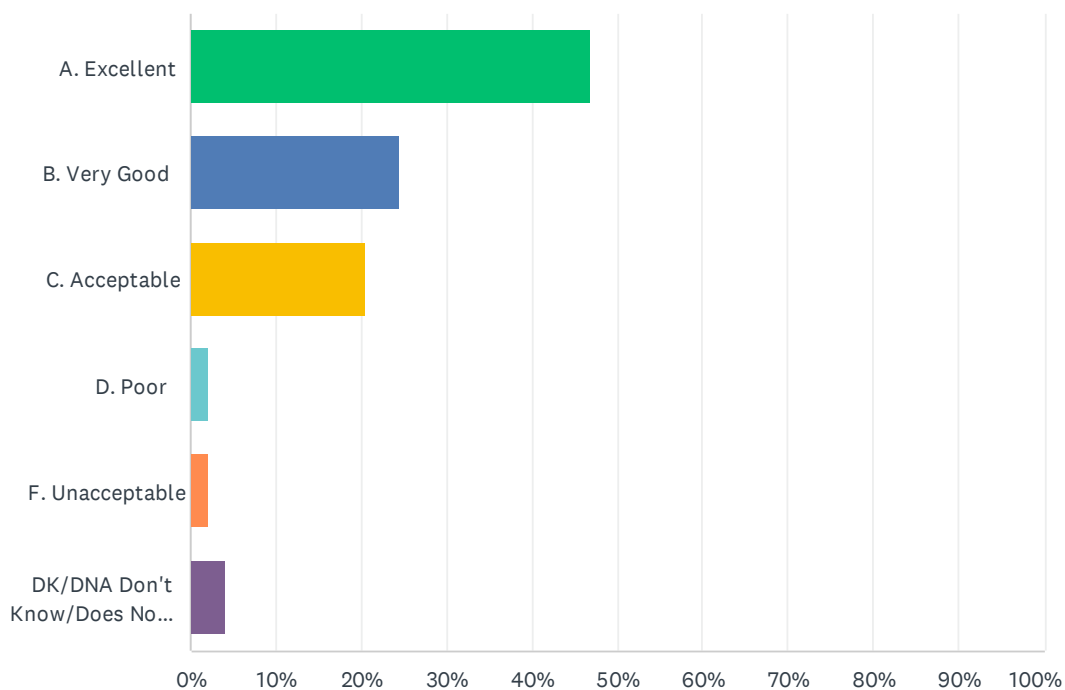
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	51.02%	25
B. Very Good	16.33%	8
C. Acceptable	16.33%	8
D. Poor	4.08%	2
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	12.24%	6
TOTAL		49

Q8 Acts fairly by giving people individual consideration

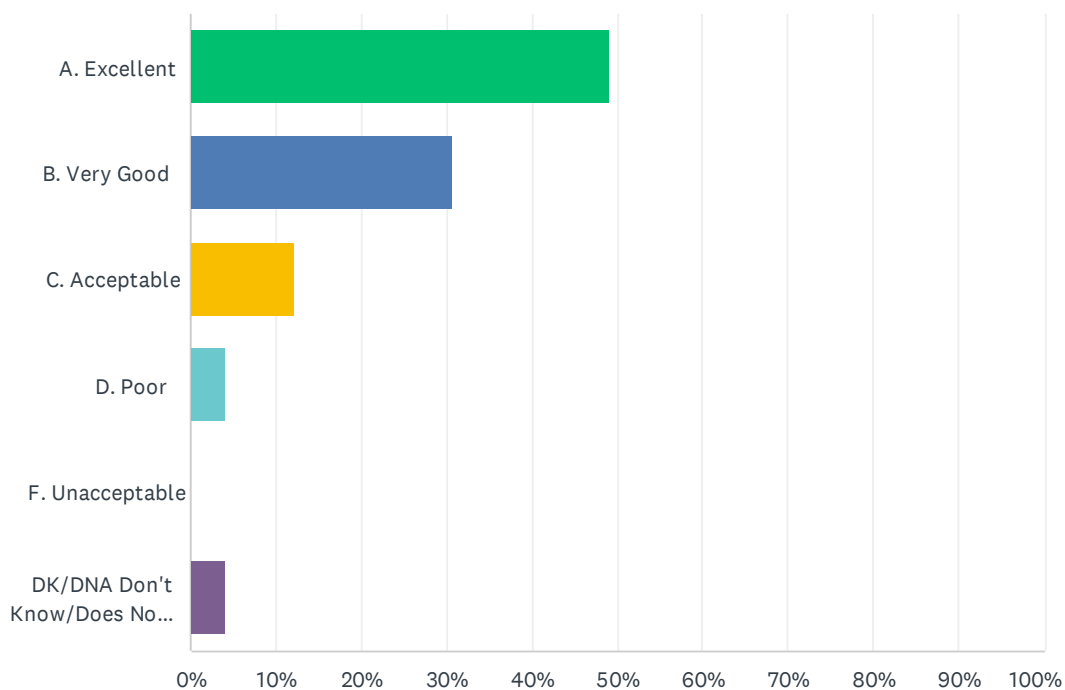
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	46.94%	23
B. Very Good	24.49%	12
C. Acceptable	20.41%	10
D. Poor	2.04%	1
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	4.08%	2
TOTAL		49

Q9 Considers both sides of an argument before rendering a decision

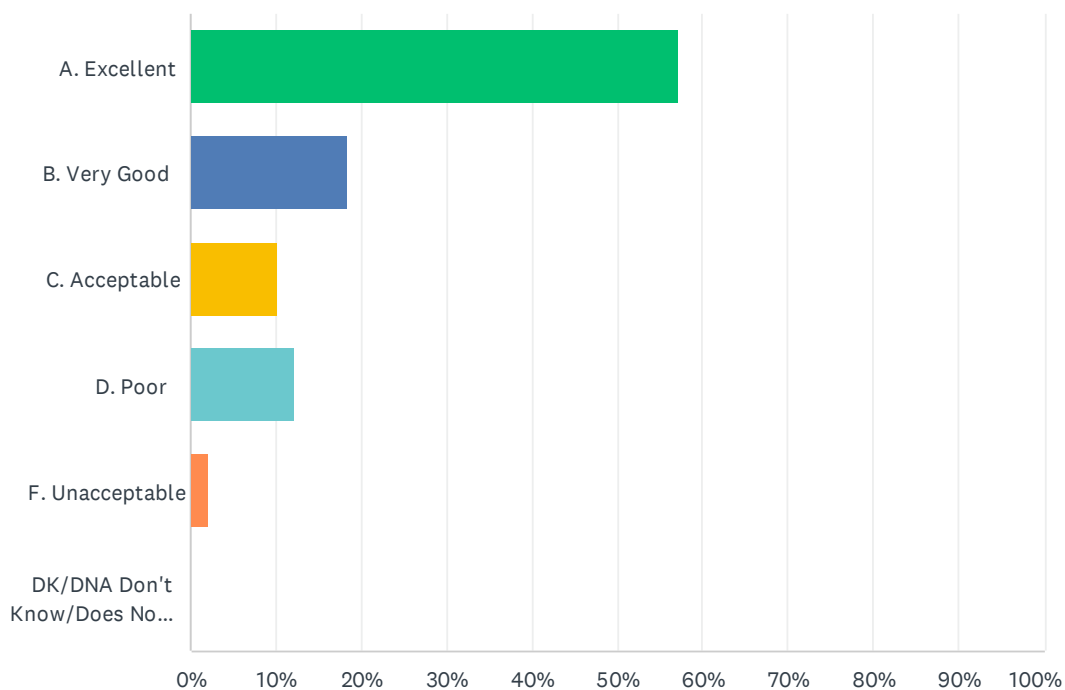
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	48.98%	24
B. Very Good	30.61%	15
C. Acceptable	12.24%	6
D. Poor	4.08%	2
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	4.08%	2
TOTAL		49

Q10 Presents a neutral presence on the bench

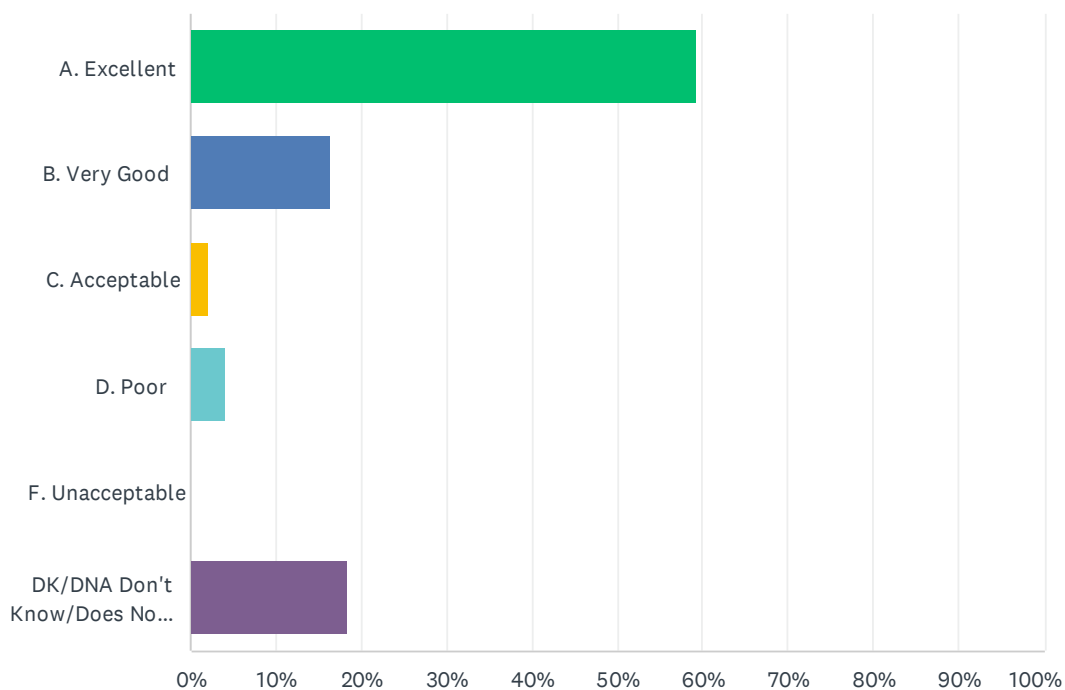
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	57.14%	28
B. Very Good	18.37%	9
C. Acceptable	10.20%	5
D. Poor	12.24%	6
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		49

Q11 Refrains from inappropriate ex parte communication

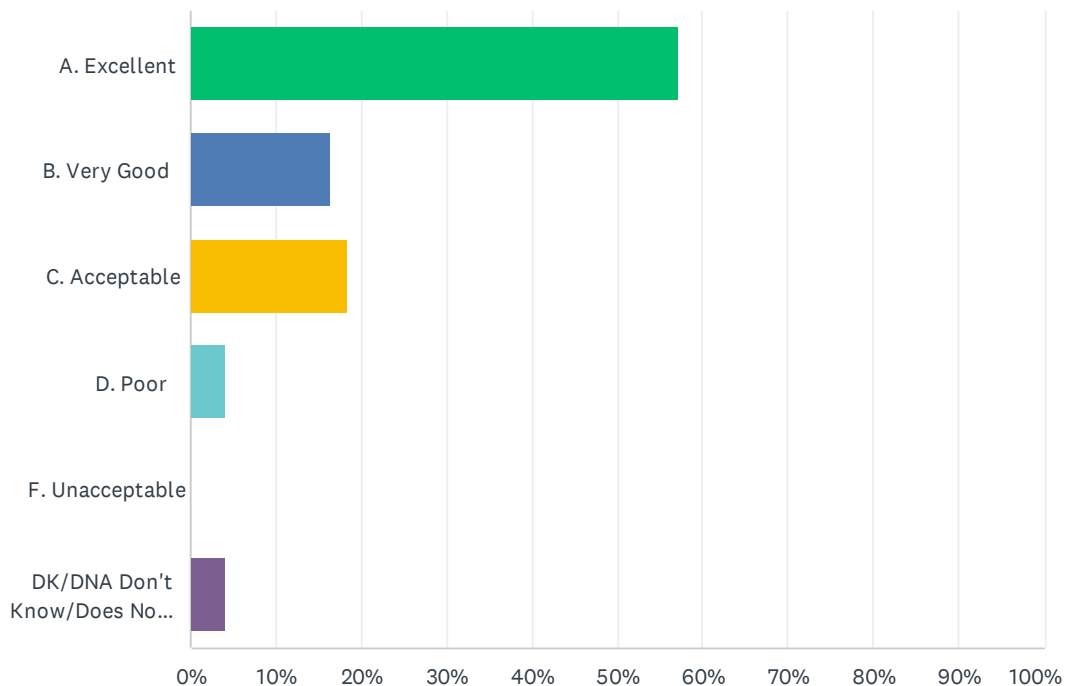
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	59.18%	29
B. Very Good	16.33%	8
C. Acceptable	2.04%	1
D. Poor	4.08%	2
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	18.37%	9
TOTAL		49

Q12 Bases decisions on the law and facts without regard to the identity of the parties or counsel

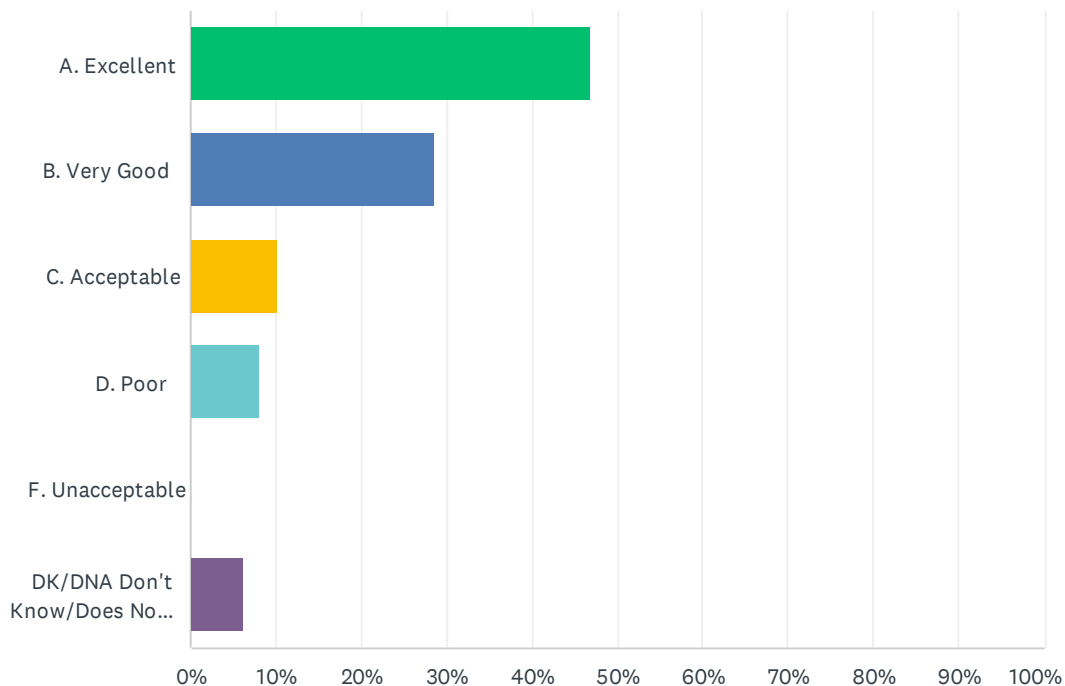
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	57.14%	28
B. Very Good	16.33%	8
C. Acceptable	18.37%	9
D. Poor	4.08%	2
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	4.08%	2
TOTAL		49

Q13 Keeps an open mind and considering all relevant issues in making decisions

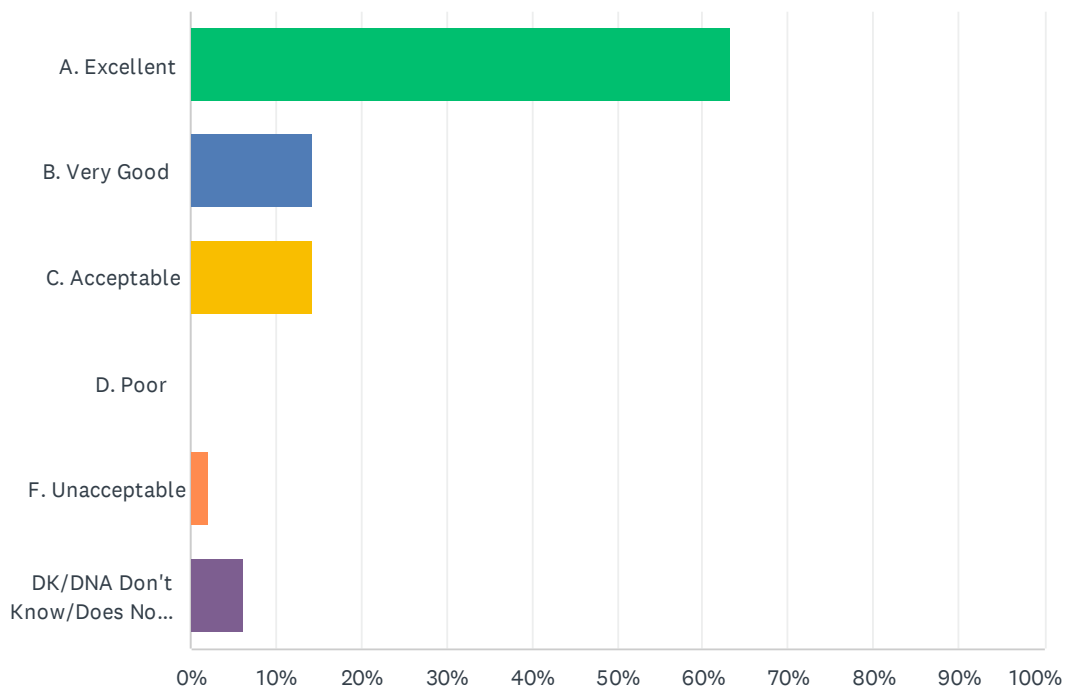
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	46.94%	23
B. Very Good	28.57%	14
C. Acceptable	10.20%	5
D. Poor	8.16%	4
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	6.12%	3
TOTAL		49

Q14 Acts without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status

Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	63.27%	31
B. Very Good	14.29%	7
C. Acceptable	14.29%	7
D. Poor	0.00%	0
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	6.12%	3
TOTAL		49

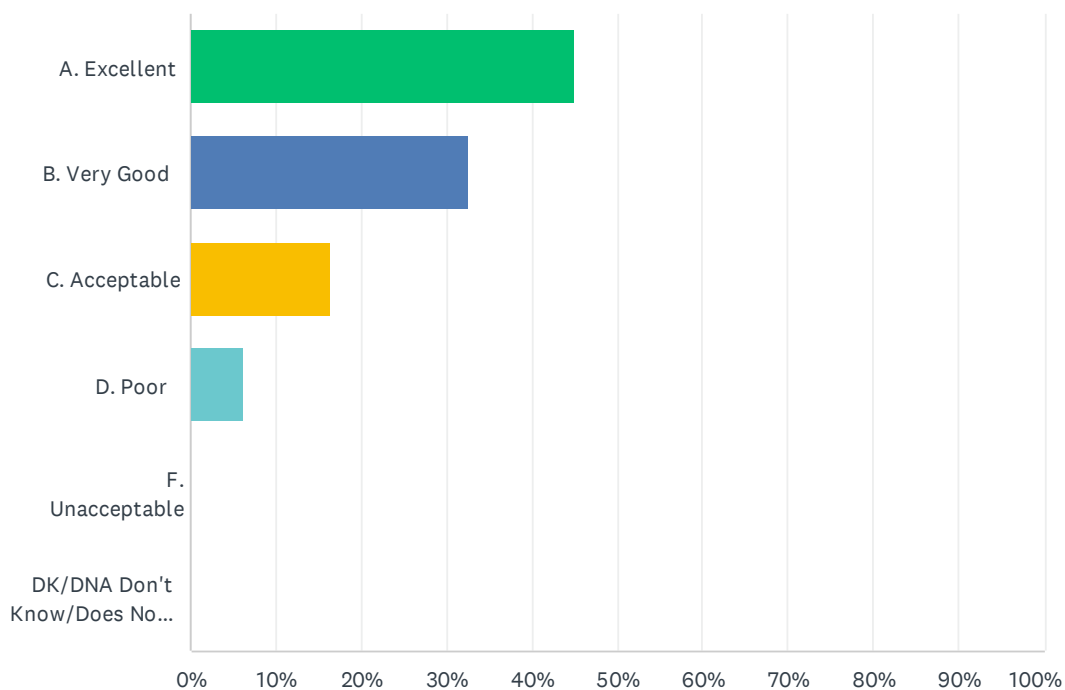
Q15 If you believe the magistrate acts with favor or disfavor to anyone based upon personal characteristics, such as those listed above, please list the characteristic(s) giving rise to your belief

Answered: 2 Skipped: 47

#	RESPONSES	DATE
1	I have no basis to form an opinion on this.	5/5/2022 10:54 AM
2	MJ treats individual parties harshly when addressing them in court during initial appearances in criminal (as if the individual party is a criminal); Does not afford the parties or their counsel with respect or with compassion in both criminal and/or civil matters. Does not have a good understanding of uncontested domestic custody matters.	4/28/2022 10:23 AM

Q16 Uses clear and logical oral communication while in court

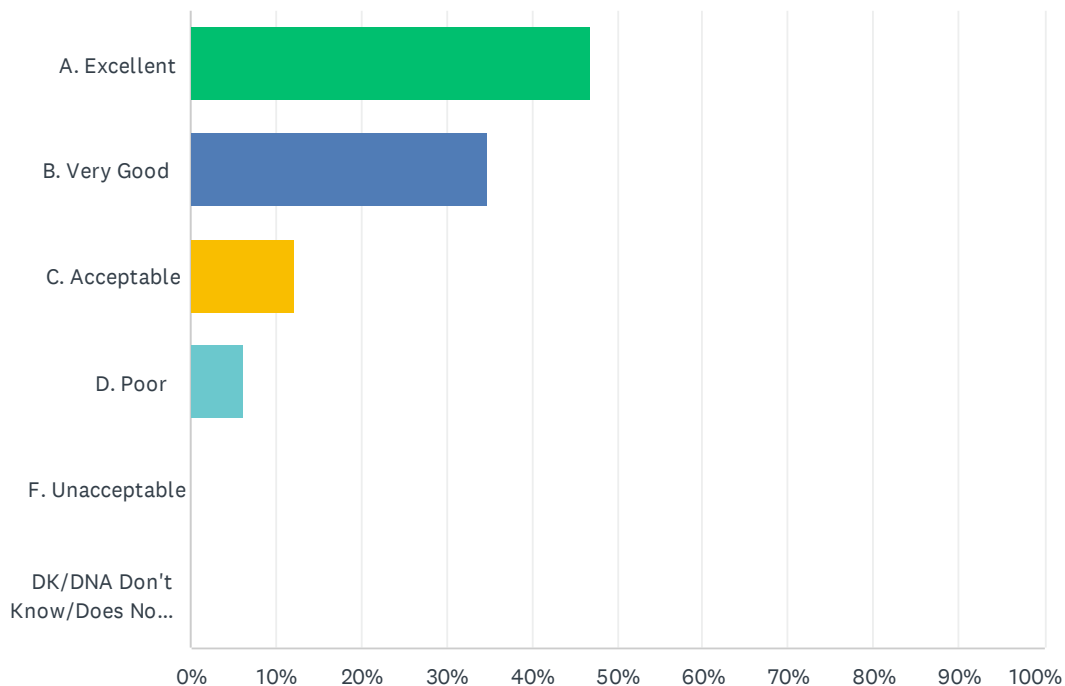
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	44.90%	22
B. Very Good	32.65%	16
C. Acceptable	16.33%	8
D. Poor	6.12%	3
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		49

Q17 Uses plain English and understandable language when speaking to litigants and witnesses

