clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Wednesday, December 30, 2020 4:46 PM
To: Clerks Office
Cc: Rennae Meno
Subject: Fwd: M & C_Guam Judicial Council_December 17, 2020 Regular Meeting Packet
Attachments: Judicial Council of Guam December 17, 2020 Regular Meeting Packet.pdf

12/30/20	3:01 PM	12/30/20	Judicial Council Meeting packet from the recent December 17, 2020 regular meeting.*	Judicial Council of Guam	35GL-20-2568

Sinseru yan Minagåhet,

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

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

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

---------- Forwarded message ---------
From: **Shelterihna Alokoa** <salokoa@guamsupremecourt.com>
Date: Wed, Dec 30, 2020 at 3:01 PM
Subject: M & C_Guam Judicial Council_December 17, 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 December 17, 2020 regular meeting. For your convenience, the meeting documents have all been 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.

--

Respectfully,

Shelterihna Alokoa



Chamber/Courtroom Clerk for the ***Honorable Katherine A. Maraman***
Associate Justice of the 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
REGULAR MEETING
THURSDAY, DECEMBER 17, 2020 | 12:00 PM
GUAM JUDICIAL CENTER
AND VIA VIDEOCONFERENCE

AGENDA

I. CALL TO ORDER

II. PROOF OF DUE NOTICE OF MEETING: December 10, 2020
December 15, 2020

III. DETERMINATION OF QUORUM

IV. READING AND DISPOSAL OF MINUTES: November 19, 2020 Regular Meeting

V. OLD BUSINESS
A. Judiciary FY21 Remittances pursuant to P.L. 35-099
B. Update on Capital Improvement Projects

VI. NEW BUSINESS
A. Update on the Judiciary's Response to COVID19
B. Notice of Next Meeting (January 21, 2020)

VII. COMMUNICATIONS
A. Justice Maraman's Letters re Rescindment of JC20-028

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

IX. ADJOURNMENT

6.2M in unemployment aid payouts, extra $300 weekly benefits being re-batched

By Haidee Eugenio Gilbert
haidee@postguam.com

Another $6.2 million in federal Pandemic Unemployment Assistance claims were batched for this week's payment, while the Guam Department of Labor on Wednesday morning had to do a re-batch of the second round of payouts for the extra $300 weekly unemployment aid.

The latest PUA payouts still cover cleared claims filed through Oct. 1, according to Hannah Cho, special projects coordinator for Labor.

The previous PUA payments of $9.8 million also covered cleared claims filed through the same date.

Workers displaced by the COVID-19 pandemic through layoffs, furloughs and work hour cuts could expect the latest PUA payouts to hit their bank accounts or mailboxes late this week or early next week.

There's still some $57.8 million in PUA and FPUC funding that is readily available for Guam Labor to use to pay benefits for unemployment through Dec. 26.

That's the last day covered by the federal unemployment aid, unless Congress extends the pandemic unemployment programs beyond that date.

Guam Labor received about $514 million in PUA and FPUC from the U.S. Department of Labor, of which about $456 million has already been encumbered or used for cleared claims' payments, including the latest $6.2 million this week. The amounts include withholding taxes.

Some 27,000 individual unemployment claims have been filed since June and the number could still increase, but still far fewer than the 38,000 estimated in March to justify a $924 million budget that USDOL approved.

Guam Labor cannot request the rest of the $924 million approved budget if there are no more additional PUA and FPUC claims filed that need to be paid, according to Labor.

Extra $300 weekly

Initially, Labor expected to have a massive batch of the extra $300 in weekly Lost Wages Assistance on Wednesday for the estimated remaining 14,000 eligible workers.

However, the software vendor encountered a programming problem for the LWA payments, Labor said.

Because of the programming issue, the vendor only cleared $267,000 worth of LWA, instead of millions worth of extra assistance.

Labor Director David Dell'Isola, as of noon Wednesday, said a new LWA batch for payments "is being done as we speak."

Anyone who's receiving at least $100 in PUA during any of the weeks ending Aug. 1 to Sept. 5 is eligible to receive the extra $300 weekly LWA.

Man pulled over for no seat belt allegedly caught with meth

By Nick Delgado
nick@postguam.com

A man who was spotted not wearing a seat belt while driving in Dededo was arrested after he was allegedly caught with drugs.

Alfred 1 Fred, 40, also known as Deus Cade, was charged with possession of a Schedule II controlled substance as a third-degree felony along with a notice of commission of a felony while on felony release. He was also charged with vehicle without identification as a misdemeanor.

