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From: Speaker's Office <speaker@guamlegislature.org>
Sent: Monday, August 24, 2020 11:33 AM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: Administrative Order 20-401

08-24-20	10:16 AM	08-21-20	Administrative Order 20-401.*	Supreme Court of Guam	35GL-20-2168

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Petrina M. Ula** <pula@guamsupremecourt.com>
Date: Mon, Aug 24, 2020 at 10:16 AM
Subject: Administrative Order 20-401
To: Guam Bar Association <info@guambar.org>, Jacque Terlaje <jacque.terlaje@terlajelaw.com>, Terlaje Law <legal@terlajelaw.com>, Speaker's Office <speaker@guamlegislature.org>, Lourdes <governor@guam.gov>

Buenas and Hafa Adai,

Please find attached ADM20-401 re: Reappointment of Benjamin C. Sison, Jr. to serve a second term as Magistrate Judge in the Superior Court of Guam. Additionally, attached is the Letter of Reappointment, signed by Chief Justice F. Philip Carbullido, and Judicial Council Resolution 20-025, wherein the Judicial Council unanimously recommended the reappointment of Magistrate Judge Sison for another term. The report from the Magistrate Judge Evaluation Committee, chaired by Judge Maria Cenzon, has been included, as well. For your convenience, the files have been compressed into a zip file.

I respectfully request a reply to confirm receipt of the attached packet. Please let me know if you have any questions or concerns.

Administrative Order No. ADM20-401.zip

Warmest Regards,

Petrina "Trina" Ula

Chamber Clerk to the ***Honorable F. Philip Carbullido, Chief Justice of Guam***

Supreme Court of Guam

Guam Judicial Center

120 West O'Brien Drive, Suite 300, Hagåtña, Guam 96910-5174

t: 1(671) 475-3413

f: 1(671) 475-3140

e: pula@guamsupremecourt.com

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Filed
Supreme Court of Guam, Clerk of Court

IN THE SUPREME COURT OF GUAM

RE: REAPPOINTMENT OF BENJAMIN C. SISON, JR. TO SERVE A SECOND TERM AS MAGISTRATE JUDGE OF THE SUPERIOR COURT OF GUAM	Supreme Court of Guam Administrative Order No. ADM20-401

WHEREAS, the initial term of Magistrate Judge Benjamin C. Sison, Jr., ("Magistrate Judge Sison") is set to expire on October 25, 2020; and

WHEREAS, under 7 GCA § 4401(d), the Chief Justice may reappoint a sitting magistrate without confirmation by *I Liheslaturan Guåhan* upon a unanimous recommendation of the Judicial Council for an additional term of four years; and

WHEREAS, on June 2, 2020, I appointed the Magistrate Judge Evaluation Committee (the "Committee") chaired by Judge Maria T. Cenzon 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 (Staff Attorney for the Judiciary of Guam) to evaluate the performance of Magistrate Judge Sison and to report its findings to the Judicial Council; and

WHEREAS, the Committee surveyed Guam Bar members, court patrons, and judicial officers on the performance of the Magistrate Judge Sison; and

E-Received
8/24/2020 9:26:33 AM

WHEREAS, Judge Cenzon presented a report on the results and findings of the surveys of Magistrate Judge Sison (the "Report") at the regularly scheduled Judicial Council meeting of August 20, 2020, and recommended the reappointment of Magistrate Judge Sison for another term at that Judicial Council meeting; and

WHEREAS, the Judicial Council considered the Report of the Committee and in Judicial Council Resolution No. JC20-025 unanimously recommended the reappointment of Magistrate Judge Sison for another term.

NOW, THEREFORE, by the authority vested in me under 7 GCA § 4401(d), I do **ORDER**, that sitting Magistrate Judge Benjamin C. Sison, Jr., is hereby reappointed to serve an additional term as Magistrate Judge of the Superior Court of Guam together with all authority vested in such position by law. Magistrate Judge Sison's additional term shall commence on October 26, 2020, and expire on October 26, 2024.