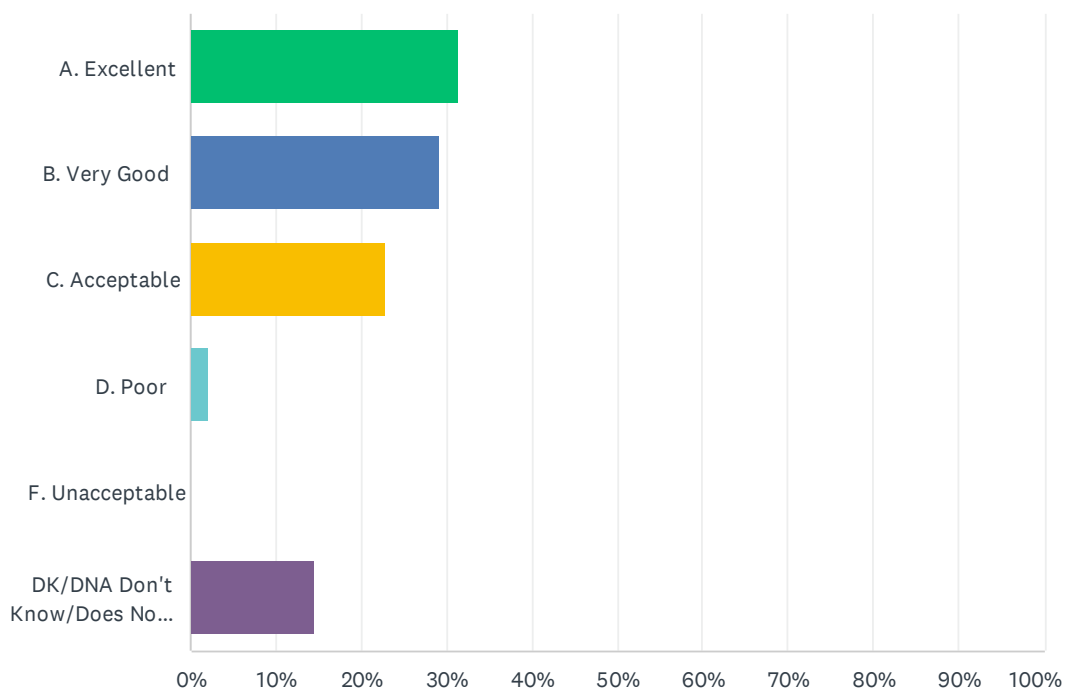
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	46.94%	23
B. Very Good	34.69%	17
C. Acceptable	12.24%	6
D. Poor	6.12%	3
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		49

Q18 Prepares clear and logical written decisions and orders

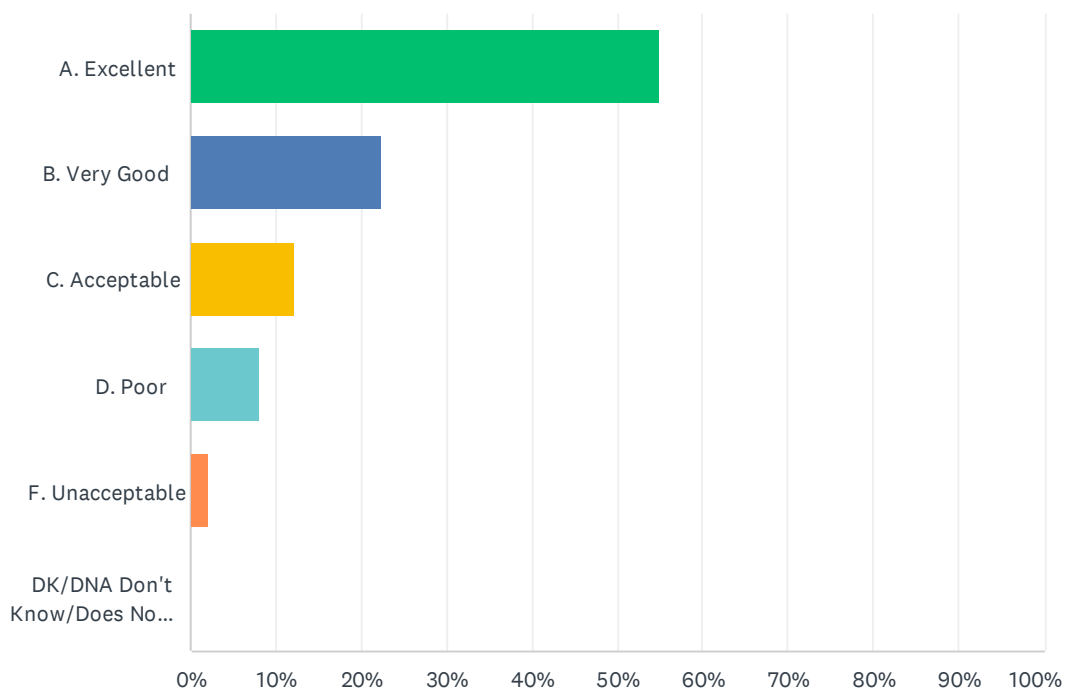
Answered: 48 Skipped: 1



ANSWER CHOICES	RESPONSES	
A. Excellent	31.25%	15
B. Very Good	29.17%	14
C. Acceptable	22.92%	11
D. Poor	2.08%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	14.58%	7
TOTAL		48

Q19 Acts in a dignified manner

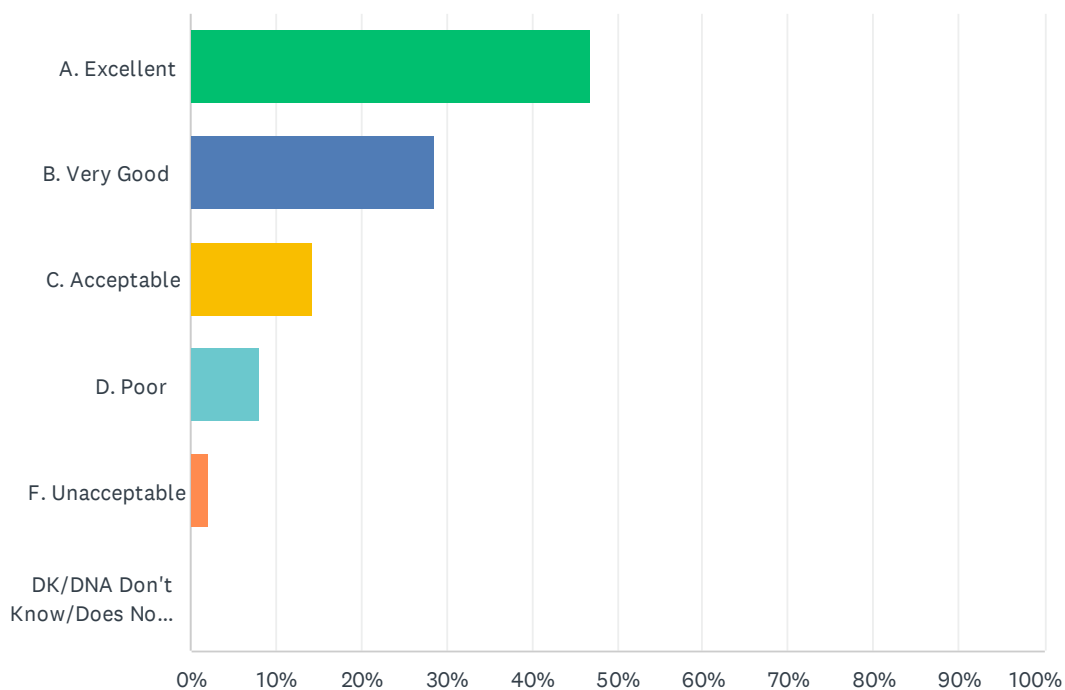
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	55.10%	27
B. Very Good	22.45%	11
C. Acceptable	12.24%	6
D. Poor	8.16%	4
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		49

Q20 Treats people with courtesy

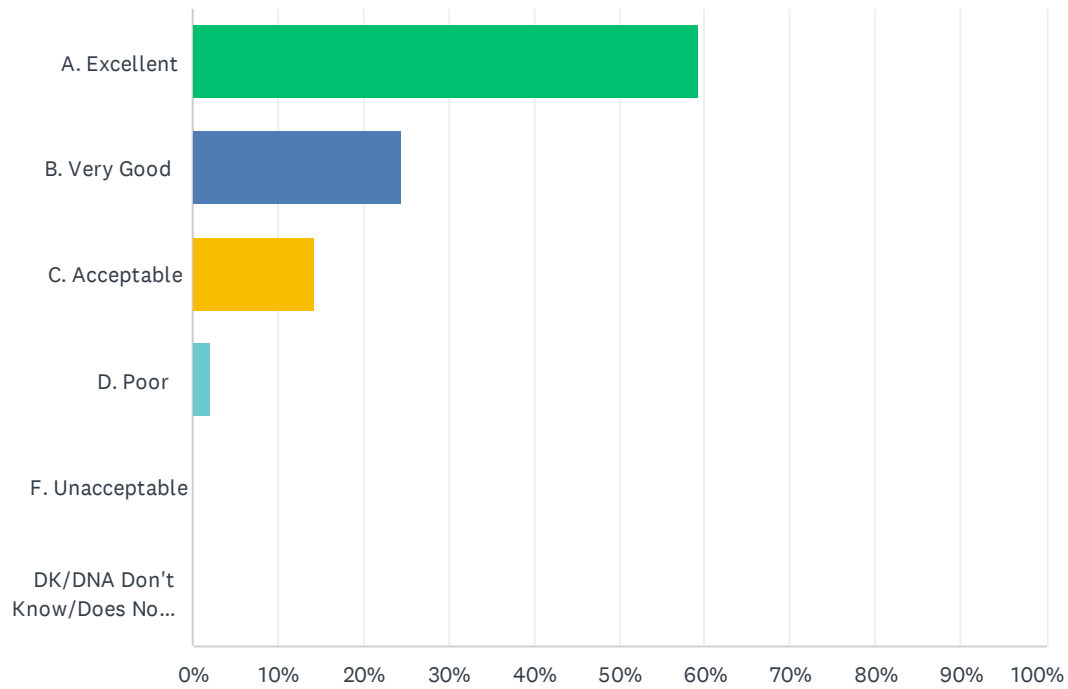
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	46.94%	23
B. Very Good	28.57%	14
C. Acceptable	14.29%	7
D. Poor	8.16%	4
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		49

Q21 Is attentive to proceedings

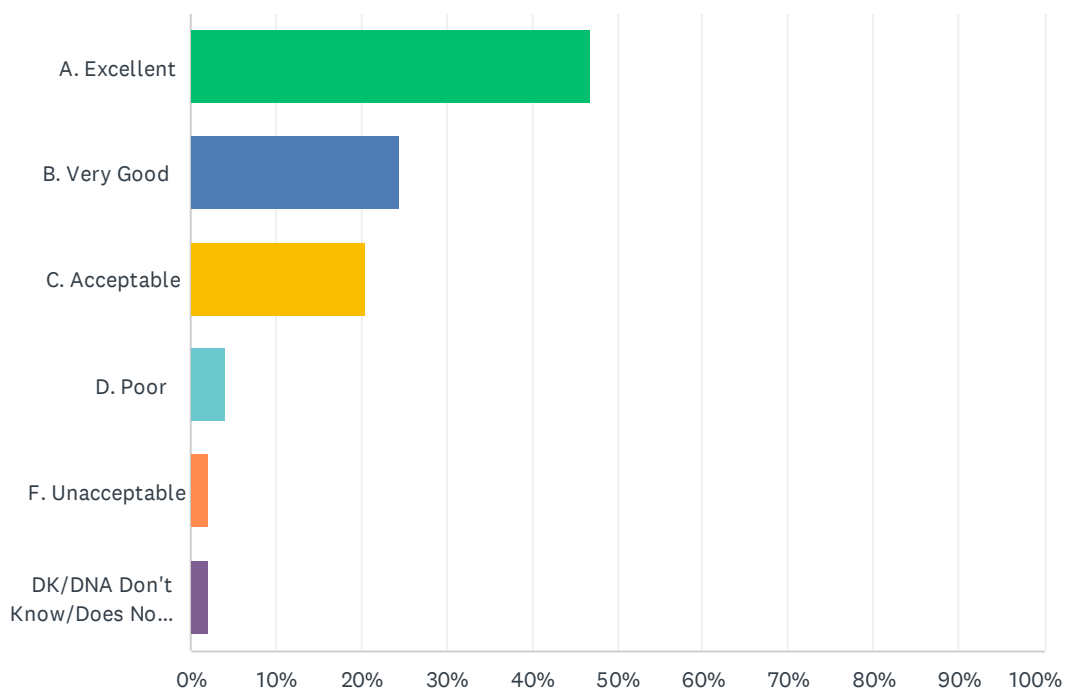
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	59.18%	29
B. Very Good	24.49%	12
C. Acceptable	14.29%	7
D. Poor	2.04%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		49

Q22 Acts with patience and self-control

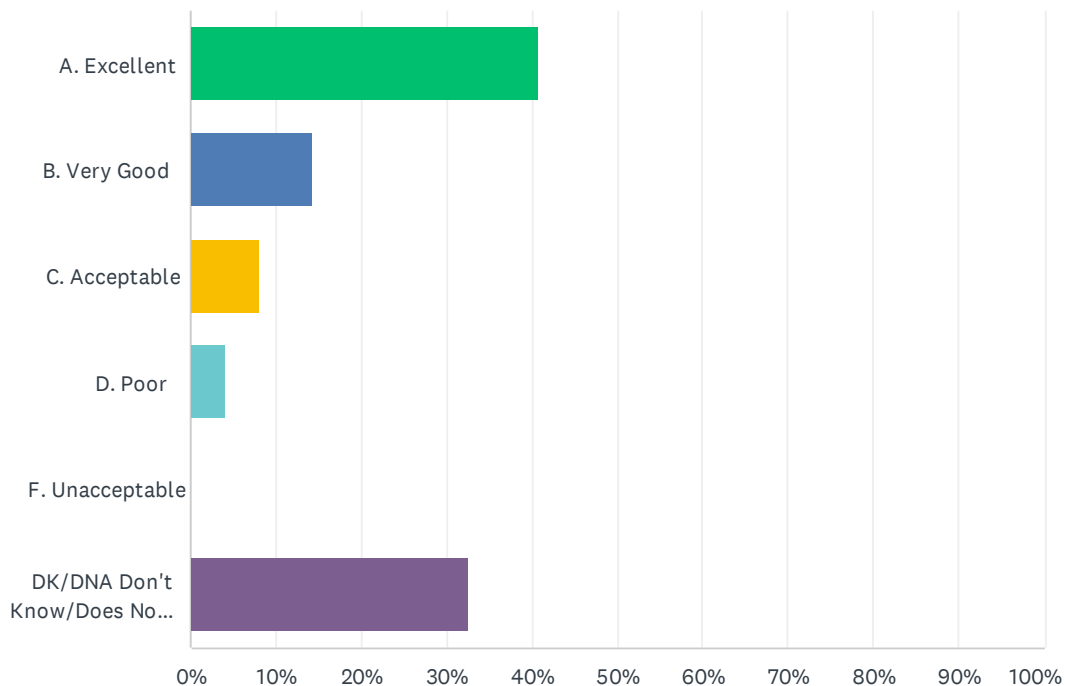
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	46.94%	23
B. Very Good	24.49%	12
C. Acceptable	20.41%	10
D. Poor	4.08%	2
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	2.04%	1
TOTAL		49

Q23 When working with pro se litigants and litigation does so fairly and effectively

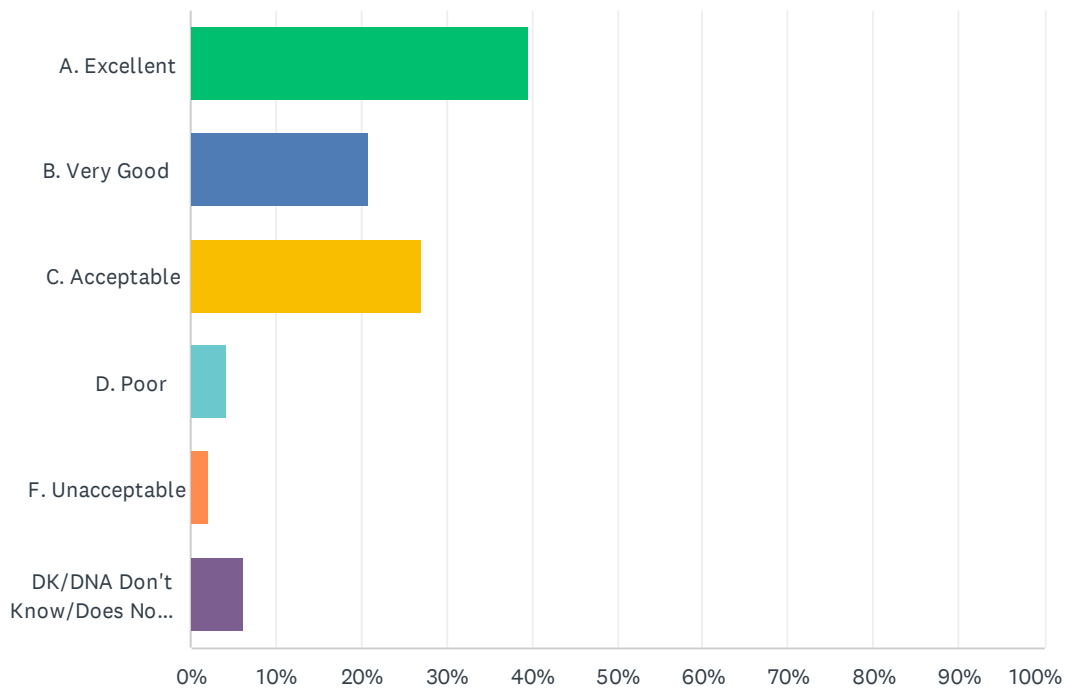
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	40.82%	20
B. Very Good	14.29%	7
C. Acceptable	8.16%	4
D. Poor	4.08%	2
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	32.65%	16
TOTAL		49

Q24 Has appropriate levels of empathy with the parties involved in proceeding

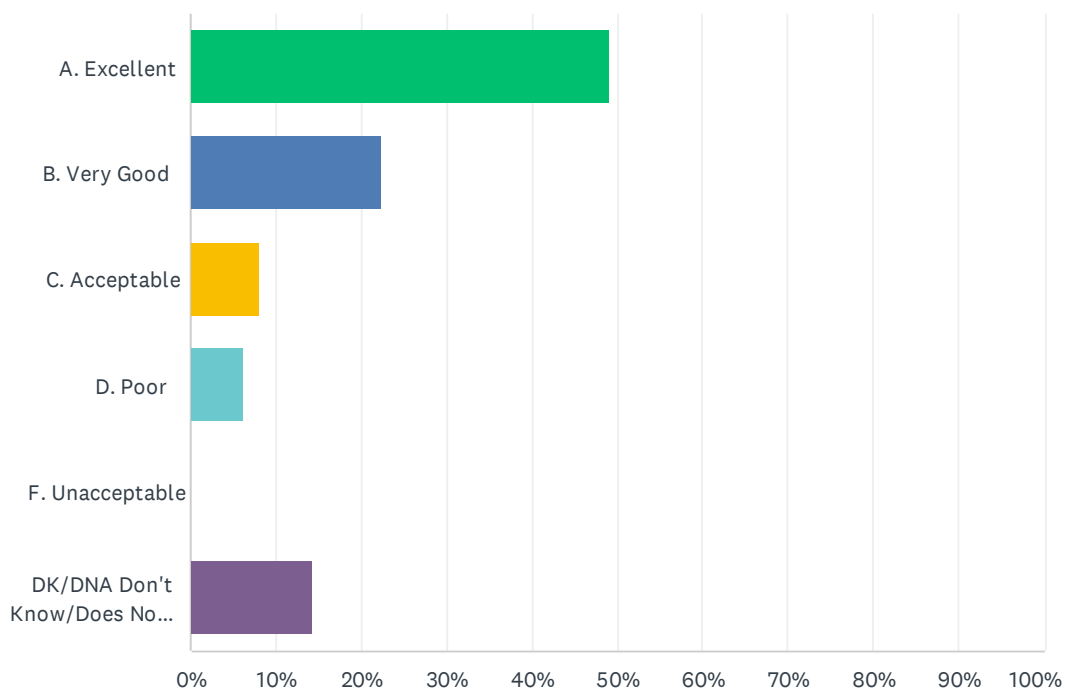
Answered: 48 Skipped: 1



ANSWER CHOICES	RESPONSES	
A. Excellent	39.58%	19
B. Very Good	20.83%	10
C. Acceptable	27.08%	13
D. Poor	4.17%	2
F. Unacceptable	2.08%	1
DK/DNA Don't Know/Does Not Apply	6.25%	3
TOTAL		48

Q25 Promotes public understanding of and confidence in the courts

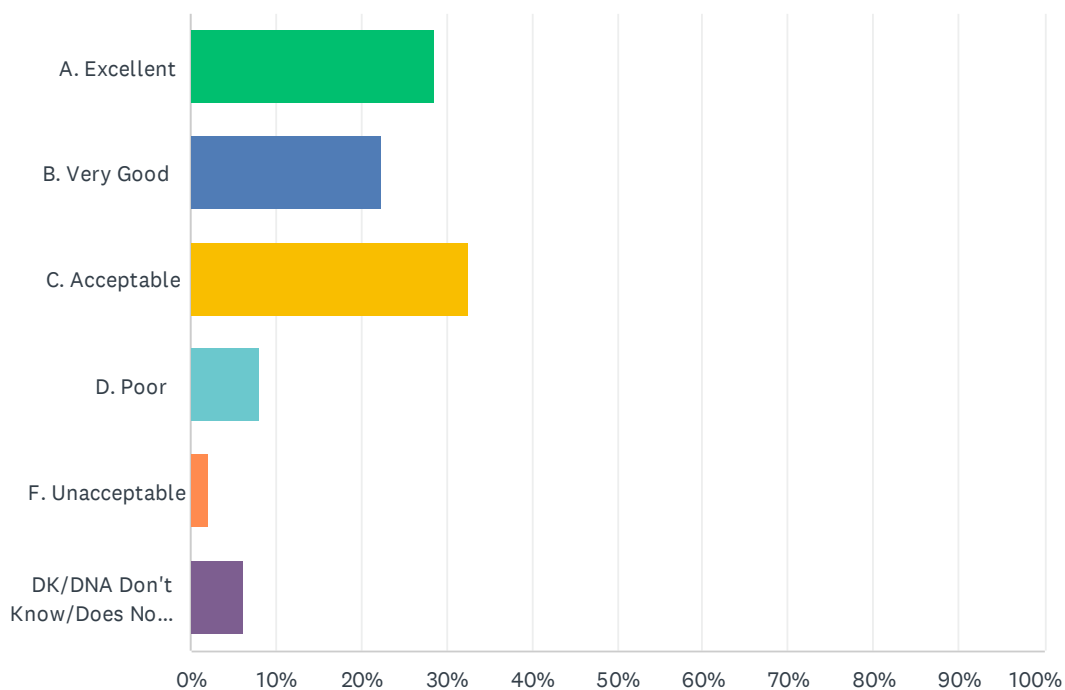
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	48.98%	24
B. Very Good	22.45%	11
C. Acceptable	8.16%	4
D. Poor	6.12%	3
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	14.29%	7
TOTAL		49

