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M&C Fwd: M & C_Guam Judicial Council_October 15, 2020 Regular Meeting Packet

1 message

Speaker's Office <speaker@guamlegislature.org> Wed, Oct 28, 2020 at 4:23 PM
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

10/28/20	4:02 PM	10/15/20	Materials for Regular Meeting held on October 15, 2020.*	Judicial Council of Guam	35GL-20-2358

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: Wed, Oct 28, 2020 at 4:02 PM
Subject: M & C_Guam Judicial Council_October 15, 2020 Regular Meeting Packet
To: Speaker's Office <speaker@guamlegislature.org>
Cc: Staff Attorney Serge Quenga <aquenga@guamcourts.org>, Petrina Ula <pula@guamsupremecourt.com>

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 from the recent October 15, 2020 regular meeting. For your convenience, the meeting documents have been all compiled into 1 PDF.

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

Supreme Court of Guam
Suite 300, Guam Judicial Center
120 West O'Brien Drive, Hagåtña, Guam 96910-5174

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Judicial Council of Guam_October 15, 2020 Regular Meeting packet.pdf
3872K

JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, OCTOBER 15, 2020 | 12:00 PM
GUAM JUDICIAL CENTER
AND VIA VIDEOCONFERENCE

AGENDA

I. CALL TO ORDER

II. PROOF OF DUE NOTICE OF MEETING: October 8, 2020
October 13, 2020

III. DETERMINATION OF QUORUM

IV. READING AND DISPOSAL OF MINUTES: September 17, 2020 Regular Meeting

V. OLD BUSINESS
A. Judiciary FY21 Remittances pursuant to P.L. 35-36
B. Update on Capital Improvement Projects

VI. NEW BUSINESS
A. JC Resolution Proposing Legislation to Amend Preservation and Disposition of Court Records
B. Certificates of Commendation for Cynthia Sablan, Robert Gaminde
C. Update on the Judiciary's Response to COVID19
D. Notice of Next Meeting (November 19, 2020)

VII. COMMUNICATIONS

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

IX. ADJOURNMENT

Trump calls off coronavirus relief talks until after election

By Doina Chiacu and Richard Cowan
Reuters

WASHINGTON – Prospects for more aid for Americans struggling through the COVID-19 pandemic and U.S. airlines seeking to avert a wave of layoffs crumbled on Tuesday when President Donald Trump ended negotiations with Congress over a large coronavirus bill.


Donald Trump

"I have instructed my representatives to stop negotiating until after the election when, immediately after I win, we will pass a major Stimulus Bill that focuses on hardworking Americans and Small Business," Trump wrote on Twitter a day after emerging from a hospital stay for COVID-19 treatment.

Just days earlier, Trump had urged fast action on a fifth major coronavirus aid bill to augment the more than $3 trillion approved earlier this year.

"OUR GREAT USA WANTS & NEEDS STIMULUS. WORK TOGETHER AND GET IT DONE," the Republican president tweeted on Saturday from the military hospital where he had been undergoing treatment.

On Nov. 3, the United States will decide whether Trump wins a second four-year term. Democratic presidential candidate Joe Biden leads Trump in national opinion polls.

Focus on Supreme Court seat

In abruptly ending negotiations on another bill to stimulate the economy, Trump insisted that the Senate instead focus exclusively on confirming Amy Coney Barrett to the Supreme Court seat left vacant with last month's death of Justice Ruth Bader Ginsburg. Barrett's confirmation would cement a 6-3 conservative majority on the court.

The United States has an estimated 7.5 million coronavirus cases and more than 210,600 deaths, the highest in the world.

Senate Majority Leader Mitch McConnell, who had been cool to a large new aid package, told reporters he supported Trump's move. He said he thought the Republican president believed that a deal with Democrats was not in the offing and that "we need to concentrate on the achievable."

But Republican Rep. John Katko, who is from a New York district that Democrat Hillary Clinton won in the 2016 presidential election, urged Trump to reverse his decision.

"With lives at stake, we cannot afford to stop negotiations on a relief package," Katko wrote in a tweet.

Another Republican, Senator Susan Collins, who is in a tough reelection race in Maine, said Trump's move was a "huge mistake."