According to court documents, officers pulled the suspect over Monday night when they spotted an improvised glass pipe and a small straw with meth on the driver's side floorboard.

The suspect allegedly admitted to police that he had been arrested in the past for drug possession.

He also told officers he put fraudulent plates on the car, court documents state.

The suspect was on pretrial release for a separate 2019 case, documents state, which includes charges of aggravated assault, family violence and child abuse.

USO opens new center at Naval Base Guam



NEW USO CENTER: *The USO, which supports active-duty members and their families, opened the doors to a new center at U.S. Naval Base Guam with a ribbon-cutting ceremony at the new Camp Covington location Dec. 8. Rear Adm. John Menoni and Naval Base Guam Commanding Officer Capt. Jeffrey Grimes cut the ribbon, along with USO staff, council members, and sponsors. Also present were GTA Chief Operating Officer Andrew Gayle, USO Advisory Council President Phil Santos, USO Guam Area Director Leigh Graham, GTA CEO and USO Guam Gold Sponsor Roland Certeza, and USO NBG Center Manager Ed Lebita. The newest state-of-the-art, 6,000-square-foot center features high-speed wireless internet, a sports lounge with big-screen televisions, a gaming room with the latest equipment, a conference room for private meetings or gatherings, a café, reading areas, and massage chairs. As part of COVID-19 social distancing, the center will be will able to host 20 people at a time under limited operations. For more information on the Navy base USO, visit Facebook at https://www.facebook.com/usonbg. Photo courtesy Naval Base Guam*

GUAM ECONOMIC DEVELOPMENT AUTHORITY
Aturidåd Inadilåntan Ilumaminan Guahan

GUAM ECONOMIC DEVELOPMENT AUTHORITY
590 S. MARINE CORPS, DR. SUITE 511 ITC BLD TAMUNING, GUAM 96913
TEL (671) 647-4332 **FAX** (671) 649-4146 www.investguam.com

NOTICE OF REGULAR BOARD MEETING

The Guam Economic Development Authority (GEDA), a public corporation, will be holding its Regular Board of Directors meeting on

Thursday, December 17, 2020 at 1:30PM

via Zoom and in the GEDA conference room located in Suite 511, 5th Floor, International Trade Center (ITC) Building, 590 South Marine Corps Drive, Tamuning, Guam.

For the link request or for persons requiring special accommodations, please contact GEDA's coordinator, Jennifer Calvo-Guzman, at 647-4332 or at jennifer.calvo@investguam.com.

Pursuant to PL 26-12, funding for this ad was paid by GEDA General Fund.

/s/ MELANIE MENDIOLA,
GUAM ECONOMIC DEVELOPMENT AUTHORITY CEO/ADMINISTRATOR

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, December 17, 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.

Doc. No. 35GL-20-2568.*

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

Police: 'We may have next of kin'

By Nick Delgado
nick@postguam.com

Investigators with the Guam Police Department could be closer to identifying the dead man who was pulled from the waters off West Hagåtña Bay last week.

"We fielded calls and may have identified next of kin," said GPD spokesperson Sgt. Paul Tapao.

He did not provide additional information, as the case remains under investigation.

Authorities have only stated the man was possibly 50 years or older, and wearing a white shirt and blue jeans.

Police put a call out to the community for assistance in confirming the victim's name.

The body was found on Dec. 10 near the wastewater treatment plant by the Hagåtña marina. Spear fishermen found the body.

119th fatality was 44

Guam's 119th COVID-19-related fatality is a 44-year-old man who had underlying health conditions. The man, a known COVID-19 case, died at home at about 5:22 a.m. on Dec. 9, according to the Joint Information Center Monday.

"To his family and friends, Jeff, Lt. Gov. Josh, and I express our sincerest condolences and sympathies. We hope you find peace, comfort, and love to help you through this time of sorrow," said Gov. Lou Leon Guerrero.

31 new cases of COVID-19

The JIC also reported 31 new cases of COVID-19 out of 1,165 tests performed by the Department of Public Health and Social Services on Dec. 13, and tests from other labs from Dec. 11 to 13. One case was identified through contact tracing. Two cases reported recent travel history and were identified in quarantine.