SO ORDERED this 24th day of August, 2020.

/s/
F. PHILIP CARBULLIDO
Chief Justice

Supreme Court of Guam

GUAM JUDICIAL CENTER SUITE 300
120 WEST O'BRIEN DRIVE, HAGÅTÑA, GUAM 96910-5174
Telephone: (671) 475-3162/80 • Facsimile: (671) 475-3140

HON. F. PHILIP CARBULLIDO
CHIEF JUSTICE

HANNAH G. ARROYO
CLERK OF COURT

August 21, 2020

Magistrate Judge Benjamin C. Sison, Jr.
Superior Court of Guam
Guam Judicial Center
120 W. O'Brien Drive
Hagåtña, Guam 96910

Subject: Reappointment as Magistrate Judge

Dear Magistrate Judge Benjamin C. Sison, Jr.:

Based upon the unanimous recommendation of the Judicial Council of Guam for your re-appointment, as reflected in Judicial Council Resolution No JC20-025, the Report of the Findings of the Magistrate Judge Evaluation Committee regarding your reappointment, and pursuant to the authority granted by 7 GCA § 4401(d), it is my pleasure to reappoint you to serve an additional term as Magistrate Judge of the Superior Court of Guam.

As your current term is set to expire on October 25, 2020, your second term will commence on October 26, 2020 and expire on October 26, 2024.

Regards,

F. Philip Carbullido
CHIEF JUSTICE

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BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-025

RELATIVE TO REAPPOINTMENT OF BENJAMIN C. SISON, JR. AS SITTING MAGISTRATE PERSUANT TO 7 GCA § 440l(d)

WHEREAS, the initial term of Magistrate Judge Benjamin C. Sison, Jr. is to expire on October 25, 2020; 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 June 2, 2020, the Chief Justice of Guam created the Magistrate Judge Evaluation Committee (the "Committee"), chaired by Judge Maria T. Cenzon 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 (Staff Attorney for the Judiciary of Guam) to evaluate the performance of Magistrate Judge Sison and to report its findings to the Judicial Council; and

WHEREAS, the Committee conducted a survey of Guam Bar members, court patrons and judicial officers on the performance of the Magistrate Judge Sison; and

WHEREAS, Judge Cenzon presented a report on the results and findings of the survey of Magistrate Judge Sison (the "Report") at the regularly scheduled Judicial Council meeting of August 20, 2020, wherein the Committee was requested to submit its recommendation as an addendum to the Report (the "Addendum"), which Report and Addendum are appended hereto as an attachment; and

WHEREAS, the conclusion of the Committee was that "[b]ased upon the evaluation results across the three pertinent groups: Guam Bar Association members, court patrons and Superior Court of Guam trial judges, . . . it is the recommendation of the Committee that Magistrate Judge Sison be re-appointed to serve for another four (4) 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 hereby unanimously recommend (Chief Justice abstaining) that the Chief Justice of Guam re-appoint Magistrate Judge Benjamin C. Sison, Jr. to another four year term as provided in Title 7 GCA § 440l(d).

DULY ADOPTED this 20th day of August, 2020 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: AUGUST 20, 2020

ATTEST:

Petrina M. Ula, Executive Secretary

Dated: AUGUST 20, 2020

MARIA T. CENZON
JUDGE

JUDICIARY OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagåtña, Guam 96910
Telephone No. (671) 475-3346

MEMORANDUM

TO: Chief Justice F. Philip Carbullido

FROM: Judge Maria T. Cenzon,
Chairperson, Magistrate Judge Evaluation Committee

DATE: August 18, 2020

SUBJECT: Report of the Findings of the Magistrate Judge Evaluation Committee Regarding the Reappointment of Magistrate Judge Benjamin C. Sison, Jr.

