clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Saturday, September 5, 2020 11:25 AM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: M & C_Guam Judicial Council Meeting Packet Submission for August 20, 2020 Regular Meeting
Attachments: .Judicial Council of Guam August 20, 2020 Regular Meeting Packet.zip

09-04-20	5:52 PM	08-20-20	August 20, 2020 Regular Meeting Packet.*	Judicial Council of Guam	35GL-20-2192

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
T: (671) 477-2520/1
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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: **Shelterihna Alokoa** <salokoa@guamsupremecourt.com>
Date: Fri, Sep 4, 2020 at 5:52 PM
Subject: M & C_Guam Judicial Council Meeting Packet Submission for August 20, 2020 Regular Meeting
To: Speaker's Office <speaker@guamlegislature.org>
Cc: Petrina Ula <pula@guamsupremecourt.com>, Staff Attorney Serge Quenga <aquenga@guamcourts.org>

Buenas yan hafa adai Messages and Communication Staff for the Honorable Tina Muña Barnes:

Pursuant to 5 GCA § 8113.1 and as the Judicial Council Assistant Secretary, I am sending an electronic copy of the Judicial Council Meeting packet. The packet contains the meeting materials from the August 20, 2020 Judicial Council regular meeting. For your convenience, I've compiled all the documents into 1 compressed folder.

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

--

Si Yu'us ma'åse' yan puedi ha' todu maolek.

(Thank you and have a great day.)

Respectfully,

Shelterihna Alokoa

Assistant Secretary, Judicial Council of Guam
Suite 300, Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174

T: 671.475.3589 F: 671.475.3337
E-mail: kamaraman@guamsupremecourt.com

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JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, AUGUST 20, 2020 | 12:00 PM
GUAM JUDICIAL CENTER
AND VIA VIDEOCONFERENCE

AGENDA

I. CALL TO ORDER

II. PROOF OF DUE NOTICE OF MEETING: August 13, 2020
August 18, 2020

III. DETERMINATION OF QUORUM

IV. READING AND DISPOSAL OF MINUTES: July 16, 2020 Regular Meeting

V. OLD BUSINESS
A. Judiciary FY20 Remittances pursuant to P.L. 35-36
B. Update on Capital Improvement Projects

VI. NEW BUSINESS
A. JC Resolution re Declaration of Constitution Day and Constitution Week 2020
B. JC Resolution re Reappointment of Benjamin C. Sison, Jr. as Sitting Magistrate
C. Leadership Development Academy
D. Discussion on FY2021 JOG Health Insurance Contract
E. Discussion on FY2021 JOG Budget Status
F. Update on the Judiciary's Response to COVID19
G. Notice of Next Meeting (September 17, 2020)

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT
A. Guam Bar Association – President's Report
B. Court Employees Association

IX. ADJOURNMENT

CURRENCY EXCHANGE RATES
On Aug. 12, $1 was worth:

Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market.

48.936 PHP₱	106.77 JPY¥	1,185.17 KRW₩	29.419 TWD NT$	6.9510 CNY¥	1.4035 AUD A$	0.8524 EUR €

Guam airport: High court decision means contract with Lotte remains

In a unanimous, 78-page ruling on Aug. 11, the Guam Supreme Court has vacated the Guam Superior Court's 2018 judgment that voided the airport's specialty retail concession contract with Lotte Duty Free, Guam's airport agency announced Wednesday.

"The Supreme Court's opinion presents a favorable outcome for GIAA and its continued operations of its current specialty retail concession contract," stated John M. Quinata, A.B. Won Pat Guam International Airport Authority executive manager in a press release. "Our current retail concessionaire—which has been in place since 2013—has generated tens of millions of dollars of revenue and provided financial stability for the GIAA."

The Supreme Court's opinion vacated the orders of the Guam Superior Court issued in February 2018 that had granted summary judgment in favor of DFS.

The lower court's orders had voided the award to Lotte, but put the execution of the judgment on hold, allowing Lotte to remain as the duty-free concessionaire until the Supreme Court decided the appeal.



LEGAL BATTLE: *Lotte Duty Free displays watches in one of its boutiques at the A.B. Won Pat International Airport. A court ruling has been issued in favor of the airport agency and Lotte Duty Free's 10-year retail concession agreement. Post file photo*

The airport had signed a $154 million, 10-year retail concession contract with Lotte Duty Free Guam in 2013 which DFS had been challenging in legal actions and procurement protests.

Because the Superior Court's orders are now vacated, the specialty retail concession contract between GIAA and Lotte remains valid and enforceable.

The initial dispute between GIAA and DFS arose after the Guam Visitors Bureau organized a delegation to participate in promotional activities in Seoul regarding Jeju Air's inaugural flight to Guam in September 2012.

DFS contended that during the promotional activities in Korea, members of the GVB delegation, including two former GIAA board of directors, had improper contacts with or received improper gifts from Lotte that affected the procurement process. The Supreme Court has now thrown out those contentions and ordered the Superior Court to enter a judgment in GIAA's favor on those issues, the airport agency stated.

The Supreme Court also vacated the Superior Court grant of summary judgment to DFS on alleged technical defects in the procurement process regarding the promulgation of concession criteria. With the applicable law now clarified on a number of issues, the case has been returned to the Superior Court for further proceedings.

"We are very pleased to have the Guam Supreme Court come down so strongly on the rule of law and uphold the plain language of Guam's Procurement Law," stated attorney Genevieve Rapadas of Calvo Fisher & Jacob, which represented GIAA in the appeal. "The Supreme Court opinion is complicated and there are still some technical issues to be resolved at the Superior Court level, but the bottom line is that GIAA's contract with Lotte remains in place and the majority of DFS's claims have been thrown out or rendered moot."

(Daily Post Staff)

GRMC receives award from the American Heart Association

Guam Regional Medical City has received the "Get With The Guidelines" Heart Failure Bronze Quality Achievement Award from the American Heart Association, GRMC announced Wednesday.

The award recognizes GRMC's commitment to ensuring that heart failure patients receive the most appropriate treatment according to nationally recognized, research-based guidelines founded in the latest scientific evidence. The goal is speeding recovery and reducing hospital readmissions for heart failure patients, according to the private hospital.

GRMC earned the award by meeting specific quality achievement measures for the diagnosis and treatment of heart failure patients at a set level for a designated period. These measures include evaluation of the proper use of medications and aggressive risk-reduction therapies. Before discharge, patients should also receive education on managing their heart failure and overall health, get a follow-up visit scheduled, as well as other care transition interventions.