Q26 Is punctual for court

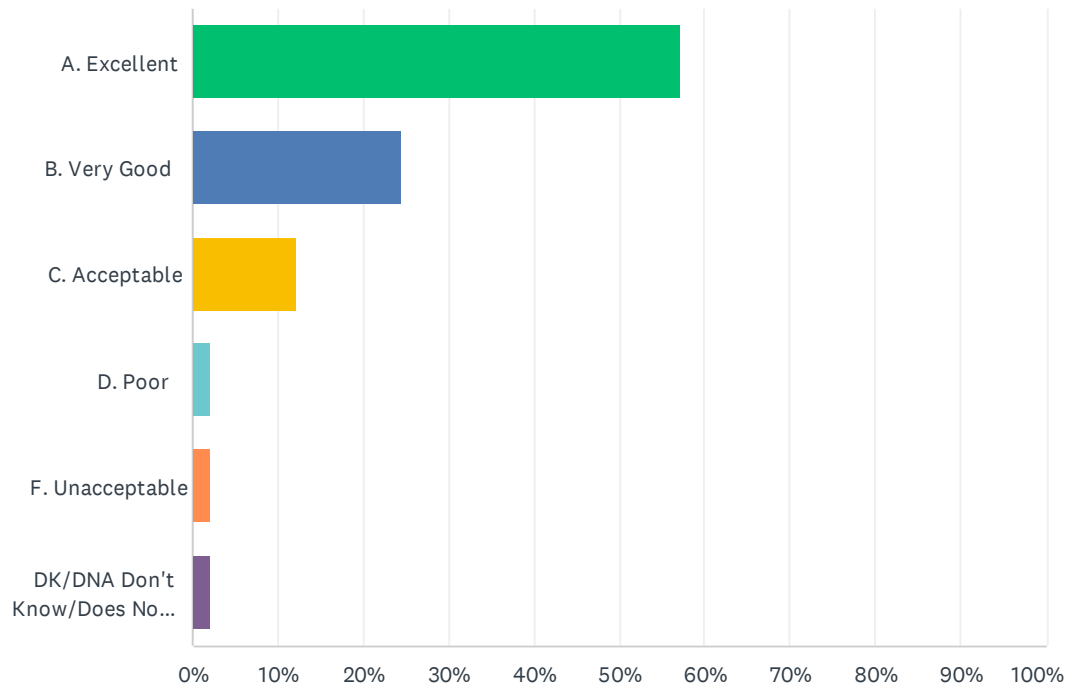
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	28.57%	14
B. Very Good	22.45%	11
C. Acceptable	32.65%	16
D. Poor	8.16%	4
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	6.12%	3
TOTAL		49

Q27 Is prepared for court

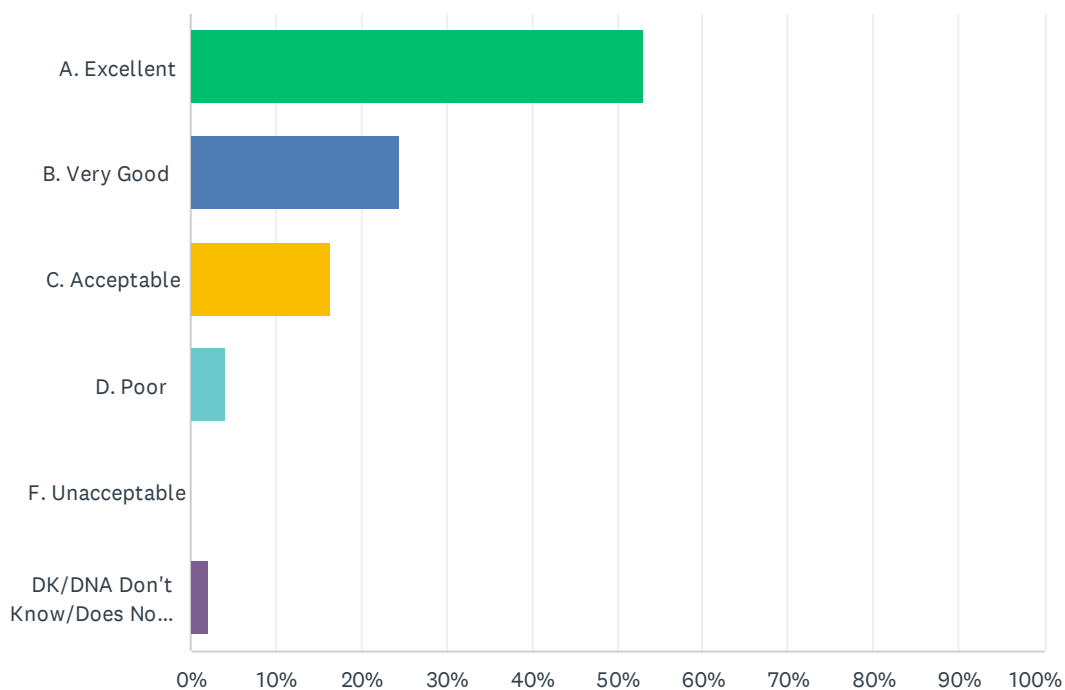
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	57.14%	28
B. Very Good	24.49%	12
C. Acceptable	12.24%	6
D. Poor	2.04%	1
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	2.04%	1
TOTAL		49

Q28 Maintains control over the courtroom

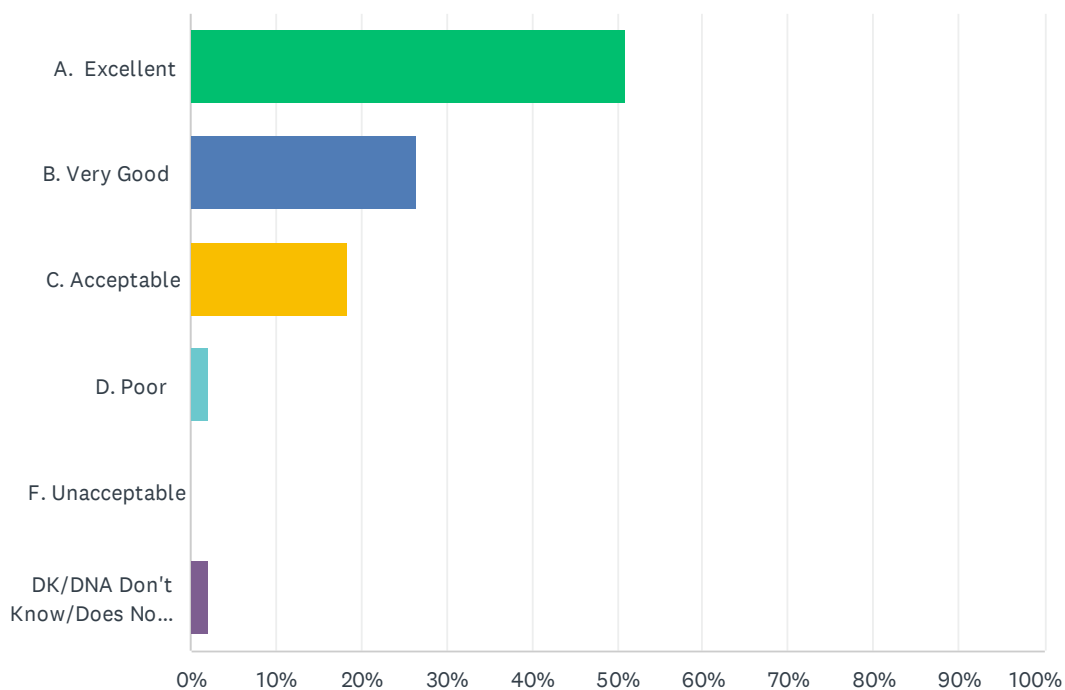
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	53.06%	26
B. Very Good	24.49%	12
C. Acceptable	16.33%	8
D. Poor	4.08%	2
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	2.04%	1
TOTAL		49

Q29 Appropriately enforces court rules, orders, and deadlines

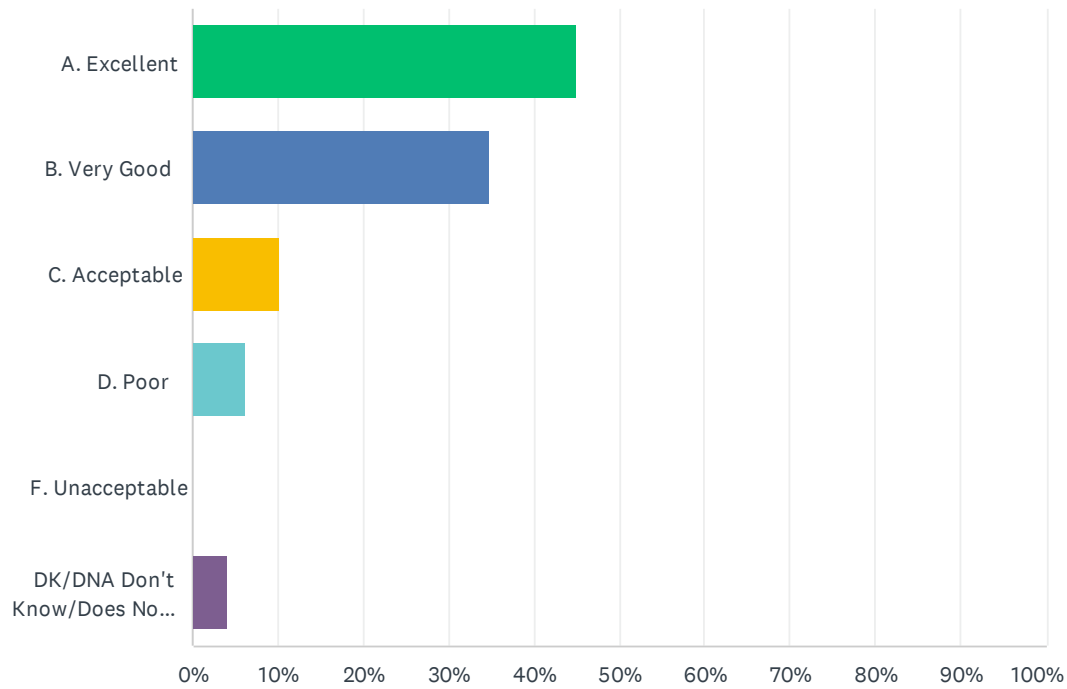
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	51.02%	25
B. Very Good	26.53%	13
C. Acceptable	18.37%	9
D. Poor	2.04%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	2.04%	1
TOTAL		49

Q30 Makes decisions and rulings in a prompt, timely manner

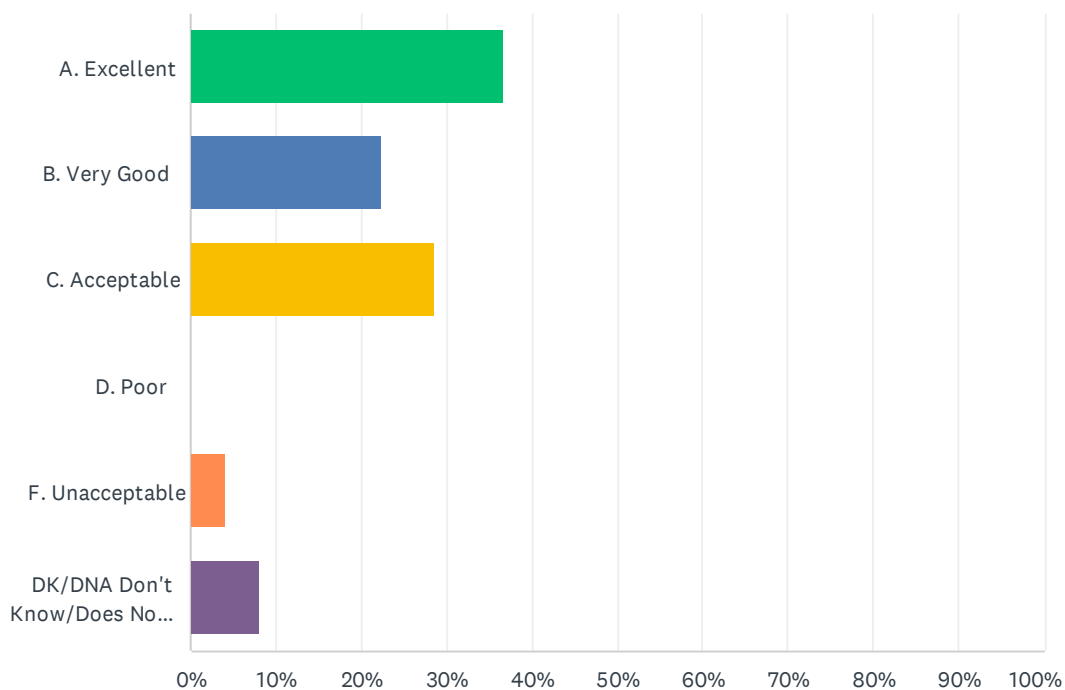
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	44.90%	22
B. Very Good	34.69%	17
C. Acceptable	10.20%	5
D. Poor	6.12%	3
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	4.08%	2
TOTAL		49

Q31 Manages the court's calendar efficiently

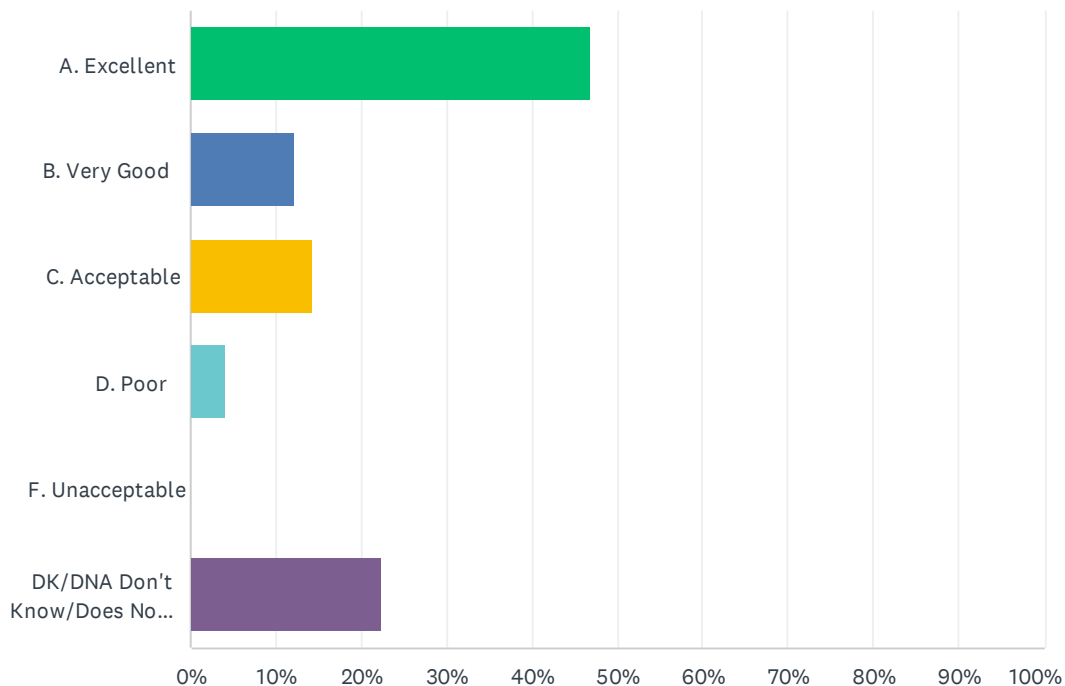
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	36.73%	18
B. Very Good	22.45%	11
C. Acceptable	28.57%	14
D. Poor	0.00%	0
F. Unacceptable	4.08%	2
DK/DNA Don't Know/Does Not Apply	8.16%	4
TOTAL		49

Q32 Demonstrates appropriate innovation in the use of technology to improve the administration of justice

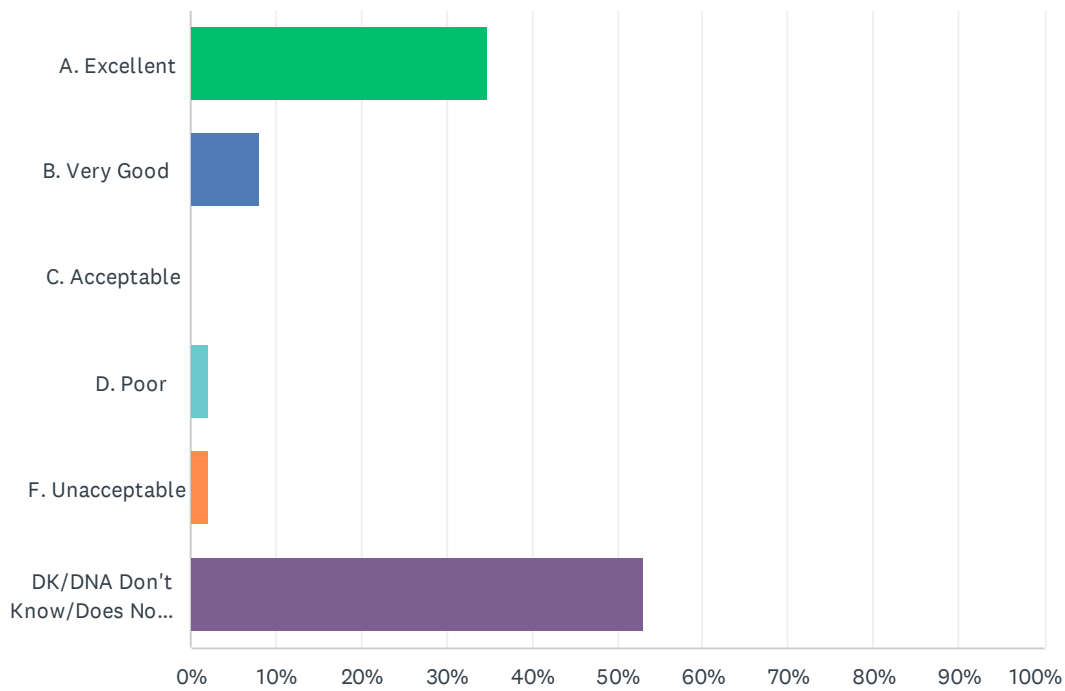
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	46.94%	23
B. Very Good	12.24%	6
C. Acceptable	14.29%	7
D. Poor	4.08%	2
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	22.45%	11
TOTAL		49

Q33 Fosters a productive work environment with other judges, magistrates and court staff

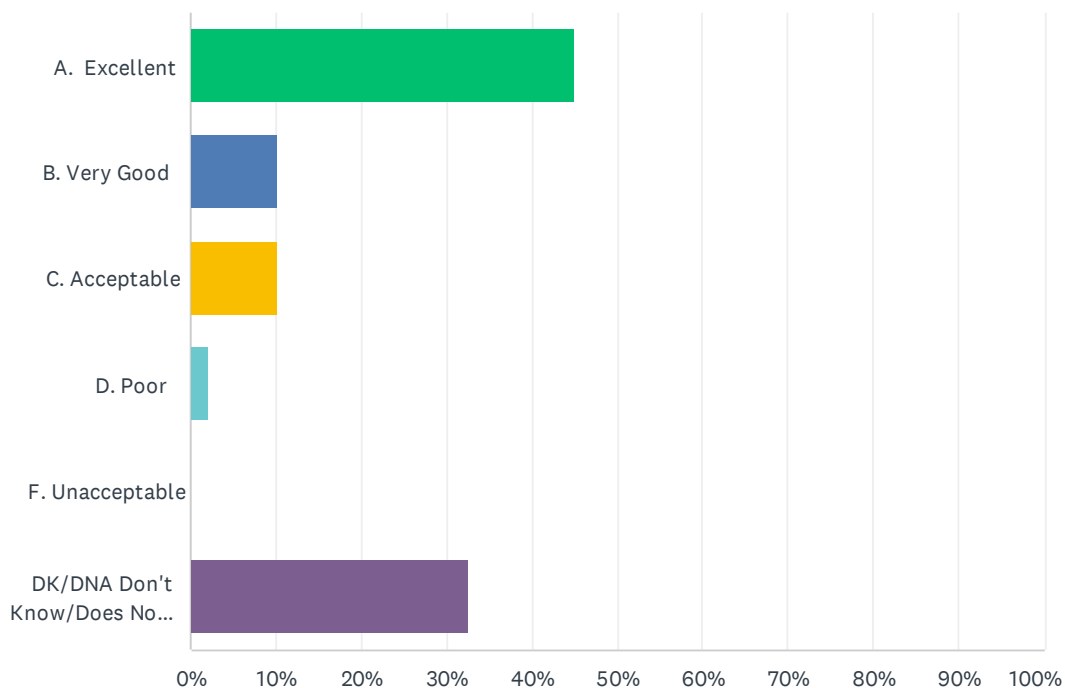
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	34.69%	17
B. Very Good	8.16%	4
C. Acceptable	0.00%	0
D. Poor	2.04%	1
F. Unacceptable	2.04%	1
DK/DNA Don't Know/Does Not Apply	53.06%	26
TOTAL		49

Q34 Acts to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system

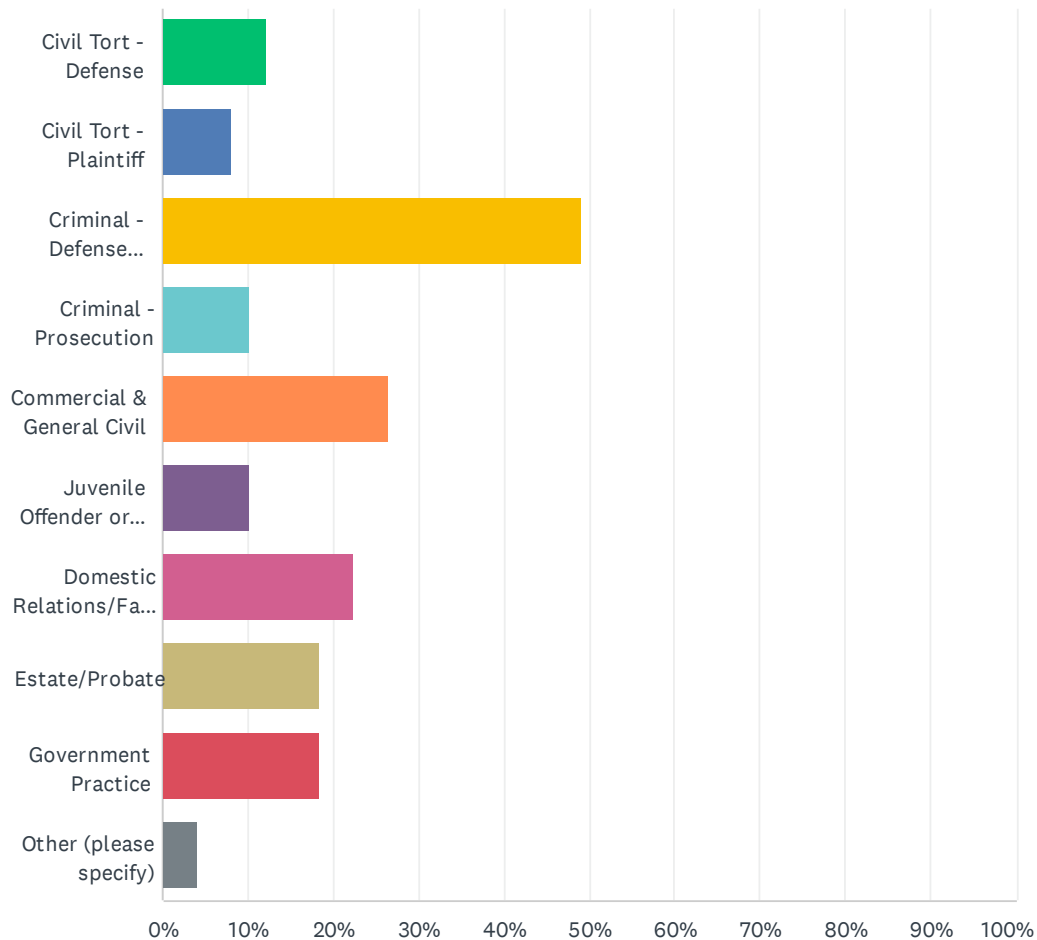
Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	44.90%	22
B. Very Good	10.20%	5
C. Acceptable	10.20%	5
D. Poor	2.04%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	32.65%	16
TOTAL		49

Q35 Which of the following areas of law best describe your practice? (select up to 2 items)

Answered: 49 Skipped: 0



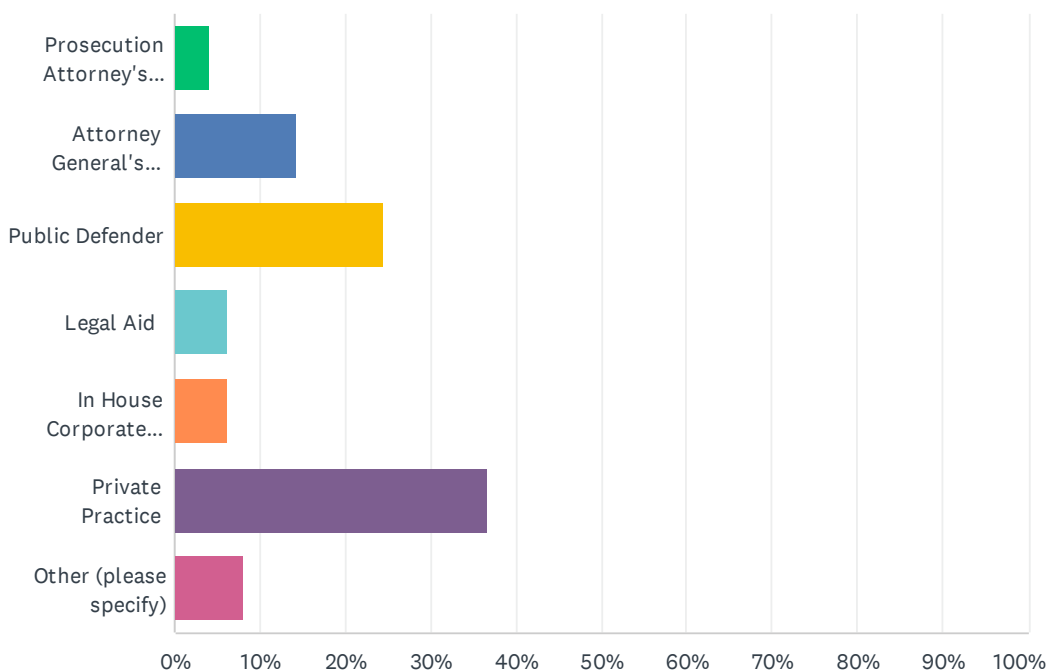
Judicial Performance Evaluation (Attorney Evaluation) - Magistrate Jonathan R. Quan

ANSWER CHOICES	RESPONSES	
Civil Tort - Defense	12.24%	6
Civil Tort - Plaintiff	8.16%	4
Criminal - Defense Attorney	48.98%	24
Criminal - Prosecution	10.20%	5
Commercial & General Civil	26.53%	13
Juvenile Offender or Dependency	10.20%	5
Domestic Relations/Family Law	22.45%	11
Estate/Probate	18.37%	9
Government Practice	18.37%	9
Other (please specify)	4.08%	2
Total Respondents: 49		

#	OTHER (PLEASE SPECIFY)	DATE
1	Collection	4/25/2022 11:06 PM
2	general civil/family law	4/19/2022 2:33 PM

Q36 Which of the following best describes your work setting?

