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UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

November 27, 2019

Honorable Tina Rose Muña Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guahån
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96932

35GL-19-1269
Speaker Tina Rose Muña Barnes
NOV 27 2019
Time 4:39 ( )AM PM
Received By:

2019 NOV 27 PM 5:07

RE: Judicial Appointment

Dear Madame Speaker:

By virtue of the authority vested in me pursuant to the Organic Act of Guam and the local laws applicable to the following position, I am pleased to transmit the following appointment and supporting documents for:

APPOINTEE: Dana A. Gutierrez

POSITION: Judge, Superior Court of Guam

The appointment is subject to the consent of *I Liheslaturan Guahån*. Please schedule a hearing at your earliest convenience.

Senseramente,

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

cc: Lt. Governor of Guam
Chief Justice, Supreme Court of Guam
Presiding Judge, Superior Court of Guam

RICARDO J. BORDALLO GOVERNOR'S COMPLEX · HAGÅTÑA, GUAM 96910
P.O. BOX 2950 · HAGÅTÑA, GUAM 96932
671.472.8931 · 671.472.8932/6

1269

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UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

November 27, 2019

DANA A. GUTIERREZ
[redacted]

Dear **Ms. Gutierrez**:

Pursuant to my authority under 7 GCA § 3109, I am appointing you to serve as a:

JUDGE, Superior Court of Guam

Those who advance the cause of justice must be diligent, thorough, and dedicated in their efforts. I know these are characteristics you have demonstrated throughout your career and I am confident that you will continue to do so while holding this critical office. I thank you for your willingness to serve our island in the third branch of government and I look forward to addressing you as, "Your Honor."

This appointment is subject to the advice and consent of *I Liheslaturan Guåhan*. If you have any questions or concerns, please contact the Office of the Governor.

Senseramente,

Lou Leon Guerrero

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

cc: *Sigundo Maga'låhen Guåhan*
Chief Justice of Guam
Presiding Judge, Superior Court of Guam

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
P.O. BOX 2950 • HAGÅTÑA, GUAM 96932
671.472.8931 • 671.472.8565

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CALVO FISHER & JACOB LLP

[redacted]

LETTER OF TRANSMITTAL

TO: Sophia S. Diaz, Esq.
Legal Counsel, Office of the Governor
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910

FROM: Dana A. Gutierrez, Esq.

DATE: November 27, 2019

RE: **JUDGE, SUPERIOR COURT OF GUAM**

VIA: Hand Delivery

THE FOLLOWING:

DESCRIPTION:

1. (Original) Nomination and Appointment Information Sheet; and
2. Resume.

ARE TRANSMITTED HEREWITH:

( ) For your information	(x) Per our conversation	( ) For payment
( ) For your files	( ) For review & comment	( ) For correction
( ) Per your request	( ) For necessary action	( ) For signature & forwarding as noted below
( ) For your approval	( ) For filing in court	
( ) Return executed copy to our office	( ) For return	
	( ) See remarks below	

REMARKS

Enclosed is my original Nomination and Appointment Information Sheet ("Nomination Sheet") and Resume, which supports the Nomination Sheet. If you require additional information, please do not hesitate to contact me. Thank you.

By: _____
Dana A. Gutierrez

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LOURDES A. LEON GUERRERO
Governor

JOSHUA F. TENORIO
Lieutenant Governor

OFFICE OF THE GOVERNOR OF GUAM
Nomination and Appointment Information Sheet

The following information is required for submission to the
Speaker of *I Liheslaturan Guåhan* in accordance with Title 4, Guam Code Annotated Section 2103

NOMINEE INFORMATION

Last Name	***First Name***	***Middle Initial***
Gutierrez	Dana	A

Mailing Address	***Apartment/Unit #***
[redacted]	[redacted]

City	***State***	***Zip Code***
[redacted]	[redacted]	[redacted]

Phone	***E-mail Address***
[redacted]	[redacted]

Position to which Appointment is Made
Judge, Superior Court of Guam

Are you a citizen of the United States?	Yes ☑	No ☐
If no, are you authorized to work in the United States?	Yes ☐	No ☐

EDUCATION

SCHOOL (Name, City and State)	*DATES OF ATTENDANCE*	*TYPE OF DEGREE*	*YEAR EARNED*
High School Bishop Baumgartner Junior High School Academy of Our Lady of Guam	1985-1986 1986-1989	High School Diploma	1989
College University of Southern California	August 1989 - May 1993	Bachelor of Arts	1993
Graduate School University of Southern California Gould School of Law	August 1994 - May 1997	Juris Doctorate	1997
Other Degree			