"GRMC is proud to have been awarded the American Heart Association's Get With The Guidelines – Heart Failures initiative," said Alan Funtanilla, executive vice president and chief operating officer. "This recognition is proof of our dedication to improving the quality of care for our cardiac patients."

According to the American Heart Association, more than 6.5 million adults in the United States are living with heart failure. Many heart failure patients can lead a full, enjoyable life when their condition is managed with proper medications or devices coupled with healthy lifestyle changes.

"We stress the importance of seeing your cardiologist regularly, especially if you have chronic conditions, even during the pandemic," according to the private hospital.

For more information, on GRMC's Cardiology Department, call Specialty Clinics at 645-5500. ***(Daily Post Staff)***



AWARD: *Guam Regional Medical City is seen on July 7 in Dededo. The private hospital has received the "Get With The Guidelines" Heart Failure Bronze Quality Achievement Award from the American Heart Association.*
David Castro/The Guam Daily Post



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3413 Fax: (671) 475-3140
www.guamcourts.org

NOTICE OF PUBLIC MEETING

The Judicial Council will conduct its monthly meeting on **Thursday, August 20, 2020, at 12 Noon in the Guam Judicial Center, 120 West O'Brien Drive in Hagåtña by video-conference**. A monitor will be set up for any members of the public who would like to observe and offer comments. The meeting will also be streamed live on YouTube at https://www.youtube.com/channel/UCfnFCWwIlp99fAeh9zi4Q4g/featured

The agenda will be made available prior to the meeting.

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 475-3544, or Petrina M. Ula at 475-3413.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

Doc. No. 35GL-20-2192.*

Democrats step up pressure against Postal Service cuts

Pelosi calls lawmakers back to Washington

By Jonathan Landay and David Lawder
Reuters



PELOSI: *House Speaker Nancy Pelosi (D-CA) speaks about stalled congressional talks with the Trump administration on the latest coronavirus relief during her weekly news conference on Capitol Hill in Washington, D.C., on Aug. 13. Sarah Silbiger/Reuters*

WASHINGTON – Democrats stepped up pressure on Sunday against a cost-cutting campaign by President Donald Trump's appointed Postal Service chief that they fear will hold up mail-in ballots in November's election, with House Speaker Nancy Pelosi calling lawmakers back and several states considering legal action.

Top Democrats in Congress called on Postmaster General Louis DeJoy and another top postal official to testify this month at a hearing on a wave of cuts that has slowed mail delivery across the country, alarming lawmakers ahead of the Nov. 3 election when up to half of U.S. voters could cast ballots by mail.

Democrats have accused Trump, who is trailing presumptive Democratic nominee Joe Biden in opinion polls, of trying to hamstring the cash-strapped Postal Service to suppress mail-in voting.

Trump has repeatedly and without evidence said that a surge in mail-in voting would lead to fraud. Voting by mail is nothing new in the United States, as one in four voters cast ballots that way in 2016.

Several Democratic state attorneys general told Reuters they were in discussions about potential legal action to stop Postal Service changes that could affect the election outcome.

"It is outrageous that Donald Trump would attempt to undermine the U.S. Postal Service for electoral gain," Massachusetts Attorney General Maura Healy told Reuters in a telephone interview, adding that the Republican president's actions raised constitutional, regulatory and procedural questions.

Healy added that counterparts in Virginia, Pennsylvania, Minnesota, North Carolina, Washington and other states were conferring.

North Carolina Attorney General Josh Stein declined to say how many states were participating in the legal discussions, adding that North Carolina residents could request ballots now and general ballots would be sent to voters starting on Sept. 4.

"There are many states that share this concern about what the president and the postmaster general are doing to the Postal Service, and are reviewing all legal options available to us to protect the integrity of these elections," Stein told Reuters.

House back to Washington

Pelosi, the country's top elected Democrat, said on Sunday she was calling the Democratic-controlled House back to Washington later this week to vote on legislation to protect the Postal Service from what she called Trump's "campaign to sabotage the election by manipulating the Postal Service to disenfranchise voters."

A senior Democratic aide said House lawmakers would likely return on Saturday to vote on the bill, which would prohibit changes to Postal Service levels that were in place on Jan. 1, 2020.

A spokesman for Senate Majority Leader Mitch McConnell said there were no scheduling updates for the Republican-controlled Senate.

But Republican Senator Susan Collins of Maine, a moderate locked in a tight re-election race, said on Twitter that the Senate should return this week to consider legislation to provide the Postal Service up to $25 billion in coronavirus funding.

Congressional Democrats also called on DeJoy, a Trump donor, and Postal Service Chairman Robert Duncan to testify at an Aug. 24 hearing of the House Committee on Oversight and Reform.

Senate Democratic Leader Chuck Schumer said the Postal Service's board of governors should remove DeJoy if he "refuses to come before Congress."

US COVID death toll hits 170K ahead of fall flu season

(Reuters) – The United States surpassed 170,000 coronavirus deaths on Sunday, according to a Reuters tally, as health officials express concerns over COVID-19 complicating the fall flu season.

Deaths rose by 483 on Sunday, with Florida, Texas and Louisiana leading the rise in fatalities.

The United States has at least 5.4 million confirmed cases in total of the novel coronavirus, the highest in the world and likely an undercount as the country still has not ramped up testing to the recommended levels. Cases are falling in most states except for Hawaii, South Dakota and Illinois.

Public health officials and authorities are concerned about a possible fall resurgence in cases amid the start of the flu season, which will likely exacerbate efforts to treat the coronavirus.

In an interview with Web MD, Centers for Disease Control and Prevention Director Robert Redfield warned the United States may be in for its "worst fall" if the public does not follow health guidelines.

Months into the pandemic, the U.S. economic recovery from the recession triggered by the outbreak is still staggered, with some hot spots slowing their reopenings and others shutting down businesses.

The Institute for Health Metrics and Evaluation is anticipating an uptick in COVID-19 cases in the coming months, resulting in around 300,000 total deaths by December, and a nearly 75% increase in hospitalizations.

Worldwide there are at least 21.5 million coronavirus cases and over 765,000 confirmed deaths. The United States remains the global epicenter of the virus, with around a quarter of the cases and deaths.

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The agenda will be made available prior to the meeting.