Hafa Adai, Honorable Chief Justice F. Philip Carbullido:

On behalf of the Magistrate Judge Evaluation Committee, I submit for your consideration the attached report on the findings of the Magistrate Judge Evaluation Committee on performance evaluation surveys received from court patrons, members of the Guam Bar Association and Superior Court of Guam trial court judges. The Committee is prepared to answer any questions you or the other members of the Judicial Council of Guam may have on this report.

Senseramente,

Hon. Maria T. Cenzon
Judge, Superior Court of Guam

Attachments:
Report of the Findings of the Magistrate Judge Evaluation Comm.
Exhibit A (Memo to Members of the Guam Bar Association)
Exhibit B (Survey of GBA Members)
Exhibit C (Notice to Court Patrons)
Exhibit D (Survey of Court Patrons)
Exhibit E (Letter to Judicial Officers)
Exhibit F (Survey of Judicial Officers)

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REPORT OF THE FINDINGS OF THE MAGISTRATE JUDGE EVALUATION COMMITTEE REGARDING THE REAPPOINTMENT OF MAGISTRATE JUDGE BENJAMIN C. SISON, JR.

I. INTRODUCTION

On June 2, 2020, Chief Justice F. Philip Carbullido appointed the following individuals to serve on the Magistrate Judge Evaluation Committee (the "Committee") to evaluate the performance of Magistrate Judge Benjamin C. Sison, Jr., ("Magistrate Judge Sison") whose initial four (4) year term will expire on October 25, 2020:

- Chair - Judge Maria T. Cenzon, Superior Court of Guam
- Jacqueline T. Terlaje, President of the Guam Bar Association
- Danielle T. Rosette, Clerk of the Superior Court of Guam
- Barbara Jean T. Perez, Judiciary of Guam Human Resources Administrator, and
- Andrew S. Quenga, Judiciary of Guam Staff Attorney.

The Committee was charged with evaluating the performance of Magistrate Judge Sison and providing 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 Guahan* 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.

The Committee surveyed the following groups with personal experience appearing before or working with Magistrate Judge Sison: members of the Guam Bar Association, court patrons who have appeared before and/or continue to regularly appear before Magistrate Judge Sison and the trial court judges of the Superior Court of Guam.[1]

This report provides the results of the surveys on the reappointment of Magistrate Judge Sison.

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[1] The Committee employed the same process created and implemented by the previously appointed committee which conducted a survey of the performance of former Magistrate Judge Alberto Tolentino, whose subsequent reappointment was also pursuant to this Section 4401(d).

II. SURVEY RESULTS AND FINDINGS

The Committee's intent when conducting the surveys was to: account for the input of all the relevant types of stakeholders to include attorneys, pro-se parties and other patrons; capture the perspective of those who personally appeared before the magistrate judge; avoid speculative and hearsay opinions of those with no personal experience with Magistrate Judge Sison; obtain specific data regarding his performance of the statutory duties of a magistrate judge; and produce an accurate rating of Magistrate Judge Sison as opined by those who regularly appear before or have actual knowledge of his work.

Accordingly, the Committee elicited responses from attorneys who have personally practiced before Magistrate Judge Sison as well as court patrons, stakeholders or other interested parties who have appeared before or observed him during session. The Superior Court trial court judges were also surveyed. All surveys were anonymously submitted to the Committee using the platform Survey Monkey or by mailing paper surveys.

The content of the surveys mirrored those of the prior magistrate judge survey which had been independently reviewed and vetted by the Committee. The Committee affirms that the survey questions: (1) were not too abstract or vague; (2) provided definitions for the rated standards of performance; (3) did not ask for one answer to a compound question with two qualitatively different judicial behaviors; (4) utilized a well-constructed rating scale; and, (5) offered answer choices that paired congruently to the questions posed. Moreover, the Committee believes the survey questions were simple, concrete, and described observable behaviors and that the rating scale was balanced and proportional in increment.