(Daily Post Staff)

Delegate recommends 2 for veteran, diplomatic jobs

Congressman Michael San Nicolas has recommended to the incoming Biden-Harris administration Guam's retired Brig. Gen. Roderick Leon Guerrero as deputy secretary of Veterans Affairs and Shelly Vargas Calvo as U.S. ambassador to the Philippines.



Shelly Vargas Calvo



Roderick Leon Guerrero

"General Leon Guerrero brings to the office an extensive background of service and achievement for Guam and the United States, with a stellar reputation culminating as the adjutant general of the Guam National Guard," San Nicolas stated. Leon Guerrero is a lifetime member of both the National Guard Association of the United States and the Veterans of Foreign Wars, and in 2020 was inducted into the Cadet Command Hall of Fame in Fort Knox, Kentucky.

San Nicolas touted "Shelly Calvo's Filipino-American heritage, extensive networks in domestic and international Filipino organizations, along with business and philanthropic success in both Guam and the Philippines make her an ideal candidate to reinvigorate Philippine-American diplomacy."

San Nicolas described Calvo as an "entrepreneur, having established multiple small businesses and international businesses on Guam and between the Philippines."

(Daily Post Staff)

RULES continued from page 1

at the expense of people's lives."

As of Monday, there were 119 deaths linked to COVID-19.

The ease in restrictions, which are effective at 8 a.m. today, also allows up to 10 people around a table for outdoor dining. Prior to the governor's latest order, Executive Order 2020-43, the maximum number of people allowed at an outdoor restaurant table was six.

Christine Baleto, chairwoman of the Guam Chamber of Commerce and a member of the governor's Recovery Team, said Monday's executive order, coupled with news of a COVID-19 vaccine, is encouraging.

"We are appreciative of the governor's announcement, which increases the capacity of retail establishments to 50% as well as outdoor dining groups to 10 people," Baleto stated. "As a business community, we desire and had hoped for other areas, such as indoor dining, to be included. However, we are encouraged by the governor's confidence in the numbers and the potential for more to open in the coming weeks with continued low CAR score numbers and the arrival of the first wave of vaccinations."

'The bar community is disappointed'

The executive order doesn't mention bars or indoor dining. A group of bar owners have filed a lawsuit against the governor, public health and other officials with the hopes of lifting restrictions at bars so they can try to make some money and hire back the employees they couldn't afford to keep on payroll with closures since March.

"The bar community is disappointed," said Thomas Peinhopf, a local bar owner and among the more vocal businesspeople in terms of lifting restrictions that are binding their ability to reopen and earn money.

"It's been 10 months and we don't expect a positive decision from this government anymore. We're very discouraged and don't understand why ... we can't open," he said.

"We can take the same steps that restaurants have made with outdoor service."

Editorial

Let's keep our guard up even with somewhat relaxed rules. Page 18

VOTE continued from page 1

in tax year 2020, any individual who retired from GovGuam or the federal government and was employed by these entities in tax year 2020, any nonresident alien, any deceased individual and any state or trust.

"I understand the criticism that this isn't fair," Lee said regarding the exclusion of current government workers.

"But it also has not been fair that while our brothers and sisters in the private sector have been laid off, furloughed and left to navigate a never-before-done unemployment program, we in the government of Guam and in the federal civil service have been sitting pretty," she added. "We've been getting, many of us, at least 100% of our pay this entire year. I think we, who are in public service, should really check our privilege and sit this one out."

However, for joint tax filers, if at least one individual was a government employee in tax year 2020, the program can still apply to the individual who was not employed by the government.

Eligibility is also limited to individuals making less than $40,000 in adjusted income per year, or less than $80,000 in the case of joint filers, and for those who filed returns in the tax year 2020. There are also alternate tax year options available, in case a 2020 tax return was not submitted.

The program is capped at $30 million and will use federal appropriations, when applicable and available before General Fund moneys are used.

'We have a chance to act'

Federal COVID-19 aid will expire by the end of the year and it's not known when congressional lawmakers will authorize another round of relief to Americans nationwide.

It's unclear if GovGuam will have $30 million available for the RISE Act program, and payouts may not reach the $800 and $1,600 thresholds laid out in the bill.

Still, Lee said the legislation presents an opportunity to offer assistance.

"We do know at some point in the next year, many on our island will feel the effects of our continued economic recession. We know we didn't act soon enough to plan for the first wave of this pandemic, and we know that we have a chance to act before the challenges in the new year begin," Lee said.