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 475-3544, or Petrina M. Ula at 475-3413.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

Guam Cancer Trust Fund
Council Meeting

The Guam Cancer Trust Fund Council will hold its monthly meeting online on **Thursday, August 20, 2020 at 2:00 p.m.** If interested in attending the meeting, please register with Remylynn Yamanaka at gctf@triton.uog.edu.

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Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3413 Fax: (671) 475-3140

★★★★

Hon. F. Philip Carbullido
Chairman

Hon. Katherine A. Maraman
Member

Hon. Robert J. Torres
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Arthur R. Barcinas
Member

★★★★

Advisiory Committee Members:

Hon. Anita A. Sukola

Hon. Vernon G. Perez

Hon. Maria T. Cenzon

Hon. Elyze M. Iriarte

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

★★★★

Administrator of the Courts:
Kristina L. Baird

Judicial Council Secretary:
Petrina Ula

Judicial Council Asst. Secretary:
Shelterihna T. Alokoa

JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, JULY 16, 2020
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center
And via Videoconference

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice F. Philip Carbullido at the hour of 12:05 p.m.

ROLL CALL*:

Chief Justice F. Philip Carbullido (calling in from the Judiciary)
Justice Robert J. Torres (calling in from Santa Rita)
Justice Katherine A. Maraman (calling in from Sinajana)
Presiding Judge Alberto C. Lamorena III (calling in from the Judiciary)
Judge Arthur R. Barcinas (calling in from the Judiciary)

Advisory Committee Members:
Judge Maria T. Cenzon
Referee Linda Ingles
Attorney Frederick J. Horecky
Attorney John C. Terlaje

Also Present:
Ms. Kristina Baird, Administrator of the Courts (AOC)
Mr. Robert Cruz. Deputy Chief Administrator
Ms. Alicia A.G. Limtiaco, DPPCR
Mr. Andrew "Serge" Quenga", Staff Attorney, Judiciary of Guam
Mr. Daniel Mensching, Staff Attorney, Judiciary of Guam
Ms. Dawn R. Blas, Judicial Educator
Ms. Marcelene Santos, Public Guardian
Ms. Hannah G. Arroyo, Clerk of Court, Supreme Court
Ms. Danielle Rosete, Clerk of Court, Superior Court
Ms. Erica Eschbach, Staff Attorney, Supreme Court
Mrs. Barbara Jean Perez, HR Administrator
Mr. Troy Pangelinan, Marshal of the Courts
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer

Ms. Trish Suzuki, Deputy Chief Probation Officer
Ms. Ma. Dianne Ollet Gudmalin, FMD Administrator
Mr. Carl Dominguez, Procurement & Facilities Management Administrator
Ms. Marissa C. Antonio, Deputy Procurement & Facilities Mgt. Administrator
Ms. Virginia Yasuhiro, CSFC Administrator, Client Services and Family Counseling Division
Ms. Geraldine A. Cepeda, Compiler of Laws/Law Library Executive Director
Mr. Joseph Mannion, MIS Administrator
Mr. Robert John S. Rabago, MIS Senior Systems Analyst
Ms. Jeanette M. Quintanilla, Senior Probation Officer/IFIK President
Ms. Kristina Blaz, Public Information Officer
Ms. Shelterihna T. Alokoa, Chamber/Courtroom Clerk
Ms. Petrina Ula, Chamber Clerk
Ms. Lannie Walker, Guam Daily Post

*Note: All individuals listed above participated via video conference as per social distancing directives.

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, were published in the Guam Daily Post. Acknowledgements are on file.

III. DETERMINATION OF QUORUM

Chief Justice Carbullido began the roll call. Chief Justice F. Philip Carbullido, Justice Katherine A. Maraman, Justice Robert J. Torres, Presiding Judge Alberto C. Lamorena III, and Judge Arthur Barcinas identified themselves and their location over videoconference, respectively. With the presence of five (5) Judicial Council members, a quorum was determined for this meeting.

IV. READING AND DISPOSAL OF MINUTES: June 18, 2020 Regular Meeting

Presiding Judge Lamorena moved to approve the Minutes for the June 18, 2020 Regular Meeting, subject to correction. Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor; the minutes were approved.

V. OLD BUSINESS

A. Judiciary FY20 Remittances under P.L. 35-36

Ms. Dianne Gudmalin reported that, as of the meeting date, $25,900,887 of the FY20 $32,067,798 allotment had been paid to the Judiciary. She added that on June 30, 2020, the Judiciary of Guam (JOG) received $1,233,377.

Ms. Gudmalin also stated that the Department of Administration (DOA) issued an Electronic Funds Transfer (EFT) notification on July 13, 2020 regarding the allotment of $1,233,377 due on July 14, 2020; however, as of the meeting date, the allotment has yet to be deposited in the Judiciary's bank account. Ms. Gudmalin shared that she will follow up with DOA until the allotment has been received.

Chief Justice concluded by saying that the Judiciary continues to receive full allotments, relatively on time.

B. Update on Capital Improvement Projects

Chief Justice Carbullido asked the Clerk of Court, Ms. Danielle Rosette to speak to the effects of COVID19 on the Judiciary, as a lead in to the need to undertake the Capital Improvement Projects.

Ms. Danielle Rosette shared that the caseload information was presented by the AOC, Ms. Kristina Baird, and the Finance Director, Ms. Dianne Gudmalin, at the Judiciary's FY2021 Budget Hearing in front of the Legislative Hearing Committee on July 2, 2020. She stated that since the start of the COVID19 pandemic on March 16, 2020 to June 29, 2020, the Superior Court received almost 300 filings in criminal felony and misdemeanor cases. She stated the Superior Court had a backlog of approximately 174 cases that needed to go before the Grand Jury before the pandemic started. Ms. Rosette stated there are approximately 114 pre-COVID criminal filings where the defendant has yet to be arraigned. She shared that 40 of the defendants have asserted their right to a speedy trial. She added that since the Budget Hearing, she and Presiding Judge Alberto C. Lamorena have moved matters along to include resuming Grand Jury proceedings on July 13, 2020 and arraignments on July 15, 2020. She stated that the Superior Court is doing their best to move criminal matters along as quickly as possible, despite the difficult circumstances.