Answered: 49 Skipped: 0

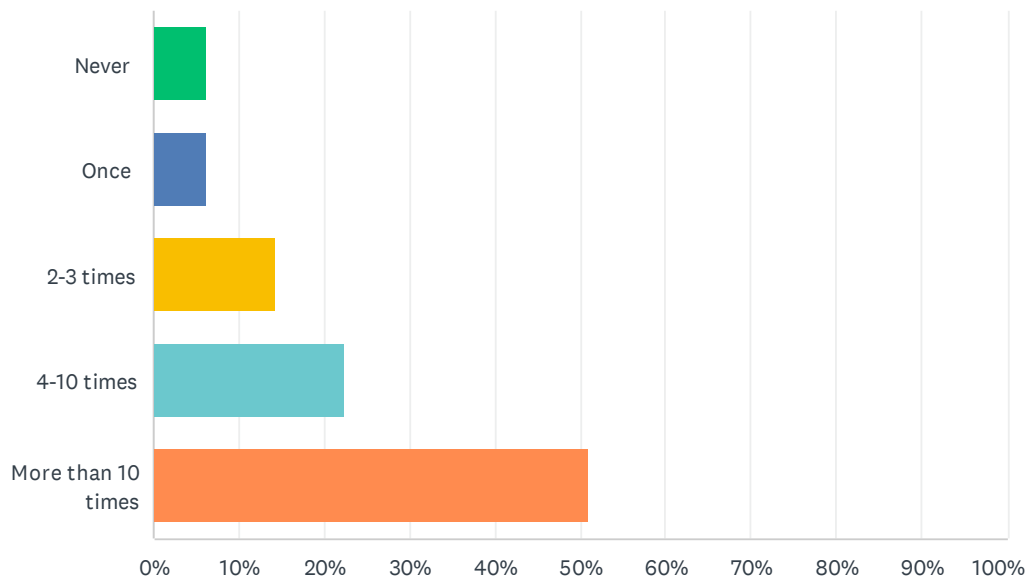


ANSWER CHOICES	RESPONSES	
Prosecution Attorney's Office	4.08%	2
Attorney General's Office	14.29%	7
Public Defender	24.49%	12
Legal Aid	6.12%	3
In House Corporate Counsel	6.12%	3
Private Practice	36.73%	18
Other (please specify)	8.16%	4
TOTAL		49

#	OTHER (PLEASE SPECIFY)	DATE
1	Pro bono	5/6/2022 9:41 AM
2	Government	5/4/2022 5:07 PM
3	defense	4/27/2022 11:31 AM
4	other	4/20/2022 9:55 AM

Q37 How many times have you appeared for a virtual or in-person hearing in Magistrate Quan's court over the past year?

Answered: 49 Skipped: 0



ANSWER CHOICES	RESPONSES	
Never	6.12%	3
Once	6.12%	3
2-3 times	14.29%	7
4-10 times	22.45%	11
More than 10 times	51.02%	25
TOTAL		49

Q38 Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire or the magistrate's performance on the bench in the space below.

Answered: 18 Skipped: 31

#	RESPONSES	DATE
1	Magistrate Quan is highly qualified for the position and his conduct is beyond reproach. He should be retained and considered for the next opening for Superior Court Judge.	5/6/2022 9:32 AM
2	Magistrate Quan knows the law and knows the rules. He gets easily irritated, and upset when things don't get in a timely manner. For our Chuukese clients, he speaks in Chuukese to them. I don't think he should do that. He also has a way of talking down to our indigent clients. He is very respectful of the attorneys and court staff, interpreters. His staff usually tells us if we will be late for zoom hearings, which is appreciated.	5/4/2022 4:28 PM
3	Judge Quan's rulings are faithful to the law. His knowledge of criminal law is impressive. His output w/r to hearings held is prodigious, contributing the efficiency of the court and the administration of justice.	5/2/2022 12:56 PM
4	Magistrate Judge Quan is an admirable addition to the Guam Judiciary.	4/29/2022 5:20 PM
5	Good judge. Knowledgeable in the law and with a practical approach to decision making and resolving cases.	4/29/2022 5:05 PM
6	Overall, he appears to be disorganized. Dealing with him can be very frustrating.	4/28/2022 2:45 PM
7	MJ needs to improve his approach as a judicial officer when addressing the parties and attorneys. MJ lacks patience and raises his voice in a shouting manner when speaking to a party or counsel and clearly needs to improve his ability to deal with the parties in a respectful and cordial manner. MJ does not have a good understanding on uncontested domestic custody matters and needs great improvement in this area.	4/28/2022 10:23 AM
8	Imposes multiple restrictions on defendants, such as bail, third party custodian, and electronic monitoring all at once. Given the difficulty of meeting even one requirement, these multiple requirements act as a barrier to release and an injustice to most criminal defendants who are of little means. There is no rational basis for conditions such as these double or triple requirements in that they do not ensure the safety of persons or the community. Release conditions are much too strict, requiring defendants to spend more time than is fair on pre-trial matters. Often bases decisions of release on defendant's forgetting to attend a hearing rather than safety of the community.	4/27/2022 11:31 AM
9	Has made the effort to learn and use some Chuukese words and phrases, which I think my Chuukese clients appearing before him appreciate, as an effort towards mutual respect.	4/26/2022 2:31 PM
10	He has been a fine magistrate and should be reappointed	4/25/2022 11:06 PM
11	I like the way that he yells at people who need to be yelled at so I don't have to.	4/25/2022 4:08 PM
12	Magistrate Quan is doing a good job for the Judiciary of Guam. He listens to the parties and makes appropriate legal decisions. The only area he should improve just involve time management. His hearings last longer than any of his contemporaries For instance, it's not uncommon for Magistrate hearings to begin at 3:00 and end at 6:00 or later. These are important hearings but should not take this much time.	4/25/2022 11:34 AM
13	Too slow. Repeats everything, which turns a 4 minute hearing into 20. Constantly late and runs late into the night. Everyone has to be on EM. Tries to sound tough. Makes comments about the old prosecution days. Keeps prosecutors on training wheels instead of demanding more. Slow to process paperwork.	4/20/2022 9:55 AM
14	I highly respect the job and the office of Judge Quan. I hope he can continue in a judicial capacity.	4/20/2022 9:44 AM

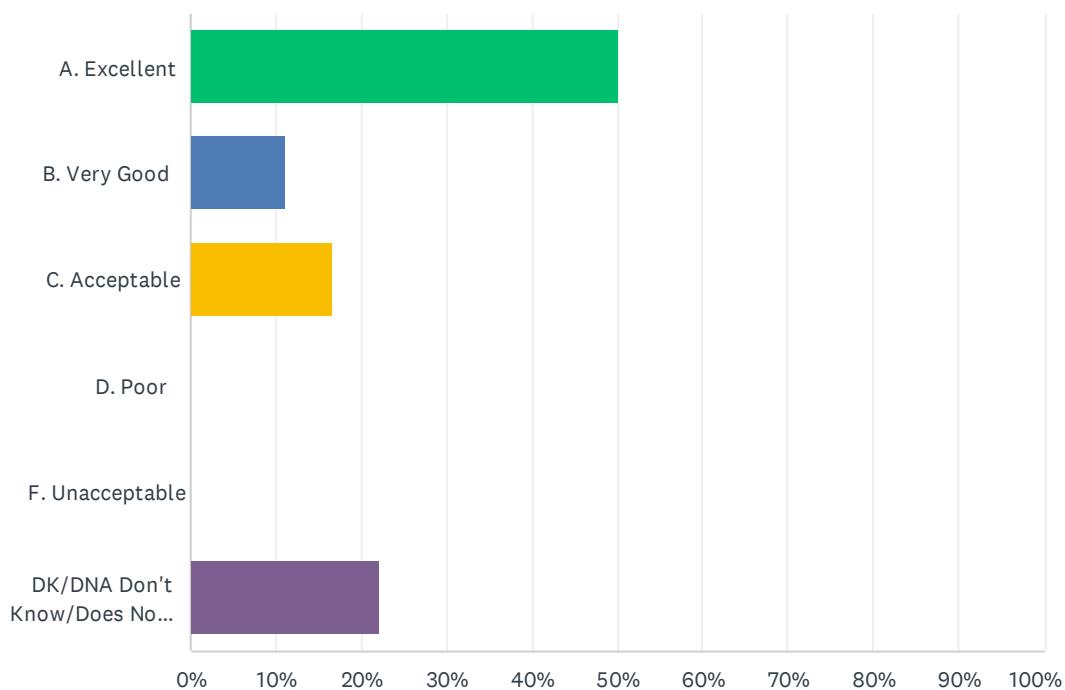
Judicial Performance Evaluation (Attorney Evaluation) - Magistrate Jonathan R. Quan

15	Mag. Quan sometimes speaks to criminal defendants in Chuukese. While probably well intentioned, it is not appropriate as not everyone speaks Chuukese and this is not an official language of the court.	4/19/2022 2:54 PM
16	My clients and I of course don't always win in front of Magistrate Quan, but I feel they get heard and no decision is made until after both sides have had and made argument. I feel that my clients have always been treated fairly and with dignity.	4/19/2022 2:33 PM
17	Magistrate Quan has performed as a magistrate should, professionally and competently. He treats all parties and attys. fairly w/ a good judicial temperament. He is a credit to the Judiciary of Guam.	4/19/2022 2:31 PM
18	Firm but fair decision maker.	4/19/2022 2:25 PM

Court Patron Evaluation Summary

Q1 Avoided impropriety and the appearance of impropriety

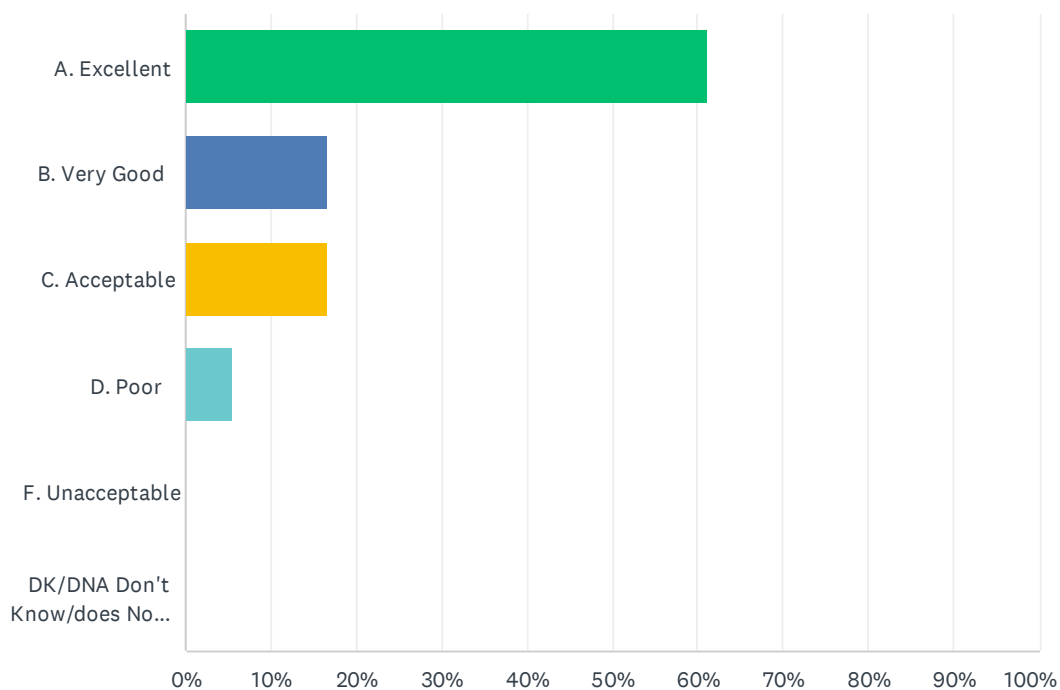
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	50.00%	9
B. Very Good	11.11%	2
C. Acceptable	16.67%	3
D. Poor	0.00%	0
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	22.22%	4
TOTAL		18

Q2 Treated all people with dignity and respect

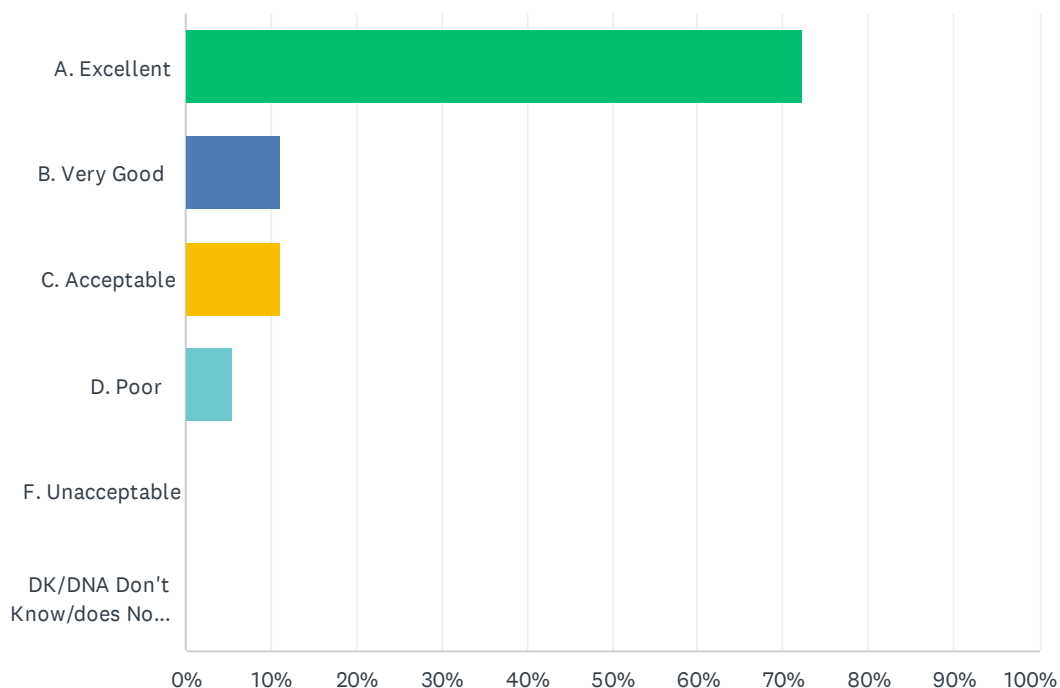
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	61.11%	11
B. Very Good	16.67%	3
C. Acceptable	16.67%	3
D. Poor	5.56%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/does Not Apply	0.00%	0
TOTAL		18

Q3 Acted without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status

Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	72.22%	13
B. Very Good	11.11%	2
C. Acceptable	11.11%	2
D. Poor	5.56%	1
F. Unacceptable	0.00%	0
DK/DNA Don't Know/does Not Apply	0.00%	0
TOTAL		18

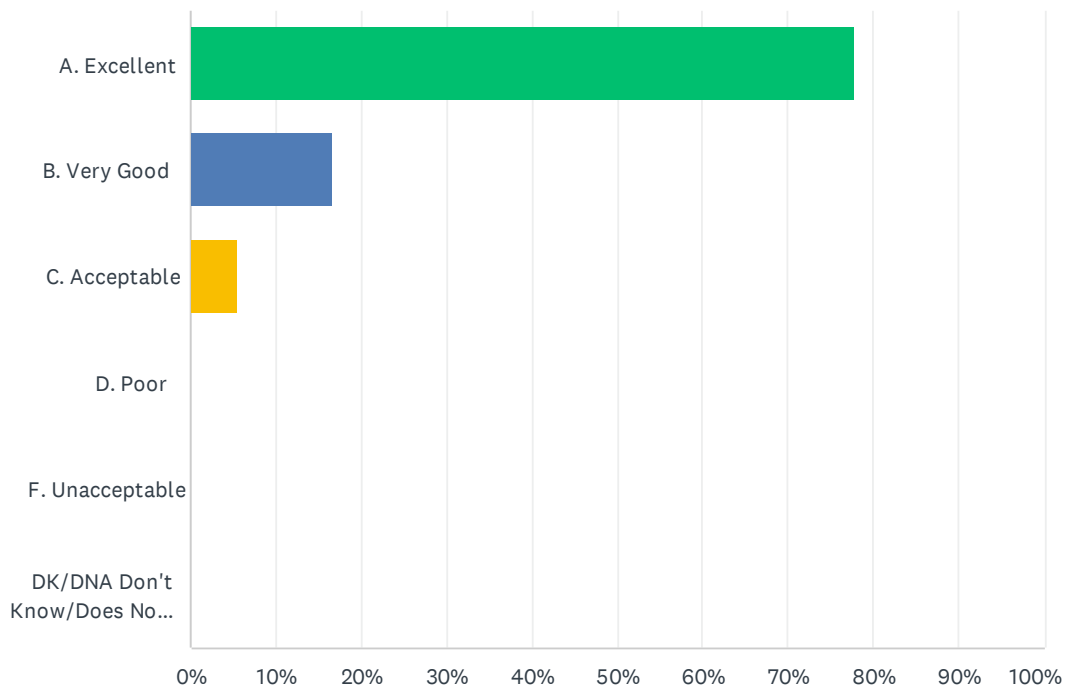
Q4 If you believe the Magistrate acted with favor or disfavor to anyone based upon personal characteristics such as those listed above, please list the characteristic(s) (if any) giving rise to your belief

Answered: 1 Skipped: 17

#	RESPONSES	DATE
1	Poor	5/11/2022 9:29 AM

Q5 Used clear and logical oral communication when speaking to lawyers, witnesses, and litigants while in court

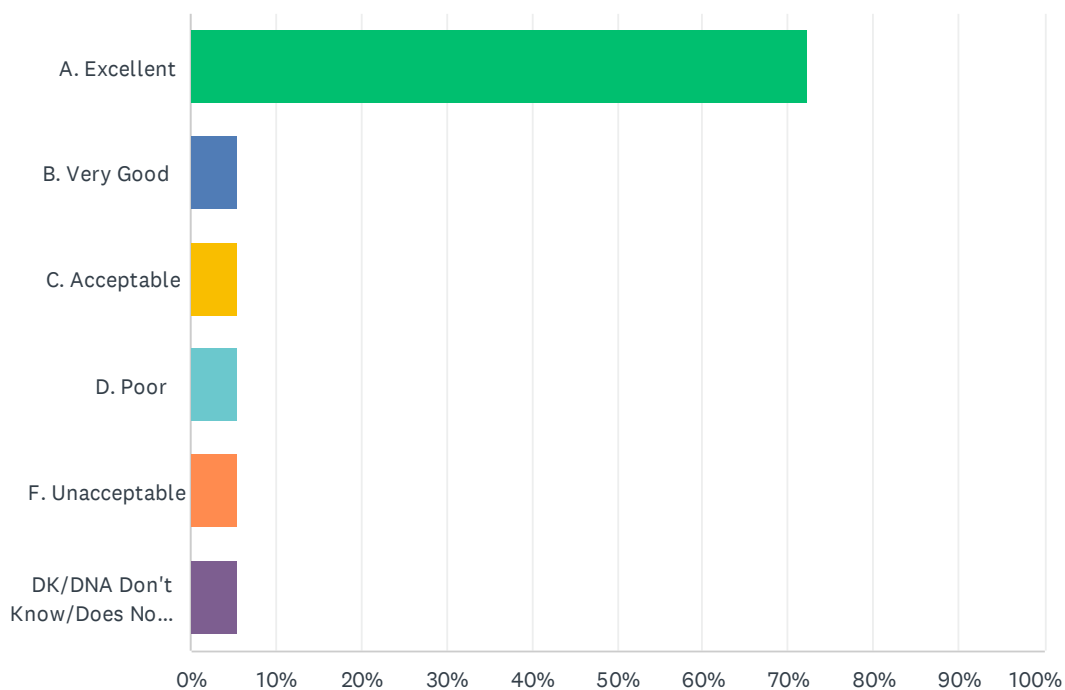
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	77.78%	14
B. Very Good	16.67%	3
C. Acceptable	5.56%	1
D. Poor	0.00%	0
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		18

Q6 Clearly explained court procedures

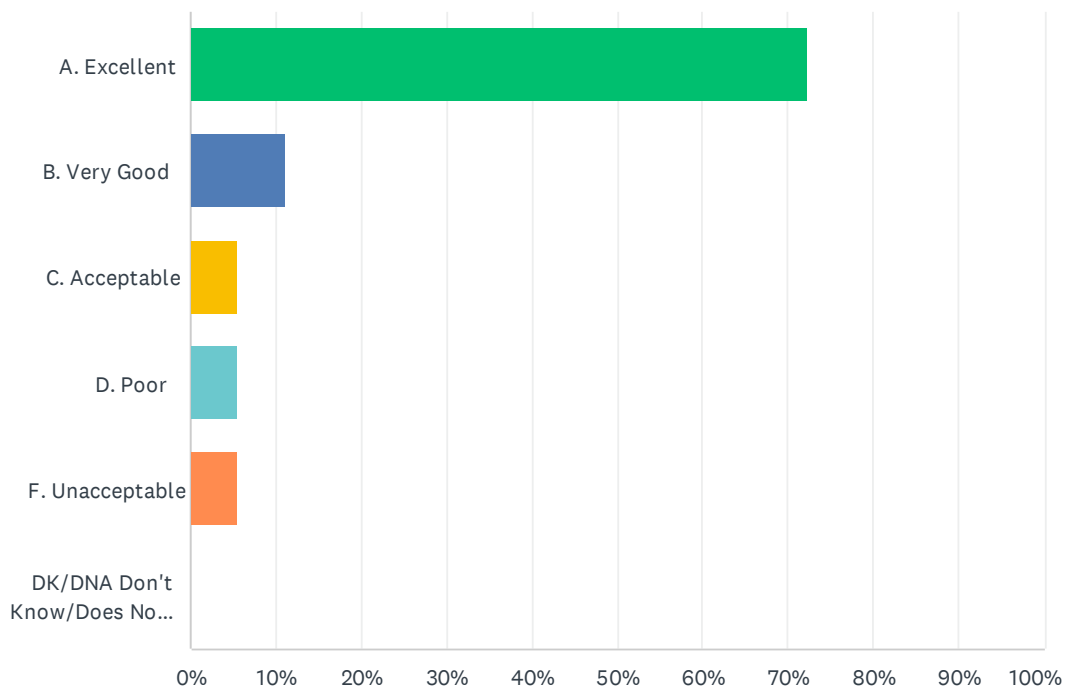
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	72.22%	13
B. Very Good	5.56%	1
C. Acceptable	5.56%	1
D. Poor	5.56%	1
F. Unacceptable	5.56%	1
DK/DNA Don't Know/Does Not Apply	5.56%	1
TOTAL		18