Speaker Tina Muña Barnes and Sens. Joe San Agustin, Kelly Marsh, Amanda Shelton, Jose Terlaje, Telena Cruz Nelson, Therese Terlaje and Wil Castro co-sponsored the measure.

JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
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NOTICE OF PUBLIC MEETING

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The agenda will be made available prior to the meeting.

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/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

Doc. No. 35GL-20-2568.*

PORT OF GUAM

PORT OF GUAM
ATURIDAT I PUETTON GUAHAN
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Website: www.portguam.com

Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

The Port Authority of Guam Board of Directors will hold its Regular meeting on **Tuesday, December 22, 2020 at 3:00 p.m.** Meeting will be held virtually. To view, please visit:
http://www.portguam.com/live. or
https://www.facebook.com/portauthorityofguam/.
(This ad is paid for by PAG)

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, NOVEMBER 19, 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 12:03 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 the Judiciary)
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 Elyze M. Iriarte
Judge Dana A. Gutierrez
Family Court Referee Linda L. Ingles
Attorney Frederick J. Horecky

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
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer

Ms. Trisha T. 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. Robert Rabago, MIS Acting Administrator
Ms. Kristina Tina B. Blaz, Public Information Officer
Mr. Troy Pangelinan, Marshal of the Court
Ms. Jeanette M. Quintanilla, Senior Probation Officer/IFIK President
Mr. James Borja, Deputy Clerk Supervisor
Ms. Jeanette B. Roberto, TVB Clerk
Ms. Carmelita Tenorio, Court Reporter
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 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 four (4) Judicial Council members, a quorum was determined for this meeting. Justice Katherine A. Maraman joined the Zoom meeting at 12:06 p.m.

IV. READING AND DISPOSAL OF MINUTES: October 15, 2020 Regular Meeting

Justice Torres moved to approve the Minutes for the October 15, 2020, 2020 Regular Meeting, subject to correction. Presiding Judge Lamorena 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 FY21 Remittances under P.L. 35-099

Ms. Dianne Gudmalin, Finance Administrator, reported that the Judiciary's scheduled bi-weekly allotments of $1,132,491 for FY21 have been received in full and on time. She stated that of the total appropriated amount of $29,444,760, the Judiciary has received 11.54% or $3,397,473. She explained the last allotment was received on November 18, 2020; the next allotment is scheduled for December 1, 2020.

Ms. Gudmalin reported in reference to CARES Act reimbursements, the last statement summary balance was submitted to the Department of Administration (DOA) and the Bureau of Budget and Management Research (BBMR) on November 6, 2020. She reported that the Judiciary has incurred and billed DOA and BBMR for $1,272,152 in COVID-19 related costs. As of the meeting date, Ms. Gudmalin explained, the Judiciary has been reimbursed $932,834 of the total billed. She shared the latest reimbursement in the amount of $144,000 was received on November 6, 2020. Ms. Gudmalin added that a balance of $339,317 remains uncollected, but that FMD is communicating with DOA and BBMR regularly to ensure all paperwork is provided; she noted so far, the agencies have not questioned any of the Judiciary's billings.

Ms. Gudmalin explained that of the total $1,272,152 incurred, 72% or approximately $908,000 pertains to costs for the law enforcement personnel serving as front-liners assisting Guam Homeland Security (GHS) and the Department of Public Health and Social Service (DPHSS). She shared that the remaining $364,000 pertains to costs incurred in providing a safe and secure environment for the employees, and the public. She stated the safety measures include installing equipment needed in the newly constructed high capacity courtroom, and providing teleworking and communication services such as laptops, webcams, headsets, phone lines, and increased bandwidth for employees. She added the Judiciary is sanitized on a weekly and emergency (on-call) basis.

B. Update on Capital Improvement Projects

Ms. Kristina Baird reported on two (2) ongoing projects: the Route 4 building, and the 8th judge's Courtroom and server room relocation.

She shared that despite the Department of Public Health and Social Service's (DPHSS) temporary suspension of construction on Guam, the JOG's contractor for the Route 4 building obtained a waiver from the DPHSS. She stated the waiver was granted based on that fact that his company is small, hires locally, does not subcontract to military subcontractors, and does not lodge employees in barracks. She explained the Route 4 shelling project will be completed by the due date, December 15th, and the Judiciary can start the transition of stored files from the Sinajana storage facility to the Route 4 building. She added, the Judiciary is planning to construct a second temporary high capacity courtroom in the Route 4 building (see Item C below for details).