Ms. Rosette shared that the Superior Court must also address the non-criminal matters. She communicated there were approximately 1608 filings of the non-criminal matters and almost 100 juvenile matters filed during the same time period. She noted that since the Supreme Court lifted the filing deadline on June 29, 2020, there has been an increase in filings and they anticipate this will be the trend with small claims, probate, and other cases like divorces. She stated that the Superior Court is utilizing remote and virtual hearings as much as possible. Chief Justice Carbullido reiterated that the caseload information illustrates why the Judiciary has had to change the focus of the Capital Improvement plan from office spaces, as originally planned, to high capacity courtrooms to allow for jury trials with social distancing protocols in place.

Ms. Kristina Baird communicated that the courtroom project has begun with the renovation work in the San Ramon building and the dismantling of Family Court Referee Ingle's courtroom which will be transferred to the San Ramon building. She stated that air conditioners will soon be replaced and the lines for telephone and internet have been identified.

Ms. Baird affirmed that the second focus area for a high capacity courtroom is within the Judiciary and referred to as the '8th Courtroom'. She shared that the JOG servers in the 8th courtroom have to be moved by a qualified contractor. She reiterated that once the servers are moved, the courtroom will be renovated and slated for use as a high capacity courtroom by November 2020.

Ms. Baird explained the third location being considered for a high capacity courtroom is the Route 4 building. She further explained that an RFP for shell renovation with a submission deadline of July 31, 2020 went out on July 9, 2020. She stated the Judiciary is targeting the end of November for completion of the project.

VI. NEW BUSINESS

A. Judge-Select Dana Gutierrez's Investiture Ceremony (July 24, 2020)

Chief Justice Carbullido invited Ms. Danielle Rosette, the Clerk of Court, to update the Council on the plans for Judge-Select Dana Gutierrez's Investiture Ceremony. Ms. Rosette shared that the Investiture will be held in the atrium of the Judiciary on Friday, July 24, 2020 at 4:00 p.m. She communicated that due to social distancing requirements, seating will be limited to only invited guests to include the Judicial Officers, the members of the 35th Legislature, representatives from the Guam Bar Association, the Attorney General of Guam, the Gutierrez family, and a few other dignitaries.

In response to the question from Chief Justice Carbullido, Ms. Rosette stated the guest speaker for the Investiture would be the Lt. Governor Joshua Tenorio.

B. Update on Judiciary's response to COVID-19

Chief Justice Carbullido asked Ms. Baird to speak to the Judiciary's response to COVID-19. Ms. Baird reported the Judiciary's current focus is in two areas: sanitization and virtual platforms. Ms. Baird further reported that to ensure the safety of staff and patrons as the Judiciary resumes trials, the purchase and provision of sanitization supplies, such as masks, face shields, and gloves, is ongoing. She noted that the installation of plexiglass barrier protection in each courtroom has been postponed until the first week of August due to a shortage of materials on island. She stated that a private contractor will soon sanitize and ionize the air in all four Judiciary facilities each weekend.

Ms. Baird noted that each Judicial Officer now has a Zoom license and at least two laptops to facilitate virtual hearings.

G. Notice of Next Meeting (August 20, 2020)

Chief Justice Carbullido announced that the next Judicial Council regular meeting will be on Thursday, August 20, 2020.

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

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

GBA Vice-President John C. Terlaje reported that the GBA Annual meeting will be held on Thursday, July 23, 2020 via Zoom from 10:00 a.m. until 12:00 p.m.

Chief Justice Carbullido noted that the Judiciary is working closely with the GBA to plan the webinar and that, as of today, 70 bar members have registered. He noted the Judiciary is presenting the new rules of lawyer disciplinary enforcement at the webinar. He stated the District Court will present their response to COVID19.

B. Court Employees Association (IFIK) – Board of Governor's Report

IFIK President Jeanette Quintanilla shared that the IFIK Board met via Zoom on July 14, 2020. She stated that they discussed birthday benefits and planning for the holiday party in December.

Chief Justice Carbullido encouraged IFIK to continue to plan for a holiday party in December, pending conditions at that time.

Judge Barcinas clarified, that all funds donated and raised through IFIK are employee's personal funds, and not Government appropriated funds.

Ms. Quintanilla explained the organization is working with the Department of Revenue and Taxation to ensure compliance with requirements for non-profit status.

X. ADJOURNMENT

The meeting was adjourned at 12:28 pm.

Respectfully submitted this 18th day of August, 2020.

SHELTERIHNA T. ALOKOA
Assistant Secretary,
Judicial Council of Guam

PETRINA M. ULA
Executive Secretary,
Judicial Council of Guam

The Minutes of the July 16, 2020 Regular Meeting as set out above was approved by the Judicial Council at the August 20, 2020 Regular meeting.

F. PHILIP CARBULLIDO
Chairman

Dated: AUGUST 20, 2020

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-024

RELATIVE TO THE DECLARATION OF CONSTITUTION DAY AND CONSTITUTION WEEK 2020

WHEREAS, September 17, 2020, marks the 233rd anniversary of the drafting of the Constitution of the United States of America in 1787; and

WHEREAS, our Constitution established six basic governing principles for our society, including popular sovereignty, rule of law, federalism, judicial review, individual rights and separation of powers with a system of checks and balances; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations, which will commemorate the occasion; and

WHEREAS, the Judiciary of Guam wishes to share in the celebration of this history, and intends to recognize Constitution Day on September 17, 2020, and to celebrate Constitution Week from September 14 to 20, 2020; and

WHEREAS, Constitution Week 2020 provides us with a unique opportunity to promote public understanding and appreciation of the importance of the United States Constitution by engaging in community activities such as outreach educational programs at Guam's schools by our Judicial officers, attorneys and law clerks;

NOW, THEREFORE, the Judicial Council does hereby proclaim Thursday, September 17, 2020, as Constitution Day and September 14 to 20, 2020 as Constitution Week. The Judicial Council on behalf of the Judiciary of Guam urges the citizens, schools, businesses, legal professionals, and media of Guam to use this occasion to reflect on and celebrate the Constitution of the United States.

