



JUDICIAL COUNCIL OF GUAM

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JUDICIAL COUNCIL OF GUAM REGULAR MEETING THURSDAY, JUNE 20, 2024 Justice Monessa G. Lujan Appellate Courtroom And via Zoom Teleconference

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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

Hon. John C. Terlaje

Atty. Jacqueline T. Terlaje

Atty. Dean A. Manglona

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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 12:01 p.m.

ROLL CALL:

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

Also present via Zoom:
Family Court Referee Linda L. Ingles
Administrative Hearing Officer Kristina L. Baird

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 (AOC)
Ms. Sophia Santos Diaz, Deputy Administrator of the Courts
Ms. Suzane P. Santiago-Hinkle, Staff Attorney
Mr. Andrew T. Perez, Staff Attorney
Ms. Sarah G. Elmore-Hernandez, Director of Policy Planning and Community Relations
Ms. Ma. Dianne O. Gudmalin, Finance Administrator
Ms. Melissa M. Casil, Client Services and Family Counseling Division Administrator
Ms. Erica H. Unpingco, Courts Program Coordinator IV
Ms. Dawn R.S. Blas, Judicial Educator
Mr. Robert John S. Rabago, Management Information Systems Administrator
Ms. Geraldine A. Cepeda, Compiler of Laws
Chief Troy D. M. Pangelinan, Marshal of the Courts
Chief Rossanna Villagomez-Aguon, Chief Probation Officer
Ms. Trisha T. Suzuki, Deputy Chief Probation Officer
Mr. Jesse C. Franquez, Deputy Clerk Supervisor/IFIK President
Attorney Kevin J. Fowler

Ms. Petrina M. Ula, Judicial Assistant, Judicial Council Assistant Secretary
Ms. Jessica J. Perez-Jackson, Administrative Services Officer, Judicial Council Executive Secretary
Member of the media

Also present via Zoom:

Mr. Baldwin L. Quibuyen, MIS Planning & System Design Supervisor
Ms. Carmelia G. Tenorio, Court Reporter Supervisor, C&M Division
Ms. Vivian T. Cruz, Court Reporter, C&M Division

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 Katherine A. Maraman, and Presiding Judge Alberto C. Lamorena III identified themselves. Associate Justice F. Philip Carbullido and Judge Maria T. Cenzon identified themselves and their location via Zoom. This meeting determined a quorum with all 5 (five) Judicial Council members present.

IV. READING AND DISPOSAL OF MINUTES: April 22, 2024 and May 16, 2024

Associate Justice F. Philip Carbullido moved to approve the April 22, 2024, and the May 16, 2024 regular meeting minutes. Presiding Judge Lamorena moved to approve the minutes of the April 22, 2024, and May 16, 2024 regular meetings; Justice Maraman seconded the motions. Chief Justice Torres called an oral vote on each of the motions. With no discussion, the five (5) Judicial Council members voted to approve the minutes of both meetings, subject to correction.

V. OLD BUSINESS

A. Judiciary FY24 Remittances Pursuant to Applicable Law

Ms. Dianne Gudmalin, Financial Management Division Administrator (FMD), reported that of the allotments for General Operations appropriated by P.L. 37-42, Chapter 4, the Judiciary of Guam received approximately 73% of the appropriation or allotment, which is \$29.5 million of the total appropriation of \$40.4 million.

She added that in the last Council meeting, she reported a short delay in collections during the Department of Administration's transition to their new financial management system; she reported that the delay has been resolved and allotments have been received on time. She noted that the next allotment is due on June 25, 2024

B. Update on Capital Improvement Projects

Ms. Danielle T. Rosete, Administrator of the Courts (AOC), provided an update on two capital improvement projects: the temporary generator and the restoration of the Historic Courthouse.

Ms. Rosete shared that a temporary 500-kilowatt generator has been purchased and installed at the Guam Judicial Center. She noted that the temporary generator will be in place while a permanent generator is requisitioned and procured, guided by the architectural and engineering report. Ms. Rosete stated that should it be needed, the temporary generator can provide the power required to power the Guam Judicial Center.

Justice Maraman asked if the generator would power the other Judiciary of Guam facilities. Ms. Rosete replied that each facility has a generator and that the temporary 500-kilowatt generator is intended to power the Guam Judicial Center only.