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EMPLOYMENT HISTORY

Name of Present/Last Employer and Mailing Address	***Position Title***
Calvo Fisher & Jacob LLP 259 Martyr Street, Ste. 100 Hagåtña, Guam 96910	Of Counsel
	Dates Held September 2016 - Present

Previous Employer and Mailing Address	***Position Title***
Thompson Gutierrez & Alcantara 238 Archbishop Flores St., Ste. 801 Hagåtña, Guam 96910	Partner
	Dates Held January 2014 - June 2015

Previous Employer and Mailing Address	***Position Title***
Mair, Mair, Spade & Thompson 238 Archbishop Flores St., Ste. 801 Hagåtña, Guam 96910	Partner
	Dates Held December 2006 - December 2013

Previous Employer and Mailing Address	***Position Title***
Mair, Mair, Spade & Thompson 238 Archbishop Flores St., Ste. 801 Hagåtña, Guam 96910	Associate
	Dates Held June 2005 - November 2006

Previous Employer and Mailing Address	***Position Title***
Carlsmith Ball LLP 134 W. Soledad Ave., Ste. 401 Hagåtña, Guam 96910	Associate
	Dates Held August 1997 - July 2003

PRIOR GOVERNMENT OF GUAM SERVICE

Agency or Department Name	***Position Title***	
Judiciary of Guam	Director of Policy, Planning & Community Relations	
Address	***Phone No.***	***Dates Held***
Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, Guam 96910	475-3544	July 2015 - September 2016

Agency or Department Name	***Position Title***	
University of Guam	Executive Assistant to the President Legal Counsel	
Address	***Phone No.***	***Dates Held***
UOG Station, Mangilao, Guam 96913	735-2990	July 2003 - May 2005

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PRIOR GOVERNMENT SERVICE (EXCLUDING GOVERNMENT OF GUAM)

Agency or Department Name	*Position Title*	
Address	*Phone No.*	*Dates Held*

Agency or Department Name	*Position Title*	
Address	*Phone No.*	*Dates Held*

TRAINING

INSTITUTE/SEMINARS/ON-THE-JOB TRAINING	*DATE*

AWARDS

List all educational, professional, civic awards, and recognition for public service:
See attached Resume.

PROFESSIONAL INVOLVEMENT

List involvement on a local/national/international level. List organizations, activities participated in, and offices held:
Secretary, Guam Solid Waste Authority Board of Directors (2019 - Present) President-Elect, Society for Human Resource Management (Guam) (2019 - Present) Vice President (Legislative Affairs), Society for Human Resource Management (Guam) (2015 - 2018) Member at Large, Guam Bar Association Board of Governors (2013 - 2016) Member, Guam Chamber of Commerce (Guam Young Professionals) (2010 - 2012) Member, Guam Bar Association Law Week Committee (2008 - Present) Treasurer & Trustee, Guam Law Library Board of Trustees (2000 - 2006, 2015 - 2017)

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COMMUNITY / CIVIC INVOLVEMENT

List organizations, activities participated in, and offices held:
Member, Board of Directors, Guam Girl Scouts (2012 - 2013)

PUBLICATIONS AND PRESENTATIONS

List any published articles, papers delivered at professional meetings, etc.:
See attached Resume.

MILITARY SERVICE (Please attach Form DD-214)

BRANCH	*DATES OF SERVICE*	*RANK AT DISCHARGE*	*TYPE OF DISCHARGE*

OTHER INFORMATION

(1) Have you ever been found guilty of a felony in any court, whether within or without the United States?

Yes ☐ **No** ☑ **If so, please specify in detail:** _____

Address of the Court: _____

Date(s) of Conviction: _____

Specific Infraction Committed: _____

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(2) Have you ever been declared mentally incompetent by any court, whether within or without the United States?

Yes ☐ No ☑ If so, please specify in detail the reasons and facts related to such declaration:

_____

_____

_____

_____

_____

(3) Have you ever been found not guilty or not punishable in any criminal proceedings by reason of insanity?

Yes ☐ No ☑

(4) Have you ever been confined to a mental institution for any reason?

Yes ☐ No ☑ If so, please specify in why the appointing authority believes you that you are not suffering from any mental illness or affliction:

_____

_____

_____

_____

_____

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LOURDES A. LEON GUERRERO
Governor

JOSHUA F. TENORIO
Lieutenant Governor

OFFICE OF THE GOVERNOR OF GUAM

Statement of Financial Interests

(Required by 4 G.C.A. §13104.1)

TO: The Honorable Lourdes A. Leon Guerrero
Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

FROM: Dana A. Gutierrez

☑ I have no financial interest in any business

☐ I do have interest(s) in the following business(es):

NAME AND ADDRESS OF BUSINESS INTEREST	TYPE AND AMOUNT OF INTEREST

Signature

11.27.19
Date

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AFFIDAVIT / DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby depose and say that: (1) I have read and reviewed the information contained in the attached Appointment/Nomination letter from the Governor of Guam; (2) that the matters contained in the Appointment/Nomination letter, together with all attachments thereto, are true and correct and that I am competent to testify to said matters; and (3) that this Declaration is made for the purpose of complying with the requirements of 4 G.C.A. Section 2103.5.