Q7 Acted in a dignified manner

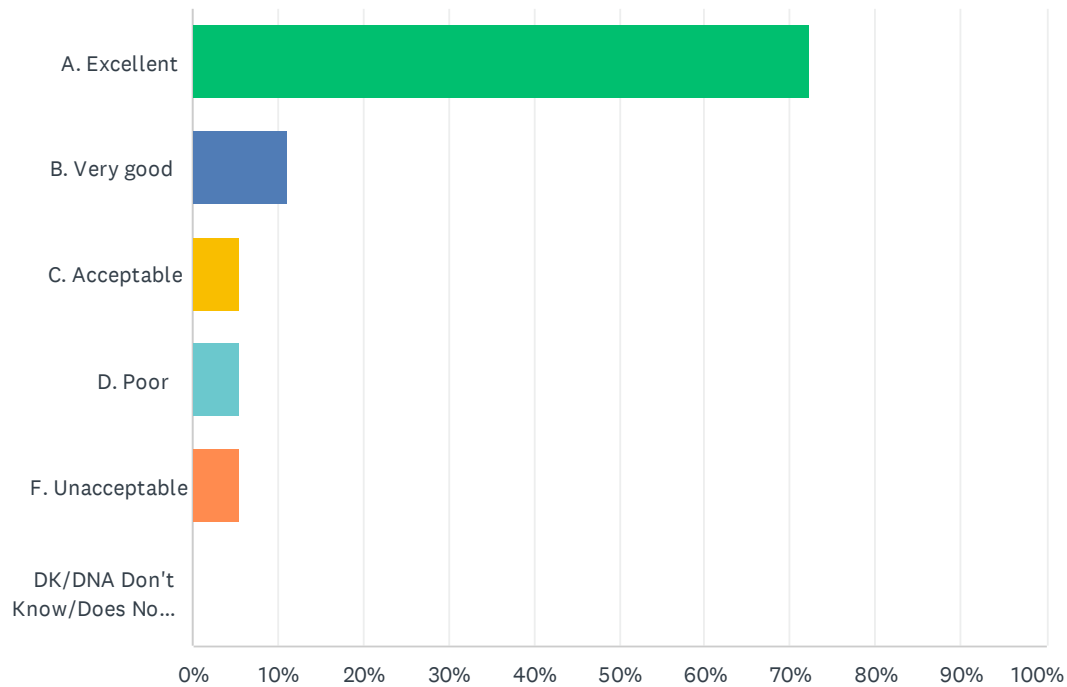
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	72.22%	13
B. Very Good	11.11%	2
C. Acceptable	5.56%	1
D. Poor	5.56%	1
F. Unacceptable	5.56%	1
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		18

Q8 Treated the attorneys, litigants and witnesses with courtesy

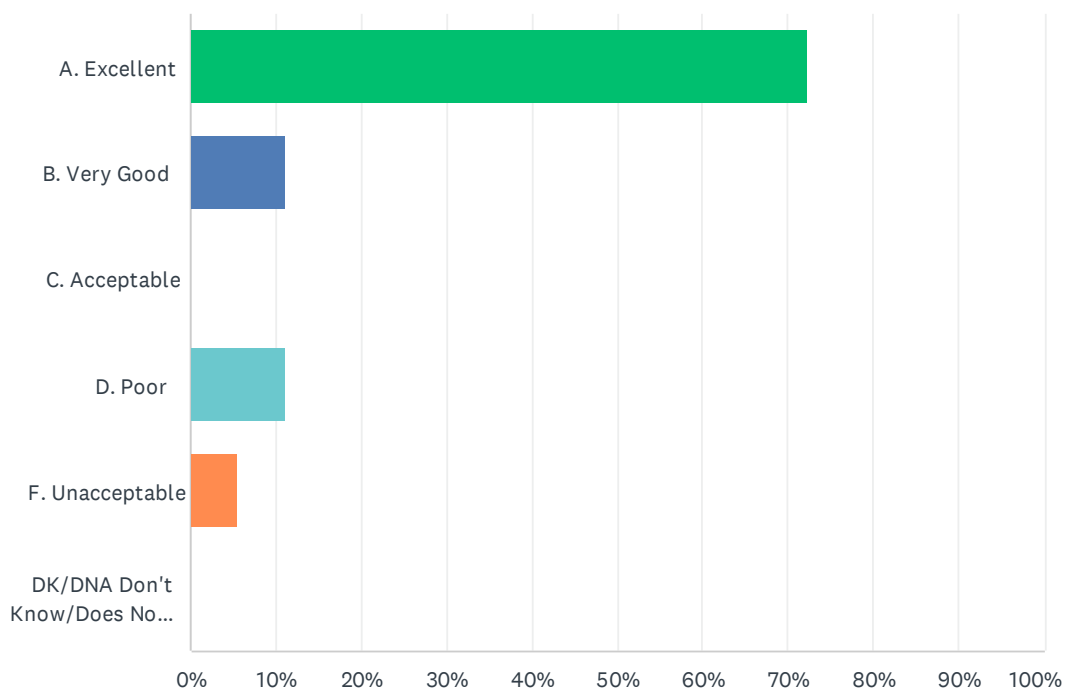
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	72.22%	13
B. Very good	11.11%	2
C. Acceptable	5.56%	1
D. Poor	5.56%	1
F. Unacceptable	5.56%	1
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		18

Q9 Acted with patience and self-control

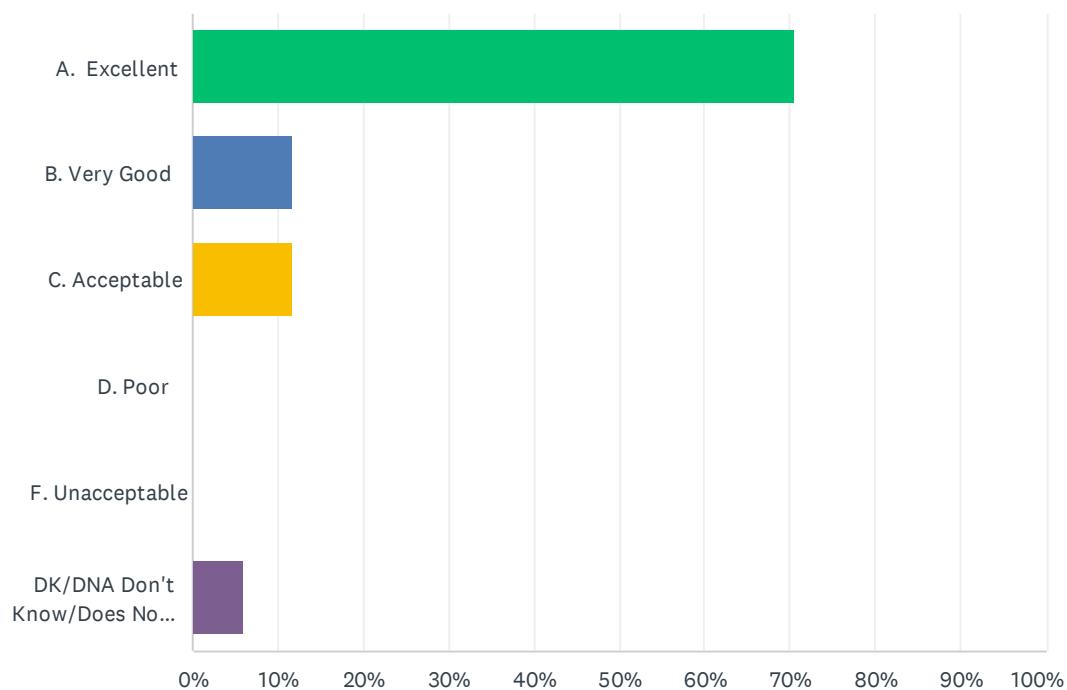
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	72.22%	13
B. Very Good	11.11%	2
C. Acceptable	0.00%	0
D. Poor	11.11%	2
F. Unacceptable	5.56%	1
DK/DNA Don't Know/Does Not Apply	0.00%	0
TOTAL		18

Q10 Maintained control over the courtroom and proceedings

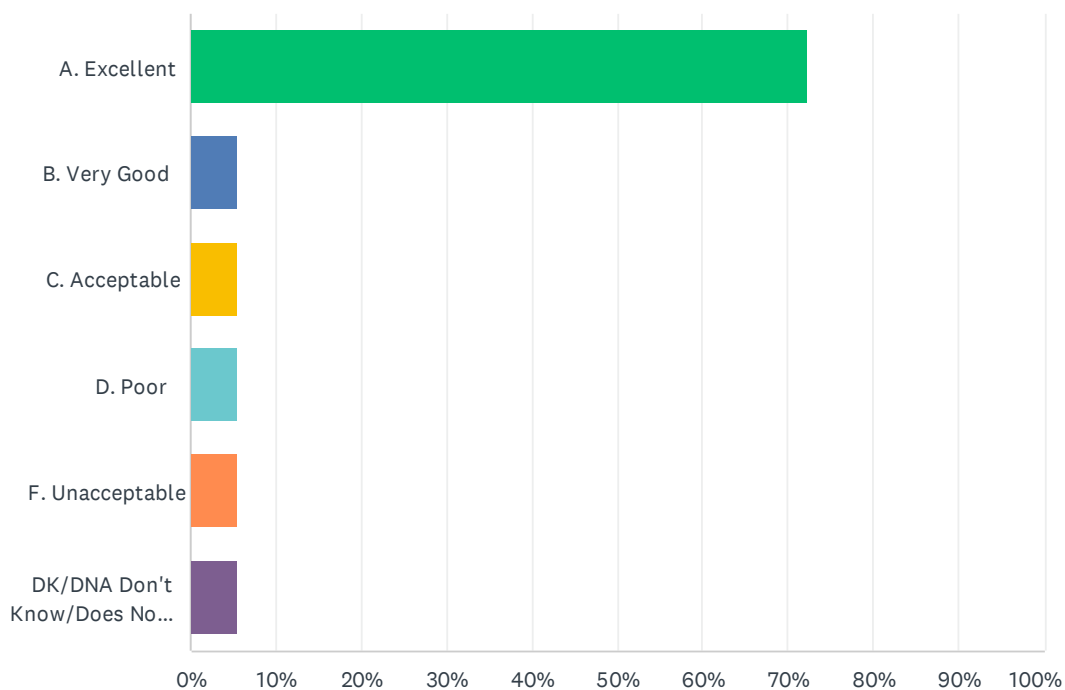
Answered: 17 Skipped: 1



ANSWER CHOICES	RESPONSES	
A. Excellent	70.59%	12
B. Very Good	11.76%	2
C. Acceptable	11.76%	2
D. Poor	0.00%	0
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	5.88%	1
TOTAL		17

Q11 Appropriately enforced court rules, orders, and time limits

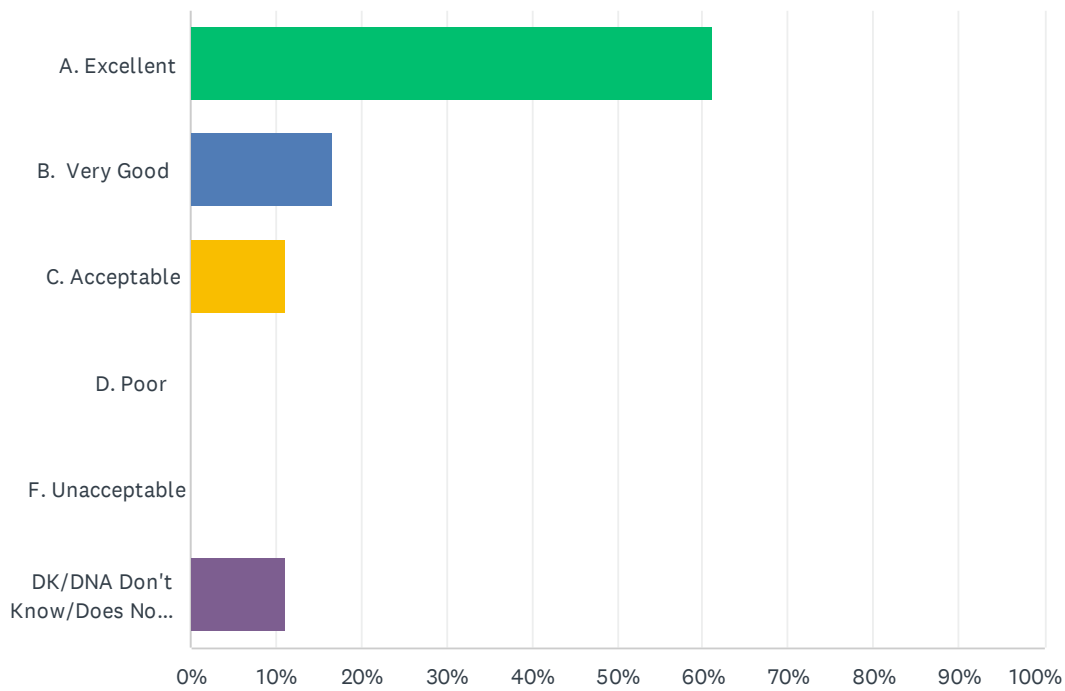
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	72.22%	13
B. Very Good	5.56%	1
C. Acceptable	5.56%	1
D. Poor	5.56%	1
F. Unacceptable	5.56%	1
DK/DNA Don't Know/Does Not Apply	5.56%	1
TOTAL		18

Q12 Acted to ensure that disabilities and linguistic and cultural differences did not limit access to the justice system

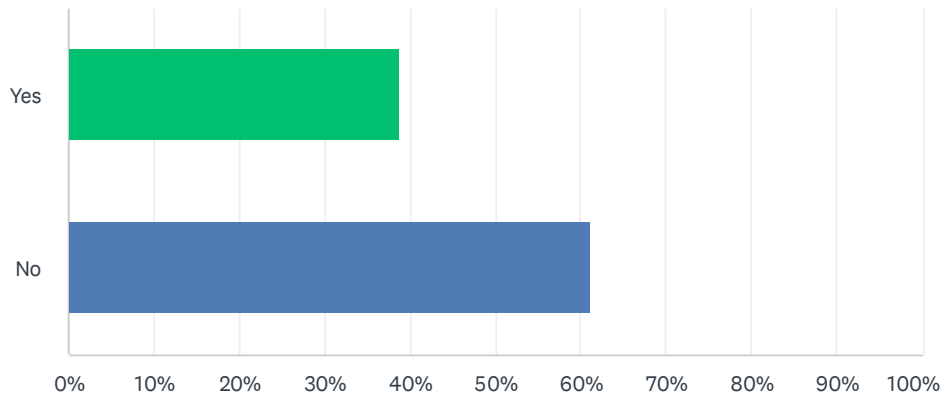
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	61.11%	11
B. Very Good	16.67%	3
C. Acceptable	11.11%	2
D. Poor	0.00%	0
F. Unacceptable	0.00%	0
DK/DNA Don't Know/Does Not Apply	11.11%	2
TOTAL		18

Q13 Do you feel that your interaction with the Magistrate could have been improved?

Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	38.89% 7
No	61.11% 11
TOTAL	18

#	IF SO, HOW?	DATE
1	The decision that he made was appreciated and much feeling better to me.	5/11/2022 9:34 AM
2	He never think about other people needs.	5/11/2022 9:29 AM
3	He didn't really provide time or opportunity for me to speak on my behalf.	5/11/2022 9:26 AM
4	Given more time to explain myself.	5/11/2022 9:24 AM

Q14 Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire or the magistrate's performance on the bench in the space below.

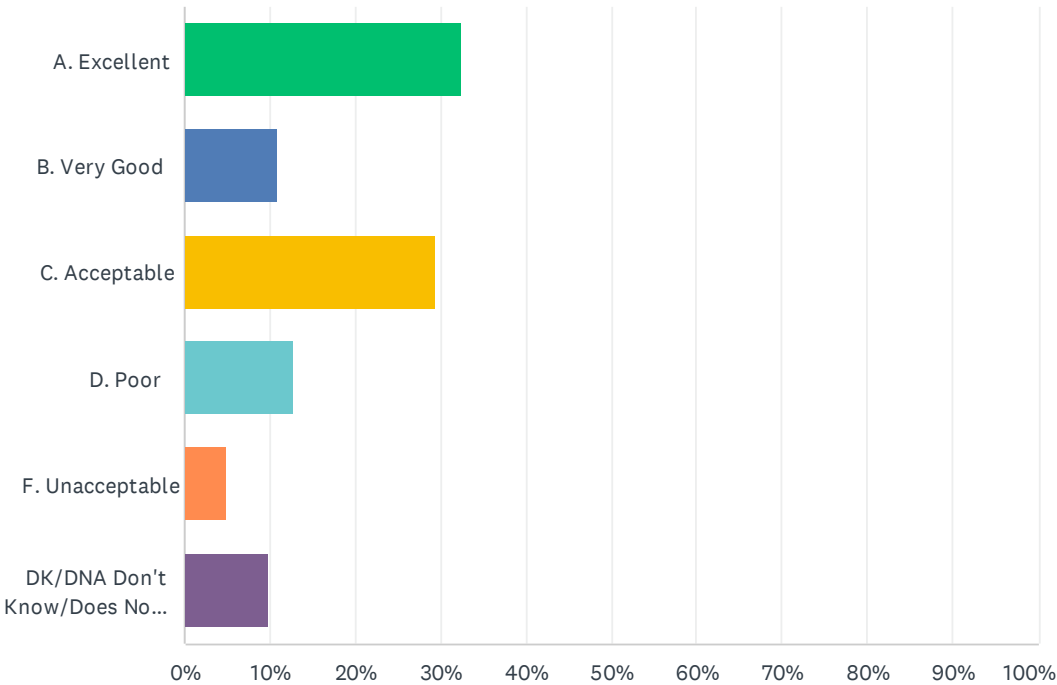
Answered: 11 Skipped: 7

#	RESPONSES	DATE
1	Excellent judge, very professional and courteous.	5/11/2022 9:43 AM
2	Just need to be aware of the changes that these companies are charging to us the opponents because I think that's too much and fast.	5/11/2022 9:34 AM
3	Don't need to be as harsh when you first meet people.	5/11/2022 9:24 AM
4	None at this time.	5/11/2022 9:20 AM
5	Excellence in his job performance.	5/11/2022 9:19 AM
6	The Judge provided a safe, well-operated court hearing with efficiency, clarity, and respect. I truly felt honored to speak with him. Please thank him for me.	4/26/2022 3:06 PM
7	I found Judge Quan to be firm yet fair. He was straight forward and had a sense of humor.	4/24/2022 12:45 PM
8	Quan is an excellent Judge.	4/22/2022 8:49 AM
9	The only problem that I have is that the hearing should start on time. We are given a 10:00 A.M. hearing but the hearing will start 20mins later or half an hour later. For the number of years that I have been doing small claims I have not encounter this. Just with Judge Quan. That is what need to be improve.	4/22/2022 8:25 AM
10	JUDGE QUAN DISPLAYS THE UTMOST RESPECT FOR PLAINTIFFS AND DEFENDANTS ALONG WITH THE EMPLOYEES OF THE COURT. HE IS VERY THOROUGH AND INFORMATIVE DURING HIS HEARINGS. JUDGE QUAN PROVIDES REASONABLE ORDERS AND TREATS EVERYONE FAIRLY.	4/22/2022 8:18 AM
11	Based off the hearings that I have attended, Magistrate Jonathan R. Quan remained professional and fair. He communicated well to both Plaintiff and Defendant.	4/22/2022 7:57 AM

Court Staff Evaluation Summary

Q1 Avoids impropriety and the appearance of impropriety

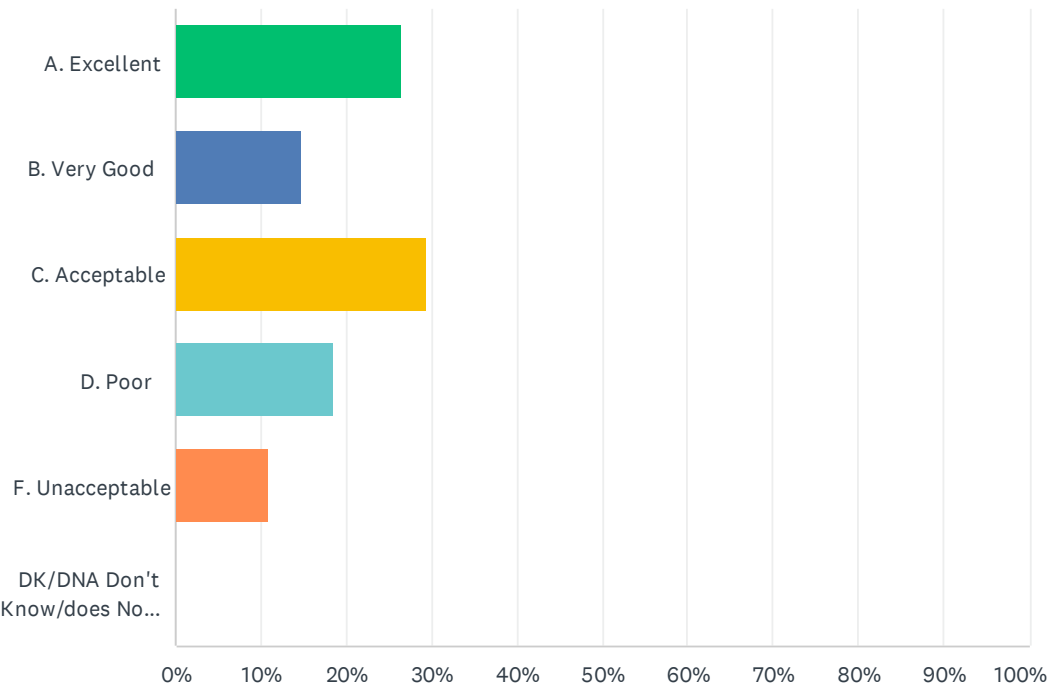
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	32.35%	33
B. Very Good	10.78%	11
C. Acceptable	29.41%	30
D. Poor	12.75%	13
F. Unacceptable	4.90%	5
DK/DNA Don't Know/Does Not Apply	9.80%	10
TOTAL		102

Q2 Treats court personnel with dignity and respect

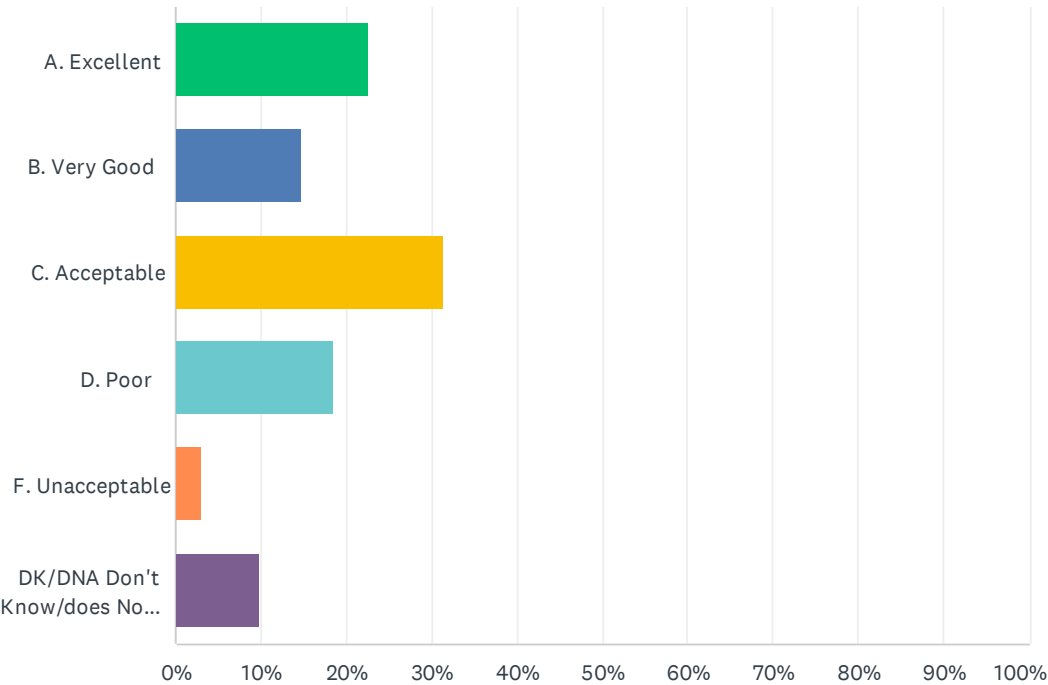
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	26.47%	27
B. Very Good	14.71%	15
C. Acceptable	29.41%	30
D. Poor	18.63%	19
F. Unacceptable	10.78%	11
DK/DNA Don't Know/does Not Apply	0.00%	0
TOTAL		102