A. Survey of Guam Bar Association ("GBA") Members

The survey was announced by the GBA via list serve to all active members on July 9, 2020. The list serve message transmitted the memo from the undersigned as Chair of the Committee and sought responses from GBA members who have personal experience appearing before or practicing in Magistrate Judge Sison's courtroom (attached hereto as Exhibit A). The GBA also sent a link to Survey Monkey via list serve to the GBA members on or about July 10, 2020. These surveys closed on July 31, 2020. A total of forty-three (43) survey responses were submitted by GBA members.

The GBA survey measured five general categories, with each category containing three specific judicial behaviors. Each behavior was assessed on a scale of 1 (lowest) to 5 (highest) as follows:

1 – Poor	2 – Less than Adequate	3 – Adequate	4 – Good	5 – Excellent

The table below summarizes the results of the GBA survey. The Average Rating is the weighted average of all the ratings of each behavior. The Approval Rating is the Average Rating compared to the maximum rating of 5. Complete results of the GBA surveys are attached hereto as Exhibit B.

General Categories	Specific Behaviors	Average Rating	Approval Rating (%)
Legal Ability	Knowledge of law and procedure	4.05	81.0
	Analysis of issues	4.10	82.0
	Application of law and facts	4.09	81.8
Fairness	Evenhanded treatment of litigants and attorneys	4.30	86.0
	Consistency of rulings	4.23	84.6
	Lack of bias or prejudice	4.21	84.2
Communication	Ensures participants understand proceedings	4.21	84.2
	Clear explanation of decisions	4.19	83.8
	Willingness to listing to litigants and attorneys	4.26	85.2
Temperament	Respectful toward litigants and attorneys	4.35	87.0
	Sense of dignity brought to the courtroom	4.45	89.0
	Absence of arrogance	4.19	83.8
Management	Timely disposition of cases	3.98	79.6
	Control over proceedings	4.14	82.8
	Uses court time efficiently	3.98	79.6

B. Survey of Court Patrons

On or about July 14, 2020, the Clerk of the Superior Court mailed surveys to parties (individuals and entities) who have previously appeared before Magistrate Judge Sison. These mailings included a notice from the Chair of the Committee attached hereto as Exhibit C. Patrons were asked to participate by Survey Monkey or by submitting the completed paper survey by mail or drop box at the Judicial Center Building. These surveys closed on July 31, 2020. A total of eleven (11) court patron survey responses were received.

The court patrons surveys measured the performance of Magistrate Judge Sison by attributes described in more colloquial, non-legal terminology. The court patrons survey measured ten general categories in the same 1 to 5 scale described above.

The table below summarizes the results of the court patrons surveys. The Average Rating is the weighted average of all the ratings of each behavior. The Approval Rating is the Average Rating compared to the maximum rating of 5. Complete results of the court patrons surveys are attached hereto as Exhibit D.

General Attributes	Average Rating	Approval Rating (%)
Treats everyone the same	4.73	94.6
Is polite to everyone	4.82	96.4
Listens to everyone when they speak	4.73	94.6
Is fair to everyone	4.73	94.6
Makes sure everyone understands what's going on	4.73	94.6
Is not biased or prejudiced against anyone	4.82	96.4
Explains his orders and decisions	4.82	96.4
Runs his hearings smoothly	4.91	98.2
Controls what happens in his courtroom	4.82	96.4
Is patient and does not rush anyone	4.64	92.8

C. Survey of Superior Court Trial Court Judges

On July 15, 2020, notice of the performance survey and deadline date was distributed to the trial court judges of the Guam Superior Court by memo from the undersigned Committee Chair. (Attached as Exhibit E.) No other judicial officers were surveyed because it was determined that the trial court judges would have measurable personal experience and interaction with the magistrates while other judicial officers (hearing officers, referees and other magistrates) would not. The survey link was distributed on July 17, 2020 and was identical to the survey sent to GBA. Six judicial officers submitted survey responses. The deadline to respond to the survey was set for July 31, 2020, but was extended once to August 7 to allow for additional responses.