I declare under penalty of perjury under the laws of Guam (4 G.C.A. Section 4308) that the foregoing is true and correct.

Dana A. Gutierrez _____ 11.27.19

Print Name and Signature Date

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DANA A. GUTIERREZ [redacted] [redacted]

Professional Experience

Calvo Fisher & Jacob LLP — September 2016 – Present
Of Counsel

Judiciary of Guam — July 2015 – September 2016
Director of Policy, Planning & Community Relations

Thompson Gutierrez & Alcantara — January 2014 – June 2015
Partner

Mair, Mair, Spade & Thompson — June 2005 – December 2013
Partner
Associate

University of Guam — July 2003 – May 2005
Executive Assistant to the President
Legal Counsel

Carlsmith Ball LLP — August 1997 – July 2003
Associate

Education

University of Southern California Gould School of Law — August 1994 – May 1997
Juris Doctorate
Activities: Review of Law & Women's Studies

University of Southern California — August 1989 – May 1993
Bachelor of Arts, Political Science & East Asian Area Studies
Honors: Magna Cum Laude, Phi Beta Kappa,
Blackstonians Pre-Law Honor Society

Representative Matters

CORPORATE & CIVIL

Acquisitions: Perform and advise on due diligence reviews related to acquisition and sale of business including licensing, permitting and security interests (UCC filings).

Commercial Real Estate: Prepare and advise on documentation for the financing, sale and mortgage of real property on behalf of sellers and buyers. Review and prepare lease agreements, amendments and assignments.

Corporate Advice: Assist clients in preparing documentation and obtaining licenses to operate in Guam. Form, advise and maintain corporations and limited liability companies. Review and prepare documentation related to company sale, purchase or merger. Advise and represent corporate clients and boards.

Insurance: Advise clients on compliance with federal and local insurance laws and regulations. Review and prepare policies of insurance and related insurance documents. Assist with negotiations for government health insurance contracts.

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LABOR & EMPLOYMENT

Equal Employment Opportunity: Counsel and represent clients in responding to charges of discrimination and harassment filed with local and federal agencies. Represent clients in mediation. Represent clients in discrimination and harassment lawsuits.

Investigations: Advise clients in conducting investigation of complaints, including discrimination and harassment cases, and fashion disciplinary and other remedial measures.

Personnel Management: Assist companies with drafting employee handbooks, job descriptions, employment contracts and workplace policies and procedures. Counsel clients on hiring and termination practices.

Wage and Hour: Advise companies on overtime payment rules and exempt/non-exempt status of employees to ensure compliance with wage and hour laws. Represent contractors in prevailing wage and back wage investigations. Represent clients in wage and hour lawsuits.

Wrongful Termination: Represent clients in defending wrongful discharge claims. Draft separation and release agreements related to termination disputes.

GOVERNMENT

Governance: Provide advice to agencies and boards on matters relating to compliance with local and federal laws and regulations. Review and draft policies, procedures and standard operating procedures. Advise on personnel matters and represent management in grievances, mediations and adverse action appeals. Prepare and defend requests for information under Guam Sunshine Act.

Legislation: Review and analyze proposed legislation. Prepare written testimony in support of and in opposition to legislation.

Procurement: Represent private companies and government entities in protests and in analyzing procurement issues. Negotiate and prepare procurement contracts.

Professional/ Community Activities

Guam Solid Waste Authority Board of Directors 2019-Present
Secretary

Society for Human Resource Management (Guam Chapter) 2019-Present
President-Elect

Society for Human Resource Management (Guam Chapter) 2015-2018
Vice President (Legislative Affairs)