Relief payments, bailout for airlines

Among the provisions that were being discussed by House of Representatives Speaker Nancy Pelosi and the Trump administration were a new round of direct payments to individuals like the $1,200 checks dispatched earlier this year amid huge job losses and a possible new $25 billion bailout of U.S. passenger airlines to keep tens of thousands of workers on the job for another six months.

Following Trump's announcement breaking off negotiations, U.S. stocks reversed course to close lower. Shares of major airlines also fell.

More than 4M Americans have already voted, suggesting record turnout

WASHINGTON (Reuters) – Americans are rushing to cast ballots ahead of the Nov. 3 election at an unprecedented pace, early voting numbers show, indicating a possible record turnout for the showdown between President Donald Trump and Democratic challenger Joe Biden.

With four weeks to go before Election Day, more than 4 million Americans already have voted, more than 50 times the 75,000 at this time in 2016, according to the United States Elections Project, which compiles early voting data.

The shift has been driven by an expansion of early and mail-in voting in many states as a safe way to cast a ballot during the coronavirus pandemic and an eagerness to weigh in on the political future of Trump, said Michael McDonald of the University of Florida, who administers the project.

"We've never seen this many people voting so far ahead of an election," McDonald said. "People cast their ballots when they make up their minds, and we know that many people made up their minds long ago and already have a judgment about Trump."

The early surge has led McDonald to predict a record turnout of about 150 million, representing 65% of eligible voters, the highest rate since 1908.

Biden leads Trump in national opinion polls, although surveys in crucial battleground states indicate a tighter race.

The numbers reported so far come from 31 states, McDonald said, and will grow rapidly as more states begin early in-person voting and report absentee mail-in totals in the next few weeks. All but about a half-dozen states allow some level of early in-person voting.

Harris, Pence set to debate as virus spreads at White House

By Tyler Pager and Mario Parker
Bloomberg News

Mike Pence and Kamala Harris will take the stage Wednesday night under extraordinary circumstances that will elevate the oft-forgotten vice presidential debate to the highest-stakes running mate matchup in years.


Mike Pence

With President Donald Trump fresh out of the hospital but still battling the coronavirus, both Pence and Harris will have to reassure voters that they can step into the presidency if either of the septuagenarians who top the tickets become incapacitated.

A week after Trump and Democratic nominee Joe Biden squared off in a combative and chaotic debate, Pence and Harris will meet at the University of Utah in Salt Lake City under dramatically different circumstances. Not only have the safety precautions become stricter since at least 10 people who live or work at the White House have become infected, but the tone is expected to be more civil as well.

The debate will be divided into nine discussion categories, each lasting about 10 minutes.

Although the Trump campaign opposed it, Harris' staff won an argument to have a plexiglass shield separating her and Pence, who has tested negative for the virus that sent Trump to Walter Reed National Military Medical Center for three days. The candidates will be a little more than 12 feet apart, and the moderator, Susan Page of USA Today, will also be that distance, the Commission on Presidential Debates said Monday.


Kamala Harris

Anyone who refuses to wear a mask will be "escorted out," the commission said. The first family and some of Trump's guests refused to wear masks at last week's debate.

"This VP debate will get a lot more attention than they usually do," said Charlie Black, a veteran Republican strategist. "So it's an opportunity for both candidates. I actually expect a good debate. Pence does a good job of presenting the president's case, his accomplishments and his ideas in a calm, measured manner. Harris has proved to be a good debater."

The candidates are also less likely to sling the ad hominem attacks that highlighted the Sept. 29 debate in Cleveland between Trump and Biden. Harris will have to restrain the punches she used in her own presidential run.

JUDICIAL COUNCIL OF GUAM

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www.guamcourts.org

NOTICE OF PUBLIC MEETING

The Judicial Council will conduct its monthly meeting on **Thursday, October 15, 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-20-2358

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New head brewer at Guam Brewery plans on new creations with local flavors

Award-winning brewer, Andrew Brunson has joined The Guam Brewery where he hopes to take local flavors to create frothy favorites.