The table below summarizes the results of the judicial officers surveys. The Average Rating is the weighted average of all the ratings of each behavior. The Approval Rating is the Average Rating compared to the maximum rating of 5. Complete results of the judicial officers surveys are attached hereto as Exhibit F.

[THIS SECTION C CONTINUES ON THE FOLLOWING PAGE.]

Survey of Superior Court Trial Court Judges (Cont'd)

General Categories	Specific Behaviors	Average Rating	Approval Rating (%)
Legal Ability	Knowledge of law and procedure	4.17	83.4
	Analysis of issues	4.00	80.0
	Application of law and facts	4.00	80.0
Fairness	Evenhanded treatment of litigants and attorneys	4.33	86.6
	Consistency of rulings	4.33	86.6
	Lack of bias or prejudice	4.33	86.6
Communication	Ensures participants understand proceedings	4.20	84.0
	Clear explanation of decisions	4.20	84.0
	Willingness to listing to litigants and attorneys	4.40	84.0
Temperament	Respectful toward litigants and attorneys	4.33	86.6
	Sense of dignity brought to the courtroom	4.80	96.0
	Absence of arrogance	4.17	83.4
Management	Timely disposition of cases	4.20	84.4
	Control over proceedings	4.00	80.0
	Uses court time efficiently	3.67	73.4

[THIS SECTION INTENTIONALLY LEFT BLANK].

III. CONCLUSIONS.

The summaries above offer the results and findings of the surveys presented to GBA members, court patrons and Superior Court trial judges. In addition to the summaries above, the overall approval rating for each group surveyed is provided below. The Committee hopes this information will assist the Judicial Council and the Chief Justice in considering the reappointment of Benjamin C. Sison, Jr. to a second term as Magistrate Judge.

Survey Group	Overall Average All Categories
GBA Members	83.64
Court Patrons	95.5
Judicial Officers	83.93
All Groups	87.69

Thank you for your confidence in us as members of this Evaluation Committee and for giving us the opportunity to be a part of this very important process in ensuring the continued delivery of services by the Judiciary of Guam to the People of Guam. The Committee would also like to thank the staff of the Guam Bar Association and the Courts and Ministerial Division of the Superior Court of Guam for their assistance in the dissemination and collection of surveys. Should you have any questions regarding this report, please do not hesitate to contact me.

Respectfully submitted for your consideration on behalf of the Magistrate Judge Evaluation Committee this 18th day of August, 2020.



HON. MARIA T. CENZON
Judge, Superior Court of Guam
Chair, Magistrate Judge Evaluation Committee

MARIA T. CENZON
JUDGE

JUDICIARY OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagåtña, Guam 96910
Telephone No. (671) 475-3346

MEMORANDUM

TO: Chief Justice F. Philip Carbullido

FROM: Judge Maria T. Cenzon,
Chairperson, Magistrate Judge Evaluation Committee

DATE: August 20, 2020

SUBJECT: Addendum to Report of the Findings of the Magistrate Judge Evaluation Committee Regarding the Reappointment of Magistrate Judge Benjamin C. Sison, Jr.

Hafa Adai, Honorable Chief Justice F. Philip Carbullido:

This Addendum supplements the Report of the Findings of the Magistrate Judge Evaluation Committee as presented to the Judicial Council at the August 20, 2020 meeting. Based upon the evaluation results across the three pertinent groups: Guam Bar Association members, court patrons and Superior Court of Guam trial judges, the weighted average of his performance was 87.69%. Given these results, it is the recommendation of the Committee that Magistrate Judge Sison be re-appointed to serve for another four (4) year term, pursuant to the provisions of 7 GCA § 4401.

Senseramente,

Hon. Maria T. Cenzon
Judge, Superior Court of Guam

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