Guam Bar Association Board of Governors 2013-2016
Member at Large

Guam Girl Scouts Board of Directors 2012-2013
Member

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	Guam Chamber of Commerce (Guam Young Professionals) *Member*	2010-2012
	Guam Bar Association Law Week Committee *Member*	2008-Present
	Guam Law Library Board of Trustees *Treasurer & Trustee*	2000-2006, 2015-2017
Publications		
	Marianas Business Journal *"Guam's Fair Chances Hiring Process Act Is Upon Us"*	October 16, 2018
	Guam HR Magazine *"Can You Fire Someone Without Getting Sued?"*	2018-2019
	Guam HR Magazine *"Did You Know . . . Some OOGs for HR in Guam"*	2017-2018
Training/ Presentations		
	Guam Chamber of Commerce (Guam Young Professionals) *"Implications of Marijuana Laws in the Workplace"*	April 25, 2019
	Society for Human Resource Management (Guam Chapter) *"Beyond #MeToo: Putting Your Sexual Harassment Knowledge Into Practice"*	February 6, 2019
	Society for Human Resource Management (Guam Chapter) "*2018 Employment Law Update*" "*Creating Documentation to Withstand the Scrutiny of a Judge or Jury*"	May 2, 2018
	Society for Human Resource Management (Guam Chapter) *"Guam Family and Medical Leave Act"* *"The Fair Chances Hiring Process Act"*	November 8, 2017
	Society for Human Resource Management (CNMI Chapter) *"2017 Employment Law Update"*	July 27, 2017
	Society for Human Resource Management (Guam Chapter) *"2017 Employment Law Update"*	July 12, 2017
	District Court of Guam Conference *"Implications of Marijuana Laws in the Workplace"*	February 9, 2017
	Society for Human Resource Management (Guam Chapter) *"Employment Law Update"*	February 8, 2017
	Society for Human Resource Management (Guam Chapter) *"Employment Law Developments"*	October 7, 2016

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Society for Human Resource Management (Guam Chapter) May 8, 2016
"Employment Law Update"

Society for Human Resource Management (Guam Chapter) May 6, 2015
"Employment Law Update"

Marianas Business Journal Conference April 17, 2015
"When Does Your Workplace Qualify as Hostile"

Society for Human Resource Management (Guam Chapter) March 5, 2014
"Employee Disputes In and Outside the Workplace"

Judiciary of Guam July 7, 2011
"Workplace Investigations: How to Conduct an Effective (and Defensible) Investigation"

Guam Contractors Association June 15, 2011
"The Importance of Being Licensed"

Society for Human Resource Management (Guam Chapter) June 14, 2010
"How to Conduct Effective Workplace Investigations"

Human Resource Risk Management Seminar October 24, 2008
"Vacation and Leave: Managing Disputes and Disagreements Over Leave-Related Issues"

Human Resource Risk Management Seminar September 21, 2007
"Loss Prevention and Safeguards"

Teaching Experience

Guam Community College Fall 2018
Adjunct Professor, Employment Law

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Government of Guam
GUAM POLICE DEPARTMENT
RECORDS & IDENTIFICATION SECTION
P.O. Box 23909
Guam Main Facility, Guam 96921

November 19, 2019

SUBJECT: CRIMINAL HISTORY RECORD

NAME:	**Dana Ann GUTIERREZ**		
DATE OF BIRTH:	[redacted]	**FINGERPRINT #**	**NONE**
■	**The individual has no record of criminal conviction(s) in GPD files that are subject to Guam law and rules and regulations of the Department.**		

******************NOTHING FOLLOWS*******************

THIS INFORMATION MAY BE LIMITED TO A LOCAL CRIMINAL OFFENSE ONLY AND IS NOT INTENDED FOR USE FOR ANY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.

By Direction: BARBIE

The absence of an original GUAM POLICE seal invalidates this police clearance.
REVISED 04/26/2019

STEPHEN C. IGNACIO
Chief of Police

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SUPERIOR COURT OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagatña, Guam 96910

Telephone (671) 475-3370/475-3449
Fax (671) 472-2856

DANIELLE T. ROSETE
Clerk of Court

Name: DANA A. GUTIERREZ

ID # [redacted] Date of Birth: [redacted]

CERTIFICATE OF SEARCH

The undersigned Clerk hereby certifies the following results of a diligent search of the records of this Court:

Criminal Cases:

A. ☒ No Case Found

B. 1. Criminal Case No.
2. Criminal Case No.
3. Criminal Case No.
4. Criminal Case No.
5. Criminal Case No.

Criminal Record: Page 1 of 1

Civil Cases:

A. ☒ No Case Found

B. 1. Civil Case No.
2. Civil Case No.
3. Civil Case No.
4. Civil Case No.
5. Civil Case No.

Civil Record: Page 1 of 1

Request for further information may be addressed at the Records Division of the Superior Court of Guam, Guam Judicial Center, 120 West O'Brien Drive, Hagatña, Guam. Hours of operation are Monday – Friday, 8:00 a.m. to 5:00 p.m. Closed Saturday, Sunday and local/federal holidays. Court Clearances are Non-Refundable.

Dated: 11/20/2019

DANIELLE T. ROSETE
Clerk of Court

BY: Carl P. Perez
Court Archivist

Prepared By: CPP

The absence of an original Court Seal invalidates this document