



JUDICIAL COUNCIL OF GUAM

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**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
MONDAY, APRIL 22, 2024
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center and VIA Videoconference**

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Hon. Robert J. Torres
Chairman

Hon. Katherine A. Maraman
Member

Hon. F. Philip Carbullido
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Maria T. Cenzone
Member

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Advisory Committee Members:

Hon. Arthur R. Barcinas

Hon. Vernon P. Perez

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

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Administrator of the Courts:
Danielle T. Rosete

Judicial Council Secretary:
Jessica J. Perez-Jackson

Judicial Council Asst. Secretary:
Petrina M. Ula

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice Robert J. Torres, at the hour of 12:02 p.m.

ROLL CALL:

Chief Justice Robert J. Torres
Justice F. Philip Carbullido
Justice Katherine A. Maraman
Presiding Judge Alberto C. Lamorena III (VIA ZOOM)
Judge Maria T. Cenzone (VIA ZOOM)

Also present via Zoom:
Ms. Valerie D. Tenorio, Deputy Clerk of Court, Superior Court
Ms. Marissa C. Antonio, Deputy Procurement & Facilities Maintenance Administrator
Attorney Jacqueline T. Terlaje, Guam Bar Association, Advisory Committee Member

Also present in the Monessa G. Lujan Appellate Courtroom:
Attorney Dean A. Manglona, Guam Bar Association, Advisory Committee Member
Ms. Danielle T. Rosete, Administrator of the Courts
Ms. Sophia Santos Diaz, Deputy Administrator of the Courts
Ms. Sarah Elmore Hernandez, Director of Policy Planning & Community Relations
Ms. Geraldine Cepeda, Compiler of Laws
Ms. Suzane P. Santiago-Hinkle, Staff Attorney
Mr. Andrew T. Perez, Staff Attorney
Ms. Ma. Dianne O. Gudmalin, Finance Administrator
Ms. Hannah Gutierrez Arroyo, Clerk of Court, Supreme Court
Ms. Melissa M. Casil, Client Services and Family Counseling Division Administrator
Ms. M. Grace Lapid Rosadino, Courts Program Administrator
Ms. Dawn R.S. Blas, Judicial Educator
Mr. Troy Pangelinan, Marshal of the Courts
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer

Ms. Jessica J. Perez-Jackson, Administrative Services Officer, Judicial Council Secretary
Ms. Shelterihna Alokoa, Judicial Assistant & Supreme Court Technical Bailiff
Ms. Petrina M. Ula, Judicial Assistant, Judicial Council Assistant Secretary

II. PROOF OF DUE NOTICE OF MEETING

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

III. DETERMINATION OF QUORUM

Chief Justice Torres began the roll call. Chief Justice Robert J. Torres, Associate Justice F. Philip Carbullido, Presiding Judge Alberto C. Lamorena III, and Judge Maria T. Cenzon identified themselves. This meeting determined a quorum with 4 (four) of the 5 (five) Judicial Council members present. Justice Katherine A. Maraman joined the meeting at 12:05 p.m.

IV. READING AND DISPOSAL OF MINUTES: The minutes of March 28, 2024 were tabled until the next meeting.

V. OLD BUSINESS

A. Judiciary FY24 Remittances Pursuant to Applicable Law

Ms. Gudmalin reported about the collection of allotments for General Operations P.L. 37-42, Chapter 4, the Judiciary of Guam received approximately 58% of the appropriation or allotment of the total appropriation of \$40.4 million. She noted that the latest allotment was received on April 16 and the next allotment is due next week.

B. Update on Capital Improvement Projects

Ms. Danielle T. Rosete, Administrator of the Courts (AOC), provided an update on the capital improvement projects and the progress made on the Guam Historic Courthouse renovation, which recently received approval from the Guam Fire Department. She continued that the permanent application for the alternate electrical design work is expected to come in sometime this week and the Department of Public Works will sign off on it. Ms. Rosete explained that they will continue to move forward with scheduling a prefinal inspection date with the architect and work towards an occupancy permit so probation officers and staff can start moving into the building. She reported that the cubicle workstations have been installed on the first and second floors of the building; cable networking lines have already started; and other items (security system, telephone lines, and the intake counters) are being fabricated. Chief Justice Torres thanked Danielle for her report and reminded the Council that the ribbon cutting is scheduled for July 2024.