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

/s/
F. PHILIP CARBULLIDO
Chief Justice of Guam &
Chairman, Judicial Council of Guam

/s/
ROBERT J. TORRES
Member
Justice, Supreme Court of Guam

/s/
KATHERINE A. MARAMAN
Member
Justice, Supreme Court of Guam

/s/
ALBERTO C. LAMORENA III
Member
Presiding Judge, Superior Court of Guam

/s/
ARTHUR R. BARCINAS
Member
Judge, Superior Court of Guam

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

JUDICIARY OF GUAM

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

MARIA T. CENZON
JUDGE

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)

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

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

JUDICIARY OF GUAM

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

MARIA T. CENZON
JUDGE

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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BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC20-_

RELATIVE TO APPROVING PROPOSED LEGISLATION ON THE CONDUCT OF JUDICIAL PROCEEDINGS FOR SUBMISSION TO THE GUAM LEGISLATURE

WHEREAS, in response to the COVID-19 public health emergency declared by the Governor in Executive Order No. 2020-03 and the closure of all non-essential government operations in Executive Order No. 2020-04, the Supreme Court on March 16, 2020 in Administrative Orders ADM20-207 and ADM20-210 suspended, postponed and continued all but essential judicial proceedings and closed all but essential court facilities and operations; and

WHEREAS, because of the continuation and extension of the public health emergency by the Governor to the present time, the Supreme Court has issued additional Administrative Orders suspending all but essential judicial proceedings, including civil and criminal jury trials and grand jury proceedings, and tolling statutory time limits for filings and speedy trial time periods; and

WHEREAS, in July the Judiciary was able to re-open operations and judicial proceedings, on a limited basis, when the Governor in Executive Order No. 2020-24 moved Guam into Pandemic Condition of Readiness (PCOR) 3; and

WHEREAS, a resurgence of COVID-19 positivity rates caused the Governor to issue Executive Order No. 2020-27 on August 14, 2020, which reverted Guam to PCOR 1 effective August 16, 2020; and

WHEREAS, the Supreme Court on August 14, 2020 issued Administrative Order No. ADM20-392, which re-imposed the suspension of all but essential judicial proceedings and closed all but essential court facilities and operations; and

WHEREAS, with the uncertainty of the ability of the Judiciary to resume operations, the backlog of trials and other court proceedings continues to grow at alarming and unprecedented rates; and

Finalized version was not available at time of meeting packet publication on 09.04.2020.
Finalized version, if approved, will be added to the Judiciary's website at
http://www.guamcourts.org/Resolutions/Judicial-Resolutions.asp

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WHEREAS, the Judicial Council has determined that certain strict statutory requirements governing judicial proceedings should to be amended, primarily on a temporary basis, to allow the trial courts to efficiently and expeditiously resolve the backlog of cases when operations are resumed or many cases face dismissal before they can be resolved on their merits; and

WHEREAS, the Judicial Council has determined that the following amendments will greatly assist the trial courts in resolving the backlog of cases:

- permanently amending 7 GCA § 4401(c) to expand the powers magistrate judges to include the authority to preside over additional non-dispositive hearings, and permanently amending 8 GCA § 40.50 to authorize magistrate judges to modify bail conditions (attached hereto as Exhibit A),

- temporarily amending 8 GCA § 85.15 to increase the use of six (6) member juries except in cases where the defendant is charged with a first degree or second degree felony] (attached hereto as Exhibit B),

- temporarily amending 8 GCA § 85.30 to reduce the number of peremptory challenges available in criminal cases (attached hereto as Exhibit C), and

- [insert last proposed amendment] (attached hereto as Exhibit D).

NOW THEREFORE BE IT RESOLVED, that the Judicial Council hereby approves the proposed legislation in Exhibits A-C hereto, and

BE IT FURTHER RESOLVED, that the Chief Justice is hereby requested to transmit the proposed legislation in Exhibits A-C hereto to the Legislature for its consideration.

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

_____
F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

_____
Petrina M. Ula, Executive Secretary

Dated: _____

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EXHIBIT A

PROPOSED LEGISLATION TO EXPAND THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES AND TO AUTHORIZE THE SUPERIOR COURT OF GUAM MAGISTRATES TO MODIFY BAIL CONDITIONS

AN ACT TO *AMEND* TITLE 7 GCA § 4401(c) TO EXPAND THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS, AND TO *AMEND* TITLE 8 GCA § 40.50 TO AUTHORIZE THE SUPERIOR COURT OF GUAM MAGISTRATES TO MODIFY BAIL CONDITIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that there are certain non-dispositive hearings over which Superior Court judges currently preside which are appropriate for a magistrate to decide. The expansion of the statutory authority of the magistrates of the Superior Court of Guam will provide the courts with an efficient supplemental judicial resource to assist in expediting its workload.

Therefore, it is the intent of *I Liheslaturan Guåhan* to expand the powers of the Superior Court of Guam magistrates to allow them to perform additional duties, such as disposing of pretrial matters, issuing search warrants and warrants of arrest, performing marriages, and hearing bail redetermination motions. This additional authority will allow Superior Court judges to more efficiently and effectively preside over criminal trials and ensure the timely and fair adjudication of all matters before the Superior Court of Guam.

Section 2. Subsection (c) of § 4401 of Article 4, Chapter 4, Title 7, Guam Code Annotated, is hereby *amended* to read as follows:

(c) As assigned by the Chief Justice, a magistrate *shall:*

(1) preside over and render decisions and judgments in small claims cases, traffic cases, change of name petitions, and collection cases, and may grant uncontested divorces in cases where there is a notarized consent on file;

(2) enter judgment upon confession of judgment or default judgment in a civil case when a party alleges a sum certain is due;

(3) preside over post-judgment collection proceedings in civil cases and restitution judgments in criminal cases, and issue writs of execution and other orders in such proceedings;

(4) preside over first appearances of criminal defendants and arraignments in criminal cases, set or modify bail and order pre-trial release conditions or detention, take pleas, including accepting guilty pleas in misdemeanor cases, sentencing misdemeanants and entering judgments accordingly;

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(5) issue summons, issue bench warrants, and hear return of warrants in all cases ~~to which assigned~~;

(6) preside over any matters which may be heard by a Referee of the Superior Court of Guam;

(7) serve as a Special Master upon appointment by the Presiding Judge;

(8) serve as Judge *Pro Temporare* upon appointment by the Chief Justice;

(9) serve as a settlement judge in a civil or domestic case upon appointment by the Presiding Judge;

(10) conduct criminal trial setting hearings;

(11) preside over preliminary hearings in criminal cases, and render decisions and judgments over procedural and discovery motions in criminal matters;

(12) preside over initial scheduling conferences in civil matters, to include, but *not* limited to: initial pretrial conferences, case scheduling, discovery disputes, motions, and settlement efforts; ~~and~~

(13) preside over unlawful detainer proceedings~~.~~;

(14) hear and determine any pretrial matter, other than case dispositive motions, and preside over status hearings in all matters;

(15) issue search warrants and issue arrest warrants in all cases;

(16) take grand jury returns; and

(17) perform marriages.