"Naturally, the beers that I want to focus on, for Guam, are brews that I want to be able to crush on the beach. A nice tropical IPA, or a super crispy craft lager are some of the beers that I really enjoy while relaxing in the sand with friends," he stated. "I also want to work with as many local suppliers as possible to make beers that are totally unique to Guam. For example, a tart sessionable Berliner with locally grown pineapple, or a massive Imperial Stout with locally roasted coffee would be a lot of fun."

The Guam Brewery, a member of the Brewers Association, opened its doors last October. All of its beers have achieved the Made in Guam designation.

Brunson's addition to the team is in line with plans to re-invigorate existing Guam Brewery favorites and deliver on brand new flavors. The Guam Brewery will be announcing updates to their craft beer line with their New Head Brewer's vision and expertise, according to the press release.



FLAVOR: *Andrew Brunson, a brewer who has worked and won awards around the world, is the new head brewer at The Guam Brewery. Brunson said he's looking forward to working with local suppliers to create new beer flavors for the local brewing company. Photo courtesy The Guam Brewery.*

Brunson has been brewing professionally for nearly a decade, has traveled the world brewing award-winning craft beer. He began his career in Lexington, Kentucky and continued to brew in Hawaii, Jordan, Australia, and Vietnam before arriving in Guam.

"We are making some exciting changes to the beers that you already know, as well as, bringing super crushable seasonable offerings into the lineup very soon," Brunson said.

Brunson is a globally recognized and passionate head brewer, who has enjoyed success combining award-winning brewing techniques with exotic local ingredients from around the world, the press release states.

With respect to how he's used flavors at the countries and states he's brewed in, he said: "Tastes vary a lot from place to place, country to country, but the one thing that is universal is celebrating what you have locally. That is the most important ingredient in a craft brewery by a mile. I've found that the best way to come up with new beers is to joke around with friends at a pub or walk around the farmers market and learn about what is in season.

He said the last beer he brewed before coming to Guam "was a collab with a 13-piece Ska band who came out to the brewery with all their instruments to have fun and help with the brew day. It was an absolute blast."

"A good beer is something that the community can bond over, whether it is having a post-shift pint, a local farmer growing fruit for a seasonal release, or, on occasion, 13 people running around with guitars and trumpets," he stated.

(Daily Post Staff)

Chamber of Commerce plans motorcade, rally for those impacted by COVID-19

The Guam Chamber of Commerce is hosting a CommUNITY Rally tomorrow.

They're inviting island residents to participate in a show of support for those friends and neighbors who have been laid off, experienced reduced hours or in other ways have been impacted by the economic crisis brought about by COVID-19.

"This act of solidarity with the people of Guam whose livelihoods have been disrupted by the pandemic is a means to create awareness for the private sector's plight," said Christine Baleto, chairwoman of the Chamber of Commerce board.



Christine Baleto

She added that the rally also aims "to remind our elected officials to not forget our people. We need their help for our businesses to survive and our employees to have jobs to return to."

Members of the community can support the CommUNITY Rally in different ways:

- Commit to driving with the motorcade, which goes from the Guam Premier Outlet's parking lot to Adelup.
- Commit to standing at the Guam Congress Building starting at 9:30 a.m. They said all participants must comply with wearing masks and practicing social distancing.

The motorcade will begin at Guam Premier Outlets parking lot, by Best-seller, and will end past the Adelup intersection.

Showtime for the motorcade is 8:30 a.m. and go time is 9 a.m. There will be no physical congregating, and all participants should remain in their vehicles. Motorcade participants can choose to disburse after passing the Adelup intersection or proceed to the Guam Congress Building at 9:30 a.m. to stand with the Chamber. ***(Daily Post Staff)***

Learn more

For additional information on the CommUNITY Rally, contact the Guam Chamber office at 671-472-6311/8001 or info@GuamChamber.com.gu

UNIVERSITY OF GUAM
UNIBETSEDÅT GUÅHAN

Second Notice

The special meeting of the University of Guam Board of Regents (UOG BOR) will be held via registered zoom on **Thursday, October 15, 2020 at 5:15 p.m.** The meeting will be publicly accessible by registering for zoom access at https://zoom.us/meeting/register/tJAsdeGhqDgrG9TRlPljVqXb64lx1lwckkkc.