Ms. Baird reported that planning and construction of the 8th judge's courtroom, now labeled the third high capacity courtroom, is ongoing. She mentioned this courtroom will be a permanent courtroom. In order to construct the courtroom, the Judiciary's servers have to be relocated, she explained. Ms. Baird stated that, initially, the servers were to be relocated to the second floor of the Judiciary, but it was determined the space identified was not suitable for a number of reasons. Consequently, she explained Judge Ingles' former Hearing Room will now house the servers. Ms. Baird noted the construction on the new server room has been completed; mechanical work including electrical and fiber wiring, and installation of the air conditioners needed is ongoing. Once the servers have been relocated, she added, construction on the 8th judge's courtroom will proceed, with the projected completion date at the end of February 2021.

VI. NEW BUSINESS

A. Proposed Amendments to the Superior Court Interim Traffic Court Rules

Superior Court Clerk of Court Danielle Rosete presented a resolution recommending the approval of proposed amendments to the Superior Court of Guam interim traffic court rules. Ms. Rosete stated that in 2014 she presented the current interim Traffic Court rules to the Council, since the enforcement of the traffic citations became civil in nature by change of law. She added, in October 2020, Mr. Arthur San Agustin, the Director of the Department of Public Health and Social Services (DPHSS) sent a letter to Chief Justice Carbullido inquiring whether or not the DPHSS Proposed Regulations on the Enforcement of the Public Health Guidance and Directives could be included in the Judiciary's Traffic Court Rules. Ms. Rosete oversees the Traffic Court Division of the Courts and Ministerial Division of the Judiciary, therefore she responded to Mr. San Agustin. She informed DPHSS how matters are brought before the Traffic Court and advised that the jurisdiction rules did not include proposed rules re health citations (DPHSS rules) as they had not yet been adopted by the Government of Guam. She added that she was notified via an email from Mr. San Agustin's office before the Judicial Council meeting that the DPHSS rules had been adopted. Subsequently, Ms. Rosete asked that the Judicial Council seek approval from the Supreme Court to amend the interim Traffic Court rules to allow for the expansion of the Traffic Court's jurisdiction to include the DPHSS rules. She explained a mechanism must be in place to process citations issued by the Guam Police Department or DPHSS.

She added the amendment to the interim Traffic Court rules also includes technical edits and incorporates two other provisions that were not included when the rules were first presented in 2014. Ms. Rosete explained she recommends the Traffic Court rules remain 'interim' as she has been working closely with the Magistrate Judge and the Chief Deputy Clerk, who oversees the traffic citations, to determine additional substantive recommendations to the Supreme Court on the rules.

Chief Justice Carbullido Chief Justice Carbullido entertained a motion to discuss the Resolution. **Presiding Judge Lamorena moved to discuss; the motion was seconded by Judge Barcinas.**

Judge Barcinas stated he had looked for the DPHSS rules and 26 GAR Chapter 4, Article 28 [regulations governing the enforcement of public health guidance memoranda and directives during the COVID-19 public health emergency] and understands now from Ms. Rosete's explanation why he could not find them. Judge Barcinas expressed concern about the enforceability of the of the DPHSS rules and asked for more time to review them.

Chief Justice Carbullido asked Ms. Rosete and Staff Attorney Andrew Serge Quenga to respond to Judge Barcinas' questions and concerns, Ms. Rosete explained that DPHSS held two (2) public hearings on the regulations, and that DPHSS included a draft of DPHSS rules to the Judiciary in their initial correspondence to the Chief Justice. Mr. Quenga stated that DPHSS drafted the DPHSS rules and codified them in the GAR under 26 GAR. He stated the Compiler of Laws, Ms. Geraldine Cepeda, could renumber the GAR under her statutory authority. Mr. Quenga explained the intent of the amended Interim Traffic Court rules provides the process to adjudicate the citations issued by DPHSS, not to address the legality of the DPHSS rules themselves.

Judge Barcinas asked if the DPHSS citation rules should stand-alone, apart from the interim traffic rules, as they are addressing Pandemic conditions.

Ms. Rosete explained the DPHSS rules state the enforcement of citations will be brought before the Traffic Court. She offered it is likely that Mr. San Agustin and the DPHSS legal team looked at other statutory provisions, like fire code violations, in the interim Traffic Court rules and used similar language.

Justice Torres asked if the DPHSS rules, amended to include comment from public hearings and received in writing after the hearings, have been promulgated by Executive Order.