Q3 Treats litigants with dignity and respect

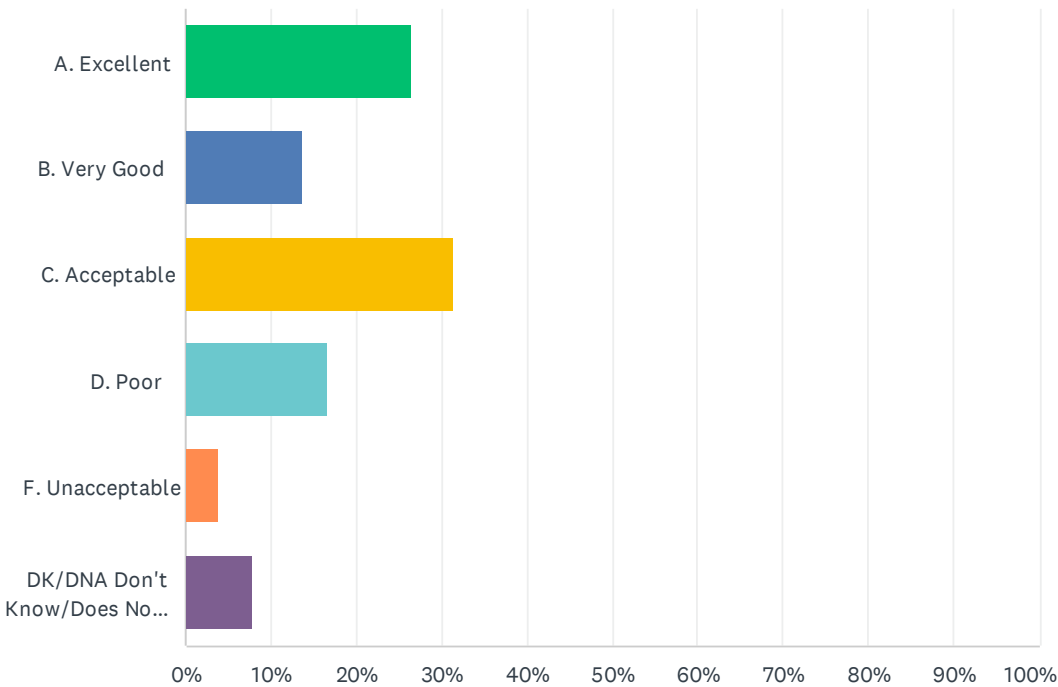
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	22.55%	23
B. Very Good	14.71%	15
C. Acceptable	31.37%	32
D. Poor	18.63%	19
F. Unacceptable	2.94%	3
DK/DNA Don't Know/does Not Apply	9.80%	10
TOTAL		102

Q4 Willingness to make difficult or unpopular decisions

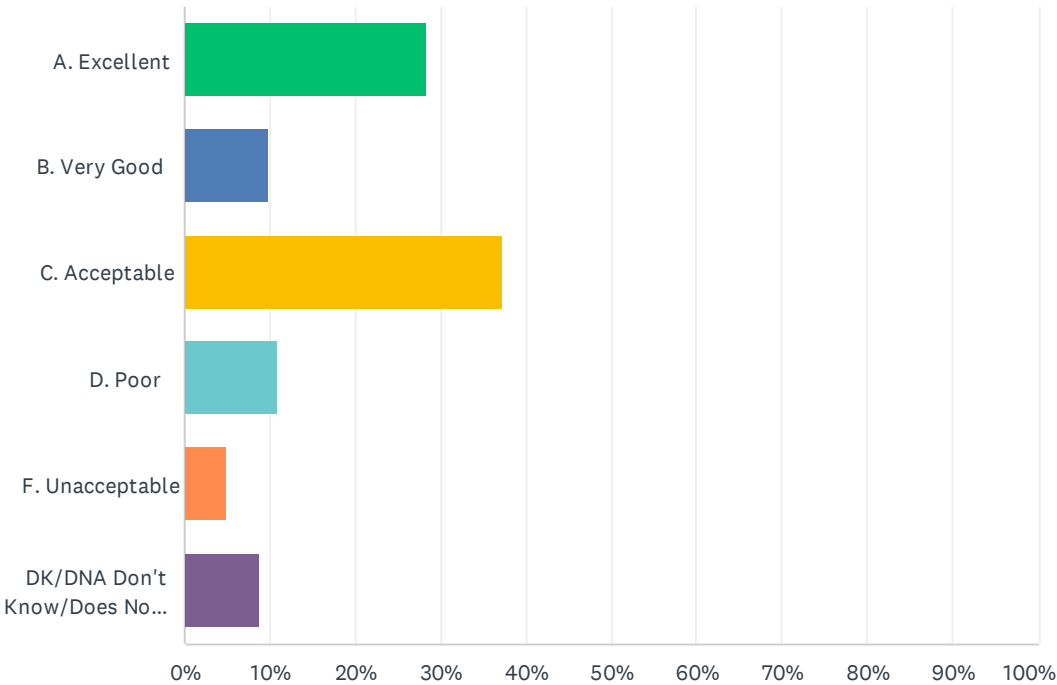
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	26.47%	27
B. Very Good	13.73%	14
C. Acceptable	31.37%	32
D. Poor	16.67%	17
F. Unacceptable	3.92%	4
DK/DNA Don't Know/Does Not Apply	7.84%	8
TOTAL		102

Q5 Acts fairly by giving people individual consideration

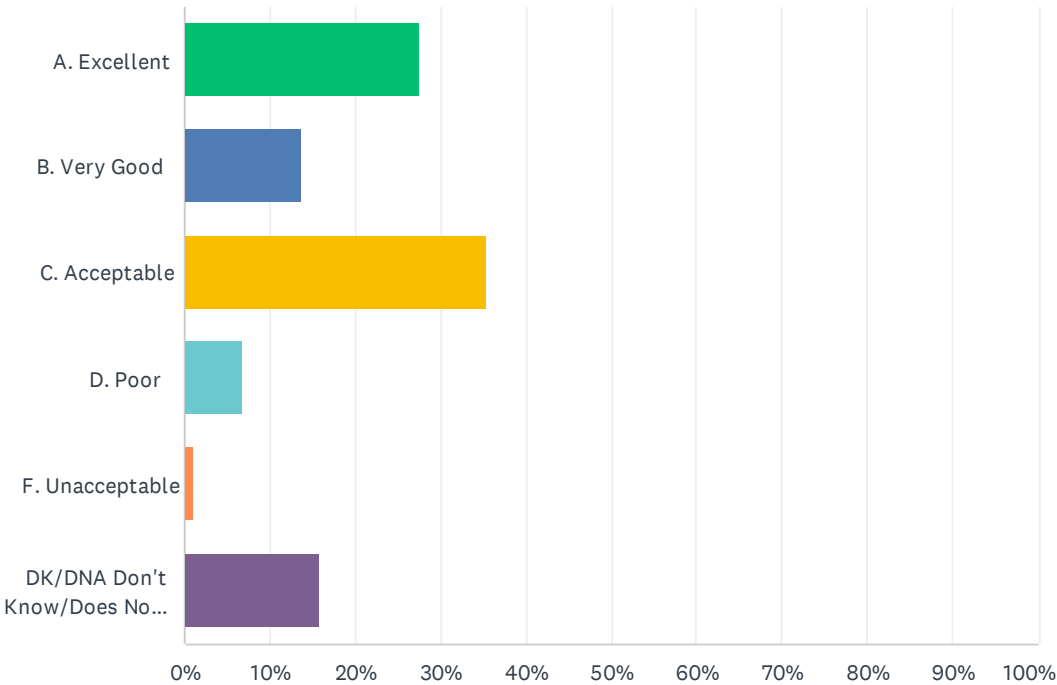
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	28.43%	29
B. Very Good	9.80%	10
C. Acceptable	37.25%	38
D. Poor	10.78%	11
F. Unacceptable	4.90%	5
DK/DNA Don't Know/Does Not Apply	8.82%	9
TOTAL		102

Q6 Considers both sides of an argument before rendering a decision

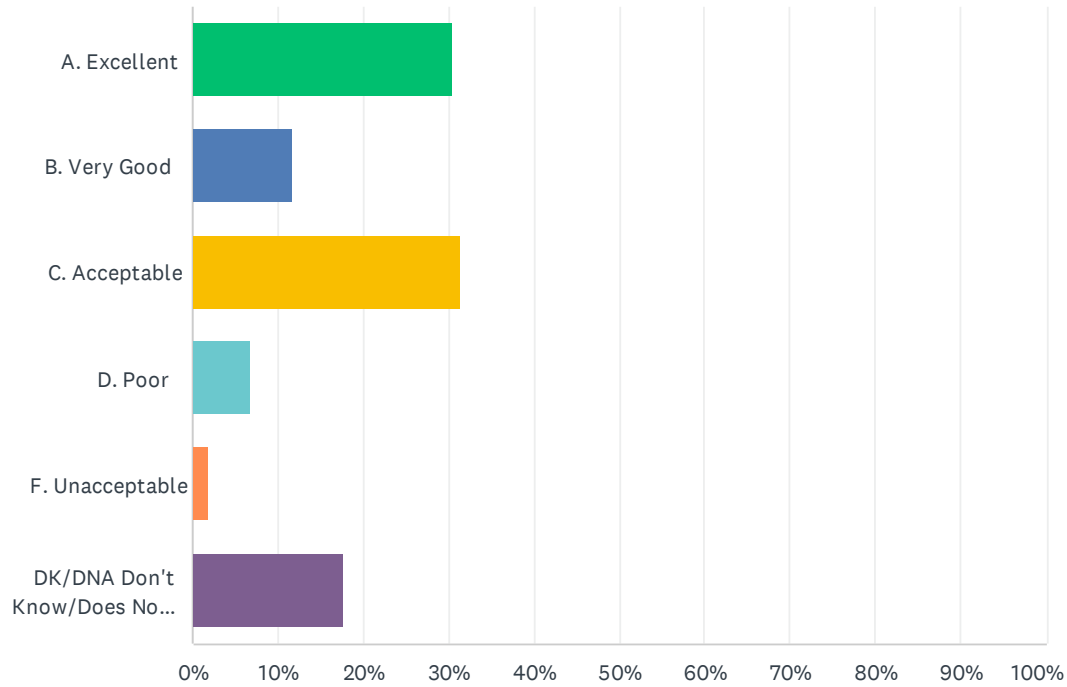
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	27.45%	28
B. Very Good	13.73%	14
C. Acceptable	35.29%	36
D. Poor	6.86%	7
F. Unacceptable	0.98%	1
DK/DNA Don't Know/Does Not Apply	15.69%	16
TOTAL		102

Q7 Bases decisions on the law and facts without regard to the identity of the parties or counsel

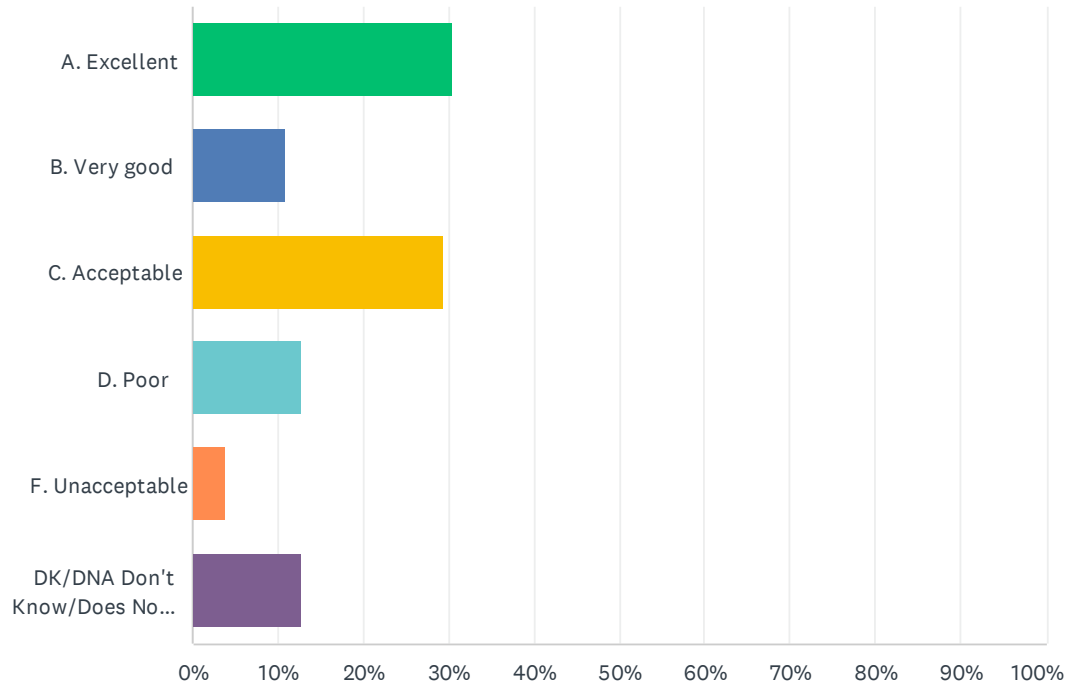
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	30.39%	31
B. Very Good	11.76%	12
C. Acceptable	31.37%	32
D. Poor	6.86%	7
F. Unacceptable	1.96%	2
DK/DNA Don't Know/Does Not Apply	17.65%	18
TOTAL		102

Q8 Keeps an open mind and considers all relevant issues in making decisions

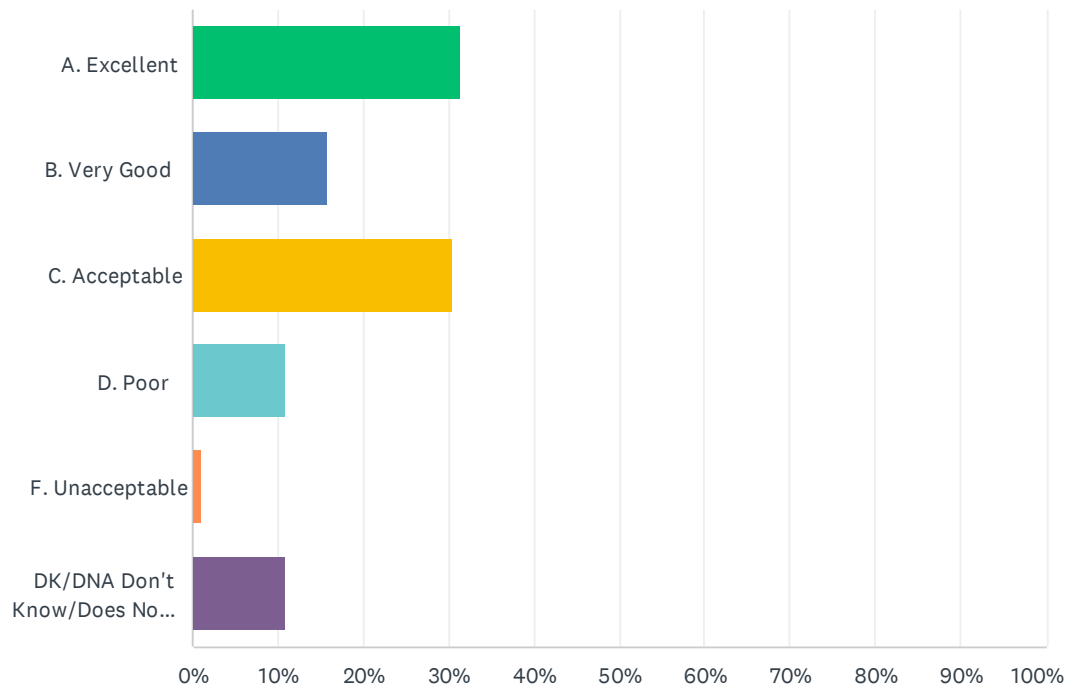
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	30.39%	31
B. Very good	10.78%	11
C. Acceptable	29.41%	30
D. Poor	12.75%	13
F. Unacceptable	3.92%	4
DK/DNA Don't Know/Does Not Apply	12.75%	13
TOTAL		102

Q9 Acts without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status

Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	31.37%	32
B. Very Good	15.69%	16
C. Acceptable	30.39%	31
D. Poor	10.78%	11
F. Unacceptable	0.98%	1
DK/DNA Don't Know/Does Not Apply	10.78%	11
TOTAL		102

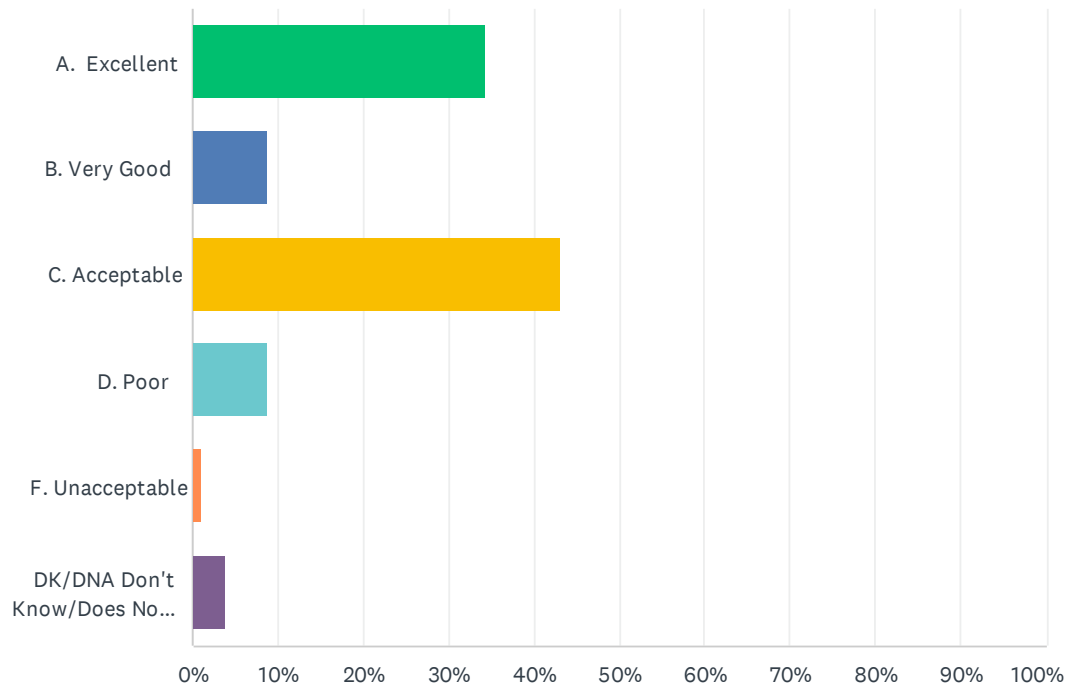
Q10 If you believe the Magistrate acts with favor or disfavor to anyone based upon personal characteristics such as those listed above, please list the characteristic(s) (if any) giving rise to your belief

Answered: 3 Skipped: 99

#	RESPONSES	DATE
1	I personally witnessed Magistrate Quan scold an elderly patron who came into court in-person for her hearing. She explained that she did not appear at the prior hearing because her counsel did not inform her. He continued to scold her about having 2 feet and being able to drive, hitch a ride, and ride a scooter into court. She was unable to defend herself because she was humiliated in front of 30 other court patrons. She began to cry as the Judge continually belittled her. After her case, a military defendant was heard next. He addressed him as "soldier" and continued to do so as the case went forward. When asked what his reason for not appearing at the prior hearing, he stated his reason, then the Judge just informed him to make all further hearings henceforth. Showing favoritism towards a military defendant as opposed to a civilian defendant.	4/19/2022 11:08 AM
2	Speaks poorly about certain employees which is unacceptable for a man in his position; Made me feel uncomfortable at a point that I cried to a co-worker.	4/19/2022 10:03 AM
3	I personally think he has to change his tone of voice and that facial expression when conducting magistrate hearings. I really think it's inappropriate and unprofessional mannerism.	4/19/2022 9:16 AM

Q11 Uses clear and logical oral communication in court

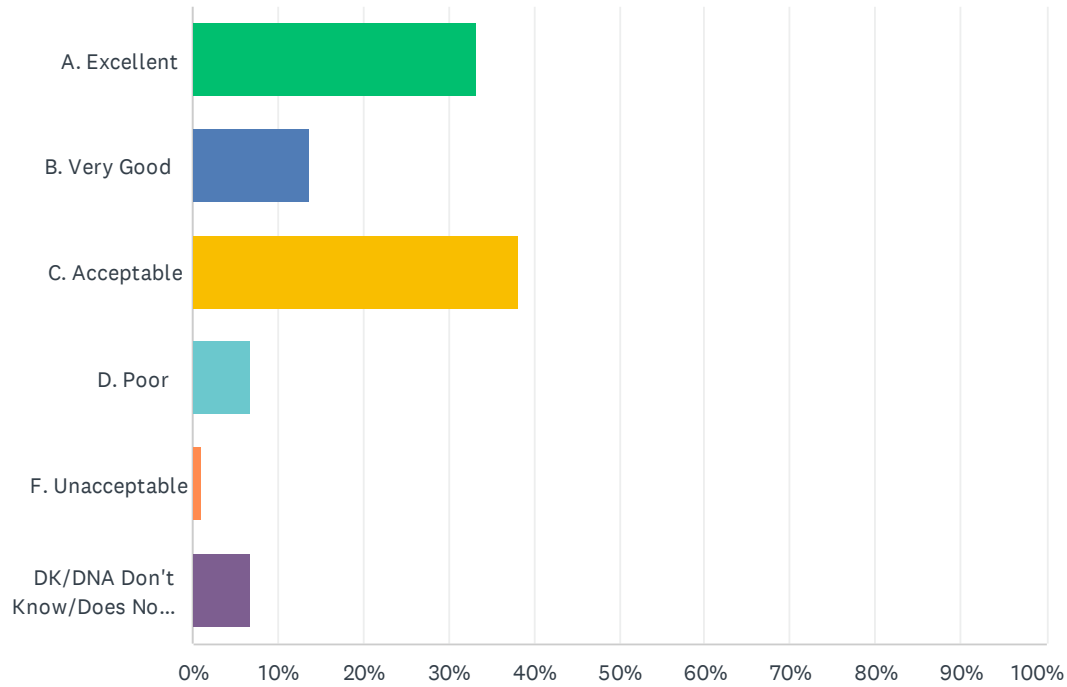
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	34.31%	35
B. Very Good	8.82%	9
C. Acceptable	43.14%	44
D. Poor	8.82%	9
F. Unacceptable	0.98%	1
DK/DNA Don't Know/Does Not Apply	3.92%	4
TOTAL		102

Q12 Uses plain English and understandable language when speaking to litigants and witnesses