For security purposes, registration for the public is required for attendance.

This complies with the Governor's Executive Order No. 2020-07, dated March 28, 2020, paragraph 4 related to Open Government and Participation in Meetings via Teleconferencing during the emergency declaration period.

UOG complies with Guam Public Law 24-109 with reference to the provisions and requirements of the Americans with Disabilities Act. For special accommodations, please contact the ADA Coordinator at 735-2244 or (TTY) 735-2243. Live Closed Captioning is available through a website link provided within the online meeting.

This ad was paid for with UOG funds.

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NOTICE OF PUBLIC MEETING

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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-20-2358.*

JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
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★★★★

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

★★★★

Advisory 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, SEPTEMBER 17. 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 12:00 p.m.

ROLL CALL*:

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

Advisory Committee Members:
Judge Anita A. Sukola
Judge Maria T. Cenzon
Judge Elyze M. Iriarte
Judge Dana A. Gutierrez
Referee Linda L. Ingles
Attorney Frederick J. Horecky
Attorney Jacqueline T. 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
Ms. 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
Mr. Robert Rabago, MIS Acting Administrator
Ms. Jeanette M. Quintanilla, Senior Probation Officer/IFIK President
Ms. Kristina Blaz, Public Information Officer
Ms. Joleen Flores Respicio, Project Manager, AOC
Ms. Shelterihna T. Alokoa, Chamber/Courtroom Clerk
Ms. Petrina Ula, Chamber Clerk

*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 R. 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: August 20, 2020 Regular Meeting

Presiding Judge Lamorena moved to approve the Minutes for the August 20, 2020, 2020 Regular Meeting, subject to correction. Judge Barcinas 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, $30,834,000 or 96% of the FY20 $32,067,798 allotment had been paid to the Judiciary. She said that on September 8, 2020, the Judiciary received $1,233,407. She reported that the final allotment for FY2020 in the amount of $1,233,000 is scheduled for disbursement on September 22, 2020.

Chief Justice Carbullido reiterated that monthly allotments have been received in a timely manner.

B. Update on Capital Improvement Projects

Ms. Kristina Baird reported on four (4) ongoing projects: the Route 4 building, the San Ramon building, the 8th judge's Courtroom, and the Judiciary bandwidth upgrade.

Ms. Baird explained that the Route 4 building's second IFP for shell renovation went out on September 8, 2020, with a September 25, 2020 deadline for submission of bids. She shared that in addition to the construction of a second high capacity courtroom, the building will be utilized to centralize documents storage. She reported centralizing storage will allow for the closure of the Sinajana storage lease, at a cost savings of $90,000 per year for the Judiciary. She stated that the Judiciary is currently in the process of scanning and digitizing documents. She noted that the project will free space to eventually house the Judiciary's Federal Grants Program.

Ms. Baird shared that the Judiciary is waiting on a permit from the Department of Public Works to trench for fiber optic cables for connectivity from the Judiciary to the newly constructed high capacity courtroom in the San Ramon Building. Once installed, she explained, remaining security features for the building can be completed.

Ms. Baird reported that the designs for the 8th judge's Courtroom, produced by Mr. Carl Dominguez, PFMD Director, are under review by the Judicial Officers. She reported, as well, an RFP for the move of the servers from said Courtroom is being finalized and will go out for bid next month. She noted that once the servers are moved, the former server room will be renovated and slated for use as a high capacity 8th judge's Courtroom by November 2020.

Ms. Baird stated the Judiciary's bandwidth is insufficient to support the increased virtual platforms utilized as a result of the pandemic. She shared that an RFQ went out on August 24, 2020 to which four (4) vendors responded. She said it is the intent of the Judiciary to enter into a contract by October 1, 2020, with a vendor who can double the bandwidth capabilities and address Wi-Fi dead spots within the Judiciary.