Ms. Rosete responded that the Executive Order 2020-38 was signed today.

Justice Torres stated he supports amending the interim Traffic Court rules to set forth the way violations come for review before the Traffic Court. He stated there is no determination as to the legality of the DPHSS rules being made. He stated the other changes to the interim Traffic Court rules are straightforward: deleting the marijuana provision as it is no longer a violation, and addressing fish, game, and forestry, and mayor enforcement of sanitary and health laws.

Judge Barcinas asked Mr. Quenga if legislation is needed to expand the jurisdiction of the Traffic Court to hear Pandemic cases, since the Traffic Court is a statutory court. He also asked if the emergency rules apply as part of the emergency period or do they become permanent.

Mr. Quenga responded that the Traffic Court jurisdiction can be established by law, and by the Supreme Court. He added there was no contemplation of a sunset provision; the focus was the process.

Chief Justice Carbullido asked Mr. Quenga to describe other non-traffic type citations the Traffic Court has jurisdiction over. He emphasized that the Judiciary is providing a process to challenge citations.

Justice Maraman made a motion to amend the interim Traffic Court rules to include a reference to Executive Order 2020-38 under Rule 3 in the reference to 26 GAR Chapter 4, Article 28, at the bottom of Item K. Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote regarding the amendment to the resolution. All Council members voted in favor; the amendment to the resolution was unanimously adopted.

Judge Barcinas expressed his concerns about jurisdiction and that the 35th Guam Legislature should have a say in establishing jurisdiction. He stated he supports the resolution; he just has concerns about it.

Chief Justice Carbullido noted his concerns and again asked Mr. Quenga to describe other non-traffic type citations the Traffic Court has jurisdiction over.

Mr. Quenga listed the other areas the amended Interim Traffic Court Rules cover: animal control, litter, boating, fire code, smoking, and vehicle violations. He added some of these laws do not provide for the Traffic Court's jurisdiction, but they do create civil violations.

Justice Torres noted that under 7 GCA, under the establishment of the Traffic Court, it recognizes the Traffic Division as not a being a court of record, but a division of the Superior Court.

Chief Justice Carbullido pointed out that the Judiciary is not operating in a vacuum and there are existing parallel circumstances in which a process has been provided within the Traffic Court to provide a channel for due process for issuing similar citations.

Chief Justice Carbullido called an oral vote on the motion to adopt the resolution concerning the proposed amendments to the Superior Court Interim Traffic Court Rules as amended. All Council members voted in favor; the resolution was unanimously adopted.

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

Ms. Baird reported that sanitization efforts continue. She stated the Facilities Division continue to clean and sanitize the Judiciary from Monday to Friday, with assistance from an outside vendor, who heavily sanitizes the Judiciary facilities every weekend. She added sanitization efforts have been expanded to include official vehicles and PPEs are provided daily to all Divisions.

Ms. Baird noted she has received Plexiglas installation requests from other Divisions with in-person client meetings, such as Client Services and Probation division.

Ms. Baird reported there is a focus within the Judiciary to ensure we can continue utilizing virtual platforms. She explained that laptops and webcams have been purchased for more Divisions, including teleworkers. She added that due to continuing internet issues, more laptops have been hardwired to the JOG's internet network to ensure a more reliable internet connection.

She gave an update about the Judiciary's plans with the three temporary high capacity courtrooms set to be in place by March 2021. She said the first high capacity courtroom is in the San Ramon building, which is currently operating. Several fiber installations need to be finalized, she added. Ms. Baird explained that the second high capacity courtroom will be housed in the Route 4 building. Blueprints drawn up by the Facilities and Maintenance Division Manager, Mr. Carl Dominguez, have been reviewed by the Marshal of the Court, Mr. Troy Pangelinan, she stated. She noted that once Presiding Judge Lamorena, Judge Sukola, and Judge Iriarte review the blueprints, the job will go out for bid. Ms. Baird said she hopes to have the second high capacity courtroom completed by the middle of January 2021. She stated the construction of the 8th judge's Courtroom will commence as soon as the servers are moved, she added.

Ms. Baird commented there is a need to expand the jury assembly room to allow for physical distancing of jurors and identify space for jury deliberations. She noted that to expand the jury assembly room, the MIS Division must be moved out of their current location. Once they are moved, she added, the expanded space will allow for safe accommodation of 25 or more jurors, for selection and deliberation. In response to an inquiry from Judge Barcinas, Ms. Baird explained that 100 jurors cannot be called in for jury selection at one time, as the Judiciary does not have space to accommodate them. She stated on a case-by-case basis, different jury selection rooms and deliberation rooms will be utilized. She noted that Mr. Dominguez and the Deputy Administrator of the Courts Robert Cruz have measured each room to determine how many jurors can be safely accommodated.