C. eCourts and eProbation Transition

Ms. Sophia Santos Diaz, Deputy Administrator of the Courts, updated the Council that testing of eCourts and eProbation continues pursuant to the after-hours schedule that has been approved by the Administrator of the Courts (AOC). Ms. Santos Diaz continued that the Journal Technologies Inc. (JTI) team has discussed and identified hard dates for implementation, with about a 12-18 month target date, which will be discussed again at the next meeting this Friday.

Ms. Santos Diaz also shared that the team has discussed with partner agencies and stakeholders, the need for data sharing and integration. She explained that meetings will be set for those discussions with all the agencies present.

VI. NEW BUSINESS

A. Resolution JC24-006 Re Approving the Judiciary of Guam Budget for Fiscal Year 2025

Chief Justice Torres asked Ms. Gudmalin, FMD Administrator, to walk the Council through the budget. Administrator of the Courts, Danielle Rosete, spoke before Dianne clarifying that the two of them will present the Fiscal Year 2025 budget requests and ask for the Council's approval. She continued that the presentation focuses on the General Fund and special fund appropriation requests. Ms. Rosete explained that the budget process involves a collective discussion with each division manager, who submits requests and justifications for increases based on division operations. Ms. Rosete further explained that after meeting with each division and assessing priorities, statutory mandates, and fiscal responsibilities, the FY25 budget request includes a wide array of critical services essential for the effective functioning of the Judiciary. She expounded that from court personnel salaries to operational expenses, the request ensures that the Judiciary can adequately maintain its facilities, provide meaningful and efficient court services, and continue in its initiative aimed at enhancing public safety and security. Ms. Rosete handed the floor to Ms. Gudmalin, Finance Administrator.

Ms. Gudmalin presented a detailed overview of the FY25 budget requests. She focused on two parts: above the line (general operations) and below the line items (electronic monitoring and Guam Criminal Law and Procedure Review Commission (GCLPRC)). She continued that the second portion of the presentation will be expanded on the special appropriation funds for the Family Visitation Center.

Ms. Gudmalin communicated that management is proposing to the Council a total annual budget request of \$44,901,794. She explained that the above the line, or general operation request, is close to 43,654,792, the proposed two below the line items total to \$868,000, and the GCLPRC with \$378,845. Ms. Gudmalin provided that consistently in prior years, approximately 90% of the general operations budget was for personnel services, 7% allocated for operational cost items, and 3% allocated for utilities. She explained that the graph on the screen is an analysis that demonstrates how a significant budget cut would have a catastrophic impact on the Judiciary's workforce.

Ms. Gudmalin presented the Judiciary's appropriation compared against the total General Funds available for appropriation using historical data referencing FY22-FY24. She shared that in FY2022, the Judiciary's appropriation represented approximately 5.24% of the

reported total General Fund amount available for appropriation for PL 36-54; in FY2023, the Judiciary's appropriated funds amounted to about 5.15%; and early FY2024 amounts to approximately 5.10%. Ms. Gudmalin continued that the Judiciary's FY2025 budget, in accordance with the governor's executive budget report, approximates to about 5.22%.

Ms. Gudmalin broke down the annual General Fund budget request in her next slides. She then turned the presentation to Ms. Rosete to further elaborate on the additional funding.

Ms. Rosete provided an explanation for the four FTE position that will support existing court services and operations. The four positions are: Mental Health Court Coordinator, an additional Judicial Therapist, an additional Senior System Analyst, and an additional facilities and maintenance staffer. Ms. Rosete added non-personnel funding requests like contractual court security services, additional funding for drug testing supplies, and an increase in uniform allowance to the list of budget requests.

Ms. Gudmalin continued the presentation with the first below the line item in the budget submission, for the Electronic Monitoring Program. She explained that the total Electronic Monitoring Program request for FY2025 is \$868K and that 15% of the overall increase is an organic increase while 42% of the increase is to add funding for overtime budget as the program requires 24/7 client monitoring. She concluded that 43% of the Electronic Monitoring Program increase is due to the contracts and services of the band monitor. The current contract for electronic band monitoring is set to expire in June of this calendar year.

Next, Ms. Gudmalin presented the Guam Criminal Law and Procedure Review Commission budget. She indicated that the proposed budget amount for FY 2025 is similar to the amount appropriated in FY2024 and that the management is confident that they would be able to maintain the next fiscal year's cost with the same funding level.

Ms. Rosete added that the GCLPRC, under the enabling statute right, is expected to submit a final report in January of 2025. She shared that in the discussions with the chair and the executive director, they continue to work on a comprehensive review of the Criminal Statutes, under title 8 and title 9, which is why they are seeking additional funding through FY2025.