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Section 3. Subsection (a) of § 40.50 of Title 8, Guam Code Annotated, is hereby *amended* to read as follows:

(a) A person for whom conditions of release are imposed pursuant to this Chapter, and who after twenty-four (24) hours from the time of release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the Court. ~~If the case has not yet been assigned to a particular Court, t~~The conditions are to be reviewed by the judge or magistrate who imposed them, or by another judge~~the assigned ex-parte judge if the judge who imposed the conditions is not available. If the case has been assigned to a particular Court, the conditions are to be reviewed by the assigned judge~~. Unless the conditions of release are amended and the person is thereupon released, the judge or magistrate shall set forth in writing the reasons for requiring the conditions imposed.

Section 4. Effective Date. This Act *shall* become effective upon enactment.

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EXHIBIT B

PROPOSED LEGISLATION TO AMEND TITLE 8 GCA § 85.15 TO INCREASE THE USE OF SIX (6) MEMBER JURIES EXCEPT IN CASES WHERE THE DEFENDANT IS CHARGED WITH A FIRST DEGREE OR SECOND DEGREE FELONY

AN ACT TO *AMEND* TITLE 8 GCA § 85.15 TO INCREASE THE USE OF SIX (6) MEMBER JURIES EXCEPT IN CASES WHERE THE DEFENDANT IS CHARGED WITH A FIRST DEGREE OR SECOND DEGREE FELONY

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the COVID-19 pandemic and the subsequent closure of the Superior Court of Guam has caused a significant interruption to Guam's legal system. The ensuing backlog of criminal cases threatens the statutory right of all criminal defendants to a speedy jury trial. Moreover, the current size limitations of Judiciary of Guam facilities constrain the court's ability to safely recommence twelve-person jury trials in light of social distancing mandates necessitated by the COVID-19 pandemic and the legitimate health concerns of criminal defendants, attorneys, court employees, and those called to jury service. These constraints will cause further delay in the court's ability to tackle its backlog and will have lasting effects on the delivery of justice in all cases before the court.

Therefore, it is the intent of *I Liheslaturan Guåhan* to strike a necessary compromise between the rights of criminal defendants to a speedy public trial and the capabilities of the courthouse to carry out this duty. *I Liheslaturan Guåhan* finds that expanding—for a limited period—the use of six-person juries to all but the most serious felony charges will accomplish this goal without violating a defendant's constitutional due process rights. Thus, while a defendant faced with a First Degree or Second Degree Felony charge shall remain entitled to a twelve-person jury upon the defendant's request, all other felony cases will be tried by a jury of six. Smaller juries for lower-stakes felony cases will permit expedient jury selection, and thus a more expeditious resolution in criminal cases while also reducing the number of potential jurors who must report for jury service.

Section 2. Section 85.15 of Title 8, Guam Code Annotated, is hereby *amended* to read as follows:

§ 85.15. Six (6) Member Juries; When Twelve (12) May Be Requested.

Juries shall be of six. However, in a prosecution which includes a First Degree or Second Degree Felony charge~~by indictment or information~~, the defendant shall be entitled to a jury of twelve upon his written request filed with the court prior to the date of trial. In any case where a jury of twelve is demanded, at any time before verdict the parties may stipulate in writing with the approval of the court that the jury shall consist of any number less than twelve but not less than six. In the event that a defendant who was previously entitled to demand a jury of twelve as set forth herein ultimately proceeds to trial for an offense which would have originally proceeded

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with a jury of six—including, but not limited to, when all First Degree and Second Degree Felony charges are dismissed and prosecution proceeds on the lesser charges—the defendant shall be entitled to a jury of six.

Section 3. Sunset Provision. The amendments to 8 GCA § 85.15 as provided in Section 2 of this Act *shall* be deemed repealed two (2) years after the enactment of this Act *unless* new legislation is duly enacted authorizing its continuation.

Section 4. Effective Date. This Act *shall* become effective upon enactment.

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JC20-0
EXHIBIT C

PROPOSED LEGISLATION TO AMEND TITLE 8 GCA § 85.30 TO REDUCE THE NUMBER OF PEREMPTORY CHALLENGES AVAILABLE IN CRIMINAL CASES

AN ACT TO *AMEND* TITLE 8 GCA § 85.30 TO REDUCE THE NUMBER OF PEREMPTORY CHALLENGES AVAILABLE IN CRIMINAL CASES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the COVID-19 pandemic and the subsequent closure of the Superior Court of Guam has caused a significant interruption to Guam's legal system. The ensuing backlog of criminal cases threatens the statutory right of all criminal defendants to demand a speedy jury trial. Moreover, the current size limitations of Judiciary of Guam facilities constrain the court's ability to safely recommence jury selection proceedings in light of social distancing mandates necessitated by the COVID-19 pandemic and the legitimate health concerns of criminal defendants, attorneys, court employees, and those called to jury service. These constraints will cause further delay in the court's ability to tackle its backlog and will have lasting effects on the delivery of justice in all cases before the court.

I Liheslaturan Guåhan finds that the large number of peremptory challenges available to both sides in criminal cases greatly lengthens the jury selection process. Reducing the number of peremptory challenges would produce significant savings in the administration of the jury system, including reducing the number of jurors summoned for jury selection. Additionally, the social distancing measures necessitated by the COVID-19 pandemic will cause significantly greater delays in the jury selection process and warrant a reduction in the number of persons summoned for jury selection.

Therefore, it is the intent of *I Liheslaturan Guåhan* to strike a necessary compromise between the rights of criminal defendants to a fair and speedy trial and the capabilities of the court to carry out its mandates. *I Liheslaturan Guåhan* finds that this can be accomplished by reducing—for a limited period—the number of peremptory challenges available to criminal defendants and to prosecutors under current Guam law. Fewer peremptory challenges will permit a quicker process in selecting a jury while also reducing the number of potential jurors who must report for jury service.

Section 2. Section 85.30 of Title 8, Guam Code Annotated, is hereby *amended* to read as follows:

§ 85.30. Peremptory Challenges; Number Available.

