

NMI JUDICIAL COUNCIL

Minutes of Meeting
Wednesday, July 24, 2013, 2:30 p.m.

Guma' Hustisia Supreme Court Courtroom

Present:

Voting Members: Chief Justice Alexandro C. Castro, Associate Justice John A. Manglona, Associate Justice Perry B. Inos, and Presiding Judge Robert C. Naraja (arrived 3:00 p.m.)

Non-voting Members: Acting Director of Courts Sonia A. Camacho, Clerk of the Supreme Court Deanna M. Manglona, Clerk of the Superior Court Patrick V. Diaz, Judicial Council Legal Counsel/Law Revision Commission Executive Director Michael Stanker, and NMI Bar Association President Sean E. Frink

Staff: Legal Secretary Martha B. Mendiola, Human Resource Officer Michelle V. Guerrero, Systems Administrator Michael Villacrusis, Commonwealth Recorder Lucy S. Deleon Guerrero, Chief Marshal Anthony P. Benavente, Chief Probation Officer Ursula Lifofoi-Aldan, FCD Manager Joseph Kevin Villagomez, Accountant Evelyn Calvo, Acting Building Superintendent Raymond S. Babauta, Law Clerk Cindy Nesbit, and Administrative Officer Jim Stowell

Not Present:

Voting Members: Associate Judge David A. Wiseman (off-island)

Discussion:

1. Preliminary Matters

Call to Order. Chief Justice Castro called the regular business meeting to order in the Guma Hustisia/limwal Aweewe/House of Justice Supreme Court Courtroom at 2:28 p.m. on Wednesday, July 24, 2013.

Roll Call and Establishment of Quorum. With only three voting members present at the time of roll call, a quorum was not established. However, at 3:00 p.m., PJ Naraja attended the meeting, and a quorum was established.

Adoption of Previous Meeting Minutes. This item was deferred because no quorum was established at the time of roll call.

Adoption of Agenda. This item was deferred because no quorum was established at the time of roll call.

2. Communication from Legislature, Executive Branch, and Other Government Agencies

05/22/13 Memorandum from the Governor Re Labor Day Committee Chairman. Manuel M. Pangelinan, Acting Director of Fish & Wildlife, was appointed Chairman of the 2013 Labor Day Committee.

06/20/13 Memorandum from the 2013 Labor Day Committee Chairman. A meeting was scheduled for Wednesday, June 26, 2013, at 9:00 a.m. at the Governor's Conference Room.

07/03/13 Memorandum from the Governor Re Administrative Leave on 7/5/13. Administrative leave for non-essential employees of the Executive Branch was granted for Friday, July 5, 2013.

07/03/13 Letter from the Office of Personnel Management Re Civil Service System. In his letter, OPM Director Isidro K. Seman informed the judiciary that the Civil Service Commission's authority *does* include the administrative staff of the judicial branch.

3. Communication from Other Entities

06/25/13 Letter from KSPN2 News Director Re Cameras in the Courtroom. Bar President Frink expressed reservations for allowance of cameras in the courtroom. Legal Counsel Stanker stated that currently the Rules do not allow cameras in the courtroom.

4. NMI Bar Association

Conflicts Counsel Program. The Committee has decided to re-announce the RFP. Bar President Frink asked the Council to allow him to elaborate in executive session the reason for re-announcing the RFP. The Council agreed.

Community Outreach Projects. The judiciary is celebrating its 25th anniversary in 2014. AJ Manglona has asked the Bar to participate in the events lined up for the celebration (i.e. Judges in the Classroom, a bar representative to sit on the 25th Anniversary Committee, Bar members serve as a panel members for forums, Summer Pre-Law Program mentors, etc.).

5. Clerk of Court Reports

Clerk of Court for the Supreme Court. This item was deferred to the next meeting.

Clerk of Court for the Superior Court. This item was deferred to the next meeting.

6. Division Reports

Family Court Division. This item was deferred to the next meeting.

Office of the Commonwealth Recorder.

- Digital Imaging Project. This item was deferred to the next meeting.

Office of Adult Probation Supervision.

7. Commonwealth Judiciary Administrative Office Reports

Information Systems Unit. This item was deferred to the next meeting.

Building Maintenance Unit. This item was deferred to the next meeting.

Marshal Service Division.

- August 27, 2012 Acting Chief Marshal Report. This item was deferred to the next meeting.
- Draft SOP and Armory Policy. This item was deferred to the next meeting.
- Memorandums of Understanding: Department of Public Safety and Department of Corrections. This item was deferred to the next meeting.

Human Resources Unit.

- Personnel Update. This item was deferred to the next meeting.
- 2013 Labor Day Committee. The event is scheduled for Monday, September 2, 2013, at the Civic Center Beach. This year's theme is "One Heart, One Family, One CNMI." HR Guerrero surveyed judicial staff inquiring on participation interest. Fifty percent of employees are likely to participate. The event costs are: one canopy rental, food and beverages, custom t-shirts (optional, individual expense). Prior to the event, the committee has decided to host a softball tournament and golf tournament.

- Employee Code of Conduct. The code was reviewed by Legal Counsel Stanker and is ready for adoption by the Council. Prior to Legal Counsel Stanker's review, the code was circulated to managers and staff for comment.

With the attendance of PJ Naraja, a quorum was established allowing the motion for the adoption of the code. AJ Manglona moved to adopt the Employee Code of Conduct. PJ seconded, and the Employee Code of Conduct was unanimously adopted.

- Employee Dress Code. The code was reviewed by Legal Counsel Stanker and is ready for adoption by the Council. Prior to Legal Counsel Stanker's review, the code was circulated to managers and staff for comment.

PJ Inos moved to adopt the Employee Dress Code. PJ seconded, and without opposition, the motion was carried.