VI. NEW BUSINESS

A. JC Resolution Recognizing October 2020 as Guam Bullying Prevention Month.

Ms. Joleen Respicio, Projects Manager, reviewed the Judiciary's eight (8) year history of the Judiciary's collaboration with the Department of Education to teach law related education and bullying and violence prevention to students, teachers, parents, school staff, and the community. She stated the goal of the program is to foster a proactive rather than reactive community response to prevent the local youth from entering the juvenile justice system. This year's Bullying Prevention Month theme mirrors the national theme: "Choose Kindness, Acceptance, & Inclusion". Ms. Respicio reported the training team at the Judiciary has set up a Google site loaded with pictures of past events, program information, research tools for teachers, and training modules. She shared the she has worked with the team trainers, Ms. Danielle Rosette and Ms. Lisa Baza, to develop a Check & Chat webinar to check in with students. She stated that the "*Unselfie*" training, usually presented in person, will be recorded and shared on the Google site for schools to share with students. Ms. Respicio said that program partners will wear orange on Unity Day, Wednesday, October 21, 2020. She thanked the Judiciary for continuing to partner with public and private schools on Guam to create a positive, safe school climate for students.

Chief Justice Carbullido commended the team for not being deterred by the pandemic times and encouraged Judicial Officers and managers to assist the outreach program in any way possible. **Presiding Judge Lamorena moved to adopt the resolution recognizing October 2020 as Guam Bullying Prevention Month; Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote regarding the resolution. All Council members voted in favor; the resolution was unanimously adopted.**

B. JC Resolution Relative to Salaries of Unclassified Employees

Chief Justice Carbullido prefaced the discussion of the Resolution relative to Salaries of Unclassified Employees by stating the current difficult financial times have affected salaries. He stated the Judiciary is faced with the challenge of balancing fair salaries for capable, competent managers and meeting the many needs of the Judiciary during the pandemic.

Ms. Barbara-Jean Perez, Human Resources Administrator (HR), explained that a review of staffing patterns revealed some unclassified employee salaries through increments will exceed the lowest salary of Judicial Officers. She stated the Resolution before the Judicial Council will temporarily freeze salary increases or increments for unclassified employees, until the salaries of Judicial Officers can be moved.

Chief Justice Carbullido explained alternatives to freezing salaries were considered; however, this is the best option until financial constraints change and the salaries of Judicial Officers can be moved, thereby moving the salaries of the affected unclassified employees, prospectively, not retroactively. **Chief Justice Carbullido suggested a motion to adopt for discussion purposes. Justice Torres moved to adopt for discussion purposes; Judge Barcinas seconded the motion.**

Justice Torres asked how many employees were affected. Ms. Perez shared two positions are affected: the Clerk of Court for the Superior Court and the Ethics Prosecutor for the Supreme Court.

Justice Maraman called for a roll call vote. Chief Justice Carbullido, Justice Torres, Presiding Judge Lamorena, Judge Barcinas voted in favor; Justice Maraman opposed. With four (4) votes, the motion carried to adopt the Resolution Relative to Salaries of Unclassified Employees.

C. JC Resolution Relative to the Discontinuation of Grade-Step Category D-01

Ms. Barbara-Jean Perez, HR Administrator explained that the Resolution Relative to the Discontinuation of Grade-Step Category D-01 is before the Judicial Council because on March 1, 2021, the minimum wage increases to $9.25/hour. She explained the affected Judiciary employees in Grade-Step Category D-01 earn $9.15/hour; therefore, the Resolution seeks to discontinue Step D-01 and move them to Grade-Step Category D-02, where they will earn $9.50/hour. She mentioned there are eleven (11) data entry clerks affected.

Chief Justice Carbullido asked Finance Director, Ms. Dianne Gudmalin to report on the impact to the Judiciary's budget. She stated the change in Step Grade would cost approximately $1,600 to implement. **Justice Torres moved to adopt the resolution relative to the Discontinuation of Grade-Step Category D-01. Judge Barcinas seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor; the resolution was unanimously adopted.**

D. FY21 Budget Implementation (For Information)

Ms. Gudmalin started her report with a history of the FY21 budget negotiations. She shared a six (6) scenario spreadsheet with the Council on screen. She noted that on April 15, 2020, the Judiciary submitted a budget request of $34,894,000 to the Legislature; on July 2, 2020 she and Ms. Kristina Baird presented budget scenarios to the Legislature at the Judiciary's budget hearing; and that in August 2020, the Legislature reported out, in Bill 282-35, an appropriation of $29,444,000, which is 15% lower than the requested budget amount. She explained budget scenario one (1) and six (6) on the presented spreadsheet were reported back to the Legislature in response to Bill 282-35 appropriation on September 14, 2020, and were included in the meeting packet.