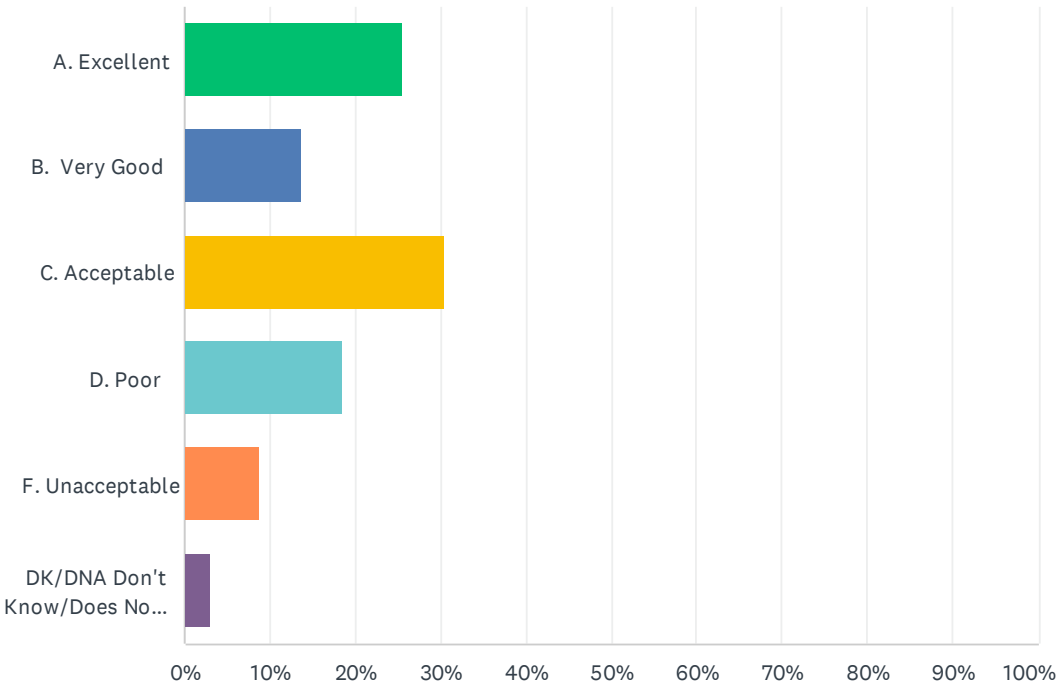
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	33.33%	34
B. Very Good	13.73%	14
C. Acceptable	38.24%	39
D. Poor	6.86%	7
F. Unacceptable	0.98%	1
DK/DNA Don't Know/Does Not Apply	6.86%	7
TOTAL		102

Q13 Acts in a dignified manner

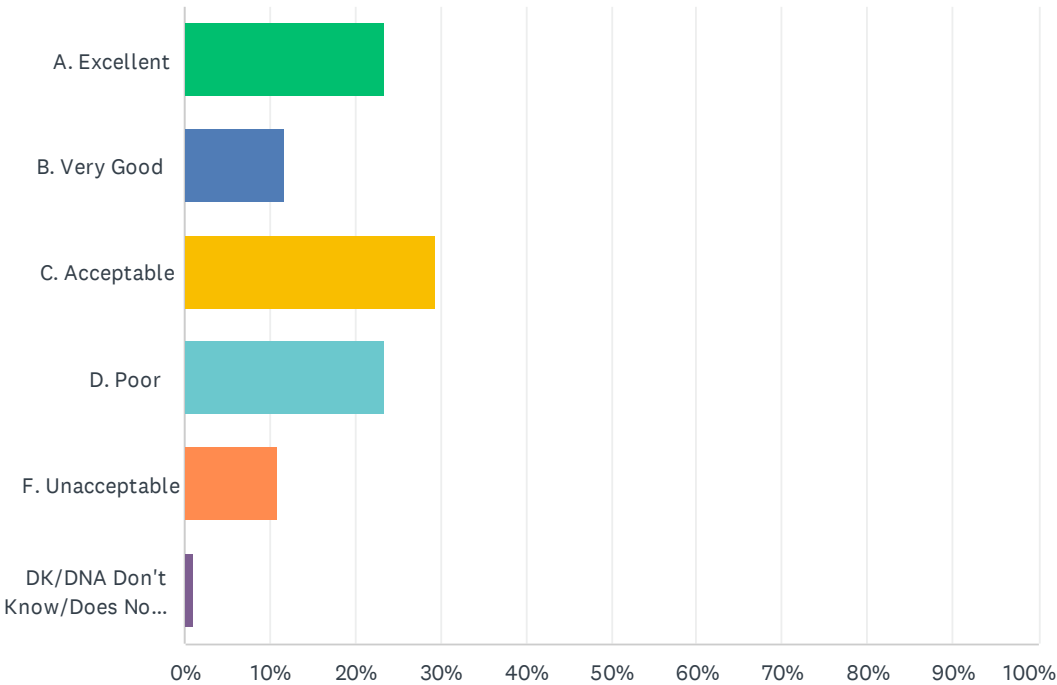
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	25.49%	26
B. Very Good	13.73%	14
C. Acceptable	30.39%	31
D. Poor	18.63%	19
F. Unacceptable	8.82%	9
DK/DNA Don't Know/Does Not Apply	2.94%	3
TOTAL		102

Q14 Acts with patience and self-control

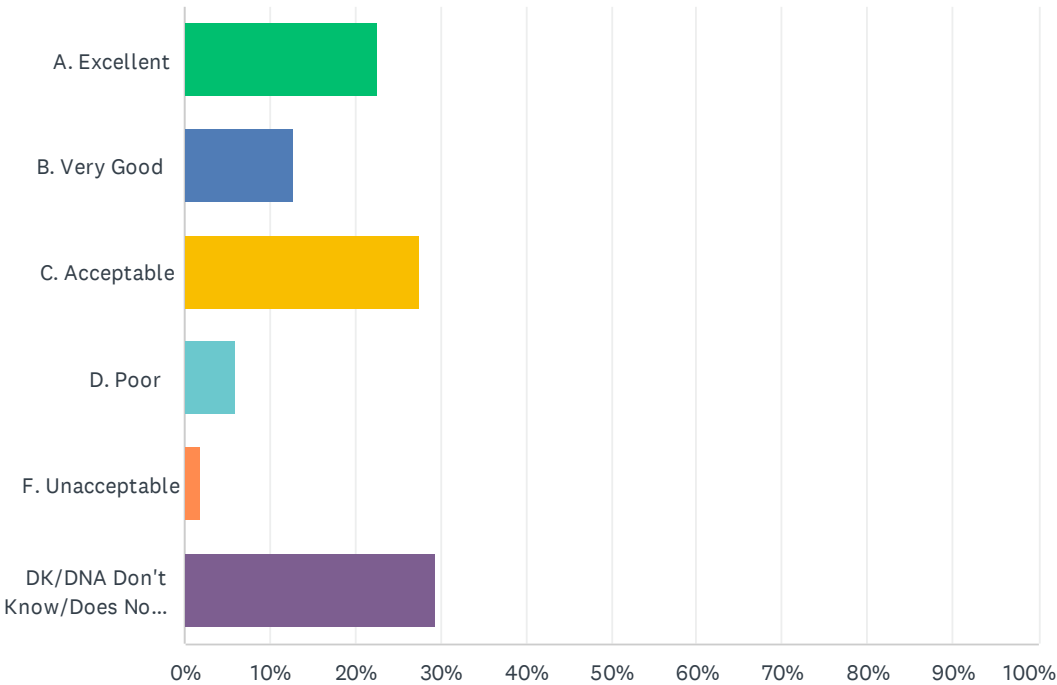
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	23.53%	24
B. Very Good	11.76%	12
C. Acceptable	29.41%	30
D. Poor	23.53%	24
F. Unacceptable	10.78%	11
DK/DNA Don't Know/Does Not Apply	0.98%	1
TOTAL		102

Q15 Works with pro se litigants and litigation fairly and effectively

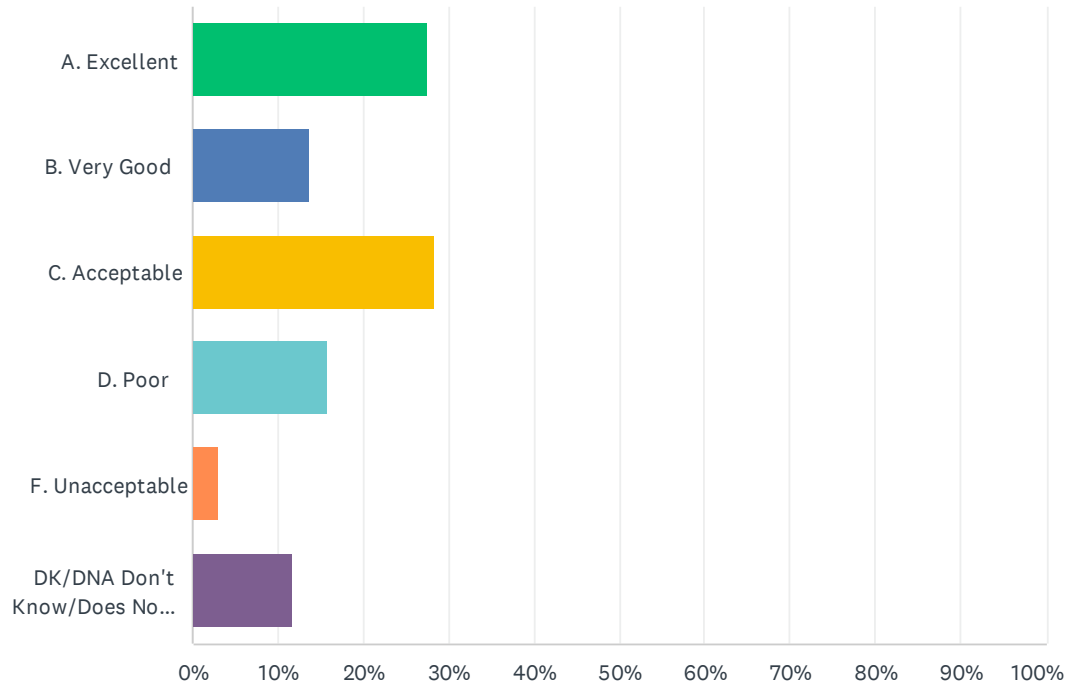
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	22.55%	23
B. Very Good	12.75%	13
C. Acceptable	27.45%	28
D. Poor	5.88%	6
F. Unacceptable	1.96%	2
DK/DNA Don't Know/Does Not Apply	29.41%	30
TOTAL		102

Q16 Promotes public understanding of and confidence in the courts through conduct on the bench

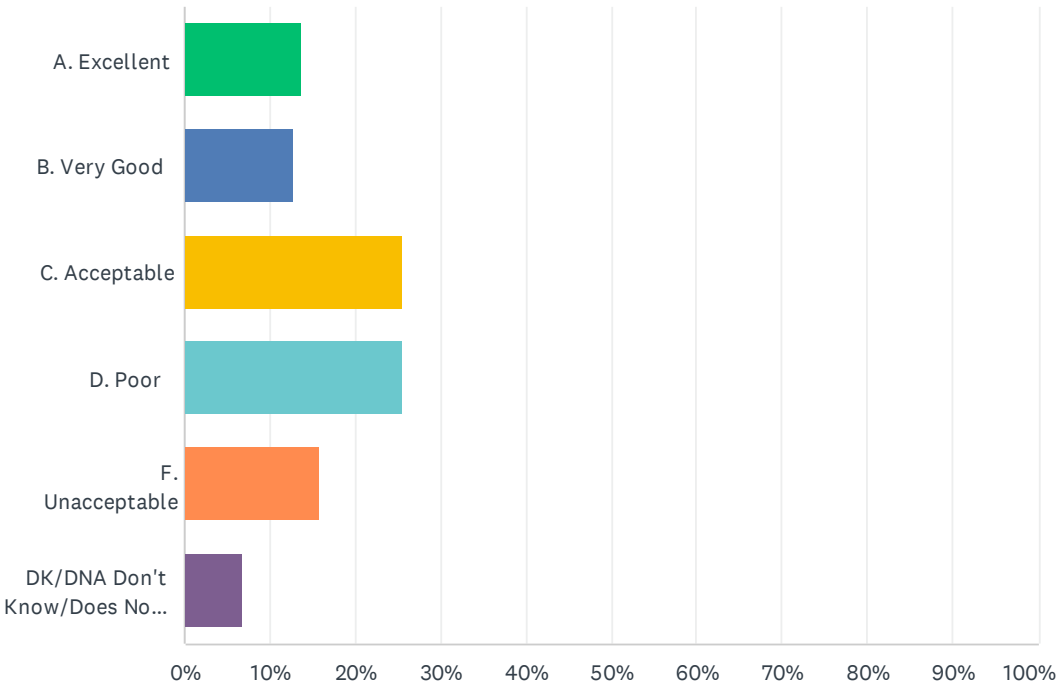
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	27.45%	28
B. Very Good	13.73%	14
C. Acceptable	28.43%	29
D. Poor	15.69%	16
F. Unacceptable	2.94%	3
DK/DNA Don't Know/Does Not Apply	11.76%	12
TOTAL		102

Q17 Is punctual and prepared for court

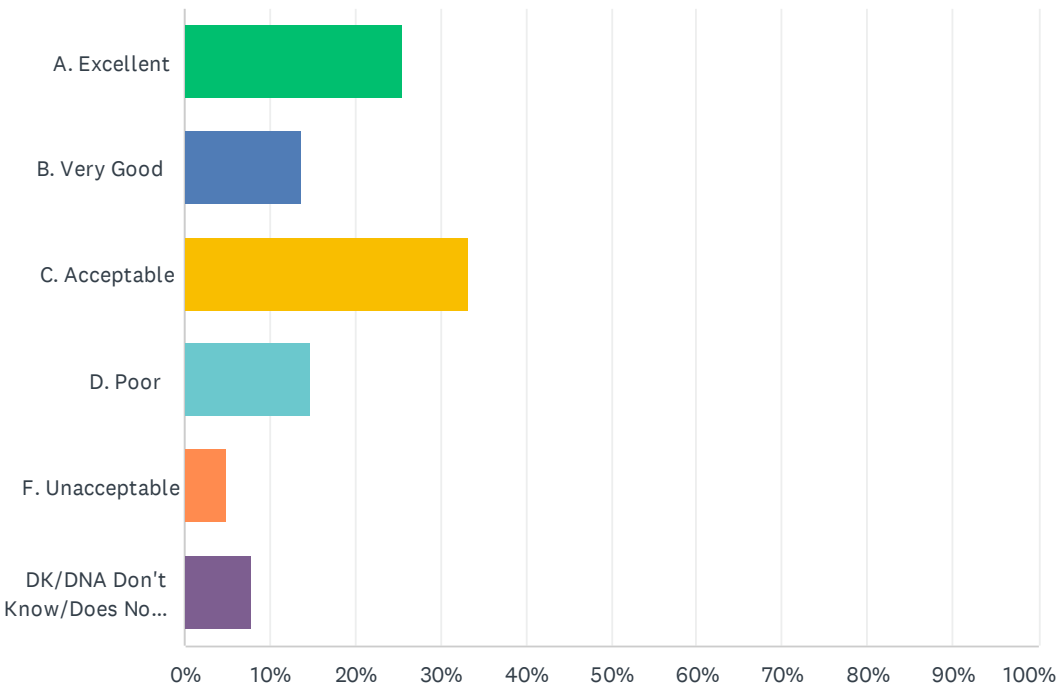
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	13.73%	14
B. Very Good	12.75%	13
C. Acceptable	25.49%	26
D. Poor	25.49%	26
F. Unacceptable	15.69%	16
DK/DNA Don't Know/Does Not Apply	6.86%	7
TOTAL		102

Q18 Maintains control over the courtroom, including courtroom personnel

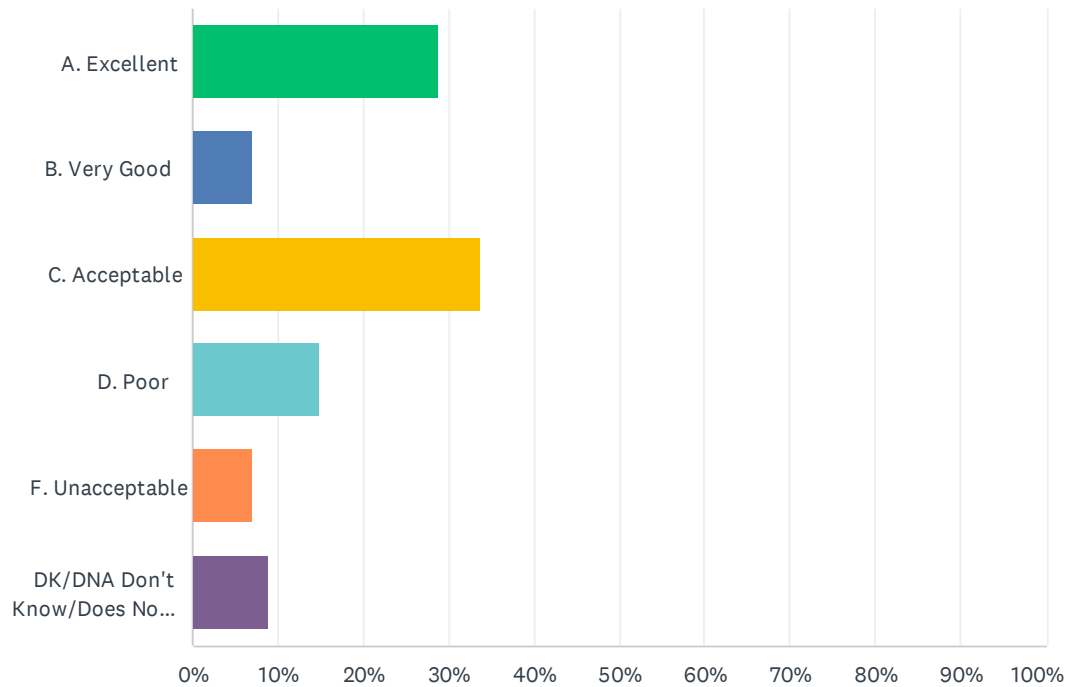
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	25.49%	26
B. Very Good	13.73%	14
C. Acceptable	33.33%	34
D. Poor	14.71%	15
F. Unacceptable	4.90%	5
DK/DNA Don't Know/Does Not Apply	7.84%	8
TOTAL		102

Q19 Appropriately enforces court rules, orders, and deadlines

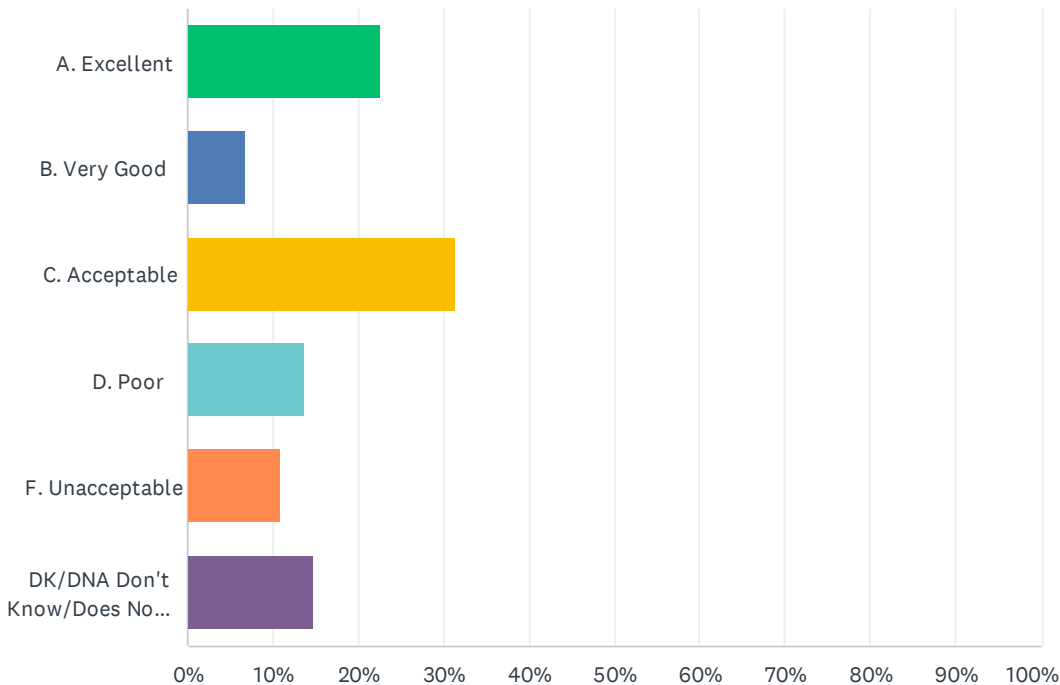
Answered: 101 Skipped: 1



ANSWER CHOICES	RESPONSES	
A. Excellent	28.71%	29
B. Very Good	6.93%	7
C. Acceptable	33.66%	34
D. Poor	14.85%	15
F. Unacceptable	6.93%	7
DK/DNA Don't Know/Does Not Apply	8.91%	9
TOTAL		101

Q20 Makes decisions and rulings in a prompt, timely manner

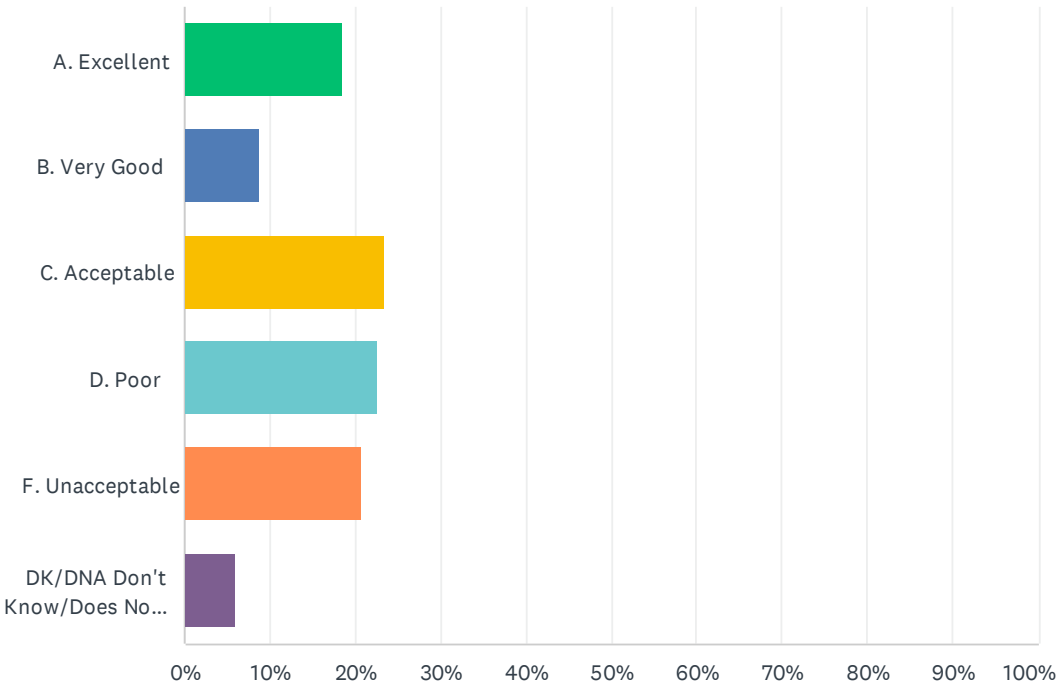
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	22.55%	23
B. Very Good	6.86%	7
C. Acceptable	31.37%	32
D. Poor	13.73%	14
F. Unacceptable	10.78%	11
DK/DNA Don't Know/Does Not Apply	14.71%	15
TOTAL		102