The final part of the presentation focused on the Family Visitation Center (Center). Ms. Gudmalin presented a proposal of \$121,000 for contractual services costs for the Center.

Chief Justice Torres entertained a motion to advance the resolution for purposes of discussion. Justice Maraman made a motion. Justice Carbullido seconded the motion. Chief Justice Torres asked the Council if they had any questions.

Justice Maraman had a question about the Judicial Building Fund budget and whether if there's unexpected maintenance or cost with reopening the Historic Courthouse that there is flexibility in funding for those contingencies.

Ms. Gudmalin replied that yes there is because the fund balances' funding level is healthy enough. Justice Maraman also asked whether putting solar lights would increase visibility and be cost effective.

Justice Carbullido commended Ms. Gudmalin and Ms. Rosete for putting together a well-supported budget. He then asked what is meant by organic increase, to define it, and give examples. Chief Justice Torres asked Ms. Gudmalin to elaborate on what organic growth is. Ms. Gudmalin explained that there is a calculation method used to get an idea of the percentage rates that are realized and how the budget is projected. Justice Carbullido asked if there is a listing of what was described in case someone outside of the Judiciary wants to know what organic growth means. Both he and Chief Justice Torres suggested creating a footnote, indicating that those are

statutory requirements set forth, by law, and those incremental changes to prior years are based on the mandates that were required to implement.

Justice Maraman asked if the staffing pattern for FY25 includes all the approved increments and adjustments. Ms. Gudmalin answered yes. Presiding Judge Lamorena asked Ms. Gudmalin to email the narrative adjustments to the Judicial Council members. Chief Justice Torres confirmed that all Judicial Council members will receive copies of complete budget submission.

Chief Justice Torres called for a vote to pass the resolution approving the Judiciary of Guam's budget for Fiscal Year 2025. All were in favor. The budget passed unanimously.

B. Resolution, JC 24-007 Relative to Proclaiming the Month of May 2024 as Treatment Court Month

Presiding Judge Lamorena moved to approve the resolution granting the month of May as Treatment Court Month. Chief Justice Torres seconded. All were in favor and the resolution passed unanimously.

C. Resolution JC24-008 Re Declaration of Law Day and Law Month

Chief Justice Torres brought up the next item on the agenda which was to ratify the resolution relative to the declaration of Law Day and Law Month and reminded Council that the resolution was signed at the proclamation ceremony with the Governor.

Justice Maraman moved to approve the resolution. Presiding Judge Lamorena seconded. All were in favor of ratifying the resolution and it passed unanimously.

D. Resolution JC24-009 Re Jurisdictional Limit for Small Claims Court

Chief Justice Torres asked the Clerk of Court to speak on this resolution. [Inaudible] Presiding Judge Lamorena asked the speaker to speak louder. Clerk of Court, Janice Camacho Perez provided information about jurisdictions of Washington, D.C., Puerto Rico, Florida, California, and Vermont and made her recommendation.

Chief Justice Torres asked to entertain a motion relative to approving the Resolution Relative to the Jurisdictional Limit for Small Claims Court. Presiding Judge Lamorena moved to approve. Seconded by Judge Cenzone. All were in favor and the resolution passed unanimously.

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

Chief Justice Torres asked the Judicial Officers to provide the requested statutorily required data using the provided form. He added that the data must be published on the Judiciary's website by May 6, 2024.

F. Notice of the Next Meeting (Thursday, May 16, 2024)

Chief Justice Torres noted that the Council's next meeting will be held on Thursday, June 20, 2024. There was no objection.

VII. COMMUNICATIONS

Chief Justice Torres reminded everyone about the State of the Judiciary on Wednesday, May 1, 2024 at 10 a.m.

VIII. PUBLIC COMMENT

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

No report, but President Terlaje expressed her excitement about the upcoming 50th Anniversary festivities.


B. Court Employees Association

No report.

XI. ADJOURNMENT


Justice Maraman moved to adjourn until April 22, 2024. Judge Cenzone seconded the motion, adjourning the meeting at 12:47 p.m.

Respectfully submitted this 20th day of June 2024.



JESSICA J. PEREZ-JACKSON
Executive Secretary
Judicial Council of Guam

As set out above, the Minutes of the April 22, 2024 Regular Meeting were approved by the Judicial Council at the June 20, 2024 Regular Meeting.



ROBERT J. TORRES
Chair
Dated: 6/20/24