Ms. Gudmalin reported that 89% of the Judiciary's budget is comprised of personnel costs; therefore, lower funding means a reduction in work hours is imminent. She said the Administrator of the Courts, Ms. Baird, has been working with the managers of each division to prepare for the potential impact to operations. She shared that the scenarios presented in the spreadsheet are the top six (6) presented to the Chief Justice for consideration. She explained there are two types of personnel included in each scenario: A. FY21 Budgeted Personnel and B. the 12 additional VDMRs (Volunteer Deputy Marshal Reserves) who are covering additional security duties as required by pandemic-response expansion.

Ms. Gudmalin proceeded to explain each scenario, and the impact to the Judiciary's personnel and operations. She reviewed the additional slides in the presentation outlining frozen positions, temporary hires, and reduction in the Judiciary's operational costs. She reported all cuts and cost savings efforts are begin considered. Additionally, she noted the Judiciary ended FY20 with lapsed funds, which will help postpone work week reduction.

Ms. Baird recommended to Chief Justice Carbullido to adopt budget scenario five (5) for FY21, which takes into account the needs of every division and pushes back a reduction in work hours until the third quarter, or April 2021. The scenarios were presented to the Judicial Council for information purposes.

Chief Justice Carbullido reiterated the appropriated budget is $24,444,760, which is a 15% cut to the Judiciary's budget, and reviewed budget scenario five's (5) cost saving measures. He answered Judge Barcinas' question regarding the implementation of the 36 hour work week in April 2021 by saying the Judicial Council will work together to develop a plan. He thanked the Senators who tried to help secure adequate funding for the Judiciary.

Justice Torres discussed the impact of the reduced budget to patrons of the Court and their access to the vital services the Judiciary provides. He stated, for the record, the Judiciary has been underfunded since FY17, but that the Judiciary has and will continue to provide access to justice, with limited resources. He mentioned it will be tough to address the backlog of cases and the avalanche of coronavirus litigation but the Judiciary will do the best we can with resources available. Justice Torres asked, for informational purposes, if the additional budget scenarios Ms. Gudmalin presented on screen would be provided to the Judicial Council. Chief Justice Carbullido asked Ms. Gudmalin to email the spreadsheet to all Judicial Officers. He also asked Mr. Barbara Jean Perez, HR director, to provide notice requirements to Judiciary employees. Ms. Perez and Ms. Gudmalin agreed to do so.

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

Ms. Baird reported the Judiciary continues to provide law enforcement personnel to assist Guam Homeland Security and DPHSS with the pandemic needs associated with quarantine and the COVID-19contact tracing. She added that the Judiciary continues to purchase needed PPE. She shared that plexiglass has been installed in all Superior Court courtrooms and in two client services rooms. She noted sanitization of facilities continues, seven days a week, as well as weekly deep sanitization by the hired vendor on Saturdays. She said client Zoom rooms are set up, providing access to virtual services for all patrons of the court.

Ms. Gudmalin reported on the CARES Act funding assistance received by the Judiciary, for law enforcement personnel detailed to Homeland Security and DPHSS, PPE, sanitization efforts, and community projects such as interpreter services. She stated the Judiciary has been reimbursed a total of $659,000 by the Department of Administration to cover costs attributable to the pandemic incurred during the period of March 1, 2020 to December 31, 2020. Ms. Gudmalin assured the Judicial Council that the FMD is diligently ensuring compliance with the guidelines set forth by CARES Acts Funding sources.

Ms. Baird added Ms. Gudmalin has been working with FEMA to seek reimbursement for pandemic related expenses; however but has been unsuccessful due in part to the fact that the FEMA rules keep changing.

G. Notice of Next Meeting (October 15, 2020)

Chief Justice Carbullido announced that the next Judicial Council regular meeting will be on Thursday, October 15, 2020.