- Timekeeping Procedures Draft Policy. Nine employees from the judiciary participated in a Timekeeping Workshop hosted by the Office of Personnel Management. AJ Castro stated that Martha Mendiola, who currently serves as the Timekeeper for the Supreme Court and Administrative Office, should be relieved of those duties due to the overwhelming amount of workload she has assigned.
- Staff Development Training. The next Professional Development training is scheduled for Friday, July 26, 2013, at 1:30 p.m. in the Hilblom Law Library. The instructor is AJ Inos, and he will teach the iPad application "Notability." The cost for the application is \$4.99. HR Guerrero provided a schedule to the members of the upcoming Professional Development trainings. AJ Manglona offered to teach the iPad application "Good Reader" at a future date.

Administrative Services Unit.

- Accountant II Report. This item was deferred to the next meeting.
- Administrative Officer/PIO Report. This item was deferred to the next meeting.

Acting Director's Report.

- FY 2013: Judiciary's Fund Status. For informational purposes, Acting DOC Camacho gave a presentation on the Judiciary's FY2013 budget status. Copies of her presentation were distributed to Council members.
- FY 2014: Status of Budget Proposal. Acting DOC Camacho and Chief Probation Officer Lifofoi-Aldan attended a Ways and Means Sub-Committee meeting on July 9, 2013. Currently, the proposed bill awards the judiciary \$4.3M with utilities and \$3.8M without utilities.

8. Law Revision Commission

In June, LRC released the 2013 Supplement for Commonwealth Code CD, which includes the Supplement for hard copy books printed in 2010 and folio CD released in 2007. Additionally, the Law Enforcement Handbook was released and distributed to law enforcement officers. LRC is in the process of publishing the codes online. Michael Witry was hired as the staff attorney and his primary function is to upgrade the Administrative Code.

9. Legal Counsel's Report [*Executive Session*]

AJ Inos moved that the Council convene in executive session. PJ Naraja seconded, and the motion was carried. Let the record reflect the following members were present during the executive session: CJ Castro, AJ Manglona, AJ Inos (not present during discussions Re: Reprogramming and the Civil Service Commission), PJ Naraja, Legal Counsel Stanker, Acting DOC Camacho, and Legal Secretary Mendiola. The executive session began at approximately 3:32 p.m. and ended at 4:14 p.m.

10. Unfinished Business

SJI Grant: NCSC Contract for Personnel and Procurement Regulations. The NCSC consultants are scheduled to arrive on August 18, 2013, and depart on the 31st. A general assembly is scheduled for Monday, August 19, 2013. Additionally, a welcome lunch has been scheduled for 19th the same day, and an exit meeting will be conducted and announced at a later date.

COOP Plan. AJ Inos moved that the Council convene in executive session. AJ Manglona seconded, and the motion was carried. Let the record reflect the following members were present during the executive session: CJ Castro, AJ Manglona, AJ Inos, PJ Naraja, Legal Counsel Stanker, Acting DOC Camacho, and Legal Secretary Mendiola. The executive session began at approximately 4:18 p.m. and ended at 4:26 p.m.

PJ Inos moved to adopt the COOP plan. AJ Inos seconded, and without opposition the motion was carried.

The motion was then amended by PJ Naraja to allow the flexibility to make changes (specifically employee names) on the COOP plan. AJ Inos seconded, and the motion was carried.

NCSC 2008 Report: Strategic Plan and Time Standards for CNMI Judicial Branch. This item was deferred to the next meeting.

Formation of Standing Committees. This item was deferred to the next meeting.

11. New Business

Capital Improvement Project (CIP) Assistance: Guma' Hustisia Transformer. The Office of the Governor, the Office of the Lt. Governor, and the CIP Office assisted the judiciary in procuring a contract amounting to \$61,672 to repair the transformer. An appreciation letter was sent to the Governor acknowledging specific staff members who aided the judiciary during its emergency.

Homeland Security Assistance: Guma Hustisia Door Locks. AJ Manglona moved to strike the discussion off the record. AJ Inos seconded, and without opposition the motion was carried.

Fiduciary Account. The Superior Court currently holds a fiduciary account for third party funds amounting to \$1.1M. Justice Manglona, Law Clerk Cindy Nesbit, and Law Clerk Sean Lowe have been working together trying to figure out how to disperse the funds – looking through old records and files and seeing which cases need Orders issued. The committee has set up new trust accounts to keep separate from the old account. Justice Manglona has scheduled meetings with accountants to review the fiduciary account and figure out which money has been, has not been, and can be distributed. Additionally, the committee has drafted legislation to move money that has been abandoned to a judiciary revolving fund. The proposed legislation was reviewed by Legal Counsel Stanker.

12. Other Business

Community/Public Events Expenditures. This item was deferred to the next meeting.

Fleet Management. This item was deferred to the next meeting.

Position Restructuring. AJ Inos moved to restructure the Director of Courts position to Finance and Budget Director. Secondly, AJ Inos continued his motion to include that the Chief Justice has the authority to re-title Sonia Camacho's current position of Special Assistant to the Presiding Judge/Deputy Director of Courts. Thirdly, with the elimination of the Director of Courts, all positions that previously reported to the Director of Courts will now report directly to the Chief Justice or designee. AJ Manglona seconded the motion. Without opposition, all three motions were carried.

13. Announcements

Pacific Judicial Council: August Conference in Guam. This item was deferred to the next meeting.

14. Recess

AJ Inos moved to recess the regular business meeting for a later date to be determined, and AJ Manglona seconded. The motion was carried, and the Council recessed on Wednesday, July 24, 2013, at 4:42 p.m.

Minutes submitted by: Martha B. Mendiola, Legal Secretary

Approved by: Alexandro C. Castro, Chief Justice