Ms. Rosete said the Judiciary has been working with the contractor to address the punch list items at the Guam History Courthouse; the pre-final inspection generated the punch list. She stated that a significant amount of work had been completed.

Ms. Rosete noted that a fire alarm acceptance test is scheduled with the Guam Fire Department on June 26, 2024. She said that they would work with the Department of Public Works to have the building inspected. Ms. Rosete said that a deep cleaning was scheduled for Sunday, June 23, 2024, and that the Judiciary's Facilities team has been sprucing up the exterior of the building. She noted that they hope to be ready for the ribbon-cutting ceremony scheduled for July 5, 2024.

Ms. Rosete reported that to minimize the disruption of services provided by the Probation Division, she has asked the Deputy Administrator of the Courts, Ms. Sophia Santos Diaz, to work with Chief Probation Officer Rossanna Villagomez Aguon to coordinate the move of Probation services into the Guam Historic Courthouse once the occupancy permit has been granted.

Ms. Rosete noted that all other aspects of the renovation, including the installation of computer and phone lines and the security system, are internal to the Judiciary managers. She invited the Council to visit the building once the permit had been approved.

C. eCourts and eProbation Transition

Ms. Sophia Santos Diaz, Deputy Administrator of the Courts, updated the Council that relative to the eCourts and eProbation Transition, case initiation is substantially complete. She noted that case navigation, workflows, and business rule development are in various stages of development.

Ms. Diaz added that the financial review has been completed, and a discussion with Journal Technologies Inc. (JTI) is scheduled for June 21, 2024, after the standing eCourts meeting. Ms. Diaz added that discussions with the various vendors who provide services requiring interfacing with eCourts have begun. Chief Justice asked about the Application Programming Interface with vendors; Ms. Diaz said that through the discussions, she would better understand the requirements on the JTI and vendor sides. She said that progress is steady and will ramp up in the next several weeks once case initiation has been completed. Ms. Diaz said they hope to start testing at the end of summer 2024.

Ms. Diaz stated that JTI would provide on-site training for all court employees who regularly interact with eCourts and eProbation.

VI. NEW BUSINESS

A. Resolution, JC 24 – Relative to Amending the Judiciary of Guam Personnel Rules and Regulations

Ms. Rosete reported that the Resolution before the Council proposes Amendments to Rules 11.102 and 11.202 of the Judiciary of Guam Personnel Rules and Regulations (Rules). She noted that on January 10, 2024, the AOC initiated the testing period of the new electronic timekeeping system, UKG, for all Judiciary of Guam employees. Ms. Rosete reported that the testing period began with smaller divisions, providing initial feedback and identifying potential issues on a manageable scale. She stated the HR and FMD divisions received multiple comments and questions from end users, which have been invaluable in refining the implementation process. Simultaneously, she added, the HR and FMD divisions were drafting a timekeeping policy under the AOC's direction. Ms. Rosete said that the timekeeping policy implements the Judiciary's adoption of an electronic timekeeping system. She said that the policy and timekeeping system aims to improve efficiency and accountability by ensuring compliance with the Rules regarding hours of work, as well as applicable labor laws. Ms. Rosete said that the timekeeping policy sets forth the procedures and guidelines so that employees understand the expectations regarding working hours, timing in and out, reporting absences, promoting fairness and compliance, and facilitating accurate payroll processing. She stated that pursuant to Rule 2.000, the AOC can direct, develop, and implement policies; however, the policies must be consistent with the current Rules since the authority to update the Rules remains with the Council. Ms. Rosete pointed out that except for Rules 11.102 and 11.202, the timekeeping policy is consistent with the Rules. She said that in consultation with HR, she recommends amending Rules 11.102 and 11.202 as reflected in the Resolution, changing the minimum leave charge from one hour to 15 minutes, and additional charges in multiples thereof. Ms. Rosete stated that under Rules 8.103 and 8.206 of the Department of Administration's personnel rules and rules 910.103 and 910.206 of the Guam Department of Education's personnel rules, covered employees can charge a minimum of 30 minutes of leave. She noted that the Judiciary considered the rules of other Government of Guam agencies in developing the Judiciary's Rules.

Ms. Rosete noted that the proposed 15-minute leave charge will benefit the Judiciary's employees more, giving them greater flexibility in managing their time. She asked the Council to approve the proposed amendment so that the timekeeping policy could be approved.