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

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

Guam Bar Association (GBA) President Jacqueline T. Terlaje announced there will be several upcoming (GBA) continuing legal education (CLE) opportunities including the launch of a bankruptcy series and a constitutional law session CLE by year's end. As well, she added, on-demand video CLEs will be available to membership via the GBA website. She noted the GBA is committed to providing attorneys opportunity for continuing legal education during these pandemic times.

Attorney Terlaje relayed a request from the GBA members to temporarily remove or to waive convenience fees associated with credit card payments during the time that the Judiciary is closed to the public. She noted the Judiciary had waived the fee in March, but that the waiver has not been renewed in the new Administrative Orders. She said action is not required immediately.

Chief Justice Carbullido deferred to Ms. Baird to answer the query. Ms. Baird stated the waiver was in place in March for thirty (30) days when the Judiciary was completely closed to the public; the waiver was lifted when the Judiciary reopened for business. She explained the Judiciary is open for business; payments can be made in person at the Northern Court and in Hagåtña, online, or over the phone. She added, requests to the Judiciary's banks for a waiver was denied, so waiving the convenience fees had to be absorbed by the Judiciary.

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

IFIK President Jeanette Quintanilla shared that the IFIK Board met on September 15, 2020, to discuss ways to keep up personnel morale during these pandemic times. She stated the IFIK is sourcing Labor Day 2020 t-shirts and researching virtual fundraising ideas.

Chief Justice Carbullido asked IFIK to consider virtual Christmas gatherings for each division; in the event an in person party cannot be held.

X. ADJOURNMENT

The meeting was adjourned at 1:10 pm.

Respectfully submitted this 15th day of October, 2020.

SHELTERIHNA T. ALOKOA
Assistant Secretary,
Judicial Council of Guam

PETRINA M. ULA
Executive Secretary,
Judicial Council of Guam

The Minutes of the September 17, 2020 Regular Meeting as set out above was approved by the Judicial Council at the October 15, 2020 Regular meeting.

F. PHILIP CARBULLIDO
Chairman

Dated: 10/15/2020

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-030

RELATIVE TO APPROVING PROPOSED LEGISLATION AMENDING SECTION 7120 OF TITLE 7 GUAM CODE ANNOTATED ON THE PRESERVATION AND DISPOSITION OF COURT RECORDS

WHEREAS, the Judiciary of Guam (the "Judiciary") is in the process of implementing a Judiciary-wide document management system, which is intended to reduce the need for the costly physical storage of documents and enhance accessibility to court documents; and

WHEREAS, the Judiciary documents are generally divided into two categories for preservation and storage: (1) court documents are governed by 7 GCA § 7120 and Miscellaneous Rule 6.1 of the Local Rules of the Superior Court of Guam; and (2) non-court documents are governed by the Record Retention Policy approved in Judicial Council Resolution No. JC07-027; and

WHEREAS, 7 GCA § 7120(c) prohibits the destruction of an original court document even if such an original document has been copied to a photograph or microphotograph, or reproduced on film or in computerized form; and

WHEREAS, the costs to the Judiciary for the physical storage of original court records have become very prohibitive as the volume of such documents continues to grow; and

WHEREAS, technology is available to ensure the safe permanent storage of electronic copies of court records; and

WHEREAS, 7 GCA § 7120, as presently written, prevents the Judiciary from determining how to best permanently store copies of court records and from fully implementing the planned document management system.

NOW, THEREFORE, BE IT RESOLVED, that the Judicial Council hereby approves the proposed legislation in Exhibit A, and.

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

DULY ADOPTED this 15th day of October, 2020 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: 10-16-2020

ATTEST:

Petrina Ula, Executive Secretary

Dated: OCTOBER 15, 2020

EXHIBIT A

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No.

Introduced by:

AN ACT TO AMEND SECTION 7120 OF TITLE 7 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PRESERVATION AND DISPOSITION OF COURT RECORDS

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. It is the intent of *I Liheslaturan Guåhan* to provide that the appropriate disposition and preservation of court records be governed by court rules and policies promulgated by the Supreme Court of Guam, and any laws that apply specifically to certain types of cases and/or certain types of court records.