~~In a prosecution by indictment or information if the offense charged is punishable by a life sentence, each side is entitled to twenty peremptory challenges, otherwise the government is entitled to six peremptory challenges and the defendant or defendants jointly to ten peremptory~~

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~~challenges. In a prosecution by complaint, each side is entitled to three peremptory challenges. If there is more than one defendant, the court may allow the defendants additional peremptory challenges and permit them to be exercised separately or jointly.~~In any felony prosecution where the offense charged may be punishable by a sentence of fifteen or more years of incarceration, each side is entitled to twelve peremptory challenges. In any felony prosecution where the offense charged may be punishable by a sentence of *less* than fifteen years of incarceration, the defense is entitled to six peremptory challenges and the prosecution is entitled to three peremptory challenges. In any misdemeanor or petty misdemeanor prosecution, the defense is entitled to two peremptory challenges and the prosecution is entitled to one peremptory challenge. In any criminal prosecution where there is more than one defendant, the court may allow the defendants additional peremptory challenges and permit them to be exercised separately.

Section 3. Sunset Provision. The amendments to 8 GCA § 85.30 as provided in Section 2 of this Act *shall* be deemed repealed two (2) years after the enactment of this Act *unless* new legislation is duly enacted authorizing its continuation.

Section 4. Effective Date. This Act *shall* become effective upon enactment.

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JC20-0__
EXHIBIT D

AN ACT TO AMEND TITLE 8 GCA § 80.60 BY EXTENDING THE TIME IN WHICH A DEFENDANT MUST BE BROUGHT TO TRIAL.

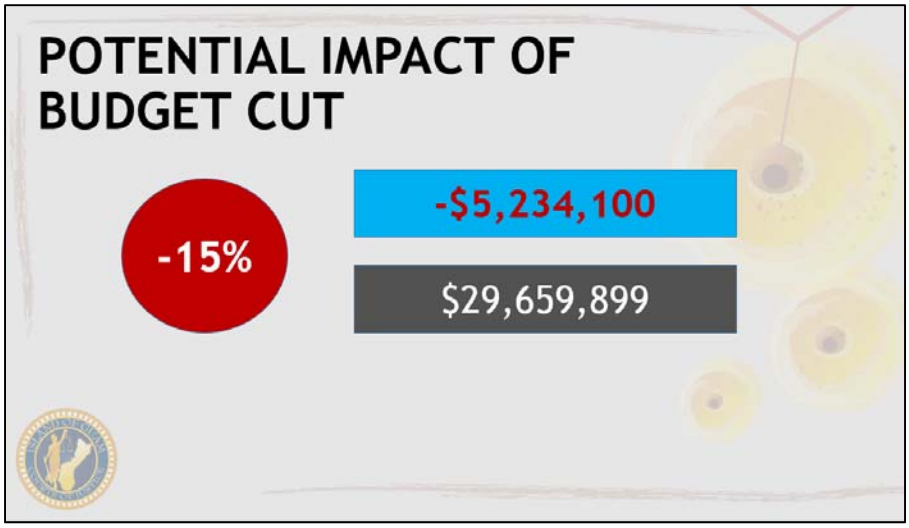
Finalized version was not available at time of meeting packet publication on 09.04.2020. Finalized version, if approved, will be added to the Judiciary's website at http://www.guamcourts.org/Resolutions/Judicial-Resolutions.asp

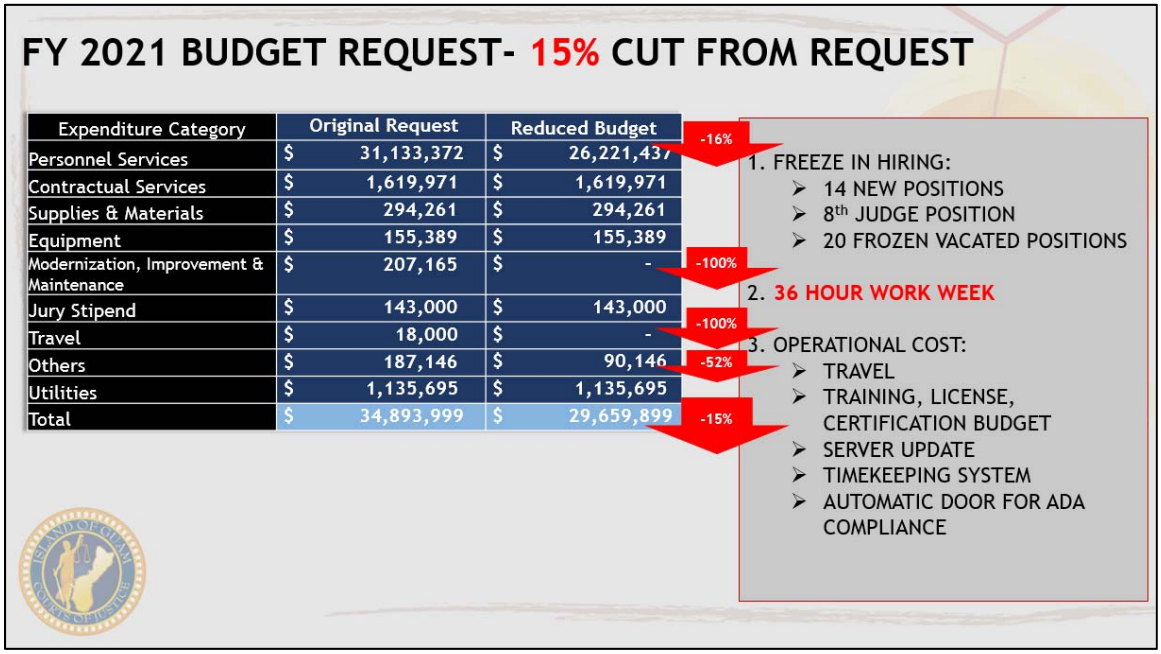
JUDICIARY OF GUAM
COMPARISON OF FY 2021 BUDGET REQUEST TO BILL 282-35

TABLE 1:
COMPARISON OF FY 2021 BUDGET REQUEST TO PROPOSED BUDGET PER BILL 282-35

BILL 282-35	$	29,444,760	
FY2021 BUDGET REQUEST	$	34,893,999	
DIFFERENCE	$	(5,449,239)	-15.62%

TABLE 2:
PRESENTED IMPACT OF 15% CUT IN FY2021 BUDGET PRESENTATION





JUDICIARY OF GUAM
FY 2021 HEALTH INSURANCE RATES

TABLE 1: FY 2020 PREMIUMS RATES VS. FY 2021 PREMIUM RATES

HSA 2000

HSA 2000 Plan	FY 2020 Biweekly Rates	FY 2021 Biweekly Rates	Change from FY2020 $
Class I	$ 69.91	$ 69.91	$ -
Class II	$ 153.80	$ 153.80	$ -
Class III	$ 125.83	$ 125.83	$ -
Class IV	$ 209.73	$ 209.73	$ -