Q21 Manages the court's calendar efficiently

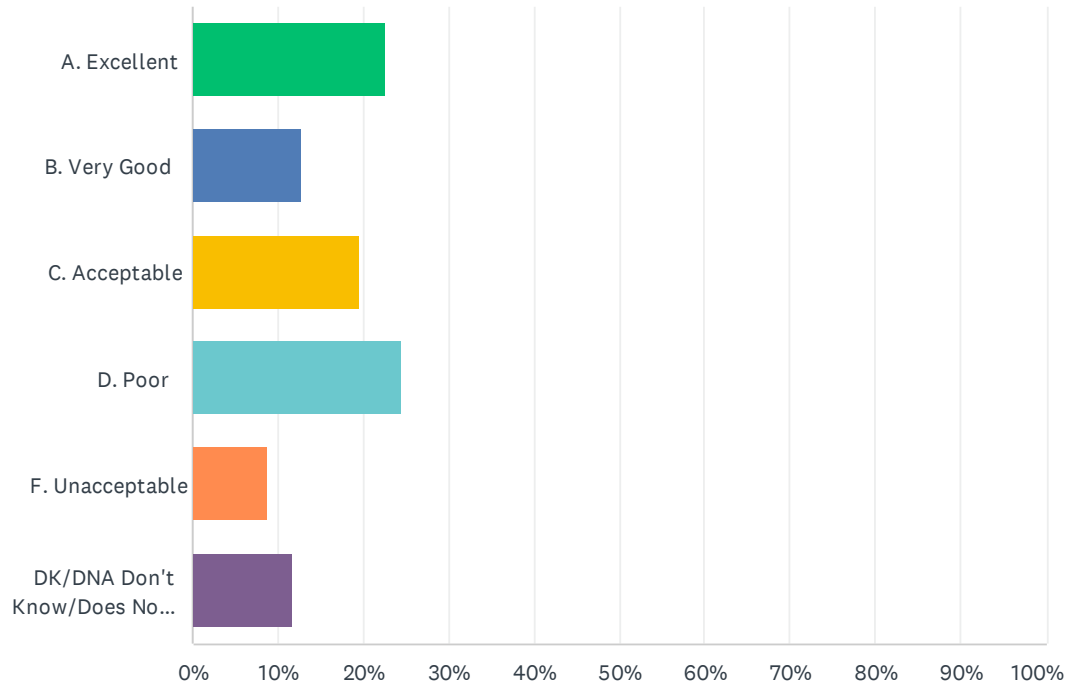
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	18.63%	19
B. Very Good	8.82%	9
C. Acceptable	23.53%	24
D. Poor	22.55%	23
F. Unacceptable	20.59%	21
DK/DNA Don't Know/Does Not Apply	5.88%	6
TOTAL		102

Q22 Fosters a productive work environment with other judges, magistrates, and court staff

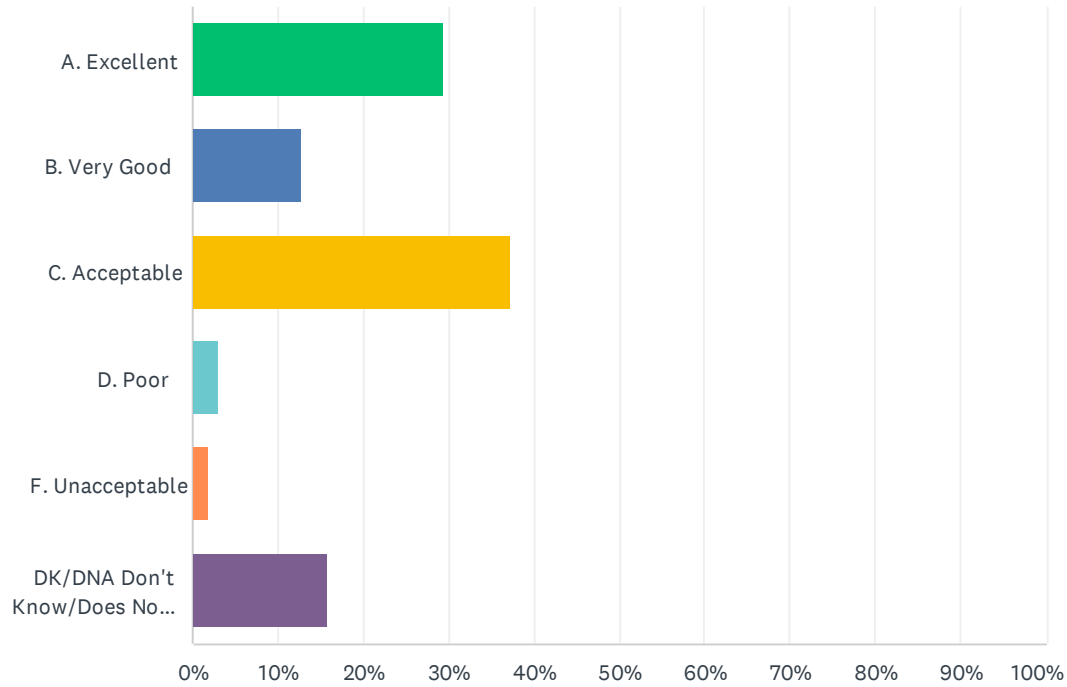
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	22.55%	23
B. Very Good	12.75%	13
C. Acceptable	19.61%	20
D. Poor	24.51%	25
F. Unacceptable	8.82%	9
DK/DNA Don't Know/Does Not Apply	11.76%	12
TOTAL		102

Q23 Acts to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system

Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Excellent	29.41%	30
B. Very Good	12.75%	13
C. Acceptable	37.25%	38
D. Poor	2.94%	3
F. Unacceptable	1.96%	2
DK/DNA Don't Know/Does Not Apply	15.69%	16
TOTAL		102

Q24 Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire or the magistrate's performance on the bench in the space below

Answered: 30 Skipped: 72

#	RESPONSES	DATE
1	Magistrate Judge to start on time for magistrate hearings; mixes up civil and criminal procedures. Treat staff with respect. His Marshal should not be giving administrative, clerical, etc. advise to anyone. He needs to remain his security personnel only.	4/29/2022 5:41 PM
2	Magistrate Judge Quan effectively and expeditiously moves magistrates cases with an in-depth knowledge of individual constitutional rights of the presumption of innocence, and the application of bail/no bail when making decisions for release or confinement. Magistrate Quan took the lead in providing guidance with EM program and has been extremely instrumental in the implementation, application, and its overall success.	4/26/2022 12:49 PM
3	Needs to start Magistrates on time and so documents come out from chambers on time.	4/26/2022 12:36 PM
4	Takes too many breaks, starts court late, puts himself on a pedestal.	4/26/2022 9:13 AM
5	Excellent overall. Happy to have worked with MJ Quan. Looking forward to the next term.	4/26/2022 8:43 AM
6	Understandably, courtroom procedure is the most important of all but I believe that following up with the Chamber Clerk and his Chambers Team ensures his orders are being processed in a timely manner is also important to ensure that his DNO are being distributed as policy dictates. Receiving a DNO 2-3 hours later after the case is heard, especially for a magistrate hearing is unacceptable. My thought is that he also immerse himself into his administrative side to have a checks and balance within his team.	4/25/2022 1:33 PM
7	JRQ runs the EM program like it is his own, with no regard for the safety of the officers who enforce it (Probation & Marshals). He has total control over the EM Unit under the Probation Office. The deputy assigned to provide his personal security does everything aside from that. The deputy is more of a clerical employee than a law enforcement officer because of the tasks JRQ gives him.	4/25/2022 11:08 AM
8	Sends staff out to rush the processing of court files/documents. It appears that his chambers or himself is always unsatisfied with the work of the clerks within the clerk's office.	4/25/2022 11:02 AM
9	Magistrate Quan has constantly shown compassion, understanding and provides direction which greatly reflects that of a true leader. If an unpopular decision needs to be made, he will follow through with said decision. His qualities as a leader and mentor are exemplary and his willingness to bring out the best with all who work alongside him is unmatched.	4/25/2022 10:49 AM
10	Time management is very poor. It can't be everyone fault the he consistently stays after 500pm. Processing staff are subjected to late nights as the norm. Given the number of years doing this he has yet to dial his process in and calendar management.	4/25/2022 10:38 AM
11	N/A	4/25/2022 10:35 AM
12	Having to accept the challenges of attending hearings via zoom is not for everyone. Especially for those who are not computer savy. I've attended a few hearings via zoom. Judge Quan's demeanor, comments and tone is enough to scare the patrons away. His appearance while not speaking is unprofessional in the way he presents himself especially as he sits there looking angry or annoyed.	4/25/2022 10:33 AM
13	Magistrate Judge Quan need to understand the time manner when the AG's and Probation submit their prospective documents for filing. He will literally send out his Bailiff or Chamber Clerk out to ask wheres the Magistrate. He's gives attitude. its not the clerks fault cause they are just waiting for the AG's to submit either earlier or before the hearing start. It doesn't give enough time for clerks to do their procedure in opening the magistrate. Magistrate Quan hears magistrate at 3pm. During Magistrate or After Magistrate it comes out after hour 5pm to	4/24/2022 4:00 PM

Judicial Performance Evaluation (Court Staff) - Magistrate Jonathan R. Quan

processes the magistrate. it should comes out to the prospective time for the team to processes. When the bailiff sends out the magistrate to be process in a few minute later they will ask if the judge is clear. how could the clerks answer that question when the bailiff just gave the files of magistrate just a while ago. etc.

14	Magistrate Judge Quan needs more control of his calendar and needs to finish with proceedings on a timely manner. Very unacceptable should the staff & clerk's office needs to work beyond time because Magistrate Judge Quan is still on the bench. This on a daily basis.	4/22/2022 9:49 AM
15	Magistrate Judge Quan needs to find ways to keep his Magistrate Hearings shorter. A lot of unnecessary information is said throughout the Hearings. He needs to keep it less theatrical and straight to the Point. More of how Judge Tolentino conducted his Magistrate Hearings in the past. I also think the process it takes to request for a Warrant for Electronic Monitoring Probationers is unacceptable. The whole process it takes to request for a warrant, especially if there are victims involved is not fair for the victim and not fair to the Officers conducting the Warrant of Arrest. Officers are afraid to attend his Magistrate Hearings because they fear the pressure he puts on them in Court. It is almost as if the officer is the one in trouble and not the client. Return of Warrants should be directed at the defendant and not the Probation Officer. Ultimately, it is that Probationer that has been missing and at fault for the warrant being issued for them. There is a lot of pressure he puts on Officers covering his hearings, even in front of the Media he needs to know how not to embarrass Probation Officers.	4/21/2022 10:37 AM
16	Questions with responses other than DK/DNA Don't Know/Does Not Apply were from a manager's perspective.	4/20/2022 12:17 PM
17	It takes too long for documents to come out after the magistrate hearings, causing the processing clerks to stay later into the evening	4/20/2022 8:12 AM
18	Magistrate Judge needs to allow the interpreter to interpret cases before him. Not attempt to translate what is being said in the Chuukese Language for example. That is the Court Interpreters job. He also treats Magistrate Hearings as if these cases are scheduled for trial. These hearings should be done in specific time frame 5-10 minutes per case. If he asks questions or concerns about other cases he should utilize his Chamber Clerk for assistance. Lastly, start these hearings on time otherwise, reschedule the hearing if parties are not available. He constantly calls for numerous recesses which causes tremendous delay of the courts time as well as parties involved. He should also treat everyone with the same respect we all give him.	4/19/2022 4:48 PM
19	Magistrate Judge Quan at most times has no appreciation for the Clerks in the clerks office and shows impatience without taking the time to understand the process and work flow of the clerks office.	4/19/2022 3:09 PM
20	Time management	4/19/2022 1:45 PM
21	Many people may say that Magistrate Judge Jonathan R. Quan is a bit excessive when he is on the bench, however I disagree. What he does and says whether he is talking to attorneys, defendants, or probation officers serves a purpose. He has high expectations of all court officers and expects an answer whenever he poses a question, whether it is simple question or not. Other individuals may claim that he is "scripted" as he conducts various types of hearings, however, this too serves a purpose. An experienced court officer will know what to say, when to say, and how to say information in his courtroom. He constantly reminds all participants that everything we say is recorded. I can recall an incident when I first started, that I made the mistake of conveying information incorrectly to which Judge Quan sternly corrected me. At the time it may have seemed harsh, however, his correction has helped me become more comfortable not only in his courtroom but in the courtrooms of other Judges as well. Additionally, his "theatrics" and performance when speaking to defendants, whether he is setting conditions of release or admonishing them, may sound intimidating, but again this serves a purpose. In my experience he remains unbiased to any and all defendants that appear before him. I do not see him give special treatment to defendant's regardless of their gender, age, ethnic or financial backgrounds, or education. It is my understanding that he is one of the few Judges, if not the only Judge, that will wake up at 2am in the morning to sign a warrant for law enforcement officers. He understands the need and importance of signing such documents in the early morning hours and on weekends so that the people of Guam can sleep a little safer. Additionally, I give him credit for attempting to learn and to use the respective languages for defendant's in his courtroom. I do not see any other Judges trying to connect with the Defendants in this manner. Although he may need more practice, I believe everyone appreciates his attempts to do so. In conclusion, I believe Magistrate Judge Jonathan R. Quan	4/19/2022 12:46 PM

Judicial Performance Evaluation (Court Staff) - Magistrate Jonathan R. Quan

should continue to be a part of the Judiciary of Guam and serve the People of Guam to the best of his abilities.

22	Magistrate Jonathan R Quan is one of the most distinguished Judges I have ever experienced in the Judiciary Of Guam. Magistrate Quan performs his duties and responsibilities in the Courtroom unlike any other Judge while still abiding by the full extent of the Justice System and procedures. He is a Judge that goes above and beyond ensuring that the Justice System maintains its order and effectiveness in the island of Guam. Understanding how Magistrate Quan runs his courtroom, I believe that his Standard Operating Procedures in the Courtroom instills more discipline to the attendees ensuring order and better outcomes for the patrons before him. He provides Excellency and Professionalism in and out of the Courtroom by performing all of the above to the highest standards.	4/19/2022 12:26 PM
23	Time management with cases needs improvement. Takes too many breaks and hearings continue late into the evening frequently.	4/19/2022 11:31 AM
24	Magistrate Quan does not show tact, professionalism, and compassion towards staff and court patrons. I have witnessed him treat almost every defendant as if they had done something personal to him or his family by scolding them and making remarks that you would tell your young child that you are raising. I feel as if he uses his position in the military to project his status on everyone who isn't in his same position title. When Judge Quan is assigned criminal matters for the month (Magistrate's, Return of Warrants, Ex Parte Bail), staff would constantly stay back 3 to 5 hours past their duty times. I personally have stayed back til almost 10:00 pm because he would not sign the documents for the clerks to process. He would finish all hearings, then go back to his office to eat and/ or chat with his staff before finishing signing the documents for us to process. When I personally requested for the documents, and was informed that he still had them. I spoke to him directly asking if could sign and we will be the clerks to verify, he informed me he will have his staff to bring it out when it was complete. We waited for one hour for one document to be prepared, and signed. When I inquired with his chamber staff, they informed me they were also waiting. Magistrate Quan has no consideration for the staff outside his chambers and how it affects them and their personal situations. Once he signs the documents, he leaves the building without regard for anyone else. I personally wish for him not to be reappointed as Magistrate Judge or any affiliation with the court.	4/19/2022 11:08 AM
25	The Honorable Jonathan Quan has been a pleasure to work with. He is diligent, fair and impartial in his work product. He deliberates and distributes justice in accordance with time AND standards.	4/19/2022 11:05 AM
26	Judge Quan takes unnecessary breaks in Magistrate hearings. In most occasions he exceeds his hearing time beyond 5 pm weekdays and on weekends.	4/19/2022 10:55 AM
27	No further comment. Not a commendable person.	4/19/2022 10:03 AM
28	My indications above say it clearly.	4/19/2022 9:16 AM
29	Judge Quan is a good judge.	4/19/2022 9:09 AM
30	Judge Quan needs to stop speaking in Chuukese when an official Court Translator is present. Like one judge stated, "He needs to knock that off." And at times, he is extremely unprofessional on the bench with his temperament and conduct that is unbecoming of a judge.	4/19/2022 9:09 AM

Magistrate Self-Assessment

JUDICIAL PERFORMANCE EVALUATION

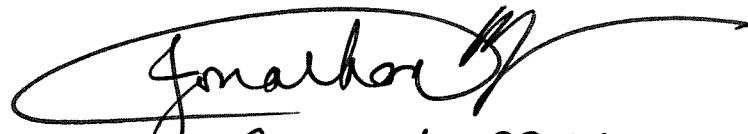
Self-Evaluation Questionnaire for Magistrate Judge

This self-evaluation questionnaire is designed to help you evaluate your strengths and potential weaknesses in your performance on the bench. While its primary use is as a self-assessment tool, it may also be used as a basis for judicial education curriculum development and as a means to improve the quality of the judiciary and the justice system as a whole.

The assessment should take 10 to 15 minutes to complete.

For each of the statements on pages 2 and 3, mark the box that best represents your own perspective on the topic. On pages 4 and 5 you will be asked to comment briefly on how improvement of your performance can best be supported. On the final page you may provide any additional comments related to issues raised in the questionnaire.

Thank you for your participation and effort in this important endeavor.


May 6, 2022

JUDICIAL PERFORMANCE EVALUATION

Self-Evaluation Questionnaire for Magistrate Judge

Please complete the following questionnaire based on your perception about your job performance during the past year. Please answer Does Not Apply (“DNA”) for any items which do not pertain to your court assignment or activities during the past year.

	Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
<u>Section 1. Legal Ability</u>					
a. I am confident in my legal reasoning ability.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I am confident in my knowledge of substantive law in the areas in which I hear cases.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I am confident in my knowledge of rules of procedure and evidence.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I keep current with developments in substantive law and state and local rules of procedure and evidence.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Section 2 Integrity and Impartiality</u>					
a. I avoid impropriety and the appearance of impropriety.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I treat all people with dignity and respect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I am willing to make and have made difficult or unpopular decisions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I act fairly by giving people individual consideration.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. I consider both sides of an argument before rendering a decision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. I appear and act neutrally on the bench.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. I refrain from inappropriate <i>ex parte</i> communication.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. I base decisions on the law and facts without regard to the identity of the parties or counsel.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. I keep an open mind and consider all relevant evidence in making rulings, reserving a final decision until the parties have made final arguments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
j. I act without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. I recuse myself from matters when necessary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 3 Communication

a. I use clear and logical oral communication while in court.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I use plain English and understandable language when speaking to jurors, litigants, and witnesses.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I prepare clear and logical written decisions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I patiently repeat information until litigants understand what is being asked of them.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 4 Professionalism and Temperament

a. I act in a dignified manner in performing my duties, both on and off the bench.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I treat all people with courtesy.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I am attentive to proceedings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I act with patience and self-control throughout the day.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. I work with <i>pro se</i> litigants and litigation fairly and effectively.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. I have appropriate levels of empathy with the parties involved in proceeding.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. I promote public understanding of and confidence in the courts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 5 Administrative Capacity

a. I am punctual for court.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I am prepared for court.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I maintain control over the courtroom.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I appropriately enforce court rules, orders, and deadlines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
e. I make decisions and rulings in a prompt, timely manner.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. I manage the court's calendar efficiently.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. I demonstrate appropriate innovation in using technology to improve the administration of justice.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. I foster a productive work environment with other judges, magistrates and court staff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. I act to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 6

For the next several questions, please reflect upon your answers to the questions in Sections 1 through 5. (Feel free to attach additional sheets of paper as needed).

- a. For those items which you answered Disagree or Strongly Disagree, what specific steps or actions do you believe you can take to improve your performance in each area?

On Section 3 Communication, paragraph (d) "I patiently repeat information until litigants understand what is being asked of them." I indicated "Disagree." I need to simplify the language I use in Court, especially when dealing with Pro-Se Litigants. I also need to take a breath (when I note that litigants don't understand) and remind myself that the ultimate goal / objective is service to the public rather than speed and efficiency (i.e. me trying to "get through" the voluminous docket).

On Section 5 Administrative Capacity, paragraph (a) "I am punctual for court." I indicated "Disagree." I need to stop excessively preparing and reviewing prior to hearings. I have to become more comfortable with going on the bench with less "prior understanding." I also need to work on controlling the scheduling of hearings to provide a little more time in between certain types of hearings.

B For each of these items, what can be done by others (i.e. staff, fellow judges, judicial education providers, attorneys, law makers, etc.) to facilitate you improving in these areas?

On Section 3 Communication, paragraph (d) "I patiently repeat information until litigants understand what is being asked of them." I indicated "Disagree." My Chamber Staff and C&M can provide a "pre-briefing" to Pro-Se Litigants (in particular) as to the stages of the case and what the Court will be expecting from the parties when the hearing occurs. This can be done orally, but probably is better provided in writing (perhaps when action is commenced). If provided in writing to the parties at the commencement of the action, right before the hearing, my Chamber Staff can then instruct the parties to review the relevant page / paragraph and be prepared for the type of hearing and what is going to be asked of them during the hearing.

On Section 5 Administrative Capacity, paragraph (a) "I am punctual for court." I indicated "Disagree." Not much can be done by others to assist in this regard.

1.) The number of Arraignments that are put on my calendar on any given day are controlled by the Office of the Attorney General and the Ex Parte Judge (when they take the Grand Jury return). 2.) The number of Magistrates (which are mandated to occur at 3:00 p.m. and occur after In-Custody Arraignments) are completely controlled by the Office of the Attorney General and the Guam Police Department. The greatest number of Magistrates I have had to handle in a single day is EIGHTEEN (18). 3.) The number of Returns of Warrant that I handle per day are controlled by the Guam Police Department and the Judiciary of Guam Marshals' Division (depending on the number of Defendants with warrants they pick up on any given day).

In summary, for example, what # 1.) through 3.) will cause is Arraignments will encroach onto Magistrate Hearing time (i.e. 3:00 p.m.). A large number of Magistrates will then push back Returns of Warrant Hearings. This causes the entire afternoon calendar to be an hour to an hour and half late. All of these (# 1.) through 3.) I cannot schedule or control. I can increase the speed in which I handle each hearing, but that would significantly negatively affect Section 3 Communication, paragraph (d).

Comments

Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire in the space below. You may use the back of this page or add additional pages if needed.

During my time here at the Judiciary, I have handled numerous additional special projects as requested by the Chief Justice and the Presiding Judge.

1.) **Special Project** (assigned by Chief Justice Maraman and Presiding Judge Alberto Lamorena III): **Electronic Monitoring Program (August 7, 2019)**. The program had a set of guidelines drafted by Judge (Ret.) Anita A. Sukola and her committee. I was assigned to create functioning procedures and actually implement the Electronic Monitoring Program. After two months of

work (meeting twice a week), the Electronic Monitoring Program became functional on August 7, 2019. The maximum number of Defendants on EM has been fifty-eight (58). A Defendant in pre-trial incarceration at the Department of Corrections incurs a cost of \$127 per day. A Defendant on Electronic Monitoring costs \$8 per day. I continue to maintain control and responsibility of the EM Program until it is taken off “pilot program” status (which is anticipated to be in August 2022).

2.) **Special Project** (assigned by the Chief Justice F. Phillip Carbullido) – “Defendant Intake Process” investigation / fact-finding (March 6, 2020). Due to inquiries by the Guam Legislature, the Chief Justice directed me to commence informal investigation / fact-finding as to how a Defendant is processed through the criminal justice system (from arrest, booking, initial confinement, First Appearance then Arraignment). Particular attention was paid as to how / why a Defendant’s name changes (i.e. Aliases) through the process and how to minimize the effects of such aliases. The power point presentation was provided to the Chief Justice at a formal meeting on or about March 6, 2020 for approval for presentation to the Speaker of the Guam Legislature a few weeks later.

3.) **Special Project** (assigned by the Chief Justice) – “Warrant Process” investigation / fact-finding (March 3, 2021). Due to inquiries by the Guam Legislature, the Chief Justice directed me to commence informal investigation / fact-finding as to how a Warrant of Arrest is generated and makes its way through the entire court, police and department of corrections process. Particular attention was paid as to how/why a warrant can be vacated. After presentation of my findings and preparation of the power point, I was tasked by the Chief Justice to present the information to the Guam Legislature in a public oversight hearing. My presentation took approximately 30 minutes and the power point I created (showing my findings) was displayed.

4.) **JUDGE PRO-TEMPORE** (February 19, 2020 to July 24, 2020 / Seat Vacated by Judge Michael J. Bordallo).

5.) **JUDGE PRO-TEMPORE** (March 26, 2021 to September 10, 2021 / Seat Vacated by Judge Anita A. Sukola).

6.) **TRIANGLE COMBATIVES** (“Tri-Com”) Training (“Introductory Weapons (Baton, Knife & Tactical Flashlight) Training) for the last three Volunteer Deputy Marshal Reserve (“VDMR”) training cycles.

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In closing, I want to thank the Committee for this opportunity to provide my input. Whether I am retained or not, it has been an honor to serve the Citizens of Guam.

Respectfully,

A handwritten signature in black ink, appearing to read "Jonathan", with a large, sweeping flourish extending to the right.