Presiding Judge Lamorena asked Ms. Baird to provide a proposed date when the Superior Court can start felony jury trials, to which the Chief Justice Carbullido responded that, under the Supreme Court 11th Updated Administrative Order, the suspension expires on December 3, 2020. Presiding Judge expressed his concern that once the suspension expires, the judges must start felony jury trials, so they need a date when they can start selecting juries. Ms. Baird stated jury selection can take place in the San Ramon building which will be available as soon as the current trial is over. She added the Supreme Court is available now for jury selection. Judge Barcinas shared the judges will need jury deliberation rooms. Ms. Baird stated the jury assembly room can house 20 jurors safely, for deliberations.

D. Notice of Next Meeting (December 17, 2020)

Chief Justice Carbullido announced that the next Judicial Council regular meeting will be on Thursday, December 17, 2020.

VII. COMMUNICATIONS

Justice Maraman requested the subject of the letter sent to Chief Justice Carbullido be heard at the December 17, 2020 Judicial Council meeting. No objection was noted.

VIII. PUBLIC COMMENT

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

GBA President Jacqueline T. Terlaje was excused from attending the meeting.

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

IFIK President Jeanette Quintanilla shared that the IFIK Board met on November 11, 2020, to discuss ways to support the members of the association and plans for Thanksgiving and Christmas. Ms. Quintanilla said IFIK has logo backpacks available for members. She described the family platter raffle utilized to raise funds for the association. Ms. Quintanilla stated that the board voted to provide monetary donations to support the courts efforts to assist JOG employees in quarantine or have been directly affected by the pandemic.

She stated IFIK is partnering with the Judiciary for a Thanksgiving food drive to benefit community organizations. She added that the Christmas party will be a holiday lunch box celebration, prepared by the Hilton and delivered to the Judiciary, possibly on December 11, 2020. She said raffles will be part of the celebration. Ms. Quintanilla added that IFIK is a 501C3 non-profit organization and all funds raised are non-appropriated funds and not government funds. Finally, she noted the election of new board members will take place the end of December.

Chief Justice Carbullido stated the best-case scenario is that the Governor will likely allow in-person gatherings of only up to 50 people; therefore, the plans for an in-person celebration will not be feasible. He asked Ms. Quintanilla to work with the AOC, just as they did for Thanksgiving, to plan a safe Christmas celebration for the Court employees.

****At 1:08 pm Chief Justice Carbullido called for a recess to begin Executive Session to discuss two ongoing litigation matters as requested in a memo to the Judicial Council from Staff Attorney Andrew Serge Quenga. The Executive Session to be held in a Zoom breakout room. Justice Torres motioned to move to Executive Session; Justice Maraman seconded the motion. Without objection, the motion was unanimously adopted.**

**** At 1:12 p.m., the Judicial Council Executive Session began.**

IX. EXECUTIVE SESSION

Chief Justice Carbullido, Justice Torres, Justice Maraman, Presiding Judge Lamorena, Judge Arthur Barcinas, AOC Kristina Baird, Staff Attorney Andrew Serge Quenga, DPPCR Alicia Limtiaco, Staff Attorney Dan Mensching, Court Reporter Carmelita Tenorio, and Council Secretary Petrina Ula were present during the Executive Session.

****At 1:32 p.m., Chief Justice Carbullido moved to rise to regular session. The public meeting of the Judicial Council resumed. Chief Justice Carbullido asked DPPCR Ms. Alicia Limtiaco to read the case captions.**

Justice Torres moved to appoint Chief Justice F. Philip Carbullido as the liaison between Judiciary management and the Judicial Council to provide guidance and communication in District Court of Guam Civil Case no. 19-00126 in re *Takecare Insurance Company Incorporated v. Edward Birn, in his official capacity as the Director of the Department of Administration, and Kristina L. Baird, in her official capacity as the Administrator of the Courts.* Presiding Judge Lamorena seconded the motion. All Council members voted in favor; the motion was unanimously adopted.