PPO 750

PPO 750 Plan	FY 2020 Biweekly Rates	FY 2021 Biweekly Rates	Change from FY2020 $
Class I	$ 143.57	$ 179.46	$ 35.89
Class II	$ 315.86	$ 394.82	$ 78.96
Class III	$ 258.42	$ 323.03	$ 64.61
Class IV	$ 430.71	$ 538.39	$ 107.68

DENTAL 1000

Dental 1000 Plan	FY 2020 Biweekly Rates	FY 2021 Biweekly Rates	Change from FY2020 $
Class I	$ 14.57	$ 22.44	$ 7.87
Class II	$ 32.04	$ 49.34	$ 17.30
Class III	$ 26.22	$ 40.38	$ 14.16
Class IV	$ 43.69	$ 67.28	$ 23.59

TABLE 2: FY 2021 EMPLOYEES & EMPLOYER COST ALLOCATION

HSA 2000

HSA 2000 Plan	FY 2021 Biweekly Rates	EMPLOYEES FY2021 EMPLOYEE SHARE	EMPLOYER (JUDICIARY) FY2021 EMPLOYER (JUDICIARY) SHARE
Class I	$ 69.91	$ 1.25	$ 68.66
Class II	$ 153.80	$ 5.39	$ 148.41
Class III	$ 125.83	$ 6.23	$ 119.60
Class IV	$ 209.73	$ 8.25	$ 201.48

PPO 750

PPO 750 Plan	FY 2021 Biweekly Rates	FY2021 EMPLOYEE SHARE	FY2021 EMPLOYER (JUDICIARY) SHARE
Class I	$ 179.46	$ 56.04	$ 123.42
Class II	$ 394.82	$ 116.07	$ 278.75
Class III	$ 323.03	$ 89.94	$ 233.09
Class IV	$ 538.39	$ 161.44	$ 376.95

DENTAL 1000

Dental 1000 Plan	FY 2021 Biweekly Rates	FY2021 EMPLOYEE SHARE	FY2021 EMPLOYER (JUDICIARY) SHARE
Class I	$ 22.44	$ 3.64	$ 18.80
Class II	$ 49.34	$ 17.94	$ 31.40
Class III	$ 40.38	$ 14.68	$ 25.70
Class IV	$ 67.28	$ 24.03	$ 43.25

TOTAL ESTIMATED COST TO BE FUNDED BY THE GENERAL FUND IS $1,729,529.

LEADERSHIP DEVELOPMENT ACADEMY

AUGUST 2020

Overview

Outcomes

Increased supervisor knowledge and skills required to effectively perform their role and responsibilities, creating a satisfied and competent workforce.

Purpose

The Leadership Development Academy (LDA) will be a series of professional development opportunities for supervisors to gain a better understanding of employment laws, employee policies, available tools, and best practices. Training in soft skills will help improve employee performance, increase employee retention, and mitigate risks in the workplace. Supervisors will practice and reflect on their abilities to effectively communicate and lead, as well as, respond to employee and work needs. Supervisors will have an opportunity to apply new knowledge and skills by determining the best course of action and solution to a case study.

Participants

Approximately 130 supervisors and leads to attend

Timeline

The LDA will consist of 12 units of National Center for State Courts eLearning and a minimum of 20 hours of classroom training.

- August 31, 2020 Certificate of Completion *Different Work – A First Course in Effective Supervision* is due
- October 2020 classroom training to commence and will conclude February 2021
- classroom training consists of 12 modules to be covered over the course of 5 consecutive days
- M-Th 8am to 1pm; F 8am to 5pm; 5 cohorts; 1 cohort of 25 attendees per month

Schedule and Topics

The LDA will deliver blended learning opportunities to support a diverse population of learners.

Day 1 Leaders live by reality and not by assumptions!
Understanding your role.
Welcome & Ice Breaker (.5h)
LDA Introduction & Objectives (.5h)
Different Work - A First Course in Effective Supervision (online course) take away and understanding of the supervisor's job (.5h)
Supervisor Responsibilities (1h)
- Legal Advice vs. Legal Information
- Ethical Conduct

Purposes & Responsibilities of Courts (1.5h)

Day 2 "Anyone can steer the ship when the sea is calm." Publilius Syrus
What kind of leader do you want to be?
Leadership vs. Management (2h)
Managing Human Resources (2h)

Day 3 Positive Employee Relations
Employee Engagement (2h)
Communication & Interpersonal Skills (2h)

Day 4 The Judiciary of Guam's greatest asset is its workforce.
Understanding your role in:
EEO/ADA (1.5h)
Performance Evaluation (2h)
Behavioral Wellness (1.5 h)

Day 5 Wise Resolve!
JOG Policies, Payroll & Leave Issues, Procurement Processes (3 h)
Critical Thinking & Problem Solving (3 h)
Managing Stress (1.5h)
Presentation of Certificates of Completion (.5h)

Trainers

Judiciary of Guam Employees

- Kristina Baird, AOC
- Barbara Jean Perez, HR Administrator
- Dawn Blas, JE
- Alicia Limtiaco, Director of Policy, Planning and Community Relations
- Hannah Arroyo, Clerk of Court, Supreme Court
- Danielle Rosete, Clerk of Court, Superior Court
- Geri Cepeda, Compiler of Laws
- Dianne Ollet, Controller, FMD
- Melissa Chargualaf, Senior Individual Marriage and Family Therapist
- Linette "Buffy" Perez, Program Coordinator IV/EEO
- Michelle "Nikki" Cruz, Special Projects Coordinator/EAP/ADA
- Dr. Lisa Baza, Senior Individual Marriage and Family Therapist
- Dr. Juan Rapadas, Clinical Psychologist
- Carl Dominquez, P&F Mgmt. Administrator

Venue

To be determined

- Judicial Education Center
- Justice Monessa G. Lujan Appellate Courtroom
- Guam Community College Multipurpose Auditorium
- University of Guam School of Business & Public Administration Multipurpose Room

Logo and Certificate

Logo and certificate designed by Jessica Perez-Jackson
Artist's interpretation: "Lady Justice is leading the way with the green drop shadowed people to signify new/green/novice/beginners ready to be led/taught/guided. And I used some elements of the official JOG logo to keep in line with our theme."