Presiding Judge Lamorena moved to approve the Resolution. Justice Maraman seconded the motion. All members of the Council voted in favor of the Resolution, and it passed with no objection.

B. Notice of the Next Meeting (Thursday, July 18, 2024)

Chief Justice Torres noted that the Council's next meeting will be held on Thursday, July 18, 2024. There was no objection.

VII. COMMUNICATIONS

Chief Justice Torres noted that he sent an email along with corresponding documents to the Judicial Officers and the President of the Guam Bar Association regarding the appointment of Attorney Sean Brown as a Magistrate subject to Legislative confirmation. He reported that the appointment had been transmitted to the Legislature. He noted that Magistrate Sison's term ends in October 2024. The Chief Justice said he is hopeful that there will be no gap between Attorney Brown's confirmation and the end of Magistrate Sison's term. He said that the reception of Attorney Brown as a Magistrate has been well-received, including the Attorney General, and others have indicated that they will wholeheartedly endorse Attorney Brown. Chief Justice Torres noted that the selection committee, consisting of three Judicial Officers and a staff attorney, evaluated all the candidates, and Attorney Brown was the selection committee's choice. Presiding Judge Lamorena asked if Attorney Brown is still employed with the Attorney General's office. Chief Justice Torres stated that he understands that Attorney Brown will remain a prosecutor until he is confirmed. Presiding Judge Lamorena indicated that he anticipates motions to disqualify him based on his appointment.

Chief Justice Torres reminded the Judicial Officers and others in attendance about the 50th Anniversary Celebration in conjunction with the presentation of the Hostisia Award and the swearing-in ceremony of five candidates to the Guam Bar on Friday, July 5, 2024. He reviewed the invited guests who will be part of the 50th Anniversary celebrations and the agenda of events.

Justice Maraman expressed concern over the recent Executive Branch pay adjustment for the Guam Police Department (GPD). She asked that the AOC and FMD make a recommendation to the Council at the next meeting, ahead of the August 2024 budget discussions. Chief Justice Torres noted that the Executive Branch and DOA recently implemented a 29.5% increase in the salaries of GPD. He said that, unlike the last increase of 18% to all Executive Branch Law Enforcement Officers (LEOs), this increase is limited to GPD. The Chief Justice stated that the Council needs to examine the increase and what it means for the Judiciary's LEOs.

VIII. PUBLIC COMMENT

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

No report was provided.

B. Court Employees Association

Mr. Jesse Franquez, IFIK President, reported that plans for the Gala are underway. He reviewed the upcoming fundraisers, including the golf tournament. Mr. Franquez reviewed the ticket prices and raffle prizes. He asked managers to encourage employees to RSVP and attend.

****** At 12:27 p.m., Chief Justice Torres called for a recess to Executive Session to discuss ongoing litigation matters in a June 10, 2024 memo to the Judicial Council from Staff Attorney Suzane Santiago-Hinkel. Presiding Judge Lamorena motioned to convene in Executive Session; Justice Maraman seconded the motion. Chief Justice Torres called for an oral vote. All Council members voted in favor.**

XI. EXECUTIVE SESSION

Chief Justice Robert J. Torres, Justice F. Philip Carbullido, Justice Katherine A. Maraman, Presiding Judge Alberto C. Lamorena, and Judge Maria T. Cenzone attended. AOC Danielle T. Rosete joined them, along with Staff Attorney Suzane P. Santiago-Hinkle, Staff Attorney Andrew T. Perez, Court Transcriber Carmelita G. Tenorio, Judicial Council Executive Secretary Jessica J. Perez-Jackson and Judicial Council Assistant Secretary Petrina M. Ula.

****** At 12:35 p.m., Chief Justice Torres entertained a motion to rise to Regular Session. Presiding Judge Lamorena made the motion; Justice Maraman seconded. The public meeting of the Judicial Council resumed. A report on ongoing litigation was provided during the Executive Session, and no action was taken.**

X. ADJOURNMENT

Presiding Judge Lamorena moved to adjourn. Justice Maraman seconded the motion, adjourning the meeting at 12:36 p.m. There was no objection.

Respectfully submitted this 18th day of July.



PETRINA M. ULA
Assistant Secretary,
Judicial Council of Guam

As set out above, the Minutes of the June 20, 2024 Regular Meeting were approved by the Judicial Council at the July 18, 2024 Regular Meeting.



ROBERT J. TORRES
Chair

Dated: 7/18/24