Justice Torres moved to appoint Chief Justice F. Philip Carbullido as the liaison between Judiciary management and the Judicial Council to provide guidance and communication in Superior Court of Guam Civil Case no. CV0733-20 in re *Story-Bernardo et al v Government of Guam et al.* Judge Barcinas seconded the motion. Four (4) Council members voted in favor; Presiding Judge Lamorena abstained.

Judge Barcinas moved to appoint Staff Attorneys Andrew Serge Quenga, Alicia Limtiaco, and Dan Mensching to jointly represent the Judiciary and the Administrator of the Courts, Kristina L. Baird, in Superior Court of Guam Civil Case no. CV0733-20 in re *Story-Bernardo et al v Government of Guam et al.* Justice Maraman seconded the motion. Four (4) Council members voted in favor; Presiding Judge Lamorena abstained. Chief Justice Carbullido asked Ms. Baird if she agreed to the joint representation. Ms. Baird agreed in the affirmative.

X. ADJOURNMENT

The meeting was adjourned at 1:37 pm.

Respectfully submitted this 17th day of December 2020.

SHELTERIHNA T. ALOKOA
Assistant Secretary,
Judicial Council of Guam

PETRINA M. ULA
Executive Secretary,
Judicial Council of Guam

The Minutes of the November 19, 2020 Regular Meeting as set out above were approved by the Judicial Council at the December 17, 2020 Regular meeting.

F. PHILIP CARBULLIDO
Chairman

Dated: 12/21/2020

Supreme Court of Guam

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Hon. Katherine A. Maraman
Associate Justice

Telephone: (671) 475-3589
Facsimile: (671) 475-3337

November 18, 2020

VIA E-MAIL:fpcarbullido@guamsupremecourt.com

The Honorable F. Philip Carbullido,
Chief Justice and
Chairman of the Judicial Council of Guam,
Judiciary of Guam

Subject: Rescindment of JC Resolution No.20-028

Dear Mr. Chief Justice:

I request that a resolution rescinding Judicial Council Resolution No. 20-028 be placed on the Judicial Council's Agenda for the December Regular Meeting. Since the passage of the resolution, I have done research on the issue and believe that it was passed without full discussion of its implications. I ask for the Council's reconsideration and rescission.

Katherine A. Maraman
Associate Justice and Member of the
Judicial Council of Guam

CC:
Judicial Council of Guam Members

Supreme Court of Guam

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Hon. Katherine A. Maraman
Associate Justice

Telephone: (671) 475-3589
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December 16, 2020

VIA E-MAIL:fpcarbullido@guamsupremecourt.com

The Honorable F. Philip Carbullido,
Chief Justice and
Chairman of the Judicial Council of Guam,
Judiciary of Guam

Subject: Rescindment of JC Resolution No.20-028

Dear Mr. Chairman:

I write this letter to request that the Judicial Council rescind JC Resolution No. 20-028, Relative to Salaries of Unclassified Employees.

At the time most of the Judiciary's unclassified employees were hired, the pay plan called for periodic increments. I suggest that the Judiciary is bound by the requirement to pay the increments in the pay plan. In fact, I recall that in a prior circumstance the then Chief Justice asked an attorney who had been denied several increments to waive the back pay owed and accept prospective increments. This clearly was an acknowledgement that unclassified employees are entitled to receive increments.

Under JC Resolution 17-024, the current salary of magistrate judges should be $129,699. However, the Judicial Officer increment payments were delayed. On October 01, 2021 the magistrate judge's salary should be $133,720. It is unfair to deny unclassified employees increments because of the politically motivated delay in implementing judicial officer increments.

If the two staff members adversely affected by Judicial Council Resolution. No. 20-028 received their increments to Attorney 5, Step 9 then their salaries would be $126,409 or $610 higher than the magistrate judges or $23.46 more per pay period. If the judicial officer increments had occurred then the Attorney 5, Step 9 annual salary would be $3,290 less than the magistrate judges.

I have spoken with Magistrate Judge Ben Sison and Magistrate Judge Jonathan Quan. Each unequivocally indicated strong support for the implementation of the Attorney increments.

The differential in salary between a Magistrate Judge's salary and an Attorney 5 at Step 9 is insignificant. There is no justification to deny these employees the thousands of dollars they should be earning. There is no justification to adversely affect their retirement. The resolution should be immediately rescinded *nunc pro tunc* to September 17, 2020.

Respectfully,

Katherine A. Maraman
Associate Justice and Member of the
Judicial Council of Guam

CC: Judicial Council of Guam Members