Section 2. Section 7120 of Title 7 of the Guam Code Annotated is hereby *amended* as follows:

(a) The clerk of the Superior Court and of the Supreme Court, respectively, may cause any record, paper or document in their ~~his~~ care and custody, to be photographed, microphotographed, or otherwise reproduced on film or in ~~computerized~~ digitized form. The storage media shall be durable and the document as recorded shall be one which accurately reproduces the original thereof in all material details.

(b) Such photograph, or microphotograph or digitized reproduction shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. A transcript, exemplification, facsimile, or certified copy thereof shall, for all purposes recited herein, be deemed to be a ~~transcript, exemplification, facsimile, or certified copy thereof shall for purposes recited herein, be deemed to be a~~ transcript, exemplification, facsimile, or certified copy of the original record.

(c) Such photograph, or microphotograph or reproduction shall be placed in safe, conveniently accessible files, or in safe computer storage, and the clerk shall make provisions for preserving the same, and for the public's examining, copying and using the same. The original record, paper or document ~~shall not be destroyed but~~ shall be preserved or disposed of in accordance with rules of court and policies promulgated by the Supreme Court of Guam and applicable law.

(d) The ~~Judicial Council shall~~ Supreme Court of Guam may promulgate ~~regulations~~ rules to effectuate this section; provided, that ~~the existing Rule 93 of the Guam Rules of Civil Procedure~~ any existing rule promulgated by the Supreme Court of Guam shall be deemed to be in compliance with this section and no additional rules need to be promulgated to enforce this section.

~~(e) (1) When the clerk so establishes computerized storage of records and papers not originally kept in computerized form, he shall keep a parallel microfilm or photographic storage of the same records until such time as established national standards, properly followed, will give the same degree of permanency to the electronic storage as is required for the microfilmed records of a similar category.~~

~~(2) The documents retrieved from electronic storage of non-electronic originals shall be deemed to be as admissible as records reproduced from any other means of storage provided for in this section.~~

JUDICIARY OF GUAM

Certificate of Commendation

On behalf of the Judiciary of Guam,
this Certificate of Commendation is presented to:

Cynthia C. Sablan

for **33** *years of service to the Judiciary of Guam.*

In gratitude for your dedication and commitment to justice, we, the undersigned Justices and Judges of Guam, do hereby express our sincere appreciation and congratulations on your retirement from service.

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

KATHERINE A. MARAMAN
Associate Justice, Supreme Court of Guam
Member, Judicial Council of Guam

ROBERT J. TORRES
Associate Justice, Supreme Court of Guam
Member, Judicial Council of Guam

ALBERTO C. LAMORENA, IIII
Presiding Judge, Superior Court of Guam
Member, Judicial Council of Guam

ARTHUR R BARCINAS
Judge, Superior Court of Guam
Member, Judicial Council of Guam

Attested:

KRISTINA L. BAIRD
Administrator of the Courts

BARBARA JEAN T. PEREZ
Human Resources Administrator

Doc. No. 35GL-20-2358.*

JUDICIARY OF GUAM

Certificate of Commendation

On behalf of the Judiciary of Guam,
this Certificate of Commendation is presented to:

Robert J. Gaminde

for **16** *years of service to the Judiciary of Guam.*

In gratitude for your dedication and commitment to justice, we, the undersigned Justices and Judges of Guam, do hereby express our sincere appreciation and congratulations on your retirement from service.

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

ROBERT J. TORRES
Associate Justice, Supreme Court of Guam
Member, Judicial Council of Guam

KATHERINE A. MARAMAN
Associate Justice, Supreme Court of Guam
Member, Judicial Council of Guam

ALBERTO C. LAMORENA, IIII
Presiding Judge, Superior Court of Guam
Member, Judicial Council of Guam

ARTHUR R. BARCINAS
Judge, Superior Court of Guam
Member, Judicial Council of Guam

Attested:

KRISTINA L. BAIRD
Administrator of the Courts

BARBARA JEAN T. PEREZ
Human Resources Administrator

Doc. No. 35GL-20-2358.*